

SENATE, No. 325

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Co-Sponsored by:

Senator Bateman

SYNOPSIS

Establishes process for recovering cost of caring for animals involved in animal cruelty violations.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning cost of care for animals involved in animal
2 cruelty violations, and supplementing Title 4 of the Revised
3 Statutes.

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

7
8 1. a. Whenever an individual is charged in any action alleging
9 an animal cruelty violation pursuant to chapters 19 or 22 of Title 4
10 of the Revised Statutes, Title 2C of the New Jersey Statutes, or any
11 other State animal cruelty law, and an animal is impounded as a
12 result thereof, the custodial animal care agency shall issue, no later
13 than seven days after the animal has been impounded, a custodial
14 care notice. The custodial care notice shall be in writing, sent to the
15 individual charged via certified mail return receipt requested, and
16 shall include:

17 (1) the name, business address, and telephone number of the
18 shelter, pound, kennel, or animal care facility;

19 (2) a description of the animal impounded, including a
20 veterinarian's assessment of the animal's condition and needs;

21 (3) an itemized accounting of the actual costs of caring for the
22 animal for the first seven days of impoundment;

23 (4) an itemized accounting of all the projected reasonable costs
24 for each 30-day period during which the animal may be impounded
25 thereafter;

26 (5) a statement that the individual charged may within 10
27 business days after receiving the notice pay the amount set forth in
28 the notice or request a hearing in the court with jurisdiction over the
29 disposition of the alleged animal cruelty violation to contest the
30 reasonableness and amount set forth in the notice; and

31 (6) a statement that the reasonable estimated veterinary care and
32 related costs such as medicine and vaccinations, and the cost of
33 food, water, and bedding as set forth in the notice or, if contested,
34 as determined by the court, is a lien on the animal and that the
35 animal shall not be returned to the owner until the charges are paid.

36 b. (1) The custodial animal care agency shall quantify the
37 actual costs of caring for the animal for the first seven days of
38 impoundment, and the amount of the projected reasonable costs for
39 each 30-day period during which the animal may be impounded
40 thereafter, and shall include these amounts in the custodial care
41 notice. These costs shall include, but need not be limited to,
42 reasonable and necessary veterinary care and related costs such as
43 medicine and vaccinations, and the cost of food, water, and
44 bedding.

45 (2) The individual charged with the alleged animal cruelty
46 violation may within 10 business days after receiving the notice:

- 1 (a) pay the amount set forth in the notice and every 30 days
2 thereafter, until full and final disposition of the animal cruelty
3 violation; or
- 4 (b) request a hearing in the court with jurisdiction over the
5 disposition of the alleged animal cruelty violation to contest the
6 reasonableness and amount set forth in the notice.
- 7 (3) The custodial animal care agency shall bear the burden of
8 establishing that the amount set forth in the notice is correct and
9 reasonable. The factors the court may consider include, but are not
10 limited to:
- 11 (a) reasonable estimated veterinary care and related costs such
12 as medicine and vaccinations;
- 13 (b) the cost of food, water, and bedding;
- 14 (c) the particular facts and circumstances; and
- 15 (d) the individual's ability to pay.
- 16 (4) The animal shall be deemed abandoned and ownership of the
17 animal shall revert to the custodial animal care agency where the
18 animal was impounded, if the custodial animal care agency has
19 acquired proof that the custodial care notice was served and the
20 individual fails:
- 21 (a) within 10 business days of receipt of the notice to either pay
22 the custodial care agency the amount requested in the custodial care
23 notice or request a hearing to contest the amount; or
- 24 (b) fails to pay the accepted costs set forth in the notice every 30
25 days thereafter until full and final disposition of the animal cruelty
26 violation.
- 27 (5) Upon becoming the owner of the animal, the custodial
28 animal care agency may offer the animal for adoption or otherwise
29 address disposition of the animal as it would with any animal left
30 unclaimed for more than seven days at a shelter, pound, or kennel
31 operating as a shelter or pound pursuant to section 16 of P.L.1941,
32 c.151 (C.4:19-15.16).
- 33 c. No animal may be sold, euthanized, offered for adoption, or
34 otherwise disposed of by the custodial animal care agency, if the
35 owner of the animal pays the accepted costs or the costs established
36 pursuant to subsection b. of this section, except that no provision of
37 this section shall prohibit the immediate euthanizing of an animal if,
38 in the opinion of a licensed veterinarian, the animal is experiencing
39 intractable and extreme pain and is beyond any reasonable hope of
40 recovery. If the animal is euthanized, the individual charged with
41 the alleged animal cruelty violation shall be liable for all costs of
42 providing care for, and disposal of, the animal.
- 43 d. Upon final disposition of the alleged animal cruelty
44 violation, if the owner of the animal repossesses it, any unexpended
45 amount paid to the shelter, pound, kennel, or animal care facility by
46 the owner shall be returned to the owner of the animal.
- 47 e. Upon the conclusion of any matter in which the animal is to
48 be returned to the owner, any and all unpaid reasonable costs for the

1 animal's veterinary care and related costs such as medicine and
2 vaccinations, and the cost of food, water, and bedding as set forth in
3 the notice or, if contested, as determined by the court is a lien on
4 the animal and the animal shall not be removed from impoundment
5 and returned to the owner until the lien is paid.

6 f. If the individual charged is found guilty, pleads guilty, or is
7 found liable for a civil penalty, in addition to any other fines or
8 monetary penalties, the individual shall be responsible for all of the
9 reasonable costs of the animal's veterinary care and related costs
10 such as medicine and vaccinations, and the cost of food, water, and
11 bedding as set forth in the notice or, if contested, as determined by
12 the court.

13 g. For the purposes of this section:

14 "Accepted costs" mean the costs set forth in the custodial care
15 notice issued pursuant to subsection a. of this section, which are not
16 contested pursuant to subsection b. of this section.

17 "Animal care facility" means an animal rescue organization
18 facility as defined in section 1 of P.L.1941, c.151 (c.4:19-15.1), and
19 a humane society or other organization that has temporary custody
20 of the animal.

21 "Custodial animal care agency" means the shelter, pound,
22 kennel, or animal care facility at which an animal is impounded,
23 pending disposition of an alleged animal cruelty violation and
24 ownership of the animal.

25 "Owner" means the person who has the primary right of property
26 in an animal and is in possession of the animal.

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28 2. This act shall take effect immediately.
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31 STATEMENT

32
33 This bill provides for the cost of care for some animals involved
34 in animal cruelty violations and establishes a procedure, when the
35 owner is the alleged violator, for the owner of the animal to pay for
36 the cost of care of the animal. Specifically, the bill provides for:

37 1) the shelter, pound, kennel, or animal care facility at which
38 the animal is impounded to issue, no later than seven days after the
39 animal has been impounded, a custodial care notice with the
40 information required in subsection a. of section 1 of the bill,
41 including an itemized accounting of the actual costs of caring for
42 the animal during the first seven days of impoundment;

43 2) the individual charged with these costs to pay the amount set
44 forth in the notice and every 30 days thereafter until the full and
45 final disposition of the animal cruelty violation or request a court
46 hearing to contest the reasonableness of the specified expenses;

47 3) the shelter, pound, kennel or animal care facility where the
48 animal is impounded to assume ownership of the animal if no

1 hearing is requested and the individual does not pay the expenses as
2 required under the bill; and
3 4) upon assuming ownership, the shelter, pound, kennel or
4 animal care facility is authorized to address the status of the animal
5 as it would any other impounded animal pursuant to section 16 of
6 P.L.1941, c.151 (C.4:19-15.16).
7 The bill also prohibits any impounded animal to be sold,
8 euthanized, offered for adoption or otherwise disposed of by the
9 shelter, pound, kennel or animal care facility if the owner pays for
10 the expenses of care, unless, in the opinion of a licensed
11 veterinarian, the animal is experiencing intractable and extreme
12 pain and is beyond any reasonable hope of recovery. In such a case,
13 the bill allows for the immediate euthanizing of the animal and the
14 individual charged held liable for all costs of providing care for,
15 and disposal of, the animal.
16 Furthermore, the bill requires, if the animal is returned to the
17 owner who has paid for expenses, that any amount paid to the
18 shelter, pound, kennel or animal care facility that is unexpended be
19 returned to the owner. Finally, the bill directs the court to establish
20 any unpaid expenses as a lien on the animal and no animal may be
21 returned to its owner until the lien is paid.