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

4706

2015-2016 Regular Sessions

I N S E N A T E

April 10, 2015

Introduced by Sen. AVELLA -- 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 tethering of dogs or animals

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

Section 1. The agriculture and markets law is amended by adding a new section 353-g to read as follows:

S 353-G. TETHERING, RESTRAINING, CAGING OR PENNING OF DOGS OR ANIMALS. 1. IT SHALL BE UNLAWFUL TO TIE, TETHER, RESTRAIN, CAGE OR PEN A WORKING OR NON-WORKING DOG OR ANIMAL, BETWEEN THE HOURS OF 7 P.M. TO 6 A.M.

2. A WORKING OR NON-WORKING DOG OR ANIMAL MAY BE TIED, TETHERED, CAGED OR PENNED BETWEEN THE HOURS OF 6 A.M. AND 7 P.M., TO A STATIONARY OBJECT OR A PEN OR CAGE IN A SIZED PEN OR CAGE FOUR TIMES THE HEIGHT AND LENGTH OF SAID DOG OR ANIMAL; PROVIDED IT IS IN A MANNER THAT IS NOT INHUMANE OR DETRIMENTAL TO THE DOG OR ANIMAL'S WELFARE, DOESN'T CAUSE THE ANIMAL TO CHOKE, PERMITS THE DOG OR ANIMAL TO ESCAPE HARM AND PERMITS THE DOG OR ANIMAL TO REACH FOOD, WATER, SHADE AND DRY GROUND.

3. ANY PERSON WHO KNOWINGLY VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR, PUNISHABLE BY INCARCERATION IN CITY, TOWN, VILLAGE OR COUNTY JAIL FOR NOT LESS THAN TWO DAYS AND NOT MORE THAN SIX MONTHS, SHALL PERFORM BETWEEN FORTY-EIGHT AND ONE HUNDRED TWENTY HOURS OF COMMUNITY SERVICE, AND SHALL BE SUBJECT TO A FINE OF BETWEEN TWO HUNDRED DOLLARS AND ONE THOUSAND DOLLARS, UPON THEIR FIRST OFFENSE. UPON THEIR SECOND OFFENSE, SUCH PERSON SHALL BE SUBJECT TO INCARCERATION IN CITY, TOWN, VILLAGE OR COUNTY JAIL FOR NOT LESS THAN TEN DAYS AND NOT MORE THAN SIX MONTHS, AND SHALL BE SUBJECT TO A FINE OF BETWEEN ONE THOUSAND DOLLARS AND TWO THOUSAND DOLLARS. UPON THEIR THIRD OFFENSE, SUCH PERSON SHALL BE SUBJECT TO A FELONY.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.

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

LBD04145-02-5