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SYNOPSIS
Establishes animal hoarding as a criminal and civil animal cruelty offense.

CURRENT VERSION OF TEXT
As introduced.
AN ACT establishing the animal cruelty offense of animal hoarding, and amending and supplementing chapter 22 of Title 4 of the Revised Statutes.

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

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

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

[“Owner” or “person” includes a corporation, and the knowledge and acts of an agent or employee of a corporation in regard to animals transported, owned, employed or in the custody of the corporation shall be imputed to the corporation]

“Caretaker” means a person who is in possession of an animal and a person upon whom the care, health, safety and welfare of the animal are primarily dependent.

“Minimum care” means care sufficient to preserve the health and wellbeing of an animal and, except for emergencies or circumstances beyond the control of the person responsible for the care of the animal, provide the following: (1) food of sufficient quantity and quality to allow for normal growth or maintenance of body weight; (2) open or adequate access to drinkable water of an appropriate temperature in sufficient quantity to satisfy the needs of the animal; (3) access to an enclosed nonhazardous structure sufficient to protect the animal from the weather that has adequate bedding to protect against cold and dampness; (4) adequate protection from extreme or excessive sunlight and from overexposure to the sun, heat, and other weather conditions; (5) veterinary care deemed necessary by a reasonably prudent person to prevent or relieve injury, neglect, or disease, or distress from these conditions; and (6) reasonable access to a clean and adequate exercise area.

“Owner of the animal” means a person who is the caretaker of an animal in question and has the legal right of possession of the animal and any legal title to its ownership.

“Possession” means having physical custody of, having legal custody over, being in charge of, or having physical control over an animal, whether temporarily or as an owner of the animal, or a building, premises, or other real property .

(cf: R.S.4:22-15)

2. (New section) a. A person is guilty of hoarding animals if the person keeps or has possession of a number of animals in a quantity such that the person fails or is unable to provide minimum care for all of the animals and, due to the failure or inability to provide minimum

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.
care, at least some of the animals experience death, bodily injury or other serious adverse health consequences. Animal hoarding is a crime of the fourth degree.

b. The number of animals kept or in the possession of a person shall not be determinative of whether there has been a violation of this section, but may be considered as a factor in determining whether animals have been provided minimum care.

c. Each course of conduct involving the hoarding of animals, not each animal involved, shall constitute a separate offense.

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

4:22-26. A person who shall:

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

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

(3) Cruelly kill, or cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, the cruel killing of, a living animal or creature, or otherwise cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, the death of a living animal or creature from commission of any act described in paragraph (2) of this subsection;

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

c. Inflict unnecessary cruelty upon a living animal or creature, by any direct or indirect means, including but not limited to through the use of another living animal or creature; or unnecessarily fail to provide a living animal or creature of which the person has charge either as an owner of the animal or otherwise with proper food, drink, shelter or protection from the weather; or leave it unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature;

d. Receive or offer for sale a horse that is suffering from abuse or neglect, or which by reason of disability, disease, abuse or lameness, or any other cause, could not be worked, ridden or otherwise used for show, exhibition or recreational purposes, or kept as a domestic pet without violating the provisions of this article;

e. Keep, use, be connected with or interested in the management of, or receive money or other consideration for the admission of a person to, a place kept or used for the purpose of fighting or baiting a living animal or creature;
f. Be present and witness, pay admission to, encourage, aid or assist in an activity enumerated in subsection e. of this section;

g. Permit or suffer a place owned or controlled by him to be used as provided in subsection e. of this section;

h. Carry, or cause to be carried, a living animal or creature in or upon a vehicle or otherwise, in a cruel or inhumane manner;

i. Use a dog or dogs for the purpose of drawing or helping to draw a vehicle for business purposes;

j. Impound or confine or cause to be impounded or confined in a pound or other place a living animal or creature, and shall fail to supply it during such confinement with a sufficient quantity of good and wholesome food and water;

k. Abandon a maimed, sick, infirm or disabled animal or creature to die in a public place;

l. Willfully sell, or offer to sell, use, expose, or cause or permit to be sold or offered for sale, used or exposed, a horse or other animal having the disease known as glanders or farcy, or other contagious or infectious disease dangerous to the health or life of human beings or animals, or who shall, when any such disease is beyond recovery, refuse, upon demand, to deprive the animal of life;

m. Own, operate, manage or conduct a roadside stand or market for the sale of merchandise along a public street or highway; or a shopping mall, or a part of the premises thereof; and keep a living animal or creature confined, or allowed to roam in an area whether or not the area is enclosed, on these premises as an exhibit; except that this subsection shall not be applicable to: a pet shop licensed pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an animal, in a humane manner, for the purpose of the protection of the premises; or a recognized breeders' association, a 4-H club, an educational agricultural program, an equestrian team, a humane society or other similar charitable or nonprofit organization conducting an exhibition, show or performance;

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

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

p. Use any animal, reptile, or fowl for the purpose of soliciting any alms, collections, contributions, subscriptions, donations, or payment of money except in connection with exhibitions, shows or performances conducted in a bona fide manner by recognized breeders' associations, 4-H clubs or other similar bona fide organizations;
q. Sell or offer for sale, barter, or give away living rabbits, turtles, baby chicks, ducklings or other fowl under two months of age, for use as household or domestic pets;

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

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

t. Abandon a domesticated animal;

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

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

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

x. Knowingly sell or barter or offer for sale or barter, at wholesale or retail, the fur or hair of a domestic dog or cat or any product made in whole or in part from the fur or hair of a domestic dog or cat, unless such fur or hair for sale or barter is from a commercial grooming establishment or a veterinary office or clinic or is for use for scientific research;

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

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

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

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

c. Lease a building, room, field or premises, or knowingly permit the use thereof for the purposes of subsection aa. or bb. of this section; [or]

dd. Keeps or has possession of a number of animals in a quantity such that the person fails or is unable to provide minimum care for all of the animals and, due to the failure or inability to provide minimum
care, at least some of the animals experience death, bodily injury or other serious adverse health consequences --

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

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

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

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

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

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

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

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

4. This act shall take effect on the 90th day following the date of enactment.

STATEMENT

This bill would establish animal hoarding as a crime of the fourth degree and as a civil animal cruelty offense.

A person would be guilty of hoarding animals if the person keeps or has possession of a number of animals in a quantity such that the person fails or is unable to provide minimum care for all of the animals and, due to the failure or inability to provide minimum care, at least some of the animals experience death, bodily injury or other serious adverse health consequences. The number of animals kept or in the possession of a person would not be determinative of whether there has been a violation of this bill, but may be considered as a factor in determining whether animals have been provided minimum care.
A person who has been convicted of the crime of animal hoarding may be sentenced to pay a fine not to exceed $10,000, and imprisonment for a specific term not to exceed 18 months. Each instance of a person found guilty of criminal animal hoarding, not each animal involved, would constitute a separate offense. A person found guilty of the civil offense of animal hoarding would be liable for a civil penalty of between $1,000 and $3,000.