

STATE OF NEW YORK

2064--B

2017-2018 Regular Sessions

IN SENATE

January 11, 2017

Introduced by Sen. LAVALLE -- 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 -- 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 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 § 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:

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

LBD06542-05-7

1 (a) check the dog for all forms of identification, including, but not
2 limited to, tags, microchips, tattoos or licenses; and

3 (b) if practicable, make available to the public on the internet on a
4 website maintained by or otherwise made available to such officer, soci-
5 ety, pound or shelter by the municipal or county government in which
6 such officer, society, pound or shelter is located, a photograph, and a
7 general description of the dog to assist the owner or owners in finding
8 the dog, including the breed or breeds, if known, although information
9 about the dog may be withheld if deemed appropriate to facilitate find-
10 ing the owner or owners or otherwise protect the safety of the dog. The
11 notice required by this paragraph may be made by means other than the
12 internet if use of the internet is impracticable. Nothing in this subdi-
13 vision shall be interpreted as requiring a website to be maintained or
14 equipment or technology to be purchased in order to comply with the
15 provisions of this subdivision.

16 (c) Such officer shall also compare the information known about the
17 dog with records of dogs reported to be lost or stolen pursuant to
18 section one hundred twelve of this article within twenty-four hours or
19 as soon as practicable after such records become available following
20 seizure or taking possession of such dog.

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

24 4. (a) Each dog which is not identified by an official identification
25 tag, as defined in subdivision eleven of section one hundred eight of
26 this article, whether or not licensed, shall be held for a period of
27 five days from the day seized, provided however if such dog owner is
28 positively identified and notified by any means reasonably calculated to
29 provide actual notice to the owner or owners that their dog was seized
30 pursuant to paragraph (b) of this subdivision such dog shall be held for
31 a period of five days from such notification, during which period the
32 dog may be redeemed by its owner, provided that such owner produces
33 proof that the dog has been licensed and has been identified pursuant to
34 the provisions of this article and further provided that the owner pays
35 the following impoundment fees:

36 ~~[(a)]~~ (i) not less than ten dollars for the first impoundment of any
37 dog owned by that person;

38 ~~[(b)]~~ (ii) not less than twenty dollars for the first twenty-four
39 hours or part thereof and three dollars for each additional twenty-four
40 hours or part thereof for the second impoundment, within one year of the
41 first impoundment, of any dog owned by that person; or

42 ~~[(c)]~~ (iii) not less than thirty dollars for the first twenty-four
43 hours or part thereof and three dollars for each additional twenty-four
44 hours or part thereof for the third and subsequent impoundments, within
45 one year of the first impoundment, of any dog owned by that person.

46 The impoundment fees set forth in ~~[paragraphs (a), (b) and (c)]~~
47 subparagraphs i, ii, and iii of this ~~[subdivision]~~ paragraph notwith-
48 standing, any municipality may set by local law or ordinance such fees
49 in any amount.

50 (b) Promptly upon the seizure of a dog potentially identifiable by
51 another form of identification, including a tag, tattoo or microchip, or
52 records of dogs reported to be lost or stolen pursuant to section one
53 hundred twelve of this article, reasonable efforts shall be made to
54 identify and provide actual notice to the owner of the dog by any means
55 reasonably calculated to provide actual notice to the owner or owners.
56 If unable to positively identify and provide actual notice to such owner

1 or owners after having made reasonable efforts to do so, such dog shall
2 be held in accordance with paragraph (a) of this subdivision. If such
3 owner is positively identified and notified of the seizure of their dog,
4 such dog may be held in accordance with subdivision six of this section
5 and such owner shall be notified how many days their dog will be held.

6 § 4. Subdivision 6 of section 117 of the agriculture and markets law,
7 as added by chapter 220 of the laws of 1978 and such section as renum-
8 bered by section 12 of part T of chapter 59 of the laws of 2010, is
9 amended to read as follows:

10 6. (a) Promptly upon seizure of any identified dog, as defined in
11 subdivisions eleven and twelve of section one hundred eight of this
12 article, the owner of record of such dog shall be notified personally;
13 or by certified mail, return receipt requested, of the facts of seizure
14 and the procedure for redemption.

15 (b) If notification is personally given, such dog identified pursuant
16 to paragraph (a) of this subdivision shall be held for a period of seven
17 days after day of notice, during which period the dog may be redeemed by
18 the owner. If such notification is made by certified mail, such dog
19 identified pursuant to paragraph (a) of this subdivision shall be held
20 for a period of nine days from the date of mailing, during which period
21 the dog may be redeemed by the owner. In either case, the owner may
22 redeem such dog upon payment of the impoundment fees prescribed by
23 subdivision four of this section and by producing proof that the dog has
24 been licensed. Nothing in this subdivision shall be interpreted as
25 requiring the purchase of equipment or technology to comply with the
26 provisions of this subdivision.

27 § 5. Section 118 of the agriculture and markets law is amended by
28 adding a new subdivision 6 to read as follows:

29 6. Every dog pound or shelter, as described in section one hundred
30 fourteen of this article shall promptly make and maintain a complete
31 record of any seizure and subsequent disposition of any dog. Such
32 record shall include, but not be limited to, a description of the dog,
33 the date and hour of seizure, the official identification number of such
34 dog, if any, or any other identifying information from a tag, tattoo or
35 microchip if such can be reasonably ascertained, the location where
36 seized, the reason for seizure, and the owner's name and address, if
37 known.

38 § 6. This act shall take effect on the sixtieth day after it shall
39 have become a law.