

1812

2015-2016 Regular Sessions

I N S E N A T E

January 14, 2015

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the identification of owners of lost pets and return of lost pets to their owners

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Subdivision 4 of section 113 of the agriculture and markets
2 law, as amended by section 8 of part T of chapter 59 of the laws of
3 2010, is amended to read as follows:
4 4. Every dog control officer, peace officer, when acting pursuant to
5 his special duties or police officer shall promptly make and maintain a
6 complete record of any seizure and subsequent disposition of any dog.
7 Such record shall include, but not be limited to, a description of the
8 dog, the date and hour of seizure, the official identification number of
9 such dog, if any, OR ANY OTHER IDENTIFYING INFORMATION FROM A TAG,
10 TATTOO OR MICROCHIP IF SUCH CAN BE REASONABLY ASCERTAINED, the location
11 where seized, the reason for seizure, and the owner's name and address,
12 if known.
13 S 2. Section 117 of the agriculture and markets law is amended by
14 adding a new subdivision 3-a to read as follows:
15 3-A. NO LATER THAN TWENTY-FOUR HOURS OR AS SOON AS PRACTICABLE AFTER
16 A DOG HAS BEEN SEIZED BY ANY DOG CONTROL OFFICER OR PEACE OFFICER ACTING
17 PURSUANT TO HIS OR HER SPECIAL DUTIES, OR POLICE OFFICER IN THE EMPLOY
18 OF OR UNDER CONTRACT TO A MUNICIPALITY, OR ANY DULY INCORPORATED SOCIETY
19 FOR THE PREVENTION OF CRUELTY TO ANIMALS, DULY INCORPORATED HUMANE SOCI-
20 ETY, POUND OR SHELTER THAT IS OPERATED BY OR UNDER CONTRACT TO A MUNICI-
21 PALITY, SUCH OFFICER, SOCIETY, POUND OR SHELTER SHALL TAKE STEPS TO:
22 (A) CHECK THE DOG FOR ALL FORMS OF IDENTIFICATION, INCLUDING, BUT NOT
23 LIMITED TO, TAGS, MICROCHIPS, TATTOOS OR LICENSES; AND

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD00109-01-5

1 (B) IF PRACTICABLE, MAKE AVAILABLE TO THE PUBLIC ON THE INTERNET ON A
2 WEBSITE MAINTAINED BY OR OTHERWISE MADE AVAILABLE TO SUCH OFFICER, SOCI-
3 ETY, POUND OR SHELTER BY THE MUNICIPAL OR COUNTY GOVERNMENT IN WHICH
4 SUCH OFFICER, SOCIETY, POUND OR SHELTER IS LOCATED, A PHOTOGRAPH, AND A
5 GENERAL DESCRIPTION OF THE DOG TO ASSIST THE OWNER OR OWNERS IN FINDING
6 THE DOG, INCLUDING THE BREED OR BREEDS, IF KNOWN, ALTHOUGH INFORMATION
7 ABOUT THE DOG MAY BE WITHHELD IF DEEMED APPROPRIATE TO FACILITATE FIND-
8 ING THE OWNER OR OWNERS OR OTHERWISE PROTECT THE SAFETY OF THE DOG. THE
9 NOTICE REQUIRED BY THIS PARAGRAPH MAY BE MADE BY MEANS OTHER THAN THE
10 INTERNET IF USE OF THE INTERNET IS IMPRACTICABLE. NOTHING IN THIS SUBDI-
11 VISION SHALL BE INTERPRETED AS REQUIRING A WEBSITE TO BE MAINTAINED OR
12 EQUIPMENT OR TECHNOLOGY TO BE PURCHASED IN ORDER TO COMPLY WITH THE
13 PROVISIONS OF THIS SUBDIVISION.

14 (C) SUCH OFFICER, POUND, SHELTER OR SOCIETY SHALL ALSO COMPARE THE
15 INFORMATION KNOWN ABOUT THE DOG WITH RECORDS OF DOGS REPORTED TO BE LOST
16 OR STOLEN PURSUANT TO SECTION ONE HUNDRED TWELVE OF THIS ARTICLE WITHIN
17 TWENTY-FOUR HOURS OR AS SOON AS PRACTICABLE AFTER SUCH RECORDS BECOME
18 AVAILABLE FOLLOWING SEIZURE OR TAKING POSSESSION OF SUCH DOG.

19 S 3. Subdivision 4 of section 117 of the agriculture and markets law,
20 as amended and such section as renumbered by section 12 of part T of
21 chapter 59 of the laws of 2010, is amended to read as follows:

22 4. Each dog which is not identified BY AN OFFICIAL IDENTIFICATION TAG,
23 AS DEFINED IN SUBDIVISION ELEVEN OF SECTION ONE HUNDRED EIGHT OF THIS
24 ARTICLE, whether or not licensed, shall be held for a period of five
25 days from the day seized during which period the dog may be redeemed by
26 its owner, provided that such owner produces proof that the dog has been
27 licensed and has been identified pursuant to the provisions of this
28 article and further provided that the owner pays the following impound-
29 ment fees:

30 (a) not less than ten dollars for the first impoundment of any dog
31 owned by that person;

32 (b) not less than twenty dollars for the first twenty-four hours or
33 part thereof and three dollars for each additional twenty-four hours or
34 part thereof for the second impoundment, within one year of the first
35 impoundment, of any dog owned by that person; or

36 (c) not less than thirty dollars for the first twenty-four hours or
37 part thereof and three dollars for each additional twenty-four hours or
38 part thereof for the third and subsequent impoundments, within one year
39 of the first impoundment, of any dog owned by that person.

40 The impoundment fees set forth in paragraphs (a), (b) and (c) of this
41 subdivision notwithstanding, any municipality may set by local law or
42 ordinance such fees in any amount.

43 S 4. Subdivision 6 of section 117 of the agriculture and markets law,
44 as added by chapter 220 of the laws of 1978 and such section as renum-
45 bered by section 12 of part T of chapter 59 of the laws of 2010, is
46 amended to read as follows:

47 6. (A) Promptly upon seizure of any identified dog, AS DEFINED IN
48 SUBDIVISIONS ELEVEN AND TWELVE OF SECTION ONE HUNDRED EIGHT OF THIS
49 ARTICLE, the owner of record of such dog shall be notified personally;
50 or by certified mail, return receipt requested, of the facts of seizure
51 and the procedure for redemption.

52 (B) PROMPTLY UPON THE SEIZURE OF A DOG POTENTIALLY IDENTIFIABLE BY
53 ANOTHER FORM OF IDENTIFICATION, INCLUDING A TAG, TATTOO OR MICROCHIP, OR
54 RECORDS OF DOGS REPORTED TO BE LOST OR STOLEN PURSUANT TO SECTION ONE
55 HUNDRED TWELVE OF THIS ARTICLE, REASONABLE EFFORTS SHALL BE MADE TO
56 IDENTIFY THE OWNER OF THE DOG. ONCE THE OWNER IS IDENTIFIED, THE OWNER

1 SHALL BE NOTIFIED PERSONALLY OR BY CERTIFIED MAIL, RETURN RECEIPT
2 REQUESTED. IF UNABLE TO IDENTIFY SUCH OWNER AFTER HAVING MADE REASONABLE
3 EFFORTS TO DO SO, SUCH DOG SHALL BE HELD IN ACCORDANCE WITH SUBDIVISION
4 FOUR OF THIS SECTION.

5 (C) If notification is personally given, such dog IDENTIFIED PURSUANT
6 TO PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION shall be held for a period
7 of seven days after day of notice, during which period the dog may be
8 redeemed by the owner. If such notification is made by CERTIFIED mail,
9 such dog IDENTIFIED PURSUANT TO PARAGRAPHS (A) AND (B) OF THIS SUBDIVI-
10 SION shall be held for a period of nine days from the date of mailing,
11 during which period the dog may be redeemed by the owner. In either
12 case, the owner may redeem such dog upon payment of the impoundment fees
13 prescribed by subdivision four of this section and by producing proof
14 that the dog has been licensed. NOTHING IN THIS SUBDIVISION SHALL BE
15 INTERPRETED AS REQUIRING THE PURCHASE OF EQUIPMENT OR TECHNOLOGY TO
16 COMPLY WITH THE PROVISIONS OF THIS SUBDIVISION.

17 S 5. This act shall take effect on the sixtieth day after it shall
18 have become a law.