

[First Reprint]

**SENATE, No. 1923**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED FEBRUARY 22, 2018

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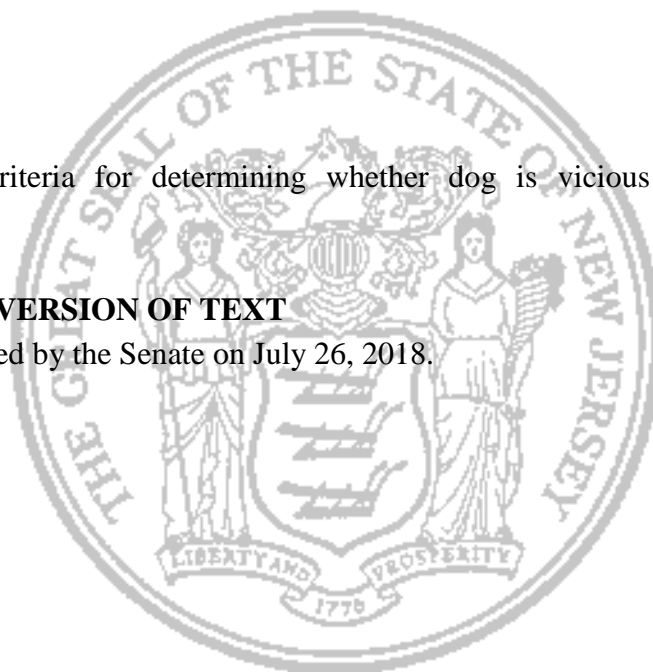
**Senators Addiego, Cruz-Perez and Assemblywoman Reynolds-Jackson**

**SYNOPSIS**

Revises criteria for determining whether dog is vicious or potentially dangerous.

**CURRENT VERSION OF TEXT**

As amended by the Senate on July 26, 2018.



**(Sponsorship Updated As Of: 3/26/2019)**

1 AN ACT concerning vicious dogs and potentially dangerous dogs,  
2 and amending P.L.1989, c.307.

3

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

6

7 <sup>1</sup>[1. Section 6 of P.L.1989, c.307 (C.4:19-22) is amended to  
8 read as follows:

9 6. a. The municipal court shall declare the dog vicious if it  
10 finds by clear and convincing evidence that the dog:

11 (1) killed a person or caused serious bodily injury as defined in  
12 **[N.J.S.2C:11-1(b)]** subsection b. of N.J.S.2C:11-1 to a person; or

13 (2) **[has engaged in dog fighting activities as described in**  
14 **R.S.4:22-24 and R.S.4:22-26, and poses a threat of serious bodily**  
15 **injury or death to a person]** (Deleted by amendment,  
16 P.L. , c. ) (pending before the Legislature as this bill).

17 b. A dog shall not be declared vicious for inflicting death or  
18 serious bodily injury as defined in **[N.J.S.2C:11-1(b)]** subsection b.  
19 of N.J.S.2C:11-1 upon a person if the dog was provoked. The  
20 municipality shall bear the burden of proof to demonstrate that the  
21 dog was not provoked.

22 c. If the municipal court declares a dog to be vicious, and no  
23 appeal is made of this ruling pursuant to section 9 of P.L.1989,  
24 c.307 (C.4:19-25), the court may order:

25 (1) the dog's owner to comply with certain restrictions to protect  
26 the public that are at least as stringent as the requirements for  
27 potentially dangerous dogs pursuant to section 8 of P.L.1989, c.307  
28 (C.4:19-24) and section 12 of P.L.1989, c.307 (C.4:19-28); or

29 (2) the dog [shall] to be [destroyed] euthanized in a humane  
30 and expeditious manner, except that no dog may be **[destroyed]**  
31 euthanized during the pendency of an appeal.

32 (cf: P.L.1994, c.187, s.3)]<sup>1</sup>

33

34 <sup>1</sup>[2. Section 7 of P.L.1989, c.307 (C.4:19-23) is amended to  
35 read as follows:

36 7. a. The municipal court shall declare a dog to be potentially  
37 dangerous if it finds by clear and convincing evidence that the dog:

38 (1) caused bodily injury as defined in **[N.J.S.2C:11-1(a)]**  
39 subsection a. of N.J.S.2C:11-1 to a person during an unprovoked  
40 attack, and poses a serious threat of bodily injury, serious bodily  
41 injury, or death to a person **[,]** ; or

42 (2) **[severely injured or killed another domestic animal, and**

43 (a) poses a threat of serious bodily injury or death to a person;

44 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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup>Senate floor amendments adopted July 26, 2018.

1 (b) poses a threat of death to another domestic animal, or]  
2 (Deleted by amendment, P.L. , c. ) (pending before the  
3 Legislature as this bill)

4 (3) has been trained, tormented, badgered, baited, or encouraged  
5 to engage in unprovoked attacks upon persons **[or domestic**  
6 **animals]**.

7 b. A dog shall not be declared potentially dangerous for:

8 (1) causing bodily injury as defined in **[N.J.S.2C:11-1(a)]**  
9 subsection a. of N.J.S.2C:11-1 to a person if the dog was provoked  
10 **[or,]** ;

11 (2) severely injuring or killing a domestic animal if the domestic  
12 animal was the aggressor;

13 (3) causing bodily injury to a person who was committing or  
14 attempting to commit a crime or offense upon the owner or person  
15 with custody or control of the dog or committing or attempting to  
16 commit a trespass or other criminal offense on the property of the  
17 owner or person with custody or control of the dog;

18 (4) causing bodily injury to a person or a domestic animal who  
19 was abusing, assaulting, or physically threatening the dog or the  
20 dog's offspring; or

21 (5) causing bodily injury to a person who was intervening  
22 between two or more dogs engaged in aggressive behavior or  
23 fighting.

24 For the purposes of paragraph (1) of this subsection, the  
25 municipality shall bear the burden of proof to demonstrate that the  
26 dog was not provoked.

27 (cf: P.L.2002, c.24, s.1)]<sup>1</sup>

28

29 <sup>1</sup>1. Section 6 of P.L.1989, c.307 (C.4:19-22) is amended to read  
30 as follows:

31 6. a. The municipal court shall declare the dog vicious if it  
32 finds by clear and convincing evidence that the dog:

33 (1) killed a person or caused serious bodily injury **[as defined in**  
34 **N.J.S.2C:11-1(b)]** to a person; or

35 (2) **[has engaged in dog fighting activities as described in**  
36 **R.S.4:22-24 and R.S.4:22-26, and poses a threat of serious bodily**  
37 **injury or death to a person]** (Deleted by amendment,  
38 P.L. , c. ) (pending before the Legislature as this bill).

39 b. A dog shall not be declared vicious for inflicting death or  
40 serious bodily injury **[as defined in N.J.S.2C:11-1(b)]** upon a  
41 person if the dog was provoked. The municipality shall bear the  
42 burden of proof to demonstrate that the dog was not provoked.

43 c. If the municipal court declares a dog to be vicious, and no  
44 appeal is made of this ruling pursuant to section 9 of P.L.1989,  
45 c.307 (C.4:19-25), the court may order:

46 (1) the dog's owner to comply with certain restrictions to protect  
47 the public that are at least as stringent as the requirements for

1 potentially dangerous dogs pursuant to section 8 of P.L.1989, c.307  
2 (C.4:19-24) and section 12 of P.L.1989, c.307 (C.4:19-28); or

3 (2) the dog [shall] to be [destroyed] euthanized in a humane  
4 and expeditious manner, except that no dog may be [destroyed]  
5 euthanized during the pendency of an appeal.

6 d. As used in this section, “serious bodily injury” means serious  
7 bodily injury as defined in subsection b. of N.J.S.2C:11-1.<sup>1</sup>  
8 (cf: P.L.1994, c.187, s.3)

9  
10 <sup>1</sup>2. Section 7 of P.L.1989, c.307 (C.4:19-23) is amended to read  
11 as follows:

12 7. a. The municipal court shall declare a dog to be potentially  
13 dangerous if it finds by clear and convincing evidence that the dog:

14 (1) caused bodily injury [as defined in N.J.S.2C:11-1(a)] to a  
15 person during an unprovoked attack, and poses a serious threat of  
16 serious bodily injury or death to a person [, or] ;

17 (2) [severely injured] caused serious bodily injury to another  
18 domestic animal or killed another domestic animal, and

19 (a) poses a serious threat of serious bodily injury or death to a  
20 person~~;~~ ; or

21 (b) poses a serious threat of death to another domestic animal  
22 [.] ; or

23 (3) [has been trained, tormented, badgered, baited, or  
24 encouraged to engage in unprovoked attacks upon persons or  
25 domestic animals] (Deleted by amendment, P.L. , c. ) (pending  
26 before the Legislature as this bill).

27 b. A dog shall not be declared potentially dangerous for:

28 (1) causing bodily injury [as defined in N.J.S.2C:11-1(a)] to a  
29 person if the dog was provoked [or,] ;

30 (2) [severely injuring] causing serious bodily injury to, or  
31 killing, a domestic animal if the domestic animal was the aggressor;

32 (3) causing bodily injury to a person who was committing or  
33 attempting to commit a crime or offense upon the owner or person  
34 with custody or control of the dog or committing or attempting to  
35 commit a trespass or other criminal offense on the property of the  
36 owner or person with custody or control of the dog;

37 (4) causing bodily injury to a person or a domestic animal who  
38 was abusing, assaulting, or physically threatening the dog or the  
39 dog’s offspring; or

40 (5) causing bodily injury to a person who was intervening  
41 between two or more dogs engaged in aggressive behavior or  
42 fighting.

43 For the purposes of paragraph (1) of this subsection, the  
44 municipality shall bear the burden of proof to demonstrate that the  
45 dog was not provoked.

46 c. As used in this section, “bodily injury” means bodily injury as  
47 defined in subsection a. of N.J.S.2C:11-1; and “serious bodily

- 1 injury” means serious bodily injury as defined in subsection b. of
- 2 N.J.S.2C:11-1.<sup>1</sup>
- 3 (cf: P.L.2002, c.24, s.1)
- 4
- 5 3. This act shall take effect immediately.