

ASSEMBLY, No. 5405

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 20, 2019

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

SYNOPSIS

Establishes civil action for damages for injury or death of certain animals in certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning civil actions for damages for injury or death of
2 certain animals and supplementing Title 2A of the New Jersey
3 Statutes.

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

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8 1. a. As used in this act “animal” includes any pet dog or pet
9 cat normally maintained in or near the household of the owner.
10 “Animal” includes any service animal or guide dog or a search and
11 rescue dog.

12 b. Any person who has a right of ownership in an animal that is
13 injured or killed as a result of an unlawful and intentional, or a
14 negligent act of another may bring a civil action to recover damages
15 sustained by that owner. Damages may include, but are not limited
16 to, the monetary value of the animal, veterinary expenses incurred
17 on behalf of the animal, any other expenses incurred by the owner
18 in rectifying the effects of the cruelty, pain, and suffering of the
19 animal, and, as set forth in subsection c. of this section,
20 compensation for emotional distress suffered by the owner. If the
21 killed or injured animal was a service animal or guide dog or a
22 search and rescue dog, then the value of that animal may include the
23 cost of any specialized training the animal received.

24 c. Noneconomic damages awarded pursuant to this section
25 shall be limited to compensation for the loss of the reasonably
26 expected society, companionship, love and affection of the animal.
27 Noneconomic damages shall be limited to \$5000.

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29 2. Every action at law for an injury or death to an animal
30 brought by the person having a right of ownership in that animal
31 shall be commenced within two years of the date of the injury or
32 death.

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34 3. This act shall not apply to any governmental agency, or its
35 employees, negligently causing the death of an animal while acting
36 on behalf of public health or animal welfare. This act shall not be
37 construed to authorize any award of noneconomic damages in an
38 action for professional negligence against a licensed veterinarian.

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40 4. This act shall take effect immediately.

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STATEMENT

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45 This bill establishes a civil action for damages that may be
46 brought by any person who has a right of ownership in an animal
47 that is injured or killed as a result of an unlawful and intentional, or
48 a negligent act of another. “Animal” as used in the bill includes any

1 pet dog or pet cat normally maintained in or near the household of
2 the owner and any service animal or guide dog or a search and
3 rescue dog.

4 The bill provides that the damages sought may include: the
5 monetary value of the animal, veterinary expenses incurred on
6 behalf of the animal, any other expenses incurred by the owner in
7 rectifying the effects of the cruelty, pain, and suffering of the
8 animal, and compensation for emotional distress suffered by the
9 owner. If the killed or injured animal was a service animal or guide
10 dog or a search and rescue dog, then the value of that animal may
11 include the cost of any specialized training the animal received.

12 The compensation for emotional distress, that is, the
13 noneconomic damages, is limited to compensation for the loss of
14 the reasonably expected society, companionship, love and affection
15 of the animal. The bill provides that these noneconomic damages
16 are capped at \$5000.

17 This bill also provides that the civil action for damages does not
18 apply to any governmental agency, or its employees, negligently
19 causing the death of an animal while acting on behalf of public
20 health or animal welfare. It also states that it should not be
21 construed to authorize any award of noneconomic damages in an
22 action for professional negligence against a licensed veterinarian.