

[ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 2401**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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ADOPTED JUNE 21, 2021

**Sponsored by:**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblywoman YVONNE LOPEZ**

**District 19 (Middlesex)**

**Assemblyman CRAIG J. COUGHLIN**

**District 19 (Middlesex)**

**SYNOPSIS**

“Responsible Dog Ownership Act.”

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Agriculture Committee.



1 AN ACT concerning the control of dogs, supplementing Title 2C of  
2 the New Jersey Statutes and Title 4 of the Revised Statutes, and  
3 amending various sections of statutory law.  
4

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

7  
8 1. (New section) Sections 1 through 8 of P.L. , c. (C. )  
9 (pending before the Legislature as this bill) shall be known and may be  
10 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 the State’s children, other citizens, and dogs  
27 that the State: require leashing of a dog when the dog is off the  
28 property of its owner; impose fencing requirements for dogs that are  
29 repeatedly found outside the control of an owner; hold dog owners  
30 liable for serious injury caused by their dogs; and establish penalties  
31 for certain violations that threaten the safety of our children and all  
32 members of our communities. The Legislature also determines that  
33 these requirements are in keeping with accepted responsible dog  
34 ownership practices to which so many, if not all, dog owners in the  
35 State are committed and subscribe.  
36

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

44 (1) standards for leashing, restraining, and otherwise restricting the  
45 free movement of a dog when it is off the property of its owner;

**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 (2) standards and requirements for fencing when fencing of a dog  
2 is required pursuant to section 5 of P.L. , c. (C. ) (pending  
3 before the Legislature as this bill), including (a) the appropriate height,  
4 dimensions, and other requirements for an enclosed fenced area to  
5 properly protect the public and ensure the well-being of the dog, and  
6 (b) exemptions or fencing compliance options for residents of  
7 condominiums, townhouses, and apartments and other rental  
8 properties;

9 (3) circumstances or areas warranting exemption from the leashing  
10 requirement established in subsection a. of section 5 of P.L. , c.  
11 (C. ) (pending before the Legislature as this bill), including, but  
12 not limited to, exercising dogs in dog parks; and

13 (4) any other requirements for the control and regulation of the  
14 free movement of dogs, which are determined by the department to be  
15 appropriate, reasonable, and necessary for public safety.

16 b. The department shall develop and adopt model ordinances  
17 providing for the standards and requirements established in the rules  
18 and regulations, which a municipality may enact in order to comply  
19 with the adopted standards and requirements.  
20

21 4. (New section) a. Each municipality shall adopt a responsible  
22 dog ownership ordinance, resolution, or regulation that, at a minimum,  
23 shall include the standards and requirements established in the rules  
24 and regulations adopted by the department pursuant to section 3 of  
25 P.L. , c. (C. ) (pending before the Legislature as this bill), and  
26 provide for the enforcement of the provisions of section 5 of P.L. , c.  
27 (C. ) (pending before the Legislature as this bill).

28 b. Each municipality shall establish a dedicated fund solely for  
29 the purpose of enforcement of the requirements of P.L. , c.  
30 (C. ) (pending before the Legislature as this bill), which shall be  
31 separate from the other funds of the municipality. Each municipality  
32 may allocate a portion of the moneys forwarded to the treasurer of the  
33 municipality pursuant to section 11 of P.L.1941, c.151 (C.4:19-15.11)  
34 and shall deposit the allocated moneys and any penalties collected  
35 pursuant to P.L. , c. (C. ) (pending before the Legislature as  
36 this bill) in the dedicated fund to pay for the enforcement of any  
37 standard or requirement, ordinance, resolution, or regulation, the  
38 posting of signs, or any other municipal expense incurred pursuant to  
39 P.L. , c. (C. ) (pending before the Legislature as this bill).  
40

41 5. (New section) a. Whenever a dog is off the property of the  
42 dog's owner, the dog shall be on a leash or controlled with another  
43 appropriate restraint, except under circumstances established by rules  
44 and regulations or by ordinance, resolution, or regulation adopted  
45 pursuant to sections 3 and 4 of P.L. , c. (C. ) (pending before the  
46 Legislature as this bill).

47 b. If a dog is found off the property of the dog's owner without a  
48 leash or other appropriate restraint and attacks a person without

1 causing bodily injury to the person, the owner of the dog shall be  
2 issued a warning notice that fencing requirements may be imposed to  
3 control the dog at the discretion of the enforcing authority if the dog is  
4 found off the property of the dog's owner without a leash or other  
5 appropriate restraint after the issuance of the warning notice.

6 c. Upon the third occurrence of the dog being found off the  
7 property of the dog's owner without a leash or other appropriate  
8 restraint, provided that the dog has not attacked or caused bodily injury  
9 to a person, the owner of the dog shall be ordered to comply with the  
10 fencing requirements established in rules and regulations or by  
11 ordinance, resolution, or regulation adopted pursuant to sections 3 and  
12 4 of P.L. , c. (C. ) (pending before the Legislature as this bill).  
13 The municipality shall issue an order to the owner of the dog with a  
14 schedule for compliance with the fencing requirements for the dog and  
15 the required specifications for the fencing to be installed. If the owner  
16 of the dog does not comply in a timely manner with the schedule for  
17 compliance with the fencing requirements, the dog's registration shall  
18 be revoked and the owner shall be fined pursuant to subsection g. of  
19 this section.

20 d. The municipality shall not order compliance with fencing  
21 requirements pursuant to subsection c. of this section and shall impose  
22 fines pursuant to paragraph (2) of subsection g. of this section for a  
23 violation of subsection a. of this section when:

24 (1) the owner of the dog is a resident of a condominium,  
25 townhouse, apartment, or other rental property or otherwise exempt  
26 from fencing requirements established by rules and regulations or by  
27 ordinance, resolution, or regulation adopted pursuant to sections 3 and  
28 4 of P.L. , c. (C. ) (pending before the Legislature as this bill);  
29 or

30 (2) a person intentionally has the dog off the property of the dog's  
31 owner, the dog is off leash or unrestrained, and the dog attacks a  
32 person without causing bodily injury, including, but not limited to,  
33 when (a) the dog is being walked in locations off the dog owner's  
34 property, (b) the dog is in a park or other public open space, or (c) the  
35 dog is taken to the property of another person other than the owner of  
36 the dog and is found off the property.

37 In addition to the imposition of fines, the municipality may order  
38 the owner of a dog to which paragraph (1) of this subsection applies to  
39 comply with fencing compliance options established by rules and  
40 regulations or by ordinance, resolution, or regulation adopted pursuant  
41 to sections 3 and 4 of P.L. , c. (C. ) (pending before the  
42 Legislature as this bill).

43 e. Subsections b., c., and d. of this section shall not apply  
44 whenever a dog kills a person, causes serious bodily injury to a person,  
45 or causes bodily injury to a person during an unprovoked attack and  
46 poses a serious threat of harm to persons or domestic animals. If a dog  
47 is found off the property of the dog's owner or any property without a  
48 leash or other appropriate restraint under such circumstances, the dog

1 and the dog's owner shall be subject to the applicable provisions of  
2 P.L.1989, c.307 (C.4:19-17 et seq.), N.J.S.2C:11-2, N.J.S.2C:12-1,  
3 N.J.S.2C:24-4, and sections 6 and 7 of P.L. , c. (C. ) (pending  
4 before the Legislature as this bill).

5 f. Whenever a person registers or licenses a dog with a  
6 municipality pursuant to section 2, 3, 4, 5, or 6 of P.L.1941,  
7 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-  
8 15.6), or section 14 or 15 of P.L.1989, c.307 (C.4:19-30 or C.4:19-31),  
9 the municipal clerk or other official issuing the license shall provide  
10 the person with a copy of the leashing requirements in effect in the  
11 municipality, and notice of the provisions of N.J.S.2C:11-2,  
12 N.J.S.2C:12-1, N.J.S.2C:24-4, P.L.1989, c.307 (C.4:19-17 et seq.),  
13 sections 6 and 7 of P.L. , c.  
14 (C. ) (pending before the Legislature as this bill), and any  
15 ordinance, resolution, or regulation concerning the movement of dogs  
16 in the municipality.

17 g. (1) The owner of a dog, upon whom specific fencing  
18 requirements are imposed pursuant to subsection c. of this section,  
19 who is found by clear and convincing evidence to have violated a  
20 municipal order issued pursuant to the authority established in  
21 subsection c. of this section, shall be subject to a fine of not less than  
22 \$250 nor more than \$750 per day of the violation, and each day's  
23 continuance of the violation shall constitute a separate and distinct  
24 violation.

25 (2) The owner of a dog who is found by clear and convincing  
26 evidence to have violated an ordinance, resolution, or regulation  
27 concerning the leashing or other restraint of a dog shall be subject to a  
28 fine of \$250 for the first violation, \$500 for the second violation, and  
29 \$750 for the third and subsequent violations.

30 (3) Fines collected pursuant to this subsection shall be paid to the  
31 municipality in which the violation occurred.

32 (4) The municipal court shall have jurisdiction to enforce this  
33 subsection.

34 h. As used in this section, "bodily injury" means bodily injury as  
35 defined in subsection a. of N.J.S.2C:11-1; and "serious bodily injury"  
36 means serious bodily injury as defined in subsection b. of N.J.S.2C:11-  
37 1.

38  
39 6. (New section) a. An owner whose dog inflicts bodily injury or  
40 serious bodily injury upon, or kills, a person, when the dog is not  
41 leashed or restrained in a residential neighborhood, park, or other open  
42 space accessible to the public, or the owner of the dog fails to comply  
43 with court-imposed requirements pursuant to P.L.1989, c.307 (C.4:19-  
44 17 et seq.), shall be criminally liable for the injury or death of the  
45 person caused by the dog and subject to the applicable provisions of  
46 N.J.S.2C:11-2, N.J.S.2C:12-1, N.J.S.2C:24-4, section 7 of P.L. , c.  
47 (C. ) (pending before the Legislature as this bill), and any other  
48 State law. Notwithstanding any provision of section 3 of P.L.1979,

1 c.396 (C.2C:46-4) to the contrary, any fines collected from a person  
2 convicted pursuant to subsection g. of N.J.S.2C:12-1, paragraph (3) of  
3 subsection a. of N.J.S.2C:24-4, or section 7 of P.L. , c. (C. )  
4 (pending before the Legislature as this bill) shall be paid to the  
5 municipality in which the injury or death occurred.

6 b. As used in subsection a. of this section, “bodily injury” means  
7 bodily injury as defined in subsection a. of N.J.S.2C:11-1; and “serious  
8 bodily injury” means serious bodily injury as defined in subsection b.  
9 of N.J.S.2C:11-1.

10

11 7. (New section) a. Death caused as a result of injuries sustained  
12 from a dog attack constitutes criminal homicide when: (1) a person  
13 purposely, knowingly, or recklessly allows a dog off leash or fails to  
14 restrain a dog in a residential neighborhood, park, or other open space  
15 accessible to the public; (2) the dog kills a person in an unprovoked  
16 attack; (3) the dog was not defending itself, its offspring, or its owner  
17 from injury or an attack; and (4) if the dog was defending its owner,  
18 the owner of the dog was not engaged in the commission of a criminal  
19 offense.

20 b. Death caused as a result of injuries sustained from a dog attack  
21 is a crime of the second degree.

22 c. The provisions of this section are in addition to any provision  
23 of P.L.1989, c.307 (C.4:19-17 et seq.) that may apply.

24 d. Notwithstanding any other provision of section 3 of P.L.1979,  
25 c.396 (C.2C:46-4) to the contrary, any fines collected pursuant to a  
26 conviction shall be paid to the municipality in which the attack  
27 occurred.

28

29 8. N.J.S.2C:11-2 is amended to read as follows:

30 2C:11-2. Criminal homicide.

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

35 b. Criminal homicide is murder, manslaughter **【or】**, death by auto  
36 or vessel , or death caused as a result of injuries sustained from a dog  
37 attack.

38 (cf: P.L.2017, c.165, s.2)

39

40 9. N.J.S.2C:12-1 is amended to read as follows:

41 2C:12-1. Assault. a. Simple assault. A person is guilty of assault if  
42 the person:

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

45 (2) Negligently causes bodily injury to another with a deadly  
46 weapon; or

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

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

- 1 (g) Any operator of a motorbus or the operator's supervisor or any  
2 employee of a rail passenger service while clearly identifiable as being  
3 engaged in the performance of the person's duties or because of the  
4 status as an operator of a motorbus or as the operator's supervisor or as  
5 an employee of a rail passenger service; or
- 6 (h) Any Department of Corrections employee, county correctional  
7 police officer, juvenile correctional police officer, State juvenile  
8 facility employee, juvenile detention staff member, juvenile detention  
9 officer, probation officer or any sheriff, undersheriff, or sheriff's  
10 officer acting in the performance of the person's duties while in  
11 uniform or exhibiting evidence of the person's authority or because of  
12 the status as a Department of Corrections employee, county  
13 correctional police officer, juvenile correctional police officer, State  
14 juvenile facility employee, juvenile detention staff member, juvenile  
15 detention officer, probation officer, sheriff, undersheriff, or sheriff's  
16 officer; or
- 17 (i) Any employee, including any person employed under contract,  
18 of a utility company as defined in section 2 of P.L.1971, c.224  
19 (C.2A:42-86) or a cable television company subject to the provisions  
20 of the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.)  
21 while clearly identifiable as being engaged in the performance of the  
22 employee's duties in regard to connecting, disconnecting, or repairing  
23 or attempting to connect, disconnect, or repair any gas, electric, or  
24 water utility, or cable television or telecommunication service; or
- 25 (j) Any health care worker employed by a licensed health care  
26 facility to provide direct patient care, any health care professional  
27 licensed or otherwise authorized pursuant to Title 26 or Title 45 of the  
28 Revised Statutes to practice a health care profession, except a direct  
29 care worker at a State or county psychiatric hospital or State  
30 developmental center or veterans' memorial home, while clearly  
31 identifiable as being engaged in the duties of providing direct patient  
32 care or practicing the health care profession; or
- 33 (k) Any direct care worker at a State or county psychiatric hospital  
34 or State developmental center or veterans' memorial home, while  
35 clearly identifiable as being engaged in the duties of providing direct  
36 patient care or practicing the health care profession, provided that the  
37 actor is not a patient or resident at the facility who is classified by the  
38 facility as having a mental illness or developmental disability; or
- 39 (6) Causes bodily injury to another person while fleeing or  
40 attempting to elude a law enforcement officer in violation of  
41 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
42 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any  
43 other provision of law to the contrary, a person shall be strictly liable  
44 for a violation of this paragraph upon proof of a violation of subsection  
45 b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of  
46 subsection c. of N.J.S.2C:20-10 which resulted in bodily injury to  
47 another person; or



- 1 (7) Attempts to cause significant bodily injury to another or causes  
2 significant bodily injury purposely or knowingly or, under  
3 circumstances manifesting extreme indifference to the value of human  
4 life recklessly causes such significant bodily injury; or
- 5 (8) Causes bodily injury by knowingly or purposely starting a fire  
6 or causing an explosion in violation of N.J.S.2C:17-1 which results in  
7 bodily injury to any emergency services personnel involved in fire  
8 suppression activities, rendering emergency medical services resulting  
9 from the fire or explosion or rescue operations, or rendering any  
10 necessary assistance at the scene of the fire or explosion, including any  
11 bodily injury sustained while responding to the scene of a reported fire  
12 or explosion. For purposes of this paragraph, "emergency services  
13 personnel" shall include, but not be limited to, any paid or volunteer  
14 firefighter, any person engaged in emergency first-aid or medical  
15 services and any law enforcement officer. Notwithstanding any other  
16 provision of law to the contrary, a person shall be strictly liable for a  
17 violation of this paragraph upon proof of a violation of N.J.S.2C:17-1  
18 which resulted in bodily injury to any emergency services personnel;  
19 or
- 20 (9) Knowingly, under circumstances manifesting extreme  
21 indifference to the value of human life, points or displays a firearm, as  
22 defined in subsection f. of N.J.S.2C:39-1, at or in the direction of a law  
23 enforcement officer; or
- 24 (10) Knowingly points, displays or uses an imitation firearm, as  
25 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a  
26 law enforcement officer with the purpose to intimidate, threaten, or  
27 attempt to put the officer in fear of bodily injury or for any unlawful  
28 purpose; or
- 29 (11) Uses or activates a laser sighting system or device, or a  
30 system or device which, in the manner used, would cause a reasonable  
31 person to believe that it is a laser sighting system or device, against a  
32 law enforcement officer acting in the performance of the officer's  
33 duties while in uniform or exhibiting evidence of the officer's  
34 authority. As used in this paragraph, "laser sighting system or device"  
35 means any system or device that is integrated with or affixed to a  
36 firearm and emits a laser light beam that is used to assist in the sight  
37 alignment or aiming of the firearm; or
- 38 (12) Attempts to cause significant bodily injury or causes  
39 significant bodily injury purposely or knowingly or, under  
40 circumstances manifesting extreme indifference to the value of human  
41 life, recklessly causes significant bodily injury to a person who, with  
42 respect to the actor, meets the definition of a victim of domestic  
43 violence, as defined in subsection d. of section 3 of P.L.1991, c.261  
44 (C.2C:25-19); or
- 45 (13) Knowingly or, under circumstances manifesting extreme  
46 indifference to the value of human life, recklessly obstructs the  
47 breathing or blood circulation of a person who, with respect to the  
48 actor, meets the definition of a victim of domestic violence, as defined

1 in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19), by  
2 applying pressure on the throat or neck or blocking the nose or mouth  
3 of such person, thereby causing or attempting to cause bodily injury.

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

20 c. (1) A person is guilty of assault by auto or vessel when the  
21 person drives a vehicle or vessel recklessly and causes either serious  
22 bodily injury or bodily injury to another. Assault by auto or vessel is a  
23 crime of the fourth degree if serious bodily injury results and is a  
24 disorderly persons offense if bodily injury results. Proof that the  
25 defendant was operating a hand-held wireless telephone while driving  
26 a motor vehicle in violation of section 1 of P.L.2003, c.310 (C.39:4-  
27 97.3) may give rise to an inference that the defendant was driving  
28 recklessly.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 interscholastic sports teams or youth sports teams organized pursuant  
2 to a nonprofit or similar charter or which are member teams in a youth  
3 league organized by or affiliated with a county or municipal recreation  
4 department and shall not include collegiate, semi-professional or  
5 professional sporting events.

6 g. (1) The owner of a dog is guilty of assault when the owner  
7 purposely, knowingly, or recklessly allows the owner's dog off leash  
8 or fails to restrain the dog in a residential neighborhood, park, or other  
9 open space accessible to the public, or fails to comply with court-  
10 imposed requirements pursuant to P.L.1989, c.307 (C.4:19-17 et seq.),  
11 and the dog causes either serious bodily injury or bodily injury to a  
12 person.

13 (2) The owner of a dog is guilty of assault as a crime of the fourth  
14 degree, pursuant to this subsection, if the owner purposely, knowingly,  
15 or recklessly allows the owner's dog off leash or fails to restrain the  
16 dog in a residential neighborhood, park, or other open space accessible  
17 to the public, or fails to comply with court-imposed requirements  
18 pursuant to P.L.1989, c.307 (C.4:19-17 et seq.), and the dog inflicts  
19 any bodily injury, other than serious bodily injury, upon a person.

20 (3) The owner of a dog is guilty of aggravated assault as a crime  
21 of the third degree, pursuant to this subsection, if the owner purposely,  
22 knowingly, or recklessly allows the owner's dog off leash or fails to  
23 restrain the dog in a residential neighborhood, park, or other open  
24 space accessible to the public, or fails to comply with court-imposed  
25 requirements pursuant to P.L.1989, c.307 (C.4:19-17 et seq.), and the  
26 dog inflicts serious bodily injury upon a person.

27 (4) The provisions of this subsection shall not apply to the owner  
28 of a dog whose dog inflicts bodily injury or serious bodily injury to a  
29 person when: (a) the dog is provoked, or (b) the dog is defending  
30 itself, its offspring, or its owner from injury or an attack, provided that,  
31 if the dog is defending its owner, the owner is not engaged in the  
32 commission of a criminal offense.

33 (5) Notwithstanding any other provision of section 3 of P.L.1979,  
34 c.396 (C.2C:46-4) to the contrary, any fines collected pursuant to a  
35 conviction under this subsection shall be paid to the municipality in  
36 which the attack occurred.

37 (cf: P.L.2019, c.219, s.3)

38

39 10. N.J.S.2C:24-4 is amended to read as follows:

40 2C:24-4. Endangering Welfare of Children.

41 a. (1) Any person having a legal duty for the care of a child or  
42 who has assumed responsibility for the care of a child who engages in  
43 sexual conduct which would impair or debauch the morals of the child  
44 is guilty of a crime of the second degree. Any other person who  
45 engages in conduct or who causes harm as described in this paragraph  
46 to a child is guilty of a crime of the third degree.

47 (2) Any person having a legal duty for the care of a child or who  
48 has assumed responsibility for the care of a child who causes the child

1 harm that would make the child an abused or neglected child as  
2 defined in R.S.9:6-1, R.S.9:6-3, and section 1 of P.L.1974, c.119  
3 (C.9:6-8.21) is guilty of a crime of the second degree. Any other  
4 person who engages in conduct or who causes harm as described in  
5 this paragraph to a child is guilty of a crime of the third degree.

6 (3) Any person who purposely, knowingly, or recklessly allows a  
7 dog off leash or fails to restrain the dog in a residential neighborhood,  
8 park, or other open space accessible to the public, in which a child  
9 may be present, and the dog kills a child, the person is guilty of a  
10 crime of the second degree. If the dog inflicts serious bodily injury  
11 upon a child, the person is guilty of a crime of the third degree. If the  
12 dog inflicts any other bodily injury upon a child, the person is guilty of  
13 a crime of the fourth degree. If the dog is discovered off leash or  
14 unrestrained and attacks a child, and does not inflict any bodily injury  
15 upon the child, the person is guilty of a disorderly persons offense.  
16 The provisions of this paragraph are in addition to any provisions of  
17 P.L.1989, c.307 (C.4:19-17 et seq.) that may apply. Notwithstanding  
18 any provision of section 3 of P.L.1979, c.396 (C.2C:46-4) to the  
19 contrary, any fines collected pursuant to a conviction under this  
20 section shall be paid to the municipality in which the violation  
21 occurred.

22 (4) The relevant offenses established pursuant to paragraph (3) of  
23 this subsection shall not apply to the owner of a dog whose dog attacks  
24 a child if: (a) the dog is provoked; or (b) the dog is defending itself, its  
25 offspring, or its owner from injury or an attack, provided that, if the  
26 dog is defending its owner, the owner is not engaged in the  
27 commission of a criminal offense.

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

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

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

35 "File-sharing program" means a computer program, application,  
36 software or operating system that allows the user of a computer on  
37 which such program, application, software or operating system is  
38 installed to designate files as available for searching by and copying to  
39 one or more other computers, to transmit such designated files directly  
40 to one or more other computers, and to request the transmission of  
41 such designated files directly from one or more other computers. The  
42 term "file-sharing program" includes but is not limited to a computer  
43 program, application or software that enables a computer user to  
44 participate in a peer-to-peer network.

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

47 "Item depicting the sexual exploitation or abuse of a child" means  
48 a photograph, film, video, an electronic, electromagnetic or digital

1 recording, an image stored or maintained in a computer program or file  
2 or in a portion of a file, or any other reproduction or reconstruction  
3 which:

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

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

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

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

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

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

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

24 "Prohibited sexual act" means

25 (a) Sexual intercourse; or

26 (b) Anal intercourse; or

27 (c) Masturbation; or

28 (d) Bestiality; or

29 (e) Sadism; or

30 (f) Masochism; or

31 (g) Fellatio; or

32 (h) Cunnilingus; or

33 (i) Nudity, if depicted for the purpose of sexual stimulation or  
34 gratification of any person who may view such depiction; or

35 (j) Any act of sexual penetration or sexual contact as defined in  
36 N.J.S.2C:14-1.

37 "Reproduction" means, but is not limited to, computer generated  
38 images.

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

40 (3) A person commits a crime of the first degree if he causes or  
41 permits a child to engage in a prohibited sexual act or in the simulation  
42 of such an act or to be portrayed in a sexually suggestive manner if the  
43 person knows, has reason to know or intends that the prohibited act or  
44 portrayal may be photographed, filmed, reproduced, or reconstructed  
45 in any manner, including on the Internet, or may be part of an  
46 exhibition or performance.

47 (4) A person commits a crime of the second degree if he  
48 photographs or films a child in a prohibited sexual act or in the

1 simulation of such an act or for portrayal in a sexually suggestive  
2 manner or who uses any device, including a computer, to reproduce or  
3 reconstruct the image of a child in a prohibited sexual act or in the  
4 simulation of such an act or for portrayal in a sexually suggestive  
5 manner.

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

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

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

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

16 In a prosecution under sub-subparagraph (iii) of this subparagraph,  
17 the State shall not be required to offer proof that an item depicting the  
18 sexual exploitation or abuse of a child had actually been searched,  
19 copied, transmitted or viewed by another user of the file-sharing  
20 program, or by any other person, and it shall be no defense that the  
21 defendant did not intend to distribute the item to another user of the  
22 file-sharing program or to any other person. Nor shall the State be  
23 required to prove that the defendant was aware that the item depicting  
24 the sexual exploitation or abuse of a child was available for searching  
25 or copying to one or more other computers, and the defendant shall be  
26 strictly liable for failing to designate the item as not available for  
27 searching or copying by one or more other computers.

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

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

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

45 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6,  
46 a person convicted of a second or subsequent offense under this  
47 subparagraph shall be sentenced to an extended term of imprisonment  
48 as set forth in N.J.S.2C:43-7. For the purposes of this subparagraph, an

1 offense is considered a second or subsequent offense if the actor has at  
2 any time been convicted pursuant to paragraph (3), (4), or (5) of this  
3 subsection, or under any similar statute of the United States, this State,  
4 or any other state for an offense that is substantially equivalent to  
5 paragraph (3), (4), or (5) of this subsection.

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

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

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

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

22 Notwithstanding the provisions of subsection e. of N.J.S.2C:44-1,  
23 in any instance where a person was convicted of an offense under this  
24 subparagraph that involved 100 or more items depicting the sexual  
25 exploitation or abuse of a child, the court shall impose a sentence of  
26 imprisonment unless, having regard to the character and condition of  
27 the defendant, it is of the opinion that imprisonment would be a  
28 serious injustice which overrides the need to deter such conduct by  
29 others.

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

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

42 (6) For purposes of this subsection, a person who is depicted as or  
43 presents the appearance of being under the age of 18 in any  
44 photograph, film, videotape, computer program or file, video game, or  
45 any other reproduction or reconstruction shall be rebuttably presumed  
46 to be under the age of 18. If the child who is depicted as engaging in,  
47 or who is caused to engage in, a prohibited sexual act or simulation of  
48 a prohibited sexual act or portrayed in a sexually suggestive manner is



1 under the age of 18, the actor shall be strictly liable and it shall not be  
2 a defense that the actor did not know that the child was under the age  
3 of 18, nor shall it be a defense that the actor believed that the child was  
4 18 years of age or older, even if such a mistaken belief was reasonable.

5 (7) For aggregation purposes, each depiction of the sexual  
6 exploitation or abuse of a child shall be considered a separate item,  
7 provided that each depiction that is in the form of a photograph,  
8 picture, image, or visual depiction of a similar nature shall be  
9 considered to be one item and each depiction that is in the form of a  
10 film, video, video-clip, movie, or visual depiction of a similar nature  
11 shall be considered to be 10 separate items, and each individual act of  
12 distribution of an item depicting the sexual exploitation or abuse of a  
13 child shall be considered a separate item. For purposes of determining  
14 the number of items depicting the sexual exploitation or abuse of a  
15 child for purposes of sentencing pursuant to subparagraph (a) of  
16 paragraph (5) of this subsection, the court shall aggregate all items  
17 involved, whether the act or acts constituting the violation occurred at  
18 the same time or at different times and, with respect to distribution,  
19 whether the act or acts of distribution were to the same person or  
20 several persons or occurred at different times, provided that each  
21 individual act was committed within the applicable statute of  
22 limitations. For purposes of determining the number of items  
23 depicting the sexual exploitation or abuse of a child for purposes of  
24 sentencing pursuant to subparagraph (b) of paragraph (5) of this  
25 subsection, the court shall aggregate all items involved, whether the  
26 possession of such items occurred at the same time or at different  
27 times, provided that each individual act was committed within the  
28 applicable statute of limitations.

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

30

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

33 11. License fees and other moneys collected or received under the  
34 provisions of sections 3, 8, 9 and 16 of P.L.1941, c.151 (C.4:19-15.3,  
35 C.4:19-15.8, C.4:19-15.9, and C.4:19-15.16), except registration tag  
36 fees, shall be forwarded to the treasurer of the municipality within 30  
37 days after collection or receipt and shall be placed in a special account  
38 separate from any of the other accounts of the municipality and shall  
39 be used for the following purposes only: for collecting, keeping, and  
40 disposing of dogs liable to seizure under P.L.1941, c.151 (C.4:19-15.1  
41 et seq.) or under local dog control ordinances; for the enforcement of  
42 the dog control requirements established pursuant to  
43 P.L. , c. (C. ) (pending before the Legislature as this bill); for  
44 local prevention and control of rabies; for providing antirabic  
45 treatment under the direction of the local board of health for any  
46 person known or suspected to have been exposed to rabies; for  
47 payment of damage to or losses of poultry and domestic animals,  
48 except dogs and cats, caused by a dog or dogs; for compliance with the

1 requirements of subsection b. of section 6 of P.L.2017, c.189 (C.4:22-  
2 17.6); and for administering the provisions of P.L.1941, c.151 (C.4:19-  
3 15.1 et seq.). A portion in the special account allocated by the  
4 municipality for enforcement of the dog control requirements  
5 established pursuant to P.L. , c. (C. ) (pending before the  
6 Legislature as this bill) may be transferred and deposited, for these  
7 purposes, into the dedicated fund established pursuant to subsection b.  
8 of section 4 of P.L. , c. (C. ) (pending before the Legislature as  
9 this bill). Any unexpended balance remaining in the special account  
10 shall be retained therein until the end of the third fiscal year following  
11 and may be used for any of the purposes set forth in this section. At  
12 the end of the third fiscal year following, and at the end of each fiscal  
13 year thereafter, there shall be transferred from the special account to  
14 the general funds of the municipality any amount then in the account  
15 which is in excess of the total amount paid into the special account  
16 during the last two fiscal years next preceding.

17 The registration tag fee for each dog shall be forwarded within 30  
18 days after collection by the clerk or other official designated to license  
19 dogs to the State Department of Health which department shall  
20 forward the sum to the State Treasurer who shall place all such  
21 moneys in a special account for use only by the State Department of  
22 Health in administering P.L.1941, c.151 (C.4:19-15.1 et seq.) and for  
23 the prevention and control of rabies throughout the State, and such  
24 account is hereby declared to be a trust fund not subject to legislative  
25 appropriation. At the end of the third fiscal year following the adoption  
26 of P.L.1941, c.151 (C.4:19-15.1 et seq.) and at the end of each fiscal  
27 year thereafter, there shall be withdrawn from this trust fund and  
28 transferred to the general funds of the State any amount then in the  
29 trust fund which is in excess of the total amount paid into the trust  
30 fund during the last two fiscal years next preceding.

31 (cf: P.L.2017, c.189, s.10)

32

33 12. Section 6 of P.L.1989, c.307 (C.4:19-22) is amended to read  
34 as follows:

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

37 (1) killed a person or caused serious bodily injury to a person;

38 or

39 (2) (Deleted by amendment, P.L.2019, c.82).

40 b. A dog shall not be declared vicious for inflicting death or  
41 serious bodily injury upon a person if the dog was provoked. The  
42 municipality shall bear the burden of proof to demonstrate that the  
43 dog was not provoked.

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

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

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

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

6 If the municipal court does not order the vicious dog to be  
7 euthanized, the court shall order compliance with section 8 of  
8 P.L.1989, c.307 (C.4:19-24) and section 12 of P.L.1989, c.307  
9 (C.4:19-28), as provided by paragraph (1) of this subsection.

10 d. As used in this section, "serious bodily injury" means  
11 serious bodily injury as defined in subsection b. of N.J.S.2C:11-1.  
12 (cf: P.L.2019, c.82, s.1)

13

14 13. Section 8 of P.L.1989, c.307 (C.4:19-24) is amended to read  
15 as follows:

16 8. a. If the municipal court either declares the dog to be  
17 potentially dangerous **[, it]** or declares the dog to be vicious and  
18 does not order the dog to be euthanized, the municipal court shall  
19 issue an order and a schedule for compliance, which, in part **[**:

20 a. **]** , shall require the owner to comply with the following  
21 conditions:

22 (1) to apply, at **[his own]** the owner's expense, to the municipal  
23 clerk or other official designated to license dogs pursuant to section  
24 2 of P.L.1941, c.151 (C.4:19-15.2), for a special municipal  
25 potentially dangerous dog or vicious dog license, as applicable,  
26 with municipal registration number **[,]** and red identification tag  
27 issued pursuant to section 14 of **[this act]** P.L.1989, c.307 (C.4:19-  
28 30). The owner shall, at **[his own]** the owner's expense, have the  
29 registration number tattooed upon the dog in a prominent location.  
30 A potentially dangerous dog or vicious dog shall be impounded  
31 until the owner obtains a municipal potentially dangerous dog  
32 license or municipal vicious dog license, as applicable, with  
33 municipal registration number **[,]** and red identification tag;

34 (2) to display, in a conspicuous manner, a sign on **[his]** the  
35 owner's premises warning that a potentially dangerous dog or  
36 vicious dog, as applicable, is on the premises. The sign shall be  
37 visible and legible from 50 feet of the enclosure required pursuant  
38 to paragraph (3) of this subsection;

39 (3) to immediately erect and maintain an enclosure for the  
40 potentially dangerous dog or vicious dog, as applicable, on the  
41 property where the potentially dangerous dog or vicious dog will be  
42 kept and maintained, which **[has]** enclosure shall have sound sides,  
43 top, and bottom to prevent the potentially dangerous dog or vicious  
44 dog from escaping by climbing, jumping, or digging and shall be  
45 within a fence that is at least six feet **[in height]** high and  
46 separated, by at least three feet, from the confined area. The owner  
47 of a potentially dangerous dog or vicious dog shall securely lock the

1 enclosure to prevent the entry of the general public and to preclude  
2 any release or escape of a potentially dangerous dog or vicious dog  
3 by an unknowing child or other person. All potentially dangerous  
4 dogs or vicious dogs shall be confined in the enclosure or, if taken  
5 out of the enclosure, securely muzzled and restrained with a tether  
6 approved by the animal control officer and having a minimum  
7 tensile strength sufficiently in excess of that required to restrict the  
8 **【potentially dangerous】** dog's movements to a radius of no more  
9 than three feet from the owner and under the direct supervision of  
10 the owner;

11 **【b. may】** and (4) require the owner to maintain liability  
12 insurance in an amount determined by the municipal court to cover  
13 any damage or injury caused by the potentially dangerous dog or  
14 vicious dog, as the case may be. The liability insurance, which may  
15 be separate from any other homeowner policy, shall contain a  
16 provision requiring the municipality in which the owner resides to  
17 be named as an additional insured for the sole purpose of being  
18 notified by the insurance company of any cancellation, termination,  
19 or expiration of the liability insurance policy.

20 b. The municipal court may order any additional requirements  
21 for compliance by an owner of a vicious dog that the court  
22 determines to be necessary for a vicious dog but not necessary for a  
23 potentially dangerous dog.

24 (cf: P.L.1994, c.187, s.5)

25

26 14. Section 12 of P.L.1989, c.307 (C.4:19-28) is amended to  
27 read as follows:

28 12. The owner of a potentially dangerous dog or a vicious dog  
29 that is not ordered to be euthanized shall:

30 a. comply with the provisions of P.L.1989, c.307 (C.4:19-17 et  
31 seq.) in accordance with a schedule established by the municipal  
32 court, but in no case more than 60 days subsequent to the date of  
33 determination;

34 b. notify the licensing authority, local police department or  
35 force, and the animal control officer if a potentially dangerous dog  
36 or vicious dog is at large, or has attacked a human being or killed a  
37 domestic animal;

38 c. notify the licensing authority, local police department or  
39 force, and the animal control officer within 24 hours of the death,  
40 sale or donation of a potentially dangerous dog or vicious dog;

41 d. prior to selling or donating the dog, inform the prospective  
42 owner that the dog has been declared potentially dangerous or  
43 vicious, as applicable;

44 e. upon the sale or donation of the dog to a person residing in a  
45 different municipality, notify the department and the licensing  
46 authority, police department or force, and animal control officer of  
47 that municipality of the transfer of ownership and the name,  
48 address, and telephone of the new owner; and

1 f. in addition to any license fee required pursuant to section 3 of  
2 P.L.1941, c.151 (C.4:19-15.3), pay a potentially dangerous dog  
3 license fee or vicious dog license fee, as applicable to the  
4 municipality, as provided by section 15 of P.L.1989, c.307 (C.4:19-  
5 31).

6 (cf: P.L.1994, c.187, s.9)

7  
8 15. Section 13 of P.L.1989, c.307 (C.4:19-29) is amended to  
9 read as follows:

10 13. The owner of a potentially dangerous dog or a vicious dog  
11 who is found, by clear and convincing evidence, to have violated  
12 **[this act,]** P.L.1989, c.307 (C.4:19-17 et seq.) or any rule or  
13 regulation adopted pursuant thereto, or to have failed to comply  
14 with a court's order, shall be subject to a fine of not more than  
15 \$1,000 per day of the violation, and each day's continuance of the  
16 violation shall constitute a separate and distinct violation. The  
17 municipal court shall have jurisdiction to enforce this section. An  
18 animal control officer is authorized to seize and impound any  
19 potentially dangerous dog or vicious dog whose owner fails to  
20 comply with the provisions of P.L.1989, c.307 (C.4:19-17 et seq.),  
21 **[or]** any rule or regulation adopted pursuant thereto, or a court's  
22 order. The municipal court may order that the dog so seized and  
23 impounded be destroyed in an expeditious and humane manner.

24 (cf: P.L.1994, c.187, s.10)

25  
26 16. Section 14 of P.L.1989, c.307 (C.4:19-30) is amended to  
27 read as follows:

28 14. **[Each]** a. For a dog declared potentially dangerous, each  
29 municipality shall**[**:

30 **a.]** issue a potentially dangerous dog registration number and red  
31 identification tag along with a municipal potentially dangerous dog  
32 license upon a demonstration of sufficient evidence by the owner to  
33 the animal control officer that **[he]** the owner has complied with  
34 the court's orders. The last three digits of each potentially  
35 dangerous dog registration number issued by a municipality will be  
36 the three number code assigned to that municipality in the  
37 regulations promulgated pursuant to section 17 of P.L.1989, c.307  
38 (C.4:19-33). **[The animal control officer shall verify, in writing,**  
39 **compliance to the municipal clerk or other official designated to**  
40 **license dogs in the municipality;]** The animal control officer shall  
41 verify an owner's compliance with the provisions of this subsection  
42 by submitting a verification statement, in writing, to the municipal  
43 clerk or other official designated to license dogs in the municipality.

44 **b.** Each municipality shall issue a vicious dog registration  
45 number and red identification tag, together with a municipal vicious  
46 dog license, upon a demonstration of sufficient evidence by the  
47 owner, to the animal control officer, indicating that the owner has

1 complied with the court's orders in association with the court's  
2 declaration of viciousness. The last digits of each vicious dog  
3 registration number issued by a municipality will be the code  
4 assigned to that municipality in the regulations promulgated  
5 pursuant to section 17 of P.L.1989, c.307 (C.4:19-33). The animal  
6 control officer shall verify an owner's compliance with the  
7 provisions of this subsection by submitting a verification statement,  
8 in writing, to the municipal clerk or other official designated to  
9 license dogs in the municipality.

10 c. Each municipality shall publicize a telephone number for  
11 reporting violations of [this act] P.L.1989, c.307 (C.4:19-17 et  
12 seq.). This telephone number shall be forwarded to the department  
13 and any changes in this number shall be reported immediately to the  
14 department.

15 (cf: P.L.1994, c.187, s.11)

16  
17 17. Section 15 of P.L.1989, c.307 (C.4:19-31) is amended to  
18 read as follows:

19 15. Every municipality may, by ordinance, fix the sum to be  
20 paid annually for a potentially dangerous dog license or a vicious  
21 dog license and each renewal thereof, which sum shall not be less  
22 than \$150 nor more than \$700. In the absence of any local  
23 ordinance, the fee for all potentially dangerous dog licenses and  
24 vicious dog licenses shall be \$150.

25 (cf: P.L.1989, c.307, s.15)

26  
27 18. Section 16 of P.L.1989, c.307 (C.4:19-32) is amended to  
28 read as follows:

29 16. The animal control officer shall inspect the enclosure and  
30 the owner's property at least monthly to determine continuing  
31 compliance with [paragraphs (2) and (3) of subsection a. of]  
32 section 8 of [this act] P.L.1989, c.307 (C.4:19-24).

33 (cf: P.L.1989, c.307, s.16)

34  
35 19. Section 17 of P.L.1989, c.307 (C.4:19-33) is amended to  
36 read as follows:

37 17. a. The department shall promulgate regulations establishing  
38 a uniform Statewide system for municipal registration of potentially  
39 dangerous dogs. The regulations shall assign each municipality or  
40 other authority registering potentially dangerous dogs a three  
41 number code. This three number code shall comprise the last three  
42 digits of each registration number issued by that municipality or  
43 authority for potentially dangerous dogs and shall be preceded on  
44 each dog's identification by a number sequentially issued by the  
45 municipality.

46 b. The department shall promulgate regulations establishing a  
47 uniform Statewide system for municipal registration of dogs that are  
48 declared vicious, but are not euthanized. The regulations shall

1 assign each municipality or other authority registering vicious dogs  
2 an appropriate code to distinguish the dogs from potentially  
3 dangerous dogs and other dogs registered in the municipality. The  
4 assigned code shall comprise the last three digits of each  
5 registration number issued by that municipality or authority for  
6 vicious dogs and shall be preceded on each dog's identification by a  
7 number sequentially issued by the municipality.  
8 (cf: P.L.1989, c.307, s.17)  
9  
10 20. This act shall take effect immediately.