

SENATE, No. 2159

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MARCH 5, 2018

Sponsored by:

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District 1 (Atlantic, Cape May and Cumberland)

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District 14 (Mercer and Middlesex)

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SYNOPSIS

Revises animal cruelty offenses and penalties concerning animal abandonment and failure to report injuring certain animals with a motor vehicle; increases civil penalties for certain other animal cruelty offenses.

CURRENT VERSION OF TEXT

As introduced.



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

1 AN ACT concerning abandonment of animals, failure to report
2 injury to certain animals in certain circumstances, increasing
3 civil penalties for certain animal cruelty offenses, and amending
4 various parts of statutory law, supplementing chapter 22 of Title
5 4 of the Revised Statutes, and repealing R.S.4:22-20 and section
6 2 of P.L.1939, c.315.

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

10
11 1. R.S.4:22-15 is amended to read as follows:

12 4:22-15. As used in this article:

13 "Animal" **【**or "creature" includes**】** means any member of the
14 whole brute creation. The term "animal" shall not include human
15 beings.

16 "Bodily injury" means physical pain, illness or any impairment
17 of physical condition.

18 "Caretaker" means a person who is in possession of an animal
19 and is the person upon whom the care, health, safety and welfare of
20 the animal is primarily dependent.

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

23 "Domesticated animal" means a domestic companion animal as
24 defined pursuant to subsection u. of N.J.S.2C:20-1 or any animal of
25 a species commonly kept as a domestic companion animal.

26 "Domesticated animal" shall not include domestic livestock.

27 "Necessary care" means care sufficient to preserve the health and
28 well-being of an animal, and except for emergencies or
29 circumstances beyond the reasonable control of the person
30 responsible for the care of the animal, includes, but is not limited
31 to: (1) food of sufficient quantity and quality to allow for normal
32 growth or maintenance of body weight; (2) open or adequate access
33 to drinkable water of an appropriate temperature in sufficient
34 quantity and quality to satisfy the animal's needs; (3) access to
35 adequate protection from the weather **【**; and**】**, including access to
36 an enclosed non-hazardous structure sufficient to protect the animal
37 from the weather that has adequate bedding to protect against cold
38 and dampness, and adequate protection from extreme or excessive
39 sunlight and from overexposure to the sun, heat and other weather
40 conditions; (4) veterinary care deemed necessary by a reasonably
41 prudent person to prevent or relieve injury, neglect or disease,
42 alleviate suffering, and maintain health; and (5) reasonable access
43 to a clean and adequate exercise area.

44 "Owner" **【**or "person" includes a corporation, and the knowledge
45 and acts of an agent or employee of a corporation in regard to
46 animals transported, owned, employed, or in the custody of the

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 corporation shall be imputed to the corporation. **】** means a person
2 who is the caretaker of an animal in question and has the legal right
3 of possession of the animal and any legal title to its ownership.

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

6 “Possess” or “possession” means having physical custody of,
7 having legal custody over, being in charge of, or having physical
8 control over an animal, whether temporarily or as an owner of the
9 animal.

10 "Serious bodily injury" means bodily injury which creates a
11 substantial risk of death or which causes serious, permanent
12 disfigurement, or protracted loss or impairment of the function of
13 any bodily member or organ.

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

15

16 2. (New section) a. A person is guilty of animal abandonment
17 if the person, with the purpose of relinquishing possession of the
18 animal and without making provisions for the necessary care of the
19 animal, knowingly leaves, or causes to be left, a domesticated
20 animal or domestic livestock:

21 (1) in a public place where the animal may die, and the animal is
22 maimed, sick, infirm or disabled; or

23 (2) in a place beyond the control, custody or possession of the
24 owner or the person relinquishing possession of the animal.

25 Animal abandonment is a crime of the fourth degree.

26 b. Each animal abandoned in violation of this section shall
27 constitute a separate and distinct offense.

28 c. In addition to the penalties and remedies prescribed for
29 violations of this section pursuant to Title 2C of the New Jersey
30 Statutes, a person found guilty of violating subsection a. of this
31 section shall be subject to an additional fine of \$1,000 for each
32 animal abandoned that is:

33 (1) maimed, sick, infirm or disabled; or

34 (2) left within 200 feet of a roadway.

35

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

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

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

43

44 4. Section 1 of P.L.1939, c.315 (C.4:22-25.1) is amended to
45 read as follows:

46 1. **【Each】** Any person operating a motor vehicle who 【shall】
47 knowingly 【hit, run over, or cause】 hits, runs over, or causes injury

1 to a cat, dog, horse, **[or]** cattle, or other domesticated animal or
2 domestic livestock shall stop at once, ascertain the extent of injury,
3 and report the incident to the nearest police station, police officer,
4 municipal humane law enforcement officer, chief humane law
5 enforcement officer, or humane law enforcement officer of a county
6 society for the prevention of cruelty to animals **[and give his]** .
7 When reporting the incident, the person operating the motor vehicle
8 shall provide the person's name, address, **[operator's]** driver's
9 license number, and motor vehicle registration number, and **[also**
10 **give]** the location of the injured animal. Any person who violates
11 any provision of this section shall be guilty of a disorderly persons
12 offense.

13 (cf: P.L.2017, c.331, s.12)

14

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

17 C. CIVIL PENALTIES; RECOVERY.

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

20

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

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

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

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

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

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

43 (5) Cause bodily injury to a living animal **[or creature]** from
44 commission of the act described in paragraph (4) of this subsection;

45 b. (Deleted by amendment, P.L.2003, c.232)

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

1 dog or cat, unless such fur or hair for sale or barter is from a
2 commercial grooming establishment or a veterinary office or clinic
3 or is for use for scientific research;

4 y. (1) Knowingly sell or barter, or offer for sale or barter, at
5 wholesale or retail, for human consumption, the flesh of a domestic
6 dog or cat, or any product made in whole or in part from the flesh of
7 a domestic dog or cat;

8 (2) Knowingly slaughter a horse for human consumption;

9 (3) Knowingly sell or barter, or offer for sale or barter, at
10 wholesale or retail, for human consumption, the flesh of a horse, or
11 any product made in whole or in part from the flesh of a horse, or
12 knowingly accept or publish newspaper advertising that includes the
13 offering for sale, trade, or distribution of any such item for human
14 consumption;

15 (4) Knowingly transport a horse for the purpose of slaughter for
16 human consumption;

17 (5) Knowingly transport horsemeat, or any product made in
18 whole or in part from the flesh of a horse, for the purpose of human
19 consumption;

20 z. Surgically debark or silence a dog in violation of section 1
21 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);

22 aa. Use a live pigeon, fowl or other bird for the purpose of a
23 target, or to be shot at either for amusement or as a test of skill in
24 marksmanship, except that this subsection and subsections bb. and
25 cc. shall not apply to the shooting of game;

26 bb. Shoot at a bird used as described in subsection aa. of this
27 section, or is a party to such shooting; or

28 cc. Lease a building, room, field or premises, or knowingly
29 permit the use thereof for the purposes of subsection aa. or bb. of
30 this section --

31 Shall forfeit and pay a sum according to the following schedule,
32 to be sued for and recovered, with costs, in a civil action by any
33 person in the name of the municipality or county wherein the
34 defendant resides or where the offense was committed:

35 For a violation of subsection e., f., g., u., v., w., or z. of this
36 section or of paragraph (3) of subsection a. of this section, or for a
37 second or subsequent violation of paragraph (2) or (5) of subsection
38 a. of this section, a sum of not less than \$3,000 nor more than
39 \$5,000;

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

43 For a violation of paragraph (4) of subsection a. of this section,
44 **【or subsection c. of this section,】** a sum of not less than \$500 nor
45 more than \$2,000;

46 For a violation of subsection x. or paragraph (1) of subsection y.
47 of this section, a sum of not less than \$500 nor more than \$1,000 for
48 each domestic dog or cat fur or fur or hair product or domestic dog

1 or cat carcass or meat product sold, bartered, or offered for sale or
2 barter;

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

9 For a violation of subsection t. of this section, a sum of not less
10 than ~~[\$500]~~ \$1,500 nor more than ~~[\$1,000]~~ \$3,000, but if the
11 violation occurs on or near a highway, a mandatory sum of \$1,000;

12 For a violation of subsection c., d., h., j., k., aa., bb., or cc. of this
13 section or of paragraph (1) of subsection a. of this section, a sum of
14 not less than ~~[\$250]~~ \$500 nor more than ~~[\$1,000]~~ \$2,500; and

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

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

18

19 7. Section 1 of P.L.1995, c.255 (C.4:22-26.1) is amended to
20 read as follows:

21 1. A certified animal control officer, municipal humane law
22 enforcement officer, humane law enforcement officer of a county
23 society for the prevention of cruelty to animals, chief humane law
24 enforcement officer, or animal cruelty prosecutor designated
25 pursuant to paragraph (1) of subsection a. of section 28 of P.L.2017,
26 c.331 (C.4:22-14.4) may petition a court of competent jurisdiction
27 to have ~~[any animal]~~ confiscated [and forfeited] , pending the
28 disposition of an alleged animal cruelty violation, any animal that is
29 owned or possessed by a person charged with the animal cruelty
30 violation, and have the animal forfeited at the time the person is
31 found to be guilty of, or civilly liable for, violating ~~[R.S.4:22-17,~~
32 ~~R.S.4:22-18, R.S.4:22-19, R.S.4:22-20 or R.S.4:22-23]~~ any animal
33 cruelty provision of chapter 19 or 22 of Title 4 of the Revised
34 Statutes.

35 Upon a finding that the continued possession by that person
36 poses a threat to the ~~[animal's]~~ welfare of the animal, the court
37 may, in addition to any other penalty that may be imposed for a
38 violation of ~~[R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20 or~~
39 ~~R.S.4:22-23]~~ chapter 19 or 22 of Title 4 of the Revised Statutes,
40 adjudge an animal forfeited for such disposition as the court deems
41 appropriate.

42 (cf: Advance Law, P.L.2017, c.331, s.14)

43

44 8. R.S.4:22-20 and section 2 of P.L.1939, c.315 (C.4:22-25.2)
45 are hereby repealed.

1 9. (New section) Notwithstanding the provisions of P.L. ,
2 c. (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 R.S.4:22-20 or section 2 of P.L.1939, c.315
5 (C.4:22-25.2) on or before the date of enactment of P.L. ,
6 c. (C.) (pending before the Legislature as this bill), shall be
7 adjudicated pursuant to those laws, as applicable.

8
9 10. This act shall take effect immediately.

10
11
12 STATEMENT

13
14 This bill revises the animal cruelty statutes concerning animal
15 abandonment, increases civil penalties for certain animal cruelty
16 offenses, and updates statutes and statutory titles in the animal
17 cruelty law to reflect changes made by the bill and the current
18 allocation of offenses. The bill revises the criminal offense of
19 animal abandonment and establishes it as a crime of the fourth
20 degree, with an additional penalty of \$1,000 for each animal
21 abandoned that is maimed, sick, infirm or disabled, or left within
22 200 feet of a roadway. The civil penalty under the bill would be
23 \$500 to \$3,000.

24 Under the bill, a person is guilty of the criminal offense of
25 animal abandonment if the person, with the purpose of relinquishing
26 possession of the animal and without making provisions for the
27 minimum care of the animal, knowingly leaves, or causes to be left,
28 a domesticated animal or domestic livestock:

29 1) in a public place where the animal may die, and the animal is
30 maimed, sick, infirm or disabled; or

31 2) in a place beyond the control, custody or possession of the
32 owner or the person relinquishing possession of the animal.

33 The bill also updates the provisions of current law so that people
34 committing such offenses would be liable for a civil penalty as well.

35 The bill also revises current law requiring the reporting of
36 hitting, running over, or causing injury to a cat, dog, horse, or
37 cattle. The bill updates the terminology in the statute, upgrades
38 failure to report to a disorderly persons offense, and provides
39 additional options for reporting to include the nearest animal
40 control officer, or humane law enforcement officer or agent of the
41 New Jersey Society for the Prevention of Cruelty to Animals or
42 county society for the prevention of cruelty to animals.

43 Finally, in addition to revising and increasing the civil penalty
44 for abandoning a maimed, sick, infirm or disabled animal to die in a
45 public place, the bill increases the civil penalty to not less than \$500
46 nor more than \$2,500 for all of the offenses that have the same civil
47 penalty under current law as the offense of abandoning a maimed,
48 sick, infirm or disabled animal to die in a public place.