

[First Reprint]

ASSEMBLY, No. 2401

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

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District 35 (Bergen and Passaic)

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District 19 (Middlesex)

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District 19 (Middlesex)

SYNOPSIS

“Responsible Dog Ownership Act.”

CURRENT VERSION OF TEXT

As reported by the Assembly Agriculture Committee on June 9, 2021, with amendments.



(Sponsorship Updated As Of: 3/25/2021)

1 AN ACT concerning the control of dogs, supplementing ¹Title 2C of
 2 the New Jersey Statutes and¹ Title 4 of the Revised Statutes, and
 3 amending ¹**[N.J.S.2C:24-4]** various sections of statutory law¹.

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

7
 8 1. (New section) ¹**[This act]** Sections 1 through 9 of P.L. , c.
 9 (C.) (pending before the Legislature as this bill)¹ shall be known
 10 and may be cited as the “Responsible Dog Ownership Act.”

11
 12 2. (New section) The Legislature finds and declares that there is
 13 a need to focus attention on the behavior of, and safe interaction with,
 14 all dogs in the communities of the State; that children are at particular
 15 risk from confrontations with unrestrained dogs, due to the size of
 16 children in relation to many dogs, but also because of their innocence,
 17 inexperience, and emotional perceptions; that dog owners embrace
 18 their role as caretakers and trainers of their dogs and are likely to be
 19 the first to wish to curtail any negative interactions between
 20 themselves, their dogs, children, and any other members of the
 21 communities in which they live; and that any regulation of dog
 22 behavior must be implemented with consideration, forethought, and
 23 reasonableness for the good of both the public and dog owners in the
 24 State.

25 The Legislature therefore determines that it is in the public interest
 26 and for the well being of our children ¹**[and]** ¹our dogs ¹, and all the
 27 citizens of our State¹ that the State develop leashing and fencing
 28 requirements for dogs, to be implemented by the municipalities in the
 29 State, ¹hold dog owners liable for serious injury caused by their dogs,¹
 30 and establish penalties for certain violations that threaten the safety of
 31 our children and all members of our communities, all of which are in
 32 keeping with responsible dog ownership to which so many, if not all,
 33 dog owners in the State are committed and subscribe.

34
 35 3. (New section) a. Within 180 days after the date of enactment
 36 of ¹**[this act]** P.L. , c. (C.) (pending before the Legislature as this
 37 bill)¹, the Department of Health, after consulting with the New Jersey
 38 Certified Animal Control Officers Association, the League of
 39 Municipalities, ¹and¹ the New Jersey Veterinary Medical Association,
 40 ¹**[and the New Jersey Society for the Prevention of Cruelty to**
 41 **Animals,]**¹ shall adopt, pursuant to the “Administrative Procedure
 42 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
 43 establishing:

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:

¹Assembly AAN committee amendments adopted June 9, 2021.

- 1 (1) the size of dog that would constitute a large dog necessitating
2 fencing for the protection and well being of the public at large;
- 3 (2) the appropriate height and dimensions of an enclosed fenced
4 area for such large dogs so as to properly protect the public and ensure
5 the well-being of the dog;
- 6 (3) standards for leashing, restraining, and otherwise restricting the
7 free movement of a dog when it is off the property of its owner;
- 8 ¹(4) permissible use of invisible fencing and other fencing
9 compliance options for residents of condominiums, townhouses, and
10 apartments and other rental properties;¹ and
- 11 ¹~~[(4)]~~ (5)¹ the appropriate requirements for the control and
12 regulation of the free movement of dogs ¹of¹ all sizes ¹~~[of dogs off the~~
13 ~~property of an owner]~~¹ in the State ¹when off the property of the dog's
14 owner¹.
- 15 b. The department shall develop and adopt model ordinances
16 providing for the standards and requirements established in the rules
17 and regulations, which a municipality may enact in order to comply
18 with the adopted standards and requirements.
- 19
- 20 4. (New section) a. Each municipality shall adopt a responsible
21 dog ownership ordinance, resolution, or regulation providing for, at a
22 minimum, the standards and requirements established in the rules and
23 regulations adopted by the department pursuant to section 3 of ¹~~[this~~
24 ~~act]~~ P.L. , c. (C.) (pending before the Legislature as this bill)¹.
- 25 b. ¹~~[A]~~ Each¹ municipality ¹shall establish a dedicated fund
26 solely for the purpose of enforcement of the requirements of P.L. , c.
27 (C.) (pending before the Legislature as this bill), separate from the
28 other accounts of the municipality. Each municipality¹ may allocate a
29 portion of the ¹~~[fees collected for the licensing of dogs in]~~ moneys
30 forwarded to the treasurer of¹ the municipality ¹pursuant to section 11
31 of P.L.1941, c.151 (C.4:19-15.11) and shall deposit the allocated
32 moneys¹ and any penalties collected pursuant to ¹~~[this act]~~ P.L. , c.
33 (C.) (pending before the Legislature as this bill) in the dedicated
34 fund¹ to pay for the enforcement of any ¹~~[such]~~ standard or
35 requirement,¹ ordinance, resolution, or regulation, the posting of signs,
36 or any other municipal expense incurred pursuant to ¹~~[this act]~~
37 P.L. , c. (C.) (pending before the Legislature as this bill)¹.
- 38 c. Each municipality shall ¹establish and¹ publicize a telephone
39 number for reporting violations of ¹~~[this act.]~~ P.L. , c. (C.)
40 (pending before the Legislature as this bill). The municipality shall
41 identify and post the number on the municipality's website and in the
42 office of the municipal clerk. The municipality shall provide the
43 number to each dog owner licensing a dog and include the number in
44 mailings of property tax bills or other appropriate notices from the
45 municipality.¹ This telephone number shall be forwarded to the

1 department and any changes in this number shall be reported
2 immediately to the department.

3
4 5. (New section) Whenever a person registers or licenses a dog
5 with a municipality pursuant to section 2, 3, 4, 5, or 6 of P.L.1941,
6 c.151 (C.4:19-15.2, C.4:19-15.3, C.4:19-15.4, C.4:19-15.5, or C.4:19-
7 15.6), or section 14 or 15 of P.L.1989, c.307 (C.4:19-30 or C.4:19-31),
8 the municipal clerk ¹or other official issuing the license¹ shall provide
9 the person with a copy of the leashing and fencing requirements in
10 effect in the municipality and notification of the provisions of
11 ¹N.J.S.2C:12-1,¹ N.J.S.2C:24-4 ¹, sections 8 and 9 of P.L. _____, c.
12 (C. _____) (pending before the Legislature as this bill),¹ and any other
13 ordinance, resolution, or regulation concerning the free movement of
14 dogs in the municipality.

15
16 6. (New section) Upon receipt of a registration application for a
17 dog requiring specific large dog fencing in the municipality, the
18 municipality shall issue a large dog registration number. The
19 municipality shall issue an order to the owner of the dog with a
20 schedule for compliance with the fencing requirements for the dog and
21 the required specifications for the fencing to be installed. ¹If the
22 owner of the dog does not comply in a timely manner with the
23 schedule for compliance with the fencing requirements, the dog's
24 registration shall be revoked and the owner shall be fined pursuant to
25 section 7 of P.L. _____, c. (C. _____) (pending before the Legislature as this
26 bill).¹

27
28 7. (New section) a. The owner of a dog, for which specific
29 fencing is required pursuant to ¹[this act] P.L. _____, c. (C. _____)
30 (pending before the Legislature as this bill)¹, who is found by clear
31 and convincing evidence to have violated the requirements established
32 by the applicable municipality pursuant to ¹[this act]
33 P.L. _____, c. (C. _____) (pending before the Legislature as this bill)¹,
34 shall be subject to a fine of ¹[up to] not less than¹ \$500 ¹nor more
35 than \$2,000¹ per day of the violation, and each day's continuance of
36 the violation shall constitute a separate and distinct violation.

37 b. The owner of a dog who is found by clear and convincing
38 evidence to have violated ¹[a] an¹ ordinance, resolution, or regulation
39 concerning the leashing or other restraint of a dog shall be subject to a
40 fine of ¹[up to] not less than¹ \$500 ¹nor more than \$2,000¹.

41 c. Fines collected pursuant to this section shall be paid to the
42 municipality in which the violation occurred.

43
44 ¹8. (New section) An owner whose dog inflicts bodily injury or
45 serious bodily injury upon, or kills, a person, when the dog is not
46 leashed or restrained in a residential neighborhood, park, or other open
47 space accessible to the public, or the owner of the dog fails to comply

1 with court-imposed requirements pursuant to P.L.1989, c.307 (C.4:19-
 2 17 et seq.), shall be criminally liable for the injury or death of the
 3 person caused by the dog and subject to the applicable provisions of
 4 N.J.S.2C:12-1, N.J.S.2C:24-4, section 9 of P.L. , c. (C.)
 5 (pending before the Legislature as this bill), and any other State law.
 6 Notwithstanding any provision of section 3 of P.L.1979, c.396
 7 (C.2C:46-4) to the contrary, any fines collected from a person
 8 convicted pursuant to subsection g. of N.J.S.2C:12-1, paragraph (3) of
 9 subsection a. of N.J.S.2C:24-4, or section 9 of P.L. , c. (C.)
 10 (pending before the Legislature as this bill) shall be paid to the
 11 municipality in which the injury or death occurred.¹

12
 13 ^{19.} (New section) Criminal homicide constitutes reckless
 14 homicide caused by a dog when a person purposely, knowingly, or
 15 recklessly allows a dog off leash or fails to restrain a dog in a
 16 residential neighborhood, park, or other open space accessible to the
 17 public, and the dog kills a person as a result in an unprovoked attack
 18 by the dog. Reckless homicide caused by a dog is a crime of the
 19 second degree. The provisions of this section are in addition to any
 20 provision of P.L.1989, c.307 (C.4:19-17 et seq.) that may apply.
 21 Notwithstanding any other provision of section 3 of P.L.1979, c.396
 22 (C.2C:46-4) to the contrary, any fines collected pursuant to a
 23 conviction shall be paid to the municipality in which the attack
 24 occurred.¹

25
 26 ^{10.} N.J.S.2C:11-2 is amended to read as follows:

27 2C:11-2. Criminal homicide.

28 a. A person is guilty of criminal homicide if he purposely,
 29 knowingly, recklessly or, under the circumstances set forth in
 30 N.J.S.2C:11-5 or section 1 of P.L.2017, c.165 (C.2C:11-5.3), causes
 31 the death of another human being.

32 b. Criminal homicide is murder, manslaughter **[or]** , death by
 33 auto or vessel , or death caused by a dog.¹
 34 (cf: P.L.2017, c.165, s.2)

35
 36 ^{11.} N.J.S.2C:12-1 is amended to read as follows:

37 2C:12-1. Assault. a. Simple assault. A person is guilty of assault if
 38 the person:

39 (1) Attempts to cause or purposely, knowingly or recklessly causes
 40 bodily injury to another; or

41 (2) Negligently causes bodily injury to another with a deadly
 42 weapon; or

43 (3) Attempts by physical menace to put another in fear of
 44 imminent serious bodily injury.

45 Simple assault is a disorderly persons offense unless committed in
 46 a fight or scuffle entered into by mutual consent, in which case it is a
 47 petty disorderly persons offense.

- 1 b. Aggravated assault. A person is guilty of aggravated assault if
2 the person:
- 3 (1) Attempts to cause serious bodily injury to another, or causes
4 injury purposely or knowingly or under circumstances manifesting
5 extreme indifference to the value of human life recklessly causes such
6 injury; or
- 7 (2) Attempts to cause or purposely or knowingly causes bodily
8 injury to another with a deadly weapon; or
- 9 (3) Recklessly causes bodily injury to another with a deadly
10 weapon; or
- 11 (4) Knowingly under circumstances manifesting extreme
12 indifference to the value of human life points a firearm, as defined in
13 subsection f. of N.J.S.2C:39-1, at or in the direction of another,
14 whether or not the actor believes it to be loaded; or
- 15 (5) Commits a simple assault as defined in paragraph (1), (2), or
16 (3) of subsection a. of this section upon:
- 17 (a) Any law enforcement officer acting in the performance of the
18 officer's duties while in uniform or exhibiting evidence of authority or
19 because of the officer's status as a law enforcement officer; or
- 20 (b) Any paid or volunteer firefighter acting in the performance of
21 the firefighter's duties while in uniform or otherwise clearly
22 identifiable as being engaged in the performance of the duties of a
23 firefighter; or
- 24 (c) Any person engaged in emergency first-aid or medical services
25 acting in the performance of the person's duties while in uniform or
26 otherwise clearly identifiable as being engaged in the performance of
27 emergency first-aid or medical services; or
- 28 (d) Any school board member, school administrator, teacher,
29 school bus driver, or other employee of a public or nonpublic school or
30 school board while clearly identifiable as being engaged in the
31 performance of the person's duties or because of the person's status as
32 a member or employee of a public or nonpublic school or school board
33 or any school bus driver employed by an operator under contract to a
34 public or nonpublic school or school board while clearly identifiable as
35 being engaged in the performance of the person's duties or because of
36 the person's status as a school bus driver; or
- 37 (e) Any employee of the Division of Child Protection and
38 Permanency while clearly identifiable as being engaged in the
39 performance of the employee's duties or because of the status as an
40 employee of the division; or
- 41 (f) Any justice of the Supreme Court, judge of the Superior Court,
42 judge of the Tax Court or municipal judge while clearly identifiable as
43 being engaged in the performance of judicial duties or because of the
44 status as a member of the judiciary; or
- 45 (g) Any operator of a motorbus or the operator's supervisor or any
46 employee of a rail passenger service while clearly identifiable as being
47 engaged in the performance of the person's duties or because of the

1 status as an operator of a motorbus or as the operator's supervisor or as
2 an employee of a rail passenger service; or

3 (h) Any Department of Corrections employee, county correctional
4 police officer, juvenile correctional police officer, State juvenile
5 facility employee, juvenile detention staff member, juvenile detention
6 officer, probation officer or any sheriff, undersheriff, or sheriff's
7 officer acting in the performance of the person's duties while in
8 uniform or exhibiting evidence of the person's authority or because of
9 the status as a Department of Corrections employee, county
10 correctional police officer, juvenile correctional police officer, State
11 juvenile facility employee, juvenile detention staff member, juvenile
12 detention officer, probation officer, sheriff, undersheriff, or sheriff's
13 officer; or

14 (i) Any employee, including any person employed under contract,
15 of a utility company as defined in section 2 of P.L.1971, c.224
16 (C.2A:42-86) or a cable television company subject to the provisions
17 of the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.)
18 while clearly identifiable as being engaged in the performance of the
19 employee's duties in regard to connecting, disconnecting, or repairing
20 or attempting to connect, disconnect, or repair any gas, electric, or
21 water utility, or cable television or telecommunication service; or

22 (j) Any health care worker employed by a licensed health care
23 facility to provide direct patient care, any health care professional
24 licensed or otherwise authorized pursuant to Title 26 or Title 45 of the
25 Revised Statutes to practice a health care profession, except a direct
26 care worker at a State or county psychiatric hospital or State
27 developmental center or veterans' memorial home, while clearly
28 identifiable as being engaged in the duties of providing direct patient
29 care or practicing the health care profession; or

30 (k) Any direct care worker at a State or county psychiatric hospital
31 or State developmental center or veterans' memorial home, while
32 clearly identifiable as being engaged in the duties of providing direct
33 patient care or practicing the health care profession, provided that the
34 actor is not a patient or resident at the facility who is classified by the
35 facility as having a mental illness or developmental disability; or

36 (6) Causes bodily injury to another person while fleeing or
37 attempting to elude a law enforcement officer in violation of
38 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
39 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any
40 other provision of law to the contrary, a person shall be strictly liable
41 for a violation of this paragraph upon proof of a violation of subsection
42 b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of
43 subsection c. of N.J.S.2C:20-10 which resulted in bodily injury to
44 another person; or

45 (7) Attempts to cause significant bodily injury to another or causes
46 significant bodily injury purposely or knowingly or, under
47 circumstances manifesting extreme indifference to the value of human
48 life recklessly causes such significant bodily injury; or

1 (8) Causes bodily injury by knowingly or purposely starting a fire
2 or causing an explosion in violation of N.J.S.2C:17-1 which results in
3 bodily injury to any emergency services personnel involved in fire
4 suppression activities, rendering emergency medical services resulting
5 from the fire or explosion or rescue operations, or rendering any
6 necessary assistance at the scene of the fire or explosion, including any
7 bodily injury sustained while responding to the scene of a reported fire
8 or explosion. For purposes of this paragraph, "emergency services
9 personnel" shall include, but not be limited to, any paid or volunteer
10 firefighter, any person engaged in emergency first-aid or medical
11 services and any law enforcement officer. Notwithstanding any other
12 provision of law to the contrary, a person shall be strictly liable for a
13 violation of this paragraph upon proof of a violation of N.J.S.2C:17-1
14 which resulted in bodily injury to any emergency services personnel;
15 or

16 (9) Knowingly, under circumstances manifesting extreme
17 indifference to the value of human life, points or displays a firearm, as
18 defined in subsection f. of N.J.S.2C:39-1, at or in the direction of a law
19 enforcement officer; or

20 (10) Knowingly points, displays or uses an imitation firearm, as
21 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a
22 law enforcement officer with the purpose to intimidate, threaten, or
23 attempt to put the officer in fear of bodily injury or for any unlawful
24 purpose; or

25 (11) Uses or activates a laser sighting system or device, or a
26 system or device which, in the manner used, would cause a reasonable
27 person to believe that it is a laser sighting system or device, against a
28 law enforcement officer acting in the performance of the officer's
29 duties while in uniform or exhibiting evidence of the officer's
30 authority. As used in this paragraph, "laser sighting system or device"
31 means any system or device that is integrated with or affixed to a
32 firearm and emits a laser light beam that is used to assist in the sight
33 alignment or aiming of the firearm; or

34 (12) Attempts to cause significant bodily injury or causes
35 significant bodily injury purposely or knowingly or, under
36 circumstances manifesting extreme indifference to the value of human
37 life, recklessly causes significant bodily injury to a person who, with
38 respect to the actor, meets the definition of a victim of domestic
39 violence, as defined in subsection d. of section 3 of P.L.1991, c.261
40 (C.2C:25-19); or

41 (13) Knowingly or, under circumstances manifesting extreme
42 indifference to the value of human life, recklessly obstructs the
43 breathing or blood circulation of a person who, with respect to the
44 actor, meets the definition of a victim of domestic violence, as defined
45 in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19), by
46 applying pressure on the throat or neck or blocking the nose or mouth
47 of such person, thereby causing or attempting to cause bodily injury.

1 Aggravated assault under paragraphs (1) and (6) of subsection b. of
2 this section is a crime of the second degree; under paragraphs (2), (7),
3 (9), and (10) of subsection b. of this section is a crime of the third
4 degree; under paragraphs (3) and (4) of subsection b. of this section is
5 a crime of the fourth degree; and under paragraph (5) of subsection b.
6 of this section is a crime of the third degree if the victim suffers bodily
7 injury, otherwise it is a crime of the fourth degree. Aggravated assault
8 under paragraph (8) of subsection b. of this section is a crime of the
9 third degree if the victim suffers bodily injury; if the victim suffers
10 significant bodily injury or serious bodily injury it is a crime of the
11 second degree. Aggravated assault under paragraph (11) of subsection
12 b. of this section is a crime of the third degree. Aggravated assault
13 under paragraph (12) or (13) of subsection b. of this section is a crime
14 of the third degree but the presumption of non-imprisonment set forth
15 in subsection e. of N.J.S.2C:44-1 for a first offense of a crime of the
16 third degree shall not apply.

17 c. (1) A person is guilty of assault by auto or vessel when the
18 person drives a vehicle or vessel recklessly and causes either serious
19 bodily injury or bodily injury to another. Assault by auto or vessel is a
20 crime of the fourth degree if serious bodily injury results and is a
21 disorderly persons offense if bodily injury results. Proof that the
22 defendant was operating a hand-held wireless telephone while driving
23 a motor vehicle in violation of section 1 of P.L.2003, c.310 (C.39:4-
24 97.3) may give rise to an inference that the defendant was driving
25 recklessly.

26 (2) Assault by auto or vessel is a crime of the third degree if the
27 person drives the vehicle while in violation of R.S.39:4-50 or section 2
28 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily injury results and
29 is a crime of the fourth degree if the person drives the vehicle while in
30 violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a)
31 and bodily injury results.

32 (3) Assault by auto or vessel is a crime of the second degree if
33 serious bodily injury results from the defendant operating the auto or
34 vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,
35 c.512 (C.39:4-50.4a) while:

36 (a) on any school property used for school purposes which is
37 owned by or leased to any elementary or secondary school or school
38 board, or within 1,000 feet of such school property;

39 (b) driving through a school crossing as defined in R.S.39:1-1 if
40 the municipality, by ordinance or resolution, has designated the school
41 crossing as such; or

42 (c) driving through a school crossing as defined in R.S.39:1-1
43 knowing that juveniles are present if the municipality has not
44 designated the school crossing as such by ordinance or resolution.

45 Assault by auto or vessel is a crime of the third degree if bodily
46 injury results from the defendant operating the auto or vessel in
47 violation of this paragraph.

1 A map or true copy of a map depicting the location and boundaries
2 of the area on or within 1,000 feet of any property used for school
3 purposes which is owned by or leased to any elementary or secondary
4 school or school board produced pursuant to section 1 of P.L.1987,
5 c.101 (C.2C:35-7) may be used in a prosecution under subparagraph
6 (a) of paragraph (3) of this subsection.

7 It shall be no defense to a prosecution for a violation of
8 subparagraph (a) or (b) of paragraph (3) of this subsection that the
9 defendant was unaware that the prohibited conduct took place while on
10 or within 1,000 feet of any school property or while driving through a
11 school crossing. Nor shall it be a defense to a prosecution under
12 subparagraph (a) or (b) of paragraph (3) of this subsection that no
13 juveniles were present on the school property or crossing zone at the
14 time of the offense or that the school was not in session.

15 (4) Assault by auto or vessel is a crime of the third degree if the
16 person purposely drives a vehicle in an aggressive manner directed at
17 another vehicle and serious bodily injury results and is a crime of the
18 fourth degree if the person purposely drives a vehicle in an aggressive
19 manner directed at another vehicle and bodily injury results. For
20 purposes of this paragraph, "driving a vehicle in an aggressive
21 manner" shall include, but is not limited to, unexpectedly altering the
22 speed of the vehicle, making improper or erratic traffic lane changes,
23 disregarding traffic control devices, failing to yield the right of way, or
24 following another vehicle too closely.

25 As used in this subsection, "vessel" means a means of conveyance
26 for travel on water and propelled otherwise than by muscular power.

27 d. A person who is employed by a facility as defined in section 2
28 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
29 defined in paragraph (1) or (2) of subsection a. of this section upon an
30 institutionalized elderly person as defined in section 2 of P.L.1977,
31 c.239 (C.52:27G-2) is guilty of a crime of the fourth degree.

32 e. (Deleted by amendment, P.L.2001, c.443).

33 f. A person who commits a simple assault as defined in paragraph
34 (1), (2), or (3) of subsection a. of this section in the presence of a child
35 under 16 years of age at a school or community sponsored youth sports
36 event is guilty of a crime of the fourth degree. The defendant shall be
37 strictly liable upon proof that the offense occurred, in fact, in the
38 presence of a child under 16 years of age. It shall not be a defense that
39 the defendant did not know that the child was present or reasonably
40 believed that the child was 16 years of age or older. The provisions of
41 this subsection shall not be construed to create any liability on the part
42 of a participant in a youth sports event or to abrogate any immunity or
43 defense available to a participant in a youth sports event. As used in
44 this act, "school or community sponsored youth sports event" means a
45 competition, practice, or instructional event involving one or more
46 interscholastic sports teams or youth sports teams organized pursuant
47 to a nonprofit or similar charter or which are member teams in a youth
48 league organized by or affiliated with a county or municipal recreation

1 department and shall not include collegiate, semi-professional or
2 professional sporting events.

3 g. (1) The owner of a dog is guilty of assault when the owner
4 purposely, knowingly, or recklessly allows the owner's dog off leash
5 or fails to restrain the dog in a residential neighborhood, park, or other
6 open space accessible to the public, or fails to comply with court-
7 imposed requirements pursuant to P.L.1989, c.307 (C.4:19-17 et seq.),
8 and the dog causes either serious bodily injury or bodily injury to a
9 person and the person does not die as a result.

10 (2) The owner of a dog is guilty of assault and the owner is guilty
11 of a crime of the fourth degree pursuant to this subsection if the dog
12 inflicts any bodily injury other than serious bodily injury upon a
13 person.

14 (3) The owner of a dog is guilty of aggravated assault and a crime
15 of the third degree pursuant to this subsection if the dog inflicts serious
16 bodily injury upon a person and the person does not die as a result.¹
17 (cf: P.L.2019, c.219, s.3)

18
19 ¹**[8.] 12.**¹ N.J.S.2C:24-4 is amended to read as follows:

20 2C:24-4. Endangering Welfare of Children.

21 a. (1) Any person having a legal duty for the care of a child or
22 who has assumed responsibility for the care of a child who engages in
23 sexual conduct which would impair or debauch the morals of the child
24 is guilty of a crime of the second degree. Any other person who
25 engages in conduct or who causes harm as described in this paragraph
26 to a child is guilty of a crime of the third degree.

27 (2) Any person having a legal duty for the care of a child or who
28 has assumed responsibility for the care of a child who causes the child
29 harm that would make the child an abused or neglected child as
30 defined in R.S.9:6-1, R.S.9:6-3, and section 1 of P.L.1974, c.119
31 (C.9:6-8.21) is guilty of a crime of the second degree. Any other
32 person who engages in conduct or who causes harm as described in
33 this paragraph to a child is guilty of a crime of the third degree.

34 (3) Any person who purposely, knowingly, or recklessly allows a
35 dog ¹**[to roam without a leash or other restraint]** off leash or fails to
36 restrain the dog¹ in a residential neighborhood, park, or other open
37 space accessible to the public in which a child may be present, and the
38 dog ¹kills a child, the person is guilty of a crime of the second degree.
39 If the dog¹ inflicts serious bodily injury upon ¹**[, or kills,]** a child, the
40 person is guilty of a crime of the third degree. If the dog inflicts any
41 other bodily injury upon a child, the person is guilty of a crime of the
42 fourth degree. If the dog is discovered ¹**[loose]** off leash or
43 unrestrained¹ or threatens a child, and does not inflict any bodily
44 injury ¹upon a child¹, the person is guilty of a disorderly persons
45 offense. The provisions of this paragraph are in addition to any of
46 P.L.1989, c.307 (C.4:19-17 et seq.) that may apply ¹**[and .]** .
47 Notwithstanding any provision of section 3 of P.L.1979, c.396

1 (C.2C:46-4) to the contrary, any¹ fines collected pursuant to ¹a
2 conviction under¹ this section shall be paid to the municipality in
3 which the violation occurred.

4 b. (1) As used in this subsection:

5 "Child" means any person under 18 years of age.

6 "Distribute" means to sell, or to manufacture, give, provide, lend,
7 trade, mail, deliver, publish, circulate, disseminate, present, exhibit,
8 display, share, advertise, offer, or make available via the Internet or by
9 any other means, whether for pecuniary gain or not. The term also
10 includes an agreement or attempt to distribute.

11 "File-sharing program" means a computer program, application,
12 software or operating system that allows the user of a computer on
13 which such program, application, software or operating system is
14 installed to designate files as available for searching by and copying to
15 one or more other computers, to transmit such designated files directly
16 to one or more other computers, and to request the transmission of
17 such designated files directly from one or more other computers. The
18 term "file-sharing program" includes but is not limited to a computer
19 program, application or software that enables a computer user to
20 participate in a peer-to-peer network.

21 "Internet" means the international computer network of both
22 federal and non-federal interoperable packet switched data networks.

23 "Item depicting the sexual exploitation or abuse of a child" means
24 a photograph, film, video, an electronic, electromagnetic or digital
25 recording, an image stored or maintained in a computer program or file
26 or in a portion of a file, or any other reproduction or reconstruction
27 which:

28 (a) depicts a child engaging in a prohibited sexual act or in the
29 simulation of such an act; or

30 (b) portrays a child in a sexually suggestive manner.

31 "Peer-to-peer network" means a connection of computer systems
32 through which files are shared directly between the systems on a
33 network without the need of a central server.

34 "Portray a child in a sexually suggestive manner" means:

35 (a) to depict a child's less than completely and opaquely covered
36 intimate parts, as defined in N.J.S.2C:14-1, in a manner that, by means
37 of the posing, composition, format, or animated sensual details, emits
38 sensuality with sufficient impact to concentrate prurient interest on the
39 child; or

40 (b) to depict any form of contact with a child's intimate parts, as
41 defined in N.J.S.2C:14-1, in a manner that, by means of the posing,
42 composition, format, or animated sensual details, emits sensuality with
43 sufficient impact to concentrate prurient interest on the child; or

44 (c) to otherwise depict a child for the purpose of sexual stimulation
45 or gratification of any person who may view the depiction where the
46 depiction does not have serious literary, artistic, political, or scientific
47 value.

48 "Prohibited sexual act" means

- 1 (a) Sexual intercourse; or
- 2 (b) Anal intercourse; or
- 3 (c) Masturbation; or
- 4 (d) Bestiality; or
- 5 (e) Sadism; or
- 6 (f) Masochism; or
- 7 (g) Fellatio; or
- 8 (h) Cunnilingus; or
- 9 (i) Nudity, if depicted for the purpose of sexual stimulation or
- 10 gratification of any person who may view such depiction; or
- 11 (j) Any act of sexual penetration or sexual contact as defined in
- 12 N.J.S.2C:14-1.

13 "Reproduction" means, but is not limited to, computer generated
14 images.

15 (2) (Deleted by amendment, P.L.2001, c.291).

16 (3) A person commits a crime of the first degree if he causes or
17 permits a child to engage in a prohibited sexual act or in the simulation
18 of such an act or to be portrayed in a sexually suggestive manner if the
19 person knows, has reason to know or intends that the prohibited act or
20 portrayal may be photographed, filmed, reproduced, or reconstructed
21 in any manner, including on the Internet, or may be part of an
22 exhibition or performance.

23 (4) A person commits a crime of the second degree if he
24 photographs or films a child in a prohibited sexual act or in the
25 simulation of such an act or for portrayal in a sexually suggestive
26 manner or who uses any device, including a computer, to reproduce or
27 reconstruct the image of a child in a prohibited sexual act or in the
28 simulation of such an act or for portrayal in a sexually suggestive
29 manner.

30 (5) (a) A person commits a crime if, by any means, including but
31 not limited to the Internet, he:

32 (i) knowingly distributes an item depicting the sexual exploitation
33 or abuse of a child;

34 (ii) knowingly possesses an item depicting the sexual exploitation
35 or abuse of a child with the intent to distribute that item; or

36 (iii) knowingly stores or maintains an item depicting the sexual
37 exploitation or abuse of a child using a file-sharing program which is
38 designated as available for searching by or copying to one or more
39 other computers.

40 In a prosecution under sub-subparagraph (iii) of this subparagraph,
41 the State shall not be required to offer proof that an item depicting the
42 sexual exploitation or abuse of a child had actually been searched,
43 copied, transmitted or viewed by another user of the file-sharing
44 program, or by any other person, and it shall be no defense that the
45 defendant did not intend to distribute the item to another user of the
46 file-sharing program or to any other person. Nor shall the State be
47 required to prove that the defendant was aware that the item depicting
48 the sexual exploitation or abuse of a child was available for searching

1 or copying to one or more other computers, and the defendant shall be
2 strictly liable for failing to designate the item as not available for
3 searching or copying by one or more other computers.

4 A violation of this subparagraph that involves 1,000 or more items
5 depicting the sexual exploitation or abuse of a child is a crime of the
6 first degree; otherwise it is a crime of the second degree.

7 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6,
8 a person whose offense under this subparagraph involved at least 25
9 but less than 1,000 items depicting the sexual exploitation or abuse of
10 a child shall be sentenced to a mandatory minimum term of
11 imprisonment, which shall be fixed at, or between, one-third and one-
12 half of the sentence imposed by the court or five years, whichever is
13 greater, during which the defendant shall be ineligible for parole.

14 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6,
15 a person whose offense under this subparagraph involved 1,000 or
16 more items depicting the sexual exploitation or abuse of a child shall
17 be sentenced to a mandatory minimum term of imprisonment, which
18 shall be fixed at, or between, one-third and one-half of the sentence
19 imposed by the court or 10 years, whichever is greater, during which
20 the defendant shall be ineligible for parole.

21 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6,
22 a person convicted of a second or subsequent offense under this
23 subparagraph shall be sentenced to an extended term of imprisonment
24 as set forth in N.J.S.2C:43-7. For the purposes of this subparagraph, an
25 offense is considered a second or subsequent offense if the actor has at
26 any time been convicted pursuant to paragraph (3), (4), or (5) of this
27 subsection, or under any similar statute of the United States, this State,
28 or any other state for an offense that is substantially equivalent to
29 paragraph (3), (4), or (5) of this subsection.

30 For purposes of this subparagraph, the term "possess" includes
31 receiving, viewing, or having under one's control, through any means,
32 including the Internet.

33 (b) (i) A person commits a crime of the first degree if he
34 knowingly possesses, knowingly views, or knowingly has under his
35 control, through any means, including the Internet, 100,000 or more
36 items depicting the sexual exploitation or abuse of a child.

37 (ii) A person commits a crime of the second degree if he
38 knowingly possesses, knowingly views, or knowingly has under his
39 control, through any means, including the Internet, at least 1,000 but
40 less than 100,000 items depicting the sexual exploitation or abuse of a
41 child.

42 (iii) A person commits a crime of the third degree if he knowingly
43 possesses, knowingly views, or knowingly has under his control,
44 through any means, including the Internet, less than 1,000 items
45 depicting the sexual exploitation or abuse of a child.

46 Notwithstanding the provisions of subsection e. of N.J.S.2C:44-1,
47 in any instance where a person was convicted of an offense under this
48 subparagraph that involved 100 or more items depicting the sexual

1 exploitation or abuse of a child, the court shall impose a sentence of
2 imprisonment unless, having regard to the character and condition of
3 the defendant, it is of the opinion that imprisonment would be a
4 serious injustice which overrides the need to deter such conduct by
5 others.

6 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6,
7 a person convicted of a second or subsequent offense under this
8 subparagraph shall be sentenced to an extended term of imprisonment
9 as set forth in N.J.S.2C:43-7. For the purposes of this subparagraph, an
10 offense is considered a second or subsequent offense if the actor has at
11 any time been convicted pursuant to paragraph (3), (4), or (5) of this
12 subsection, or under any similar statute of the United States, this State,
13 or any other state for an offense that is substantially equivalent to
14 paragraph (3), (4), or (5) of this subsection.

15 Nothing in this subparagraph shall be construed to preclude or
16 limit any prosecution or conviction for the offense set forth in
17 subparagraph (a) of this paragraph.

18 (6) For purposes of this subsection, a person who is depicted as or
19 presents the appearance of being under the age of 18 in any
20 photograph, film, videotape, computer program or file, video game, or
21 any other reproduction or reconstruction shall be rebuttably presumed
22 to be under the age of 18. If the child who is depicted as engaging in,
23 or who is caused to engage in, a prohibited sexual act or simulation of
24 a prohibited sexual act or portrayed in a sexually suggestive manner is
25 under the age of 18, the actor shall be strictly liable and it shall not be
26 a defense that the actor did not know that the child was under the age
27 of 18, nor shall it be a defense that the actor believed that the child was
28 18 years of age or older, even if such a mistaken belief was reasonable.

29 (7) For aggregation purposes, each depiction of the sexual
30 exploitation or abuse of a child shall be considered a separate item,
31 provided that each depiction that is in the form of a photograph,
32 picture, image, or visual depiction of a similar nature shall be
33 considered to be one item and each depiction that is in the form of a
34 film, video, video-clip, movie, or visual depiction of a similar nature
35 shall be considered to be 10 separate items, and each individual act of
36 distribution of an item depicting the sexual exploitation or abuse of a
37 child shall be considered a separate item. For purposes of determining
38 the number of items depicting the sexual exploitation or abuse of a
39 child for purposes of sentencing pursuant to subparagraph (a) of
40 paragraph (5) of this subsection, the court shall aggregate all items
41 involved, whether the act or acts constituting the violation occurred at
42 the same time or at different times and, with respect to distribution,
43 whether the act or acts of distribution were to the same person or
44 several persons or occurred at different times, provided that each
45 individual act was committed within the applicable statute of
46 limitations. For purposes of determining the number of items
47 depicting the sexual exploitation or abuse of a child for purposes of
48 sentencing pursuant to subparagraph (b) of paragraph (5) of this

1 subsection, the court shall aggregate all items involved, whether the
2 possession of such items occurred at the same time or at different
3 times, provided that each individual act was committed within the
4 applicable statute of limitations.

5 (cf: P.L.2017, c.141, s.1)

6

7 ¹13. Section 11 of P.L.1941, c.151 (C.4:19-15.11) is amended to
8 read as follows:

9 11. License fees and other moneys collected or received under the
10 provisions of sections 3, 8, 9 and 16 of P.L.1941, c.151 (C.4:19-15.3,
11 C.4:19-15.8, C.4:19-15.9, and C.4:19-15.16), except registration tag
12 fees, shall be forwarded to the treasurer of the municipality within 30
13 days after collection or receipt and shall be placed in a special account
14 separate from any of the other accounts of the municipality and shall
15 be used for the following purposes only: for collecting, keeping and
16 disposing of dogs liable to seizure under P.L.1941, c.151 (C.4:19-15.1
17 et seq.) or under local dog control ordinances; for the enforcement of
18 the fencing and dog control requirements established pursuant to
19 P.L. , c. (C.) (pending before the Legislature as this bill); for
20 local prevention and control of rabies; for providing antirabic
21 treatment under the direction of the local board of health for any
22 person known or suspected to have been exposed to rabies; for
23 payment of damage to or losses of poultry and domestic animals,
24 except dogs and cats, caused by a dog or dogs; for compliance with the
25 requirements of subsection b. of section 6 of P.L.2017, c.189 (C.4:22-
26 17.6); and for administering the provisions of P.L.1941, c.151 (C.4:19-
27 15.1 et seq.). A portion in the special account allocated by the
28 municipality for enforcement of the fencing and dog control
29 requirements established pursuant to sections 3 and 4 of P.L. , c.
30 (C.) (pending before the Legislature as this bill) may be
31 transferred and deposited into the dedicated fund established pursuant
32 to section 4 of P.L. , c. (C.) (pending before the Legislature as
33 this bill). Any unexpended balance remaining in the special account
34 shall be retained therein until the end of the third fiscal year following
35 and may be used for any of the purposes set forth in this section. At
36 the end of the third fiscal year following, and at the end of each fiscal
37 year thereafter, there shall be transferred from the special account to
38 the general funds of the municipality any amount then in the account
39 which is in excess of the total amount paid into the special account
40 during the last two fiscal years next preceding.

41 The registration tag fee for each dog shall be forwarded within 30
42 days after collection by the clerk or other official designated to license
43 dogs to the State Department of Health which department shall
44 forward the sum to the State Treasurer who shall place all such
45 moneys in a special account for use only by the State Department of
46 Health in administering P.L.1941, c.151 (C.4:19-15.1 et seq.) and for
47 the prevention and control of rabies throughout the State, and such
48 account is hereby declared to be a trust fund not subject to legislative

1 appropriation. At the end of the third fiscal year following the adoption
2 of P.L.1941, c.151 (C.4:19-15.1 et seq.) and at the end of each fiscal
3 year thereafter, there shall be withdrawn from this trust fund and
4 transferred to the general funds of the State any amount then in the
5 trust fund which is in excess of the total amount paid into the trust
6 fund during the last two fiscal years next preceding.¹
7 (cf: P.L.2017, c.189, s.10)

8

9 ¹[9.] 14.¹ This act shall take effect immediately.