

**ASSEMBLY, No. 4298**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

INTRODUCED JUNE 30, 2018

**Sponsored by:**

**Assemblyman DANIEL R. BENSON**  
**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Revises animal cruelty offenses and penalties concerning animal abandonment and failure to report injuring certain animals with a motor vehicle; increases civil penalties for certain other animal cruelty offenses.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning abandonment of animals, failure to report  
2 injury to certain animals in certain circumstances, increasing  
3 civil penalties for certain animal cruelty offenses, and amending  
4 various parts of statutory law, supplementing chapter 22 of Title  
5 4 of the Revised Statutes, and repealing R.S.4:22-20 and section  
6 2 of P.L.1939, c.315.

7  
8 **BE IT ENACTED** by the Senate and General Assembly of the State  
9 of New Jersey:

10  
11 1. R.S.4:22-15 is amended to read as follows:

12 4:22-15. As used in this article:

13 "Animal" **[**or "creature" includes**]** means any member of the  
14 whole brute creation. The term "animal" shall not include human  
15 beings.

16 "Bodily injury" means physical pain, illness or any impairment  
17 of physical condition.

18 "Caretaker" means a person who is in possession of an animal  
19 and is the person upon whom the care, health, safety and welfare of  
20 the animal is primarily dependent.

21 "Domestic livestock" means "domestic livestock" as defined  
22 pursuant to section 1 of P.L.1995, c.311 (C.4:22-16.1).

23 "Domesticated animal" means a domestic companion animal as  
24 defined pursuant to subsection u. of N.J.S.2C:20-1 or any animal of  
25 a species commonly kept as a domestic companion animal.

26 "Domesticated animal" shall not include domestic livestock.

27 "Necessary care" means care sufficient to preserve the health and  
28 well-being of an animal, and except for emergencies or  
29 circumstances beyond the reasonable control of the person  
30 responsible for the care of the animal, includes, but is not limited  
31 to: (1) food of sufficient quantity and quality to allow for normal  
32 growth or maintenance of body weight; (2) open or adequate access  
33 to drinkable water of an appropriate temperature in sufficient  
34 quantity and quality to satisfy the animal's needs; (3) access to  
35 adequate protection from the weather **[**; and**]** , including access to  
36 an enclosed non-hazardous structure sufficient to protect the animal  
37 from the weather that has adequate bedding to protect against cold  
38 and dampness, and adequate protection from extreme or excessive  
39 sunlight and from overexposure to the sun, heat and other weather  
40 conditions; (4) veterinary care deemed necessary by a reasonably  
41 prudent person to prevent or relieve injury, neglect or disease,  
42 alleviate suffering, and maintain health; and (5) reasonable access  
43 to a clean and adequate exercise area.

44 "Owner" **[**or "person" includes a corporation, and the knowledge  
45 and acts of an agent or employee of a corporation in regard to

**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 animals transported, owned, employed, or in the custody of the  
2 corporation shall be imputed to the corporation. **】** means a person  
3 who is the caretaker of an animal in question and has the legal right  
4 of possession of the animal and any legal title to its ownership.

5 “Person” means “person” as defined under subsection g. of  
6 N.J.S.2C:1-14.

7 “Possess” or “possession” means having physical custody of,  
8 having legal custody over, being in charge of, or having physical  
9 control over an animal, whether temporarily or as an owner of the  
10 animal.

11 "Serious bodily injury" means bodily injury which creates a  
12 substantial risk of death or which causes serious, permanent  
13 disfigurement, or protracted loss or impairment of the function of  
14 any bodily member or organ.

15 (cf: P.L.2013, c.88, s.1)

16

17 2. (New section) a. A person is guilty of animal abandonment  
18 if the person, with the purpose of relinquishing possession of the  
19 animal and without making provisions for the necessary care of the  
20 animal, knowingly leaves, or causes to be left, a domesticated  
21 animal or domestic livestock:

22 (1) in a public place where the animal may die, and the animal is  
23 maimed, sick, infirm or disabled; or

24 (2) in a place beyond the control, custody or possession of the  
25 owner or the person relinquishing possession of the animal.

26 Animal abandonment is a crime of the fourth degree.

27 b. Each animal abandoned in violation of this section shall  
28 constitute a separate and distinct offense.

29 c. In addition to the penalties and remedies prescribed for  
30 violations of this section pursuant to Title 2C of the New Jersey  
31 Statutes, a person found guilty of violating subsection a. of this  
32 section shall be subject to an additional fine of \$1,000 for each  
33 animal abandoned that is:

34 (1) maimed, sick, infirm or disabled; or

35 (2) left within 200 feet of a roadway.

36

37 3. The title to part B of article 2 of chapter 22 of Title 4 of the  
38 Revised Statutes is amended to read as follows:

39 B. **【MISDEMEANORS AND FINES】** CRIMINAL  
40 OFFENSES AND PENALTIES; PROHIBITED METHODS FOR  
41 DESTRUCTION OF ANIMALS.

42 (cf: Title, part B, article 2, chapter 22, Title 4 of the Revised  
43 Statutes)

44

45 4. Section 1 of P.L.1939, c.315 (C.4:22-25.1) is amended to  
46 read as follows:

47 1. **【Each】** Any person operating a motor vehicle who **【shall】**  
48 knowingly **【hit, run over, or cause】** hits, runs over, or causes injury

1 to a cat, dog, horse, **[or]** cattle, or other domesticated animal or  
2 domestic livestock shall stop at once, ascertain the extent of injury,  
3 and report the incident to the nearest police station, police officer,  
4 municipal humane law enforcement officer, chief humane law  
5 enforcement officer, or humane law enforcement officer of a county  
6 society for the prevention of cruelty to animals **[and give his]** .  
7 When reporting the incident, the person operating the motor vehicle  
8 shall provide the person's name, address, **[operator's]** driver's  
9 license number, and motor vehicle registration number, and **[also**  
10 **give]** the location of the injured animal. Any person who violates  
11 any provision of this section shall be guilty of a disorderly persons  
12 offense.

13 (cf: P.L.2017, c.331, s.12)

14

15 5. The title to part C of article 2 of chapter 22 of Title 4 of the  
16 Revised Statutes is amended to read as follows:

17 C. CIVIL PENALTIES; RECOVERY.

18 (cf: Title, part C, article 2, chapter 22, Title 4 of the Revised  
19 Statutes)

20

21 6. R.S.4:22-26 is amended to read as follows:

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

23 a. (1) Overdrive, overload, drive when overloaded, overwork,  
24 abuse, or needlessly kill a living animal **[or creature]**, or cause or  
25 procure, by any direct or indirect means, including but not limited  
26 to through the use of another living animal **[or creature]**, any such  
27 acts to be done;

28 (2) Torment, torture, maim, hang, poison, unnecessarily or  
29 cruelly beat, cruelly abuse, or needlessly mutilate a living animal  
30 **[or creature]**, or cause or procure, by any direct or indirect means,  
31 including but not limited to through the use of another living animal  
32 **[or creature]**, any such acts to be done;

33 (3) Cause the death of, or serious bodily injury to, a living  
34 animal **[or creature]** from commission of any act described in  
35 paragraph (2), (4), or (5) of this subsection, by any direct or indirect  
36 means, including but not limited to through the use of another living  
37 animal **[or creature]**, or otherwise cause or procure any such acts to  
38 be done;

39 (4) Fail, as the owner or a person otherwise charged with the care  
40 of a living animal **[or creature]**, to provide the living animal **[or**  
41 **creature]** with necessary care, or otherwise cause or procure such  
42 an act to be done; or

43 (5) Cause bodily injury to a living animal **[or creature]** from  
44 commission of the act described in paragraph (4) of this subsection;

45 b. (Deleted by amendment, P.L.2003, c.232)

- 1 c. Inflict unnecessary cruelty upon a living animal **【or**  
2 creature**】**, by any direct or indirect means, including but not limited  
3 to through the use of another living animal **【or creature】**; or leave  
4 the living animal **【or creature】** unattended in a vehicle under  
5 inhumane conditions adverse to the health or welfare of the living  
6 animal **【or creature】**;
- 7 d. Receive or offer for sale a horse that is suffering from abuse  
8 or neglect, or which by reason of disability, disease, abuse or  
9 lameness, or any other cause, could not be worked, ridden or  
10 otherwise used for show, exhibition or recreational purposes, or  
11 kept as a domestic pet without violating the provisions of article 2  
12 of chapter 22 of Title 4 of the Revised Statutes;
- 13 e. Keep, use, be connected with or interested in the  
14 management of, or receive money or other consideration for the  
15 admission of a person to, a place kept or used for the purpose of  
16 fighting or baiting a living animal **【or creature】**;
- 17 f. Be present and witness, pay admission to, encourage, aid or  
18 assist in an activity enumerated in subsection e. of this section;
- 19 g. Permit or suffer a place owned or controlled by **【him】** the  
20 person to be used as provided in subsection e. of this section;
- 21 h. Carry, or cause to be carried, a living animal **【or creature】** in  
22 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 23 i. Use a dog or dogs for the purpose of drawing or helping to  
24 draw a vehicle for business purposes;
- 25 j. Impound or confine or cause to be impounded or confined in  
26 a pound or other place a living animal **【or creature】**, and shall fail  
27 to supply the living animal **【or creature】** during such confinement  
28 with a sufficient quantity of good and wholesome food and water;
- 29 k. **【Abandon】** Leave, or cause to be left, without making  
30 provisions for the necessary care of the animal, a maimed, sick,  
31 infirm or disabled domesticated animal 【or creature to die】 or  
32 domestic livestock in a public place where the animal may die;
- 33 l. Willfully sell, or offer to sell, use, expose, or cause or permit  
34 to be sold or offered for sale, used or exposed, a horse or other  
35 animal having the disease known as glanders or farcy, or other  
36 contagious or infectious disease dangerous to the health or life of  
37 human beings or animals, or who shall, when any such disease is  
38 beyond recovery, refuse, upon demand, to deprive the animal of  
39 life;
- 40 m. Own, operate, manage or conduct a roadside stand or market  
41 for the sale of merchandise along a public street or highway; or a  
42 shopping mall, or a part of the premises thereof; and keep a living  
43 animal **【or creature】** confined, or allowed to roam in an area  
44 whether or not the area is enclosed, on these premises as an exhibit;  
45 except that this subsection shall not be applicable to: a pet shop  
46 licensed pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person  
47 who keeps an animal, in a humane manner, for the purpose of the

- 1 protection of the premises; or a recognized breeders' association, a  
2 4-H club, an educational agricultural program, an equestrian team, a  
3 humane society or other similar charitable or nonprofit organization  
4 conducting an exhibition, show or performance;
- 5 n. Keep or exhibit a wild animal at a roadside stand or market  
6 located along a public street or highway of this State; a gasoline  
7 station; or a shopping mall, or a part of the premises thereof;
- 8 o. Sell, offer for sale, barter or give away or display live baby  
9 chicks, ducklings or other fowl or rabbits, turtles or chameleons  
10 which have been dyed or artificially colored or otherwise treated so  
11 as to impart to them an artificial color;
- 12 p. Use any animal, reptile, or fowl for the purpose of soliciting  
13 any alms, collections, contributions, subscriptions, donations, or  
14 payment of money except in connection with exhibitions, shows or  
15 performances conducted in a bona fide manner by recognized  
16 breeders' associations, 4-H clubs or other similar bona fide  
17 organizations;
- 18 q. Sell or offer for sale, barter, or give away living rabbits,  
19 turtles, baby chicks, ducklings or other fowl under two months of  
20 age, for use as household or domestic pets;
- 21 r. Sell, offer for sale, barter or give away living baby chicks,  
22 ducklings or other fowl, or rabbits, turtles or chameleons under two  
23 months of age for any purpose not prohibited by subsection q. of  
24 this section and who shall fail to provide proper facilities for the  
25 care of such animals;
- 26 s. Artificially mark sheep or cattle, or cause them to be  
27 marked, by cropping or cutting off both ears, cropping or cutting  
28 either ear more than one inch from the tip end thereof, or half  
29 cropping or cutting both ears or either ear more than one inch from  
30 the tip end thereof, or who shall have or keep in the person's  
31 possession sheep or cattle, which the person claims to own, marked  
32 contrary to this subsection unless they were bought in market or of  
33 a stranger;
- 34 t. **【Abandon】** Leave, or cause to be left, without making  
35 provisions for the minimum care of the animal, a domesticated  
36 animal or domestic livestock in a place beyond the control, custody,  
37 or possession of the owner or the person relinquishing possession of  
38 the animal;
- 39 u. For amusement or gain, cause, allow, or permit the fighting  
40 or baiting of a living animal **【or creature】**;
- 41 v. Own, possess, keep, train, promote, purchase, or knowingly  
42 sell a living animal or creature for the purpose of fighting or baiting  
43 that animal **【or creature】**;
- 44 w. Gamble on the outcome of a fight involving a living animal  
45 **【or creature】**;
- 46 x. Knowingly sell or barter or offer for sale or barter, at  
47 wholesale or retail, the fur or hair of a domestic dog or cat or any  
48 product made in whole or in part from the fur or hair of a domestic

1 dog or cat, unless such fur or hair for sale or barter is from a  
2 commercial grooming establishment or a veterinary office or clinic  
3 or is for use for scientific research;

4 y. (1) Knowingly sell or barter, or offer for sale or barter, at  
5 wholesale or retail, for human consumption, the flesh of a domestic  
6 dog or cat, or any product made in whole or in part from the flesh of  
7 a domestic dog or cat;

8 (2) Knowingly slaughter a horse for human consumption;

9 (3) Knowingly sell or barter, or offer for sale or barter, at  
10 wholesale or retail, for human consumption, the flesh of a horse, or  
11 any product made in whole or in part from the flesh of a horse, or  
12 knowingly accept or publish newspaper advertising that includes the  
13 offering for sale, trade, or distribution of any such item for human  
14 consumption;

15 (4) Knowingly transport a horse for the purpose of slaughter for  
16 human consumption;

17 (5) Knowingly transport horsemeat, or any product made in  
18 whole or in part from the flesh of a horse, for the purpose of human  
19 consumption;

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

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

26 bb. Shoot at a bird used as described in subsection aa. of this  
27 section, or is a party to such shooting; or

28 cc. Lease a building, room, field or premises, or knowingly  
29 permit the use thereof for the purposes of subsection aa. or bb. of  
30 this section --

31 Shall forfeit and pay a sum according to the following schedule,  
32 to be sued for and recovered, with costs, in a civil action by any  
33 person in the name of the municipality or county wherein the  
34 defendant resides or where the offense was committed:

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

40 For a violation of subsection l. of this section, for a first violation  
41 of paragraph (2) or (5) of subsection a. of this section, a sum of not  
42 less than \$1,000 nor more than \$3,000;

43 For a violation of paragraph (4) of subsection a. of this section,  
44 **【or subsection c. of this section,】** a sum of not less than \$500 nor  
45 more than \$2,000;

46 For a violation of subsection x. or paragraph (1) of subsection y.  
47 of this section, a sum of not less than \$500 nor more than \$1,000 for  
48 each domestic dog or cat fur or fur or hair product or domestic dog

1 or cat carcass or meat product sold, bartered, or offered for sale or  
2 barter;

3 For a violation of paragraph (2), (3), (4), or (5) of subsection y.  
4 of this section, a sum of not less than \$500 nor more than \$1,000 for  
5 each horse slaughtered or transported for the purpose of slaughter  
6 for human consumption, or for each horse carcass or meat product  
7 transported, sold or bartered, or offered or advertised for sale or  
8 barter;

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

12 For a violation of subsection c., d., h., j., k., aa., bb., or cc. of this  
13 section or of paragraph (1) of subsection a. of this section, a sum of  
14 not less than ~~[\$250]~~ \$500 nor more than ~~[\$1,000]~~ \$2,500; and

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

17 (cf: P.L.2017, c.331, s.13)

18

19 7. Section 1 of P.L.1995, c.255 (C.4:22-26.1) is amended to  
20 read as follows:

21 1. A certified animal control officer, municipal humane law  
22 enforcement officer, humane law enforcement officer of a county  
23 society for the prevention of cruelty to animals, chief humane law  
24 enforcement officer, or animal cruelty prosecutor designated  
25 pursuant to paragraph (1) of subsection a. of section 28 of P.L.2017,  
26 c.331 (C.4:22-14.4) may petition a court of competent jurisdiction  
27 to have ~~[any animal]~~ confiscated [and forfeited] , pending the  
28 disposition of an alleged animal cruelty violation, any animal that is  
29 owned or possessed by a person charged with the animal cruelty  
30 violation, and have the animal forfeited at the time the person is  
31 found to be guilty of, or civilly liable for, violating ~~[R.S.4:22-17,~~  
32 ~~R.S.4:22-18, R.S.4:22-19, R.S.4:22-20 or R.S.4:22-23]~~ any animal  
33 cruelty provision of chapter 19 or 22 of Title 4 of the Revised  
34 Statutes.

35 Upon a finding that the continued possession by that person  
36 poses a threat to the ~~[animal's]~~ welfare of the animal, the court  
37 may, in addition to any other penalty that may be imposed for a  
38 violation of ~~[R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20 or~~  
39 ~~R.S.4:22-23]~~ chapter 19 or 22 of Title 4 of the Revised Statutes,  
40 adjudge an animal forfeited for such disposition as the court deems  
41 appropriate.

42 (cf: P.L.2017, c.331, s.14)

43

44 8. R.S.4:22-20 and section 2 of P.L.1939, c.315 (C.4:22-25.2)  
45 are hereby repealed.



1 9. (New section) Notwithstanding the provisions of P.L. ,  
2 c. (C. ) (pending before the Legislature as this bill) to the  
3 contrary, any violations or offenses committed, or in the process of  
4 being adjudicated under R.S.4:22-20 or section 2 of P.L.1939, c.315  
5 (C.4:22-25.2) on or before the date of enactment of P.L. ,  
6 c. (C. ) (pending before the Legislature as this bill), shall be  
7 adjudicated pursuant to those laws, as applicable.

8

9 10. This act shall take effect immediately.

10

11

12

STATEMENT

13

14 This bill revises the animal cruelty statutes concerning animal  
15 abandonment, increases civil penalties for certain animal cruelty  
16 offenses, and updates statutes and statutory titles in the animal  
17 cruelty law to reflect changes made by the bill and the current  
18 allocation of offenses. The bill revises the criminal offense of  
19 animal abandonment and establishes it as a crime of the fourth  
20 degree, with an additional penalty of \$1,000 for each animal  
21 abandoned that is maimed, sick, infirm or disabled, or left within  
22 200 feet of a roadway. The civil penalty under the bill would be  
23 \$500 to \$3,000.

24 Under the bill, a person is guilty of the criminal offense of  
25 animal abandonment if the person, with the purpose of relinquishing  
26 possession of the animal and without making provisions for the  
27 minimum care of the animal, knowingly leaves, or causes to be left,  
28 a domesticated animal or domestic livestock:

29 1) in a public place where the animal may die, and the animal is  
30 maimed, sick, infirm or disabled; or

31 2) in a place beyond the control, custody or possession of the  
32 owner or the person relinquishing possession of the animal.

33 The bill also updates the provisions of current law so that people  
34 committing such offenses would be liable for a civil penalty as well.

35 The bill also revises current law requiring the reporting of  
36 hitting, running over, or causing injury to a cat, dog, horse, or  
37 cattle. The bill updates the terminology in the statute, upgrades  
38 failure to report to a disorderly persons offense, and provides  
39 additional options for reporting to include the nearest animal  
40 control officer, or humane law enforcement officer or agent of the  
41 New Jersey Society for the Prevention of Cruelty to Animals or  
42 county society for the prevention of cruelty to animals.

43 Finally, in addition to revising and increasing the civil penalty  
44 for abandoning a maimed, sick, infirm or disabled animal to die in a  
45 public place, the bill increases the civil penalty to not less than \$500  
46 nor more than \$2,500 for all of the offenses that have the same civil  
47 penalty under current law as the offense of abandoning a maimed,  
48 sick, infirm or disabled animal to die in a public place.