

[Second Reprint]

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)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

Co-Sponsored by:

Senators Singleton, Codey, Cunningham, Holzapfel, Stack, Turner, Schepisi, Stanfield, Zwicker, Cruz-Perez, Greenstein, Johnson, Cryan, Assemblyman Calabrese, Assemblywomen Jasey, Haider, Park, Assemblymen Giblin, Clifton, Assemblywomen Carter, McCarthy Patrick, Assemblyman Umba, Assemblywoman Reynolds-Jackson, Assemblymen Catalano, McGuckin, Daniels, Assemblywomen Matsikoudis, Flynn, Assemblyman Mejia, Assemblywoman Dunn, Assemblyman Rooney, Assemblywomen Eulner, Piperno, Senators O'Scanlon and Pou

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on May 18, 2023, with amendments.

(Sponsorship Updated As Of: 6/20/2023)

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**[**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

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:

¹Assembly AAN committee amendments adopted March 23, 2023.

²Assembly AAP committee amendments adopted May 18, 2023.

1 the person with custody or control of the dog:

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

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

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

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

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

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

35 (cf: P.L.2017, c.189, s.3)**】¹**

36

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

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

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

1 with limbs outstretched, and (e) when the animal is in a normal
2 sitting position in the proper shelter, the top of the head of the
3 animal cannot touch the ceiling of the proper shelter;

4 (2) It is maintained in a manner to minimize the accumulation of
5 any waste, other debris, precipitation, or other moisture inside,
6 surrounding, and underneath any area or structure providing proper
7 shelter, and to provide reasonable protection from flooding;

8 (3) It is soundly constructed to prevent the sagging or collapse
9 of any part of the structure or protection, and is maintained in good
10 repair with no exposed sharp points or edges;

11 (4) It remains in an upright position at all times;

12 (5) In the event of adverse environmental conditions as set forth
13 in paragraph (1) of the definition of that term in section 1 of **[this**
14 **act]** P.L.2017, c.189 (C.4:22-17.1), it is an enclosed structure that
15 has (a) a solid roof, solid walls with a single opening no larger than
16 necessary to allow the dog, domestic companion animal, or service
17 animal to comfortably enter and exit the structure, and a floor that is
18 not the ground, and (b) insulation, dry bedding, and a windbreak at
19 the entrance that are sufficient to keep the dog, domestic companion
20 animal, or service animal dry and maintain the animal's normal
21 body temperature; and

22 (6) In the event of adverse environmental conditions as set forth
23 in paragraph (2) of the definition of that term in section 1 of **[this**
24 **act]** P.L.2017, c.189 (C.4:22-17.1), it provides the dog, domestic
25 companion animal, or service animal with adequate shade or other
26 cooling area by natural or artificial means to allow the animal to
27 maintain a normal body temperature , including, but not limited to,
28 an open-air canopy, gazebo, tree, shallow pool, or mud wallow,
29 either alone or in combination .

30 b. Any part of the residence of an owner, or other person with
31 custody or control, of a dog, domestic companion animal, or service
32 animal shall be proper shelter for a dog, domestic companion
33 animal, or service animal, provided that the part of the residence,
34 and the use thereof, are in compliance with the requirements for
35 proper shelter set forth in this section.

36 c. Proper shelter for a dog, domestic companion animal, or
37 service animal shall not include:

38 (1) a crawl space under a building or a part of a building, such
39 as under steps, a deck, or a stoop;

40 (2) the space under a vehicle;

41 (3) the inside of a vehicle if the dog, domestic companion
42 animal, or service animal is kept in the vehicle in a manner or for a
43 length of time that a person should reasonably know poses an
44 adverse risk to the health or safety of the animal; **[or]**

45 (4) any structure or protection (a) made from pressure-treated
46 wood which contains the chemicals arsenic or chromium, (b) with a
47 floor consisting of wire or chain-link or having openings through

1 which the paw, hoof, or foot of a dog, domestic companion animal,
2 or service animal, as applicable, can pass, or (c) that is located
3 outdoors and is made from cardboard or other materials that are
4 easily degraded by the elements; or

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

8 As used in this subsection, "unoccupied or vacant property"
9 means property that is devoid of human inhabitants or occupants, or
10 on which people do not regularly reside or operate a business.

11 (cf: P.L.2017, c.189, s.5)]¹

12
13 ¹[3.] 1.¹ Section 7 of P.L.2017, c.189 (C.4:22-17.7) is amended
14 to read as follows:

15 7. a. Upon a showing of probable cause that there has been a
16 violation of P.L.2017, c.189 (C.4:22-17.1 et seq.) and submission of
17 proof of issuance of a [summons] ¹[written correction warning
18 pursuant to subsection f. of this section] summons¹, a court of
19 competent jurisdiction may issue, upon request, a warrant to any
20 municipal humane law enforcement officer, humane law enforcement
21 officer of a county society for the prevention of cruelty to animals, or
22 other State or local law enforcement officer to enter onto the private
23 property where a dog, domestic companion animal, or service animal
24 is located and take [physical] custody of the animal ¹[, except that if
25 immediate assistance is required to protect or preserve the animal's life
26 or prevent injury to the animal, no proof of issuance of a written
27 correction warning shall be required for the warrant to be issued]¹.

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

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

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

(2) no later than seven days after the dog, domestic companion animal, or service animal has been taken into custody, send by registered or certified mail **【and by ordinary mail】**, or by personal service, the notice described in subsection d. of this section to :

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

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

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

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

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

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

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

f. ¹(1)¹ A person shall be issued a ¹**【written】**¹ correction warning prior to being cited for a violation of P.L.2017, c.189 (C.4:22-17.1 et seq.) unless the dog, domestic companion animal, or service animal involved in the violation was seized ¹**【under an emergency**

1 warrant issued pursuant to subsection a. of this section or seized¹
2 immediately pursuant to subsection b. of this section. A summons
3 ~~shall~~ ^{1may} shall¹ be served on the alleged violator ~~as soon as~~
4 practicable¹ as soon as practicable¹ if:

5 ¹~~[(1)]~~ ¹(a)¹ after the seven days have elapsed from the date a
6 ¹~~written~~¹ correction warning is issued, no correction has been made;
7 ~~or~~ ¹or¹

8 ¹~~[(2)]~~ ¹(b)¹ the dog, domestic companion animal, or service
9 animal involved in the violation was seized immediately pursuant to
10 subsection b. of this section¹; 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 section¹.

14 ¹(2)¹ If the alleged violator is not the owner of the dog, domestic
15 companion animal, or service animal, the person issuing the
16 ¹~~written~~¹ correction warning or summons, as applicable, shall also
17 notify the owner of the animal of the violation and provide the owner
18 with a copy of the issued ¹~~written~~¹ correction warning or summons,
19 as 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 of
24 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 law
27 enforcement officer of a county society for the prevention of cruelty to
28 animals, or other State or local law enforcement officer issuing a
29 summons for a violation of P.L.2017, c.189 (C.4:22-17.1 et seq.) shall
30 also serve on the alleged violator, with the summons, a written notice
31 of:

32 (1) the right to voluntarily forfeit ownership or custody of the dog,
33 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 and
37 the investigating officer or agent.

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

the animal, the court shall order that the animal be forfeited, placed in an animal rescue organization facility, shelter, pound, or kennel operating as a shelter or pound, and made available for adoption.

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

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

¹【4.】 2.¹ (New section) As used in sections **¹【4】 2¹** through **¹【7】 5¹** of P.L. , c. (C.) (pending before the Legislature as this bill):

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

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

"Enforcement agency" means any agency, department, organization, or **¹【count】 county¹** society for the prevention of cruelty to animals, or any agent, humane law enforcement officer, or representative thereof, involved in law enforcement or animal control, or the monitoring of animal welfare and animal cruelty violations.

"Reasonable costs of care" means **¹【(1)】:**¹ the costs of shelter, food, water, and bedding necessary to house an animal¹【, (2)】:¹ the costs of necessary care to improve an animal's psychological well-being, including, but not limited to, training and enrichments designed to provide mental and physical stimulation¹【,】:¹ and **¹【(3)】**¹ the costs of necessary veterinary care for an animal, including, but not limited to, surgical intervention, medicine, vaccinations, and euthanasia and disposal costs, as determined necessary by a licensed veterinarian.

¹“Reasonable costs of care” does not include the costs of elective surgical procedures.¹

¹【5.】 3.¹ (New section) a. Notwithstanding the provisions of any other law, or any rule or regulation adopted pursuant thereto, to the contrary, upon a showing of probable cause that there has been an animal cruelty violation, a court of competent jurisdiction may issue, upon request, a warrant to any municipal humane law enforcement officer, humane law enforcement officer of a county society for the

1 prevention of cruelty to animals, or other State or local law
2 enforcement officer to enter onto the private property where an animal
3 is located and take custody of the animal.

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

14 c. ¹Upon taking custody of an animal pursuant to subsection a. or
15 b. of this section, the person taking custody of the animal shall:

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

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

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

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

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

30 (1) provide a description of the animal;

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

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

38 e.¹ An animal taken into custody pursuant to subsection a. or b. of
39 this section shall be placed in the care of a licensed shelter, pound, or
40 kennel operating as a shelter or pound to ensure the humane care and
41 treatment of the animal. If, after the animal has been taken into
42 custody, a licensed veterinarian makes a written determination that the
43 animal is in intractable and extreme pain and ¹is¹ beyond any
44 reasonable hope of recovery with reasonable veterinary medical
45 treatment, the animal may be euthanized. At any time while the
46 licensed shelter, pound, or kennel operating as a shelter or pound has
47 custody or control of the animal, it may place the animal in an animal
48 rescue organization facility or a foster home, or ¹may¹ otherwise

1 provide care to improve the animal's physical or psychological well-
2 being, if it determines that such placement or care is in the best
3 interests of the animal¹], except that euthanasia will be permitted only
4 under the limited circumstances specified in this subsection¹.

5
6 ¹[6.] 4¹ (New section) a. An animal care agency that takes
7 custody of an animal pursuant to section ¹[5] 3¹ of P.L. , c.
8 (C.) (pending before the Legislature as this bill), or an
9 authorized agent of the animal care agency, including an attorney
10 prosecuting an animal cruelty violation on behalf of a municipality or
11 county, may, no later than 20 days after the animal is taken into
12 custody, file an action in the Superior Court seeking the reasonable
13 costs of care for the animal from the animal's owner, or, if the owner
14 is not known to the plaintiff, the person from whom the animal was
15 taken. A copy of the complaint shall be served upon the animal's
16 owner, or, if the owner is not known to the plaintiff, to the person from
17 whom the animal was taken in accordance with the rules of the court.
18 The complaint shall include:

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

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

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

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

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

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

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

46 c. At the hearing on a complaint filed pursuant to subsection a. of
47 this section, the plaintiff shall establish by a preponderance of the

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

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

28 (2) If the court determines that the plaintiff has not shown by a
29 preponderance of the evidence that an animal was taken into custody
30 ¹**['either']**¹ for the animal's protection ¹**['or for needed medical**
31 **attention']**¹, the court shall not award damages for the reasonable costs
32 of care, but the animal shall remain in the custody of the animal care
33 agency during the pendency of the criminal investigation and
34 proceeding related to the alleged criminal offense that led to the
35 seizure of the animal.

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

43 d. Unless otherwise ordered by the court, no later than seven days
44 after the issuance of a court order pursuant to subsection c. of this
45 section, the person found liable for the reasonable costs of care shall
46 pay the animal care agency the full amount, as required by the court,

1 for the respective 30-day period. The person shall make a new
2 payment in the same amount every 30 days until:

3 (1) the owner voluntarily transfers ownership of the animal to the
4 animal care agency;

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

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

9 (4) final disposition of the proceeding related to the alleged
10 criminal offense that led to the seizure of the animal, including
11 forfeiture of the animal pursuant to section ¹[7] ⁵ of P.L. ,
12 c. (C.) (pending before the Legislature as this bill) or any other
13 law.

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

18 e. If the person against whom a judgment pursuant to subsection
19 ¹[e.] c.¹ of this section was entered fails to make a payment for the
20 reasonable costs of care for an animal within seven days of the date of
21 issuance of the court order and every 30 days thereafter as required
22 pursuant to subsection ¹[e.] d.¹ of this section, ownership of the
23 animal shall immediately transfer, by operation of law, to the animal
24 care agency with custody of the animal, and the animal care agency
25 shall obtain all rights and ¹[privilege] privileges¹ in and over the
26 animal.

27 f. An animal care agency shall not sell¹[.], permanently alter,
28 unless medically necessary;¹ euthanize¹[.],¹ offer for adoption¹[.],¹
29 or otherwise dispose of an animal if the person liable for the
30 reasonable costs of care for the animal makes timely payments of such
31 costs to the animal care agency as required by the court; provided,
32 however, that an animal care agency may euthanize an animal at any
33 time if a licensed veterinarian makes a written determination that the
34 animal is experiencing intractable and extreme pain and is beyond any
35 reasonable hope of recovery.

36 g. If a person liable for the reasonable costs of care pursuant to
37 this section is found not guilty of the alleged criminal animal cruelty
38 offense that led to the seizure of the animal, and if the person has made
39 timely payments of the reasonable costs of care pursuant to this
40 section, the person shall have the right to immediately repossess the
41 person's animal and to be reimbursed by the animal care agency for all
42 of the reasonable costs of care¹[, except those related to necessary
43 veterinary care,]¹ that were paid by the person to the animal care
44 agency.

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

1 i. If the owner or the person from whom an animal was taken, as
2 applicable, fails to appear for a hearing for the reasonable costs of care
3 for an animal pursuant to this section, the owner or other person shall
4 be liable for the costs, and all other provisions of this section shall
5 remain in force.

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

11
12 ¹[7.] ⁵₁ (New section) a. ²(1)² Notwithstanding the provisions
13 of any other law, or any rule or regulation adopted pursuant thereto, to
14 the contrary, an animal care agency or enforcement agency may, upon
15 the conviction of a person for an animal cruelty violation, petition the
16 court in the animal cruelty proceeding for an order requiring forfeiture
17 of the animal that is the basis of the conviction ¹and prohibiting the
18 person convicted of an animal cruelty violation from owning,
19 harboring, residing with, or having custody or control of any other
20 animals for a period of time that the court deems appropriate¹.

21 ²(2) Notwithstanding the provisions of any other law, or any rule
22 or regulation adopted pursuant thereto, to the contrary, a co-owner of
23 the animal that is the basis of the conviction may, upon such
24 conviction, petition the court to transfer the animal to the custody of
25 the petitioner upon a demonstration that the petitioner: (a) is a co-
26 owner of the animal as demonstrated by a written and executed
27 contract showing co-ownership of the animal and dated prior to the
28 date of the violation; (b) does not reside with the defendant; (c) has not
29 been convicted of an animal cruelty violation; and (d) did not harbor or
30 have custody of the animal at the time of the violation for which the
31 defendant was convicted.²

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

36 (1) ²(a)² adjudge an animal that is the basis of the conviction for
37 an animal cruelty violation forfeited to the animal care agency with
38 custody of the animal, and invest all rights and privileges over the
39 animal in the animal care agency; ²or (b) order the transfer of custody
40 of the animal to the co-owner pursuant to a petition filed pursuant to
41 paragraph (2) of subsection a. of this section, upon a determination
42 that the co-owner has successfully demonstrated that the conditions in
43 paragraph (2) of subsection a. of this section have been met, and the
44 transfer is in the best interests of the animal’s health, safety, and well-
45 being, and will further the goal of protecting the animal from further
46 harm;² and

1 (2) order that the person convicted of an animal cruelty violation
2 ¹and any person who was convicted for conspiring, aiding, or
3 abetting in the violation that was the basis of the conviction,¹ shall
4 not own, harbor, ¹reside with,¹ or have custody or control of any other
5 animals for a period of time that the court deems appropriate.
6 ¹[c. Any animal found to be in intractable and extreme pain and
7 that is beyond any reasonable hope of recovery, as certified to the
8 court in writing by a licensed veterinarian, may be euthanized
9 immediately and prior to the issuance of a court order.]¹
10
11 ¹[8.] 6.¹ This act shall take effect immediately.