

ASSEMBLY, No. 2652

STATE OF NEW JERSEY

INTRODUCED JANUARY 9, 1997

By Assemblyman GARRETT

1 AN ACT concerning certain organizations and amending R.S.4:22-26.

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

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6 1. R.S.4:22-26 is amended to read as follows:

7 4:22-26. A person who shall:

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

11 b. Cause or procure to be done by his agent, servant, employee or
12 otherwise an act enumerated in subsection ["a."] a. of this section;

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

17 d. Receive or offer for sale a horse which by reason of disability,
18 disease or lameness, or any other cause, could not be worked without
19 violating the provisions of this article;

20 e. Keep, use, be connected with or interested in the management
21 of, or receive money or other consideration for the admission of a
22 person to, a place kept or used for the purpose of fighting or baiting
23 a living animal or creature;

24 f. Be present and witness, pay admission to, encourage, aid or
25 assist in an activity enumerated in subsection ["e."] e. of this section;

26 g. Permit or suffer a place owned or controlled by him to be used
27 as provided in subsection ["e."] e. of this section;

28 h. Carry, or cause to be carried, a living animal or creature in or
29 upon a vehicle or otherwise, in a cruel or [inhuman] inhumane manner;

30 i. Use a dog or dogs for the purpose of drawing or helping to draw
31 a vehicle for business purposes;

32 j. Impound or confine or cause to be impounded or confined in a
33 pound or other place a living animal or creature, and shall fail to
34 supply it during such confinement with a sufficient quantity of good

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 and wholesome food and water;
- 2 k. Abandon a maimed, sick, infirm or disabled animal or creature
3 to die in a public place;
- 4 l. Willfully sell, or offer to sell, use, expose, or cause or permit to
5 be sold or offered for sale, used or exposed, a horse or other animal
6 having the disease known as glanders or farcy, or other contagious or
7 infectious disease dangerous to the health or life of human beings or
8 animals, or who shall, when any such disease is beyond recovery,
9 refuse, upon demand, to deprive the animal of life;
- 10 m. Own, operate, manage or conduct a roadside stand or market
11 for the sale of merchandise along a public street or highway; or a
12 shopping mall, or a part of the premises thereof; and keep a living
13 animal or creature confined, or allowed to roam in an area whether or
14 not the area is enclosed, on these premises as an exhibit; except that
15 this subsection shall not be applicable to: a pet shop licensed pursuant
16 to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an
17 animal, in a humane manner, for the purpose of the protection of the
18 premises; or a recognized breeders' association, a 4-H club, an
19 educational agricultural program, an equestrian team, a humane
20 society or other similar charitable or nonprofit organization conducting
21 an exhibition, show or performance;
- 22 n. Keep or exhibit a wild animal at a roadside stand or market
23 located along a public street or highway of this State; a gasoline
24 station; or a shopping mall, or a part of the premises thereof;
- 25 o. Sell, offer for sale, barter or give away or display live baby
26 chicks, ducklings or other fowl or rabbits, turtles or chameleons which
27 have been dyed or artificially colored or otherwise treated so as to
28 impart to them an artificial color;
- 29 p. Use any animal, reptile, or fowl for the purpose of soliciting any
30 alms, collections, contributions, subscriptions, donations, or payment
31 of money except in connection with exhibitions, shows or
32 performances conducted in a bona fide manner by recognized breeders'
33 associations, 4-H clubs or other similar bona fide organizations
34 involved directly with the care, welfare, or training of animals, and
35 nonprofit corporations, societies or associations organized exclusively
36 for religious, charitable, educational or hospital purposes ;
- 37 q. Sell or offer for sale, barter, or give away living rabbits, turtles,
38 baby chicks, ducklings or other fowl under two months of age, for use
39 as household or domestic pets;
- 40 r. Sell, offer for sale, barter or give away living baby chicks,
41 ducklings or other fowl, or rabbits, turtles or chameleons under two
42 months of age for any purpose not prohibited by subsection q. of this
43 section and who shall fail to provide proper facilities for the care of
44 such animals;
- 45 s. Artificially mark sheep or cattle, or cause them to be marked, by
46 cropping or cutting off both ears, cropping or cutting either ear more

1 than one inch from the tip end thereof, or half cropping or cutting both
2 ears or either ear more than one inch from the tip end thereof, or who
3 shall have or keep in his possession sheep or cattle, which he claims to
4 own, marked contrary to this subsection unless they were bought in
5 market or of a stranger;

6 t. Abandon a domesticated animal;

7 u. For amusement or gain, cause, allow, or permit the fighting or
8 baiting of a living animal or creature;

9 v. Own, possess, keep, train, promote, purchase, or knowingly sell
10 a living animal or creature for the purpose of fighting or baiting that
11 animal or creature; or

12 w. Gamble on the outcome of a fight involving a living animal or
13 creature--

14 Shall forfeit and pay a sum not to exceed \$250.00, except in the
15 case of a violation of subsection ["t."] t. of this section a mandatory
16 sum of \$500, and \$1,000 if the violation occurs on or near a roadway,
17 to be sued for and recovered, with costs, in a civil action by any
18 person in the name of the New Jersey Society for the Prevention of
19 Cruelty to Animals.

20 (cf: P.L.1991, c.108, s.2)

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22 2. This act shall take effect immediately.

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25 STATEMENT

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27 This bill would allow nonprofit corporations, societies or
28 associations organized exclusively for religious, charitable, educational
29 or hospital purposes to sponsor certain activities involving animals
30 without being subject to animal cruelty statutes.

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35 Exempts certain activities from animal cruelty statutes.