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:

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.

§ 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

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

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

3. (a) It shall be an affirmative defense that (i) 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 (ii) the conduct of the dog was justified under subdivision four of section one hundred twenty-three of this article.

(b) Upon a second attack by the same dog, regardless of handler, in violation of this section, such dog shall be declared a dangerous dog as defined by 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 (i) 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 (ii) 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 person handling such dog instructs such dog by verbal command, bodily gesture, or other command to injure a person, cat, or other dog 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, 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 resulting from an attack by such dangerous dog.

§ 4. Subdivisions 6, 7, 8, and 9 of section 123 of the agriculture and markets law, 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:

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 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 requirements, 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.

§ 7. 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.

§ 8. 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.

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