

SENATE, No. 3453

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 7, 2019

Sponsored by:

Senator DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

Co-Sponsored by:

Senator Corrado

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.



(Sponsorship Updated As Of: 2/8/2019)

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

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 Superior Court or in municipal court.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 days, and may direct that the term of community service be served
2 in providing assistance to a county society for the prevention of
3 cruelty to animals or any other recognized organization concerned
4 with the prevention of cruelty to animals or the humane treatment
5 and care of animals, or to a municipality's animal control or animal
6 population control program.

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

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

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

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31 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.