

ASSEMBLY, No. 370

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen **HOLZAPFEL** and **WOLFE**

1 AN ACT concerning animal cruelty and amending R.S.4:22-17,
2 R.S.4:22-18, and R.S.4:22-19.

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

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7 1. R.S.4:22-17 is amended to read as follows:
8 4:22-17. Cruelty in general[; misdemeanor]

9 A person who shall:

10 a. Overdrive, overload, drive when overloaded, overwork, torture,
11 torment, deprive of necessary sustenance, unnecessarily or cruelly beat
12 or otherwise abuse, or needlessly mutilate or kill, a living animal or
13 creature;

14 b. Cause or procure any of such acts to be done; or

15 c. Inflict unnecessary cruelty upon a living animal or creature of
16 which he has charge either as owner or otherwise, or unnecessarily fail
17 to provide it with proper food, drink, shelter or protection from the
18 weather--

19 Shall be guilty of a [misdemeanor] disorderly persons offense , and
20 , notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, for
21 every such offense shall be fined not [more than two hundred and fifty
22 dollars,] less than \$250 nor more than \$1,000, or be imprisoned [in the
23 county jail] for a term of not more than six months, or both, in the
24 discretion of the court. In addition, the court (1) shall impose a term
25 of community service of up to 30 days, and may direct that the term
26 of community service be served in providing assistance to the New
27 Jersey Society for the Prevention of Cruelty to Animals, a district
28 (county) society for the prevention of cruelty to animals, or any other
29 recognized organization concerned with the prevention of cruelty to
30 animals or the humane treatment and care of animals, or to a
31 municipality's animal control or animal population control program;
32 (2) may require the violator to pay restitution or otherwise reimburse

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 any costs for food, drink, shelter, or veterinary care or treatment, or
2 other costs, incurred by any agency, entity, or organization
3 investigating the violation, including but not limited to the New Jersey
4 Society for the Prevention of Cruelty to Animals, a district (county)
5 society for the prevention of cruelty to animals, any other recognized
6 organization concerned with the prevention of cruelty to animals or
7 the humane treatment and care of animals, or a local or State
8 governmental entity; and (3) may impose any other appropriate
9 penalties established for a disorderly persons offense pursuant to Title
10 2C of the New Jersey Statutes.

11 (cf: R.S.4:22-17)

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13 2. R.S.4:22-18 is amended to read as follows:

14 4:22-18. Carrying animal in cruel manner[; misdemeanor]

15 A person who shall carry, or cause to be carried, a living animal or
16 creature in or upon a vehicle or otherwise, in a cruel or [inhuman]
17 inhumane manner, shall be guilty of a [misdemeanor] disorderly
18 persons offense and punished as provided in [section 4:22-17 of this
19 title] R.S.4:22-17 .

20 (cf: R.S.4:22-18)

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22 3. R.S.4:22-19 is amended to read as follows:

23 4:22-19. A person who shall :

24 a. Impound or confine, or cause to be impounded or confined, in
25 a pound or other place, a living animal or creature, and shall fail to
26 supply it during such confinement with a sufficient quantity of good
27 and wholesome food and water; or

28 b. Destroy or cause to be destroyed any such animal by hypoxia
29 induced by decompression or in any other manner, by the
30 administration of a lethal gas other than an inhalant anesthetic, or in
31 any other manner except by a method of euthanasia generally accepted
32 by the veterinary medical profession as being reliable, appropriate to
33 the type of animal upon which it is to be employed, and capable of
34 producing loss of consciousness and death as rapidly and painlessly as
35 possible for such animal shall, in the case of a violation of subsection
36 a., be guilty of a disorderly persons offense and shall be punished as
37 provided in R.S.4:22-17; or, in the case of a violation of subsection b.,
38 be subject to a penalty of \$25.00 for the first offense and \$50.00 for
39 each subsequent offense. Each animal destroyed in violation of
40 subsection b. shall constitute a separate offense. The penalty shall be
41 collected in accordance with "the penalty enforcement law"
42 (N.J.S.2A:58-1 et seq.) and all money collected shall be remitted to
43 the State.

44 This section shall apply to kennels, pet shops, shelters and pounds
45 as defined and licensed pursuant to P.L.1941, c.151 (C.4:19-15.1 et
46 seq.); to pounds and places of confinement owned and operated by

1 municipalities, counties or regional governmental authorities; and to
2 every contractual warden or impounding service, any provision to the
3 contrary in this title notwithstanding.

4 (cf: P.L.1982, c.158, s.2)

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6 4. This act shall take effect immediately.

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9 STATEMENT

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11 This bill would update, clarify, and expand the criminal penalties for
12 violations of certain animal cruelty laws. Specifically, the bill provides
13 that a violation of R.S.4:22-17 (cruelty in general), R.S.4:22-18
14 (carrying an animal in a cruel manner), and subsection a. of
15 R.S.4:22-19 (impounding or confining an animal without sufficient
16 food and water) would be a disorderly persons offense with a
17 minimum criminal fine of \$250 and a maximum criminal fine of \$1,000,
18 or a jail term of up to six months, or both. In addition, the bill would
19 require the sentencing court to impose a community service term of up
20 to 30 days, and give the court the option to also require (1) the
21 violator to pay restitution for the costs of food, drink, shelter, or
22 veterinary care or treatment, or other costs, incurred by an agency,
23 entity, or organization investigating the violation, and (2) impose any
24 other appropriate penalties established for a disorderly persons offense
25 under Title 2C of the New Jersey Statutes (the New Jersey Code of
26 Criminal Justice). The penalties established in this bill would be in
27 addition to any civil penalties authorized by R.S.4:22-26 or any other
28 law.

29 This bill is necessary to clear up confusion in the interpretation of
30 the animal cruelty laws by various courts because of antiquated
31 language in the statutes that does not reflect terminology used in the
32 New Jersey Code of Criminal Justice. In addition, it is important to
33 ensure that those persons who treat animals in a cruel manner receive
34 stiff punishment in order to deter future violations by those persons
35 and others who are similarly inclined - thus, this bill provides for a
36 statutory minimum criminal fine, mandatory community service, and,
37 at the court's discretion, payment of restitution.

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42 Makes various amendments to penalty provisions of certain animal
43 cruelty laws.