

# STATE OF NEW YORK

5498

2023-2024 Regular Sessions

## IN SENATE

March 6, 2023

Introduced by Sen. HELMING -- 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 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.

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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.