

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:

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 one hundred nine of this
8 article. Notwithstanding the provisions of subdivisions one and two of
9 this section or section one hundred thirteen of this article, a hunting
10 dog may be deemed to be under the reasonable control of its owner,
11 trainer or handler, and not be deemed to be running at large if at the
12 time of recovery or seizure by a dog control officer, peace officer
13 acting pursuant to his or her special duties or police officer, who is
14 authorized by a municipality to enforce any local law or ordinance
15 related to the keeping and running at large of dogs and the seizure
16 thereof, (a) the hunting dog owner, trainer or handler is on property
17 where hunting is permitted, and (b) the hunting dog was released from
18 its confines by the owner, trainer or handler to hunt on property where
19 hunting is permitted, and (c) that the hunting dog owner, trainer or
20 handler can demonstrate that he or she is licensed to hunt with dogs in
21 accordance with section 11-0923 of the environmental conservation law.
22 If it can be so determined at the time of recovery or seizure of a hunt-
23 ing dog by a dog control officer, peace officer acting pursuant to his
24 or her special duties or police officer, who is authorized by a munici-
25 pality 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.

LBD01460-01-9

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

6 § 2. This act shall take effect immediately.