

SENATE, No. 1642

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED FEBRUARY 16, 2016

Sponsored by:

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

SYNOPSIS

Establishes cruelly restraining a dog as a criminal and civil animal cruelty offense.

CURRENT VERSION OF TEXT

As introduced.



S1642 VAN DREW

2

1 AN ACT concerning cruelly restraining a dog, amending R.S.4:22-
2 26, and supplementing chapter 22 of 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. (New section) a. It is unlawful for any person to cruelly
9 restrain a dog. A person cruelly restrains a dog if the person:

10 (1) chains, ties, fastens, or otherwise tethers to a doghouse, tree,
11 stake, pole, fence, wall, or other stationary object, whether outdoors
12 or indoors, a dog which is a nursing female, a dog which is less than
13 four months old, or any dog between the hours of 11 p.m. and 5
14 a.m.; or

15 (2) uses a choke collar, prong collar, or any other type of collar
16 or similar device other than a properly fitted harness or buckle-type
17 collar on the dog, or uses a chain or other tether less than 15 feet in
18 length, when chaining, tying, fastening, or otherwise tethering the
19 dog to a doghouse, tree, stake, pole, fence, wall, or other stationary
20 object, whether outdoors or indoors.

21 b. Cruelly restraining a dog as described pursuant to subsection
22 a. of this section shall be a disorderly persons offense.

23
24 2. R.S.4:22-26 is amended to read as follows:

25 4:22-26. A person who shall:

26 a. (1) Overdrive, overload, drive when overloaded, overwork,
27 abuse, or needlessly kill a living animal or creature, or cause or
28 procure, by any direct or indirect means, including but not limited
29 to through the use of another living animal or creature, any such
30 acts to be done;

31 (2) Torment, torture, maim, hang, poison, unnecessarily or
32 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or
33 creature, or cause or procure, by any direct or indirect means,
34 including but not limited to through the use of another living animal
35 or creature, any such acts to be done;

36 (3) Cause the death of, or serious bodily injury to, a living
37 animal or creature from commission of any act described in
38 paragraph (2), (4), (5), or (6) of this subsection, by any direct or
39 indirect means, including but not limited to through the use of
40 another living animal or creature, or otherwise cause or procure any
41 such acts to be done;

42 (4) Fail, as the owner or a person otherwise charged with the
43 care of a living animal or creature, to provide the living animal or
44 creature with necessary care, or otherwise cause or procure such an
45 act to be done; **[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.

- 1 (5) Cause bodily injury to a living animal or creature from
2 commission of the act described in paragraph (4) of this subsection;
- 3 (6) Cruelly restrain a nursing female dog or a dog less than four
4 months old by chaining, tying, fastening or otherwise tethering the
5 dog to a dog house, tree, stake, pole, fence, wall or other stationary
6 object outdoors or indoors; or
- 7 (7) Cruelly restrain any dog by:
- 8 (a) chaining, tying, fastening or otherwise tethering the dog to a
9 dog house, tree, stake, pole, fence, wall or other stationary object
10 outdoors or indoors between the hours of 11 p.m. and 5 a.m.; or
- 11 (b) using a choke collar, prong collar, or any other type of collar
12 or similar device other than a properly fitted harness or buckle-type
13 collar on the dog, or uses a chain or other tether less than 15 feet in
14 length, when chaining, tying, fastening, or otherwise tethering the
15 dog to a doghouse, tree, stake, pole, fence, wall, or other stationary
16 object, whether outdoors or indoors.
- 17 b. (Deleted by amendment, P.L.2003, c.232)
- 18 c. Inflict unnecessary cruelty upon a living animal or creature,
19 by any direct or indirect means, including but not limited to through
20 the use of another living animal or creature; or leave the living
21 animal or creature unattended in a vehicle under inhumane
22 conditions adverse to the health or welfare of the living animal or
23 creature;
- 24 d. Receive or offer for sale a horse that is suffering from abuse
25 or neglect, or which by reason of disability, disease, abuse or
26 lameness, or any other cause, could not be worked, ridden or
27 otherwise used for show, exhibition or recreational purposes, or
28 kept as a domestic pet without violating the provisions of this
29 article;
- 30 e. Keep, use, be connected with or interested in the management
31 of, or receive money or other consideration for the admission of a
32 person to, a place kept or used for the purpose of fighting or baiting
33 a living animal or creature;
- 34 f. Be present and witness, pay admission to, encourage, aid or
35 assist in an activity enumerated in subsection e. of this section;
- 36 g. Permit or suffer a place owned or controlled by him to be
37 used as provided in subsection e. of this section;
- 38 h. Carry, or cause to be carried, a living animal or creature in or
39 upon a vehicle or otherwise, in a cruel or inhumane manner;
- 40 i. Use a dog or dogs for the purpose of drawing or helping to
41 draw a vehicle for business purposes;
- 42 j. Impound or confine or cause to be impounded or confined in a
43 pound or other place a living animal or creature, and shall fail to
44 supply the living animal or creature during such confinement with a
45 sufficient quantity of good and wholesome food and water;
- 46 k. Abandon a maimed, sick, infirm or disabled animal or
47 creature to die in a public place;

- 1 l. Willfully sell, or offer to sell, use, expose, or cause or permit
2 to be sold or offered for sale, used or exposed, a horse or other
3 animal having the disease known as glanders or farcy, or other
4 contagious or infectious disease dangerous to the health or life of
5 human beings or animals, or who shall, when any such disease is
6 beyond recovery, refuse, upon demand, to deprive the animal of
7 life;
- 8 m. Own, operate, manage or conduct a roadside stand or market
9 for the sale of merchandise along a public street or highway; or a
10 shopping mall, or a part of the premises thereof; and keep a living
11 animal or creature confined, or allowed to roam in an area whether
12 or not the area is enclosed, on these premises as an exhibit; except
13 that this subsection shall not be applicable to: a pet shop licensed
14 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who
15 keeps an animal, in a humane manner, for the purpose of the
16 protection of the premises; or a recognized breeders' association, a
17 4-H club, an educational agricultural program, an equestrian team, a
18 humane society or other similar charitable or nonprofit organization
19 conducting an exhibition, show or performance;
- 20 n. Keep or exhibit a wild animal at a roadside stand or market
21 located along a public street or highway of this State; a gasoline
22 station; or a shopping mall, or a part of the premises thereof;
- 23 o. Sell, offer for sale, barter or give away or display live baby
24 chicks, ducklings or other fowl or rabbits, turtles or chameleons
25 which have been dyed or artificially colored or otherwise treated so
26 as to impart to them an artificial color;
- 27 p. Use any animal, reptile, or fowl for the purpose of soliciting
28 any alms, collections, contributions, subscriptions, donations, or
29 payment of money except in connection with exhibitions, shows or
30 performances conducted in a bona fide manner by recognized
31 breeders' associations, 4-H clubs or other similar bona fide
32 organizations;
- 33 q. Sell or offer for sale, barter, or give away living rabbits,
34 turtles, baby chicks, ducklings or other fowl under two months of
35 age, for use as household or domestic pets;
- 36 r. Sell, offer for sale, barter or give away living baby chicks,
37 ducklings or other fowl, or rabbits, turtles or chameleons under two
38 months of age for any purpose not prohibited by subsection q. of
39 this section and who shall fail to provide proper facilities for the
40 care of such animals;
- 41 s. Artificially mark sheep or cattle, or cause them to be marked,
42 by cropping or cutting off both ears, cropping or cutting either ear
43 more than one inch from the tip end thereof, or half cropping or
44 cutting both ears or either ear more than one inch from the tip end
45 thereof, or who shall have or keep in the person's possession sheep
46 or cattle, which the person claims to own, marked contrary to this
47 subsection unless they were bought in market or of a stranger;
- 48 t. Abandon a domesticated animal;

- 1 u. For amusement or gain, cause, allow, or permit the fighting or
2 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 or
31 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 nor more than \$1,000, but if the violation occurs on or
25 near a highway, a mandatory sum of \$1,000;

26 For a violation of subsection d., h., j., k., aa., bb., or cc. of this
27 section or of paragraph (1), (6), or (7) of subsection a. of this
28 section, a sum of not less than \$250 nor more than \$1,000; and

29 For a violation of subsection i., m., n., o., p., q., r., or s. of this
30 section, a sum of not less than \$250 nor more than \$500.
31 (cf: P.L.2013, c.88, s.3)

32

33 3. This act shall take effect immediately.

34

35

36

STATEMENT

37

38 This bill establishes cruelly restraining a dog as a disorderly
39 persons offense and specifies the offense as:

40 1) chaining, tying, fastening or otherwise tethering a dog to a
41 dog house, tree, stake, pole, fence, wall or other stationary object
42 outdoors or indoors, a dog which is a nursing female, a dog which is
43 less than four months old, or any dog between the hours of 11 p.m.
44 and 5 a.m.; or

45 2) using a choke collar, prong collar, or any other type of collar
46 or similar device other than a properly fitted harness or buckle-type
47 collar on the dog, or uses a chain or other tether less than 15 feet in
48 length, when chaining, tying, fastening, or otherwise tethering the

S1642 VAN DREW

7

1 dog to a doghouse, tree, stake, pole, fence, wall, or other stationary
2 object, whether outdoors or indoors.

3 The bill also amends R.S.4:22-26 to allow for a civil penalty of
4 \$250 to \$1,000 to be collected for such an offense in a civil action
5 brought in the name of:

- 6 1) the New Jersey Society for the Prevention of Cruelty to
7 Animals or a county society for the prevention of cruelty to
8 animals; or
- 9 2) the municipality if brought by a certified animal control
10 officer or animal cruelty investigator.