

SENATE, No. 1614

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 16, 2016

Sponsored by:

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

SYNOPSIS

Revises animal cruelty offenses and penalties concerning animal abandonment and failure to report injuring certain animals with a motor vehicle; increases civil penalties for certain other animal cruelty offenses.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning abandonment of animals, failure to report
2 injury to certain animals in certain circumstances, increasing
3 civil penalties for certain animal cruelty offenses, and amending
4 various parts of statutory law, supplementing chapter 22 of Title
5 4 of the Revised Statutes, and repealing R.S.4:22-20 and section
6 2 of P.L.1939, c.315.

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

10
11 1. R.S.4:22-15 is amended to read as follows:

12 4:22-15. As used in this article:

13 "Animal" **[**or "creature" includes**]** means any member of the
14 whole brute creation. The term "animal" shall not include human
15 beings.

16 "Bodily injury" means physical pain, illness or any impairment
17 of physical condition.

18 "Animal cruelty investigator" means a person 18 years of age or
19 older who is a certified animal control officer who has satisfactorily
20 completed a course of study on animal cruelty investigation
21 approved by the Commissioner of Health and the Police Training
22 Commission, in consultation with the New Jersey Animal Control
23 Officers Association, and properly authorized by the governing
24 body of a municipality to be an animal cruelty investigator.

25 "Caretaker" means a person who is in possession of an animal
26 and is the person upon whom the care, health, safety and welfare of
27 the animal is primarily dependent.

28 "Domestic livestock" means "domestic livestock" as defined
29 pursuant to section 1 of P.L.1995, c.311 (C.4:22-16.1).

30 "Domesticated animal" means a domestic companion animal as
31 defined pursuant to subsection u. of N.J.S.2C:20-1 or any animal of
32 a species commonly kept as a domestic companion animal.

33 "Domesticated animal" shall not include domestic livestock.

34 "Humane law enforcement officer" means a humane law
35 enforcement officer as defined pursuant to section 1 of P.L.2005,
36 c.372 (C.4:22-11.1).

37 "Necessary care" means care sufficient to preserve the health and
38 well-being of an animal, and except for emergencies or
39 circumstances beyond the reasonable control of the person
40 responsible for the care of the animal, includes, but is not limited
41 to: (1) food of sufficient quantity and quality to allow for normal
42 growth or maintenance of body weight; (2) open or adequate access
43 to drinkable water of an appropriate temperature in sufficient
44 quantity and quality to satisfy the animal's needs; (3) access to
45 adequate protection from the weather **[**; and**]** , including access to

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 an enclosed non-hazardous structure sufficient to protect the animal
2 from the weather that has adequate bedding to protect against cold
3 and dampness, and adequate protection from extreme or excessive
4 sunlight and from overexposure to the sun, heat and other weather
5 conditions; (4) veterinary care deemed necessary by a reasonably
6 prudent person to prevent or relieve injury, neglect or disease,
7 alleviate suffering, and maintain health; and (5) reasonable access
8 to a clean and adequate exercise area.

9 "Owner" [or "person" includes a corporation, and the knowledge
10 and acts of an agent or employee of a corporation in regard to
11 animals transported, owned, employed, or in the custody of the
12 corporation shall be imputed to the corporation.] means a person
13 who is the caretaker of an animal in question and has the legal right
14 of possession of the animal and any legal title to its ownership.

15 "Person" means "person" as defined under subsection g. of
16 N.J.S.2C:1-14.

17 "Possess" or "possession" means having physical custody of,
18 having legal custody over, being in charge of, or having physical
19 control over an animal, whether temporarily or as an owner of the
20 animal.

21 "Serious bodily injury" means bodily injury which creates a
22 substantial risk of death or which causes serious, permanent
23 disfigurement, or protracted loss or impairment of the function of
24 any bodily member or organ.

25 (cf: P.L.2013, c.88, s.1)

26

27 2. (New section) a. A person is guilty of animal abandonment
28 if the person, with the purpose of relinquishing possession of the
29 animal and without making provisions for the necessary care of the
30 animal, knowingly leaves, or causes to be left, a domesticated
31 animal or domestic livestock:

32 (1) in a public place where the animal may die, and the animal is
33 maimed, sick, infirm or disabled; or

34 (2) in a place beyond the control, custody or possession of the
35 owner or the person relinquishing possession of the animal.

36 Animal abandonment is a crime of the fourth degree.

37 b. Each animal abandoned in violation of this section shall
38 constitute a separate and distinct offense.

39 c. In addition to the penalties and remedies prescribed for
40 violations of this section pursuant to Title 2C of the New Jersey
41 Statutes, a person found guilty of violating subsection a. of this
42 section shall be subject to an additional fine of \$1,000 for each
43 animal abandoned that is:

44 (1) maimed, sick, infirm or disabled; or

45 (2) left within 200 feet of a roadway.

46

47 3. The title to part B of article 2 of chapter 22 of Title 4 of the
48 Revised Statutes is amended to read as follows:

1 B. **[MISDEMEANORS AND FINES]** CRIMINAL
2 OFFENSES AND PENALTIES; PROHIBITED METHODS FOR
3 DESTRUCTION OF ANIMALS.

4 (cf: Title, part B, article 2, chapter 22, Title 4 of the Revised
5 Statutes)

6
7 4. Section 1 of P.L.1939, c.315 (C.4:22-25.1) is amended to
8 read as follows:

9 1. **[Each]** Any person operating a motor vehicle who **[shall]**
10 knowingly **[hit, run over, or cause]** hits, runs over, or causes injury
11 to a cat, dog, horse **[or]** , cattle, or other domesticated animal or
12 domestic livestock shall stop at once, ascertain the extent of injury,
13 and report the incident to the nearest police station, police officer,
14 **[or notify the nearest]** , animal control officer, or humane law
15 enforcement officer or agent of the New Jersey Society for the
16 Prevention of Cruelty to Animals [and give his] or county society
17 for the prevention of cruelty to animals. When reporting the
18 incident, the person operating the motor vehicle shall provide the
19 person's name, address, [operator's] driver's license number, and
20 motor vehicle registration number, and [also give] the location of
21 the injured animal. Any person who violates any provision of this
22 section shall be guilty of a disorderly persons offense.

23 (cf: P.L.1968, c.39, s.1)

24

25 5. The title to part C of article 2 of chapter 22 of Title 4 of the
26 Revised Statutes is amended to read as follows:

27 C. CIVIL PENALTIES; RECOVERY.

28 (cf: Title, part C, article 2, chapter 22, Title 4 of the Revised
29 Statutes)

30

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

32 4:22-26. A person who shall:

33 a. (1) Overdrive, overload, drive when overloaded, overwork,
34 abuse, or needlessly kill a living animal **[or creature]**, or cause or
35 procure, by any direct or indirect means, including but not limited
36 to through the use of another living animal **[or creature]**, any such
37 acts to be done;

38 (2) Torment, torture, maim, hang, poison, unnecessarily or
39 cruelly beat, cruelly abuse, or needlessly mutilate a living animal
40 **[or creature]**, or cause or procure, by any direct or indirect means,
41 including but not limited to through the use of another living animal
42 **[or creature]**, any such acts to be done;

43 (3) Cause the death of, or serious bodily injury to, a living
44 animal **[or creature]** from commission of any act described in
45 paragraph (2), (4), or (5)**[, or (6)]** of this subsection, by any direct
46 or indirect means, including but not limited to through the use of

- 1 another living animal **【or creature】**, or otherwise cause or procure
2 any such acts to be done;
- 3 (4) Fail, as the owner or a person otherwise charged with the
4 care of a living animal **【or creature】**, to provide the living animal
5 **【or creature】** with necessary care, or otherwise cause or procure
6 such an act to be done; or
- 7 (5) Cause bodily injury to a living animal **【or creature】** from
8 commission of the act described in paragraph (4) of this subsection;
- 9 b. (Deleted by amendment, P.L.2003, c.232)
- 10 c. Inflict unnecessary cruelty upon a living animal **【or**
11 **creature】**, by any direct or indirect means, including but not limited
12 to through the use of another living animal **【or creature】**; or leave
13 the living animal **【or creature】** unattended in a vehicle under
14 inhumane conditions adverse to the health or welfare of the living
15 animal **【or creature】**;
- 16 d. Receive or offer for sale a horse that is suffering from abuse
17 or neglect, or which by reason of disability, disease, abuse or
18 lameness, or any other cause, could not be worked, ridden or
19 otherwise used for show, exhibition or recreational purposes, or
20 kept as a domestic pet without violating the provisions of this
21 article;
- 22 e. Keep, use, be connected with or interested in the
23 management of, or receive money or other consideration for the
24 admission of a person to, a place kept or used for the purpose of
25 fighting or baiting a living animal **【or creature】**;
- 26 f. Be present and witness, pay admission to, encourage, aid or
27 assist in an activity enumerated in subsection e. of this section;
- 28 g. Permit or suffer a place owned or controlled by **【him】** the
29 person to be used as provided in subsection e. of this section;
- 30 h. Carry, or cause to be carried, a living animal **【or creature】** in
31 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 32 i. Use a dog or dogs for the purpose of drawing or helping to
33 draw a vehicle for business purposes;
- 34 j. Impound or confine or cause to be impounded or confined in
35 a pound or other place a living animal **【or creature】**, and shall fail
36 to supply the living animal **【or creature】** during such confinement
37 with a sufficient quantity of good and wholesome food and water;
- 38 k. **【Abandon】** Leave, or cause to be left, without making
39 provisions for the necessary care of the animal, a maimed, sick,
40 infirm or disabled domesticated animal 【or creature to die】 or
41 domestic livestock in a public place where the animal may die;
- 42 l. Willfully sell, or offer to sell, use, expose, or cause or permit
43 to be sold or offered for sale, used or exposed, a horse or other
44 animal having the disease known as glanders or farcy, or other
45 contagious or infectious disease dangerous to the health or life of
46 human beings or animals, or who shall, when any such disease is

- 1 beyond recovery, refuse, upon demand, to deprive the animal of
2 life;
- 3 m. Own, operate, manage or conduct a roadside stand or market
4 for the sale of merchandise along a public street or highway; or a
5 shopping mall, or a part of the premises thereof; and keep a living
6 animal **【or creature】** confined, or allowed to roam in an area
7 whether or not the area is enclosed, on these premises as an exhibit;
8 except that this subsection shall not be applicable to: a pet shop
9 licensed pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person
10 who keeps an animal, in a humane manner, for the purpose of the
11 protection of the premises; or a recognized breeders' association, a
12 4-H club, an educational agricultural program, an equestrian team, a
13 humane society or other similar charitable or nonprofit organization
14 conducting an exhibition, show or performance;
- 15 n. Keep or exhibit a wild animal at a roadside stand or market
16 located along a public street or highway of this State; a gasoline
17 station; or a shopping mall, or a part of the premises thereof;
- 18 o. Sell, offer for sale, barter or give away or display live baby
19 chicks, ducklings or other fowl or rabbits, turtles or chameleons
20 which have been dyed or artificially colored or otherwise treated so
21 as to impart to them an artificial color;
- 22 p. Use any animal, reptile, or fowl for the purpose of soliciting
23 any alms, collections, contributions, subscriptions, donations, or
24 payment of money except in connection with exhibitions, shows or
25 performances conducted in a bona fide manner by recognized
26 breeders' associations, 4-H clubs or other similar bona fide
27 organizations;
- 28 q. Sell or offer for sale, barter, or give away living rabbits,
29 turtles, baby chicks, ducklings or other fowl under two months of
30 age, for use as household or domestic pets;
- 31 r. Sell, offer for sale, barter or give away living baby chicks,
32 ducklings or other fowl, or rabbits, turtles or chameleons under two
33 months of age for any purpose not prohibited by subsection q. of
34 this section and who shall fail to provide proper facilities for the
35 care of such animals;
- 36 s. Artificially mark sheep or cattle, or cause them to be
37 marked, by cropping or cutting off both ears, cropping or cutting
38 either ear more than one inch from the tip end thereof, or half
39 cropping or cutting both ears or either ear more than one inch from
40 the tip end thereof, or who shall have or keep in the person's
41 possession sheep or cattle, which the person claims to own, marked
42 contrary to this subsection unless they were bought in market or of
43 a stranger;
- 44 t. **【Abandon】** Leave, or cause to be left, without making
45 provisions for the minimum care of the animal, a domesticated
46 animal or domestic livestock in a place beyond the control, custody,
47 or possession of the owner or the person relinquishing possession of
48 the animal;

- 1 u. For amusement or gain, cause, allow, or permit the fighting
2 or baiting of a living animal **【or creature】**;
- 3 v. Own, possess, keep, train, promote, purchase, or knowingly
4 sell a living animal or creature for the purpose of fighting or baiting
5 that animal **【or creature】**;
- 6 w. Gamble on the outcome of a fight involving a living animal
7 **【or creature】**;
- 8 x. Knowingly sell or barter or offer for sale or barter, at
9 wholesale or retail, the fur or hair of a domestic dog or cat or any
10 product made in whole or in part from the fur or hair of a domestic
11 dog or cat, unless such fur or hair for sale or barter is from a
12 commercial grooming establishment or a veterinary office or clinic
13 or is for use for scientific research;
- 14 y. (1) Knowingly sell or barter, or offer for sale or barter, at
15 wholesale or retail, for human consumption, the flesh of a domestic
16 dog or cat, or any product made in whole or in part from the flesh of
17 a domestic dog or cat;
- 18 (2) Knowingly slaughter a horse for human consumption;
- 19 (3) Knowingly sell or barter, or offer for sale or barter, at
20 wholesale or retail, for human consumption, the flesh of a horse, or
21 any product made in whole or in part from the flesh of a horse, or
22 knowingly accept or publish newspaper advertising that includes the
23 offering for sale, trade, or distribution of any such item for human
24 consumption;
- 25 (4) Knowingly transport a horse for the purpose of slaughter for
26 human consumption;
- 27 (5) Knowingly transport horsemeat, or any product made in
28 whole or in part from the flesh of a horse, for the purpose of human
29 consumption;
- 30 z. Surgically debark or silence a dog in violation of section 1
31 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 32 aa. Use a live pigeon, fowl or other bird for the purpose of a
33 target, or to be shot at either for amusement or as a test of skill in
34 marksmanship, except that this subsection and subsections bb. and
35 cc. shall not apply to the shooting of game;
- 36 bb. Shoot at a bird used as described in subsection aa. of this
37 section, or is a party to such shooting; or
- 38 cc. Lease a building, room, field or premises, or knowingly
39 permit the use thereof for the purposes of subsection aa. or bb. of
40 this section --
- 41 Shall forfeit and pay a sum according to the following schedule,
42 to be sued for and recovered, with costs, in a civil action by any
43 person in the name of the New Jersey Society for the Prevention of
44 Cruelty to Animals or a county society for the prevention of cruelty
45 to animals, as appropriate, or, in the name of the municipality if
46 brought by a certified animal control officer or animal cruelty
47 investigator:

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

6 For a violation of subsection l. of this section, for a first violation
7 of paragraph (2) or (5) of subsection a. of this section, a sum of not
8 less than \$1,000 nor more than \$3,000;

9 For a violation of paragraph (4) of subsection a. of this section,
10 **【or subsection c. of this section,】** a sum of not less than \$500 nor
11 more than \$2,000;

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

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

23 For a violation of subsection t. of this section, a sum of not less
24 than **【\$500】** \$1,500 nor more than **【\$1,000】** \$3,000, but if the
25 violation occurs on or near a highway, **【a mandatory】** an additional
26 sum of \$1,000;

27 For a violation of subsection c., d., h., j., k., aa., bb., or cc. of this
28 section or of paragraph (1) of subsection a. of this section, a sum of
29 not less than **【\$250】** \$500 nor more than **【\$1,000】** \$2,500; and

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

32 (cf: P.L.2013, c.88, s.3)

33

34 7. Section 1 of P.L.1995, c.255 (C.4:22-26.1) is amended to
35 read as follows:

36 1. **【An】** A humane law enforcement officer or an agent of the
37 New Jersey Society for the Prevention of Cruelty to Animals or a
38 county society for the prevention of cruelty to animals, an animal
39 cruelty investigator, or a certified animal control officer, may
40 petition **【a court of competent jurisdiction】** the Superior Court or a
41 municipal court, as appropriate, to have **【any animal】** confiscated
42 **【and forfeited】** , pending the disposition of an alleged animal
43 cruelty violation, any animal that is owned or possessed by a person
44 charged with the animal cruelty violation, and have the animal
45 forfeited at the time the person is found to be guilty of, or civilly
46 liable for, violating **【R.S.4:22-17, R.S.4:22-18, R.S.4:22-19,**
47 **R.S.4:22-20 or R.S.4:22-23】** any animal cruelty provision of

1 chapter 19 or 22 of Title 4 of the Revised Statutes **], or liable for a**
2 **civil penalty pursuant to R.S.4:22-26**].

3 Upon a finding that the continued possession by that person
4 poses a threat to the **[animal's] welfare of the animal**, the court
5 may, in addition to any other penalty that may be imposed for a
6 violation of **[R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20 or**
7 **R.S.4:22-23] chapter 19 or 22 of Title 4 of the Revised Statutes** **],**
8 **including but not limited to, R.S.4:22-26**], adjudge an animal
9 forfeited for such disposition as the court deems appropriate.
10 (cf: P.L.1995, c.255, s.1)

11
12 8. R.S.4:22-20 and section 2 of P.L.1939, c.315 (C.4:22-25.2)
13 are hereby repealed.

14
15 9. (New section) Notwithstanding the provisions of P.L. ,
16 c. (C.) (pending before the Legislature as this bill) to the
17 contrary, any violations or offenses committed, or in the process of
18 being adjudicated under R.S.4:22-20 or section 2 of P.L.1939, c.315
19 (C.4:22-25.2) on or before the date of enactment of P.L. ,
20 c. (C.) (pending before the Legislature as this bill), shall be
21 adjudicated pursuant to those laws, as applicable.

22
23 10. This act shall take effect immediately.

24

25

26

STATEMENT

27

28 This bill revises the animal cruelty statutes concerning animal
29 abandonment, increases civil penalties for certain animal cruelty
30 offenses, and updates statutes and statutory titles in the animal
31 cruelty law to reflect changes made by the bill and the current
32 allocation of offenses. The bill revises the criminal offense of
33 animal abandonment and establishes it as a crime of the fourth
34 degree, with an additional penalty of \$1,000 for each animal
35 abandoned that is maimed, sick, infirm or disabled, or left within
36 200 feet of a roadway. The civil penalty under the bill would be
37 \$500 to \$3,000.

38 Under the bill, a person is guilty of the criminal offense of
39 animal abandonment if the person, with the purpose of relinquishing
40 possession of the animal and without making provisions for the
41 minimum care of the animal, knowingly leaves, or causes to be left,
42 a domesticated animal or domestic livestock:

43 1) in a public place where the animal may die, and the animal is
44 maimed, sick, infirm or disabled; or

45 2) in a place beyond the control, custody or possession of the
46 owner or the person relinquishing possession of the animal.

47 The bill also updates the provisions of current law so that people
48 committing such offenses would be liable for a civil penalty as well.

S1614 VAN DREW

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1 The bill also revises current law requiring the reporting of
2 hitting, running over, or causing injury to a cat, dog, horse, or
3 cattle. The bill updates the terminology in the statute, upgrades
4 failure to report to a disorderly persons offense, and provides
5 additional options for reporting to include the nearest animal
6 control officer, or humane law enforcement officer or agent of the
7 New Jersey Society for the Prevention of Cruelty to Animals or
8 county society for the prevention of cruelty to animals.

9 Finally, in addition to revising and increasing the civil penalty
10 for abandoning a maimed, sick, infirm or disabled animal to die in a
11 public place, the bill increases the civil penalty to not less than \$500
12 nor more than \$2,500 for all of the offenses that have the same civil
13 penalty under current law as the offense of abandoning a maimed,
14 sick, infirm or disabled animal to die in a public place.