

# ASSEMBLY, No. 4698

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED NOVEMBER 26, 2018

**Sponsored by:**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Assemblyman JAMEL C. HOLLEY**

**District 20 (Union)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

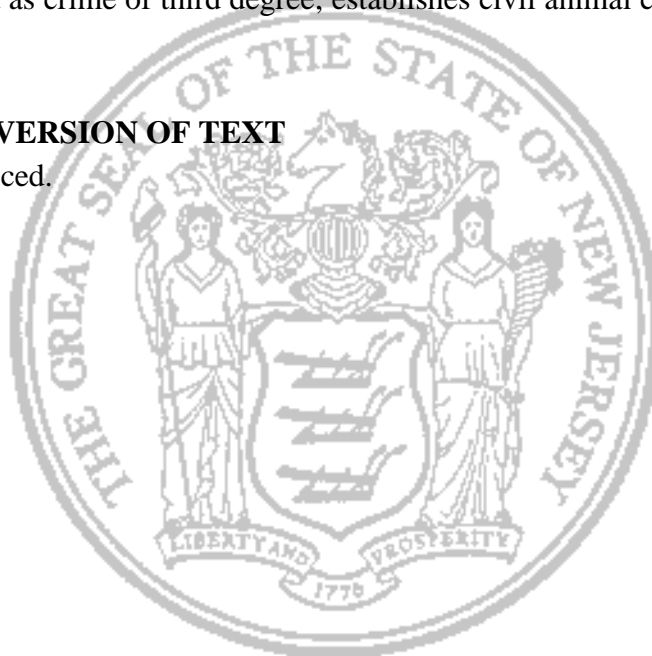
**Assemblyman Dancer, Assemblywoman Jasey, Assemblymen Clifton and Houghtaling**

**SYNOPSIS**

Establishes owning or possessing animal fighting or dog fighting paraphernalia as crime of third degree; establishes civil animal cruelty penalties therefor.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/21/2019)**

A4698 MURPHY, HOLLEY

2

1 AN ACT concerning animal fighting and dog fighting paraphernalia  
2 and amending section 1 of P.L.2015, c.85, R.S.4:22-24, and  
3 R.S.4:22-26.

4

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

7

8 1. Section 1 of P.L.2015, c.85 (C.2C:33-31) is amended to read  
9 as follows:

10 1. a. A person is guilty of dog fighting if that person  
11 knowingly:

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

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

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

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

21 (5) is present and witnesses, pays admission to, encourages or  
22 assists in the fighting or baiting of a dog; **[or]**

23 (6) gambles on the outcome of a fight involving a dog ;or

24 (7) owns, possesses, buys, sells, transfers, or manufactures dog  
25 fighting paraphernalia for the purpose of engaging in or otherwise  
26 promoting or facilitating the fighting or baiting of a dog.

27 Dog fighting is a crime of the third degree.

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

30 (a) the seizure and forfeiture of any dogs or other animals used  
31 for fighting or baiting, and may upon request of the prosecutor or  
32 on its own motion, order any person convicted of a violation under  
33 this section to forfeit possession of: (i) any other dogs or other  
34 animals in the person's custody or possession; and (ii) any other  
35 property involved in or related to a violation of this section; and

36 (b) restitution, concerning the dogs or other animals seized and  
37 forfeited pursuant to subparagraph (a) of this paragraph, in the form  
38 of reimbursing any costs for all the animals' food, drink, shelter, or  
39 veterinary care or treatment, or other costs, incurred by any person,  
40 agency, entity, or organization, including but not limited to a county  
41 society for the prevention of cruelty to animals, any other  
42 recognized organization concerned with the prevention of cruelty to  
43 animals or the humane treatment and care of animals, a State or  
44 local governmental entity, or a kennel, shelter, pound, or other  
45 facility.

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

4 c. For the purposes of this section **["bait"]** :

5 “Dog fighting paraphernalia” means equipment, products,  
6 implements, and materials of any kind that are used, intended for  
7 use, or designed for use in the training, preparation, or conditioning  
8 of a dog for fighting, or in furtherance of dog fighting.

9 “Bait” means to attack with violence, to provoke, or to harass a  
10 dog with one or more animals for the purpose of training the dog  
11 for, or to cause a dog to engage in, a fight with or among other  
12 dogs.

13 d. In determining whether an object is dog fighting  
14 paraphernalia, a trier of fact may consider:

15 (1) the proximity of the object in time and space to any violation  
16 of this section;

17 (2) direct or circumstantial evidence of the intent of the person  
18 to deliver the object to any person whom the person in possession  
19 of the object knows, or should reasonably know, intends to use the  
20 object to violate this section;

21 (3) oral or written instructions concerning its use provided with,  
22 or found in the vicinity of, the object;

23 (4) descriptive materials accompanying the object which explain  
24 or depict its use; and

25 (5) any other relevant factors.

26 (cf: P.L.2017, c.331, s.2)

27

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

29 4:22-24. a. A person who shall:

30 **【a.】** (1) Keep, use, be connected with or interested in the  
31 management of, or receive money for the admission of a person to,  
32 a place kept or used for the purpose of fighting or baiting a living  
33 animal or creature;

34 **【b.】** (2) Be present and witness, pay admission to, encourage  
35 or assist therein;

36 **【c.】** (3) Permit or suffer a place owned or controlled by him  
37 to be so used;

38 **【d.】** (4) For amusement or gain, cause, allow, or permit the  
39 fighting or baiting of a living animal or creature;

40 **【e.】** (5) Own, possess, keep, train, promote, purchase, or  
41 knowingly sell a living animal or creature for the purpose of  
42 fighting or baiting that animal or creature; **【or】**

43 **【f.】** (6) Gamble on the outcome of a fight involving a living  
44 animal or creature ; or

45 (7) Own, possess, buy, sell, transfer, or manufacture animal  
46 fighting paraphernalia for the purpose of engaging in or otherwise

1 promoting or facilitating the fighting or baiting of a living animal or  
2 creature --

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

4 b. In determining whether an object is animal fighting  
5 paraphernalia, a tryer of fact may consider:

6 (1) the proximity of the object in time and space to any violation  
7 of this section;

8 (2) direct circumstantial evidence of intent of the person to  
9 deliver the object to any person whom the person in possession of  
10 the object knows, or should reasonably know, intends to use the  
11 object to violate this section;

12 (3) oral or written instructions concerning its use provided with,  
13 or found in the vicinity of, the object;

14 (4) descriptive materials accompanying the object which explain  
15 or depicts its use; and

16 (5) any other relevant factors.

17 c. For the purposes of this section ["bait"]:

18 "Animal fighting paraphernalia" means equipment, products,  
19 implements, and materials of any kind that are used, intended for  
20 use, or designed for use in the training, preparation, or conditioning  
21 of an animal for fighting, or in furtherance of animal fighting, and  
22 includes, but is not limited to, the following: breaking sticks, cat  
23 mills, treadmills, fighting pits, springpoles, veterinary medicine  
24 without a prescription therefor, treatment supplies, gaffs, slashers,  
25 heels, or any other sharp implement designed to be attached in place  
26 of the natural spur of a rooster, cock, or game fowl.

27 "Bait" means to attack with violence, to provoke, or to harass an  
28 animal with one or more animals for the purpose of training the  
29 animal for, or to cause an animal to engage in, a fight with or  
30 among other animals.

31 (cf: P.L.2015, c.85, s.4)

32

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

34 4:22-26. A person who shall:

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

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

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

- 1 animal or creature, or otherwise cause or procure any such acts to  
2 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 or  
5 creature with necessary care, or otherwise cause or procure such an  
6 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 creature,  
11 by any direct or indirect means, including but not limited to through  
12 the use of another living animal or creature; or leave the living  
13 animal or creature unattended in a vehicle under inhumane  
14 conditions adverse to the health or welfare of the living animal or  
15 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 article 2  
21 of chapter 22 of Title 4 of the Revised Statutes;
- 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 person's place owned or controlled by  
29 **【him】** the person to be used as provided in subsection e. of this  
30 section;
- 31 h. Carry, or cause to be carried, a living animal or creature in  
32 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 33 i. Use a dog or dogs for the purpose of drawing or helping to  
34 draw a vehicle for business purposes;
- 35 j. Impound or confine or cause to be impounded or confined in  
36 a pound or other place a living animal or creature, and shall fail to  
37 supply the living animal or creature during such confinement with a  
38 sufficient quantity of good and wholesome food and water;
- 39 k. Abandon a maimed, sick, infirm or disabled animal or  
40 creature to die in a public place;
- 41 l. Willfully sell, or offer to sell, use, expose, or cause or permit  
42 to be sold or offered for sale, used or exposed, a horse or other  
43 animal having the disease known as glanders or farcy, or other  
44 contagious or infectious disease dangerous to the health or life of  
45 human beings or animals, or who shall, when any such disease is  
46 beyond recovery, refuse, upon demand, to deprive the animal of  
47 life;

1 m. Own, operate, manage or conduct a roadside stand or market  
2 for the sale of merchandise along a public street or highway; or a  
3 shopping mall, or a part of the premises thereof; and keep a living  
4 animal or creature confined, or allowed to roam in an area whether  
5 or not the area is enclosed, on these premises as an exhibit; except  
6 that this subsection shall not be applicable to: a pet shop licensed  
7 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who  
8 keeps an animal, in a humane manner, for the purpose of the  
9 protection of the premises; or a recognized breeders' association, a  
10 4-H club, an educational agricultural program, an equestrian team, a  
11 humane society or other similar charitable or nonprofit organization  
12 conducting an exhibition, show or performance;

13 n. Keep or exhibit a wild animal at a roadside stand or market  
14 located along a public street or highway of this State; a gasoline  
15 station; or a shopping mall, or a part of the premises thereof;

16 o. Sell, offer for sale, barter or give away or display live baby  
17 chicks, ducklings or other fowl or rabbits, turtles or chameleons  
18 which have been dyed or artificially colored or otherwise treated so  
19 as to impart to them an artificial color;

20 p. Use any animal, reptile, or fowl for the purpose of soliciting  
21 any alms, collections, contributions, subscriptions, donations, or  
22 payment of money except in connection with exhibitions, shows or  
23 performances conducted in a bona fide manner by recognized  
24 breeders' associations, 4-H clubs or other similar bona fide  
25 organizations;

26 q. Sell or offer for sale, barter, or give away living rabbits,  
27 turtles, baby chicks, ducklings or other fowl under two months of  
28 age, for use as household or domestic pets;

29 r. Sell, offer for sale, barter or give away living baby chicks,  
30 ducklings or other fowl, or rabbits, turtles or chameleons under two  
31 months of age for any purpose not prohibited by subsection q. of  
32 this section and who shall fail to provide proper facilities for the  
33 care of such animals;

34 s. Artificially mark sheep or cattle, or cause them to be  
35 marked, by cropping or cutting off both ears, cropping or cutting  
36 either ear more than one inch from the tip end thereof, or half  
37 cropping or cutting both ears or either ear more than one inch from  
38 the tip end thereof, or who shall have or keep in the person's  
39 possession sheep or cattle, which the person claims to own, marked  
40 contrary to this subsection unless they were bought in market or of  
41 a stranger;

42 t. Abandon a domesticated animal;

43 u. For amusement or gain, cause, allow, or permit the fighting  
44 or baiting of a living animal or creature;

45 v. Own, possess, keep, train, promote, purchase, or knowingly  
46 sell a living animal or creature for the purpose of fighting or baiting  
47 that animal or creature; or own, possess, buy, sell, transfer, or  
48 manufacture animal fighting paraphernalia as defined pursuant to

1 R.S.4:22-24 for the purpose of engaging in or otherwise promoting  
2 or facilitating the fighting or baiting a living animal or creature;  
3 w. Gamble on the outcome of a fight involving a living animal  
4 or creature;  
5 x. Knowingly sell or barter or offer for sale or barter, at  
6 wholesale or retail, the fur or hair of a domestic dog or cat or any  
7 product made in whole or in part from the fur or hair of a domestic  
8 dog or cat, unless such fur or hair for sale or barter is from a  
9 commercial grooming establishment or a veterinary office or clinic  
10 or is for use for scientific research;  
11 y. (1) Knowingly sell or barter, or offer for sale or barter, at  
12 wholesale or retail, for human consumption, the flesh of a domestic  
13 dog or cat, or any product made in whole or in part from the flesh of  
14 a domestic dog or cat;  
15 (2) Knowingly slaughter a horse for human consumption;  
16 (3) Knowingly sell or barter, or offer for sale or barter, at  
17 wholesale or retail, for human consumption, the flesh of a horse, or  
18 any product made in whole or in part from the flesh of a horse, or  
19 knowingly accept or publish newspaper advertising that includes the  
20 offering for sale, trade, or distribution of any such item for human  
21 consumption;  
22 (4) Knowingly transport a horse for the purpose of slaughter for  
23 human consumption;  
24 (5) Knowingly transport horsemeat, or any product made in  
25 whole or in part from the flesh of a horse, for the purpose of human  
26 consumption;  
27 z. Surgically debark or silence a dog in violation of section 1  
28 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);  
29 aa. Use a live pigeon, fowl or other bird for the purpose of a  
30 target, or to be shot at either for amusement or as a test of skill in  
31 marksmanship, except that this subsection and subsections bb. and  
32 cc. shall not apply to the shooting of game;  
33 bb. Shoot at a bird used as described in subsection aa. of this  
34 section, or is a party to such shooting; or  
35 cc. Lease a building, room, field or premises, or knowingly  
36 permit the use thereof for the purposes of subsection aa. or bb. of  
37 this section --  
38 Shall forfeit and pay a sum according to the following schedule,  
39 to be sued for and recovered, with costs, in a civil action by any  
40 person in the name of the municipality or county wherein the  
41 defendant resides or where the offense was committed:  
42 For a violation of subsection e., f., g., u., v., w., or z. of this  
43 section or of paragraph (3) of subsection a. of this section, or for a  
44 second or subsequent violation of paragraph (2) or (5) of subsection  
45 a. of this section, a sum of not less than \$3,000 nor more than  
46 \$5,000;

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

4 For a violation of paragraph (4) of subsection a. of this section,  
5 or subsection c. of this section, a sum of not less than \$500 nor  
6 more than \$2,000;

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

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

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

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

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

26 (cf: P.L.2017, c.331, s.13)

27

28 4. This act shall take effect immediately.

29

30

31

#### STATEMENT

32

33 This bill establishes that owning, possessing, buying, selling,  
34 transferring, or manufacturing animal fighting paraphernalia for the  
35 purpose of engaging in or otherwise promoting or facilitating the  
36 fighting or baiting a living animal or creature is a crime of the third  
37 degree under the State animal cruelty statutes.

38 The bill also establishes that a person who knowingly owns,  
39 possesses, buys, sells transfers, or manufactures dog fighting  
40 paraphernalia for the purpose of engaging in or otherwise  
41 promoting or facilitating the fighting or baiting a dog is guilty of  
42 the crime of dog fighting pursuant to section 1 of P.L.1985, c.85  
43 (C.2C:33-31), which is a crime of the third degree.

44 A crime of the third degree is punishable by a term of  
45 imprisonment of three to five years, a fine of up to \$15,000, or both.

46 Finally, the bill establishes a civil penalty for owning,  
47 possessing, buying, selling, transferring, or manufacturing animal  
48 fighting paraphernalia of not less than \$3,000 nor more than \$5,000.