S T A T E O F N E W Y O R K

2338

2015-2016 Regular Sessions

I N S E N A T E

January 22, 2015

Introduced by Sen. GOLDEN -- 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 dangerous dogs

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

Section 1. Subdivision 1, paragraph (c) of subdivision 3, and subdivision 6 of section 123 of the agriculture and markets law, subdivision 1 as amended and such section as renumbered by section 18 of part T of chapter 59 of the laws of 2010, paragraph (c) of subdivision 3 as added and subdivision 6 as amended by chapter 392 of the laws of 2004, are amended to read as follows:

1. Any person who witnesses an attack or threatened attack, or in the case of a minor, an adult acting on behalf of such minor, may make a complaint of an attack or threatened attack upon a person, companion animal as defined in section three hundred fifty of this chapter, farm animal as defined in such section three hundred fifty, or a domestic animal as defined in subdivision seven of section one hundred eight of this article to a dog control officer or police officer of the appropriate municipality. Such officer shall:

(A) immediately inform the complainant of his or her right to commence a proceeding as provided in subdivision two of this section; and[,]

(B) DETERMINE if there is reason to believe THAT the dog is a dangerous dog[,] BEFORE LEAVING THE SCENE. IF THE OFFICER DETERMINES THAT THERE IS A REASON TO BELIEVE THE DOG IS A DANGEROUS DOG, the officer shall forthwith commence such proceeding himself or herself. WHEN MAKING SUCH A DETERMINATION, THE OFFICER SHALL ARTICULATE WHETHER HE OR SHE BELIEVES THAT THE DOG (I) ATTACKED OR THREATENED TO ATTACK THE PERSON, COMPANION ANIMAL OR DOMESTIC ANIMAL WITHOUT JUSTIFICATION, OR (II) BEHAVES IN A MANNER WHICH A REASONABLE PERSON WOULD BELIEVE POSES A SERIOUS AND UNJUSTIFIED IMMINENT THREAT OF SERIOUS PHYSICAL INJURY OR

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

LBD08044-01-5

DEATH TO ONE OR MORE PERSONS, COMPANION ANIMALS, FARM ANIMALS OR DOMESTIC ANIMALS.

(c) the dog, without justification, caused serious physical injury or death to a companion animal, farm animal or domestic animal, and has, in the past two years, caused unjustified physical injury or death to a companion [or] ANIMAL, farm animal OR DOMESTIC ANIMAL as evidenced by a "dangerous dog" finding pursuant to the provisions of this section.

6. The owner of a dog who, through any act or omission, negligently permits his or her dog to bite a person, service dog, guide dog [or], hearing dog, COMPANION ANIMAL OR DOMESTIC ANIMAL causing physical injury shall be subject to a civil penalty not to exceed four hundred dollars in addition to any other applicable penalties.

S 2. This act shall take effect immediately.