

3440--A

2015-2016 Regular Sessions

I N S E N A T E

February 9, 2015

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to dogs engaged in hunting or training

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

1 Section 1. Section 122 of the agriculture and markets law is amended
2 by adding a new subdivision 3 to read as follows:
3 3. FOR THE PURPOSES OF THIS SECTION A "HUNTING DOG" IS A DOG THAT IS
4 BEING USED FOR HUNTING OR TRAINING PURPOSES, IN ACCORDANCE WITH SECTION
5 11-0923 OF THE ENVIRONMENTAL CONSERVATION LAW, IS WEARING A TAG, COLLAR
6 OR OTHER DEVICE WHICH INCLUDES CONTACT INFORMATION OF THE OWNER, TRAINER
7 OR HANDLER, AND IS IN COMPLIANCE WITH SECTION 109 OF THIS ARTICLE.
8 NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS ONE AND TWO OF THIS
9 SECTION OR SECTION ONE HUNDRED THIRTEEN OF THIS ARTICLE, A HUNTING DOG
10 MAY BE DEEMED TO BE UNDER THE REASONABLE CONTROL OF ITS OWNER, TRAINER
11 OR HANDLER, AND NOT BE DEEMED TO BE RUNNING AT LARGE IF AT THE TIME OF
12 RECOVERY OR SEIZURE BY A DOG CONTROL OFFICER, PEACE OFFICER ACTING
13 PURSUANT TO HIS OR HER SPECIAL DUTIES OR POLICE OFFICER, WHO IS AUTHOR-
14 IZED BY A MUNICIPALITY TO ENFORCE ANY LOCAL LAW OR ORDINANCE RELATED TO
15 THE KEEPING AND RUNNING AT LARGE OF DOGS AND THE SEIZURE THEREOF, (I)
16 THE HUNTING DOG OWNER, TRAINER OR HANDLER IS ON PROPERTY WHERE HUNTING
17 IS PERMITTED, AND (II) THE HUNTING DOG WAS RELEASED FROM ITS CONFINES BY
18 THE OWNER, TRAINER OR HANDLER TO HUNT ON PROPERTY WHERE HUNTING IS
19 PERMITTED, AND (III) THAT THE HUNTING DOG OWNER, TRAINER OR HANDLER CAN
20 DEMONSTRATE THAT HE OR SHE IS LICENSED TO HUNT WITH DOGS IN ACCORDANCE
21 WITH SECTION 11-0923 OF THE ENVIRONMENTAL CONSERVATION LAW. IF IT CAN BE
22 SO DETERMINED AT THE TIME OF RECOVERY OR SEIZURE OF A HUNTING DOG BY A
23 DOG CONTROL OFFICER, PEACE OFFICER ACTING PURSUANT TO HIS OR HER SPECIAL

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

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1 DUTIES OR POLICE OFFICER, WHO IS AUTHORIZED BY A MUNICIPALITY TO ENFORCE
2 ANY LOCAL LAW OR ORDINANCE RELATED TO THE KEEPING AND RUNNING AT LARGE
3 OF DOGS AND THE SEIZURE THEREOF, THAT THE OWNER, TRAINER OR HANDLER AND
4 HUNTING DOG ARE NOT IN COMPLIANCE WITH THIS SECTION, THEN THE OWNER,
5 TRAINER OR HANDLER OF SUCH HUNTING DOG MAY BE CHARGED WITH A VIOLATION
6 OF ANY LOCAL LAW OR ORDINANCE ENACTED PURSUANT TO THIS SECTION RELATED
7 TO THE KEEPING AND RUNNING AT LARGE OF DOGS.

8 S 2. This act shall take effect immediately.