

SENATE, No. 2157

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED MARCH 5, 2018

Sponsored by:

Senator BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

SYNOPSIS

Revises animal cruelty provisions concerning euthanizing and impoundment of animals, establishes civil penalty for improper euthanizing of animals; repeals conflicting sections of law.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/29/2019)

1 AN ACT concerning animal cruelty, euthanizing, and impoundment
2 of animals, amending various parts of statutory law,
3 supplementing chapter 22 of Title 4 of the Revised Statutes, and
4 repealing R.S.4:22-19 and section 2 of P.L.1988, c.160.

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

8
9 1. (New section) a. A person is guilty of improper euthanizing
10 of an animal if the individual, while acting on the individual's
11 behalf or as an employee or member of the staff of a kennel, shelter,
12 pound, or other organization or entity providing for the shelter and
13 care of animals, kills or causes the death of an animal by hypoxia
14 induced by:

15 (1) decompression;

16 (2) the administration of a lethal gas other than an inhalant
17 anesthetic;

18 (3) the use of succinylcholine chloride, curare, curariform drugs,
19 or other substance which acts as a neuromuscular blocking agent; or

20 (4) means other than those used for the proper euthanizing of
21 the animal in accordance with the American Veterinary Medical
22 Association euthanasia guidelines.

23 Improper euthanizing of an animal is a disorderly persons
24 offense.

25 b. A person is guilty of aggravated improper euthanizing of an
26 animal if the person purposely violates subsection a. of this section.

27 Aggravated improper euthanizing of an animal is a crime of the
28 fourth degree.

29 c. Each animal killed in violation of this section shall
30 constitute a separate and distinct offense.

31

32 2. R.S.4:22-15 is amended to read as follows:

33 4:22-15. As used in this article:

34 "Animal" **【or “creature” includes】** means any member of the
35 whole brute creation. The term “animal” shall not include human
36 beings.

37 “Animal cruelty investigator” means a person 18 years of age or
38 older who is a certified animal control officer as defined in section
39 1 of P.L.1941, c.151 (C.4:19-15.1) and , who is properly authorized
40 by the governing body of a municipality to be an animal cruelty
41 investigator.

42 "Bodily injury" means physical pain, illness or any impairment
43 of physical condition.

44 “Caretaker” means a person who is in possession of an animal
45 and upon whom the animal is primarily dependent for its care,
46 health, safety and welfare.

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 “Domestic livestock” means “domestic livestock” as defined
2 pursuant to section 1 of P.L.1995, c.311 (C.4:22-16.1).

3 “Domesticated animal” means a domestic companion animal as
4 defined pursuant to subsection u. of N.J.S.2C:20-1 or any animal of
5 a species commonly kept as a domestic companion animal.

6 “Domesticated animal” shall not include domestic livestock.

7 “Euthanasia” means the act of inducing painless death.

8 “Euthanize” means the application of euthanasia to an animal.

9 “Necessary care” means care sufficient to preserve the health and
10 well-being of an animal, and includes, but is not limited to: food of
11 sufficient quantity and quality to allow for normal growth or
12 maintenance of body weight; adequate access to water in sufficient
13 quantity and quality to satisfy the animal's needs; access to
14 adequate protection from the weather; and veterinary care to
15 alleviate suffering and maintain health.

16 “Owner” or “person” includes a corporation, and the
17 knowledge and acts of an agent or employee of a corporation in
18 regard to animals transported, owned, employed, or in the custody
19 of the corporation shall be imputed to the corporation. **】** of an
20 animal” or “owner of the animal” means a person who is the
21 caretaker of an animal in question and has the legal right of
22 possession of the animal and any legal title to its ownership.

23 “Person” means “person” as defined under subsection g. of
24 N.J.S.2C:1-14.

25 “Possession” means having physical custody of, having legal
26 custody over, being in charge of, or having physical control over an
27 animal, whether temporarily or as an owner of the animal, or a
28 building, premises, or other real property.

29 “Serious bodily injury” means bodily injury which creates a
30 substantial risk of death or which causes serious, permanent
31 disfigurement, or protracted loss or impairment of the function of
32 any bodily member or organ.

33 (cf: P.L.2013, c.88, s.1)

34
35 3. R.S.4:22-16 is amended to read as follows:

36 4:22-16. Nothing contained in **【this act】** chapter 22 of Title 4 of
37 the Revised Statutes shall be construed to prohibit or interfere with:

38 a. Properly conducted scientific experiments performed under
39 the authority of the Department of Health **【and Senior Services】** ,
40 the Department of Agriculture, or the United States Department of
41 Agriculture. Those departments may authorize the conduct of such
42 experiments or investigations by agricultural stations and schools
43 maintained by the State or federal government, or by any public or
44 private schools, medical societies, universities, colleges and
45 institutions incorporated or authorized to do business in this State
46 and having among their corporate purposes investigation into the

1 causes, nature, prevention and cure of diseases in **men** human
2 beings and animals; and may for cause revoke such authority.

3 b. The killing or disposing of an animal by virtue of the order
4 of a constituted authority of the State or the federal government.

5 c. The shooting or taking of game or game fish in such manner
6 and at such times as is allowed or provided by the laws of this State.

7 d. The training or engaging of a dog to accomplish a task or
8 participate in an activity or exhibition designed to develop the
9 physical or mental characteristics of that dog. These activities shall
10 be carried out in accordance with the practices, guidelines or rules
11 established by an organization founded for the purpose of
12 promoting and enhancing working dog activities or exhibitions; in a
13 manner which does not adversely affect the health or safety of the
14 dog; and may include avalanche warning, guide work, obedience
15 work, carting, dispatching, freight racing, packing, sled dog racing,
16 sledding, tracking, and weight pull demonstrations.

17 e. The raising, keeping, care, treatment, marketing, and sale of
18 domestic livestock in accordance with the standards developed and
19 adopted therefor pursuant to subsection a. of section 1 of P.L.1995,
20 c.311 (C.4:22-16.1).

21 f. The killing or disposing of, by a reasonable or commercially
22 acceptable method or means, a Norway or brown rat (*Rattus*
23 *norvegicus*), black rat (*Rattus rattus*), or house mouse (*Mus*
24 *musculus*) by any person, or with the permission or at the direction
25 of that person, while the animal is on property either owned or
26 leased by, or otherwise under the control of, that person, provided
27 that the animal is not a pet.

28 g. The properly conducted practice of veterinary medicine by a
29 licensed veterinarian.

30 h. The killing of animals other than domesticated animals that
31 are causing damage to agricultural or horticultural crops and
32 property.

33 (cf: P.L.1997, c.88, s.1)
34

35 4. The title to part B of article 2 of chapter 22 of Title 4 of the
36 Revised Statutes is amended to read as follows:

37 B. **MISDEMEANORS AND FINES** CRIMINAL
38 OFFENSES AND PENALTIES; PROHIBITED METHODS FOR
39 DESTRUCTION OF ANIMALS.

40 (cf: Title, part B, article 2, chapter 22, Title 4 of the Revised
41 Statutes)
42

43 5. R.S.4:22-19 is amended to read as follows:

44 4:22-19. a. A person who shall **:**

45 a. Impound **impound** or confine, or cause to be impounded or
46 confined, in a kennel, pet shop, shelter, or pound or other place for
47 impoundment, confinement, or holding of animals, [a living] an

1 animal **【or creature】**, and shall fail to supply **【it】** the animal during
2 **【such】** the animal's impoundment or confinement with a sufficient
3 quantity of good and wholesome food and water **【;】** shall be guilty
4 of a disorderly persons offense. Notwithstanding the provisions of
5 N.J.S.2C:43-3 to the contrary, the violator of this subsection, for
6 each violation, shall be fined not less than \$500 nor more than
7 \$2,500, or be imprisoned for a term of not more than six months, or
8 both, at the discretion of the court. Each animal involved in a
9 violation of this subsection shall constitute a separate and distinct
10 offense.

11 b. **【Destroy or cause to be destroyed any such animal by**
12 **hypoxia induced by decompression or in any other manner, by the**
13 **administration of a lethal gas other than an inhalant anesthetic, or in**
14 **any other manner except by a method of euthanasia generally**
15 **accepted by the veterinary medical profession as being reliable,**
16 **appropriate to the type of animal upon which it is to be employed,**
17 **and capable of producing loss of consciousness and death as rapidly**
18 **and painlessly as possible for such animal shall, in the case of a**
19 **violation of subsection a., be guilty of a disorderly persons offense**
20 **and shall be punished as provided in subsection a. of R.S.4:22-17;**
21 **or, in the case of a violation of subsection b., be subject to a**
22 **penalty of \$25 for the first offense and \$50 for each subsequent**
23 **offense. Each animal destroyed in violation of subsection b. shall**
24 **constitute a separate offense. The penalty shall be collected in**
25 **accordance with the "Penalty Enforcement Law of 1999," P.L.1999,**
26 **c.274 (C.2A:58-10 et seq.) and all money collected shall be remitted**
27 **to the State.】** (Deleted by amendment, P.L. , c. (C.)
28 (pending before the Legislature as this bill)

29 c. For any violation of subsection a. of this section, in addition
30 to the penalty provided and the imposing of any other appropriate
31 penalties established for a disorderly persons offense pursuant to
32 Title 2C of the New Jersey Statutes, the court shall impose a term of
33 community service of up to 30 days. The court also may require the
34 violator to pay restitution to the owner of the animal, if known or
35 identified, or otherwise reimburse any costs for food, drink, shelter,
36 or veterinary care or treatment, or other costs, incurred by any
37 agency, entity, or organization responding to, or investigating, the
38 violation, including but not limited to a county society for the
39 prevention of cruelty to animals, any other recognized organization
40 concerned with the prevention of cruelty to animals or the humane
41 treatment and care of animals, or a local or State governmental
42 entity.

43 d. This section shall apply to any facility which holds,
44 impounds or confines animals, including, but not limited to:

45 (1) kennels, pet shops, shelters and pounds as defined and
46 licensed pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); **【to**
47 **pounds and】** or

(2) holding areas, impounding services, or any places of confinement contracted, owned [and] , operated, or otherwise used by municipalities, counties, law enforcement officers or agencies, or regional governmental authorities [; and to every contractual warden or impounding service, any provision to the contrary in this title notwithstanding] for the holding, impoundment, or confinement of animals.

(cf: P.L.2001, c.229, s.3)

6. Section 1 of P.L.1988, c.160 (C.4:22-19.3) is amended to read as follows:

1. Whenever any dog, cat, or any other **[domestic]** domesticated animal is to be destroyed, the use of succinylcholine chloride, curare, curariform drugs, or any other substance which acts as a neuromuscular blocking agent is prohibited. A person who violates this section is guilty of improper euthanizing of an animal pursuant to section 1 of P.L. , c. (C.) (pending before the Legislature as this bill).

(cf: P.L.1988, c.160, s.1)

7. The title to part C of article 2 of chapter 22 of Title 4 of the Revised Statutes is amended to read as follows:

C. CIVIL PENALTIES; RECOVERY.

(cf: Title, part C, article 2, chapter 22, Title 4 of the Revised Statutes)

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

4:22-26. A person who shall:

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

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

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

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

- 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 b. (Deleted by amendment, P.L.2003, c.232)
- 4 c. Inflict unnecessary cruelty upon a living animal or creature,
5 by any direct or indirect means, including but not limited to through
6 the use of another living animal or creature; or leave the living
7 animal or creature unattended in a vehicle under inhumane
8 conditions adverse to the health or welfare of the living animal or
9 creature;
- 10 d. Receive or offer for sale a horse that is suffering from abuse
11 or neglect, or which by reason of disability, disease, abuse or
12 lameness, or any other cause, could not be worked, ridden or
13 otherwise used for show, exhibition or recreational purposes, or
14 kept as a domestic pet without violating the provisions of article 2
15 of chapter 22 of Title 4 of the Revised Statutes;
- 16 e. Keep, use, be connected with or interested in the
17 management of, or receive money or other consideration for the
18 admission of a person to, a place kept or used for the purpose of
19 fighting or baiting a living animal or creature;
- 20 f. Be present and witness, pay admission to, encourage, aid or
21 assist in an activity enumerated in subsection e. of this section;
- 22 g. Permit or suffer a place owned or controlled by **him** the
23 person to be used as provided in subsection e. of this section;
- 24 h. Carry, or cause to be carried, a living animal or creature in
25 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 26 i. Use a dog or dogs for the purpose of drawing or helping to
27 draw a vehicle for business purposes;
- 28 j. Impound or confine or cause to be impounded or confined in
29 a pound or other place a living animal or creature, and shall fail to
30 supply the living animal or creature during such confinement with a
31 sufficient quantity of good and wholesome food and water;
- 32 k. Abandon a maimed, sick, infirm or disabled animal or
33 creature to die in a public place;
- 34 l. Willfully sell, or offer to sell, use, expose, or cause or permit
35 to be sold or offered for sale, used or exposed, a horse or other
36 animal having the disease known as glanders or farcy, or other
37 contagious or infectious disease dangerous to the health or life of
38 human beings or animals, or who shall, when any such disease is
39 beyond recovery, refuse, upon demand, to deprive the animal of
40 life;
- 41 m. Own, operate, manage or conduct a roadside stand or market
42 for the sale of merchandise along a public street or highway; or a
43 shopping mall, or a part of the premises thereof; and keep a living
44 animal or creature confined, or allowed to roam in an area whether
45 or not the area is enclosed, on these premises as an exhibit; except
46 that this subsection shall not be applicable to: a pet shop licensed
47 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who
48 keeps an animal, in a humane manner, for the purpose of the

1 protection of the premises; or a recognized breeders' association, a
2 4-H club, an educational agricultural program, an equestrian team, a
3 humane society or other similar charitable or nonprofit organization
4 conducting an exhibition, show or performance;

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

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

12 p. Use any animal, reptile, or fowl for the purpose of soliciting
13 any alms, collections, contributions, subscriptions, donations, or
14 payment of money except in connection with exhibitions, shows or
15 performances conducted in a bona fide manner by recognized
16 breeders' associations, 4-H clubs or other similar bona fide
17 organizations;

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

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

26 s. Artificially mark sheep or cattle, or cause them to be
27 marked, by cropping or cutting off both ears, cropping or cutting
28 either ear more than one inch from the tip end thereof, or half
29 cropping or cutting both ears or either ear more than one inch from
30 the tip end thereof, or who shall have or keep in the person's
31 possession sheep or cattle, which the person claims to own, marked
32 contrary to this subsection unless they were bought in market or of
33 a stranger;

34 t. Abandon a domesticated animal;

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

37 v. Own, possess, keep, train, promote, purchase, or knowingly
38 sell a living animal or creature for the purpose of fighting or baiting
39 that animal or creature;

40 w. Gamble on the outcome of a fight involving a living animal
41 or creature;

42 x. Knowingly sell or barter or offer for sale or barter, at
43 wholesale or retail, the fur or hair of a domestic dog or cat or any
44 product made in whole or in part from the fur or hair of a domestic
45 dog or cat, unless such fur or hair for sale or barter is from a
46 commercial grooming establishment or a veterinary office or clinic
47 or is for use for scientific research;

- 1 y. (1) Knowingly sell or barter, or offer for sale or barter, at
2 wholesale or retail, for human consumption, the flesh of a domestic
3 dog or cat, or any product made in whole or in part from the flesh of
4 a domestic dog or cat;
- 5 (2) Knowingly slaughter a horse for human consumption;
- 6 (3) Knowingly sell or barter, or offer for sale or barter, at
7 wholesale or retail, for human consumption, the flesh of a horse, or
8 any product made in whole or in part from the flesh of a horse, or
9 knowingly accept or publish newspaper advertising that includes the
10 offering for sale, trade, or distribution of any such item for human
11 consumption;
- 12 (4) Knowingly transport a horse for the purpose of slaughter for
13 human consumption;
- 14 (5) Knowingly transport horsemeat, or any product made in
15 whole or in part from the flesh of a horse, for the purpose of human
16 consumption;
- 17 z. Surgically debark or silence a dog in violation of section 1
18 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 19 aa. Use a live pigeon, fowl or other bird for the purpose of a
20 target, or to be shot at either for amusement or as a test of skill in
21 marksmanship, except that this subsection and subsections bb. and
22 cc. shall not apply to the shooting of game;
- 23 bb. Shoot at a bird used as described in subsection aa. of this
24 section, or is a party to such shooting; **[or]**
- 25 cc. Lease a building, room, field or premises, or knowingly
26 permit the use thereof for the purposes of subsection aa. or bb. of
27 this section; or
- 28 dd. Improperly euthanize an animal by killing it through the use
29 of decompression or the administration of a lethal gas other than an
30 inhalant anesthetic, or through the use of succinylcholine chloride,
31 curare, curariform drugs, another substance which acts as a
32 neuromuscular blocking agent, or means other than those used for
33 the proper euthanizing of the animal in accordance with the
34 American Veterinary Medical Association euthanasia guidelines --
- 35 Shall forfeit and pay a sum according to the following schedule,
36 to be sued for and recovered, with costs, in a civil action by any
37 person in the name of the municipality or county wherein the
38 defendant resides or where the offense was committed:
- 39 For a violation of subsection e., f., g., u., v., w., or z. of this
40 section or of paragraph (3) of subsection a. of this section, or for a
41 second or subsequent violation of paragraph (2) or (5) of subsection
42 a. of this section, a sum of not less than \$3,000 nor more than
43 \$5,000;
- 44 For a violation of subsection l. of this section, for a first violation
45 of paragraph (2) or (5) of subsection a. of this section, a sum of not
46 less than \$1,000 nor more than \$3,000;

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

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

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

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

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

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

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

24
25 9. R.S.4:22-51 is amended to read as follows:

26 4:22-51. When a living animal **【or creature】** is impounded or
27 confined **【as provided in section 4:22-19 of this title】**, and **【shall**
28 **continue to be without】** is not provided necessary food and water
29 for more than twelve successive hours, any person may, from time
30 to time as often as is necessary, enter into or upon the **【pound in**
31 **which】** kennel, shelter, pound, or other facility where the animal
32 **【or creature】** is impounded or confined and supply **【it】** the animal
33 with necessary food and water **【so】** for as long as **【it shall remain】**
34 the animal remains impounded or confined. Such person shall not
35 be liable to an action for such entry.

36 The actual cost of the food, water and bedding provided,
37 **【together with】** and an additional amount of **【twenty per cent**
38 **additional】** 20 percent of that cost, may be collected by **【such】** the
39 person providing the food, water, and bedding from the owner of
40 the animal **【or creature】** in an action at law **【,** together with costs,
41 and the **】** . The animal **【or creature】** shall not be exempt from levy
42 and sale upon **【an execution issued upon】** the issuance of a
43 judgment therefor.

44 (cf: R.S.4:22-51)

45
46 10. Section 2 of P.L.1988, c.160 (C.4:22-19.4) is hereby
47 repealed.

1 11. (New section) Notwithstanding the provisions of P.L. , c.
2 (C.) (pending before the Legislature as this bill) to the
3 contrary, any violations or offenses committed, or in the process of
4 being adjudicated under section 2 of P.L.1988, c.160 (C.4:22-19.4)
5 on or before the date of enactment of P.L. , c. (C.) (pending
6 before the Legislature as this bill), shall be adjudicated pursuant to
7 those laws, as applicable.

8
9 12. This act shall take effect immediately.

10
11
12 STATEMENT

13
14 This bill establishes:

15 1) the criminal animal cruelty offenses of improper euthanizing
16 of an animal and aggravated improper euthanizing of an animal;

17 2) updates civil penalties for animal cruelty offenses to reflect
18 these offenses; and

19 3) revises the law concerning the care and euthanizing of
20 impounded animals, and the impoundment of seized animals..

21 A person is guilty of improper euthanizing of an animal if the
22 individual, while acting on the individual's behalf or as an employee
23 or member of the staff of a kennel, shelter, pound, or other
24 organization or entity providing for the shelter and care of animals,
25 kills or causes the death of an animal by hypoxia induced by: 1)
26 decompression; 2) the administration of a lethal gas other than an
27 inhalant anesthetic; 3) the use of succinylcholine chloride, curare,
28 curariform drugs, or other substance which acts as a neuromuscular
29 blocking agent; or 4) means other than those used for the proper
30 euthanizing of the animal in accordance with the American
31 Veterinary Medical Association euthanasia guidelines. If the
32 person purposely kills or causes the death of an animal in this
33 manner, the person is guilty of aggravated improper euthanizing of
34 an animal.

35 The bill establishes improper euthanizing of an animal as a
36 disorderly persons offense, and aggravated improper euthanizing of
37 an animal as a crime of the fourth degree. It also provides for the
38 imposition of civil penalties of \$500 to \$2,500 for these offenses.