

# ASSEMBLY, No. 4246

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JUNE 13, 2013

**Sponsored by:**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**SYNOPSIS**

Establishes trunk fighting as animal cruelty offense and crime of the third degree.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning animal cruelty and animal fighting, and  
2 amending 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. In addition to the provisions of R.S.4:22-24, it shall be  
9 unlawful to engage in, facilitate, or provide the means to engage in,  
10 trunk fighting. For the purposes of this section, “trunk fighting”  
11 means the practice of enclosing two or more animals in the trunk or  
12 any part of a motor vehicle for the purpose of the animals attacking  
13 each other, and possibly fighting until one or more of the animals  
14 are dead.

15 b. A violation of subsection a. of this section shall be a crime  
16 of the third degree.

17  
18 2. R.S.4:22-26 is amended to read as follows:

19 4:22-26. A person who shall:

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

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

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

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

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

**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       d. Receive or offer for sale a horse that is suffering from abuse  
2 or neglect, or which by reason of disability, disease, abuse or  
3 lameness, or any other cause, could not be worked, ridden or  
4 otherwise used for show, exhibition or recreational purposes, or  
5 kept as a domestic pet without violating the provisions of this  
6 article;
- 7       e. Keep, use, be connected with or interested in the  
8 management of, or receive money or other consideration for the  
9 admission of a person to, a place kept or used for the purpose of  
10 fighting or baiting a living animal or creature;
- 11       f. Be present and witness, pay admission to, encourage, aid or  
12 assist in an activity enumerated in subsection e. of this section;
- 13       g. Permit **【or suffer】** a place owned or controlled by **【him】** the  
14 person to be used as provided in subsection e. of this section;
- 15       h. Carry, or cause to be carried, a living animal or creature in  
16 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 17       i. Use a dog or dogs for the purpose of drawing or helping to  
18 draw a vehicle for business purposes;
- 19       j. Impound or confine or cause to be impounded or confined in  
20 a pound or other place a living animal or creature, and shall fail to  
21 supply it during such confinement with a sufficient quantity of good  
22 and wholesome food and water;
- 23       k. Abandon a maimed, sick, infirm or disabled animal or  
24 creature to die in a public place;
- 25       l. Willfully sell, or offer to sell, use, expose, or cause or permit  
26 to be sold or offered for sale, used or exposed, a horse or other  
27 animal having the disease known as glanders or farcy, or other  
28 contagious or infectious disease dangerous to the health or life of  
29 human beings or animals, or who shall, when any such disease is  
30 beyond recovery, refuse, upon demand, to deprive the animal of  
31 life;
- 32       m. Own, operate, manage or conduct a roadside stand or market  
33 for the sale of merchandise along a public street or highway; or a  
34 shopping mall, or a part of the premises thereof; and keep a living  
35 animal or creature confined, or allowed to roam in an area whether  
36 or not the area is enclosed, on these premises as an exhibit; except  
37 that this subsection shall not be applicable to: a pet shop licensed  
38 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who  
39 keeps an animal, in a humane manner, for the purpose of the  
40 protection of the premises; or a recognized breeders' association, a  
41 4-H club, an educational agricultural program, an equestrian team, a  
42 humane society or other similar charitable or nonprofit organization  
43 conducting an exhibition, show or performance;
- 44       n. Keep or exhibit a wild animal at a roadside stand or market  
45 located along a public street or highway of this State; a gasoline  
46 station; or a shopping mall, or a part of the premises thereof;
- 47       o. Sell, offer for sale, barter or give away or display live baby  
48 chicks, ducklings or other fowl or rabbits, turtles or chameleons

- 1 which have been dyed or artificially colored or otherwise treated so  
2 as to impart to them an artificial color;
- 3 p. Use any animal, reptile, or fowl for the purpose of soliciting  
4 any alms, collections, contributions, subscriptions, donations, or  
5 payment of money except in connection with exhibitions, shows or  
6 performances conducted in a bona fide manner by recognized  
7 breeders' associations, 4-H clubs or other similar bona fide  
8 organizations;
- 9 q. Sell or offer for sale, barter, or give away living rabbits,  
10 turtles, baby chicks, ducklings or other fowl under two months of  
11 age, for use as household or domestic pets;
- 12 r. Sell, offer for sale, barter or give away living baby chicks,  
13 ducklings or other fowl, or rabbits, turtles or chameleons under two  
14 months of age for any purpose not prohibited by subsection q. of  
15 this section and who shall fail to provide proper facilities for the  
16 care of such animals;
- 17 s. Artificially mark sheep or cattle, or cause them to be  
18 marked, by cropping or cutting off both ears, cropping or cutting  
19 either ear more than one inch from the tip end thereof, or half  
20 cropping or cutting both ears or either ear more than one inch from  
21 the tip end thereof, or who shall have or keep in the person's  
22 possession sheep or cattle, which the person claims to own, marked  
23 contrary to this subsection unless they were bought in market or of  
24 a stranger;
- 25 t. Abandon a domesticated animal;
- 26 u. For amusement or gain, cause, allow, or permit the fighting  
27 or baiting of a living animal or creature; or engage in, facilitate, or  
28 provide the means to engage in, trunk fighting as defined in section  
29 1 of P.L. , c. (C. ) (pending before the Legislature as this  
30 bill);
- 31 v. Own, possess, keep, train, promote, purchase, or knowingly  
32 sell a living animal or creature for the purpose of fighting or baiting  
33 that animal or creature;
- 34 w. Gamble on the outcome of a fight involving a living animal  
35 or creature;
- 36 x. Knowingly sell or barter or offer for sale or barter, at  
37 wholesale or retail, the fur or hair of a domestic dog or cat or any  
38 product made in whole or in part from the fur or hair of a domestic  
39 dog or cat, unless such fur or hair for sale or barter is from a  
40 commercial grooming establishment or a veterinary office or clinic  
41 or is for use for scientific research;
- 42 y. (1) Knowingly sell or barter , or offer for sale or barter, at  
43 wholesale or retail, for human consumption, the flesh of a domestic  
44 dog or cat , or any product made in whole or in part from the flesh  
45 of a domestic dog or cat;
- 46 (2) Knowingly slaughter a horse for human consumption;
- 47 (3) Knowingly sell or barter, or offer for sale or barter, at  
48 wholesale or retail, for human consumption, the flesh of a horse, or

1 any product made in whole or in part from the flesh of a horse, or  
2 knowingly accept or publish newspaper advertising that includes the  
3 offering for sale, trade, or distribution of any such item for human  
4 consumption;

5 (4) Knowingly transport a horse for the purpose of slaughter for  
6 human consumption;

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

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

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

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

18 cc. Lease a building, room, field or premises, or knowingly  
19 permit the use thereof for the purposes of subsection aa. or bb. of  
20 this section

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

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

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

35 For a violation of subsection x. or paragraph (1) of subsection y.  
36 of this section, a sum of not less than \$500 nor more than \$1,000 for  
37 each domestic dog or cat fur or fur or hair product or domestic dog  
38 or cat carcass or meat product sold, bartered, or offered for sale or  
39 barter;

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

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

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

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

6 (cf: P.L.2012, c.52, s.2)

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8       3. This act shall take effect immediately.

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#### STATEMENT

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13       This bill establishes the animal cruelty offense of engaging in,  
14 facilitating, or providing the means to engage in, trunk fighting as a  
15 crime of the third degree. It defines trunk fighting as the practice of  
16 enclosing two or more animals in the trunk of a motor vehicle for  
17 the purpose of the animals attacking each other, and possibly  
18 fighting until one or more of the animals are dead. The bill also  
19 provides civil penalties for the offense.