

# STATE OF NEW YORK

8293

2025-2026 Regular Sessions

## IN SENATE

May 30, 2025

Introduced by Sen. SEPULVEDA -- 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 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.

20 2. The responding police officer shall provide the victim or owner of  
21 the victimized cat or dog written notice of their right to make a

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

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1 dangerous dog complaint pursuant to section one hundred twenty-three of  
2 this chapter.

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

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

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

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

16 § 123-e. Reckless handling of a dog in the second degree. 1. A person  
17 is guilty of reckless handling of a dog in the second degree if such  
18 person handling a dog allows such dog to injure a person, cat, or other  
19 dog, requiring hospitalization or resulting in death, including medical-  
20 ly-recommended humane euthanasia of an animal.

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

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

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

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

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

35 § 123-f. Reckless handling of a dog in the first degree. 1. A person  
36 is guilty of reckless handling of a dog in the first degree if such  
37 person handling such dog instructs such dog by verbal command, bodily  
38 gesture, or other command to injure a person, cat, or other dog without  
39 threat of imminent danger.

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

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

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

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

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

53 § 123-g. Leaving the scene of injury to companion animals without  
54 reporting. Any person who commits a violation of section one hundred  
55 twenty-three-d, one hundred twenty-three-e, or one hundred  
56 twenty-three-f of this article against a companion animal, as defined by

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

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

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

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

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

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

30 7. The owner of a dog who [~~, through any act or omission, negligently~~  
31 ~~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-  
32 cle shall be subject to a civil penalty not to exceed one thousand five  
33 hundred dollars in addition to any other applicable penalties. Any such  
34 penalty may be reduced by any amount which is paid as restitution by the  
35 owner of the dog to the person or persons or the owner of an animal  
36 suffering serious physical injury as compensation for unreimbursed  
37 medical or veterinary expenses, lost earnings and other damages result-  
38 ing from such injury.

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

51 9. If any dog, which had previously been determined by a judge or  
52 justice to be a dangerous dog, as defined in section one hundred eight  
53 of this article, shall without justification [~~kill or cause the death of~~  
54 ~~any person who is peaceably conducting himself or herself in any place~~  
55 ~~where he or she may lawfully be~~] violate section one hundred twenty-  
56

1 three-d, one hundred twenty-three-e, or one hundred twenty-three-f of  
2 this article, regardless of whether such dog escapes without fault of  
3 the owner, the owner shall be guilty of a class A misdemeanor in addi-  
4 tion to any other penalties.

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

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

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

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

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

27 § 17-820 Dogs to be restrained. a. Except as specified in subdivision  
28 b of this section, a person who owns, possesses or controls a dog shall  
29 not permit it to be in any public place or in any open or unfenced area  
30 abutting on a public place unless the dog is effectively restrained by a  
31 leash or other restraint not more than six feet long.

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

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

53 c. Notices of violation for failure to comply with subdivision a of  
54 this section may be issued by any authorized employee, officer or agent  
55 of the department, the department of sanitation, the department of parks

1 and recreation, or successor agencies, or by special patrol officers who  
2 have been delegated such duties by their employers.

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

5 § 18-166 Requiring signage to keep dogs restrained. a. The department  
6 shall place at all entrances to all parks operated by or under the  
7 jurisdiction of the department, including those for which the department  
8 has an agreement with a conservancy or other not-for-profit organization  
9 with respect to operation of any aspect of a playground a sign reading,  
10 "No Dogs Off Leash Anywhere in the Park At Any Time Unless Otherwise  
11 Noted. Violators may be subject to fine or arrest."

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

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

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

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