

STATE OF NEW YORK

8462--A

2025-2026 Regular Sessions

IN ASSEMBLY

May 16, 2025

Introduced by M. of A. RAJKUMAR, EPSTEIN -- read once and referred to the Committee on Agriculture -- committee discharged, bill amended, 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 codifying the requirement that dogs be restrained 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:

- 1 Section 1. Short title. This act shall be known and may be cited as
2 "Penny's law".
- 3 § 2. The agriculture and markets law is amended by adding five new
4 sections 123-c, 123-d, 123-e, 123-f, and 123-g to read as follows:
- 5 § 123-c. Negligent handling of a dog. 1. A person is guilty of negli-
6 gent handling of a dog if such person, on three or more occasions,
7 violates any local law, rule, or regulation regarding the running at
8 large of a dog outside of designated areas. Records of such violations
9 shall run with the person handling the dog, regardless of if different
10 dogs are involved. Notwithstanding any law to the contrary, allowing
11 multiple dogs running at large in violation of a local law, rule, or
12 regulation at the same time shall be considered one violation.
- 13 2. No provision in this section shall apply to law enforcement dogs
14 when a leash or tether would interfere with the dog's work.
- 15 Negligent handling of a dog is a violation.
- 16 § 123-d. Reckless handling of a dog in the third degree. 1. A person
17 is guilty of reckless handling of a dog in the third degree if such
18 person handling a dog allows such dog to injure a person, cat, or other
19 dog without justification.

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

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

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

11 (b) Upon a second attack by the same dog, regardless of handler, in
12 violation of this section, such dog shall be declared a dangerous dog as
13 defined by section one hundred twenty-three of this article.

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

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

18 § 123-e. Reckless handling of a dog in the second degree. 1. A person
19 is guilty of reckless handling of a dog in the second degree if such
20 person handling a dog allows such dog to injure a person, cat, or other
21 dog, requiring hospitalization or resulting in death, including medical-
22 ly-recommended humane euthanasia of an animal.

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

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

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

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

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

37 § 123-f. Reckless handling of a dog in the first degree. 1. A person
38 is guilty of reckless handling of a dog in the first degree if such
39 person handling such dog instructs such dog by verbal command, bodily
40 gesture, or other command to injure a person, cat, or other dog without
41 threat of imminent danger.

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

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

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

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

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

55 § 123-g. Leaving the scene of injury to companion animals without
56 reporting. Any person who commits a violation of section one hundred

1 twenty-three-d, one hundred twenty-three-e, or one hundred
2 twenty-three-f of this article against a companion animal, as defined by
3 subdivision five of section three hundred fifty of this chapter, and is
4 not the custodian of such animal which was injured or killed shall
5 endeavor to locate the owner or custodian of such animal, or, if such
6 owner or custodian cannot be located, such person shall inform a police
7 or peace officer in the vicinity and take any other reasonable and
8 appropriate action so that the animal may receive necessary attention.
9 Such person shall promptly report the matter to such owner, custodian,
10 or officer and give such person's full name and address, including
11 street, street number, and unit number, if applicable.

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

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

17 (e) maintenance of a liability insurance policy in an amount deter-
18 mined by the court [~~, but in no event in excess of one hundred thousand~~
19 ~~dollars~~] for personal injury or death resulting from an attack by such
20 dangerous dog.

21 § 4. Subdivisions 6, 7, 8, and 9 of section 123 of the agriculture and
22 markets law, such section as renumbered by section 18 of part T of chap-
23 ter 59 of the laws of 2010, subdivisions 6 and 9 as amended by chapter
24 392 of the laws of 2004, and subdivisions 7 and 8 as amended by chapter
25 526 of the laws of 2005, are amended to read as follows:

26 6. The owner of a dog who [~~, through any act or omission, negligently~~
27 ~~permits his or her dog to bite a person, service dog, guide dog or hear-~~
28 ~~ing dog causing physical injury~~] commits a violation of section one
29 hundred twenty-three-d or one hundred twenty-three-g of this article
30 shall be subject to a civil penalty not to exceed four hundred dollars
31 in addition to any other applicable penalties.

32 7. The owner of a dog who [~~, through any act or omission, negligently~~
33 ~~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 arti-
34 cle shall be subject to a civil penalty not to exceed one thousand five
35 hundred dollars in addition to any other applicable penalties. Any such
36 penalty may be reduced by any amount which is paid as restitution by the
37 owner of the dog to the person or persons or the owner of an animal
38 suffering serious physical injury as compensation for unreimbursed
39 medical or veterinary expenses, lost earnings and other damages result-
40 ing from such injury.

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

53 9. If any dog, which had previously been determined by a judge or
54 justice to be a dangerous dog, as defined in section one hundred eight
55 of this article, shall without justification [~~kill or cause the death of~~
56

1 ~~any person who is peaceably conducting himself or herself in any place~~
2 ~~where he or she may lawfully be] violate section one hundred twenty-~~
3 ~~three-d, one hundred twenty-three-e, or one hundred twenty-three-f of~~
4 ~~this article,~~ regardless of whether such dog escapes without fault of
5 the owner, the owner shall be guilty of a class A misdemeanor in addi-
6 tion to any other penalties.

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

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

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

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

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

29 § 17-820 Dogs to be restrained. a. Except as specified in subdivision
30 b of this section, a person who owns, possesses or controls a dog shall
31 not permit it to be in any public place or in any open or unfenced area
32 abutting on a public place unless the dog is effectively restrained by a
33 leash or other restraint not more than six feet long.

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

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

55 c. Notices of violation for failure to comply with subdivision a of
56 this section may be issued by any authorized employee, officer or agent

1 of the department, the department of sanitation, the department of parks
2 and recreation, or successor agencies, or by special patrol officers who
3 have been delegated such duties by their employers.

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

6 § 18-166 Requiring signage to keep dogs restrained. a. The department
7 shall place at all entrances to all parks operated by or under the
8 jurisdiction of the department, including those for which the department
9 has an agreement with a conservancy or other not-for-profit organization
10 with respect to operation of any aspect of a playground a sign reading,
11 "No Dogs Off Leash Anywhere in the Park At Any Time Unless Otherwise
12 Noted. Violators may be subject to fine or arrest."

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

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

32 § 8. Severability. If any section, subsection, sentence, clause,
33 phrase or other portion of this local law is, for any reason, declared
34 unconstitutional or invalid, in whole or in part, by any court of compe-
35 tent jurisdiction such portion shall be deemed severable, and such
36 unconstitutionality or invalidity shall not affect the validity of the
37 remaining portions of this law, which remaining portions shall continue
38 in full force and effect.

39 § 9. This act shall take effect on the ninetieth day after it shall
40 have become a law; provided, however, that section seven of this act
41 shall take effect one year after it shall have become a law.