

# SENATE ECONOMIC GROWTH COMMITTEE

## STATEMENT TO

### SENATE, No. 1921

# STATE OF NEW JERSEY

DATED: JUNE 4, 2012

The Senate Economic Growth Committee reports favorably Senate Bill, No. 1921.

This bill amends and supplements Title 4 of the Revised Statutes concerning agriculture and domestic animals to establish the animal cruelty offense of cruel confinement of a gestating sow as a disorderly persons offense. The bill defines cruel confinement of a gestating sow as crating, confining, or tethering a gestating sow kept on the farm in a manner that prevents the gestating sow from being able to turn around freely (as defined in the bill), lie down, stand up, or fully extend its limbs (as also defined in the bill).

The bill specifies that an owner or operator of a farm may commit this offense, personally and directly, or indirectly through directions or instructions to a contractor, consultant or employee of the owner or operator or the farm, but that a contractor, consultant, or employee following such directions or instructions would not be guilty of the offense. In addition to any other penalties applicable pursuant to Title 2C of the New Jersey Statutes, the bill provides that a violator would be fined for each offense not less than \$250 nor more than \$1,000, or be imprisoned for a term of not more than six months, or both, and that each gestating sow that is cruelly confined would be a separate offense.

The bill exempts from consideration as cruel confinement of a gestating sow, confinement for the purposes of:

- 1) medical research;
- 2) veterinary examinations, testing, individual treatment, or an operation, or other veterinary procedures;
- 3) transportation of the animal;
- 4) a exhibition or educational program;
- 5) animal husbandry, provided the confinement is temporary and for no more than six hours in any 24-hour period;
- 6) humane slaughtering of the animal in accordance with applicable laws, rules, and regulations concerning the slaughter of animals; and
- 7) proper care of the animal during the seven-day period prior to the expected date of the animal giving birth.

Finally, the bill specifies that:

1) none of the bill's provisions supersede other laws, rules or regulations protecting animal welfare, or abridge the authority of any county or municipality to make such laws, rules or regulations that are more stringent than State or federal laws; and

2) it is not an affirmative defense to an alleged violation of this bill that the gestating sow is domestic livestock, or was kept as part of an agricultural operation or in accordance with customary animal husbandry or farming practices.