

[Passed Both Houses]

**SENATE, No. 493**

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**STATE OF NEW JERSEY**

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INTRODUCED JANUARY 22, 1996

By Senators BENNETT, Sacco and Assemblyman Azzolina

1   **AN ACT** concerning impounded animals and amending P.L.1941,  
2       c.151.

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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. Section 16 of P.L.1941, c.151 (C.4:19-15.16) is amended to  
8       read as follows:

9           16. Any person appointed for the purpose by the governing body  
10          of the municipality shall take into custody and impound or cause to be  
11          taken into custody and impounded, and thereafter destroyed or offered  
12          for adoption as provided in this section:

13           (a) Any dog off the premises of the owner or of the person keeping  
14          or harboring said dog which said official or his agent or agents have  
15          reason to believe is a stray dog;

16           (b) Any dog off the premises of the owner or of the person keeping  
17          or harboring said dog without a current registration tag on his collar;

18           (c) Any female dog in season off the premises of the owner or of  
19          the person keeping or harboring said dog;

20           (d) Any dog or other animal which is suspected to be rabid;

21           (e) Any dog or other animal off the premises of the owner reported  
22          to, or observed by, a certified animal control officer to be ill, injured  
23          or creating a threat to public health, safety or welfare, or otherwise  
24          interfering with the enjoyment of property.

25          If any animal so seized wears a collar or harness having inscribed  
26          thereon or attached thereto the name and address of any person or a  
27          registration tag, or the owner or the person keeping or harboring said  
28          animal is known, any person authorized by the governing body shall  
29          forthwith serve on the person whose address is given on the collar, or  
30          on the owner or the person keeping or harboring said animal, if  
31          known, a notice in writing stating that the animal has been seized and

**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 will be liable to be offered for adoption or destroyed if not claimed
- 2 within seven days after the service of the notice.

3 A notice under this section may be served either by delivering it to  
4 the person on whom it is to be served, or by leaving it at the person's  
5 usual or last known place of abode, or at the address given on the  
6 collar, or by forwarding it by post in a prepaid letter addressed to that  
7 person at his usual or last known place of abode, or to the address  
8 given on the collar.

9 Any person authorized by the governing body may cause an animal  
10 to be destroyed in a manner causing as little pain as possible and  
11 consistent with the provisions of R.S.4:22-19 or to be offered for  
12 adoption seven days after seizure; provided that:

13 (1) Notice is given as set forth above and the animal remains  
14 unclaimed; or,

15       (2) The owner or person keeping or harboring the animal has not  
16 claimed the animal and paid all expenses incurred by reason of its  
17 detention, including maintenance costs not exceeding \$4.00 per day;  
18 or,

19       (3) The owner or person keeping or harboring a dog which was  
20 unlicensed at the time of seizure does not produce a license and  
21 registration tag for the dog.

22 At the time of adoption, the right of ownership in the animal shall  
23 transfer to the new owner. No dog or other animal so caught and  
24 detained or procured, obtained, sent or brought to a pound or shelter  
25 shall be sold or otherwise made available for the purpose of  
26 experimentation. Any person who sells or otherwise makes available  
27 any such dog or other animal for the purpose of experimentation shall  
28 be guilty of a [disorderly persons offense] crime of the fourth degree.

After observation, any animal seized under this section suspected of being rabid shall be immediately reported to the executive officer of the local board of health and to the Department of Health.

32 (cf: P.L.1987, c.376, s.1)

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34 2. This act shall take effect immediately.

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## STATEMENT

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The penalty for selling or otherwise making available an impounded animal for experimentation is a disorderly persons offense, which carries a maximum term of imprisonment of six months and a maximum fine of \$1,000. This bill would increase the penalty to a crime of the fourth degree, which carries a maximum term of imprisonment of 18 months and a maximum fine of \$7,500.

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3 Increases penalty for making impounded animals available for  
4 experimentation.