

SENATE, No. 494

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

SYNOPSIS

Recodifies offenses against animals under State criminal code; increases degree of crime for certain offenses.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning animal cruelty offenses, creating a new chapter
2 of and supplementing Title 2C of the New Jersey Statutes, and
3 amending and repealing various sections of statutory law.
4

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

7
8 1. (New section) The Legislature finds and declares that there is
9 a demonstrated link between a person abusing animals and that
10 person abusing children, senior citizens, domestic partners, or other
11 people; that in extreme cases, serial killers and other murderers
12 have exhibited histories of animal abuse prior to their first murder;
13 that cruelty in all its forms is reprehensible and should be addressed
14 seriously and clearly by the laws of the State as criminal behavior
15 requiring serious and stringent penalties; and that, while there are
16 State laws against animal cruelty dating back to the 19th century
17 that establish such behavior as criminal, the patchwork development
18 of the law, the passage of time, and the growth of modern
19 perspective on life in all its forms have rendered many of these
20 provisions archaic or at the very least in need of serious
21 reconsideration and revision.

22 The Legislature therefore determines it is in the best interest of
23 the State and the protection of the lives and health of its residents to
24 recodify the criminal provisions of the animal cruelty statutes
25 currently in Title 4 of the Revised Statutes as a new chapter in Title
26 2C of the New Jersey Statutes, and simultaneously to update,
27 upgrade, and revise penalties and other provisions to reflect the
28 seriousness of the offenses against animals and the implications of
29 offenses against animals as threats to the health and welfare of the
30 people of the State.

31
32 2. (New section) a. Simple animal cruelty. A person is guilty of
33 simple animal cruelty if the person:

34 (1) Overdrives, overloads, drives when overloaded, overworks,
35 deprives of necessary sustenance, or abuses;

36 (2) Causes or procures to be done any act of overdriving,
37 overloading, driving when overloaded, overworking, deprivation of
38 necessary sustenance, or abuse of a living animal;

39 (3) Carries, or causes to be carried, a living animal in or upon a
40 vehicle, or otherwise transports a living animal in a cruel or
41 inhumane manner;

42 (4) Abandons a maimed, sick, infirm or disabled living animal to
43 die in a public place;

44 (5) Abandons a domesticated animal;

45 (6) Receives or offers for sale a horse that is suffering from

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 abuse or neglect, or which by reason of disability, disease, abuse or
2 lameness, or for any other cause, could not be worked, ridden or
3 otherwise used for show, exhibition, or recreational purposes, or
4 kept as a domestic pet without violating the provisions of any law
5 of the State relating to cruelty to animals;

6 (7) Uses a live pigeon, fowl or other bird for the purpose of a
7 target, or to be shot at either for amusement or as a test of skill in
8 marksmanship;

9 (8) Shoots at a live pigeon, fowl or other bird for the purpose of
10 a target, or is a party to such shooting;

11 (9) Leases a building, room, field or premises, or knowingly
12 permits the use thereof for the purpose of shooting a live pigeon,
13 fowl or other bird for the purpose of a target;

14 (10) While operating a motor vehicle, knowingly hits, runs over,
15 or causes injury to a cat, dog, horse or cattle, without stopping,
16 ascertaining the extent of the injury, and reporting the incident and
17 the location of the injured animal to the nearest police station,
18 police officer, the New Jersey Society for the Prevention of Cruelty
19 to Animals, a district (county) society for the prevention of cruelty
20 to animals, or any other recognized organization concerned with the
21 prevention of cruelty to animals or the humane treatment and care
22 of animals, with the name, address, driver's license number of the
23 person operating the motor vehicle, and the vehicle registration
24 number of the vehicle; or

25 (11) Sells, barter, or offers for sale or barter, at wholesale or
26 retail, for human consumption, the flesh of a domestic dog or cat or
27 any product made in whole or in part from the flesh of a domestic
28 dog or cat, provided that the person knew or reasonably should have
29 known that the flesh was from a domestic dog or cat or the product
30 was made in whole or in part from the flesh of a domestic dog or
31 cat. As used in this paragraph and subsection, "domestic dog or
32 cat" means a dog (*Canis familiaris*) or cat (*Felis catus* or *Felis*
33 *domesticus*) that is generally recognized in the United States as
34 being a household pet and shall not include coyote, fox, lynx,
35 bobcat, or any other wild canine or feline species.

36 Simple animal cruelty is a disorderly persons offense.
37 Notwithstanding the other provisions of Title 2C of the New Jersey
38 Statutes to the contrary, an offense of simple animal cruelty is
39 punishable by a fine of not less than \$250 or more than \$1,000, and,
40 in the discretion of the court, not more than six months
41 imprisonment, or both; except that a person found guilty of
42 violating paragraph (10) of this subsection shall be subject to a fine
43 of not less than \$100 and a term of imprisonment of not less than 30
44 days; paragraph (4) of this section, a fine of not less than \$1,000;
45 and paragraphs (6), (7), or (8), an additional fine of \$25 for each
46 bird shot at or killed in violation of these paragraphs of this
47 subsection. This subsection shall not apply to the shooting of game.

48 In addition, the court shall impose a term of community service

1 of up to 30 days, and may direct that the term of community service
2 be served in providing assistance to the New Jersey Society for the
3 Prevention of Cruelty to Animals, a district (county) society for the
4 prevention of cruelty to animals, or any other recognized
5 organization concerned with the prevention of cruelty to animals or
6 the humane treatment and care of animals, or to a municipality's
7 animal control or animal population control program. The court
8 may require the violator to pay restitution or otherwise reimburse
9 any costs for food, drink, shelter, or veterinary care or treatment, or
10 other costs, incurred by any agency, entity, or organization
11 investigating the violation, including but not limited to the New
12 Jersey Society for the Prevention of Cruelty to Animals, a district
13 (county) society for the prevention of cruelty to animals, any other
14 recognized organization concerned with the prevention of cruelty to
15 animals or the humane treatment and care of animals, or a local or
16 State governmental entity. The court may also impose any other
17 appropriate penalties established for a disorderly persons offense
18 pursuant to Title 2C of the New Jersey Statutes.

19 b. Intentional animal cruelty. A person is guilty of intentional
20 animal cruelty if the person sells, barter, or offers for sale or
21 barter, at wholesale or retail, the fur or hair of a domestic dog or cat
22 or any product made in whole or in part from the fur or hair of a
23 domestic dog or cat, provided that the person knew or reasonably
24 should have known that the fur or hair was from a domestic dog or
25 cat or that the product was made in whole or in part from the fur or
26 hair of a domestic dog or cat.

27 The provisions of this subsection shall not apply to the sale or
28 barter, or offering for sale or barter, of the fur or hair of a domestic
29 dog or cat cut at a commercial grooming establishment or at a
30 veterinary office or clinic or for scientific research purposes. As
31 used in this subsection, "domestic dog or cat" means a dog (*Canis*
32 *familiaris*) or cat (*Felis catus* or *Felis domesticus*) that is generally
33 recognized in the United States as being a household pet and shall
34 not include coyote, fox, lynx, bobcat, or any other wild canine or
35 feline species.

36 Intentional animal cruelty is a crime of the fourth degree.

37 c. Negligent animal cruelty. A person is guilty of negligent
38 animal cruelty if the person:

39 (1) Fails to provide a living animal of which the person has
40 charge either as an owner or otherwise with proper food, drink,
41 shelter or protection from the weather;

42 (2) Leaves a living animal unattended in a vehicle under
43 inhumane conditions adverse to the health or welfare of the living
44 animal;

45 (3) Willfully sells, or offers to sell, use, expose, or cause or
46 permit to be sold or offered for sale, used or exposed, any horse or
47 other animal having the disease known as glanders or farcy, or any
48 animal having a contagious or infectious disease dangerous to the

1 health or life of human beings or animals; or

2 (4) Refuses to have the animal humanely killed or prevents the
3 humane killing of the animal, upon a determination that an animal
4 is beyond treatment for, or recovery from, a contagious or
5 infectious disease dangerous to the health or life of human beings or
6 animals, and humane killing of the animal is the only humane
7 treatment for the animal.

8 Negligent animal cruelty is a crime of the fourth degree,
9 punishable by a minimum of six months imprisonment.

10 d. Aggravated animal cruelty. A person is guilty of aggravated
11 animal cruelty if the person:

12 (1) In connection with a living animal other than a dog -

13 (a) Keeps, uses, is connected with or interested in the
14 management of, or receives money for the admission of a person to,
15 a place kept or used for the purpose of fighting or baiting a living
16 animal other than a dog;

17 (b) Is present and witnesses, pays admission to, encourages or
18 assists therein;

19 (c) Permits or suffers a place owned or controlled by the person
20 to be so used;

21 (d) For amusement or gain, causes, allows, or permits the
22 fighting or baiting of a living animal other than a dog;

23 (e) Owns, possesses, keeps, trains, promotes, purchases, or
24 knowingly sells a living animal or creature for the purpose of
25 fighting or baiting that animal or creature; or

26 (f) Gambles on the outcome of a fight involving a living animal
27 other than a dog; or

28 (2) Surgically debarks or silences a dog, or causes the surgical
29 debarking or silencing of a dog, for reasons other than to protect the
30 life or health of the dog as deemed necessary by a duly licensed
31 veterinarian; or

32 (3) Surgically debarks or silences a dog when the person is not a
33 duly licensed veterinarian.

34 Aggravated animal cruelty is a crime of the third degree. A dog
35 that has been surgically debarked or silenced pursuant to an act of
36 aggravated animal cruelty as established by this subsection may be
37 seized at the time of the arrest of the person charged with
38 aggravated animal cruelty, or at any time thereafter, and, upon
39 seizure and pending final determination of the charges, shall be kept
40 and cared for in a humane manner by an appropriate and qualified
41 individual or entity as directed by the court. If the person charged
42 with aggravated animal cruelty is found guilty, the court may order
43 forfeiture of the dog for such disposition as the court deems
44 appropriate. The costs of sheltering, feeding, caring for, and
45 treating a dog seized or forfeited pursuant to this subsection,
46 including any veterinary expenses incurred for the provision of any
47 of those services and any other reasonably related expenses
48 incurred, shall be borne by the person found guilty of violating

1 paragraph (2) or paragraph (3) of this subsection.

2 e. Reckless animal cruelty. A person is guilty of reckless animal
3 cruelty if the person:

4 (1) Torments, tortures, maims, hangs, poisons, cruelly beats, or
5 mutilates a living animal;

6 (2) Causes or procures the acts to be done of tormenting,
7 torturing, maiming, hanging, poisoning, cruelly beating, or
8 mutilating a living animal; or

9 (3) Engages in the crime of dogfighting.

10 Reckless animal cruelty is a crime of the third degree, and,
11 notwithstanding the presumption of nonimprisonment pursuant to
12 N.J.S.2C:44-1, shall be subject to imprisonment for not less than
13 three years.

14 A person shall be considered engaging in the crime of
15 dogfighting pursuant to paragraph (3) of this subsection if the
16 person:

17 (a) Keeps, uses, is connected with or interested in the
18 management of, or receives money for the admission of a person to,
19 a place kept or used for the purpose of fighting or baiting a dog;

20 (b) Is present and witnesses, pays admission to, encourages or
21 assists therein;

22 (c) Permits or suffers a place owned or controlled by the person
23 to be so used;

24 (d) For amusement or gain, causes, allows, or permits the
25 fighting or baiting of a dog;

26 (e) Owns, possesses, keeps, trains, promotes, purchases, or
27 knowingly sells a living animal or creature for the purpose of
28 fighting or baiting that dog; or

29 (f) Gambles on the outcome of a fight involving a dog.

30 f. Purposeful or knowing animal cruelty. A person is guilty of
31 purposeful or knowing animal cruelty if a living animal is killed or
32 dies as a result of an act of reckless animal cruelty pursuant to
33 subsection e. of this section.

34 Purposeful or knowing animal cruelty is a crime of the second
35 degree, punishable by no less than five years imprisonment.

36

37 3. (New section) a. In addition to the penalties established in
38 section 2 of P.L. , c. (C.)(now before the Legislature as this
39 bill), any person committing an offense pursuant to section 2 of
40 P.L. , c. (C.)(now before the Legislature as this bill) shall be
41 subject to the following provisions:

42 (1) the court shall order the person to receive mental health
43 counseling by a licensed psychologist or therapist named by the
44 court for a period of time to be prescribed by the licensed
45 psychologist or therapist;

46 (2) the court shall impose a term of community service of up to
47 30 days, and may direct that the term of community service be
48 served in providing assistance to the New Jersey Society for the

1 Prevention of Cruelty to Animals, a district (county) society for the
2 prevention of cruelty to animals, or any other recognized
3 organization concerned with the prevention of cruelty to animals or
4 the humane treatment and care of animals, or to a municipality's
5 animal control or animal population control program; and

6 (3) the court may also require the violator to pay restitution or
7 otherwise reimburse any costs for food, drink, shelter, or veterinary
8 care or treatment, or other costs, incurred by any agency, entity, or
9 organization investigating the violation, including but not limited to
10 the New Jersey Society for the Prevention of Cruelty to Animals, a
11 district (county) society for the prevention of cruelty to animals,
12 any other recognized organization concerned with the prevention of
13 cruelty to animals or the humane treatment and care of animals, or
14 to a municipality's animal control or animal population control
15 program.

16 b. In addition to the penalties established in section 2 of
17 P.L. , c. (C.)(now before the Legislature as this bill), for any
18 juvenile committing an offense pursuant to section 2 of P.L. ,
19 c. (C.)(now before the Legislature as this bill), if the juvenile is
20 adjudicated delinquent for an act which, if committed by an adult,
21 would constitute a disorderly persons offense, or a crime of the
22 second, third or fourth degree pursuant to section 2 of P.L. ,
23 c. (C.)(now before the Legislature as this bill), that juvenile
24 shall be subject to the following provisions:

25 (1) the court shall order the juvenile to receive mental health
26 counseling by a licensed psychologist or therapist named by the
27 court for a period of time to be prescribed by the licensed
28 psychologist or therapist; and

29 (2) the court shall also impose a term of community service of up
30 to 30 days, and may direct that the term of community service be
31 served in providing assistance to the New Jersey Society for the
32 Prevention of Cruelty to Animals, a district (county) society for the
33 prevention of cruelty to animals, or any other recognized
34 organization concerned with the prevention of cruelty to animals or
35 the humane treatment and care of animals, or to a municipality's
36 animal control or animal population control program.

37
38 4. (New section) a. In addition to the penalties imposed
39 pursuant to section 2 and section 3 of P.L. , c. (C.) (now
40 before the Legislature as this bill), any person found guilty of
41 negligent animal cruelty, reckless animal cruelty, or purposeful or
42 knowing animal cruelty shall have any animal in the person's care
43 forfeited by the court and the court shall issue an order restraining
44 the person from the care or ownership of any animal. The court
45 shall restrain persons found guilty of negligent animal cruelty from
46 caring for or owning any animal for no less than five years, and
47 persons found guilty of reckless animal cruelty, from which no
48 animal died, no less than 10 years. The court shall permanently

1 restrain from caring for or owning any animal persons found guilty
2 of reckless animal cruelty from which an animal died, or of
3 purposeful or knowing animal cruelty, for the remainder of the
4 person's life.

5 b. Any confiscation, impoundment, or other holding of living
6 animals, vehicles or other property in connection with violations of
7 P.L. , c. (C.) (now before the Legislature as this bill) shall
8 be conducted in accordance with the provisions of Title 4 of the
9 Revised Statutes, except as may otherwise be provided under
10 P.L. , c. (C.) (now before the Legislature as this bill).

11
12 5. (New section) No provision of P.L. , c. (C.) (now
13 before the Legislature as this bill) shall apply to horse racing or
14 activities permitted pursuant to R.S.4:22-16, except for the
15 treatment of horses used as transportation or for the transportation
16 of goods or services on the public highways of the State outside the
17 perimeter of property used for agricultural purposes.

18
19 6. (New section) The indictment of a person under the
20 provisions of P.L. , c. (C.) (now before the Legislature as
21 this bill), or the holding of a person to bail to await the action of a
22 grand jury or court, shall not in any way relieve that person from
23 liability to be sued for the appropriate penalties under R.S.4:22-26.

24
25 7. (New section) Any court having jurisdiction over violations
26 of the provisions of P.L. , c. (C.) (now before the
27 Legislature as this bill) may issue search warrants to enter and
28 search buildings or places wherein it is reasonably believed that the
29 law has been violated.

30
31 8. (New section) Every person trained at a police academy to
32 serve as a law enforcement officer in the State shall be provided
33 training in the significance of, prevention of, and proper response
34 to, animal abuse and the provisions of State law concerning animal
35 cruelty and offenses against animals. The training shall include
36 information concerning animal abuse as a precursor to other
37 offenses against animals and offenses against human beings, the
38 relationship of animal abuse to domestic abuse, and the
39 identification of potential animal abuse violations and offenses
40 against animals when investigating other incidents or crimes.

41
42 9. (New section) Notwithstanding the provisions of section 19 of
43 P.L. , c. (C.) (now before the Legislature as this bill) to the
44 contrary, any violations or offenses committed, or in the process of
45 being adjudicated under section 1 and section 2 of P.L.2002, c.102
46 (C.4:19-38 and C.4:19-39), R.S.4:22-17, R.S.4:22-18, R.S.4:22-20,
47 R.S.4:22-21, R.S.4:22-22; R.S.4:22-23, R.S.4:22-24, section 1 and
48 section 2 of P.L.1939, c.315 (C.4:22-25.1 and C.4:22-25.2), section

1 1 and section 2 of P.L.1999, c.307 (C.4:22-25.3 and 4:22-25.4), or
2 R.S.4:22-28, on or before the effective date of P.L. , c. (C.)
3 (now before the Legislature as this bill), shall be adjudicated
4 pursuant to those laws, as applicable.

5

6 10. Section 1 of P.L.1983, c.261 (C.2C:29-3.1) is amended to
7 read as follows:

8 1. Any person who purposely kills a dog, horse or other animal
9 owned or used by a law enforcement agency or a search and rescue
10 dog , or who purposely maims or otherwise inflicts harm upon any
11 such animal, shall be guilty of a crime of the third degree. **【Any**
12 **person who purposely maims or otherwise inflicts harm upon a dog,**
13 **horse or other animal owned or used by a law enforcement agency**
14 **or a search and rescue dog shall be guilty of a crime of the fourth**
15 **degree.】** Any person who interferes with any law enforcement
16 officer using an animal in the performance of his official duties
17 commits a disorderly persons offense, subject to a sentence of six
18 months' imprisonment, some or all of which may be community
19 service, restitution and a \$1,000.00 fine.

20 As used in this section, "search and rescue dog" means any dog
21 trained or being trained for the purpose of search and rescue that is
22 owned by an independent handler or member of a search and rescue
23 team, and used in conjunction with local law enforcement or
24 emergency services organizations for the purpose of locating
25 missing persons or evidence of arson.

26 (cf: P.L.2005, c.24, s.1)

27

28 11. Section 4 of P.L.1983, c.525 (C.4:19-15.16b) is amended to
29 read as follows:

30 4. The governing body of a municipality shall, within three
31 years of the effective date of P.L.1983, c.525, appoint a certified
32 animal control officer who shall be responsible for animal control
33 within the jurisdiction of the municipality and who shall enforce
34 and abide by the provisions of section 16 of P.L.1941, c.151
35 (C.4:19-15.16). The governing body shall not appoint a certified
36 animal control officer, shall not contract for animal control services
37 with any company that employs a certified animal control officer,
38 and shall revoke the appointment of a certified animal control
39 officer, who has been convicted of, or found civilly liable for, a
40 violation of any provision of chapter 22 of Title 4 of the Revised
41 Statutes , section 1 and section 2 of P.L.2002, c.102 (C.4:19-38 or
42 C.4:19-39), or P.L. , c. (C.) (now before the Legislature as this
43 bill), or whose name is on the list or any revision thereto established
44 and provided by the Commissioner of Health and Senior Services
45 pursuant to subsection c. of section 3 of P.L.1983, c.525 (C.4:19-
46 15.16a). The governing body shall, within 30 days after receipt
47 thereof, review any such list or revision thereto received by the

1 municipality and shall, within that 30-day period, take action
2 accordingly as required pursuant to this section.

3 The governing body may authorize the certified animal control
4 officer to investigate and sign complaints, arrest violators and
5 otherwise act as an officer for detection, apprehension and arrest of
6 offenders against the animal control, animal welfare and animal
7 cruelty laws of the State and ordinances of the municipality, if the
8 officer has completed the training required pursuant to paragraph 4
9 of subsection a. of section 3 of P.L.1983, c.525 (C.4:19-15.16a).
10 Only certified animal control officers who have completed the
11 training may be authorized by the governing body to so act as an
12 officer for detection, apprehension and arrest of offenders; however,
13 officers who have completed the training shall not have the
14 authority to so act unless authorized by the governing body which is
15 employing the officer or contracting for the officer's services.
16 (cf: P.L.2003, c.67, s.2)

17

18 12. 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 any such acts to be done;

23 (2) Torment, torture, maim, hang, poison, unnecessarily or
24 cruelly beat, or needlessly mutilate a living animal or creature, or
25 cause or procure any such acts to be done;

26 (3) Cruelly kill, or cause or procure the cruel killing of, a living
27 animal or creature, or otherwise cause or procure the death of a
28 living animal or creature from commission of any act described in
29 paragraph (2) of this subsection;

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

31 c. Inflict unnecessary cruelty upon a living animal or creature,
32 or unnecessarily fail to provide a living animal or creature of which
33 the person has charge either as an owner or otherwise with proper
34 food, drink, shelter or protection from the weather, or leave it
35 unattended in a vehicle under inhumane conditions adverse to the
36 health or welfare of the living animal or creature;

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

43 e. Keep, use, be connected with or interested in the
44 management of, or receive money or other consideration for the
45 admission of a person to, a place kept or used for the purpose of
46 fighting or baiting a living animal or creature;

47 f. Be present and witness, pay admission to, encourage, aid or
48 assist in an activity enumerated in subsection e. of this section;

- 1 g. Permit or suffer a place owned or controlled by him to be
2 used as provided in subsection e. of this section;
- 3 h. Carry, or cause to be carried, a living animal or creature in
4 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 5 i. Use a dog or dogs for the purpose of drawing or helping to
6 draw a vehicle for business purposes;
- 7 j. Impound or confine or cause to be impounded or confined in
8 a pound or other place a living animal or creature, and shall fail to
9 supply it during such confinement with a sufficient quantity of good
10 and wholesome food and water;
- 11 k. Abandon a maimed, sick, infirm or disabled animal or
12 creature to die in a public place;
- 13 l. Willfully sell, or offer to sell, use, expose, or cause or permit
14 to be sold or offered for sale, used or exposed, a horse or other
15 animal having the disease known as glanders or farcy, or other
16 contagious or infectious disease dangerous to the health or life of
17 human beings or animals, or who shall, when any such disease is
18 beyond recovery, refuse, upon demand, to deprive the animal of
19 life;
- 20 m. Own, operate, manage or conduct a roadside stand or market
21 for the sale of merchandise along a public street or highway; or a
22 shopping mall, or a part of the premises thereof; and keep a living
23 animal or creature confined, or allowed to roam in an area whether
24 or not the area is enclosed, on these premises as an exhibit; except
25 that this subsection shall not be applicable to: a pet shop licensed
26 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who
27 keeps an animal, in a humane manner, for the purpose of the
28 protection of the premises; or a recognized breeders' association, a
29 4-H club, an educational agricultural program, an equestrian team, a
30 humane society or other similar charitable or nonprofit organization
31 conducting an exhibition, show or performance;
- 32 n. Keep or exhibit a wild animal at a roadside stand or market
33 located along a public street or highway of this State; a gasoline
34 station; or a shopping mall, or a part of the premises thereof;
- 35 o. Sell, offer for sale, barter or give away or display live baby
36 chicks, ducklings or other fowl or rabbits, turtles or chameleons
37 which have been dyed or artificially colored or otherwise treated so
38 as to impart to them an artificial color;
- 39 p. Use any animal, reptile, or fowl for the purpose of soliciting
40 any alms, collections, contributions, subscriptions, donations, or
41 payment of money except in connection with exhibitions, shows or
42 performances conducted in a bona fide manner by recognized
43 breeders' associations, 4-H clubs or other similar bona fide
44 organizations;
- 45 q. Sell or offer for sale, barter, or give away living rabbits,
46 turtles, baby chicks, ducklings or other fowl under two months of
47 age, for use as household or domestic pets;
- 48 r. Sell, offer for sale, barter or give away living baby chicks,

- 1 ducklings or other fowl, or rabbits, turtles or chameleons under two
2 months of age for any purpose not prohibited by subsection q. of
3 this section and who shall fail to provide proper facilities for the
4 care of such animals;
- 5 s. Artificially mark sheep or cattle, or cause them to be
6 marked, by cropping or cutting off both ears, cropping or cutting
7 either ear more than one inch from the tip end thereof, or half
8 cropping or cutting both ears or either ear more than one inch from
9 the tip end thereof, or who shall have or keep in the person's
10 possession sheep or cattle, which the person claims to own, marked
11 contrary to this subsection unless they were bought in market or of
12 a stranger;
- 13 t. Abandon a domesticated animal;
- 14 u. For amusement or gain, cause, allow, or permit the fighting
15 or baiting of a living animal or creature;
- 16 v. Own, possess, keep, train, promote, purchase, or knowingly
17 sell a living animal or creature for the purpose of fighting or baiting
18 that animal or creature;
- 19 w. Gamble on the outcome of a fight involving a living animal
20 or creature;
- 21 x. Knowingly sell or barter or offer for sale or barter, at
22 wholesale or retail, the fur or hair of a domestic dog or cat or any
23 product made in whole or in part from the fur or hair of a domestic
24 dog or cat, unless such fur or hair for sale or barter is from a
25 commercial grooming establishment or a veterinary office or clinic
26 or is for use for scientific research;
- 27 y. Knowingly sell or barter or offer for sale or barter, at
28 wholesale or retail, for human consumption, the flesh of a domestic
29 dog or cat or any product made in whole or in part from the flesh of
30 a domestic dog or cat;
- 31 z. Surgically debark or silence a dog in violation of section [1
32 or] 2 of [P.L.2002, c.102 (C.4:19-38 or C.4:19-39)] P.L.____,
33 c.____ (C.____) (now before the Legislature as this bill);
- 34 aa. Use a live pigeon, fowl or other bird for the purpose of a
35 target, or to be shot at either for amusement or as a test of skill in
36 marksmanship, except that this subsection and subsections bb. and
37 cc. shall not apply to the shooting of game;
- 38 bb. Shoot at a bird used as described in subsection aa. of this
39 section, or is a party to such shooting; or
- 40 cc. Lease a building, room, field or premises, or knowingly
41 permit the use thereof for the purposes of subsection aa. or bb. of
42 this section--
- 43 Shall forfeit and pay a sum according to the following schedule,
44 to be sued for and recovered, with costs, in a civil action by any
45 person in the name of the New Jersey Society for the Prevention of
46 Cruelty to Animals:
- 47 For a violation of subsection e., f., g., u., v., w., or z. of this

1 section or of paragraph (3) of subsection a. of this section, or for a
 2 second or subsequent violation of paragraph (2) of subsection a. of
 3 this section, a sum of up to \$5,000;

4 For a violation of subsection l. of this section or for a first
 5 violation of paragraph (2) of subsection a. of this section, a sum of
 6 up to \$3,000;

7 For a violation of subsection x. or y. of this section, a sum of up
 8 to \$1,000 for each domestic dog or cat fur or fur or hair product or
 9 domestic dog or cat carcass or meat product;

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

13 For a violation of subsection c., d., h., j., k., aa., bb., or cc. of this
 14 section or of paragraph (1) of subsection a. of this section, a sum of
 15 up to \$1,000; and

16 For a violation of subsection i., m., n., o., p., q., r., or s. of this
 17 section, a sum of up to \$500.

18 (cf: P.L.2003, c.232, s.3)

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

22 1. An officer or agent of the New Jersey Society for the
 23 Prevention of Cruelty to Animals, or a certified animal control
 24 officer, may petition a court of competent jurisdiction to have any
 25 animal confiscated and forfeited that is owned or possessed by a
 26 person at the time the person is found to be guilty of violating
 27 **【R.S.4:22-17, R.S.4:22-18,】** any section of P.L. , c. (C.)
 28 (now before the Legislature as this bill) or R.S.4:22-19 [, R.S.4:22-
 29 20 or R.S.4:22-23】. Upon a finding that the continued possession
 30 by that person poses a threat to the animal's welfare, the court may,
 31 or as provided pursuant to section 4 of P.L. , c. (C.) (now
 32 before the Legislature as this bill), the court shall, in addition to any
 33 other penalty that may be imposed for a violation of **【R.S.4:22-17,**
 34 **R.S.4:22-18,】** any section of P.L. , c. (C.) (now before the
 35 Legislature as this bill) or R.S.4:22-19 [, R.S.4:22-20 or R.S.4:22-
 36 23】, adjudge an animal forfeited for such disposition as the court
 37 deems appropriate.

38 (cf: P.L.1995, c.255, s.1)

39
 40 14. R.S.4:22-47 is amended to read as follows:

41 4:22-47. A sheriff, undersheriff, constable, police, officer,
 42 certified animal control officer who has been properly authorized
 43 pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b) or agent
 44 of the New Jersey Society for the Prevention of Cruelty to Animals,
 45 may enter any building or place where there is an exhibition of the
 46 fighting or baiting of a living animal or creature, where preparations
 47 are being made for such an exhibition, or where a violation

1 otherwise of **【R.S.4:22-24】** R.S.4:22-26 or section 2 of
2 P.L. , c. (C.)(now before the Legislature as this bill) is
3 occurring, arrest without warrant all persons there present, and take
4 possession of all living animals or creatures engaged in fighting or
5 there found and all implements or appliances used or to be used in
6 such exhibition.
7 (cf: P.L.1997, c.247, s.6)

8
9 15. R.S.4:22-52 is amended to read as follows:
10 4:22-52. The person arresting the person offending against the
11 provisions of subsection a. of section 【4:22-18 of this title】 2 of
12 P.L. , c. (C.) (now before the Legislature as this bill) shall
13 take charge of the vehicle and its contents, and a lien shall be
14 placed thereon to provide for all necessary expenses which may be
15 incurred for taking charge of and keeping and sustaining **【them**
16 **shall be a lien thereon】** the vehicle and its contents, to be paid
17 before **【they】** the vehicle and its contents can be lawfully
18 redeemed.

19 If the vehicle and its contents are not redeemed within ten days
20 from the time of the seizure, the person making the seizure shall
21 cause them to be advertised for sale by advertisements published in
22 a newspaper circulating in the neighborhood in which the seizure
23 was made for at least three times in a daily paper or one time in a
24 weekly paper, stating the time and place of the sale and the reason
25 for the sale.

26 At the appointed time and place such person shall sell the vehicle
27 and its contents to the highest bidder and out of the proceeds thereof
28 shall pay all necessary expenses incurred, paying over the balance
29 to the owner.

30 If the proceeds of the sale are insufficient to pay such expenses,
31 the balance may be recovered by the person making the seizure
32 from the owner in an action at law.
33 (cf: R.S..4:22-52)

34
35 16. R.S.4:22-55 is amended to read as follows:
36 4:22-55. a. Except as provided pursuant to subsection b. of this
37 section, all fines, penalties and moneys imposed and collected under
38 the provisions of this article and the provisions of P.L. ,
39 c. (C.)(now before the Legislature as this bill), shall be paid by
40 the court or by the clerk or court officer receiving the fines,
41 penalties or moneys, within thirty days and without demand, to the
42 district (county) society for the prevention of cruelty to animals of
43 the county where the fines, penalties or moneys were imposed and
44 collected, if one is in existence in that county, and if not, then to the
45 New Jersey Society for the Prevention of Cruelty to Animals, to be
46 used by the society in aid of the benevolent objects for which it was
47 incorporated.

1 b. If an enforcement action for a violation of this article is
2 brought primarily as a result of the discovery and investigation of
3 the violation by a certified animal control officer, the fines,
4 penalties or moneys collected shall be paid as follows: one half to
5 the municipality in which the violation occurred and one half to the
6 New Jersey Society for the Prevention of Cruelty to Animals.

7 c. Any fines, penalties or moneys paid to a municipality or other
8 entity pursuant to subsection b. of this section shall be allocated by
9 the municipality or other entity to defray the cost of:

10 (1) enforcement of animal control, animal welfare and animal
11 cruelty laws and ordinances within the municipality; and

12 (2) the training therefor required of certified animal control
13 officers pursuant to law.

14 (cf: P.L.1997, c.247, s.7)

15
16 17. Section 3 of P.L.2003, c.67 (C. 4:22-57) is amended to read
17 as follows:

18 3. a. For the purposes of establishing the list of persons not
19 eligible to be certified animal control officers as required pursuant
20 to subsections b. and c. of section 3 of P.L.1983, c.525 (C.4:19-
21 15.16a), notice shall be provided, within 90 days after the effective
22 date of this section, to the Commissioner of Health and Senior
23 Services of any person who has been convicted of, or found civilly
24 liable for, a violation of any provision of chapter 22 of Title 4 of the
25 Revised Statutes or P.L. , c. (C.)(now before the Legislature
26 as this bill), by any court or other official administrative entity
27 maintaining records of such violations adjudged on or before the
28 effective date of this section.

29 b. For the purposes of maintaining the list of persons not
30 eligible to be certified animal control officers as established
31 pursuant to subsections b. and c. of section 3 of P.L.1983, c.525
32 (C.4:19-15.16a), the court or other official adjudging the guilt or
33 liability for a violation of any provision of chapter 22 of Title 4 of
34 the Revised Statutes or P.L. , c. (C.)(now before the
35 Legislature as this bill), shall charge the prosecutor, officer of the
36 New Jersey Society for the Prevention of Cruelty to Animals or the
37 district (county) society for the prevention of cruelty to animals, or
38 other appropriate person, other than a certified animal control
39 officer, with the responsibility to notify within 30 days the
40 commissioner, in writing, of the full name of the person found
41 guilty of, or liable for, an applicable violation, and the violation for
42 which or of which that person was found guilty or liable, and the
43 person charged with the responsibility shall provide such notice.

44 (cf: P.L.2003, c.67, s.3)

45
46 18. R.S.39:4-23 is amended to read as follows:

47 39:4-23. No person shall **【either】** ill-treat, overdrive, override or
48 unnecessarily or cruelly beat a horse used as transportation or for

1 the transportation of goods or services on the public highways of
2 the State. A person who **【violates this section】** ill treats,
3 overdrives, or overrides a horse shall be guilty of a disorderly
4 persons offense **【, except that a】** and shall be subject to the
5 subsection a. of section 2, section 3, and section 4 of P.L. _____,
6 c. (C. _____)(now before the Legislature as this bill). A person who
7 unnecessarily or cruelly beats a horse shall be guilty of a crime of
8 the **【fourth】** third degree, and shall be subject to the provisions of
9 **【R.S.4:22-17, R.S.4:22-21, and R.S.4:22-26】** subsection d. of
10 section 2, section 3, and section 4 of P.L. _____, c. (C. _____)(now before
11 the Legislature as this bill) , as appropriate.
12 (cf: P.L.2001, c.229, s.5)
13

14 19. The provisions of section 1 and section 2 of P.L.2002, c.102
15 (C.4:19-38 and C.4:19-39), R.S.4:22-17, R.S.4:22-18, R.S.4:22-20,
16 R.S.4:22-21, R.S.4:22-22; R.S.4:22-23, R.S.4:22-24, section 1 and
17 section 2 of P.L.1939, c.315 (C.4:22-25.1 and C.4:22-25.2), section
18 1 and section 2 of P.L.1999, c.307 (C. 4:22-25.3 and 4:22-25.4),
19 and R.S.4:22-28 are hereby repealed.

20

21 20. This act shall take effect immediately.

22

23

24

STATEMENT

25

26 This bill would codify under Title 2C of the New Jersey Statutes,
27 the State criminal code, the offenses concerning animal cruelty that
28 are currently codified under Title 4 of the Revised Statutes. In
29 some cases, the bill also increases the penalties for an offense.
30 because of this recodification in another section of State law, the
31 sections of law in Title 4 that pertain to these crimes would be
32 repealed by the bill. Finally, the bill provides for the adjudication
33 of offenses committed on or before the effective date under the
34 sections of law that would be repealed.