

SENATE, No. 2489

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED JANUARY 13, 2009

Sponsored by:
Senator SHIRLEY K. TURNER
District 15 (Mercer)

SYNOPSIS

Establishes cruel restraint of a dog as an animal cruelty offense.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the cruel restraint of dogs, and amending and
2 supplementing chapter 22 of Title 4 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. (New section) a. A person is guilty of cruelly restraining a
8 dogs if the person:

9 (1) chains, ties, fastens or otherwise tethers a dog to a dog
10 house, tree, stake, pole, fence, wall or other stationary object
11 outdoors or indoors for more than 10 hours in a 24-hour period;

12 (2) regardless of how long a period of time, chains, ties, fastens
13 or otherwise tethers a dog with any collar or similar device other
14 than a properly fitted harness or buckle-type collar for the dog, with
15 a chain or other tether less than 15 feet; or

16 (3) regardless of how long a period of time, uses a choke or
17 prong collar on the dog when chaining, tying, fastening, or
18 otherwise tethering the dog.

19 b. Cruelly restraining a dog is a disorderly person's offense.

20 c. It is an affirmative defense to prosecution pursuant to
21 subsection a. of this section for animal neglect for cruelly
22 restraining a dog that the actor:

23 (1) had a reasonable basis for the restraining of the dog;

24 (2) restrained the dog with a properly fitted harness or buckle-
25 type collar, and with a chain or other tether of 15 feet or more;

26 (3) did not use a choke or prong collar to restrain the dog; and

27 (4) provided, or caused to be provided, minimum care to the dog
28 during the time the dog was restrained.

29

30 2. R.S.4:22-26 is amended to read as follows:

31 4:22-26. A person who shall:

32 a. (1) Overdrive, overload, drive when overloaded, overwork,
33 deprive of necessary sustenance, abuse, or needlessly kill a living
34 animal or creature, or cause or procure, by any direct or indirect
35 means, including but not limited to through the use of another living
36 animal or creature, any such acts to be done;

37 (2) Torment, torture, maim, hang, poison, unnecessarily or
38 cruelly beat, or needlessly mutilate a living animal or creature, or
39 cause or procure, by any direct or indirect means, including but not
40 limited to through the use of another living animal or creature, any
41 such acts to be done;

42 (3) Cruelly kill, or cause or procure, by any direct or indirect
43 means, including but not limited to through the use of another living
44 animal or creature, the cruel killing of, a living animal or creature,
45 or otherwise cause or procure, by any direct or indirect means,

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 including but not limited to through the use of another living animal
2 or creature, the death of a living animal or creature from
3 commission of any act described in paragraph (2) of this subsection;
- 4 b. (Deleted by amendment, P.L.2003, c.232).
- 5 c. Inflict unnecessary cruelty upon a living animal or creature,
6 by any direct or indirect means, including but not limited to through
7 the use of another living animal or creature; or unnecessarily fail to
8 provide a living animal or creature of which the person has charge
9 either as an owner or otherwise with proper food, drink, shelter or
10 protection from the weather; or leave it unattended in a vehicle
11 under inhumane conditions adverse to the health or welfare of the
12 living animal or creature;
- 13 d. Receive or offer for sale a horse that is suffering from abuse
14 or neglect, or which by reason of disability, disease, abuse or
15 lameness, or any other cause, could not be worked, ridden or
16 otherwise used for show, exhibition or recreational purposes, or
17 kept as a domestic pet without violating the provisions of this
18 article;
- 19 e. Keep, use, be connected with or interested in the
20 management of, or receive money or other consideration for the
21 admission of a person to, a place kept or used for the purpose of
22 fighting or baiting a living animal or creature;
- 23 f. Be present and witness, pay admission to, encourage, aid or
24 assist in an activity enumerated in subsection e. of this section;
- 25 g. Permit or suffer a place owned or controlled by him to be
26 used as provided in subsection e. of this section;
- 27 h. Carry, or cause to be carried, a living animal or creature in
28 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 29 i. Use a dog or dogs for the purpose of drawing or helping to
30 draw a vehicle for business purposes;
- 31 j. Impound or confine or cause to be impounded or confined in
32 a pound or other place a living animal or creature, and shall fail to
33 supply it during such confinement with a sufficient quantity of good
34 and wholesome food and water;
- 35 k. Abandon a maimed, sick, infirm or disabled animal or
36 creature to die in a public place;
- 37 l. Willfully sell, or offer to sell, use, expose, or cause or permit
38 to be sold or offered for sale, used or exposed, a horse or other
39 animal having the disease known as glanders or farcy, or other
40 contagious or infectious disease dangerous to the health or life of
41 human beings or animals, or who shall, when any such disease is
42 beyond recovery, refuse, upon demand, to deprive the animal of
43 life;
- 44 m. Own, operate, manage or conduct a roadside stand or market
45 for the sale of merchandise along a public street or highway; or a
46 shopping mall, or a part of the premises thereof; and keep a living
47 animal or creature confined, or allowed to roam in an area whether
48 or not the area is enclosed, on these premises as an exhibit; except

S2489 TURNER

1 that this subsection shall not be applicable to: a pet shop licensed
2 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who
3 keeps an animal, in a humane manner, for the purpose of the
4 protection of the premises; or a recognized breeders' association, a
5 4-H club, an educational agricultural program, an equestrian team, a
6 humane society or other similar charitable or nonprofit organization
7 conducting an exhibition, show or performance;

8 n. Keep or exhibit a wild animal at a roadside stand or market
9 located along a public street or highway of this State; a gasoline
10 station; or a shopping mall, or a part of the premises thereof;

11 o. Sell, offer for sale, barter or give away or display live baby
12 chicks, ducklings or other fowl or rabbits, turtles or chameleons
13 which have been dyed or artificially colored or otherwise treated so
14 as to impart to them an artificial color;

15 p. Use any animal, reptile, or fowl for the purpose of soliciting
16 any alms, collections, contributions, subscriptions, donations, or
17 payment of money except in connection with exhibitions, shows or
18 performances conducted in a bona fide manner by recognized
19 breeders' associations, 4-H clubs or other similar bona fide
20 organizations;

21 q. Sell or offer for sale, barter, or give away living rabbits,
22 turtles, baby chicks, ducklings or other fowl under two months of
23 age, for use as household or domestic pets;

24 r. Sell, offer for sale, barter or give away living baby chicks,
25 ducklings or other fowl, or rabbits, turtles or chameleons under two
26 months of age for any purpose not prohibited by subsection q. of
27 this section and who shall fail to provide proper facilities for the
28 care of such animals;

29 s. Artificially mark sheep or cattle, or cause them to be
30 marked, by cropping or cutting off both ears, cropping or cutting
31 either ear more than one inch from the tip end thereof, or half
32 cropping or cutting both ears or either ear more than one inch from
33 the tip end thereof, or who shall have or keep in the person's
34 possession sheep or cattle, which the person claims to own, marked
35 contrary to this subsection unless they were bought in market or of
36 a stranger;

37 t. Abandon a domesticated animal;

38 u. For amusement or gain, cause, allow, or permit the fighting
39 or baiting of a living animal or creature;

40 v. Own, possess, keep, train, promote, purchase, or knowingly
41 sell a living animal or creature for the purpose of fighting or baiting
42 that animal or creature;

43 w. Gamble on the outcome of a fight involving a living animal
44 or creature;

45 x. Knowingly sell or barter or offer for sale or barter, at
46 wholesale or retail, the fur or hair of a domestic dog or cat or any
47 product made in whole or in part from the fur or hair of a domestic
48 dog or cat, unless such fur or hair for sale or barter is from a

1 commercial grooming establishment or a veterinary office or clinic
2 or is for use for scientific research;

3 y. Knowingly sell or barter or offer for sale or barter, at
4 wholesale or retail, for human consumption, the flesh of a domestic
5 dog or cat or any product made in whole or in part from the flesh of
6 a domestic dog or cat;

7 z. Surgically debark or silence a dog in violation of section 1
8 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);

9 aa. Use a live pigeon, fowl or other bird for the purpose of a
10 target, or to be shot at either for amusement or as a test of skill in
11 marksmanship, except that this subsection and subsections bb. and
12 cc. shall not apply to the shooting of game;

13 bb. Shoot at a bird used as described in subsection aa. of this
14 section, or is a party to such shooting; **[or]**

15 cc. Lease a building, room, field or premises, or knowingly
16 permit the use thereof for the purposes of subsection aa. or bb. of
17 this section ; or

18 dd. Cruelly restrain a dog by (1) chaining, tying, fastening or
19 otherwise tethering a dog to a dog house, tree, stake, pole, fence,
20 wall or other stationary object outdoors or indoors for more than 10
21 hours in a 24-hour period; (2) chaining, tying, fastening or
22 otherwise tethering a dog for any period of time with any collar or
23 similar device other than a properly fitted harness or buckle-type
24 collar for the dog, with a chain or other tether less than 15 feet to a
25 dog house, tree, stake, pole, fence, wall or other stationary object
26 outdoors or indoors; or (3) using a choke or prong collar on the dog
27 when chaining, tying, fastening, or otherwise tethering the dog for
28 any period of time to a dog house, tree, stake, pole, fence, wall or
29 other stationary object outdoors or indoors --

30 Shall forfeit and pay a sum according to the following schedule,
31 to be sued for and recovered, with costs, in a civil action by any
32 person in the name of the New Jersey Society for the Prevention of
33 Cruelty to Animals or a county society for the prevention of cruelty
34 to animals, as appropriate, or, in the name of the municipality if
35 brought by a certified animal control officer or animal cruelty
36 investigator:

37 For a violation of subsection e., f., g., u., v., w., or z. of this
38 section or of paragraph (3) of subsection a. of this section, or for a
39 second or subsequent violation of paragraph (2) of subsection a. of
40 this section, a sum of not less than \$3,000 nor more than \$5,000;

41 For a violation of subsection l. of this section or for a first
42 violation of paragraph (2) of subsection a. of this section, a sum of
43 not less than \$1,000 nor more than \$3,000;

44 For a violation of subsection x. or y. of this section, a sum of not
45 less than \$500 nor more than \$1,000 for each domestic dog or cat
46 fur or fur or hair product or domestic dog or cat carcass or meat
47 product;

1 For a violation of subsection dd. of this section, a sum of not less
2 than \$500 nor more than \$1,000;

3 For a violation of subsection t. of this section, a sum of not less
4 than \$500 nor more than \$1,000, but if the violation occurs on or
5 near a highway, a mandatory sum of \$1,000;

6 For a violation of subsection c., d., h., j., k., aa., bb., or cc. of this
7 section or of paragraph (1) of subsection a. of this section, a sum of
8 not less than \$250 nor more than \$1,000; and

9 For a violation of subsection i., m., n., o., p., q., r., or s. of this
10 section, a sum of not less than \$250 nor more than \$500.

11 (cf: P.L.2005, c.372, s.16)

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13 3. This act shall take effect immediately.

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STATEMENT

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18 This bill establishes the animal cruelty offense of cruelly
19 restraining a dog under the State animal cruelty laws. The bill
20 establishes cruelly restraining a dog as a disorderly person's
21 offense, and a person who cruelly restrains a dog may also be liable
22 for a civil penalty of \$500 to \$1,000. A disorderly person's offense
23 is punishable by up to six months in jail, up to \$1,500 in fines, or
24 both.