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1006

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 8, 2015
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Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the tethering of dogs or animals

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

1    Section 1. The agriculture and markets law is amended by adding a new
2  section 353-g to read as follows:
3    S 353-G. TETHERING, RESTRAINING, CAGING OR PENNING OF DOGS OR ANIMALS.
4  1.  IT SHALL BE UNLAWFUL TO TIE, TETHER, RESTRAIN, CAGE OR PEN A WORKING
5  OR NON-WORKING DOG OR ANIMAL, BETWEEN THE HOURS OF 7 P.M. TO 6 A.M.
6    2. A WORKING OR NON-WORKING DOG OR ANIMAL MAY BE TIED, TETHERED, CAGED
7  OR PENNED BETWEEN THE HOURS OF 6 A.M. AND 7 P.M., TO A STATIONARY OBJECT
8  OR A PEN OR CAGE IN A SIZED PEN OR CAGE FOUR TIMES THE HEIGHT AND LENGTH
9  OF SAID DOG OR ANIMAL; PROVIDED IT IS IN A MANNER THAT IS  NOT  INHUMANE
10  OR  DETRIMENTAL TO THE DOG OR ANIMAL'S WELFARE, DOESN'T CAUSE THE ANIMAL
11  TO CHOKE, PERMITS THE DOG OR ANIMAL TO ESCAPE HARM AND PERMITS  THE  DOG
12  OR ANIMAL TO REACH FOOD, WATER, SHADE AND DRY GROUND.
13    3.  ANY  PERSON  WHO KNOWINGLY VIOLATES THE PROVISIONS OF THIS SECTION
14  SHALL BE GUILTY OF A MISDEMEANOR, PUNISHABLE BY INCARCERATION  IN  CITY,
15  TOWN,  VILLAGE  OR  COUNTY  JAIL FOR NOT LESS THAN TWO DAYS AND NOT MORE
16  THAN SIX MONTHS, SHALL PERFORM BETWEEN FORTY-EIGHT AND ONE HUNDRED TWEN-
17  TY HOURS OF COMMUNITY SERVICE, AND SHALL BE SUBJECT TO A FINE OF BETWEEN
18  TWO HUNDRED DOLLARS AND ONE THOUSAND DOLLARS, UPON THEIR FIRST  OFFENSE.
19  UPON THEIR SECOND OFFENSE, SUCH PERSON SHALL BE SUBJECT TO INCARCERATION
20  IN CITY, TOWN, VILLAGE OR COUNTY JAIL FOR NOT LESS THAN TEN DAYS AND NOT
21  MORE  THAN  SIX  MONTHS,  AND  SHALL BE SUBJECT TO A FINE OF BETWEEN ONE
22  THOUSAND DOLLARS AND TWO THOUSAND DOLLARS.  UPON  THEIR  THIRD  OFFENSE,
23  SUCH PERSON SHALL BE SUBJECT TO A FELONY.
24    S  2.  This  act  shall take effect on the sixtieth day after it shall
25  have become a law.

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