STATE OF NEW YORK

3305

2019-2020 Regular Sessions

IN SENATE

February 5, 2019

Introduced by Sens. LAVALLE, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Domestic Animal Welfare

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:

Section 1. Subdivision 4 of section 113 of the agriculture and markets law, as amended by section 8 of part T of chapter 59 of the laws of 2010, is amended to read as follows:

4. Every dog control officer, peace officer, when acting pursuant to his special duties or police officer shall promptly make and maintain a complete record of any seizure and subsequent disposition of any dog. Such record shall include, but not be limited to, a description of the dog, the date and hour of seizure, the official identification number of such dog, if any, **or any other identifying information from a tag, tattoo or microchip if such can be reasonably ascertained,** the location where seized, the reason for seizure, and the owner's name and address, if known.

§ 2. Section 117 of the agriculture and markets law is amended by adding a new subdivision 3-a to read as follows:

3-a. No later than twenty-four hours or as soon as practicable after a dog has been seized by any dog control officer or peace officer acting pursuant to his or her special duties, or police officer in the employ of or under contract to a municipality, or any duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society, pound or shelter that is operated by or under contract to a municipality, such officer, society, pound or shelter shall take steps to:

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

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

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(b) if practicable, make available to the public on the internet on a website maintained by or otherwise made available to such officer, society, pound or shelter by the municipal or county government in which such officer, society, pound or shelter is located, a photograph, and a general description of the dog to assist the owner or owners in finding the dog, including the breed or breeds, if known, although information about the dog may be withheld if deemed appropriate to facilitate finding the owner or owners or otherwise protect the safety of the dog. The notice required by this paragraph may be made by means other than the internet if use of the internet is impracticable. Nothing in this subdivision shall be interpreted as requiring a website to be maintained or equipment or technology to be purchased in order to comply with the provisions of this subdivision; and

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

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

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

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

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

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

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

(b) Promptly upon the seizure of a dog potentially identifiable by another form of identification, including a tag, tattoo or microchip, or records of dogs reported to be lost or stolen pursuant to section one hundred twelve of this article, reasonable efforts shall be made to identify and provide actual notice to the owner of the dog by any means reasonably calculated to provide actual notice to the owner or owners. If unable to positively identify and provide actual notice to such owner or owners after having made reasonable efforts to do so, such dog shall be held in accordance with paragraph (a) of this subdivision. If such

owner is positively identified and notified of the seizure of their dog, such dog may be held in accordance with subdivision six of this section and such owner shall be notified how many days their dog will be held.

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

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

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

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

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

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