

INTRODUCED BILL (A3152) (Sponsors' statement begins on page 3): Yes
COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes 6/16/2016
9/15/2016
5/22/2017
6/8/2017

LEGISLATIVE FISCAL ESTIMATE: No

INTRODUCED BILL (A3154) (Sponsors' statement begins on page 6): Yes

INTRODUCED BILL (A2426) (Sponsors' statement begins on page 13): Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

- "Leaving pets outside during bad weather could cost you," The Star-Ledger, August 8, 2017
- "Christie makes it official: New Jersey is the 'Garden State'" Associated Press: Cherry Hill Metro Area, August 7, 2017
- "Leaving pets in bad weather could be costly," South Jersey Times, August 8, 2017
- "You can now be fined for leaving pets outside in bad weather," The Jersey Journal, August 9, 2017
- "New law cracks down on tethering pets outside," New 12, August 8, 2017
- "NJ Strengthens Animal Cruelty Laws," wbgo.org, August 8, 2017
- "You can't leave dogs tied up outside during bad weather in NJ anymore," NJ 101.5
- "You can now be fined for leaving pets outside in bad weather in N.J.," nj.com, August 8, 2017

P.L.2017, CHAPTER 189, *approved August 7, 2017*
Senate Committee Substitute (*Fourth Reprint*) for
Senate, Nos. 1640, 1642, and 1013

1 AN ACT concerning the necessary care and tethering of certain
2 animals, and supplementing Title 4 of the Revised Statutes, and
3 amending P.L.1941, c.151.

4

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

7

8 1. (New section) As used in this act:

9 “Adverse environmental conditions” means (1) when the ambient
10 temperature is 32 degrees Fahrenheit or below in the immediate
11 vicinity of a dog, domestic companion animal, or service animal, or
12 there are other cold weather or precipitation-related environmental
13 conditions, including, but not limited to, wind, rain, snow, ice, sleet,
14 or hail ²【, such】² that a person should reasonably know would pose
15 an adverse risk to the health or safety of a dog, domestic companion
16 animal, or service animal, based on the animal’s size, age, physical
17 condition, or thickness of the animal’s hair or fur; or (2) when the
18 ambient temperature is 90 degrees Fahrenheit or above in the
19 immediate vicinity of a dog, domestic companion animal, or service
20 animal, or a dog, domestic companion animal, or service animal is
21 exposed to direct sunlight or hot pavement ¹or any other hot
22 surfaces¹ ²【, such】² that a person should reasonably know would
23 pose an adverse risk to the health or safety of the animal, based on
24 the animal’s size, age, physical condition, or thickness of the
25 animal’s hair or fur.

26 “Animal rescue organization” means an animal rescue
27 organization as defined in section 1 of P.L.1941, c.151 (C.4:19-
28 15.1).

29 “Animal rescue organization facility” means an animal rescue
30 organization facility as defined in section 1 of P.L.1941, c.151
31 (C.4:19-15.1).

32 “Domestic companion animal” means any animal commonly
33 referred to as a pet that was bought, bred, raised, or otherwise
34 acquired, in accordance with local ordinances and State and federal
35 law, for the primary purpose of providing companionship to the

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:

¹ Senate SBA committee amendments adopted January 30, 2017.

² Senate floor amendments adopted February 13, 2017.

³ Assembly floor amendments adopted May 22, 2017.

⁴ Assembly floor amendments adopted June 8, 2017.

1 owner, rather than for business or agricultural purposes.
2 ³“Domestic companion animal” shall not include ⁴[[livestock]
3 “domestic livestock”⁴ as defined ⁴[[and designated pursuant to rules
4 and regulations adopted by the Department of Agriculture.³]] in
5 subsection c. of section 1 of P.L.1995, c.311 (C.4:22-16.1).⁴

6 “Kennel” means a kennel as defined in section 1 of P.L.1941,
7 c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941,
8 c.151 (C.4:19-15.8).

9 “Pet shop” means a pet shop as defined in section 1 of P.L.1941,
10 c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941,
11 c.151 (C.4:19-15.8).

12 “Pound” means a pound as defined in section 1 of P.L.1941,
13 c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941,
14 c.151 (C.4:19-15.8).

15 “Proper shelter” means a structure or other type of protection
16 that conforms to the standards and requirements set forth in section
17 5 of this act, but shall not mean a shelter ¹[[or] as¹ defined
18 elsewhere in this section.

19 "Service animal" means a service animal or a guide dog as
20 defined in subsection e. of section 1 of P.L.2013, c.205 (C.2C:29-
21 3.2), or an animal used for any therapeutic purpose.

22 “Shelter” means a shelter as defined in section 1 of P.L.1941,
23 c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941,
24 c.151 (C.4:19-15.8).

25 “Tether” means to fasten a dog with a cable, chain, rope, or other
26 similar object to a stationary object, including, but not limited to, a
27 doghouse, tree, stake, pole, fence, or wall, or to a device that is
28 mobile including, but not limited to, a trolley or pulley, in order to
29 restrict the dog’s movement. “Tether” also means the cable, chain,
30 rope, or other similar object used to fasten a dog, as applicable.

31 “Unattended” means ¹[[a person is not outdoors in the immediate
32 presence of] that¹ the dog, domestic companion animal, or service
33 animal ¹[[that] ¹ is outdoors ¹[[, or that] and¹ a person is not ¹[[in the
34 immediate presence of] also outdoors with the animal, or that¹ the
35 dog, domestic companion animal, or service animal ¹[[that] ¹ is
36 indoors ¹and a person is not also indoors with the animal¹.

37
38 2. (New section) a. Except as provided in subsections b. and
39 c. of this section, it is unlawful to expose any dog, domestic
40 companion animal, or service animal to adverse environmental
41 conditions for more than 30 minutes, unless the animal has
42 continuous access to proper shelter, as set forth in section 5 of this
43 act.

44 b. When State or local officials issue an order of evacuation
45 due to weather or other emergency conditions, an owner or other
46 person with custody or control of a dog, domestic companion

1 animal, or service animal shall make every effort to evacuate with
2 the animal, and shall not leave the animal indoors or outdoors while
3 unattended and tethered. If evacuation with the owner or other
4 person with custody or control of the dog, domestic companion
5 animal, or service animal is not an option, the owner or other person
6 with custody or control of the animal shall make every effort to:

7 (1) deliver the animal to a safe haven not impacted by the
8 emergency, which may include, but is not limited to, a licensed
9 kennel, shelter, or pound, temporary animal shelter established for
10 the purposes of the emergency, the residence of a friend, relative, or
11 other caregiver, or other suitable facility capable of ensuring the
12 animal's safety; or

13 (2) secure the animal in an indoor area that is clear of hazards
14 and is as protective of the dog, domestic companion animal, or
15 service animal as possible under the circumstances, and alert local
16 emergency responders to the animal's location.

17 c. The requirements of subsection a. of this section shall not
18 apply to a dog, domestic companion animal, or service animal if
19 'any person, including' the animal's owner or person with custody
20 or control of the animal:

21 (1) is in the presence of the animal and exposed to the same
22 adverse environmental conditions as the animal at all times that the
23 animal is exposed to these adverse environmental conditions; and

24 (2) can see the animal at all times while the animal is exposed to
25 the adverse environmental conditions, unless the '[animal's owner
26 or person with custody or control of the animal] person' is blind or
27 visually impaired so that the person cannot see the animal due to the
28 blindness or visual impairment, in which case the '[owner or other
29 person with custody or control of the animal] person' shall remain
30 immediately adjacent to the animal at all times while the animal and
31 the '[animal's owner or person with custody or control of the
32 animal] person' are exposed to the adverse environmental
33 conditions.

34 As used in this subsection, "blind" means a person whose vision
35 in the person's better eye with proper correction does not exceed
36 20/200 or who has a field defect in the person's better eye with
37 proper correction which contracts the peripheral field so that the
38 diameter of the visual field subtends an angle no greater than 20
39 degrees; and "visually impaired" means having a condition in which
40 a person has a corrected visual acuity not exceeding 20/70, but not
41 less than 20/200, in the person's better eye, or in which the
42 peripheral field of the person's vision has contracted so that the
43 diameter of the visual field subtends an angle no greater than 40
44 degrees but no less than 20 degrees.

45 d. The requirements of subsections a. and b. of this section
46 shall not apply to any cat living outside with no apparent owner,
47 commonly referred to as, or considered to be, a feral cat.

1 e. (1) The owner of a dog, domestic companion animal, or
2 service animal shall be liable for a violation of subsection a. of this
3 section that occurs on any property belonging to the owner or on
4 which the owner resides at the time of the violation, regardless of
5 whether the owner is present when the violation occurs.

6 (2) The person with custody or control of a dog, domestic
7 companion animal, or service animal who is not the owner of the
8 animal shall be liable for a violation of subsection a. of this section
9 that occurs on any property belonging to the person with custody or
10 control of the animal or on which the person with custody or control
11 of the animal resides at the time of the violation, regardless of
12 whether the person is present when the violation occurs.

13

14 3. (News section) a. It is unlawful for any person to cruelly
15 restrain a dog.

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

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

19 (2) outdoors between the hours of 11 p.m. and 5 a.m., but this
20 paragraph shall not take effect until 18 months after the date on
21 which this act takes effect;

22 (3) in an unoccupied building or upon vacant property;

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

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

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

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

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

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

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

43 c. Paragraphs (2), (9), and (10) of subsection b. of this section
44 shall not apply if 'any person, including'¹ the dog's owner or the
45 person with custody or control of the dog:

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

1 (2) can see the dog at all times while the dog is tethered, unless
2 the ¹【dog’s owner or the person with custody or control of the dog】
3 person¹ is blind or visually impaired so that the person cannot see
4 the dog due to the blindness or visual impairment, in which case the
5 ¹【owner or person with custody or control of the animal】 person¹
6 shall remain immediately adjacent to the dog at all times while the
7 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 ¹【, domestic companion animal, or
20 service animal】¹ shall be liable for a violation of subsections a. and
21 b. of this section that occurs on any property belonging to the owner
22 or on which the owner resides at the time of the violation,
23 regardless of whether the owner is present when the violation
24 occurs.

25 (2) The person with custody or control of a dog ¹【, domestic
26 companion animal, or service animal】¹ who is not the owner of the
27 ¹【animal】 dog¹ shall be liable for a violation of subsections a. and
28 b. of this section that occurs on any property belonging to the
29 person with custody or control of the ¹【animal】 dog¹ or on which
30 the person with custody or control of the ¹【animal】 dog¹ resides at
31 the time of the violation, regardless of whether the person is present
32 when the violation occurs.

33 ¹(3) Paragraph (9) of subsection b. of this section shall not apply
34 if the dog is indoors and a person is indoors with the dog.¹
35

36 4. (New section) a. It is unlawful to confine a dog, domestic
37 companion animal, or service animal in any structure, room, area,
38 or container that does not comply with the standards and
39 requirements of proper shelter as set forth in section 5 of this act,
40 except as provided in subsections b. and c. of this section.

41 b. (1) Notwithstanding the requirements of paragraph (1) of
42 subsection a. of section 5 of this act, a person may confine a dog,
43 domestic companion animal, or service animal temporarily in an
44 animal carrier or crate for the purposes enumerated in paragraph (2)
45 of this subsection, provided that (a) during transport, the animal is
46 at all times inside the vehicle being used for transport; and (b)

1 during confinement in the animal carrier or crate, the ¹top of the¹
2 head of the dog, domestic companion animal, or service animal
3 cannot touch the ceiling of the animal carrier or crate when the
4 animal is in a normal ³[sitting] standing³ ¹[or standing]¹ position
5 in the animal carrier or crate, and the dog, domestic companion
6 animal, or service animal can easily turn around in a full circle and
7 lie down on its side ²[with limbs outstretched]² in the animal
8 carrier or crate.

9 (2) A person may confine a dog, domestic companion animal, or
10 service animal temporarily in an animal carrier or crate for the
11 purpose of (a) transport; (b) any exhibition, show, contest, or other
12 temporary event at which the skill, breeding, or stamina of the
13 animal is judged or examined; or (c) in the case of a dog, any
14 exhibition, class, training session, or other temporary event at which
15 the dog is used, or is being trained, to hunt wildlife in a lawful
16 manner.

17 ¹(3) Notwithstanding the requirements of paragraph (1) of
18 subsection a. of section 5 of this act with regard to access to water,
19 a person may confine a dog, domestic companion animal, or service
20 animal without providing access to water at all times if the animal is
21 confined indoors and in the primary living space of the residence of
22 the owner or other person with custody ²[and] or² control of the
23 animal.¹

24 c. ⁴(1) The owner of a dog, domestic companion animal, or
25 service animal shall be liable for a violation of subsection a. or b. of
26 this section, as the case may be, that occurs on or in any property
27 belonging to the owner or on which the owner resides or in any
28 vehicle belonging to the owner at the time of the violation,
29 regardless of whether the owner is present when the violation
30 occurs.

31 (2) The person with custody or control of a dog, domestic
32 companion animal, or service animal who is not the owner of the
33 animal shall be liable for a violation of subsection a. or b. of this
34 section, as the case may be, that occurs on or in any property
35 belonging to the person with custody or control of the animal or on
36 which the person with custody or control of the animal resides or in
37 any vehicle belonging to the person with custody or control of the
38 animal at the time of the violation, regardless of whether the person
39 is present when the violation occurs.

40 d.⁴ Subsection a. of this section shall not apply to:

41 (1) a facility maintained and used in connection with the
42 practice of veterinary medicine pursuant to R.S.45:16-1 et seq.; or

43 (2) a licensed kennel, pet shop, shelter, or pound subject to the
44 rules and regulations adopted pursuant to section 14 of P.L.1941,
45 c.151 (C.4:19-15.14) pertaining to the sanitary conduct and
46 operation of kennels, pet shops, shelters, and pounds, which is
47 operating in compliance with those rules and regulations.

- 1 5. (New section) a. Proper shelter for a dog, domestic
2 companion animal, or service animal shall be a structure or other
3 type of protection that meets, at a minimum, the following
4 standards and requirements:
- 5 (1) It provides at all times (a) adequate ventilation to allow the
6 dog, domestic companion animal, or service animal to remain dry
7 and maintain a normal body temperature, (b) access to water in a
8 sanitary and liquid state, (c) exposure to natural or artificial light
9 according to a regular cycle of day and night, (d) sufficient space so
10 that the dog, domestic companion animal, or service animal can
11 easily turn around in a full circle and lie down on the animal's side
12 with limbs outstretched, and (e) ¹[at least three inches of empty
13 space above the head of the dog, domestic companion animal, or
14 service animal]¹ when the animal is in a normal sitting ¹[or
15 standing]¹ position in the proper shelter ¹, the top of the head of the
16 animal cannot touch the ceiling of the proper shelter¹ ;
- 17 (2) It is maintained in a manner to minimize the accumulation of
18 any waste, other debris, precipitation, or other moisture inside,
19 surrounding, and underneath any area or structure providing proper
20 shelter, and to provide reasonable protection from flooding;
- 21 (3) It is soundly constructed to prevent the sagging or collapse
22 of any part of the structure or protection, and is maintained in good
23 repair with no exposed sharp points or edges;
- 24 (4) It remains in an upright position at all times;
- 25 (5) In the event of adverse environmental conditions as set forth
26 in paragraph (1) of the definition of that term in section 1 of this
27 act, it is an enclosed structure that has (a) a solid roof, solid walls
28 with a single opening no larger than necessary to allow the dog,
29 domestic companion animal, or service animal to comfortably enter
30 and exit the structure, and a floor that is not the ground, and (b)
31 insulation, dry bedding, and a windbreak at the entrance that are
32 sufficient to keep the dog, domestic companion animal, or service
33 animal dry and maintain the animal's normal body temperature; and
- 34 (6) In the event of adverse environmental conditions as set forth
35 in paragraph (2) of the definition of that term in section 1 of this
36 act, it provides the dog, domestic companion animal, or service
37 animal with adequate shade ¹or other cooling area¹ by natural or
38 artificial means to allow the animal to maintain a normal body
39 temperature.
- 40 b. Any part of the residence of an owner, or other person with
41 custody or control, of a dog, domestic companion animal, or service
42 animal shall be proper shelter for a dog, domestic companion
43 animal, or service animal, provided that the part of the residence,
44 and the use thereof, are in compliance with the requirements for
45 proper shelter set forth in this section.
- 46 c. Proper shelter for a dog, domestic companion animal, or
47 service animal shall not include:

- 1 (1) a crawl space under a building or a part of a building, such
2 as under steps, a deck, or a stoop;
- 3 (2) the space under a vehicle;
- 4 (3) the inside of a vehicle if the dog, domestic companion
5 animal, or service animal is kept in the vehicle in a manner or for a
6 length of time that a person should reasonably know poses an
7 adverse risk to the health or safety of the animal; or
- 8 (4) any structure or protection (a) made from pressure-treated
9 wood ¹which contains the chemicals arsenic or chromium¹, (b) with
10 a floor consisting of wire or chain-link or having openings through
11 which the paw, hoof, or foot of a dog, domestic companion animal,
12 or service animal, as applicable, can pass, or (c) that is located
13 outdoors and is made from cardboard or other materials that are
14 easily degraded by the elements.
- 15
- 16 6. (New section) a. The Department of Health, in consultation
17 with the Attorney General, shall:
- 18 (1) provide to each municipality in writing sufficient copies of
19 (a) this act, R.S.4:22-17, and R.S.4:22-26; (b) a plain language
20 description of the provisions and requirements thereof; and (c) a
21 plain language description of how to comply with those provisions
22 and requirements; and
- 23 (2) post on its website the materials enumerated in paragraph (1)
24 of this subsection.
- 25 b. Each municipality shall:
- 26 (1) provide the materials enumerated in and provided pursuant to
27 subsection a. of this section, along with any other information
28 deemed relevant by the municipality, to each person obtaining a
29 license for a dog at the time of licensing; and
- 30 (2) post on its website the materials enumerated in and provided
31 pursuant to subsection a. of this section.
- 32 The municipality may pay any cost incurred by complying with
33 the requirements of this subsection with fees forwarded to the
34 treasurer of the municipality pursuant to section 11 of P.L.1941,
35 c.151 (C.4:19-15.11).
- 36
- 37 7. (New section) a. Upon a showing of probable cause that
38 there has been a violation of this act and submission of ¹**[a written**
39 **attestation that, pursuant to subsection f. of this section, a correction**
40 **warning was previously issued but not complied with or no**
41 **correction warning was required]** proof of issuance of a summons¹,
42 a court of competent jurisdiction ¹**[shall]** may¹ issue, upon request,
43 ¹**[a warrant]** an order¹ to any humane law enforcement officer or
44 agent of the New Jersey Society for the Prevention of Cruelty to
45 Animals or county society for the prevention of cruelty to animals,
46 certified animal control officer, or other State or local law
47 enforcement officer to enter onto the private property where a dog,

1 domestic companion animal, or service animal is located and take
2 physical 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, any humane law enforcement officer or
6 agent of the New Jersey Society for the Prevention of Cruelty to
7 Animals or county society for the prevention of cruelty to animals,
8 certified animal control officer, or other State or local law
9 enforcement officer may immediately enter onto private property
10 where a dog, domestic companion animal, or service animal is
11 located and take physical custody of the animal, if the officer or
12 agent has reasonable suspicion to believe that the animal is at risk
13 of imminent harm due to a violation of this act.

14 c. Upon taking physical custody of a dog, domestic companion
15 animal, or service animal pursuant to subsection a. or b. of this
16 section, the person taking physical custody of the animal shall: (1)
17 post immediately, in a conspicuous place at the location from which
18 the dog, domestic companion animal, or service animal was taken,
19 the notice required pursuant to subsection d. of this section to the
20 owner or person with custody or control of the dog, domestic
21 companion animal, or service animal; and (2) send by registered
22 ¹[.] or¹ certified ¹[, or] mail and by¹ ordinary mail the notice
23 described in subsection d. of this section to the address of the
24 location from which the dog, domestic companion animal, or
25 service animal was taken into physical custody.

26 d. The notice required pursuant to subsection c. of this section
27 shall: (1) provide a description of the dog, domestic companion
28 animal, or service animal; (2) state that the dog, domestic
29 companion animal, or service animal may be euthanized upon a
30 veterinarian's written determination of medical necessity as
31 required by subsection e. of this section; (3) state the statutory
32 authority and reason for taking custody of the dog, domestic
33 companion animal, or service animal; and (4) provide contact
34 information, including at least the name of any applicable office or
35 entity, the name of a person at that office or entity, and a telephone
36 number for the owner or person with custody or control of the dog,
37 domestic companion animal, or service animal to obtain
38 information concerning the animal, the alleged violation, and where
39 the animal is impounded.

40 e. A dog, domestic companion animal, or service animal taken
41 into physical custody pursuant to subsection a. or b. of this section
42 shall be placed in a licensed shelter, pound, or kennel operating as a
43 shelter or pound to ensure the humane care and treatment of the
44 animal. If, after the dog, domestic companion animal, or service
45 animal has been taken into physical custody, a licensed veterinarian
46 makes a written determination that the animal is in intractable and
47 extreme pain and beyond any reasonable hope of recovery with

1 reasonable veterinary medical treatment, the animal may be
2 euthanized. At any time while the licensed shelter, pound, or
3 kennel operating as a shelter or pound has custody ²~~and~~ or²
4 control of the dog, domestic companion animal, or service animal, it
5 may place the animal in an animal rescue organization facility or a
6 foster home if it determines the placement is in the best interest of
7 the animal.

8 f. ¹~~]~~ No person shall be cited for a violation of this act unless
9 that person has first been issued a correction warning. A correction
10 warning shall provide notice to the person that the person has seven
11 days to correct the violation and a description of the violation to be
12 corrected. No correction warning shall be required when a humane
13 law enforcement officer or agent of the New Jersey Society for the
14 Prevention of Cruelty to Animals or county society for the
15 prevention of cruelty to animals, certified animal control officer, or
16 other State or local law enforcement officer immediately seizes a
17 dog, domestic companion animal, or service animal pursuant to
18 subsection b. of this section. A person shall be issued a correction
19 warning prior to being cited for a violation of this act unless the
20 dog, domestic companion animal, or service animal involved in the
21 violation was seized immediately pursuant to subsection b. of this
22 section.¹ A summons shall be served on the alleged violator as
23 soon as practicable if:

24 (1) after the seven days have elapsed from the date a correction
25 warning is issued, no correction has been made;

26 ¹~~]~~(2) a correction warning for the violation was previously
27 issued but has not been complied with; or

28 (3) ~~]~~ or

29 (2)¹ the dog, domestic companion animal, or service animal
30 involved in the violation was seized immediately pursuant to
31 subsection b. of this section.

32 If the alleged violator is not the owner of the dog, domestic
33 companion animal, or service animal, the person issuing the
34 correction warning or summons, as applicable, shall also notify the
35 owner of the animal of the violation and provide the owner with a
36 copy of the issued correction warning or summons, as applicable.

37 g. Any summons issued for a violation of this act shall contain:

38 (1) a description of the violation and statutory authority; ¹and¹

39 (2) ¹~~]~~the penalty for the violation;

40 (3) ~~]~~¹ contact information identifying, at a minimum (a) the name
41 of the investigating agency or office ¹~~];~~ and¹ (b) the name of the
42 officer or agent issuing the summons or investigating the alleged
43 violation ¹~~];~~ and (c) a telephone number for the investigating
44 agency or office and the investigating officer or agent;

45 (4) ~~]~~.

1 h. Any humane law enforcement officer or agent of the New
2 Jersey Society for the Prevention of Cruelty to Animals or county
3 society for the prevention of cruelty to animals, certified animal
4 control officer, or other State or local law enforcement officer
5 issuing a summons for a violation of this act shall also serve on the
6 alleged violator, with the summons, a written¹ notice of ¹:

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

9 ¹[(5)] (2)¹ the action or actions required for compliance; ¹[and

10 (6) a written] (3) a¹ demand for immediate compliance ¹[.

11 h.]; and

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

14 i.¹ Any humane law enforcement officer or agent of the New
15 Jersey Society for the Prevention of Cruelty to Animals or county
16 society for the prevention of cruelty to animals, certified animal
17 control officer, or other State or local law enforcement officer may
18 petition a court of competent jurisdiction to have a dog, domestic
19 companion animal, or service animal confiscated, if not previously
20 seized, and forfeited upon the person being found guilty of, or liable
21 for, a violation of this act. Upon a finding that continued
22 possession of the dog, domestic companion animal, or service
23 animal by the owner or other person authorized to have custody or
24 control of the animal poses a threat to the health or safety of the
25 animal, the court shall order that the animal be forfeited, placed in
26 an animal rescue organization facility, shelter, pound, or kennel
27 operating as a shelter or pound, and made available for adoption.

28 ¹[i.] j.¹ A person found guilty of, or liable for, a violation of
29 any provision of this act shall be responsible for, and pay, the
30 reasonable costs of caring for the dog, domestic companion animal,
31 or service animal from the date on which physical custody of the
32 animal was taken pursuant to this section until the date the animal is
33 surrendered, forfeited, returned, or euthanized, including, but not
34 limited to, the cost of transporting, sheltering, and feeding the
35 animal, the cost of providing the animal with necessary veterinary
36 care, and if the animal is euthanized, the cost of the euthanasia.

37
38 8. (New section) a. A violation of section 2, 4, or 5 of this act
39 shall constitute failure to provide necessary care pursuant to
40 R.S.4:22-17 and R.S.4:22-26, and a violator shall be subject to the
41 applicable penalties set forth in those sections.

42 b. A person who violates section 3 of this act shall be subject
43 to:

44 (1) for a first offense, at the discretion of the court, a fine of
45 \$100; and

46 (2) for a second offense, at the discretion of the court, a fine of
47 \$200.

1 For a third or subsequent offense, the offense shall constitute
2 failure to provide necessary care pursuant to R.S.4:22-17 and
3 R.S.4:22-26, and a violator shall be subject to the applicable
4 penalties set forth in those sections.

5 c. Beginning on the fourth day after the date of issuance of a
6 summons for a violation pursuant to section 7 of this act, each 30-
7 day period that the owner or other person with custody or control of
8 the dog, domestic companion animal, or service animal is still in
9 possession of the animal and fails to comply with the requirements
10 of this act shall constitute a separate offense.

11 d. A court may, in its discretion, waive or reduce the amount of
12 any fine imposed for any violation of this act upon the violator
13 demonstrating compliance with this act in the manner as may be
14 prescribed by the court.

15

16 9. (New section) No provision of this act, or any rule or
17 regulation adopted pursuant thereto, shall be construed or applied to
18 limit any protection afforded to any dog pursuant to Title 2C of the
19 New Jersey Statutes or any other provisions of Title 4 of the
20 Revised Statutes, any other federal or State law, or rule or
21 regulation adopted pursuant thereto, or any local ordinance,
22 resolution, rule, or regulation.

23

24 10. Section 11 of P.L.1941, c. 151 (C.4:19-15.11) is amended to
25 read as follows:

26 11. License fees and other moneys collected or received under
27 the provisions of sections 3, 8, 9 and 16 of **[this act]** P.L.1941,
28 c.151 (C.4:19-15.3, C.4:19-15.8, C.4:19-15.9, and C.4:19-15.16),
29 except registration tag fees, shall be forwarded to the treasurer of
30 the municipality within 30 days after collection or receipt and shall
31 be placed in a special account separate from any of the other
32 accounts of the municipality and shall be used for the following
33 purposes only **[;]**: for collecting, keeping and disposing of dogs
34 liable to seizure under **[this act]** P.L.1941, c.151 (C.4:19-15.1 et
35 seq.) or under local dog control ordinances; for local prevention and
36 control of rabies; for providing antirabic treatment under the
37 direction of the local board of health for any person known or
38 suspected to have been exposed to rabies **[,]**; for payment of
39 damage to or losses of poultry and domestic animals, except dogs
40 and cats, caused by a dog or dogs; for compliance with the
41 requirements of subsection b. of section 6 of P.L. , c. (C.)
42 (pending before the Legislature as this bill); and for administering
43 the provisions of **[this act]** P.L.1941, c.151 (C.4:19-15.1 et seq.).
44 Any unexpended balance remaining in **[such]** the special account
45 shall be retained therein until the end of the third fiscal year
46 following and may be used for any of the purposes set forth in this
47 section. At the end of the **[said]** third fiscal year following, and at

1 the end of each fiscal year thereafter, there shall be transferred
2 from **[such]** the special account to the general funds of the
3 municipality any amount then in **[such]** the account which is in
4 excess of the total amount paid into **[said]** the special account
5 during the last **[2]** two fiscal years next preceding.

6 The registration tag fee for each dog shall be forwarded within
7 30 days after collection by the clerk or other official designated to
8 license dogs to the State Department of Health which department
9 shall forward **[said]** the sum to the State Treasurer who shall place
10 all such moneys in a special account for use only by the State
11 Department of Health in administering of **[this act]** P.L.1941, c.151
12 (C.4:19-15.1 et seq.) and for the prevention and control of rabies
13 throughout the State, and such account is hereby declared to be a
14 trust fund not subject to legislative appropriation. At the end of the
15 third fiscal year following the adoption of **[this act]** P.L.1941,
16 c.151 (C.4:19-15.1 et seq.) and at the end of each fiscal year
17 thereafter, there shall be withdrawn from this trust fund and
18 transferred to the general funds of the State any amount then in
19 **[such]** the trust fund which is in excess of the total amount paid
20 into **[such]** the trust fund during the last **[2]** two fiscal years next
21 preceding.

22 (cf: P.L.1981, c.235, s.3)

23

24 11. This act shall take effect immediately.

25

26

27

28

29 Establishes requirements concerning necessary care of dogs,
30 domestic companion animals, and service animals, and for tethering
31 of dogs.

SENATE, No. 1640

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 16, 2016

Sponsored by:

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

SYNOPSIS

Establishes failure to provide certain specific protections from weather and during emergencies for domestic companion animals as animal cruelty.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/13/2016)

1 AN ACT concerning exposure of domestic companion animals to
2 potentially harmful weather and supplementing Title 4 of the
3 Revised Statutes.

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

7
8 1. a. It shall be unlawful to leave outdoors unattended a cat,
9 dog, or other domestic companion animal when the outside ambient
10 temperature is 32 degrees Fahrenheit or less or 90 degrees
11 Fahrenheit or more, unless the cat, dog, or other domestic
12 companion animal is provided readily available access to shelter, in
13 which the ambient temperature is properly and safely maintained
14 above 32 degrees Fahrenheit and below 90 degrees Fahrenheit in
15 accordance with any applicable local code, ordinance, or regulation.
16 If the cat, dog, or other domestic companion animal is relocated, or
17 provided readily available access, to a basement or garage, the
18 basement or garage shall be properly ventilated in accordance with
19 the "State Uniform Construction Code Act," P.L.1975, c.217
20 (C.52:27D-119 et seq.).

21 b. It shall be unlawful to leave a cat, dog, or other domestic
22 companion animal outdoors when evacuation of the area has been
23 recommended by State or local law enforcement due to weather or
24 other emergency conditions. If possible, any cat, dog, or other
25 domestic companion animal shall be evacuated with its owner. If
26 evacuation with the owner is not an option, the cat, dog, or other
27 domestic companion animal shall be:

28 (1) delivered to an animal kennel, shelter, or other suitable
29 animal care facility; or

30 (2) secured in an indoor area constructed to be as protective of
31 the animal as possible under the circumstances. If the cat, dog, or
32 other domestic companion animal is secured in a basement or
33 garage, the basement or garage shall be properly ventilated, in
34 accordance with the "State Uniform Construction Code Act,"
35 P.L.1975, c.217 (C.52:27D-119 et seq.), and reasonably safe from
36 flooding.

37 c. A violation of subsection a. or b. of this section shall
38 constitute failure to provide necessary care pursuant to R.S.4:22-17
39 and R.S.4:22-26.

40 d. The requirements of subsections a. and b. of this section
41 shall not apply to any cat living outside with no apparent owner,
42 commonly referred to as, or considered to be, a feral cat.

43 e. As used in this section, "domestic companion animal" means
44 any animal commonly referred to as a pet that was bought, bred,
45 raised or otherwise acquired, in accordance with local ordinances
46 and State and federal law, for the primary purpose of providing
47 companionship to the owner, rather than for business or agricultural

1 purposes. "Domestic companion animal" does not include livestock
2 as defined in N.J.A.C.2:2-1.1.

3

4 2. This act shall take effect immediately.

5

6

7

STATEMENT

8

9 This bill would make it a violation of the State animal cruelty
10 laws to:

11 1) leave a cat, dog, or other domestic companion animal
12 unattended outdoors when the outside ambient temperature is 32
13 degrees Fahrenheit or less or 90 degrees Fahrenheit or more,
14 without readily available access to shelter in which the ambient
15 temperature is maintained properly and safely above 32 degrees
16 Fahrenheit and below 90 degrees Fahrenheit or below in accordance
17 with any applicable local code, ordinance, or regulation; or

18 2) leave a cat, dog, or other domestic companion animal outdoors
19 when evacuation of the area has been recommended by State or
20 local law enforcement due to weather or other emergency
21 conditions.

22 In the case of evacuation, the bill directs that the cat, dog, or
23 other domestic companion animal be evacuated with its owner, if
24 possible. If evacuation with the owner is not an option, the bill
25 requires the cat, dog, or other domestic companion animal to be:

26 1) delivered to an animal kennel, shelter, or other suitable animal
27 care facility; or

28 2) secured in an indoor area constructed to be as protective of the
29 animal as possible under the circumstances.

30 If, for the purposes of complying with the bill's requirements,
31 the cat, dog, or other domestic companion animal is relocated to, or
32 provided readily available access to, a basement or a garage, the bill
33 requires the basement or garage to be properly ventilated in
34 accordance with the State Uniform Construction Code, and during
35 weather or other emergency conditions, also reasonably safe from
36 flooding.

37 The bill defines "domestic companion animal" means any animal
38 commonly referred to as a pet or one that has been bought, bred,
39 raised or otherwise acquired, in accordance with local ordinances
40 and State and federal law for the primary purpose of providing
41 companionship to the owner, rather than for business or agricultural
42 purposes. It does not include livestock.

43 Furthermore, the bill establishes that violations of any of the
44 bill's provisions would constitute failure to provide "necessary
45 care" pursuant to R.S.4:22-17 and R.S.4:22-26.

46 Current law defines "necessary care" as care sufficient to
47 preserve the health and well-being of an animal, and includes, but is
48 not limited to: food of sufficient quantity and quality to allow for

S1640 VAN DREW, HOLZAPFEL

4

1 normal growth or maintenance of body weight; adequate access to
2 water in sufficient quantity and quality to satisfy the animal's needs;
3 access to adequate protection from the weather; and veterinary care
4 to alleviate suffering and maintain health.

5 Under R.S.4:22-26, a violator may be liable for civil penalties of
6 \$500 to \$2,000 for failure to provide necessary care, depending on
7 the consequences of failure to do so. Under R.S.4:22-17, failure to
8 provide necessary care would be a disorderly persons offense, a
9 crime of the fourth degree, or crime of the third degree, depending
10 on the consequences of failure to do so.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 1640, 1642, and 1013**

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2016

The Senate Economic Growth Committee reports favorably a Senate Committee Substitute for Senate Nos. 1640, 1642, and 1013.

The committee substitute establishes as animal cruelty offenses of failure to provide necessary care:

1) when exposing any dog, domestic companion animal, or service animal outdoors to “adverse environmental conditions,” as that term is defined in the committee substitute, for more than 30 minutes, unless the animal has continual access to proper shelter;

2) when providing proper shelter, failing to comply with the requirements enumerated in section 5 of the committee substitute;

3) leaving indoors or outdoors unattended and tethered any dog, domestic companion animal, or service animal outdoors when evacuation of the area has been ordered, and failing to provide the animal with the protections or safe haven specified in subsection b. of section 2 of the committee substitute; and

4) improperly confining any dog, domestic companion animal, or service animal in violation of section 4 of the committee substitute.

The committee substitute provides an exception to the exposure requirement when the owner, or person with custody or control, of the animal, is in the presence of the animal and exposed to the same adverse environmental conditions as the animal at all times and can see the animal at all times, unless the person is visually impaired, in which case the person must be in the immediate presence of the animal. The committee substitute also specifies the requirements do not apply to feral cats.

The committee substitute establishes the offense of cruelly restraining a dog if the person tethers a dog:

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

2) outdoors between the hours of 11 p.m. and 5 a.m.;

3) in an unoccupied building or upon vacant property;

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

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

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

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

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

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

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

The committee substitute provides an exception to these provisions when the dog's owner or the person with custody or control of the dog is in the presence of the dog at all times while the dog is tethered, whether indoors or outdoors, and can see the dog at all times while the dog is tethered, unless the person is visually impaired. Visually impaired persons are required to be in the immediate presence of the dog. The committee substitute also specifies that the prohibition on tethering an animal outdoors between the hours of 11 p.m. and 5 a.m. would not take effect until 18 months after the date on which the act takes effect.

Under the committee substitute, cruelly restraining a dog is punishable with fines of \$100 for a first offense, and \$200 for a second offense, imposed at the discretion of the court. For third or subsequent offenses, it constitutes failure to provide necessary care pursuant to R.S.4:22-17 and R.S.4:22-26 (the same level of offense as the exposure, proper shelter, evacuation, and confinement violations under the committee substitute).

The committee substitute also specifies concerning confinement violations that it is unlawful to confine a dog, domestic companion animal, or service animal in any structure, room, area, or container that does not comply with certain standards and requirements of proper shelter as established in section 5 of the committee substitute. The requirements and standards do not apply to a person confining an animal temporarily in an animal carrier or crate for certain purposes if:

1) the animal is at all times inside the vehicle during transport; and

2) while in the animal carrier or crate, the head of the dog, domestic companion animal, or service animal cannot touch the ceiling of the animal carrier or crate when the animal is in a normal sitting or standing position in the animal carrier or crate, and the dog, domestic companion animal, or service animal can easily turn around in a full circle and lie down on its side with limbs outstretched in the animal carrier or crate.

The committee substitute further specifies that a person may confine the animal in an animal carrier or crate for the purpose of (1) transport, (2) as part of an exhibition, show, contest, or other temporary event at which the skill, breeding, or stamina of the animal is judged or examined, or (3) if the animal is a dog, as part of any exhibition, class, training session, or other temporary event at which the dog is used, or is being trained, to hunt wildlife in a lawful manner.

Under the committee substitute, the confinement requirements and standards also do not apply to a facility maintained and used in connection with the practice of veterinary medicine or a licensed kennel, pet shop, shelter, or pound.

The committee substitute provides that, upon a showing of probable cause that there has been a violation, a court of competent jurisdiction is to issue a warrant to any enforcement officer to enter onto the private property where a dog, domestic companion animal, or service animal is located, take physical custody of the animal, and notify the owner of the location of the shelter or pound from which the animal was taken. However, the committee substitute also provides that a dog, domestic companion animal, or service animal may be taken into physical custody immediately if the humane law enforcement officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals or county society for the prevention of cruelty to animals, certified animal control officer, or other State or local law enforcement officer taking the animal has reasonable suspicion to believe that the animal is at risk of imminent harm due to the alleged violation.

If the animal is not seized immediately, a correction warning would be issued, allowing seven days for the violation to be corrected before a summons would be issued. If after the seven days have elapsed from the date a correction warning is issued and no correction has been made, a summons would be issued for that violation. If the animal is seized immediately because of risk of imminent harm to the animal due to the alleged violation, no correction warning would be issued. Instead, the summons for the violation would be issued as soon as practicable. If the alleged violator is not the owner of the dog, domestic companion animal, or service animal, when a correction warning or summons issued, the person issuing the correction warning or summons is also required to notify the owner of the animal of the violation and provide the owner with a copy of the issued correction warning or summons.

The committee substitute further provides that upon a finding that continued possession of the animal by the owner poses a threat to the health or safety of the animal, the court is to order that the animal be forfeited, placed in an animal rescue organization facility, shelter, pound, or kennel, and made available for adoption. A person found guilty of, or liable for, a violation of the committee substitute is

responsible for and is to pay the reasonable costs of caring for the animal from the date on which physical custody was taken.

The committee substitute provides that violators may be subject to the penalties for failure to provide necessary care pursuant to R.S.4:22-17 and R.S.4:22-26. Violators are subject to penalties under the following scenarios:

1) regardless of what happens to the animal, a person convicted of failing to provide necessary care (in addition to any other penalties) is liable for a fine of not less than \$500 nor more than \$2,000, or imprisonment for more than six months, or both, in the discretion of the court;

2) a person who does not have a previous conviction and the animal does not die or suffer bodily injury because of the failure to provide necessary care, the person would be guilty of a disorderly persons offense and punishable by up to six months imprisonment, up to a \$1,000 fine, or both. "Bodily injury" is defined under the law as physical pain, illness or any impairment of physical condition;

3) if the person has a prior conviction of failing to provide necessary care, overworking an animal, inflicting unnecessary cruelty on an animal including leaving it unattended in a vehicle under inhumane conditions adverse to its health or welfare, or causes any of these things to be done, the person would be guilty of a crime of the fourth degree and subject to a fine of up to \$10,000, imprisonment for up to 18 months, or both;

3) if the person causes bodily injury to the animal by failing to provide the animal with necessary care or provides for that to happen, or the animal dies as a result, the person would be guilty of a crime of the third degree and punishable by three to five years imprisonment, a fine of up to \$15,000, or both;

4) generally, pursuant to the State Criminal Code, there is a presumption of nonimprisonment for first offenses of fourth and third degree crimes;

5) in addition to imposing any other appropriate penalties established for a crime of the third degree, crime of the fourth degree, or disorderly persons offense, as the case may be, pursuant to Title 2C of the New Jersey Statutes, the court is also required to impose a term of community service of up to 30 days, and may direct that the term of community service be served in providing assistance to the New Jersey Society for the Prevention of Cruelty to Animals, a county society for the prevention of cruelty to animals, or any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, or to a municipality's animal control or animal population control program; and

6) if a juvenile offender, the violator would also be required to have mental health counseling by a licensed psychologist or therapist named by the court for a period of time to be prescribed by the licensed psychologist or therapist.

The civil penalties for failure to provide necessary care are:

1) a \$3,000 to \$5,000 fine for causing the death of an animal or serious bodily injury to an animal (bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ) by failing to provide necessary care;

2) a \$1,000 to \$3,000 fine for causing bodily injury (see definition above) to an animal by failing to provide necessary care; and

3) a \$500 to \$2,000 for failing to provide necessary care if the person does not have a previous conviction and the animal does not die or suffer bodily injury because of the failure to provide necessary care.

Finally, the committee substitute:

1) requires the Department of Health (DOH) to provide copies of the act and related provisions of law, in both actual and plain language versions, to municipalities and post the material on its website;

2) requires municipalities to give copies of the information required to be provided by DOH to anyone licensing a dog and post the material on their websites, and provides for municipal costs incurred complying with this requirement to be paid from fees collected for various dog or pet related licenses; and

3) provides that the provisions of the committee substitute are not to limit any other protection afforded to a dog under any other federal, State, or local law, rule, or regulation.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 1640, 1642, and 1013**

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 30, 2017

The Senate Budget and Appropriations Committee reports favorably Senate Bill Nos. 1640, 1642, and 1013 SCS, with committee amendments.

As amended, this bill establishes, as animal cruelty offenses, the failure to provide necessary care to any dog, domestic companion animal, or service animal by: (1) exposing the animal to adverse environmental conditions under certain circumstances; (2) cruelly restraining a dog if the person tethers a dog in a manner prohibited in the bill; (3) improperly confining an animal; and (4) failing to provide proper shelter for an animal under certain conditions.

Under the bill, cruelly restraining a dog is punishable with fines of \$100 for a first offense and \$200 for a second offense, imposed at the discretion of the court. For third or subsequent offenses, it constitutes failure to provide necessary care. All the violations under the bill are animal cruelty violations constituting failure to provide necessary care pursuant to R.S.4:22-17 and R.S.4:22-26, and the violator is subject to the applicable penalties in those sections.

The bill provides that, upon a showing of probable cause that there has been a violation, a court is to issue a warrant to any humane law enforcement officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals or county society for the prevention of cruelty to animals, certified animal control officer, or other State or local law enforcement officer to enter onto private property where a dog, domestic companion animal, or service animal is located, take physical custody of the animal, and notify the owner of the location of the shelter or pound to which the animal was taken. However, the bill also provides that a dog, domestic companion animal, or service animal may be taken into physical custody immediately if the officer taking the animal has reasonable suspicion to believe that the animal is at risk of imminent harm due to the alleged violation.

If the animal is not seized immediately, a correction warning is to be issued, allowing seven days for the violation to be corrected before a summons is issued. If the animal is seized immediately because of risk of imminent harm to the animal due to the alleged violation, a

summons for the violation is to be issued as soon as practicable. If the alleged violator is not the owner of the animal, when a correction warning or summons is issued, the person issuing it also is required to notify the owner of the animal of the violation and provide the owner with a copy of the correction warning or summons.

The bill further provides that upon a finding that continued possession of the animal by the owner poses a threat to its health or safety, the court is to order the animal to be forfeited, placed in an animal rescue organization facility, shelter, pound, or kennel, and made available for adoption. A person found guilty of, or liable for, a violation of the bill is required to pay the reasonable costs of caring for the animal from the date on which physical custody was taken.

The bill provides that violators are subject to the penalties for failure to provide necessary care pursuant to R.S.4:22-17 and R.S.4:22-26. Criminal penalties for failure to provide necessary care pursuant to R.S.4:22-17 range from fines of \$500 to \$15,000, or imprisonment, or both, in the discretion of the court and depending on the circumstances. Furthermore, the court is required to impose a term of community service of up to 30 days for certain violations and, if the violator is a juvenile offender, the violator also is required to have mental health counseling by a licensed psychologist or therapist.

The civil penalties for failure to provide necessary care pursuant to R.S.4:22-26 are (1) a \$3,000 to \$5,000 fine for causing the death of an animal or serious bodily injury to an animal by failing to provide necessary care; (2) a \$1,000 to \$3,000 fine for causing bodily injury to an animal by failing to provide necessary care; and (3) a \$500 to \$2,000 for failing to provide necessary care if the person does not have a previous conviction and the animal does not die or suffer bodily injury because of the failure to provide necessary care.

Finally, the bill:

(1) requires the Department of Health to provide copies of the act and related provisions of law, in both actual and plain language versions, to municipalities and to post the material on its website;

(2) requires municipalities to give that information to anyone licensing a dog and to post the material on their websites, and provides for municipal costs incurred complying with this requirement to be paid from fees collected for various dog or pet related licenses; and

(3) states that its provisions do not limit any other protection afforded to a dog under any other federal, State, or local law, rule, or regulation.

COMMITTEE AMENDMENTS

The amendments:

1) revise the access to water requirement for a confined animal to exempt an animal confined in the primary living space of the residence of the animal's owner;

2) revise the requirement of three inches head room in proper shelter for an animal when sitting or standing to require that the animal's head not touch the ceiling when the animal is sitting;

3) clarify that when hot conditions exist, a cooling area other than adequate shade may be provided;

4) specify that a proper shelter for a dog, domestic companion animal, or service animal would not include any structure or protection made from pressure-treated wood containing arsenic or chromium;

5) revise procedures and notice concerning summons and correction warnings; and

6) make other technical and clarifying amendments.

FISCAL IMPACT:

The Office of Legislative Services (OLS) determines that there may be minimal enforcement and administrative costs to the State and to municipalities, but the bill also provides for an increase in revenue from fines and penalties which may offset some of the State and municipal enforcement and administrative costs associated with the bill.

The OLS also determines that there may be minimal enforcement costs to have a State or local law enforcement officer or certified animal control officer enter onto private property where a dog, domestic companion animal, or service animal is located, take physical custody of the animal, and notify the owner of the location of the shelter or pound to which the animal was taken under the circumstances specified in the bill. However, enforcement concerning failure to provide necessary care should already be occurring under current law. The OLS determines that there will be no costs to State or local law enforcement agencies for the handling of a dog, domestic companion animal, or service animal since they currently receive training in the handling of animals. In addition, the OLS determines that there may be minimal administrative costs to the State or municipalities to issue correction warnings and summonses for violations of the bill.

The OLS determines that there also may be minimal administrative costs to the State for the bill's requirement to have the Department of Health provide copies of the bill and related provisions of law to municipalities and to post the material on the department's website. In addition, municipalities are required to give copies of the information provided by the department to anyone licensing a dog and to post the material on their websites, but the bill also authorizes municipalities to cover these costs with revenue from fees collected for dog or pet-related licenses. However, the OLS notes that there may be less monies available for that use to the extent that the fees collected for various dog or pet related licenses were used for other purposes.

STATEMENT TO

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 1640, 1642 and 1013

with Senate Floor Amendments
(Proposed by Senator VAN DREW)

ADOPTED: FEBRUARY 13, 2017

These amendments revise crating restrictions for dogs and make technical corrections to the bill.

STATEMENT TO

[Second Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 1640, 1642, and 1013

with Assembly Floor Amendments
(Proposed by Assemblyman ANDRZEJCZAK)

ADOPTED: MAY 22, 2017

These amendments:

- 1) clarify the definition of “domestic companion animal” to exclude livestock; and
- 2) require that the top of the head of dog, domestic companion animal, or service animal confined for transport cannot touch the top of the crate when the animal is in a normal standing position.

STATEMENT TO

[Third Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1640

with Assembly Floor Amendments
(Proposed by Assemblyman ANDRZEJCZAK)

ADOPTED: JUNE 8, 2017

These amendments exclude domestic livestock as defined in law from the definition of domestic companion animal, and clarify liability for violations concerning confinement of a dog, domestic companion animal, or service animal.

LEGISLATIVE FISCAL ESTIMATE
 [First Reprint]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 1640, 1642, and 1013
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: FEBRUARY 13, 2017

SUMMARY

- Synopsis:** Establishes requirements concerning necessary care of dogs, domestic companion animals, and service animals, and for tethering of dogs.
- Type of Impact:** Minimal net impact to the General Fund. Minimal net impact to municipalities.
- Agencies Affected:** Department of Health, State or local law enforcement agencies.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Minimal – See comments below		
Municipal Cost	Minimal – see comments below		

- The Office of Legislative Services (OLS) determines that there may be minimal enforcement and administrative costs to the State and to municipalities. The OLS believes that revenue from fines and penalties could offset some of the State and municipal enforcement and administrative costs associated with the bill.

BILL DESCRIPTION

The First Reprint to the Senate Committee Substitute for Senate Bill Nos. 1640, 1642, and 1013 of 2016 establishes, as animal cruelty offenses, the failure to provide necessary care to any dog, domestic companion animal, or service animal by: (1) exposing the animal to adverse environmental conditions under certain circumstances; (2) cruelly restraining a dog if the person tethers a dog; (3) improperly confining an animal; and (4) failing to provide proper shelter for the animal under certain conditions. The bill outlines certain exceptions to these offenses.

Under the bill, cruelly restraining a dog is punishable with fines of \$100 for a first offense and \$200 for a second offense, imposed at the discretion of the court. For third or subsequent offenses, it constitutes failure to provide necessary care. All the violations under the bill are

animal cruelty violations constituting failure to provide necessary care pursuant to R.S.4:22-17 and R.S.4:22-26, and the violator would be subject to the applicable penalties in those sections.

The bill provides that, upon a showing of probable cause that there has been a violation, a court would issue a warrant to any humane law enforcement officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA) or county society for the prevention of cruelty to animals (CSPCA), certified animal control officer (ACO), or other State or local law enforcement officer to enter onto private property where a dog, domestic companion animal, or service animal is located, take physical custody of the animal, and notify the owner of the location of the shelter or pound to which the animal was taken. However, the bill also provides that a dog, domestic companion animal, or service animal may be taken into physical custody immediately if the officer taking the animal has reasonable suspicion to believe that the animal is at risk of imminent harm due to the alleged violation.

If the animal is not seized immediately, a correction warning would be issued, allowing seven days for the violation to be corrected before a summons would be issued. If the animal is seized immediately because of risk of imminent harm to the animal due to the alleged violation, no correction warning would be issued. Instead, the summons for the violation would be issued as soon as practicable. If the alleged violator is not the owner of the animal, when a correction warning or summons is issued, the person issuing it also would be required to notify the owner of the animal of the violation and provide the owner with a copy of the correction warning or summons.

The bill further provides that upon a finding that continued possession of the animal by the owner poses a threat to its health or safety, the court is to order that the animal be forfeited, placed in an animal rescue organization facility, shelter, pound, or kennel, and made available for adoption. A person found guilty of, or liable for, a violation of the bill would be required to pay the reasonable costs of caring for the animal from the date on which physical custody was taken.

The bill provides that violators are subject to the penalties for failure to provide necessary care pursuant to R.S.4:22-17 and R.S.4:22-26. Criminal penalties for failure to provide necessary care pursuant to R.S.4:22-17 range from fines of \$500 to \$15,000, or imprisonment, or both, in the discretion of the court and depending on the circumstances. Furthermore, the court is required to impose a term of community service of up to 30 days for certain violations and, if the violator is a juvenile offender, the violator would also be required to have mental health counseling by a licensed psychologist or therapist.

The civil penalties for failure to provide necessary care pursuant to R.S.4:22-26 are (1) a \$3,000 to \$5,000 fine for causing the death of an animal or serious bodily injury to an animal by failing to provide necessary care; (2) a \$1,000 to \$3,000 fine for causing bodily injury to an animal by failing to provide necessary care; and (3) a \$500 to \$2,000 for failing to provide necessary care if the person does not have a previous conviction and the animal does not die or suffer bodily injury because of the failure to provide necessary care.

Finally, the bill (1) requires the Department of Health (DOH) to provide copies of the act and related provisions of law, in both actual and plain language versions, to municipalities and to post the material on its website; (2) requires municipalities to give that information to anyone licensing a dog and to post the material on their websites, and provides for municipal costs incurred complying with this requirement to be paid from fees collected for various dog or pet related licenses; and (3) states that its provisions do not limit any other protection afforded to a dog under any other federal, State, or local law, rule, or regulation.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that there may be minimal enforcement and administrative costs to the State and to municipalities. The OLS believes that the increase in revenue from fines and penalties could offset some of the State and municipal enforcement and administrative costs associated with the bill.

The OLS determines that there may be minimal enforcement costs to have a State or local law enforcement officer or ACO enter onto private property where a dog, domestic companion animal, or service animal is located, take physical custody of the animal, and notify the owner of the location of the shelter or pound to which the animal was taken under the circumstances specified in the bill. However, enforcement concerning failure to provide necessary care should already be occurring under current law. The OLS determines that there will be no costs to State or local law enforcement agencies for the handling of a dog, domestic companion animal, or service animal since they currently receive training in the handling of animals. In addition, the OLS determines that there may be minimal administrative costs to the State or municipalities to issue correction warnings and summons for a violation of the bill.

The OLS determines that there also may be minimal administrative costs to the State for the bill's requirement to have the DOH provide copies of the bill and related provisions of law to municipalities and to post the material on the DOH website. In addition, municipalities are required to give copies of the information provided by DOH to anyone licensing a dog and to post the material on their websites. The bill directs that any municipal costs incurred by complying with this requirement may be paid from fees collected for various dog or pet related licenses; therefore, the OLS determines that there is a minimal net cost, if any, to municipalities. However, the OLS notes that there may be less monies available for that use to the extent that the fees collected for various dog or pet related licenses were used for other purposes.

Section: Environment, Agriculture, Energy and Natural Resources

*Analyst: Neha Mehta Patel
Assistant Fiscal Analyst 2*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE
 [Second Reprint]
 SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 1640, 1642, and 1013
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: MARCH 20, 2017

SUMMARY

- Synopsis:** Establishes requirements concerning necessary care of dogs, domestic companion animals, and service animals, and for tethering of dogs.
- Type of Impact:** Minimal net impact to the General Fund. Minimal net impact to municipalities.
- Agencies Affected:** Department of Health, State or local law enforcement agencies.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Minimal – See comments below		
Municipal Cost	Minimal – see comments below		

- The Office of Legislative Services (OLS) determines that there may be minimal enforcement and administrative costs to the State and to municipalities. The OLS believes that revenue from fines and penalties could offset some of the State and municipal enforcement and administrative costs associated with the bill.

BILL DESCRIPTION

The Second Reprint of the Senate Committee Substitute for Senate Bill Nos. 1640, 1642, and 1013 of 2016 establishes, as animal cruelty offenses, the failure to provide necessary care to any dog, domestic companion animal, or service animal by: (1) exposing the animal to adverse environmental conditions under certain circumstances; (2) cruelly restraining a dog if the person tethers a dog; (3) improperly confining an animal; and (4) failing to provide proper shelter for the animal under certain conditions. The bill outlines certain exceptions to these offenses.

Under the bill, cruelly restraining a dog is punishable with fines of \$100 for a first offense and \$200 for a second offense, imposed at the discretion of the court. For third or subsequent offenses, it constitutes failure to provide necessary care. All the violations under the bill are animal cruelty violations constituting failure to provide necessary care pursuant to R.S.4:22-17 and R.S.4:22-26, and the violator would be subject to the applicable penalties in those sections.

The bill provides that, upon a showing of probable cause that there has been a violation, a court would issue a warrant to any humane law enforcement officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA) or county society for the prevention of cruelty to animals (CSPCA), certified animal control officer (ACO), or other State or local law enforcement officer to enter onto private property where a dog, domestic companion animal, or service animal is located, take physical custody of the animal, and notify the owner of the location of the shelter or pound to which the animal was taken. However, the bill also provides that a dog, domestic companion animal, or service animal may be taken into physical custody immediately if the officer taking the animal has reasonable suspicion to believe that the animal is at risk of imminent harm due to the alleged violation.

If the animal is not seized immediately, a correction warning would be issued, allowing seven days for the violation to be corrected before a summons would be issued. If the animal is seized immediately because of risk of imminent harm to the animal due to the alleged violation, no correction warning would be issued. Instead, the summons for the violation would be issued as soon as practicable. If the alleged violator is not the owner of the animal, when a correction warning or summons is issued, the person issuing it also would be required to notify the owner of the animal of the violation and provide the owner with a copy of the correction warning or summons.

The bill further provides that upon a finding that continued possession of the animal by the owner poses a threat to its health or safety, the court is to order that the animal be forfeited, placed in an animal rescue organization facility, shelter, pound, or kennel, and made available for adoption. A person found guilty of, or liable for, a violation of the bill would be required to pay the reasonable costs of caring for the animal from the date on which physical custody was taken.

The bill provides that violators are subject to the penalties for failure to provide necessary care pursuant to R.S.4:22-17 and R.S.4:22-26. Criminal penalties for failure to provide necessary care pursuant to R.S.4:22-17 range from fines of \$500 to \$15,000, or imprisonment, or both, in the discretion of the court and depending on the circumstances. Furthermore, the court is required to impose a term of community service of up to 30 days for certain violations and, if the violator is a juvenile offender, the violator would also be required to have mental health counseling by a licensed psychologist or therapist.

The civil penalties for failure to provide necessary care pursuant to R.S.4:22-26 are (1) a \$3,000 to \$5,000 fine for causing the death of an animal or serious bodily injury to an animal by failing to provide necessary care; (2) a \$1,000 to \$3,000 fine for causing bodily injury to an animal by failing to provide necessary care; and (3) a \$500 to \$2,000 for failing to provide necessary care if the person does not have a previous conviction and the animal does not die or suffer bodily injury because of the failure to provide necessary care.

Finally, the bill (1) requires the Department of Health (DOH) to provide copies of the act and related provisions of law, in both actual and plain language versions, to municipalities and to post the material on its website; (2) requires municipalities to give that information to anyone licensing a dog and to post the material on their websites, and provides for municipal costs incurred complying with this requirement to be paid from fees collected for various dog or pet related licenses; and (3) states that its provisions do not limit any other protection afforded to a dog under any other federal, State, or local law, rule, or regulation.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that there may be minimal enforcement and administrative costs to the State and to municipalities. The OLS believes that the increase in revenue from fines and penalties could offset some of the State and municipal enforcement and administrative costs associated with the bill.

The OLS determines that there may be minimal enforcement costs to have a State or local law enforcement officer or ACO enter onto private property where a dog, domestic companion animal, or service animal is located, take physical custody of the animal, and notify the owner of the location of the shelter or pound to which the animal was taken under the circumstances specified in the bill. However, enforcement concerning failure to provide necessary care should already be occurring under current law. The OLS determines that there will be no costs to State or local law enforcement agencies for the handling of a dog, domestic companion animal, or service animal since they currently receive training in the handling of animals. In addition, the OLS determines that there may be minimal administrative costs to the State or municipalities to issue correction warnings and summons for a violation of the bill.

The OLS determines that there also may be minimal administrative costs to the State for the bill's requirement to have the DOH provide copies of the bill and related provisions of law to municipalities and to post the material on the DOH website. In addition, municipalities are required to give copies of the information provided by DOH to anyone licensing a dog and to post the material on their websites. The bill directs that any municipal costs incurred by complying with this requirement may be paid from fees collected for various dog or pet related licenses; therefore, the OLS determines that there is a minimal net cost, if any, to municipalities. However, the OLS notes that there may be less monies available for that use to the extent that the fees collected for various dog or pet related licenses were used for other purposes.

Section: Environment, Agriculture, Energy and Natural Resources

*Analyst: Neha Mehta Patel
Assistant Fiscal Analyst 2*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 3152

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 22, 2016

Sponsored by:

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman R. BRUCE LAND

District 1 (Atlantic, Cape May and Cumberland)

SYNOPSIS

Establishes failure to provide certain specific protections from weather and during emergencies for domestic companion animals as animal cruelty.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning exposure of domestic companion animals to
2 potentially harmful weather and supplementing Title 4 of the
3 Revised Statutes.

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

7
8 1. a. It shall be unlawful to leave outdoors unattended a cat,
9 dog, or other domestic companion animal when the outside ambient
10 temperature is 32 degrees Fahrenheit or less or 90 degrees
11 Fahrenheit or more, unless the cat, dog, or other domestic
12 companion animal is provided readily available access to shelter, in
13 which the ambient temperature is properly and safely maintained
14 above 32 degrees Fahrenheit and below 90 degrees Fahrenheit in
15 accordance with any applicable local code, ordinance, or regulation.
16 If the cat, dog, or other domestic companion animal is relocated, or
17 provided readily available access, to a basement or garage, the
18 basement or garage shall be properly ventilated in accordance with
19 the "State Uniform Construction Code Act," P.L.1975, c.217
20 (C.52:27D-119 et seq.).

21 b. It shall be unlawful to leave a cat, dog, or other domestic
22 companion animal outdoors when evacuation of the area has been
23 recommended by State or local law enforcement due to weather or
24 other emergency conditions. If possible, any cat, dog, or other
25 domestic companion animal shall be evacuated with its owner. If
26 evacuation with the owner is not an option, the cat, dog, or other
27 domestic companion animal shall be:

28 (1) delivered to an animal kennel, shelter, or other suitable
29 animal care facility; or

30 (2) secured in an indoor area constructed to be as protective of
31 the animal as possible under the circumstances. If the cat, dog, or
32 other domestic companion animal is secured in a basement or
33 garage, the basement or garage shall be properly ventilated, in
34 accordance with the "State Uniform Construction Code Act,"
35 P.L.1975, c.217 (C.52:27D-119 et seq.), and reasonably safe from
36 flooding.

37 c. A violation of subsection a. or b. of this section shall
38 constitute failure to provide necessary care pursuant to R.S.4:22-17
39 and R.S.4:22-26.

40 d. The requirements of subsections a. and b. of this section
41 shall not apply to any cat living outside with no apparent owner,
42 commonly referred to as, or considered to be, a feral cat.

43 e. As used in this section, "domestic companion animal" means
44 any animal commonly referred to as a pet that was bought, bred,
45 raised or otherwise acquired, in accordance with local ordinances
46 and State and federal law, for the primary purpose of providing
47 companionship to the owner, rather than for business or agricultural

1 purposes. "Domestic companion animal" does not include livestock
2 as defined in N.J.A.C.2:2-1.1.

3

4 2. This act shall take effect immediately.

5

6

STATEMENT

7

8 This bill would make it a violation of the State animal cruelty
9 laws to:

10 1) leave a cat, dog, or other domestic companion animal
11 unattended outdoors when the outside ambient temperature is 32
12 degrees Fahrenheit or less or 90 degrees Fahrenheit or more,
13 without readily available access to shelter in which the ambient
14 temperature is maintained properly and safely above 32 degrees
15 Fahrenheit and below 90 degrees Fahrenheit or below in accordance
16 with any applicable local code, ordinance, or regulation; or

17 2) leave a cat, dog, or other domestic companion animal outdoors
18 when evacuation of the area has been recommended by State or
19 local law enforcement due to weather or other emergency
20 conditions.

21 In the case of evacuation, the bill directs that the cat, dog, or
22 other domestic companion animal be evacuated with its owner, if
23 possible. If evacuation with the owner is not an option, the bill
24 requires the cat, dog, or other domestic companion animal to be:

25 1) delivered to an animal kennel, shelter, or other suitable animal
26 care facility; or

27 2) secured in an indoor area constructed to be as protective of the
28 animal as possible under the circumstances.

29 If, for the purposes of complying with the bill's requirements,
30 the cat, dog, or other domestic companion animal is relocated to, or
31 provided readily available access to, a basement or a garage, the bill
32 requires the basement or garage to be properly ventilated in
33 accordance with the State Uniform Construction Code, and during
34 weather or other emergency conditions, also reasonably safe from
35 flooding.

36 The bill defines "domestic companion animal" means any animal
37 commonly referred to as a pet or one that has been bought, bred,
38 raised or otherwise acquired, in accordance with local ordinances
39 and State and federal law for the primary purpose of providing
40 companionship to the owner, rather than for business or agricultural
41 purposes. It does not include livestock.

42 Furthermore, the bill establishes that violations of any of the
43 bill's provisions would constitute failure to provide "necessary
44 care" pursuant to R.S.4:22-17 and R.S.4:22-26.

45 Current law defines "necessary care" as care sufficient to
46 preserve the health and well-being of an animal, and includes, but is
47 not limited to: food of sufficient quantity and quality to allow for
48 normal growth or maintenance of body weight; adequate access to

A3152 ANDRZEJCZAK, LAND

4

1 water in sufficient quantity and quality to satisfy the animal's needs;
2 access to adequate protection from the weather; and veterinary care
3 to alleviate suffering and maintain health.

4 Under R.S.4:22-26, a violator may be liable for civil penalties of
5 \$500 to \$2,000 for failure to provide necessary care, depending on
6 the consequences of failure to do so. Under R.S.4:22-17, failure to
7 provide necessary care would be a disorderly persons offense, a
8 crime of the fourth degree, or crime of the third degree, depending
9 on the consequences of failure to do so.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 3152, 3154, and 2426

STATE OF NEW JERSEY

DATED: JUNE 6, 2016

The Assembly Agriculture and Natural Resources Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 3152, 3154, and 2426.

This committee substitute establishes as animal cruelty offenses of failure to provide necessary care pursuant to R.S.4:22-17 and R.S.4:22-26 the following:

- 1) leaving any domestic companion animal outdoors unattended under adverse weather conditions, except if the animal is a dog and the dog is provided readily available access to proper shelter;
- 2) leaving a dog outdoors unattended under adverse weather conditions without readily available access to proper shelter;
- 3) leaving a domestic companion animal outdoors when evacuation of the area has been recommended by State or local law enforcement due to weather or other emergency conditions; and
- 4) cruelly restraining a dog as described under section 3 of the committee substitute.

The committee substitute defines “adverse weather conditions” as:

- 1) when the outdoor ambient temperature is 32 degrees Fahrenheit or below, or there are other outdoor environmental conditions, including, but not limited to, wind, rain, snow, ice, sleet, hail, or cold, such that a person should reasonably know would pose an adverse risk to the health or safety of a dog, based on the dog’s size, age, physical condition, or thickness of the dog’s hair or fur; or
- 2) when the outdoor ambient temperature is 90 degrees Fahrenheit or above, or a dog is exposed to direct sunlight, hot pavement, or heat, such that a person should reasonably know would pose an adverse risk to the health or safety of a dog, based on the dog’s size, age, physical condition, or thickness of the dog’s hair or fur.

The requirements and standards for proper shelter for a dog under these adverse weather conditions are described and enumerated in section 4 of the committee substitute.

The committee substitute further specifies that if the domestic companion animal is relocated from outdoors to a basement or garage, the basement or garage must be properly ventilated in accordance with

the “State Uniform Construction Code Act.” Further, a domestic companion animal may remain outdoors if the owner or the person with custody or control of the domestic companion animal is outdoors on the property where the domestic companion animal is located. Finally, the requirements concerning leaving a domestic companion animal outdoors do not apply to a feral cat or any cat living outside with no apparent owner.

With regards to care of a domestic companion animal during time of evacuation, the committee substitute specifies that, if possible, the domestic companion animal should be evacuated with its owner, and if evacuation with the owner is not an option, the domestic companion animal must be:

- 1) delivered to an animal kennel, shelter, or other suitable animal care facility, including, but not limited to, a facility provided by an animal rescue program; or

- 2) secured indoors in an area as protective of the animal as possible under the circumstances, and if the domestic companion animal is secured in a basement or garage, the basement or garage must be properly ventilated in accordance with the “State Uniform Construction Code Act” and be reasonably safe from flooding.

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 3152 3154 and 2426

with Assembly Floor Amendments
(Proposed by Assemblyman ANDRZEJCZAK)

ADOPTED: JUNE 16, 2016

These floor amendments define “working dog” and clarify that the requirements in the bill for domestic companion animals also apply to working dogs.

STATEMENT TO

ASSEMBLY SUBSTITUTE FOR

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, Nos. 3152, 3154 and 2426

with Assembly Floor Amendments
(Proposed by Assemblyman ANDRZEJCZAK)

ADOPTED: SEPTEMBER 15, 2016

These floor amendments:

- 1) clarify that blind or visually impaired people must remain immediately adjacent to the animal at all times while an animal is exposed to the same outdoor weather conditions or a dog is tethered;
- 2) require the Department of Health (DOH) to provide copies of the act and related provisions of law, in both actual and plain language versions, to municipalities;
- 3) require municipalities to give copies of the information required to be provided by DOH to anyone licensing a dog and provide for costs incurred complying with this requirement to be paid from fees collected pursuant to P.L.1941, c.151 for various dog or pet related licenses;
- 4) provide for separate offenses to accrue from the date of the summons; and
- 5) make other technical and clarifying amendments.

STATEMENT TO
ASSEMBLY SUBSTITUTE FOR
[First Reprint]

ASSEMBLY SUBSTITUTE FOR
[First Reprint]

**ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 3152, 3154, and 2426**

with Assembly Floor Amendments
(Proposed by Assemblyman ANDRZEJCZAK)

ADOPTED: MAY 22, 2017

These amendments:

- 1) clarify the definition of “domestic companion animal” to exclude livestock; and
- 2) require that the top of the head of dog, domestic companion animal, or service animal confined for transport cannot touch the top of the crate when the animal is in a normal standing position.

STATEMENT TO

[First Reprint]

ASSEMBLY SUBSTITUTE FOR

[First Reprint]

ASSEMBLY SUBSTITUTE FOR

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 3152, 3154, and 2426

with Assembly Floor Amendments
(Proposed by Assemblyman ANDRZEJCZAK)

ADOPTED: JUNE 8, 2017

These amendments exclude domestic livestock as defined in law from the definition of domestic companion animal, and clarify liability for violations concerning confinement of a dog, domestic companion animal, or service animal.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 3152, 3154, and 2426

STATE OF NEW JERSEY

DATED: JUNE 6, 2016

The Assembly Agriculture and Natural Resources Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 3152, 3154, and 2426.

This committee substitute establishes as animal cruelty offenses of failure to provide necessary care pursuant to R.S.4:22-17 and R.S.4:22-26 the following:

- 1) leaving any domestic companion animal outdoors unattended under adverse weather conditions, except if the animal is a dog and the dog is provided readily available access to proper shelter;
- 2) leaving a dog outdoors unattended under adverse weather conditions without readily available access to proper shelter;
- 3) leaving a domestic companion animal outdoors when evacuation of the area has been recommended by State or local law enforcement due to weather or other emergency conditions; and
- 4) cruelly restraining a dog as described under section 3 of the committee substitute.

The committee substitute defines “adverse weather conditions” as:

- 1) when the outdoor ambient temperature is 32 degrees Fahrenheit or below, or there are other outdoor environmental conditions, including, but not limited to, wind, rain, snow, ice, sleet, hail, or cold, such that a person should reasonably know would pose an adverse risk to the health or safety of a dog, based on the dog’s size, age, physical condition, or thickness of the dog’s hair or fur; or
- 2) when the outdoor ambient temperature is 90 degrees Fahrenheit or above, or a dog is exposed to direct sunlight, hot pavement, or heat, such that a person should reasonably know would pose an adverse risk to the health or safety of a dog, based on the dog’s size, age, physical condition, or thickness of the dog’s hair or fur.

The requirements and standards for proper shelter for a dog under these adverse weather conditions are described and enumerated in section 4 of the committee substitute.

The committee substitute further specifies that if the domestic companion animal is relocated from outdoors to a basement or garage, the basement or garage must be properly ventilated in accordance with

the “State Uniform Construction Code Act.” Further, a domestic companion animal may remain outdoors if the owner or the person with custody or control of the domestic companion animal is outdoors on the property where the domestic companion animal is located. Finally, the requirements concerning leaving a domestic companion animal outdoors do not apply to a feral cat or any cat living outside with no apparent owner.

With regards to care of a domestic companion animal during time of evacuation, the committee substitute specifies that, if possible, the domestic companion animal should be evacuated with its owner, and if evacuation with the owner is not an option, the domestic companion animal must be:

- 1) delivered to an animal kennel, shelter, or other suitable animal care facility, including, but not limited to, a facility provided by an animal rescue program; or

- 2) secured indoors in an area as protective of the animal as possible under the circumstances, and if the domestic companion animal is secured in a basement or garage, the basement or garage must be properly ventilated in accordance with the “State Uniform Construction Code Act” and be reasonably safe from flooding.

ASSEMBLY SUBSTITUTE FOR
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 3152, 3154, and 2426

STATE OF NEW JERSEY
217th LEGISLATURE

ADOPTED JUNE 30, 2016

Sponsored by:

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

Assemblyman R. BRUCE LAND

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman DAVID W. WOLFE

District 10 (Ocean)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman ADAM J. TALIAFERRO

District 3 (Cumberland, Gloucester and Salem)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Co-Sponsored by:

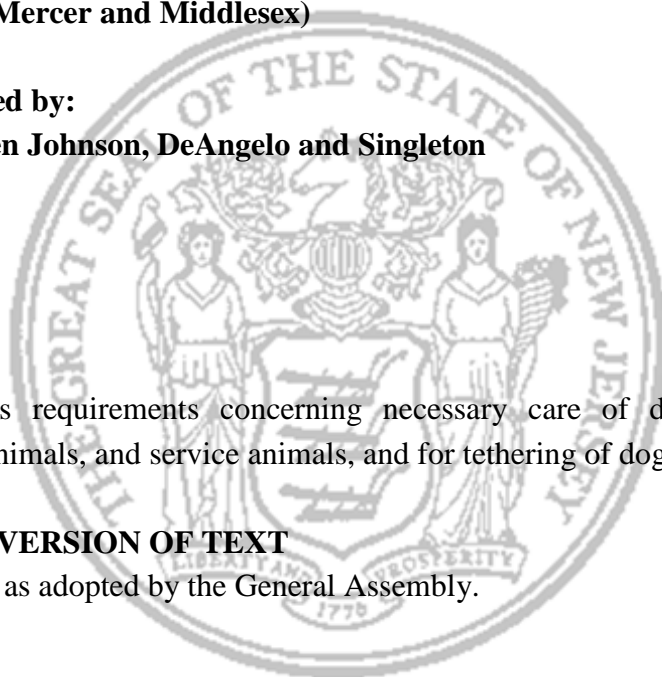
Assemblymen Johnson, DeAngelo and Singleton

SYNOPSIS

Establishes requirements concerning necessary care of dogs, domestic companion animals, and service animals, and for tethering of dogs.

CURRENT VERSION OF TEXT

Substitute as adopted by the General Assembly.



1 AN ACT concerning the necessary care of certain animals and
2 supplementing Title 4 of the Revised Statutes.

3

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

6

7 1. As used in this act:

8 “Adverse weather conditions” means (1) when the outdoor
9 ambient temperature is 32 degrees Fahrenheit or below, or there are
10 other outdoor environmental conditions, including, but not limited
11 to, wind, rain, snow, ice, sleet, hail, or cold, that a person should
12 reasonably know would pose an adverse risk to the health or safety
13 of a dog, domestic companion animal, or service animal, based on
14 the animal’s size, age, physical condition, or thickness of the
15 animal’s hair or fur; or (2) when the outdoor ambient temperature is
16 90 degrees Fahrenheit or above, or a dog, domestic companion
17 animal, or service animal is exposed to direct sunlight, hot
18 pavement, or heat, that a person should reasonably know would
19 pose an adverse risk to the health or safety of the animal, based on
20 the animal’s size, age, physical condition, or thickness of the
21 animal’s hair or fur.

22 “Animal rescue organization” means an animal rescue
23 organization as defined in section 1 of P.L.1941, c.151 (C.4:19-
24 15.1).

25 “Animal rescue organization facility” means an animal rescue
26 organization facility as defined in section 1 of P.L.1941, c.151
27 (C.4:19-15.1).

28 “Domestic companion animal” means any animal commonly
29 referred to as a pet that was bought, bred, raised, or otherwise
30 acquired, in accordance with local ordinances and State and federal
31 law, for the primary purpose of providing companionship to the
32 owner, rather than for business or agricultural purposes.

33 “Kennel” means a kennel as defined in section 1 of P.L.1941,
34 c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941,
35 c.151 (C.4:19-15.8).

36 “Pet shop” means a pet shop as defined in section 1 of P.L.1941,
37 c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941,
38 c.151 (C.4:19-15.8).

39 “Pound” means a pound as defined in section 1 of P.L.1941,
40 c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941,
41 c.151 (C.4:19-15.8).

42 “Proper shelter” means a structure or other type of protection
43 that conforms to the standards and requirements set forth in section
44 5 of this act.

45 “Service animal” means a service animal as defined pursuant to
46 subsection e. of section 1 of P.L.2013, c.205 (C.2C:29-3.2), or an
47 animal used for any therapeutic purpose.

1 “Shelter” means a shelter as defined in section 1 of P.L.1941,
2 c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941,
3 c.151 (C.4:19-15.8).

4 “Tether” means to fasten a dog with a cable, chain, rope, or other
5 similar object to a stationary object, including, but not limited to, a
6 doghouse, tree, stake, pole, fence, or wall, or to a device that is
7 mobile including, but not limited to, a trolley or pulley, in order to
8 restrict the dog’s movement. “Tether” also means the cable, chain,
9 rope, or other similar object used to fasten a dog, as applicable.

10
11 2. a. Except as provided in subsections b. and c. of this
12 section, it is unlawful to expose any dog, domestic companion
13 animal, or service animal to adverse weather conditions for more
14 than 15 minutes, unless the animal has continuous access to proper
15 shelter, as set forth in section 5 of this act.

16 b. It is unlawful, under any circumstances, to leave outdoors
17 and unattended any dog, domestic companion animal, or service
18 animal when evacuation of the area has been recommended by State
19 or local law enforcement due to weather or other emergency
20 conditions. If possible, a dog, domestic companion animal, or
21 service animal shall be evacuated with the animal’s owner. If
22 evacuation with the owner is not an option, the dog, domestic
23 companion animal, or service animal shall be:

24 (1) delivered to a licensed kennel, shelter, or pound, temporary
25 animal shelter established for the purposes of the emergency, or
26 other suitable animal care facility established by law enforcement or
27 an animal welfare organization; or

28 (2) secured in an indoor area as protective of the dog, domestic
29 companion animal, or service animal as possible under the
30 circumstances, and that meets as many of the requirements of
31 proper shelter as set forth in section 5 of this act as possible.

32 c. The requirements of subsection a. of this section shall not
33 apply to a dog, domestic companion animal, or service animal that
34 is with the animal’s owner or person with custody or control over
35 the animal who:

36 (1) is exposed to the same adverse weather conditions as the dog,
37 domestic companion animal, or service animal; and

38 (2) can see the animal at all times while the animal is exposed to
39 the adverse weather conditions, unless the animal’s owner or person
40 with custody or control over the animal is visually impaired, in
41 which case, the owner or other person with custody or control over
42 the animal shall remain in proximity to the animal so as to ensure
43 awareness of the animal’s condition at all times while the animal
44 and the owner or other person are exposed to the adverse weather
45 conditions.

46 d. The requirements of subsections a. and b. of this section shall
47 not apply to any cat living outside with no apparent owner,
48 commonly referred to as, or considered to be, a feral cat.

- 1 3. a. It is unlawful for any person to cruelly restrain a dog.
2 b. A person cruelly restrains a dog if the person tethers a dog:
3 (1) which is a nursing female, or which is less than four months
4 old;
5 (2) outdoors between the hours of 11 p.m. and 5 a.m.;
6 (3) in an unoccupied building or upon vacant property;
7 (4) in a manner that does not permit the dog continuous access to
8 water in a sanitary and liquid state whenever the dog is tethered for
9 more than 15 minutes;
10 (5) in a manner that exposes the dog to adverse weather
11 conditions for more than 15 minutes, unattended;
12 (6) by means of a choke collar, prong collar, head harness, or any
13 other type of collar, harness, or similar device other than a properly
14 fitted body harness or buckle-type collar;
15 (7) by using a chain with metal links that are more than one-
16 quarter of an inch thick, or a tether, collar, or harness to which a
17 weight is attached;
18 (8) with a tether that is less than 15 feet in length or which does
19 not permit the dog to walk at least 15 feet in any one direction;
20 (9) with a tether on which more than one dog is restrained; or
21 (10) with a tether that permits the dog to reach another dog or an
22 object or location that poses a risk of entanglement, strangulation,
23 drowning, or other harm to the health or safety of the dog,
24 including, but not limited to, another dog's tether or a window sill,
25 fence, wall, porch, terrace railing, vehicle, tree, pole, pool, or public
26 road or highway.
27 c. Paragraphs (8) and (10) of subsection b. of this section shall
28 not apply if the owner or person with custody or control of the dog
29 is with the dog wherever the dog is tethered, and the dog is not out
30 of the sight of the owner or person with custody or control of the
31 dog at any time while the dog is tethered. If the owner or person
32 with custody or control over the animal is visually impaired,
33 paragraphs (8) and (10) of subsection b. of this section shall not
34 apply if the owner or person with custody or control of the dog is
35 with the dog wherever the dog is tethered, and the owner or other
36 person with custody or control over the dog is close enough to the
37 dog while the dog is tethered to prevent injury to the dog and to be
38 aware of the dog's condition at all times while the dog is tethered.
39
40 4. a. It is unlawful to confine a dog, domestic companion
41 animal, or service animal in any structure, room, area, or container
42 that does not comply with the standards and requirements of proper
43 shelter as set forth in section 5 of this act, except as provided in
44 subsections b. and c. of this section.
45 b. Notwithstanding the requirements of paragraph (1) of
46 subsection a. of section 5 of this act, a person may confine a dog,
47 domestic companion animal, or service animal temporarily in an
48 animal carrier or crate for the purpose of transport, provided that

1 the animal is at all times inside the vehicle during transport, and the
2 head of the dog, domestic companion animal, or service animal
3 cannot touch the ceiling of the animal carrier or crate when the
4 animal is in a normal sitting or standing position in the animal
5 carrier or crate, and the dog, domestic companion animal, or service
6 animal can easily turn around in a full circle and lie down on its
7 side with limbs outstretched in the animal carrier or crate.

8 c. Subsection a. of this section shall not apply to:

9 (1) a facility maintained and used in connection with the
10 practice of veterinary medicine pursuant to R.S.45:16-1 et seq.; or

11 (2) a kennel, pet shop, shelter, or pound subject to the rules and
12 regulations adopted pursuant to section 14 of P.L.1941, c.151
13 (C.4:19-15.14) pertaining to the sanitary operation of kennels, pet
14 shops, shelters, and pounds, which is operating in compliance with
15 those rules and regulations.

16

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

20 (1) It provides at all times (a) adequate ventilation to allow the
21 dog, domestic companion animal, or service animal to remain dry
22 and maintain a normal body temperature, (b) access to water in a
23 sanitary and liquid state, (c) exposure to natural or artificial light
24 according to a regular cycle of day and night, (d) sufficient space so
25 that the dog, domestic companion animal, or service animal can
26 easily turn around in a full circle and lie down on its side with limbs
27 outstretched, and (e) at least three inches of empty space above the
28 head of the dog, domestic companion animal, or service animal
29 when the animal is in a normal sitting or standing position in the
30 proper shelter;

31 (2) It is maintained in a manner to minimize the accumulation of
32 any waste, other debris, precipitation, or other moisture inside,
33 surrounding, and underneath any area or structure providing proper
34 shelter, and provides reasonable protection from flooding;

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

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

39 (5) In the event of adverse weather conditions as set forth in
40 paragraph (1) of the definition of that term in section 1 of this act, it
41 is an enclosed structure that has (a) a solid roof, solid walls with a
42 single opening no larger than necessary to allow the dog, domestic
43 companion animal, or service animal to comfortably enter and exit
44 the structure, and a floor that is not the ground, and (b) insulation,
45 dry bedding, and a windbreak at the entrance that are sufficient to
46 keep the dog, domestic companion animal, or service animal dry
47 and maintain the animal's normal body temperature; and

1 (6) In the event of adverse weather conditions as set forth in
2 paragraph (2) of the definition of that term in section 1 of this act, it
3 provides the dog, domestic companion animal, or service animal
4 with adequate shade by natural or artificial means to allow the
5 animal to maintain a normal body temperature.

6 b. Any part of the residence of an owner or other person with
7 custody or control of a dog, domestic companion animal, or service
8 animal shall be proper shelter for a dog, domestic companion
9 animal, or service animal, provided that the part of the residence,
10 and the use thereof, are in compliance with the requirements for
11 proper shelter set forth in this section.

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

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

16 (2) the space under a vehicle;

17 (3) the inside of a vehicle if the dog, domestic companion
18 animal, or service animal is kept in the vehicle in a manner or for a
19 length of time that a person should reasonably know poses an
20 adverse risk to the health or safety of the animal; or

21 (4) any structure or protection (a) made from pressure-treated
22 wood, (b) with a floor consisting of wire or chain-link or having
23 openings through which a dog's paw, or the paw, hoof, or foot of a
24 domestic companion animal or service animal, as applicable, can
25 pass, or (c) that is located outdoors and is made from cardboard or
26 other materials that are easily degraded by the elements.

27

28 6. a. Notwithstanding the provisions of any other law, or any
29 rule or regulation adopted pursuant thereto, to the contrary, upon a
30 showing of probable cause that there has been a violation of this
31 act, a court of competent jurisdiction shall issue, upon request, a
32 warrant to any humane law enforcement officer or agent of the New
33 Jersey Society for the Prevention of Cruelty to Animals or county
34 society for the prevention of cruelty to animals, certified animal
35 control officer, or other State or local law enforcement officer to
36 enter onto the private property where a dog, domestic companion
37 animal, or service animal is located and take physical custody of the
38 animal.

39 b. Notwithstanding the provisions of any other law, or any rule
40 or regulation adopted pursuant thereto, to the contrary, any humane
41 law enforcement officer or agent of the New Jersey Society for the
42 Prevention of Cruelty to Animals or county society for the
43 prevention of cruelty to animals, certified animal control officer, or
44 other State or local law enforcement officer may immediately enter
45 onto private property where a dog, domestic companion animal, or
46 service animal is located and take physical custody of the animal, if
47 the officer or agent has reasonable suspicion to believe that the
48 animal is at risk of imminent harm due to a violation of this act.

1 c. Upon taking physical custody of a dog, domestic companion
2 animal, or service animal pursuant to subsection a. or b. of this
3 section, the person taking physical custody of the animal shall: (1)
4 post immediately, in a conspicuous place at the location where the
5 dog, domestic companion animal, or service animal was taken, the
6 notice required pursuant to subsection d. of this section to the owner
7 or person with custody or control of the dog, domestic companion
8 animal, or service animal; and (2) send by registered, certified, or
9 ordinary mail the notice described in subsection d. of this section to
10 the address of the location where the dog, domestic companion
11 animal, or service animal was taken into physical custody.

12 d. The notice required pursuant to subsection c. of this section
13 shall: (1) provide a description of the dog, domestic companion
14 animal, or service animal; (2) state that the dog, domestic
15 companion animal, or service animal may be euthanized upon a
16 veterinarian's written determination of medical necessity as
17 required by subsection e. of this section; (3) state the statutory
18 authority and reason for taking custody of the dog, domestic
19 companion animal, or service animal; and (4) provide contact
20 information, including at least the name of any applicable office or
21 entity, the name of a person at that office or entity, and a telephone
22 number for the owner or person with custody or control of the dog,
23 domestic companion animal, or service animal to obtain
24 information concerning the animal, the alleged violation, and where
25 the animal is impounded.

26 e. A dog, domestic companion animal, or service animal taken
27 into physical custody pursuant to subsection a. or b. of this section
28 shall be placed in a licensed shelter, pound, or kennel operating as a
29 shelter or pound to ensure the humane care and treatment of the
30 animal. If, after the dog, domestic companion animal, or service
31 animal has been taken into physical custody, a licensed veterinarian
32 makes a written determination that the animal is in intractable and
33 extreme pain and beyond any reasonable hope of recovery with
34 reasonable veterinary medical treatment, the animal may be
35 euthanized. At any time while the licensed shelter, pound, or
36 kennel operating as a shelter or pound has custody and control of
37 the dog, domestic companion animal, or service animal, it may
38 place the animal in an animal rescue organization facility or a foster
39 home if it determines the placement is in the best interest of the
40 animal.

41 f. As soon as practicable after taking physical custody of a
42 dog, domestic companion animal, or service animal, the person
43 taking custody shall issue, or have issued, a summons to the alleged
44 violator. If the alleged violator is not the owner of the dog,
45 domestic companion animal, or service animal, the person issuing
46 the summons shall also notify the owner of the animal of the
47 violation and provide the owner with a copy of the issued summons.

48 Any summons issued for a violation of this act shall contain:

- 1 (1) a description of the violation and statutory authority;
- 2 (2) the penalty for the violation;
- 3 (3) contact information identifying, at a minimum (a) the name
- 4 of the investigating agency or office; (b) the name of the officer or
- 5 agent issuing the summons or investigating the alleged violation;
- 6 and (c) a telephone number for the investigating agency or office
- 7 and the investigating officer or agent;
- 8 (4) notice of the right to voluntarily forfeit ownership or custody
- 9 of the dog, domestic companion animal, or service animal;
- 10 (5) the action or actions required for compliance; and
- 11 (6) a written demand for immediate compliance.
- 12 g. Any humane law enforcement officer or agent of the New
- 13 Jersey Society for the Prevention of Cruelty to Animals or county
- 14 society for the prevention of cruelty to animals, certified animal
- 15 control officer, or other State or local law enforcement officer may
- 16 petition a court of competent jurisdiction to have a dog, domestic
- 17 companion animal, or service animal confiscated, if not previously
- 18 seized, and forfeited upon the person being found guilty of, or liable
- 19 for, a violation of this act. Upon a finding that continued
- 20 possession of the dog, domestic companion animal, or service
- 21 animal by the owner or other person authorized to have custody or
- 22 control of the animal poses a threat to the health or safety of the
- 23 animal, the court shall order that the animal be forfeited, placed in
- 24 an animal rescue organization facility, shelter, pound, or kennel
- 25 operating as a shelter or pound, and made available for adoption.
- 26 h. A person found guilty of, or liable for, a violation of any
- 27 provision of this act shall be responsible for, and pay, the
- 28 reasonable costs of caring for the dog, domestic companion animal,
- 29 or service animal from the date on which physical custody of the
- 30 animal was taken pursuant to this section until the date the animal is
- 31 surrendered, forfeited, returned, or euthanized, including, but not
- 32 limited to, the cost of transporting, sheltering, and feeding the
- 33 animal, the cost of providing the animal with necessary veterinary
- 34 care, and if the animal is euthanized, the cost of the euthanasia.
- 35
- 36 7. a. A violation of section 2, 4, or 5 of this act shall constitute
- 37 failure to provide necessary care pursuant to R.S.4:22-17 and
- 38 R.S.4:22-26, and a violator shall be subject to the applicable
- 39 penalties set forth in those sections.
- 40 b. A person who violates section 3 of this act shall be subject
- 41 to:
- 42 (1) for a first offense, at the discretion of the court, a fine of
- 43 \$100, or imprisonment for a term of not more than 30 days, or both;
- 44 and
- 45 (2) for a second offense, at the discretion of the court, a fine of
- 46 \$200, or imprisonment for a term of not more than 30 days, or both.
- 47 For a third or subsequent offense, the offense shall constitute
- 48 failure to provide necessary care pursuant to R.S.4:22-17 and

1 R.S.4:22-26, and a violator shall be subject to the applicable
2 penalties set forth in those sections.

3 Except as provided otherwise for a third or subsequent offense
4 pursuant to this subsection, a person who violates section 3 of this
5 act shall not be deemed to also have violated any applicable
6 provision of Title 2C of the New Jersey Statutes or chapter 19 or 22
7 of Title 4 of the Revised Statutes for the same act or activity.

8 c. Beginning 24 hours after receipt of a notice of violation
9 pursuant to section 6 of this act, each day that the owner or other
10 person with custody or control of the dog, domestic companion
11 animal, or service animal is still in possession of the animal and
12 fails to comply with the requirements of this act shall constitute a
13 separate offense.

14 d. A court may, in its discretion, reduce the amount of any fine
15 imposed for a violation of section 5 of this act by the amount the
16 owner or other person with custody or control of the dog, domestic
17 companion animal, or service animal spends on bringing the shelter
18 for the dog, domestic companion animal, or service animal into
19 compliance with this act. The owner or other person with custody
20 or control of the dog, domestic companion animal, or service
21 animal, as applicable, shall provide documentation of the costs in a
22 form prescribed by the court.

23

24 8. No provision of this act, or any rule or regulation adopted
25 pursuant thereto, shall be construed or applied to limit any
26 protection afforded to any dog pursuant to Title 2C of the New
27 Jersey Statutes or any other federal or State law, or rule or
28 regulation adopted pursuant thereto, or any local ordinance,
29 resolution, or regulation.

30

31 9. This act shall take effect immediately.

32

33

34

STATEMENT

35

36 This floor substitute establishes as animal cruelty offenses of
37 failure to provide necessary care pursuant to R.S.4:22-17 and
38 R.S.4:22-26 the following:

39 1) leaving any dog, domestic companion animal, or service
40 animal outdoors under adverse weather conditions, except if the
41 animal is provided readily available access to proper shelter;

42 2) leaving any dog, domestic companion animal, or service
43 animal outdoors when evacuation of the area has been
44 recommended by State or local law enforcement due to weather or
45 other emergency conditions; and

46 3) improper confinement of any dog, domestic companion
47 animal, or service animal as provided in section 4 of the floor
48 substitute.

1 The floor substitute also establishes the offense of cruelly
2 restraining a dog as described under section 3 of the floor
3 substitute, with fines and penalties specified in section 7 of the floor
4 substitute.

5 The floor substitute defines “adverse weather conditions” as:

6 1) when the outdoor ambient temperature is 32 degrees
7 Fahrenheit or below, or there are other outdoor environmental
8 conditions, including, but not limited to, wind, rain, snow, ice, sleet,
9 hail, or cold, that a person should reasonably know would pose an
10 adverse risk to the health or safety of a dog, domestic companion
11 animal, or service animal, based on the animal’s size, age, physical
12 condition, or thickness of the animal’s hair or fur; or

13 2) when the outdoor ambient temperature is 90 degrees
14 Fahrenheit or above, or a dog, domestic companion animal, or
15 service animal is exposed to direct sunlight, hot pavement, or heat,
16 that a person should reasonably know would pose an adverse risk to
17 the health or safety of the animal, based on the animal’s size, age,
18 physical condition, or thickness of the animal’s hair or fur.

19 The requirements and standards for proper shelter are described
20 and enumerated in section 5 of the floor substitute.

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Governor Christie Takes Action On Pending Legislation

Monday, August 7, 2017

Tags: [Bill Action](#)

Trenton, NJ - Governor Chris Christie today announced that he has taken action on the following pending legislation:

BILL SIGNINGS:

S-169/A-4329 (Bateman/McKeon, Zwicker) - Allows certain emergency squad volunteers holding municipal elective office to vote on emergency squad concerns

S-452/A-838 (Sacco, Greenstein/Jimenez, Moriarty) - Requires waiver of dealer obligation regarding necessary repairs impacting vehicle inspection to include description of known defects

S-678/A-4967 (Rice/Watson, Tucker, Caputo) - Requires local government units to certify compliance with certain federal hiring requirements when filing annual budgets

S-726/A-4460 (Cruz-Perez, Oroho/Jones, Mosquera, Downey, Johnson) – Extends full protection of Law Against Discrimination to persons having liability for service in Armed Forces of United States; guarantees equal employment opportunity in State contracting to all veterans

S-996wGR/A-1378 (Rice, Van Drew, Turner/Muoio, Benson, Pintor Marin, Quijano, Schaer) – Requires report on status of lead-safe program in DCA

S-1219/A-936 (Holzapfel, Allen/Wolfe, McGuckin, Oliver, Giblin, Wimberly) - Requires reporting of suspected abuse of institutionalized elderly to police and that facility employees receive notice of reporting requirement annually; designated as "Peggy's Law"

S-1359/A-4096 (A.R. Bucco, Stack/A.M. Bucco, Vainieri Huttie, McKnight, Mazzeo) - Guarantees full and equal access to all housing to disabled persons who retain their retired service or guide dog as a pet, and who also obtain a new service or guide dog

S-1497/A-3225 (A.R. Bucco, Pennacchio/Dancer, Clifton, Munoz, A.M. Bucco) - Designates Killed in Action flag as an official State flag; mandates it be displayed at certain public buildings

SCS for S-1640, 1642, 1013/AS AS ACS for A-3152, 3154, 2426 (Van Drew, Holzapfel, Singer, Turner/Andrzejczak, McGuckin, Land, Wolfe, Vainieri Huttie, Taliaferro, Benson) - Establishes requirements concerning necessary care of dogs, domestic companion animals, and service animals, and for tethering of dogs

S-1660/A-770 (Van Drew, Cruz-Perez/Andrzejczak, Land, Houghtaling, DeAngelo, Johnson) - Provides for voluntary contributions by taxpayers on gross income tax returns for maintenance of certain State memorials honoring war veterans

S-1731/A-2368 (Gordon, Allen/Vainieri Huttie) - Permits municipality to establish civil penalty for smoking in public places

S-1739/A-2167 (Turner, Diegnan/Johnson, Vainieri Huttie, Wimberly) - Establishes sexual assault training requirements for law enforcement officers

S-1750/A-2729 (Madden, Cruz-Perez/A.M. Bucco, DeAngelo, Space, Mosquera, Wisniewski, DeCroce, Mukherji, Jones) - Establishes special motorcycle license plates for veterans

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S-1808/A-3342 (Van Drew, Diegnan/Karabinchak) - Designates striped bass as NJ State Saltwater Fish; redesignates brook trout as NJ Freshwater Fish

S-2153/A-3520 (Gordon/Eustace, Sumter, Wimberly, Vainieri Huttie, Johnson) – Requires NJTA to study impact of constructing rail stations at certain park and ride facilities

S-2369/A-4152 (Whelan, Van Drew, Connors/Andrzejczak, Mazzeo, Land, Burzichelli) - Limits application of DEP shellfish habitat rules for certain dredging activities

S-2457/A-3999 (Van Drew, Oroho/Houghtaling, Andrzejczak, Mazzeo, Space, Downey) - Enables collection of voluntary contributions for Jersey Fresh Program through gross income tax returns

S-2578/A-4239 (Cunningham, Pou, Gordon/Sumter, Jasey, Benson, Muoio, Downey, Mukherji) - Revises New Jersey College Loans to Assist State Students Loan Program to require applicants first exhaust federal student loans, require income verification, and limit total student loan amounts

S-2884/A-4484 (Whelan, Greenstein/Eustace, Quijano, Chiaravalloti, Caride) - Declares that deed restrictions or agreements that prevent raising or constructing of a structure to certain flood elevation standards are unenforceable

S-2892/A-5042 (Sweeney/Giblin) - Exempts certain real estate brokers, broker-salespersons and salespersons from continuing education requirement

S-3074/A-4586 (Lesniak, Turner/Johnson, Oliver, Holley, Chiaravalloti) - Establishes gubernatorial veto power over Waterfront Commission of New York Harbor's meeting minutes; expands gubernatorial oversight powers over commission

S-3244/A-4854 (Sweeney, Allen/Singleton, Burzichelli, Taliaferro) - Designates portion of Interstate Highway Route 295 in West Deptford Township as "State Trooper Sean E. Cullen Memorial Highway"

A-445/S-1661 (Mazzeo, Pinkin, DeAngelo, Chiaravalloti/Van Drew, A.R. Bucco) - Provides for voluntary contributions by taxpayers on gross income tax returns for the NJ World War II Veterans' Memorial Fund

A-1185/S-2771 (Mosquera, Holley, Moriarty, Quijano/Cruz-Perez, Van Drew) - Requires State Comptroller to report findings of audit compliance reviews

A-1199/S-1326 (Mosquera, Moriarty, Lagana, Zwicker, Downey/Turner, Oroho) - Permits a victim or witness of any age to testify by closed circuit television under certain circumstances in prosecutions for domestic violence, sexual assault, and certain other crimes

ACS for A-1690/SCS SCS for S-660, 2002 (Dancer, Singleton, Andrzejczak, Land, Benson, Moriarty, Houghtaling/Turner, Beach, Van Drew) - Allows fire district elections to be moved to November; eliminates certain fire district budget referenda; and eliminates certain fire district capital purchase referenda

A-1953/S-2448 (Coughlin, Lagana, Muoio, Benson, Houghtaling, Danielsen, Mukherji/Vitale, Whelan) - Allows installment payments for senior and disabled property taxpayers to repay overpayments of homestead credits and homestead property tax reimbursements

A-1955/SCS for S-1795 (Jones, Lampitt, Phoebus, Space/A.R. Bucco, Oroho) - Provides for voluntary discharge of personal representatives overseeing administration of estates by application to the Surrogate's Court

A-2176/S-156 (Taliaferro, Eustace, Benson, Mazzeo, Chiaravalloti/Madden, Ruiz) - Criminalizes possession and sale of alpha-pyrrolidinopentophenone (alpha-PVP), commonly known as "flakka" or "flocka"

A-3056/SCS for S-2360, 3030 (Taliaferro, Dancer, Houghtaling, Space, Andrzejczak, Webber/Allen, Greenstein, Bateman, Smith, Wimberly) – Requires DEP to establish voluntary guidelines for K-12 schools and institutions of higher education to reduce, recover, and recycle food waste; extends "Food Bank Good Samaritan Act" immunity protections to public and nonpublic schools.

A-3058/S-2366 (Space, Taliaferro, Dancer, Houghtaling, Andrzejczak/Oroho, Ruiz) - Establishes Farm to School Coordinating Council

A-3381 (McKnight, Holley, Vainieri Huttie, Houghtaling, Chiaravalloti, Quijano, Gordon) – Authorizes municipal volunteer programs for free removal of snow from certain residential properties occupied by seniors or disabled persons.

A-3386/S-2711 (Schaer, Vainieri Huttie, Chiaravalloti, Caride, Mukherji, Wimberly/Vitale, Rice) - Provides protections for children under the age of 18 with developmental disabilities and individuals with developmental disabilities ages 18-21 receiving services from Division of Children's System of Care

A-3437/S-1076 (DeAngelo, Gusciora, Land, Andrzejczak/Turner) - Designates "Garden State" as State Slogan

A-3896/S-2790 (Sumter, Mukherji, Pintor Marin/Scutari, Turner) - Concerns sale of certain tires

A-3908/S-3021 (Mazzeo, DeAngelo, Mukherji, Houghtaling, Quijano/Whelan, T. Kean) - Establishes 9/11 Memorial Registry

A-3911/S-2863 (Wisniewski, Vainieri Huttie, Mukherji/Cardinale, Pennacchio) - Provides that motor vehicle registration expires on registrant's numerical calendar day of birth

A-4164/S-2588 (Houghtaling, Downey, Holley, Muoio, Webber/Van Drew, Cruz-Perez) - Requires State Auditor to annually report on unspent State account balances

A-4206/S-2676 (Karabinchak, Prieto, Webber, Holley/Diegnan, A.R. Bucco) - Requires candidates for election to school board to file with their nominating petitions specific affirmation that they have not been convicted of crimes that would disqualify them from office

A-4230/S-3141 (Conaway, O'Scanlon, Mukherji, Pintor Marin/Codey) - Requires health insurance carriers; SHBP, and SEHBP to inform covered persons about organ and tissue donation

ACS for A-4432/SCS for S-2841 (Schaer, Lampitt, Benson, Singleton, Chiaravalloti, Wimberly/Cunningham) - Provides increased tax credit amounts under Grow New Jersey Assistance Program for certain businesses that have collaborative research relationships with colleges or universities

A-4542/S-2986 (Mazzeo, Johnson, Land, Andrzejczak, DeCroce/Van Drew) - Designates portion of State Highway Route 55 as "State Trooper Frankie L. Williams Memorial Highway"

A-4580/S-2989 (Taliaferro, Burzichelli, Quijano, Houghtaling/Lesniak, Oroho) - Appropriates \$2,900,000 from "2009 Farmland Preservation Fund" for grants to certain nonprofit organizations for farmland preservation purposes

A-4581/S-2987 (Houghtaling, Andrzejczak, Singleton, Downey/Cruz-Perez, Oroho) - Appropriates \$22,385,743 to State Agriculture Development Committee for farmland preservation purposes

A-4582/S-2990 (Andrzejczak, Mazzeo, Taliaferro, Zwicker, Houghtaling/Whelan, Van Drew) - Appropriates \$32.5 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for county planning incentive grants

A-4584/S-2988 (Zwicker, Taliaferro, Burzichelli, Houghtaling/Sweeney) - Appropriates \$7,500,000 from constitutionally dedicated CBT revenues for planning incentive grants to municipalities for farmland preservation purposes

A-4630/S-1938 (Jones/Cruz-Perez) - Repeals law regulating charges assessed by a miller for grinding grain

A-4673/S-3095 (Houghtaling, Downey/Van Drew) - Concerns assessment of buildings or structures on real property located in certain counties following material depreciation thereof

A-4713/S-3235 (Burzichelli, Prieto, Gusciora, DeAngelo, Benson/Kyrillos, Whelan) - Designates building where NJEDA is located in memory of Caren Franzini to commemorate her outstanding service to State

A-4895/S-3056 (Egan, Sumter, Pinkin/Cunningham) - Eliminates UI exemption for interns employed by hospitals

BILL VETOED:

S-2214/A-3847 (Turner, Cunningham/Lampitt, Mukherji, Johnson, Eustace) - CONDITIONAL - Requires institutions of higher education and proprietary degree-granting institutions to improve transparency of tuition and fees

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