STATE OF NEW YORK

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2025-2026 Regular Sessions

IN ASSEMBLY

May 16, 2025

Introduced by M. of A. RAJKUMAR, EPSTEIN, BRABENEC, KAY, LUCAS, ANGELINO, CHANG -- Multi-Sponsored by -- M. of A. LEVENBERG -- read once and referred to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to creating the offenses of negligent handling of a dog and reckless handling of a dog, and to amend the administrative code of the city of New York, in relation to the requirement that dogs be restrained, adding additional offenses and penalties for negligent and reckless handling of dogs, and requiring signage at all parks that dogs must be restrained unless otherwise noted

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as "Penny's law".

§ 2. The agriculture and markets law is amended by adding five new sections 123-c, 123-d, 123-e, 123-f, and 123-g to read as follows:

§ 123-c. Negligent handling of a dog. 1. A person is guilty of negligent handling of a dog if such person, on three or more occasions, violates any local law, rule, or regulation regarding the running at large of a dog outside of designated areas. Records of such violations shall run with the person handling the dog, regardless of if different dogs are involved. Notwithstanding any law to the contrary, allowing multiple dogs running at large in violation of a local law, rule, or regulation at the same time shall be considered one violation.

2. No provision in this section shall apply to law enforcement dogs when a leash or tether would interfere with the dog's work.

Negligent handling of a dog is a violation.

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

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§ 123-d. Reckless handling of a dog in the third degree. 1. A person is guilty of reckless handling of a dog in the third degree if such person handling a dog allows such dog to injure a person, cat, or other dog without justification.

2. The responding police officer shall provide the victim or owner of the victimized cat or dog written notice of their right to make a dangerous dog complaint pursuant to section one hundred twenty-three of this chapter.

3. It shall be an affirmative defense that (a) the handler was in compliance with all local laws, rules, and regulations for restraining an animal and the handler of the injured dog or cat was not in compliance with such local laws, rules, and regulations; or (b) the conduct of the dog was justified under subdivision four of section one hundred twenty-three of this article.

4. The handler of the attacking dog shall be liable for all medical or veterinary expenses incurred by the victim or victim-owner relating to the attack.

Reckless handling of a dog in the third degree is a violation.

§ 123-e. Reckless handling of a dog in the second degree. 1. A person is guilty of reckless handling of a dog in the second degree if such person handling a dog allows such dog to injure a person, cat, or other dog, requiring hospitalization or resulting in death, including medically-recommended humane euthanasia of an animal.

2. Any dog implicated in a violation of this section shall be declared a dangerous dog pursuant to section one hundred twenty-three of this article.

3. It shall be an affirmative defense that (a) the handler was in compliance with all local laws, rules, and regulations for restraining an animal and the handler of the injured dog or cat was not in compliance with such local laws, rules, and regulations; or (b) the conduct of the dog was justified under subdivision four of section one hundred twenty-three of this article.

4. The handler of the attacking dog shall be liable for all medical or veterinary expenses incurred by the victim or victim-owner relating to the attack.

5. No provision in this section shall apply to law enforcement dogs.

Reckless handling of a dog in the second degree is a misdemeanor.

§ 123-f. Reckless handling of a dog in the first degree. 1. A person is guilty of reckless handling of a dog in the first degree if such dog injures or kills a cat or another dog, or injures a person, under the instruction of such person handling the dog using verbal command, bodily gesture, or other command without threat of imminent danger.

2. Any dog implicated in a violation of this section shall be declared a dangerous dog pursuant to section one hundred twenty-three of this article.

3. A person who commits reckless handling of a dog in the first degree shall have any dog under such person's care or residing in such person's household seized and impounded by the municipality. Such person as well as any person residing in the same household shall not be eligible for a dog license.

4. The handler of the attacking dog shall be liable for all medical or veterinary expenses incurred by the victim or victim-owner relating to the attack.

5. No provision in this section shall apply to law enforcement dogs.

Reckless handling of a dog in the first degree is a misdemeanor.

§ 123-g. Leaving the scene of injury to companion animals without reporting. Any person who commits a violation of section one hundred twenty-three-d, one hundred twenty-three-e, or one hundred twenty-three-f of this article against a companion animal, as defined by subdivision five of section three hundred fifty of this chapter, and is not the custodian of such animal which was injured or killed shall endeavor to locate the owner or custodian of such animal, or, if such owner or custodian cannot be located, such person shall inform a police or peace officer in the vicinity and take any other reasonable and appropriate action so that the animal may receive necessary attention. Such person shall promptly report the matter to such owner, custodian, or officer and give such person's full name and address, including street, street number, and unit number, if applicable.

Leaving the scene of injury to companion animals without reporting is a violation.

§ 3. Paragraph (e) of subdivision 2 of section 123 of the agriculture and markets law, as amended by section 18 of part T of chapter 59 of the laws of 2010, is amended to read as follows:

(e) maintenance of a liability insurance policy in an amount determined by the court[~~, but in no event in excess of one hundred thousand dollars~~] for [~~personal~~] injury or death to a person or companion animal resulting from an attack by such dangerous dog.

§ 4. The opening paragraph of subdivision 2 and subdivisions 6, 7, 8, and 9 of section 123 of the agriculture and markets law, the opening paragraph of subdivision 2 as amended and such section as renumbered by section 18 of part T of chapter 59 of the laws of 2010, subdivisions 6 and 9 as amended by chapter 392 of the laws of 2004, and subdivisions 7 and 8 as amended by chapter 526 of the laws of 2005, are amended to read as follows:

Any person who witnesses an attack or threatened attack, or in the case of a minor, an adult acting on behalf of such minor, may, and any dog control officer or police officer as provided in subdivision one of this section shall, make a complaint under oath or affirmation to any municipal judge or justice of such attack or threatened attack. Thereupon, the judge or justice shall immediately determine if there is probable cause to believe the dog is a dangerous dog and, if so, shall issue an order to any dog control officer, peace officer, acting pursuant to [~~his or her~~] their special duties, or police officer directing such officer to immediately seize such dog and hold the same pending judicial determination as provided in this section. Whether or not the judge or justice finds there is probable cause for such seizure, [~~he or she~~] they shall, within five days and upon written notice of not less than two days to the owner of the dog, hold a hearing on the complaint. The petitioner shall have the burden at such hearing to prove the dog is a "dangerous dog" by clear and convincing evidence. If satisfied that the dog is a dangerous dog, the judge or justice shall then order neutering or spaying of the dog at a facility established by or under contract with the municipality at no cost to the owner before the dog is returned to the owner, microchipping of the dog, and one or more of the following as deemed appropriate under the circumstances and as deemed necessary for the protection of the public:

6. The owner of a dog who[~~, through any act or omission, negligently permits his or her dog to bite a person, service dog, guide dog or hearing dog causing physical injury~~] commits a violation of section one hundred twenty-three-d or one hundred twenty-three-g of this article

shall be subject to a civil penalty not to exceed four hundred dollars in addition to any other applicable penalties.

7. The owner of a dog who[~~, through any act or omission, negligently permits his or her dog to bite a person causing serious physical injury~~] **commits a violation of section one hundred twenty-three-e of this article** shall be subject to a civil penalty not to exceed one thousand five hundred dollars in addition to any other applicable penalties. Any such penalty may be reduced by any amount which is paid as restitution by the owner of the dog to the person or persons **or the owner of an animal** suffering serious physical injury as compensation for unreimbursed medical **or veterinary** expenses, lost earnings and other damages resulting from such injury.

8. The owner of a dog who[~~, through any act or omission, negligently permits his or her dog, which had previously been determined to be dangerous pursuant to this article, to bite a person causing serious physical injury,~~] **commits a violation of section one hundred twenty-three-f of this article** shall be guilty of a misdemeanor punishable by a fine of not more than three thousand dollars, or by a period of imprisonment not to exceed ninety days, or by both such fine and imprisonment in addition to any other applicable penalties. Any such fine may be reduced by any amount which is paid as restitution by the owner of the dog to the person or persons **or owner of an animal** suffering serious physical injury as compensation for unreimbursed medical **or veterinary** expenses, lost earnings and other damages resulting from such injury.

9. If any dog, which had previously been determined by a judge or justice to be a dangerous dog, as defined in section one hundred eight of this article, shall without justification [~~kill or cause the death of any person who is peaceably conducting himself or herself in any place where he or she may lawfully be~~] **violate section one hundred twenty-three-d, one hundred twenty-three-e, or one hundred twenty-three-f of this article**, regardless of whether such dog escapes without fault of the owner, the owner shall be guilty of a class A misdemeanor in addition to any other penalties.

§ 5. Section 123 of the agriculture and markets law is amended by adding a new subdivision 15 to read as follows:

15. (a) In any proceeding brought pursuant to this section, except for subdivisions eight and nine of this section, the judge or justice may, in their discretion, suspend the defendant's eligibility to obtain a dog license, pursuant to section one hundred nine of this article, for a set or indefinite period of time, and revoke any existing license. Such eligibility shall be reinstated if such defendant is found not liable or the case is dismissed.

(b) In any proceeding brought pursuant to subdivisions eight or nine of this section, such defendant and any member of such defendant's household, while residing in such household, shall be immediately rendered ineligible for a dog license indefinitely, and any existing license shall be revoked.

(c) Any dog seized pursuant to this subdivision shall be retained by the municipality and shall not be euthanized or adopted until dispensation of the proceeding and all appeals, if applicable. Upon dismissal of the case or upon a judge or justice's order, any dog seized pursuant to this subdivision shall be returned to its owner upon reinstatement of such owner's dog license.

§ 6. The administrative code of the city of New York is amended by adding five new sections 17-349, 17-349-a, 17-349-b, 17-349-c and 17-349-d to read as follows:

§ 17-349 Negligent handling of a dog. a. A person is guilty of negligent handling of a dog if such person, on three or more occasions, violates section 17-820 of this title regarding the running at large of a dog outside of designated areas. Records of such violations shall run with the person handling the dog, regardless of if different dogs are involved. Notwithstanding any law to the contrary, allowing multiple dogs running at large in violation of a local law, rule, or regulation at the same time shall be considered one violation.

b. No provision in this section shall apply to law enforcement dogs when a leash or tether would interfere with the dog's work.

Negligent handling of a dog is a violation.

§ 17-349-a Reckless handling of a dog in the third degree. a. A person is guilty of reckless handling of a dog in the third degree if such person handling a dog allows such dog to injure a person, cat, or other dog unless such behavior was excused pursuant to section 17-347 of this subchapter.

b. The responding police officer shall provide the victim or owner of the victimized cat or dog written notice of their right to make a dangerous dog complaint pursuant to this title.

c. It shall be an affirmative defense that (1) the handler was in compliance with section 17-820 of this title and the handler of the injured dog or cat was not in compliance with such section; or (2) the conduct of the dog was excused behavior under section 17-347 of this subchapter.

d. The handler of the attacking dog shall be liable for all medical or veterinary expenses incurred by the victim or victim-owner relating to the attack.

Reckless handling of a dog in the third degree is a violation.

§ 17-349-b Reckless handling of a dog in the second degree. a. A person is guilty of reckless handling of a dog in the second degree if such person handling a dog allows such dog to injure a person, cat, or other dog, requiring hospitalization or resulting in death, including medically-recommended humane euthanasia of an animal.

b. Any dog implicated in a violation of this section shall be declared a dangerous dog pursuant to this subchapter.

c. It shall be an affirmative defense that (1) the handler was in compliance with section 17-820 of this title relating to restraining an animal and the handler of the injured dog or cat was not in compliance with such section; or (2) the conduct of the dog was excused behavior under section 17-347 of this subchapter.

d. The handler of the attacking dog shall be liable for all medical or veterinary expenses incurred by the victim or victim-owner relating to the attack.

e. No provision in this section shall apply to law enforcement dogs.

Reckless handling of a dog in the second degree is a misdemeanor.

§ 17-349-c Reckless handling of a dog in the first degree. a. A person is guilty of reckless handling of a dog in the first degree if such dog injures or kills a cat or another dog, or injures a person under the instruction of such person handling the dog using verbal command, bodily gesture, or other command without threat of imminent danger.

b. Any dog implicated in a violation of this section shall be declared a dangerous dog pursuant to this subchapter.

c. A person who commits reckless handling of a dog in the first degree shall have any dog under such person's care or residing in such person's household seized and impounded by the department or a police officer.

Such person as well as any person residing in the same household shall not be eligible for a dog license.

d. The handler of the attacking dog shall be liable for all medical or veterinary expenses incurred by the victim or victim-owner relating to the attack.

e. No provision in this section shall apply to law enforcement dogs.

Reckless handling of a dog in the first degree is a misdemeanor.

§ 17-349-d Leaving the scene of injury to companion animals without reporting. Any person who commits a violation of section 17-349, 17-349-a, 17-349-b or 17-349-c of this subchapter against a companion animal, as defined by section 17-802 of this title, and is not the custodian of such animal which was injured or killed shall endeavor to locate the owner or custodian of such animal, or, if such owner or custodian cannot be located, such person shall inform a police or peace officer in the vicinity and take any other reasonable and appropriate action so that the animal may receive necessary attention. Such person shall promptly report the matter to such owner, custodian, or officer and give such person's full name and address, including street, street number, and unit number, if applicable.

Leaving the scene of injury to companion animals without reporting is a violation.

§ 7. Section 17-344 of the administrative code of the city of New York, as added by local law number 2 of the city of New York for the year 1991, is amended to read as follows:

§ 17-344 Humane destruction. The commissioner may order the humane destruction of any dog that kills or causes severe injury to a human being or companion animal.

§ 8. The administrative code of the city of New York is amended by adding a new section 14-167-a to read as follows:

§ 14-167-a Reports of dog related incidents. An employee of the department shall prepare a report relating to the facts of an incident of a dog attack of a human being or companion animal in violation of section 17-820 of this chapter or any provision of subchapter six of chapter 3 of title seventeen of this chapter, and shall make a copy of such report available to an individual named in such report.

§ 9. The administrative code of the city of New York is amended by adding a new section 17-820 to read as follows:

§ 17-820 Dogs to be restrained. a. Except as specified in subdivision b of this section, a person who owns, possesses or controls a dog shall not permit it to be in any public place or in any open or unfenced area abutting on a public place unless the dog is effectively restrained by a leash or other restraint not more than six feet long.

b. 1. Dogs within areas and facilities under the jurisdiction and control of the department of parks and recreation ("DOPR"), or successor agency, shall be restrained except as otherwise permitted in accordance with the rules of the DOPR. Such rules shall include provisions that prohibit unrestrained dogs in unenclosed DOPR controlled areas and facilities except during a specified range of time, that shall not begin earlier than nine o'clock pm and not extend past nine o'clock am. Such rules shall also specify that persons in control of dogs allowed to be off the leash in such areas and facilities maintain and provide, on demand, proof of current dog licensure and current rabies vaccination when dogs are allowed to be off the leash. In addition, DOPR shall make available to the public, in a manner acceptable to the department, information concerning rabies vaccination and dog licensure require-

ments, and the specific locations where and times when dogs may be allowed off the leash in DOPR areas and facilities.

2. Notwithstanding the provisions of paragraph one of this subdivision, the department may, based on epidemiologic evidence indicating an increase in preventable off leash dog bites during off leash hours in areas open to off leash use, or a risk of zoonotic disease transmission, limit or eliminate the use of or access to specific areas or facilities, or parts thereof, under DOPR jurisdiction, by unrestrained dogs.

c. Notices of violation for failure to comply with subdivision a of this section may be issued by any authorized employee, officer or agent of the department, the department of sanitation, the department of parks and recreation, or successor agencies, or by special patrol officers who have been delegated such duties by their employers.

§ 10. Section 17-345 of the administrative code of the city of New York, as added by local law number 2 of the city of New York for the year 1991, is amended to read as follows:

§ 17-345 Determination of a dangerous dog. The commissioner shall [~~have the authority~~] be responsible to make a determination that a dog is dangerous, as defined in subdivision [~~(c)~~] c of section 17-342 of this subchapter, upon the complaint of any person that a dog is dangerous. The commissioner shall make such determination after a hearing, written notice of which shall be given to the complainant and to the owner of the dog, within fifteen days after seizure when seizure of the dog has been ordered by the department, where the owner's address can be reasonably ascertained by the commissioner. The hearing shall be held no less than ten days nor more than twenty days after such notice is mailed to the owner of the dog. At such hearing all interested persons shall have the opportunity to present evidence on the issue of the dog's dangerousness. In the event that the dog in question has caused severe injury to any person or companion animal, the commissioner [~~may~~] shall impound the dog, [~~at the owner's expense~~] and charge reasonable fees to the owner, pending the hearing and determination of the complaint. If, after the hearing, the commissioner determines that the dog is dangerous, [~~he or she~~] the commissioner may order the owner to comply with one or more of the following requirements, in any combination thereof:

a. Registration. The commissioner may order the owner of a dangerous dog to register such dog with the department. The application for such registration shall contain the name and address of the owner, the breed, age, sex, color, and any other identifying marks of the dog, the location where the dog is to be kept if not at the address of the owner and any other information which the commissioner may require. The application for registration pursuant to this paragraph shall be accompanied by a registration fee of twenty-five dollars. Each dog registered pursuant hereto shall be assigned an official registration number by the department. Such registration number shall be inscribed on a metal tag which shall be attached to the dog's collar at all times. The tag and a certificate of registration shall be of such form and design and shall contain such information as the commissioner shall prescribe and shall be issued to the owner upon payment of the registration fee and the presentment of sufficient evidence that the owner has complied with all of the orders of the commissioner as prescribed at the determination hearing.

a-1. Upon a determination of a dangerous dog the commissioner shall provide notice through electronic and written means to the council member, the state senator, the member of the assembly, and the community board that represents the respective district in which the owner of the

dangerous dog resides, as well as any in which the dangerous dog is known to frequent. Such notification shall contain specific information to permit the public to identify the owner and the dog determined to be dangerous, including photographs and any information which would distinguish the dangerous dog and/or its owner.

b. Muzzling or confinement. The commissioner may order the owner of a dangerous dog to muzzle the dog or confine the dog, at all times, indoors or in a proper enclosure for a dangerous dog which shall consist of a securely enclosed and locked pen or structure, suitable to prevent the entry of young children, or any part of their bodies or other foreign objects, and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and prevent the dog from digging [~~his~~] their way out through the bottom. The pen or structure shall also provide the dog with protection from the elements. The owner shall also conspicuously display a sign designed with a warning symbol approved by the commissioner which indicates to both children and adults the presence of a dangerous dog, on the pen or structure and on or near the entrance to the residence where the dog is kept. At any time that the dog is not confined as required herein, the dog shall be muzzled in such a manner as to prevent it from biting or injuring any person, and kept on a leash no longer than six feet with the owner or some other responsible person attending such dog.

c. Liability insurance. The commissioner may order the owner of a dangerous dog to maintain, in full force and effect, a liability insurance policy [~~of one hundred thousand dollars~~] for [~~personal~~] injury or death of any person or companion animal, resulting from an attack of such dangerous dog.

d. Humane destruction. The commissioner may order the humane destruction of any dog that kills or causes severe injury to a human being, based upon the severity of the injury and the circumstances of the injury.

e. Other remedies. The commissioner may order (i) that the dog be permanently removed from the city; [~~or~~] (ii) that the owner and the dog complete a course of obedience and/or anti-bite training approved by the commissioner; or (iii) that custody of the dog be transferred to another individual, including an individual who resides in another jurisdiction, upon the consent of such individual. Where an owner of a dangerous dog owns more than one dog, the commissioner may order that custody of such dogs may be transferred to separate individuals.

In the event that the owner or keeper of the dangerous dog is a minor, the parent or guardian or such minor shall be liable for all injuries and property damage sustained by any person or domestic animal caused by an unprovoked attack by such dangerous dog.

§ 11. Subdivision a of section 17-346 of the administrative code of the city of New York, as added by local law number 2 of the city of New York for the year 1991, is amended to read as follows:

a. In the event that the owner of a dangerous dog violates any order of the commissioner as prescribed at the determination hearing, such owner's dog [~~may~~] shall be confiscated and impounded by the proper authorities [~~upon the order of the commissioner~~]. In addition, any dog determined to be dangerous shall be immediately confiscated by the proper authorities if the dog bites or attacks a human being or companion animal and causes injury, or if the dog, at the sufferance of its owner, is engaged in or apparently engaged in a dog fight contest or is proximately near the area in which such a contest is being conducted.

§ 12. Section 17-351 of the administrative code of the city of New York, as added by local law number 2 of the city of New York for the year 1991, is amended to read as follows:

§ 17-351 Enforcement. Authorized officers, veterinarians and employees of the department, and of the police department, and any other persons designated by the commissioner, shall be empowered to enforce the provisions of this subchapter or any rule or regulation promulgated hereunder. **Employees of the police department shall accept a criminal complaint of a violation of this subchapter and assist in the filing of a dangerous dog complaint.**

§ 13. Subdivision a of section 14-182 of the administrative code of the city of New York, as added by local law number 205 of the city of New York for the year 2019, is amended to read as follows:

a. For the purposes of this section, the term "animal cruelty" means a violation of sections 17-197 [~~or~~], 17-330**, 17-349, 17-349-a, 17-349-b, 17-349-c or 17-349-d of this code** or of any of the provisions of article [~~26~~] **twenty-six** of the agriculture and markets law.

§ 14. The administrative code of the city of New York is amended by adding a new section 18-166 to read as follows:

§ 18-166 Requiring signage to keep dogs restrained. a. The department shall place at all entrances to all parks operated by or under the jurisdiction of the department, including those for which the department has an agreement with a conservancy or other not-for-profit organization with respect to operation of any aspect of a playground a sign reading, "No Dogs Off Leash Anywhere in the Park At Any Time Unless Otherwise Noted. Violators may be subject to fine or arrest."

b. Such signs shall be placed at all entrances of all parks where presently there is not a sign requiring dogs to be restrained at all entrances. Such signs shall also be placed at the entrances to all other parks upon replacement of a sign requiring dogs to be restrained in any such park. All signs shall be securely affixed at such entrances. All signs shall be in English and, where appropriate, additional languages. For purposes of this section, "securely affixed" shall mean that at a minimum the signs shall be tethered to not less than two stationary fixtures.

c. There shall be at least one sign at any unenclosed, unpaved park space that is one tenth of an acre in area or larger stating restrictions on off leash dogs, including any hours that dogs are permitted off leash, and include information for reporting an off leash dog. Such a sign shall also be displayed at the head of any unpaved trail leading to an unenclosed space. Any unenclosed, unpaved area one half of an acre in area or larger must have at least one sign for every one half of an acre, spaced at least ten feet apart. Any enclosed area designated as a dog run shall display a sign at each entrance noting off leash hours.

§ 15. Severability. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

§ 16. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that section fourteen of this act shall take effect one year after it shall have become a law.