STATE OF NEW YORK

3730

2019-2020 Regular Sessions

IN ASSEMBLY

January 30, 2019

Introduced by M. of A. GUNTHER, BRABENEC -- read once and referred to the Committee on Agriculture

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:

Section 1. Section 122 of the agriculture and markets law is amended by adding a new subdivision 3 to read as follows:

3. For the purposes of this section a "hunting dog" is a dog that is being used for hunting or training purposes, in accordance with section 11-0923 of the environmental conservation law, is wearing a tag, collar or other device which includes contact information of the owner, trainer or handler, and is in compliance with section one hundred nine of this article. Notwithstanding the provisions of subdivisions one and two of this section or section one hundred thirteen of this article, a hunting dog may be deemed to be under the reasonable control of its owner, trainer or handler, and not be deemed to be running at large if at the time of recovery or seizure by a dog control officer, peace officer acting pursuant to his or her special duties or police officer, who is authorized by a municipality to enforce any local law or ordinance related to the keeping and running at large of dogs and the seizure thereof, (a) the hunting dog owner, trainer or handler is on property where hunting is permitted, and (b) the hunting dog was released from its confines by the owner, trainer or handler to hunt on property where hunting is permitted, and (c) that the hunting dog owner, trainer or handler can demonstrate that he or she is licensed to hunt with dogs in accordance with section 11-0923 of the environmental conservation law. If it can be so determined at the time of recovery or seizure of a hunting dog by a dog control officer, peace officer acting pursuant to his or her special duties or police officer, who is authorized by a municipality to enforce any local law or ordinance related to the keeping and

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

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running at large of dogs and the seizure thereof, that the owner, trainer or handler and hunting dog are not in compliance with this section, then the owner, trainer or handler of such hunting dog may be charged with a violation of any local law or ordinance enacted pursuant to this section related to the keeping and running at large of dogs.

§ 2. This act shall take effect immediately.