

# ASSEMBLY, No. 5022

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 7, 2019

**Sponsored by:**

**Assemblywoman SERENA DIMASO  
District 13 (Monmouth)**

**SYNOPSIS**

Establishes certain animal abuse offenses committed in manner manifesting extreme indifference to value of animal's life as crime of second degree; designated as "River's Law."

**CURRENT VERSION OF TEXT**

As introduced.



A5022 DIMASO

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1 AN ACT concerning animal abuse and amending R.S.4:22-17.

2

3 **BE IT ENACTED** by the Senate and General Assembly of the State  
4 of New Jersey:

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6 1. R.S.4:22-17 is amended to read as follows:

7 4:22-17. a. It shall be unlawful to:

8 (1) Overdrive, overload, drive when overloaded, overwork,  
9 abuse, or needlessly kill a living animal or creature;

10 (2) Cause or procure, by any direct or indirect means, including  
11 but not limited to through the use of another living animal or  
12 creature, any of the acts described in paragraph (1) of this  
13 subsection to be done;

14 (3) Inflict unnecessary cruelty upon a living animal or creature,  
15 by any direct or indirect means, including but not limited to through  
16 the use of another living animal or creature; or leave the living  
17 animal or creature unattended in a vehicle under inhumane  
18 conditions adverse to the health or welfare of the living animal or  
19 creature; or

20 (4) Fail, as the owner or as a person otherwise charged with the  
21 care of a living animal or creature, to provide the living animal or  
22 creature with necessary care.

23 b. (1) A person who violates subsection a. of this section shall  
24 be guilty of a disorderly persons offense. Notwithstanding the  
25 provisions of N.J.S.2C:43-3 to the contrary, for every conviction of  
26 an offense pursuant to paragraph (1) or (2) of subsection a. of this  
27 section, the person shall be fined not less than \$250 nor more than  
28 \$1,000, or be imprisoned for a term of not more than six months, or  
29 both, in the discretion of the court; and for every conviction of an  
30 offense pursuant to paragraph (3) or (4) of subsection a. of this  
31 section, the person shall be fined not less than \$500 nor more than  
32 \$2,000, or be imprisoned for a term of not more than six months, or  
33 both, in the discretion of the court.

34 (2) If the person who violates subsection a. of this section has a  
35 prior conviction for an offense that would constitute a violation of  
36 subsection a. of this section, the person shall be guilty of a crime of  
37 the fourth degree.

38 (3) A person who violates subsection a. of this section shall also  
39 be subject to the provisions of subsections e. and f. and, if  
40 appropriate, subsection g., of this section.

41 (4) The action for the penalty prescribed in this subsection shall  
42 be brought in the municipal court of the municipality wherein the  
43 defendant resides or where the offense was committed, except that  
44 the municipality may elect to refer the offense to the county  
45 prosecutor to determine if the offense should be handled in the  
46 Superior Court or in municipal court.

**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 c. It shall be unlawful to purposely, knowingly, or recklessly:

2 (1) Torment, torture, maim, hang, poison, unnecessarily or  
3 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or  
4 creature;

5 (2) Cause bodily injury to a living animal or creature by failing  
6 to provide the living animal or creature with necessary care,  
7 whether as the owner or as a person otherwise charged with the care  
8 of the living animal or creature;

9 (3) Cause or procure an act described in paragraph (1) or (2) of  
10 this subsection to be done, by any direct or indirect means,  
11 including but not limited to through the use of another living animal  
12 or creature; or

13 (4) Use, or cause or procure the use of, an animal or creature in  
14 any kind of sexual manner or initiate any kind of sexual contact  
15 with the animal or creature, including, but not limited to,  
16 sodomizing the animal or creature. As used in this paragraph,  
17 "sexual contact" means any contact between a person and an animal  
18 by penetration of the penis or a foreign object into the vagina or  
19 anus, contact between the mouth and genitalia, or by contact  
20 between the genitalia of one and the genitalia or anus of the other.  
21 This term does not include any medical procedure performed by a  
22 licensed veterinarian practicing veterinary medicine or an accepted  
23 animal husbandry practice.

24 d. (1) A person who violates paragraph (1), (2), (3) or (4) of  
25 subsection c. of this section shall be guilty of a crime of the fourth  
26 degree, except that the person shall be guilty of a crime of the third  
27 degree if:

28 (a) the animal or creature dies as a result of the violation;

29 (b) the animal or creature suffers serious bodily injury as a  
30 result of the violation; or

31 (c) the person has a prior conviction for an offense that would  
32 constitute a violation of paragraph (1), (2), (3) or (4) of subsection  
33 c. of this section.

34 A person who is found guilty of a violation of paragraph (1) of  
35 subsection c. of this section committed against a domestic  
36 companion animal in a manner manifesting extreme indifference to  
37 the value of the animal's life shall be guilty of a crime of the second  
38 degree.

39 (2) A person who violates any provision of subsection c. of this  
40 section shall also be subject to the provisions of subsections e. and  
41 f. and, if appropriate, subsection g., of this section.

42 (3) The action for the penalty prescribed in this subsection shall  
43 be brought in the Superior Court.

44 e. For a violation of this section, in addition to imposing any  
45 other appropriate penalties established for a crime of the third  
46 degree, crime of the fourth degree, or disorderly persons offense, as  
47 the case may be, pursuant to Title 2C of the New Jersey Statutes,  
48 the court shall impose a term of community service of up to 30  
49 days, and may direct that the term of community service be served

1 in providing assistance to a county society for the prevention of  
2 cruelty to animals or any other recognized organization concerned  
3 with the prevention of cruelty to animals or the humane treatment  
4 and care of animals, or to a municipality's animal control or animal  
5 population control program.

6 f. The court also shall require any violator of this section to  
7 pay restitution, including but not limited to, the monetary cost of  
8 replacing the animal if the animal died or had to be euthanized  
9 because of the extent of the animal's injuries, or otherwise  
10 reimburse any costs for food, drink, shelter, or veterinary care or  
11 treatment, or other costs, incurred by the owner of the animal, if the  
12 owner is not the person committing the act of cruelty, or incurred  
13 by any agency, entity, or organization investigating the violation, or  
14 providing shelter or care for the animal or animals, including but  
15 not limited to a county society for the prevention of cruelty to  
16 animals, any other recognized organization concerned with the  
17 prevention of cruelty to animals or the humane treatment and care  
18 of animals, a local or State governmental entity, or a kennel, shelter,  
19 pound, or other facility providing for the shelter and care of the  
20 animal or animals involved in the violation.

21 g. If a juvenile is adjudicated delinquent for an act which, if  
22 committed by an adult, would constitute a disorderly persons  
23 offense, crime of the fourth degree, or crime of the third degree  
24 pursuant to this section, the court also shall order the juvenile to  
25 receive mental health counseling by a licensed psychologist or  
26 therapist named by the court for a period of time to be prescribed by  
27 the licensed psychologist or therapist.

28 (cf: P.L.2017, c.331, s.10)

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30 2. This act shall take effect immediately.

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STATEMENT

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35 This bill establishes as a crime of the second degree a violation  
36 of paragraph (1) of subsection c. of R.S.4:22-17 committed against  
37 a domestic companion animal in a manner manifesting extreme  
38 indifference to the value of the animal's life. Paragraph (1) of  
39 subsection c. of R.S.4:22-17 makes it unlawful to purposely,  
40 knowingly, or recklessly torment, torture, maim, hang, poison,  
41 unnecessarily or cruelly beat, cruelly abuse, or needlessly mutilate a  
42 living animal or creature. A crime of the second degree is  
43 punishable by five to 10 years imprisonment, a fine of up to  
44 \$150,000, or both.

45 These offenses would constitute aggravated animal abuse. The  
46 bill is designated as River's Law in recognition of River, an animal  
47 that suffered this type of aggravated abuse committed in a manner  
48 manifesting extreme indifference to the value of the animal's life.