

[First Reprint]

**SENATE, No. 981**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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INTRODUCED JANUARY 31, 2022

**Sponsored by:**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**Co-Sponsored by:**

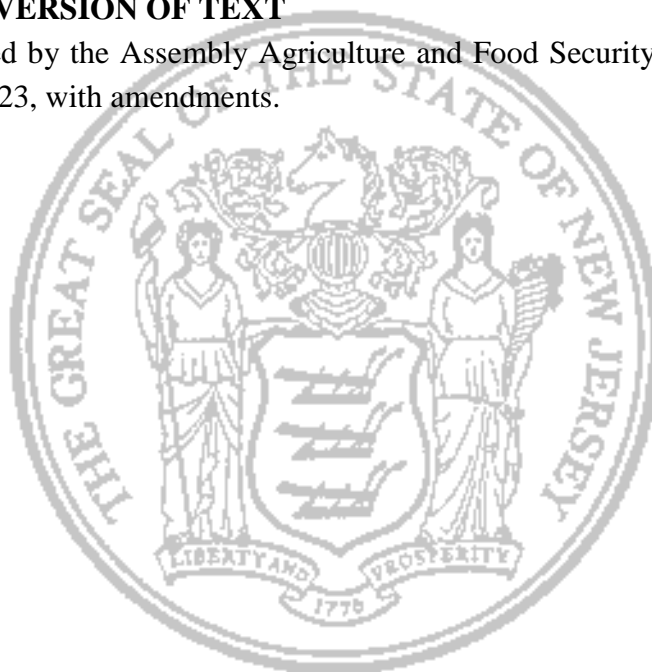
**Senators Singleton, Codey, Cunningham, Holzapfel, Stack, Turner,  
Schepisi, Stanfield, Zwicker, Cruz-Perez, Greenstein, Johnson and Cryan**

**SYNOPSIS**

Establishes procedures for seizure, care, and forfeiture of animals involved in animal cruelty violations.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Agriculture and Food Security Committee on March 23, 2023, with amendments.



**(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 <sup>1</sup>**[**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AAN committee amendments adopted March 23, 2023.

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)<sup>1</sup>

35

36 <sup>1</sup>**【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)]<sup>1</sup>

11

12 <sup>1</sup>[3.] 1.<sup>1</sup> Section 7 of P.L.2017, c.189 (C.4:22-17.7) is amended  
13 to 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] <sup>1</sup>[written correction warning  
17 pursuant to subsection f. of this section] summons<sup>1</sup>, a court of  
18 competent jurisdiction may issue, upon request, a warrant to any  
19 municipal humane law enforcement officer, humane law enforcement  
20 officer of a county society for the prevention of cruelty to animals, or  
21 other State or local law enforcement officer to enter onto the private  
22 property where a dog, domestic companion animal, or service animal  
23 is located and take [physical] custody of the animal <sup>1</sup>[, except that if  
24 immediate assistance is required to protect or preserve the animal's life  
25 or prevent injury to the animal, no proof of issuance of a written  
26 correction warning shall be required for the warrant to be issued]<sup>1</sup>.

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

38 c. Upon taking [physical] custody of a dog, domestic companion  
39 animal, or service animal pursuant to subsection a. or b. of this section,  
40 the person taking [physical] custody of the animal shall:

41 (1) post immediately, in a conspicuous place at the location from  
42 which the dog, domestic companion animal, or service animal was  
43 taken into custody , the notice required pursuant to subsection d. of  
44 this section to the owner or person with custody or control of the dog,  
45 domestic companion animal, or service animal; and

46 (2) no later than seven days after the dog, domestic companion  
47 animal, or service animal has been taken into custody, send by

1 registered or certified mail **【and by ordinary mail】**, or by personal  
2 service, the notice described in subsection d. of this section to :

3 (a) the address of the location from which the dog, domestic  
4 companion animal, or service animal was taken into **【physical】**  
5 custody ; and

6 (b) the owner of record, if the address for the owner of record is  
7 different from the location from which the dog, domestic companion  
8 animal, or service animal was taken.

9 d. The notice required pursuant to subsection c. of this section  
10 shall:

11 (1) provide a description of the dog, domestic companion animal,  
12 or service animal;

13 (2) <sup>1</sup>**【state that the dog, domestic companion animal, or service**  
14 **animal may be euthanized upon a veterinarian's written determination**  
15 **of medical necessity as required by subsection e. of this section; (3)】<sup>1</sup>**  
16 **state the statutory authority and reason for taking custody of the dog,**  
17 **domestic companion animal, or service animal; and <sup>1</sup>【(4)】**

18 (3)<sup>1</sup> provide contact information, including at least the name of any  
19 applicable office or entity, the name of a person at that office or entity,  
20 and a telephone number for the owner or person with custody or  
21 control of the dog, domestic companion animal, or service animal to  
22 obtain information concerning the animal **【, the alleged violation, and】**  
23 including where the animal is **【impounded】 in custody .**

24 e. A dog, domestic companion animal, or service animal taken  
25 into **【physical】** custody pursuant to subsection a. or b. of this section  
26 shall be placed in the care of a licensed shelter, pound, or kennel  
27 operating as a shelter or pound to ensure the humane care and  
28 treatment of the animal. If, after the dog, domestic companion animal,  
29 or service animal has been taken into **【physical】** custody, a licensed  
30 veterinarian makes a written determination that the animal is in  
31 intractable and extreme pain and beyond any reasonable hope of  
32 recovery with reasonable veterinary medical treatment, the animal may  
33 be euthanized. At any time while the licensed shelter, pound, or  
34 kennel operating as a shelter or pound has custody or control of the  
35 dog, domestic companion animal, or service animal, it may place the  
36 animal in an animal rescue organization facility or a foster home , or  
37 otherwise provide care to improve the animal's physical or  
38 psychological well-being, if it determines the placement or care is in  
39 the best interest of the animal <sup>1</sup>【, except that euthanasia shall be  
40 permitted only under the limited circumstances specified in this  
41 subsection】<sup>1</sup> .

42 f. <sup>1</sup>(1)<sup>1</sup> A person shall be issued a <sup>1</sup>**【written】<sup>1</sup>** correction  
43 warning prior to being cited for a violation of P.L.2017, c.189 (C.4:22-  
44 17.1 et seq.) unless the dog, domestic companion animal, or service  
45 animal involved in the violation was seized <sup>1</sup>**【under an emergency**  
46 **warrant issued pursuant to subsection a. of this section or seized】<sup>1</sup>**

1 immediately pursuant to subsection b. of this section. A summons  
 2 ~~shall~~ <sup>1</sup>~~may~~ shall<sup>1</sup> be served on the alleged violator ~~as soon as~~  
 3 ~~practicable~~ <sup>1</sup>as soon as practicable<sup>1</sup> if:

4 <sup>1</sup>~~[(1)] (a)~~<sup>1</sup> after the seven days have elapsed from the date a  
 5 <sup>1</sup>~~written~~<sup>1</sup> correction warning is issued, no correction has been made;  
 6 ~~or~~ <sup>1</sup>or<sup>1</sup>

7 <sup>1</sup>~~[(2)] (b)~~<sup>1</sup> the dog, domestic companion animal, or service  
 8 animal involved in the violation was seized immediately pursuant to  
 9 subsection b. of this section<sup>1</sup>; or

10 ~~(3) the dog, domestic companion animal, or service animal~~  
 11 ~~involved in the violation was seized under an emergency warrant~~  
 12 ~~issued pursuant to subsection a. of this section~~<sup>1</sup>.

13 <sup>1</sup>~~(2)~~<sup>1</sup> If the alleged violator is not the owner of the dog, domestic  
 14 companion animal, or service animal, the person issuing the  
 15 <sup>1</sup>~~written~~<sup>1</sup> correction warning or summons, as applicable, shall also  
 16 notify the owner of the animal of the violation and provide the owner  
 17 with a copy of the issued <sup>1</sup>~~written~~<sup>1</sup> correction warning or summons,  
 18 as applicable.

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

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

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

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

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

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

34 (3) a demand for immediate compliance; and

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

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

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

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

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

14

15 **<sup>1</sup>[4.] 2.<sup>1</sup>** (New section) As used in sections **<sup>1</sup>[4] 2<sup>1</sup>** through  
16 **<sup>1</sup>[7] 5<sup>1</sup>** of P.L. , c. (C. ) (pending before the Legislature as this  
17 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 New  
24 Jersey Statutes, or any other State law concerning animal cruelty.

25 "Enforcement agency" means any agency, department,  
26 organization, or **<sup>1</sup>[count] county<sup>1</sup>** society for the prevention of cruelty  
27 to animals, or any agent, humane law enforcement officer, or  
28 representative thereof, involved in law enforcement or animal control,  
29 or the monitoring of animal welfare and animal cruelty violations.

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

40

41 **<sup>1</sup>[5.] 3.<sup>1</sup>** (New section) a. Notwithstanding the provisions of  
42 any other law, or any rule or regulation adopted pursuant thereto, to  
43 the contrary, upon a showing of probable cause that there has been an  
44 animal cruelty violation, a court of competent jurisdiction may issue,  
45 upon request, a warrant to any municipal humane law enforcement  
46 officer, humane law enforcement officer of a county society for the  
47 prevention of cruelty to animals, or other State or local law



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

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

13 c. <sup>1</sup>Upon taking custody of an animal pursuant to subsection a. or  
14 b. of this section, the person taking custody of the animal shall:

15 (1) post immediately, in a conspicuous place at the location from  
16 which the animal was taken into custody, the notice required pursuant  
17 to subsection d. of this section to the owner or person with custody or  
18 control of the animal;

19 (2) no later than seven days after the animal has been taken into  
20 custody, send by registered or certified mail, or by personal service,  
21 the notice described in subsection d. of this section, to:

22 (a) the address of the location from which the animal was taken  
23 into custody; and

24 (b) the owner of record, if the address for the owner of record is  
25 different from the address of the location from which the animal was  
26 taken.

27 d. The notice required pursuant to subsection c. of this section  
28 shall:

29 (1) provide a description of the animal;

30 (2) state the statutory authority and reason for taking custody of  
31 the animal; and

32 (3) provide contact information, including at least the name of any  
33 applicable office or entity, the name of a person at that office or entity,  
34 and a telephone number for the owner or person having custody or  
35 control of the animal to obtain information concerning the animal,  
36 including where the animal is in custody.

37 e.<sup>1</sup> An animal taken into custody pursuant to subsection a. or b. of  
38 this section shall be placed in the care of a licensed shelter, pound, or  
39 kennel operating as a shelter or pound to ensure the humane care and  
40 treatment of the animal. If, after the animal has been taken into  
41 custody, a licensed veterinarian makes a written determination that the  
42 animal is in intractable and extreme pain and <sup>1</sup>is<sup>1</sup> beyond any  
43 reasonable hope of recovery with reasonable veterinary medical  
44 treatment, the animal may be euthanized. At any time while the  
45 licensed shelter, pound, or kennel operating as a shelter or pound has  
46 custody or control of the animal, it may place the animal in an animal  
47 rescue organization facility or a foster home, or <sup>1</sup>may<sup>1</sup> otherwise  
48 provide care to improve the animal's physical or psychological well-

1 being, if it determines that such placement or care is in the best  
2 interests of the animal<sup>1</sup>, except that euthanasia will be permitted only  
3 under the limited circumstances specified in this subsection<sup>1</sup>.

4  
5 <sup>1</sup>[6.] 4.<sup>1</sup> (New section) a. An animal care agency that takes  
6 custody of an animal pursuant to section <sup>1</sup>[5] 3<sup>1</sup> of P.L. , c. (C.  
7 ) (pending before the Legislature as this bill), or an authorized agent of  
8 the animal care agency, including an attorney prosecuting an animal  
9 cruelty violation on behalf of a municipality or county, may, no later  
10 than 20 days after the animal is taken into custody, file an action in the  
11 Superior Court seeking the reasonable costs of care for the animal  
12 from the animal's owner, or, if the owner is not known to the plaintiff,  
13 the person from whom the animal was taken. A copy of the complaint  
14 shall be served upon the animal's owner, or, if the owner is not known  
15 to the plaintiff, to the person from whom the animal was taken in  
16 accordance with the rules of the court. The complaint shall include:

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

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

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

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

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

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

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

44 c. At the hearing on a complaint filed pursuant to subsection a. of  
45 this section, the plaintiff shall establish by a preponderance of the  
46 evidence that the animal was taken into custody <sup>1</sup>[either]<sup>1</sup> for the  
47 animal's protection from harm <sup>1</sup>[or for needed medical attention]<sup>1</sup>.

1 The court may consider testimony from the agent or officer who seized  
2 the animal and other witnesses as to the condition of the animal when  
3 seized and as to the conditions under which the animal or other  
4 animals in the household were kept, testimony and evidence as to the  
5 veterinary care provided to the animal, expert testimony as to the  
6 community standards for proper and reasonable care of the same type  
7 of animal, testimony from any witnesses as to the prior treatment or  
8 condition of this or other animals in the custody of the owner or person  
9 from whom the animal was taken, or any other evidence the court  
10 considers to be material or relevant. The plaintiff shall also  
11 demonstrate that the animal's owner, or, if the animal's owner is not  
12 known, the person from whom the animal was taken, was served with  
13 a copy of the complaint as required pursuant to subsection a. of this  
14 section.

15 (1) If the court determines that the plaintiff has demonstrated by a  
16 preponderance of the evidence that the animal was taken into custody  
17 **'[either]'** for the animal's protection **'[or for needed medical**  
18 **attention]'** and that the service and content of the complaint met the  
19 requirements of subsection a. of this section, the court shall award  
20 damages for the reasonable costs of care for the animal for the period  
21 the animal is in the custody and care of the animal care agency against  
22 the animal's owner or the person from whom the animal was taken, as  
23 appropriate. The costs shall be calculated from the date the animal  
24 was taken into custody by the enforcement agency or animal care  
25 agency, whichever is earlier.

26 (2) If the court determines that the plaintiff has not shown by a  
27 preponderance of the evidence that an animal was taken into custody  
28 **'[either]'** for the animal's protection **'[or for needed medical**  
29 **attention]'**, the court shall not award damages for the reasonable costs  
30 of care, but the animal shall remain in the custody of the animal care  
31 agency during the pendency of the criminal investigation and  
32 proceeding related to the alleged criminal offense that led to the  
33 seizure of the animal.

34 (3) If the court determines that the service or content of the  
35 complaint did not meet the requirements of subsection a. of this  
36 section, the animal shall remain in the custody of the animal care  
37 agency during the pendency of the criminal investigation and  
38 proceeding related to the alleged criminal offense that led to the  
39 seizure of the animal. The plaintiff may petition the court for a thirty-  
40 day extension to refile the complaint.

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

47 (1) the owner voluntarily transfers ownership of the animal to the  
48 animal care agency;

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

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

5 (4) final disposition of the proceeding related to the alleged  
6 criminal offense that led to the seizure of the animal, including  
7 forfeiture of the animal pursuant to section <sup>1</sup>[7] 5<sup>1</sup> of P.L. , c. (C.  
8 ) (pending before the Legislature as this bill) or any other law.

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

13 e. If the person against whom a judgment pursuant to subsection  
14 <sup>1</sup>[e.] c.<sup>1</sup> of this section was entered fails to make a payment for the  
15 reasonable costs of care for an animal within seven days of the date of  
16 issuance of the court order and every 30 days thereafter as required  
17 pursuant to subsection <sup>1</sup>[e.] d.<sup>1</sup> of this section, ownership of the  
18 animal shall immediately transfer, by operation of law, to the animal  
19 care agency with custody of the animal, and the animal care agency  
20 shall obtain all rights and <sup>1</sup>[privilege] privileges<sup>1</sup> in and over the  
21 animal.

22 f. An animal care agency shall not sell<sup>1</sup>[,]; permanently alter,  
23 unless medically necessary;<sup>1</sup> euthanize<sup>1</sup>[,];<sup>1</sup> offer for adoption<sup>1</sup>[,];<sup>1</sup>  
24 or otherwise dispose of an animal if the person liable for the  
25 reasonable costs of care for the animal makes timely payments of such  
26 costs to the animal care agency as required by the court; provided,  
27 however, that an animal care agency may euthanize an animal at any  
28 time if a licensed veterinarian makes a written determination that the  
29 animal is experiencing intractable and extreme pain and is beyond any  
30 reasonable hope of recovery.

31 g. If a person liable for the reasonable costs of care pursuant to  
32 this section is found not guilty of the alleged criminal animal cruelty  
33 offense that led to the seizure of the animal, and if the person has made  
34 timely payments of the reasonable costs of care pursuant to this  
35 section, the person shall have the right to immediately repossess the  
36 person's animal and to be reimbursed by the animal care agency for all  
37 of the reasonable costs of care<sup>1</sup>[,], except those related to necessary  
38 veterinary care,<sup>1</sup> that were paid by the person to the animal care  
39 agency.

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

43 i. If the owner or the person from whom an animal was taken, as  
44 applicable, fails to appear for a hearing for the reasonable costs of care  
45 for an animal pursuant to this section, the owner or other person shall  
46 be liable for the costs, and all other provisions of this section shall  
47 remain in force.

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

6  
7 <sup>1</sup>**[7.] 5.**<sup>1</sup> (New section) a. Notwithstanding the provisions of  
8 any other law, or any rule or regulation adopted pursuant thereto, to  
9 the contrary, an animal care agency or enforcement agency may, upon  
10 the conviction of a person for an animal cruelty violation, petition the  
11 court in the animal cruelty proceeding for an order requiring forfeiture  
12 of the animal that is the basis of the conviction <sup>1</sup>and prohibiting the  
13 person convicted of an animal cruelty violation from owning,  
14 harboring, residing with, or having custody or control of any other  
15 animals for a period of time that the court deems appropriate<sup>1</sup>.

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

20 (1) adjudge an animal that is the basis of the conviction for an  
21 animal cruelty violation forfeited to the animal care agency with  
22 custody of the animal, and invest all rights and privileges over the  
23 animal in the animal care agency; and

24 (2) order that the person convicted of an animal cruelty violation  
25 <sup>1</sup>**[and any person who was convicted for conspiring, aiding, or**  
26 **abetting in the violation that was the basis of the conviction,]**<sup>1</sup> shall  
27 not own, harbor, <sup>1</sup>reside with,<sup>1</sup> or have custody or control of any other  
28 animals for a period of time that the court deems appropriate.

29 <sup>1</sup>**[c. Any animal found to be in intractable and extreme pain and**  
30 **that is beyond any reasonable hope of recovery, as certified to the**  
31 **court in writing by a licensed veterinarian, may be euthanized**  
32 **immediately and prior to the issuance of a court order.]**<sup>1</sup>

33  
34 <sup>1</sup>**[8.] 6.**<sup>1</sup> This act shall take effect immediately.