

SENATE, No. 981

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JANUARY 31, 2022

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator VIN GOPAL

District 11 (Monmouth)

Co-Sponsored by:

Senators Singleton, Codey, Cunningham, Holzapfel, Stack, Turner, Schepisi, Stanfield, Zwicker, Cruz-Perez, Greenstein, Johnson and Cryan

SYNOPSIS

Revises law prohibiting cruel tethering and confinement of dogs; establishes procedures for seizure, care, and forfeiture of animals involved in animal cruelty violations.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/24/2022)

1 AN ACT concerning certain animals involved in animal cruelty
2 violations, supplementing Title 4 of the Revised Statutes, and
3 amending P.L.2017, c.189.

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

7
8 1. Section 3 of P.L.2017, c.189 (C.4:22-17.3) is amended to
9 read as follows:

10 3. a. It is unlawful for any person to cruelly restrain a dog.

11 b. A person cruelly restrains a dog if the person tethers a dog:

12 (1) which is a nursing female, or which is less than four months
13 old;

14 (2) outdoors between the hours of 11 p.m. and 5 a.m., but this
15 paragraph shall not take effect until 18 months after the date on
16 which **[this act]** P.L.2017, c.189 (C.4:22-17.1 et seq.) takes effect;

17 (3) **[in an]** on unoccupied **[building]** or **[upon]** vacant
18 property, or in any structure thereon;

19 (4) in a manner that does not permit the dog continuous access
20 to water in a sanitary and liquid state whenever the dog is tethered
21 for more than 30 minutes;

22 (5) in a manner that exposes the dog to adverse environmental
23 conditions for more than 30 minutes;

24 (6) by means of a choke collar, prong collar, head harness, or
25 any other type of collar, harness, or similar device other than a
26 properly fitted body harness or buckle-type collar;

27 (7) by using a chain with metal links that are more than one-
28 quarter of an inch thick, or a tether, collar, or harness to which a
29 weight is attached;

30 (8) with a tether on which more than one dog is restrained;

31 (9) with a tether that is less than 15 feet in length or which does
32 not permit the dog to walk at least 15 feet in any one direction; **[or]**

33 (10) with a tether that permits the dog to reach another dog or an
34 object or location that poses a risk of entanglement, strangulation,
35 drowning, or other harm to the health or safety of the dog,
36 including, but not limited to, another dog's tether or a window sill,
37 fence, wall, porch, terrace railing, vehicle, tree, pole, pool, or public
38 road or highway ; or

39 (11) in a manner that exposes the dog to accumulated waste or
40 other debris, precipitation, or flooding.

41 As used in this subsection, “unoccupied or vacant property”
42 means property that is devoid of human inhabitants or occupants, or
43 on which people do not regularly reside or operate a business.

44 c. Paragraphs (2), (3), (9), and (10) of subsection b. of this
45 section shall not apply if any person, including the dog's owner or
46 the person with custody or control of the dog:

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 (1) is in the presence of the dog at all times while the dog is
2 tethered, whether indoors or outdoors; and

3 (2) can see the dog at all times while the dog is tethered, unless
4 the person is blind or visually impaired so that the person cannot
5 see the dog due to the blindness or visual impairment, in which case
6 the person shall remain immediately adjacent to the dog at all times
7 while the dog is tethered.

8 As used in this subsection, "blind" means a person whose vision
9 in the person's better eye with proper correction does not exceed
10 20/200 or who has a field defect in the person's better eye with
11 proper correction which contracts the peripheral field so that the
12 diameter of the visual field subtends an angle no greater than 20
13 degrees; and "visually impaired" means having a condition in which
14 a person has a corrected visual acuity not exceeding 20/70, but not
15 less than 20/200, in the person's better eye, or in which the
16 peripheral field of the person's vision has contracted so that the
17 diameter of the visual field subtends an angle no greater than 40
18 degrees but no less than 20 degrees.

19 d. (1) The owner of a dog shall be liable for a violation of
20 subsections a. and b. of this section that occurs on any property
21 belonging to the owner or on which the owner resides at the time of
22 the violation, regardless of whether the owner is present when the
23 violation occurs.

24 (2) The person with custody or control of a dog who is not the
25 owner of the dog shall be liable for a violation of subsections a. and
26 b. of this section that occurs on any property belonging to the
27 person with custody or control of the dog or on which the person
28 with custody or control of the dog resides at the time of the
29 violation, regardless of whether the person is present when the
30 violation occurs.

31 (3) **【Paragraph】** Paragraphs (3) and (9) of subsection b. of this
32 section shall not apply if the dog is indoors and a person is indoors
33 with the dog.

34 (cf: P.L.2017, c.189, s.3)

35

36 2. Section 5 of P.L.2017, c.189 (C.4:22-17.5) is amended to
37 read as follows:

38 5. a. Proper shelter for a dog, domestic companion animal, or
39 service animal shall be a structure or other type of protection that
40 meets, at a minimum, the following standards and requirements:

41 (1) It provides at all times (a) adequate ventilation to allow the
42 dog, domestic companion animal, or service animal to remain dry
43 and maintain a normal body temperature, (b) access to water in a
44 sanitary and liquid state, (c) exposure to natural or artificial light
45 according to a regular cycle of day and night, (d) sufficient space so
46 that the dog, domestic companion animal, or service animal can
47 easily turn around in a full circle and lie down on the animal's side
48 with limbs outstretched, and (e) when the animal is in a normal

- 1 sitting position in the proper shelter, the top of the head of the
2 animal cannot touch the ceiling of the proper shelter;
- 3 (2) It is maintained in a manner to minimize the accumulation of
4 any waste, other debris, precipitation, or other moisture inside,
5 surrounding, and underneath any area or structure providing proper
6 shelter, and to provide reasonable protection from flooding;
- 7 (3) It is soundly constructed to prevent the sagging or collapse
8 of any part of the structure or protection, and is maintained in good
9 repair with no exposed sharp points or edges;
- 10 (4) It remains in an upright position at all times;
- 11 (5) In the event of adverse environmental conditions as set forth
12 in paragraph (1) of the definition of that term in section 1 of **[this**
13 **act]** P.L.2017, c.189 (C.4:22-17.1), it is an enclosed structure that
14 has (a) a solid roof, solid walls with a single opening no larger than
15 necessary to allow the dog, domestic companion animal, or service
16 animal to comfortably enter and exit the structure, and a floor that is
17 not the ground, and (b) insulation, dry bedding, and a windbreak at
18 the entrance that are sufficient to keep the dog, domestic companion
19 animal, or service animal dry and maintain the animal's normal
20 body temperature; and
- 21 (6) In the event of adverse environmental conditions as set forth
22 in paragraph (2) of the definition of that term in section 1 of **[this**
23 **act]** P.L.2017, c.189 (C.4:22-17.1), it provides the dog, domestic
24 companion animal, or service animal with adequate shade or other
25 cooling area by natural or artificial means to allow the animal to
26 maintain a normal body temperature , including, but not limited to,
27 an open-air canopy, gazebo, tree, shallow pool, or mud wallow,
28 either alone or in combination .
- 29 b. Any part of the residence of an owner, or other person with
30 custody or control, of a dog, domestic companion animal, or service
31 animal shall be proper shelter for a dog, domestic companion
32 animal, or service animal, provided that the part of the residence,
33 and the use thereof, are in compliance with the requirements for
34 proper shelter set forth in this section.
- 35 c. Proper shelter for a dog, domestic companion animal, or
36 service animal shall not include:
- 37 (1) a crawl space under a building or a part of a building, such
38 as under steps, a deck, or a stoop;
- 39 (2) the space under a vehicle;
- 40 (3) the inside of a vehicle if the dog, domestic companion
41 animal, or service animal is kept in the vehicle in a manner or for a
42 length of time that a person should reasonably know poses an
43 adverse risk to the health or safety of the animal; **[or]**
- 44 (4) any structure or protection (a) made from pressure-treated
45 wood which contains the chemicals arsenic or chromium, (b) with a
46 floor consisting of wire or chain-link or having openings through
47 which the paw, hoof, or foot of a dog, domestic companion animal,

1 or service animal, as applicable, can pass, or (c) that is located
2 outdoors and is made from cardboard or other materials that are
3 easily degraded by the elements; or

4 (5) unoccupied or vacant property, or any structure thereon, in
5 which the animal is regularly kept unattended, as "unattended" is
6 defined in section 1 of P.L.2017, c.189 (C.4:22-17.1).

7 As used in this subsection, "unoccupied or vacant property"
8 means property that is devoid of human inhabitants or occupants, or
9 on which people do not regularly reside or operate a business.
10 (cf: P.L.2017, c.189, s.5)

11
12 3. Section 7 of P.L.2017, c.189 (C.4:22-17.7) is amended to
13 read as follows:

14 7. a. Upon a showing of probable cause that there has been a
15 violation of P.L.2017, c.189 (C.4:22-17.1 et seq.) and submission of
16 proof of issuance of a **【summons】** written correction warning
17 pursuant to subsection f. of this section, a court of competent
18 jurisdiction may issue, upon request, a warrant to any municipal
19 humane law enforcement officer, humane law enforcement officer
20 of a county society for the prevention of cruelty to animals, or other
21 State or local law enforcement officer to enter onto the private
22 property where a dog, domestic companion animal, or service
23 animal is located and take **【physical】** custody of the animal, except
24 that if immediate assistance is required to protect or preserve the
25 animal's life or prevent injury to the animal, no proof of issuance of
26 a written correction warning shall be required for the warrant to be
27 issued.

28 b. Notwithstanding the provisions of subsection a. of this
29 section, or any other law, or any rule or regulation adopted pursuant
30 thereto, to the contrary, any municipal humane law enforcement
31 officer, humane law enforcement officer of a county society for the
32 prevention of cruelty to animals, or other State or local law
33 enforcement officer may immediately enter onto private property
34 where a dog, domestic companion animal, or service animal is
35 located and take **【physical】** custody of the animal **【,】** if the officer
36 has a reasonable basis to believe that, due to a violation of
37 P.L.2017, c.189 (C.4:22-17.1 et seq.), immediate assistance is
38 required to protect or preserve the animal's life or prevent injury to
39 the animal.

40 c. Upon taking **【physical】** custody of a dog, domestic
41 companion animal, or service animal pursuant to subsection a. or b.
42 of this section, the person taking **【physical】** custody of the animal
43 shall:

44 (1) post immediately, in a conspicuous place at the location
45 from which the dog, domestic companion animal, or service animal
46 was taken into custody , the notice required pursuant to subsection

- 1 d. of this section to the owner or person with custody or control of
2 the dog, domestic companion animal, or service animal; and
- 3 (2) no later than seven days after the dog, domestic companion
4 animal, or service animal has been taken into custody, send by
5 registered or certified mail **【and by ordinary mail】**, or by personal
6 service, the notice described in subsection d. of this section to :
- 7 (a) the address of the location from which the dog, domestic
8 companion animal, or service animal was taken into **【physical】**
9 custody ; and
- 10 (b) the owner of record, if the address for the owner of record is
11 different from the location from which the dog, domestic
12 companion animal, or service animal was taken.
- 13 d. The notice required pursuant to subsection c. of this section
14 shall: (1) provide a description of the dog, domestic companion
15 animal, or service animal; (2) state that the dog, domestic
16 companion animal, or service animal may be euthanized upon a
17 veterinarian's written determination of medical necessity as required
18 by subsection e. of this section; (3) state the statutory authority and
19 reason for taking custody of the dog, domestic companion animal,
20 or service animal; and (4) provide contact information, including at
21 least the name of any applicable office or entity, the name of a
22 person at that office or entity, and a telephone number for the owner
23 or person with custody or control of the dog, domestic companion
24 animal, or service animal to obtain information concerning the
25 animal **【, the alleged violation, and】** including where the animal is
26 **【impounded】** in custody .
- 27 e. A dog, domestic companion animal, or service animal taken
28 into **【physical】** custody pursuant to subsection a. or b. of this
29 section shall be placed in the care of a licensed shelter, pound, or
30 kennel operating as a shelter or pound to ensure the humane care
31 and treatment of the animal. If, after the dog, domestic companion
32 animal, or service animal has been taken into **【physical】** custody, a
33 licensed veterinarian makes a written determination that the animal
34 is in intractable and extreme pain and beyond any reasonable hope
35 of recovery with reasonable veterinary medical treatment, the
36 animal may be euthanized. At any time while the licensed shelter,
37 pound, or kennel operating as a shelter or pound has custody or
38 control of the dog, domestic companion animal, or service animal, it
39 may place the animal in an animal rescue organization facility or a
40 foster home , or otherwise provide care to improve the animal's
41 physical or psychological well-being, if it determines the placement
42 or care is in the best interest of the animal , except that euthanasia
43 shall be permitted only under the limited circumstances specified in
44 this subsection .
- 45 f. A person shall be issued a written correction warning prior
46 to being cited for a violation of P.L.2017, c.189 (C.4:22-17.1 et
47 seq.) unless the dog, domestic companion animal, or service animal

1 involved in the violation was seized under an emergency warrant
2 issued pursuant to subsection a. of this section or seized
3 immediately pursuant to subsection b. of this section. A summons
4 **【shall】** may be served on the alleged violator **【as soon as**
5 **practicable】** if:

6 (1) after the seven days have elapsed from the date a written
7 correction warning is issued, no correction has been made; **【or】**

8 (2) the dog, domestic companion animal, or service animal
9 involved in the violation was seized immediately pursuant to
10 subsection b. of this section; or

11 (3) the dog, domestic companion animal, or service animal
12 involved in the violation was seized under an emergency warrant
13 issued pursuant to subsection a. of this section.

14 If the alleged violator is not the owner of the dog, domestic
15 companion animal, or service animal, the person issuing the written
16 correction warning or summons, as applicable, shall also notify the
17 owner of the animal of the violation and provide the owner with a
18 copy of the issued written correction warning or summons, as
19 applicable.

20 g. Any summons issued for a violation of P.L.2017, c.189
21 (C.4:22-17.1 et seq.) shall contain:

22 (1) a description of the violation and statutory authority; and

23 (2) contact information identifying, at a minimum (a) the name
24 of the investigating agency or office, and (b) the name of the officer
25 issuing the summons or investigating the alleged violation.

26 h. Any municipal humane law enforcement officer, humane
27 law enforcement officer of a county society for the prevention of
28 cruelty to animals, or other State or local law enforcement officer
29 issuing a summons for a violation of P.L.2017, c.189 (C.4:22-17.1
30 et seq.) shall also serve on the alleged violator, with the summons, a
31 written notice of:

32 (1) the right to voluntarily forfeit ownership or custody of the
33 dog, domestic companion animal, or service animal;

34 (2) the action or actions required for compliance;

35 (3) a demand for immediate compliance; and

36 (4) a telephone number for the investigating agency or office
37 and the investigating officer or agent.

38 i. Any municipal humane law enforcement officer, humane
39 law enforcement officer of a county society for the prevention of
40 cruelty to animals, or other State or local law enforcement officer
41 may petition a court of competent jurisdiction to have a dog,
42 domestic companion animal, or service animal confiscated, if not
43 previously seized, and forfeited upon the person being found guilty
44 of, or liable for, a violation of P.L.2017, c.189 (C.4:22-17.1 et seq.).
45 Upon a finding that continued possession of the dog, domestic
46 companion animal, or service animal by the owner or other person
47 authorized to have custody or control of the animal poses a threat to
48 the health or safety of the animal, the court shall order that the

1 animal be forfeited, placed in an animal rescue organization facility,
2 shelter, pound, or kennel operating as a shelter or pound, and made
3 available for adoption.

4 j. A person found guilty of, or liable for, a violation of any
5 provision of P.L.2017, c.189 (C.4:22-17.1 et seq.) shall be
6 responsible for, and pay, the reasonable costs of caring for the dog,
7 domestic companion animal, or service animal from the date on
8 which **【physical】** custody of the animal was taken pursuant to this
9 section until the date the animal is surrendered, forfeited, returned,
10 or euthanized, including, but not limited to, the cost of transporting,
11 sheltering, and feeding the animal, the cost of providing the animal
12 with necessary veterinary care, and if the animal is euthanized, the
13 cost of the euthanasia.

14 (cf: P.L.2019, c.83, s.1)

15

16 4. (New section) As used in sections 4 through 7 of P.L. ,
17 c. (C.) (pending before the Legislature as this bill):

18 "Animal care agency" means a shelter, pound, kennel, or animal
19 rescue organization, as those terms are defined in section 1 of
20 P.L.1941, c.151 (C.4:19-15.1), or a humane society or other
21 organization that has temporary custody of an animal.

22 "Animal cruelty violation" means a civil or criminal violation of
23 chapter 19 or 22 of Title 4 of the Revised Statutes, Title 2C of the
24 New Jersey Statutes, or any other State law concerning animal
25 cruelty.

26 "Enforcement agency" means any agency, department,
27 organization, or count society for the prevention of cruelty to
28 animals, or any agent, humane law enforcement officer, or
29 representative thereof, involved in law enforcement or animal
30 control, or the monitoring of animal welfare and animal cruelty
31 violations.

32 "Reasonable costs of care" means (1) the costs of shelter, food,
33 water, and bedding necessary to house an animal, (2) the costs of
34 necessary care to improve an animal's psychological well-being,
35 including, but not limited to, training and enrichments designed to
36 provide mental and physical stimulation, and (3) the costs of
37 necessary veterinary care for an animal, including, but not limited
38 to, surgical intervention, medicine, vaccinations, and euthanasia and
39 disposal costs, as determined necessary by a licensed veterinarian.

40

41 5. (New section) a. Notwithstanding the provisions of any
42 other law, or any rule or regulation adopted pursuant thereto, to the
43 contrary, upon a showing of probable cause that there has been an
44 animal cruelty violation, a court of competent jurisdiction may
45 issue, upon request, a warrant to any municipal humane law
46 enforcement officer, humane law enforcement officer of a county
47 society for the prevention of cruelty to animals, or other State or

1 local law enforcement officer to enter onto the private property
2 where an animal is located and take custody of the animal.

3 b. Notwithstanding the provisions of subsection a. of this
4 section, or any other law, or any rule or regulation adopted pursuant
5 thereto, to the contrary, a municipal humane law enforcement
6 officer, humane law enforcement officer of a county society for the
7 prevention of cruelty to animals, or other State or local law
8 enforcement officer may immediately enter onto private property
9 where an animal is located and take custody of an animal if the
10 officer has a reasonable basis to believe that, due to an animal
11 cruelty violation, immediate assistance is required to protect or
12 preserve the animal's life or prevent injury to the animal.

13 c. An animal taken into custody pursuant to subsection a. or b.
14 of this section shall be placed in the care of a licensed shelter,
15 pound, or kennel operating as a shelter or pound to ensure the
16 humane care and treatment of the animal. If, after the animal has
17 been taken into custody, a licensed veterinarian makes a written
18 determination that the animal is in intractable and extreme pain and
19 beyond any reasonable hope of recovery with reasonable veterinary
20 medical treatment, the animal may be euthanized. At any time
21 while the licensed shelter, pound, or kennel operating as a shelter or
22 pound has custody or control of the animal, it may place the animal
23 in an animal rescue organization facility or a foster home, or
24 otherwise provide care to improve the animal's physical or
25 psychological well-being, if it determines that such placement or
26 care is in the best interests of the animal, except that euthanasia will
27 be permitted only under the limited circumstances specified in this
28 subsection.

29
30 6. (New section) a. An animal care agency that takes custody of
31 an animal pursuant to section 5 of P.L. , c. (C.) (pending
32 before the Legislature as this bill), or an authorized agent of the animal
33 care agency, including an attorney prosecuting an animal cruelty
34 violation on behalf of a municipality or county, may, no later than 20
35 days after the animal is taken into custody, file an action in the
36 Superior Court seeking the reasonable costs of care for the animal
37 from the animal's owner, or, if the owner is not known to the plaintiff,
38 the person from whom the animal was taken. A copy of the complaint
39 shall be served upon the animal's owner, or, if the owner is not known
40 to the plaintiff, to the person from whom the animal was taken in
41 accordance with the rules of the court. The complaint shall include:

42 (1) the name, business address, and telephone number of the
43 animal care agency that has custody of the animal;

44 (2) a description of the animal taken into custody, including a
45 licensed veterinarian's assessment of the animal's condition and needs;

46 (3) a statement of the actual and estimated reasonable costs of care
47 for the animal;

1 (4) a statement that, at any time after the animal has been taken
2 into custody, the animal's owner may relinquish ownership of the
3 animal to the enforcement agency that seized the animal or to the
4 animal care agency with custody of the animal;

5 (5) a statement that, if the animal's owner or the person from
6 whom the animal was taken fails to pay any portion of the reasonable
7 costs of care for the animal, as established by the court, when due,
8 ownership of the animal shall immediately transfer to the animal care
9 agency with custody of the animal; and

10 (6) a plain language summary of the provisions of
11 P.L. , c. (C.) (pending before the Legislature as this bill), to
12 be prepared by the Attorney General's Office and distributed to animal
13 care agencies in the State.

14 b. Upon receipt of a complaint filed pursuant to subsection a. of
15 this section, the court shall schedule a hearing on the complaint to be
16 conducted no later than 30 days after the date on which the complaint
17 is filed with the court. Failure by the court to hold a timely hearing
18 pursuant to this subsection shall not affect the disposition of the animal
19 under the provisions of P.L. , c. (C.) (pending before the
20 Legislature as this bill) or the disposition of any pending animal
21 cruelty case against the person from whom an animal was seized.

22 c. At the hearing on a complaint filed pursuant to subsection a. of
23 this section, the plaintiff shall establish by a preponderance of the
24 evidence that the animal was taken into custody either for the animal's
25 protection from harm or for needed medical attention. The court may
26 consider testimony from the agent or officer who seized the animal
27 and other witnesses as to the condition of the animal when seized and
28 as to the conditions under which the animal or other animals in the
29 household were kept, testimony and evidence as to the veterinary care
30 provided to the animal, expert testimony as to the community
31 standards for proper and reasonable care of the same type of animal,
32 testimony from any witnesses as to the prior treatment or condition of
33 this or other animals in the custody of the owner or person from whom
34 the animal was taken, or any other evidence the court considers to be
35 material or relevant. The plaintiff shall also demonstrate that the
36 animal's owner, or, if the animal's owner is not known, the person
37 from whom the animal was taken, was served with a copy of the
38 complaint as required pursuant to subsection a. of this section.

39 (1) If the court determines that the plaintiff has demonstrated by a
40 preponderance of the evidence that the animal was taken into custody
41 either for the animal's protection or for needed medical attention and
42 that the service and content of the complaint met the requirements of
43 subsection a. of this section, the court shall award damages for the
44 reasonable costs of care for the animal for the period the animal is in
45 the custody and care of the animal care agency against the animal's
46 owner or the person from whom the animal was taken, as appropriate.
47 The costs shall be calculated from the date the animal was taken into

1 custody by the enforcement agency or animal care agency, whichever
2 is earlier.

3 (2) If the court determines that the plaintiff has not shown by a
4 preponderance of the evidence that an animal was taken into custody
5 either for the animal's protection or for needed medical attention, the
6 court shall not award damages for the reasonable costs of care, but the
7 animal shall remain in the custody of the animal care agency during
8 the pendency of the criminal investigation and proceeding related to
9 the alleged criminal offense that led to the seizure of the animal.

10 (3) If the court determines that the service or content of the
11 complaint did not meet the requirements of subsection a. of this
12 section, the animal shall remain in the custody of the animal care
13 agency during the pendency of the criminal investigation and
14 proceeding related to the alleged criminal offense that led to the
15 seizure of the animal. The plaintiff may petition the court for a thirty-
16 day extension to refile the complaint.

17 d. Unless otherwise ordered by the court, no later than seven days
18 after the issuance of a court order pursuant to subsection c. of this
19 section, the person found liable for the reasonable costs of care shall
20 pay the animal care agency the full amount, as required by the court,
21 for the respective 30-day period. The person shall make a new
22 payment in the same amount every 30 days until:

23 (1) the owner voluntarily transfers ownership of the animal to the
24 animal care agency;

25 (2) ownership of the animal is transferred to the animal care
26 agency pursuant to subsection f. of this section;

27 (3) the animal is euthanized pursuant to subsection g. of this
28 section; or

29 (4) final disposition of the proceeding related to the alleged
30 criminal offense that led to the seizure of the animal, including
31 forfeiture of the animal pursuant to section 7 of P.L. , c. (C.)
32 (pending before the Legislature as this bill) or any other law.

33 Upon a change in the animal's ownership status pursuant to
34 paragraphs (1) through (4) of this subsection, any unexpended amounts
35 paid by the person to the animal care agency shall be returned to the
36 person.

37 e. If the person against whom a judgment pursuant to subsection
38 e. of this section was entered fails to make a payment for the
39 reasonable costs of care for an animal within seven days of the date of
40 issuance of the court order and every 30 days thereafter as required
41 pursuant to subsection e. of this section, ownership of the animal shall
42 immediately transfer, by operation of law, to the animal care agency
43 with custody of the animal, and the animal care agency shall obtain all
44 rights and privilege in and over the animal.

45 f. An animal care agency shall not sell, euthanize, offer for
46 adoption, or otherwise dispose of an animal if the person liable for the
47 reasonable costs of care for the animal makes timely payments of such
48 costs to the animal care agency as required by the court; provided,

1 however, that an animal care agency may euthanize an animal at any
2 time if a licensed veterinarian makes a written determination that the
3 animal is experiencing intractable and extreme pain and is beyond any
4 reasonable hope of recovery.

5 g. If a person liable for the reasonable costs of care pursuant to
6 this section is found not guilty of the alleged criminal animal cruelty
7 offense that led to the seizure of the animal, and if the person has made
8 timely payments of the reasonable costs of care pursuant to this
9 section, the person shall have the right to immediately repossess the
10 person's animal and to be reimbursed by the animal care agency for all
11 of the reasonable costs of care, except those related to necessary
12 veterinary care, that were paid by the person to the animal care agency.

13 h. The result of any hearing held pursuant to this section, and any
14 statement made by a party in the course of such a hearing, shall not be
15 admissible in any criminal prosecution for an animal cruelty violation.

16 i. If the owner or the person from whom an animal was taken, as
17 applicable, fails to appear for a hearing for the reasonable costs of care
18 for an animal pursuant to this section, the owner or other person shall
19 be liable for the costs, and all other provisions of this section shall
20 remain in force.

21 j. As used in this section, "animal" means any vertebrate other
22 than humans, except that, other than animals used in connection with a
23 violation of R.S.4:22-24 and equine animals, "animal" shall not
24 include "domestic livestock" as defined by section 1 of P.L.1995,
25 c.311 (C.4:22-16.1).

26

27 7. (New section) a. Notwithstanding the provisions of any
28 other law, or any rule or regulation adopted pursuant thereto, to the
29 contrary, an animal care agency or enforcement agency may, upon
30 the conviction of a person for an animal cruelty violation, petition
31 the court in the animal cruelty proceeding for an order requiring
32 forfeiture of the animal that is the basis of the conviction.

33 b. At the sentencing of a person convicted of an animal cruelty
34 violation, the court, upon its own initiative or in response to a
35 petition filed pursuant to subsection a. of this section, and in
36 addition to any other penalties that may be imposed on the
37 defendant, may:

38 (1) adjudge an animal that is the basis of the conviction for an
39 animal cruelty violation forfeited to the animal care agency with
40 custody of the animal, and invest all rights and privileges over the
41 animal in the animal care agency; and

42 (2) order that the person convicted of an animal cruelty violation
43 and any person who was convicted for conspiring, aiding, or
44 abetting in the violation that was the basis of the conviction, shall
45 not own, harbor, or have custody or control of any other animals for
46 a period of time that the court deems appropriate.

1 c. Any animal found to be in intractable and extreme pain and
2 that is beyond any reasonable hope of recovery, as certified to the
3 court in writing by a licensed veterinarian, may be euthanized
4 immediately and prior to the issuance of a court order.

5
6 8. This act shall take effect immediately.
7

8
9 STATEMENT
10

11 This bill would: (1) make various changes to P.L.2017, c.189
12 (C.4:22-17.3 et seq.), which prohibits certain practices of tethering
13 and confining dogs; (2) authorize certain law enforcement officials
14 to take custody of animals in cases of suspected animal cruelty
15 violations; and (3) establish various provisions related to the cost of
16 care of animals taken into custody.

17 Specifically, concerning P.L.2017, c.189, the bill would:

18 (1) provide that it is unlawful to tether a dog on unoccupied or
19 vacant property, or in any structure on such property, unless the dog
20 is (a) accompanied by a person who can see the dog, or (b) is
21 indoors along with a person;

22 (2) make it unlawful to tether a dog in a manner that exposes the
23 dog to accumulated waste or other debris, precipitation, or flooding;

24 (3) clarify that proper shelter for a dog, domestic companion
25 animal, or service animal does not include unoccupied or vacant
26 property, or any structure thereon, in which the animal is regularly
27 kept unattended;

28 (4) provide that a court of competent jurisdiction may issue a
29 warrant concerning a violation of P.L.2017, c.189 after receiving
30 proof of issuance of a written correction warning pursuant to
31 subsection f. of section 7 of P.L.2017, c.189 (C.4:22-17.7), rather
32 than proof of issuance of a summons;

33 (5) provide that a court of competent jurisdiction may issue a
34 warrant concerning a violation of P.L.2017, c.189 without receiving
35 the proof of issuance described above, if immediate assistance is
36 required to protect an animal;

37 (6) specify that the notice required pursuant to subsection c. of
38 section 7 of P.L.2017, c.189 (C.4:22-17.7): (a) must be sent no
39 later than seven days after an animal has been taken into custody;
40 (b) must be sent to the owner as well as the address from which the
41 animal was taken; and (c) need not contain information concerning
42 the alleged violation that led to the seizure; and

43 (7) provide that a licensed shelter, pound, or kennel operating as
44 a shelter or pound that has custody or control of a dog, domestic
45 companion animal, or service animal, because of an alleged
46 violation of P.L.2017, c.189 may provide care to improve the
47 animal's physical or psychological well-being.

1 In addition, the bill would authorize a court of competent
2 jurisdiction to issue a warrant to any municipal humane law
3 enforcement officer, humane law enforcement officer of a county
4 society for the prevention of cruelty to animals, or other State or
5 local law enforcement officer to enter onto the private property
6 where an animal is located and take custody of the animal, upon a
7 showing of probable cause that there has been an animal cruelty
8 violation. In cases where an officer has a reasonable basis to
9 believe that, due to an animal cruelty violation, immediate
10 assistance is required, the officer would be authorized to enter a
11 private property and take custody of an animal without a warrant.

12 The bill would require animals taken into custody in the manner
13 described above to be placed in the care of a licensed shelter,
14 pound, or kennel operating as a shelter or pound. The bill would
15 authorize these facilities to provide care to improve the animal's
16 physical or psychological well-being, or to transfer the animal in an
17 animal rescue organization facility or a foster home, if it determines
18 that such placement or care is in the best interests of the animal.
19 Euthanasia would only be permitted, under the bill, when a licensed
20 veterinarian makes a written determination that the animal is in
21 intractable and extreme pain and beyond any reasonable hope of
22 recovery with reasonable veterinary medical treatment.

23 The bill would authorize an animal care agency (as defined by
24 the bill) that receives and cares for an animal taken into custody in
25 the manner described above to file a complaint in the Superior
26 Court seeking the reasonable costs of care for the animal. The bill
27 would establish various requirements for the form and content of
28 the complaint, as enumerated in subsection a. of section 6 of the
29 bill. If an animal care agency demonstrates by a preponderance of
30 evidence that an animal was taken into custody either for the
31 animal's protection from harm or for needed medical attention and
32 that the complaint was served in the correct manner, the bill would
33 direct the court to award damages for the reasonable costs of care
34 for the animal for the period that the animal is in the custody of the
35 animal care agency. If the court determines that the animal care
36 agency has not shown by a preponderance of evidence that the
37 animal was taken into custody either for the animal's protection or
38 for needed medical attention, no damages would be awarded but the
39 animal would be retained by the animal care agency until the
40 outcome of the animal cruelty proceeding that led to the animal's
41 seizure. If the court determines that complaint was not filed in the
42 correct manner, the animal would be retained by the animal care
43 agency, which could petition the court for a 30-day extension to
44 refile the complaint.

45 The bill establishes various requirements concerning the way in
46 which damages for the reasonable costs of care for an animal are to
47 be paid, as enumerated in subsections c. and d. of section 6 of the

1 bill. If a person fails to make a payment as required by the bill,
2 ownership of the animal would transfer to the animal care agency.

3 The bill would provide that, if a person liable for the reasonable
4 costs of care under the bill were found not guilty of the alleged
5 criminal animal cruelty offense that led to the seizure of the animal,
6 and if the person had made timely payments of the reasonable costs
7 of care, the person would be authorized to immediately repossess
8 the person's animal and to be reimbursed by the animal care agency
9 for all of the reasonable costs of care, except those related to
10 necessary veterinary care, that were paid by the person to the
11 animal care agency.

12 Finally, the bill would authorize animal care agencies and
13 enforcement agencies (as defined by the bill) to petition a court
14 presiding over an animal cruelty proceeding for an order requiring
15 the forfeiture of the animal involved in animal cruelty offense to an
16 animal care agency. The court would also be authorized to order
17 that the person convicted of an animal cruelty violation and any
18 person who was convicted for conspiring, aiding, or abetting in the
19 violation that was the basis of the conviction, be prohibited from
20 owning, harboring, or having custody or control of any other
21 animals for a period of time that the court deems appropriate. The
22 bill would also authorize the court to issue an order as described
23 above upon its own initiative.