

ASSEMBLY, No. 772

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

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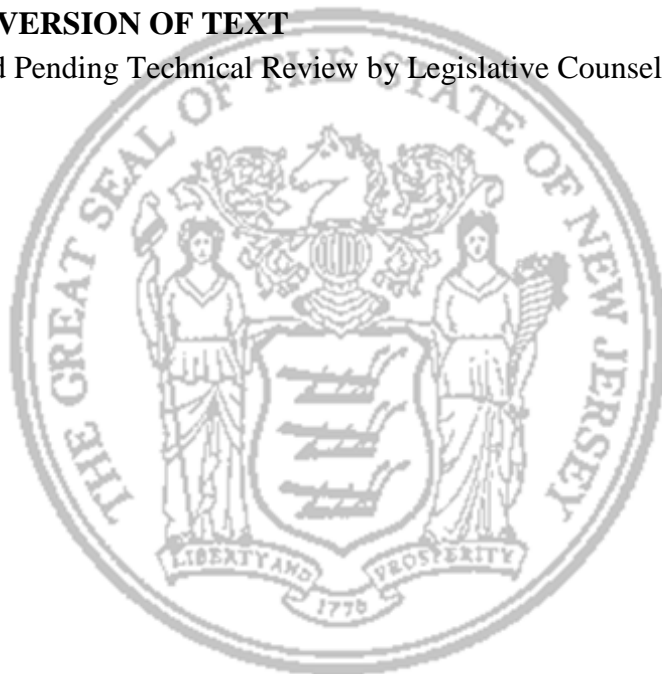
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SYNOPSIS

Establishes process for recovering cost of caring for animals involved in animal cruelty violations.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 11/22/2016)

1 AN ACT concerning cost of care for animals involved in animal
2 cruelty violations, and supplementing 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. Whenever an animal owned by a defendant in any action
9 alleging an animal cruelty violation pursuant to chapter 19 or 22 of
10 Title 4 of the Revised Statutes, Title 2C of the New Jersey Statutes,
11 or any other State animal cruelty law, is impounded as a result of
12 the pending action, the custodial animal care agency shall, no later
13 than seven days after the animal has been impounded, serve a
14 custodial care notice upon the defendant by certified mail, return
15 receipt requested, or personally as permitted by the Rules of the
16 Court of New Jersey. The custodial care notice shall include:

17 (1) the name, business address, and telephone number of the
18 shelter, pound, kennel, or animal care facility where the animal is
19 impounded;

20 (2) a description of the impounded animal, including a
21 veterinarian's assessment of the animal's condition and needs;

22 (3) an itemized accounting of the actual costs of caring for the
23 animal for the first seven days of impoundment;

24 (4) an itemized accounting of the projected reasonable costs of
25 caring for the animal for each 30-day period during which the
26 animal may be impounded thereafter;

27 (5) a statement that the defendant shall, in accordance with the
28 provisions of paragraph (2) of subsection b. of this section, either:

29 (a) pay the amounts set forth in the custodial care notice; or

30 (b) request a hearing in the court with jurisdiction over the
31 disposition of the alleged animal cruelty violation to contest the
32 reasonableness of the amounts set forth in the custodial care notice;

33 (6) a statement that the reasonable estimated veterinary care and
34 related costs such as medicine and vaccinations, and the cost of
35 food, water, and bedding, as set forth in the notice or, if contested,
36 as determined by the court, shall constitute a lien on the animal and
37 that the animal shall not be returned to the defendant until the
38 charges are paid; and

39 (7) a statement that if the defendant fails to pay the reasonable
40 costs, the ownership of the animal shall transfer by operation of law
41 to the custodial care agency on the 16th business day after the
42 defendant's receipt of the custodial care notice.

43 b. (1) The custodial animal care agency shall quantify the
44 actual costs of caring for the animal for the first seven days of the
45 impoundment, and the projected reasonable costs of caring for the
46 animal for each 30-day period during which the animal may be
47 impounded thereafter, and shall include these amounts in the
48 custodial care notice. These amounts shall include, but need not be

- 1 limited to, reasonable and necessary veterinary care and related
2 costs such as medicine and vaccinations, and the cost of food,
3 water, and bedding.
- 4 (2) Within 15 business days after receiving the initial custodial
5 care notice, the defendant shall:
- 6 (a) pay the actual costs resulting from the first seven days of the
7 animal's impoundment, as set forth in the notice; and
- 8 (b) pay the projected reasonable costs associated with the next
9 30-day period of continued impoundment as set forth in the notice.
- 10 (3) (a) Within 10 business days after receipt of the notice, the
11 defendant may request a hearing in the court with jurisdiction over
12 the disposition of the alleged animal cruelty violation to contest the
13 reasonableness of the amounts set forth in the notice. The defendant
14 shall simultaneously provide written notice to the custodial animal
15 care agency that the defendant has requested a hearing to contest the
16 amounts sent forth in the notice which, upon receipt by the
17 custodial animal care agency, shall stay any further legal action
18 regarding the ownership of the animal as provided in this act.
- 19 (b) At any hearing to contest the charges contained in the
20 custodial care notice, the custodial animal care agency shall
21 establish that the amounts set forth in the notice are correct and
22 reasonable. In determining the reasonableness of these amounts, the
23 court may consider:
- 24 (i) actual and estimated veterinary care and related costs such as
25 medicine and vaccinations;
- 26 (ii) actual and estimated costs of food, water, and bedding;
- 27 (iii) actual and estimated costs charged in comparable cases of
28 animal cruelty;
- 29 (iv) the particular facts and circumstances; and
- 30 (v) the defendant's ability to pay.
- 31 (4) An impounded animal shall be deemed abandoned, and the
32 custodial animal care agency shall assume ownership of the animal
33 by operation of law, if:
- 34 (a) the custodial animal care agency has proof of service
35 showing that the custodial care notice was served on the defendant
36 named therein;
- 37 (b) (i) the defendant named in the custodial care notice has
38 failed to request a hearing to contest the amounts specified in the
39 notice within the time allotted in subparagraph (a) of paragraph (3)
40 of this subsection; or
- 41 (ii) a court has determined that the amounts specified in the
42 notice are reasonable; and
- 43 (c) the defendant has failed to pay any of the costs specified in
44 the custodial care notice, or that have otherwise been established by
45 the court, within the timeframes allotted for payment thereof.
- 46 (5) Upon assuming ownership of the animal pursuant to this act,
47 the custodial animal care agency may offer the animal for adoption

1 or take any other action regarding the animal as authorized by
2 section 16 of P.L.1941, c.151 (C.4:19-15.16).

3 c. Every 20 days after the defendant's receipt of the initial
4 custodial care notice, or if the costs therein are contested, every 20
5 days after the court has determined the reasonable costs of caring
6 for the animal, the custodial animal care agency shall issue, in the
7 same manner as the initial custodial care notice, a notice of the
8 projected reasonable costs of caring for the animal for the next 30-
9 day period. Within 10 business days after the defendant receives
10 the subsequent notice with the projected reasonable costs for the
11 next 30-day period of continued impoundment, the defendant shall
12 pay the projected reasonable costs as set forth in the notice.

13 d. No animal shall be sold, euthanized, offered for adoption, or
14 otherwise disposed of by the custodial animal care agency pursuant
15 to this act, if the defendant pays the costs specified in the custodial
16 care notice or as determined by the court within the time allotted, or
17 while a court hearing contesting the amounts specified in the
18 custodial care notice is pending, except that no provision of this act
19 shall prohibit the immediate euthanizing of an animal if, in the
20 opinion of a licensed veterinarian, the animal is experiencing severe
21 pain and is beyond any reasonable hope of recovery.

22 e. The defendant shall be liable for any reasonable costs for the
23 care of the animal up to and including the date on which the animal
24 is released to the defendant, otherwise leaves the care of the animal
25 care facility, or is euthanized. If the animal is euthanized, the
26 defendant shall be liable for all reasonable costs of providing care
27 for, and the disposal of, the animal.

28 f. Upon final disposition of the animal cruelty violation, if the
29 defendant takes custody of the animal from the custodial animal
30 care agency, any unexpended amount paid to the custodial animal
31 care agency by the defendant shall be returned to the defendant.

32 g. Upon final disposition of the animal cruelty violation, the
33 defendant shall remain liable for all reasonable costs of care for the
34 animal as set forth in the custodial care notice or, if the
35 reasonableness of those costs was contested, the reasonable costs of
36 care for the animal as determined by the court. Any outstanding
37 charges constitute a lien on the animal, and, notwithstanding a court
38 order authorizing the defendant to resume care and control of the
39 animal, the custodial animal care agency shall not be required to
40 release the animal until such time that the outstanding charges are
41 paid in full. The agency may invoke the procedures in this act to
42 assume ownership of the animal if such charges are not paid within
43 the time allotted.

44 h. For the purposes of this section:

45 "Animal care facility" means a shelter, pound, kennel, an animal
46 rescue organization facility as defined in section 1 of P.L.1941,
47 c.151 (C.4:19-15.1), or a humane society or other organization that
48 has temporary custody of the animal.

1 “Custodial animal care agency” means the shelter, pound,
2 kennel, or animal care facility at which an animal is impounded,
3 pending disposition of an alleged animal cruelty violation and
4 ownership of the animal.

5
6 2. This act shall take effect immediately.
7

8
9 STATEMENT
10

11
12 This bill provides for the cost of care for certain animals
13 involved in animal cruelty violations, and establishes a procedure,
14 when the owner is the alleged violator, for the owner of the animal
15 to pay for the cost of care of the animal. Specifically, the bill
16 requires:

17 1) the custodial animal care agency at which the animal is
18 impounded to issue, no later than seven days after the animal has
19 been impounded, a custodial care notice with the information
20 required in subsection a. of section 1 of the bill, including an
21 itemized accounting of the actual costs of caring for the animal
22 during the first seven days of impoundment, and the projected
23 reasonable costs of caring for the animal for each 30-day period the
24 animal may be impounded after the first seven days; and

25 2) the defendant to pay the amounts set forth in the notice,
26 within 15 business days after receipt thereof, or to request a court
27 hearing, within 10 business days after receipt of the custodial care
28 notice, to contest the reasonableness of the amounts itemized
29 therein.

30 Every 20 days after the defendant’s receipt of the initial notice,
31 the custodial animal care agency would be required to issue an
32 additional custodial care notice in the same manner required for the
33 initial custodial care notice, in order to provide the defendant with
34 notice of the projected reasonable costs of caring for the animal for
35 the next 30-day period. The defendant would be required to pay the
36 projected costs within 10 business days after receipt of any such
37 supplemental notice.

38 The bill prohibits any impounded animal from being sold,
39 euthanized, offered for adoption, or otherwise disposed of by the
40 custodial animal care agency if the defendant pays for the requisite
41 care expenses, or if a court hearing contesting these expenses is
42 pending, except when a licensed veterinarian determines that the
43 animal is experiencing severe pain and is beyond any reasonable
44 hope of recovery. In such a case, the bill allows for the
45 immediate euthanizing of the animal. The bill provides that the
46 defendant would be liable, until the animal is euthanized, for any
47 reasonable costs associated with the animal’s care, and that, if the
48 animal is euthanized, the defendant would also be liable for all costs

1 associated with the disposal of the animal. When an animal is
2 reclaimed by a defendant who has complied with the cost of care
3 requirements pursuant to the bill, the custodial animal care agency
4 would be required to reimburse any amount paid by the defendant
5 which remains unexpended.

6 The bill directs the court to establish any unpaid care expenses as
7 a lien on the animal, and it prohibits the return of the animal to the
8 defendant until the lien is paid. The bill further provides that costs
9 of care would continue to accrue until the defendant pays the lien in
10 full and removes the animal from the custodial animal care agency.

11 Pursuant to the bill's provisions, an impounded animal would be
12 deemed abandoned, and the custodial animal care agency would
13 assume ownership of the animal, by operation of law, on the 16th
14 business day after the defendant's receipt of a custodial care notice,
15 if:

16 1) the custodial animal care agency has proof of service
17 showing that the custodial care notice was served on the defendant
18 named therein;

19 2) the defendant named in the custodial care notice has failed to
20 request a hearing to contest the amounts specified in the notice
21 within the time allotted for such a request, or a court has
22 determined, following a hearing, that the amounts specified in the
23 notice are reasonable; and

24 3) the defendant has failed to pay any of the costs that are
25 identified in the custodial care notice, or that have otherwise been
26 established by the court, within the timeframes established for
27 payment thereof.

28 Upon assumption of ownership of the animal, the custodial
29 animal care agency would be authorized to offer the animal for
30 adoption, or to otherwise address disposition of the animal as
31 authorized pursuant to section 16 of P.L.1941, c.151 (C.4:19-
32 15.16), the State law that provides for disposition of an animal held
33 in a shelter, pound, or kennel operating as a shelter or pound.