STATE OF NEW YORK

5423

2025-2026 Regular Sessions

IN SENATE

February 21, 2025

Introduced by Sen. SKOUFIS -- 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 the judicial process relating to a dog that caused death to a companion animal, farm animal or domestic animal while trespassing on property

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

Section 1. Subdivision 3 of section 123 of the agriculture and markets law, as added by chapter 392 of the laws of 2004 and such section as renumbered by section 18 of part T of chapter 59 of the laws of 2010, is amended to read as follows:

3. Upon a finding that a dog is dangerous, the judge or justice may order humane euthanasia or permanent confinement of the dog if one of the following aggravating circumstances is established at the judicial hearing held pursuant to subdivision two of this section:

(a) the dog, without justification, attacked a person causing serious physical injury or death; or

(b) the dog has a known vicious propensity as evidenced by a previous unjustified attack on a person, which caused serious physical injury or death; or

(c) **the dog, without justification and while trespassing on another person's property, caused death to a companion animal, farm animal or domestic animal; or**

(d) the dog, without justification, caused serious physical injury or death to a companion animal, farm animal or domestic animal, and has, in the past two years, caused unjustified physical injury or death to a companion or farm animal as evidenced by a "dangerous dog" finding pursuant to the provisions of this section.

An order of humane euthanasia shall not be carried out until expiration of the thirty day period provided for in subdivision five of this section for filing a notice of appeal, unless the owner of the dog has

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

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indicated to the judge in writing, [~~his or her~~] **such owner's** intention to waive [~~his or her~~] **such owner's** right to appeal. Upon filing of a notice of appeal, the order shall be automatically stayed pending the outcome of the appeal.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.