

P.L.2015, CHAPTER 85, *approved August 10, 2015*
Senate, No. 736 (*First Reprint*)

1 AN ACT concerning animal fighting, supplementing chapter 33 of
2 Title 2C ¹of the New Jersey Statutes,¹ and amending N.J.S.2C:41-
3 1 and R.S.4:22-24 ¹.¹
4

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

8 1. (New section) a. A person is guilty of dog fighting if that
9 person knowingly:

10 (1) keeps, uses, is connected with or interested in the
11 management of, or receives money for the admission of a person to,
12 a place kept or used for the purpose of fighting or baiting a dog;

13 (2) owns, possesses, keeps, trains, promotes, purchases, breeds
14 or sells a dog for the purpose of fighting or baiting that dog;

15 (3) for amusement or gain, causes, allows, or permits the
16 fighting or baiting of a dog;

17 (4) permits or suffers a place owned or controlled by that person
18 to be used for the purpose of fighting or baiting a dog;

19 (5) is present and witnesses, pays admission to, encourages or
20 assists in the fighting or baiting of a dog; or

21 (6) gambles on the outcome of a fight involving a dog.

22 Dog fighting is a crime of the third degree.

23 b. ¹(1)¹ In addition to any other penalty imposed, the court shall
24 order ¹:

25 (a)¹ the seizure and forfeiture of any ¹dogs or other¹ animals
26 used for fighting or baiting, and may upon request of the prosecutor
27 or on its own motion, order any person convicted of a violation
28 under this section to forfeit possession of: ¹[(1)] (i)¹ any other
29 ¹dogs or other¹ animals in the person's custody or possession; and
30 ¹[(2)] (ii)¹ any other property involved in or related to a violation
31 of this ¹[act] section; and

32 (b) restitution, concerning the dogs or other animals seized and
33 forfeited pursuant to subparagraph (a) of this paragraph, in the form
34 of reimbursing any costs for all the animals' food, drink, shelter, or
35 veterinary care or treatment, or other costs, incurred by any person,
36 agency, entity, or organization, including but not limited to the New
37 Jersey Society for the Prevention of Cruelty to Animals, a county
38 society for the prevention of cruelty to animals, any other
39 recognized organization concerned with the prevention of cruelty to
40 animals or the humane treatment and care of animals, a State or

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SJU committee amendments adopted May 7, 2015.

1 local governmental entity, or a kennel, shelter, pound, or other
2 facility¹.

3 ¹(2)¹ The court may prohibit any ¹**["such"] convicted**¹ person from
4 having future possession or custody of any animal for any period of
5 time the court deems reasonable, including a permanent prohibition.

6 c. For the purposes of this section "bait" means to attack with
7 violence, to provoke, or to harass a dog with one or more animals
8 for the purpose of training the dog for, or to cause a dog to engage
9 in, a fight with or among other dogs.

10

11 2. (New section) a. A person is a leader of a dog fighting
12 network if he conspires with others in a scheme or course of
13 conduct to unlawfully engage in dog fighting, as defined in section
14 1 of P.L. , c. (C.) (pending before the Legislature this bill),
15 as an organizer, supervisor, financier or manager of at least one
16 other person. Leader of a dog fighting network is a crime of the
17 second degree.

18 "Financier" means a person who, with the intent to derive a
19 profit, provides money or credit or other thing of value in order to
20 finance the operations of dog fighting.

21 b. ¹(1)¹ In addition to any other penalty imposed, the court shall
22 order ¹;

23 (a)¹ the seizure and forfeiture of any dogs ¹or other animals¹
24 used for fighting or baiting, and may upon request of the prosecutor
25 or on its own motion, order any person convicted of a violation
26 under this section to forfeit possession of: ¹**["(1)"] (i)**¹ any other
27 ¹dogs or other¹ animals in the person's custody or possession; and
28 ¹**["(2)"] (ii)**¹ any other property involved in or related to a violation
29 of this ¹**["act"]** ; and

30 (b) restitution, concerning the dogs or other animals seized and
31 forfeited pursuant to subparagraph (a) of this paragraph, in the form
32 of reimbursing any costs for all the animals' food, drink, shelter, or
33 veterinary care or treatment, or other costs, incurred by any person,
34 agency, entity, or organization, including but not limited to the New
35 Jersey Society for the Prevention of Cruelty to Animals, a county
36 society for the prevention of cruelty to animals, any other
37 recognized organization concerned with the prevention of cruelty to
38 animals or the humane treatment and care of animals, a State or
39 local governmental entity, or a kennel, shelter, pound, or other
40 facility¹.

41 ¹(2)¹ The court may prohibit any ¹**["such"] convicted**¹ person from
42 having future possession or custody of any animal for any period of
43 time the court deems reasonable, including a permanent prohibition.

44 c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction
45 of leader of a dog fighting network shall not merge with the
46 conviction for any offense, nor shall such other conviction merge
47 with a conviction under this section, which is the object of the

1 conspiracy. Nothing contained in this section shall prohibit the
2 court from imposing an extended term pursuant to N.J.S.2C:43-7;
3 nor shall this section be construed in any way to preclude or limit
4 the prosecution or conviction of any person for conspiracy under
5 N.J.S.2C:5-2, or any prosecution or conviction under N.J.S.2C:41-1
6 et seq. (racketeering activities) or subsection g. of N.J.S.2C:5-2
7 (leader of organized crime) or any prosecution or conviction for any
8 such offense.

9 d. It shall not be necessary in any prosecution under this
10 section for the State to prove that any intended profit was actually
11 realized. The trier of fact may infer that a particular scheme or
12 course of conduct was undertaken for profit from all of the
13 attendant circumstances, including but not limited to the number of
14 persons involved in the scheme or course of conduct, the actor's net
15 worth and his expenditures in relation to his legitimate sources of
16 income, or the amount of cash or currency involved.

17 e. It shall not be a defense to a prosecution under this section
18 that the dog intended to be used for fighting was brought into or
19 transported in this State solely for ultimate distribution or sale in
20 another jurisdiction.

21 f. It shall not be a defense that the defendant was subject to the
22 supervision or management of another, nor that another person or
23 persons were also leaders of a dog fighting network.

24
25 3. N.J.S.2C:41-1 is amended to read as follows:

26 2C:41-1. For purposes of this section and N.J.S.2C:41-2 through
27 N.J.S.2C:41-6:

28 a. "Racketeering activity" means (1) any of the following
29 crimes which are crimes under the laws of New Jersey or are
30 equivalent crimes under the laws of any other jurisdiction:

31 (a) murder

32 (b) kidnapping

33 (c) gambling

34 (d) promoting prostitution

35 (e) obscenity

36 (f) robbery

37 (g) bribery

38 (h) extortion

39 (i) criminal usury

40 (j) violations of Title 33 of the Revised Statutes

41 (k) violations of Title 54A of the New Jersey Statutes and Title
42 54 of the Revised Statutes

43 (l) arson

44 (m) burglary

45 (n) theft and all crimes defined in chapter 20 of Title 2C of the
46 New Jersey Statutes

47 (o) forgery and fraudulent practices and all crimes defined in
48 chapter 21 of Title 2C of the New Jersey Statutes

- 1 (p) fraud in the offering, sale or purchase of securities
- 2 (q) alteration of motor vehicle identification numbers
- 3 (r) unlawful manufacture, purchase, use or transfer of firearms
- 4 (s) unlawful possession or use of destructive devices or
- 5 explosives
- 6 (t) violation of sections 112 through 116 inclusive of the
- 7 "Casino Control Act," P.L.1977, c.110 (C.5:12-112 through 5:12-
- 8 116)
- 9 (u) violation of N.J.S.2C:35-4, N.J.S.2C:35-5 or N.J.S.2C:35-6
- 10 and all crimes involving illegal distribution of a controlled
- 11 dangerous substance or controlled substance analog, except
- 12 possession of less than one ounce of marijuana
- 13 (v) violation of subsection b. of N.J.S.2C:24-4 except for
- 14 subparagraph (b) of paragraph (5) of subsection b.
- 15 (w) violation of section 1 of P.L.1995, c.405 (C.2C:39-16),
- 16 leader of firearms trafficking network
- 17 (x) violation of section 1 of P.L.1983, c.229 (C.2C:39-14),
- 18 weapons training for illegal activities
- 19 (y) violation of section 2 of P.L.2002, c.26 (C.2C:38-2),
- 20 terrorism
- 21 (z) violation of section 1 of P.L.2005, c.77 (C.2C:13-8), human
- 22 trafficking
- 23 (aa) violation of N.J.S.2C:12-1 requiring purposeful or knowing
- 24 conduct
- 25 (bb) violation of N.J.S.2C:12-3, terroristic threats **[.]**
- 26 (cc) violation of section ¹**[2]** ¹ of P.L. , c. (C.) (pending
- 27 before the Legislature as this bill). ¹**[leader of]**¹ dog fighting
- 28 ¹**[network]**¹.
- 29 (2) any conduct defined as "racketeering activity" under Title
- 30 18, U.S.C.s.1961(1)(A), (B) and (D).
- 31 b. "Person" includes any individual or entity or enterprise as
- 32 defined herein holding or capable of holding a legal or beneficial
- 33 interest in property.
- 34 c. "Enterprise" includes any individual, sole proprietorship,
- 35 partnership, corporation, business or charitable trust, association, or
- 36 other legal entity, any union or group of individuals associated in
- 37 fact although not a legal entity, and it includes illicit as well as licit
- 38 enterprises and governmental as well as other entities.
- 39 d. "Pattern of racketeering activity" requires:
- 40 (1) Engaging in at least two incidents of racketeering conduct
- 41 one of which shall have occurred after the effective date of this act
- 42 and the last of which shall have occurred within 10 years (excluding
- 43 any period of imprisonment) after a prior incident of racketeering
- 44 activity; and
- 45 (2) A showing that the incidents of racketeering activity
- 46 embrace criminal conduct that has either the same or similar
- 47 purposes, results, participants or victims or methods of commission

1 or are otherwise interrelated by distinguishing characteristics and
2 are not isolated incidents.

3 e. "Unlawful debt" means a debt:

4 (1) Which was incurred or contracted in gambling activity
5 which was in violation of the law of the United States, a state or
6 political subdivision thereof; or

7 (2) Which is unenforceable under state or federal law in whole
8 or in part as to principal or interest because of the laws relating to
9 usury.

10 f. "Documentary material" includes any book, paper,
11 document, writing, drawing, graph, chart, photograph, phonorecord,
12 magnetic or recording or video tape, computer printout, other data
13 compilation from which information can be obtained or from which
14 information can be translated into useable form or other tangible
15 item.

16 g. "Attorney General" includes the Attorney General of New
17 Jersey, his assistants and deputies. The term shall also include a
18 county prosecutor or his designated assistant prosecutor if a county
19 prosecutor is expressly authorized in writing by the Attorney
20 General to carry out the powers conferred on the Attorney General
21 by this chapter.

22 h. "Trade or commerce" shall include all economic activity
23 involving or relating to any commodity or service.

24 (cf: P.L.2007, c.341, s.4)

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26 4. R.S.4:22-24 is amended to read as follows:

27 4:22-24. A person who shall:

28 a. Keep, use, be connected with or interested in the
29 management of, or receive money for the admission of a person to,
30 a place kept or used for the purpose of fighting or baiting a living
31 animal or creature;

32 b. Be present and witness, pay admission to, encourage or
33 assist therein;

34 c. Permit or suffer a place owned or controlled by him to be so
35 used;

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

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

41 f. Gamble on the outcome of a fight involving a living animal
42 or creature--

43 Shall be guilty of a crime of the third degree.

44 For the purposes of this section "bait" means to attack with
45 violence, to provoke, or to harass an animal with one or more
46 animals for the purpose of training the animal for, or to cause an

1 animal to engage in, a fight with or among other animals.
2 (cf: P.L.1989, c.35, s.1)

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4 5. This act shall take effect immediately.

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9 Establishes crimes of dog fighting and leader of a dog fighting
10 network, and updates crime of animal fighting; amends RICO
11 concerning dog fighting.