

ASSEMBLY, No. 2979

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JUNE 16, 2008

Sponsored by:

Assemblyman MATTHEW W. MILAM

District 1 (Cape May, Atlantic and Cumberland)

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District 1 (Cape May, Atlantic and Cumberland)

SYNOPSIS

Establishes criminal offense of animal cruelty in the presence of a child.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing the crime of animal cruelty in the presence of
2 a child, and supplementing chapter 22 of Title 4 of the Revised
3 Statutes.

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

7
8 1. a. A person is guilty of animal cruelty in the presence of a
9 child if the person, in the presence of another person who is under the
10 age of 18, abuses an animal in violation of chapter 22 of Title 4 of the
11 Revised Statutes, abandons an animal in violation of R.S.4:22-20, or
12 engages in animal fighting or other actions related to animal fighting
13 in violation of R.S.4:22-24, with the purpose and knowledge that the
14 person under the age of 18 witness or observe the act.

15 Animal cruelty in the presence of a child is a crime of the fourth
16 degree if the underlying animal cruelty offense is a disorderly persons
17 offense. Otherwise, the offense established pursuant to this subsection
18 shall be classified one degree higher than the underlying animal
19 cruelty offense.

20 b. It shall be no defense to a prosecution under this section that
21 the actor mistakenly believed that the person in whose presence the
22 offense was committed was 18 years of age or older, even if such
23 mistaken belief was reasonable.

24 c. Nothing contained in this section shall prohibit the court from
25 imposing an extended term of imprisonment pursuant to N.J.S 2C:43-
26 7.

27 d. Nothing contained in this section shall be deemed to preclude,
28 if the evidence so warrants, an indictment and conviction for a
29 violation of any of the provisions under this chapter or any other law.

30 e. For the purposes of subsection a. of this section, “abuses an
31 animal” means to:

32 (1) overdrive, overload, drive when overloaded, overwork, abuse,
33 or needlessly kill a living animal or creature, pursuant to subsection a.
34 of R.S.4:22-17;

35 (2) cause or procure, by any direct or indirect means, including but
36 not limited to through the use of another living animal or creature, any
37 such acts to be done, pursuant to subsection a. of R.S.4:22-17;

38 (3) inflict unnecessary cruelty upon a living animal or creature, by
39 any direct or indirect means, including but not limited to through the
40 use of another living animal or creature, pursuant to subsection a. of
41 R.S.4:22-17; or

42 (4) commit any violation of subsection b. of R.S.4:22-17.

43 Unless the court determines that any of the following actions
44 constitute a violation of subsection b. of R.S.4:22-17, “abuses an
45 animal” shall not include to deprive of necessary sustenance; to
46 unnecessarily fail to provide a living animal or creature of which the
47 person has charge either as an owner or otherwise with proper food,
48 drink, shelter or protection from the weather; or to leave it unattended

1 in a vehicle under inhumane conditions adverse to the health or
2 welfare of the living animal or creature.

3 The provisions of this subsection shall apply only to subsection a.
4 of this section and may not be construed to affect the application of
5 R.S.4:22-17 to any other animal cruelty offense.

6

7 2. This act shall take effect immediately.

8

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10 STATEMENT

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12 This bill would establish the crime of animal cruelty in the
13 presence of a child.

14 A person would be guilty of animal cruelty in the presence of a
15 child if the person abuses an animal, abandons an animal, or engages
16 in animal fighting, in violation of certain provisions of chapter 22 of
17 Title 4 of the Revised Statutes, with the purpose and knowledge that
18 the person under the age of 18 witness or observe the act of animal
19 cruelty. The bill also defines the term “abuses an animal” for the
20 purposes of this bill only.

21 Animal cruelty in the presence of a child is a crime of the fourth
22 degree if the underlying animal cruelty offense is a disorderly persons
23 offense. Otherwise, the offense will be classified one degree higher
24 than the underlying animal cruelty offense.