

4:22-24 et al
LEGISLATIVE HISTORY CHECKLIST

NJSA: 4:22-24 et al

(Animals-fighting
or ~~poisoning~~ *baiting* --
increase
penalties)

LAWS OF: 1989

CHAPTER: 35

Bill No: A1416

Sponsor(s): Randall

Date Introduced: Pre-filed

Committee: Assembly: Conservation, Natural Resource & Energy

Senate: Natural Resources & Agriculture

Amended during passage: No

Date of Passage: Assembly: March 14, 1988

Senate: January 23, 1989

Date of Approval: March 7, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clipping --attached:

"Kean enacts law increasing the penalties." 3-8-89 Star Ledger

[CORRECTED COPY]

ASSEMBLY, No. 1416

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblywoman RANDALL

1 AN ACT concerning the fighting or baiting of living animals or
creatures and amending R.S. 4:22-24, R.S. 4:22-26, R.S.
3 4:22-28, R.S. 4:22-47, and R.S. 4:22-48, and supplementing
chapter 22 of Title 4 of the Revised Statutes.

5

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

1. R.S. 4:22-24 is amended to read as follows:

9 4:22-24. A person who shall:

a. Keep, use, be connected with or interested in the
11 management of, or receive money for the admission of a person
to, a place kept or used for the purpose of fishing or baiting a
13 living animal or creature;

b. Be present and witness, pay admission to, encourage or
15 assist therein; [or]

c. Permit or suffer a place owned or controlled by him to be so
17 used;

d. For amusement or gain, cause, allow, or permit the fighting
19 or baiting of a living animal or creature;

e. Own, possess, keep, train, promote, purchase, or knowingly
21 sell a living animal or creature for the purpose of fighting or
baiting that animal or creature; or

f. Gamble on the outcome of a fight involving a living animal
23 or creature--

25 Shall be guilty of a [misdemeanor, and for every such offense
shall be fined not more than one thousand dollars, or be
27 imprisoned at hard labor not more than two years, or both, in the
discretion of the court] crime of the third degree.

29 (cf: R.S. 4:22-24)

2. R.S. 4:22-26 is amended to read as follows:

31 4:22-26. A person who shall:

a. Overdrive, overload, drive when overloaded, overwork,

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 torture, torment, deprive of necessary sustenance, or cruelly beat
2 or otherwise abuse or needlessly mutilate or kill a living animal
3 or creature;
- 4 b. Cause or procure to be done by his agent, servant, employee
5 or otherwise an act enumerated in subsection "a." of this section;
- 6 c. Inflict unnecessary cruelty upon a living animal or creature
7 of which he has charge or custody either as owner or otherwise,
8 or unnecessarily fail to provide it with proper food, drink, shelter
9 or protection from the weather;
- 10 d. Receive or offer for sale a horse which by reason of
11 disability, disease or lameness, or any other cause, could not be
12 worked without violating the provisions of this article;
- 13 e. Keep, use, be connected with or interested in the
14 management of, or receive money or other consideration for the
15 admission of a person to, a place kept or used for the purpose of
16 fighting or baiting a living animal or creature;
- 17 f. Be present and witness, pay admission to, encourage, aid or
18 assist in an activity enumerated in subsection "e." of this section;
- 19 g. Permit or suffer a place owned or controlled by him to be
20 used as provided in subsection "e." of this section;
- 21 h. Carry, or cause to be carried, a living animal or creature in
22 or upon a vehicle or otherwise, in a cruel or inhuman manner;
- 23 i. Use a dog or dogs for the purpose of drawing or helping to
24 draw a vehicle for business purposes;
- 25 j. Impound or confine or cause to be impounded or confined in
26 a pound or other place a living animal or creature, and shall fail
27 to supply it during such confinement with a sufficient quantity of
28 good and wholesome food and water;
- 29 k. Abandon a maimed, sick, infirm or disabled animal or
30 creature to die in a public place;
- 31 l. Willfully sell, or offer to sell, use, expose, or cause or
32 permit to be sold or offered for sale, used or exposed, a horse or
33 other animal having the disease known as glanders or farcy, or
34 other contagious infectious disease dangerous to the health or life
35 of human beings or animals, or who shall, when any such disease
36 is beyond recovery, refuse, upon demand, to deprive the animal of
37 life;
- 38 m. Own, operate, manage or conduct a roadside stand or
39 market for the sale of merchandise along a public street or

1 highway; or a shopping mall, or a part of the premises thereof;
and keep a living animal or creature confined, or allowed to roam
3 in an area whether or not the area is enclosed, on these premises
as an exhibit; except that this subsection shall not be applicable
5 to: a pet shop licensed pursuant to P.L. 1941, c. 151 (C.4:19-15.1
et seq.); a person who keeps an animal, in a humane manner, for
7 the purpose of the protection of the premises; or a recognized
breeder's association, a 4-H club, an educational agricultural
9 program, an equestrian team, a humane society or other similar
charitable or nonprofit organization conducting an exhibition,
11 show or performance;

n. Keep or exhibit a wild animal at a roadside stand or market
13 located along a public street or highway of this State; a gasoline
station; or a shopping mall, or a part of the premises thereof;

15 o. Sell, offer for sale, barter or give away or display live baby
chicks, ducklings or other fowl or rabbits, turtles or chameleons
17 which have been dyed or artificially colored or otherwise treated
so as to impart to them an artificial color;

19 p. Use any animal, reptile, or fowl for the purpose of soliciting
any alms, collections, contributions, subscriptions, donations, or
21 payment of money except in connection with exhibitions, shows
or performances conducted in a bona fide manner by recognized
23 breeders' associations, 4-H clubs or other similar bona fide
organizations;

25 q. Sell or offer for sale, barter, or give away living rabbits,
turtles, baby chicks, ducklings or other fowl under 2 months of
27 age, for use as household or domestic pets;

r. Sell, offer for sale, barter or give away living baby chicks,
29 ducklings or other fowl, or rabbits, turtles or chameleons under 2
months of age for any purpose not prohibited by subsection q. of
31 this section and who shall fail to provide proper facilities for the
care of such animals;

33 s. Artificially mark sheep or cattle, or cause them to be
marked, by cropping or cutting off both ears, cropping or cutting
35 either ear more than 1 inch from the tip end thereof, or half
cropping or cutting both ears or either ear more than 1 inch from
37 the tip end thereof, or who shall have or keep in his possession
sheep or cattle, which he claims to own, marked contrary to this
39 subsection unless they were bought in market or of a stranger;

1 t. Abandon a dog or cat;
2 u. For amusement or gain, cause, allow, or permit the fighting
3 or baiting of a living animal or creature;

4 v. Own, possess, keep, train, promote, purchase, or knowingly
5 sell a living animal or creature for the purpose of fighting or
6 baiting that animal or creature; or

7 w. Gamble on the outcome of a fight involving a living animal
8 or creature--

9 Shall forfeit and pay a sum not to exceed \$250.00 to be sued
10 for and recovered, with costs, in a civil action by any person in
11 the name of the New Jersey Society for the Prevention of
12 Cruelty to Animals.

13 (cf: P.L. 1983, c. 103, s. 2)

14 3. R.S. 4:22-28 is amended to read as follows:

15 4:22-28. The indictment of a person under the provisions of
16 this article, or the holding of a person to bail to await the action
17 of a grand jury or [County Court] court, shall not in any way
18 relieve him from his liability to be sued for the penalty in
19 paragraphs "e," "f," [and] "g," "u," "v," or "w" of section
20 4:22-26 of this Title.

21 (cf: P.L. 1953, c. 5, s. 65)

22 4. R.S. 4:22-47 is amended to read as follows:

23 4:22-47. A sheriff, undersheriff, constable, police officer or
24 agent of the New Jersey Society for the Prevention of Cruelty to
25 Animals, may enter any building or place where there is an
26 exhibition of the fighting or baiting of a living animal or
27 creature, [or] where preparations are being made for such an
28 exhibition, or where a violation otherwise of R.S. 4:22-24 is
29 occurring, arrest without warrant all persons there present, and
30 take possession of all living animals or creatures engaged in
31 fighting or there found and all implements or appliances used or
32 to be used in such exhibition.

33 (cf: R.S. 4:22-47)

34 5. R.S. 4:22-48 is amended to read as follows:

35 4:22-48. The person seizing animals, creatures, implements or
36 appliances as authorized in section 4:22-47 of this Title, shall,
37 within twenty-four hours thereafter, apply to a court of
38 competent jurisdiction to have the same forfeited and sold.

39 If, upon the hearing of the application, it is found and adjudged

1 that at the time of the seizure the animals, creatures,
implements or appliances were engaged or used in violation of
3 section 4:22-47 or paragraphs "e," "f," [and] "g," "u," "v," or
"w" of section 4:22-26 of this Title, or were owned, possessed or
5 kept with the intent that they should be so engaged or used, they
shall be adjudged forfeited, and the court shall order the same
7 sold in such manner as it shall deem proper, and after deducting
the costs and expenses, shall dispose of the proceeds as provided
9 in section 4:22-55 of this Title.

A bird or animal found or adjudged to be of no use or value may
11 be liberated or disposed of as directed by the court.

The costs of sheltering, caring for, treating, and if necessary,
13 destroying an animal or creature, including veterinary expenses
therefor, until the animal or creature is adjudged forfeited and
15 sold, liberated, or disposed of pursuant to this section shall be
borne by the owner of the animal or creature.

A creature or property which is adjudged not forfeited shall be
17 returned to the owner, and the person making the seizure shall
19 pay all costs and expenses thereof.

(cf: P.L. 1953, c. 5, s. 82)

21 6. (New section) a. A person authorized to take possession of
a living animal or creature pursuant to R.S. 4:22-47 may provide
23 such shelter, care, and treatment therefor, including veterinary
care and treatment, that is reasonably necessary, the costs of
25 which shall be borne by the owner of the seized animal or
creature.

27 b. Notwithstanding the provisions of R.S. 4:22-48 to the
contrary, a person seizing a living animal or creature pursuant to
29 R.S. 4:22-47 may destroy it before it is adjudged forfeited if the
animal or creature is thought to be beyond reasonable hope of
31 recovery, the cost of which destruction shall be borne by the
owner of the seized animal or creature. A person destroying an
33 animal or creature pursuant to the authority of this subsection
shall not be liable therefor to the owner of the animal or creature.

35 7. This act shall take effect immediately.

37 CRIMINAL JUSTICE

Animals - Domestic

39

Increases penalty for animal fighting.

1 SPONSOR'S STATEMENT

3 This bill would upgrade the offense of keeping a place for,
witnessing, or encouraging the fighting or baiting of living
5 animals or creatures from a crime of the fourth degree to a
crime of the third degree. The jail term for a conviction
7 therefor would thus increase from the present maximum of 18
months to between three and five years. The fine therefor
9 would continue to be a maximum of \$7,500,00. The bill also
expands criminal liability under the animal fighting act to
11 encompass those who cause, allow, or permit the fighting or
baiting of a living animal or creature, who keep, train, promote,
13 purchase, or knowingly sell animals for the purpose of fighting
or baiting them, or who gamble on the outcome of these fights,
15 and permits the New Jersey Society for the Prevention of
Cruelty of Animals to bring a civil action against any person
17 engaging in such activities. Finally, the bill provides that the
costs of sheltering, caring for, treating, and, if necessary,
19 destroying a seized animal or creature be borne by the owner
thereof.

21

23 CRIMINAL JUSTICE
Animals - Domestic

25

Increases penalty for animal fighting.

ASSEMBLY CONSERVATION, NATURAL RESOURCES
AND ENERGY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1416

STATE OF NEW JERSEY

DATED: FEBRUARY 29, 1988

A-1416 is reported favorably by the committee.

This bill would upgrade the offense of keeping a place for, witnessing, or encouraging the fighting or baiting of living animals or creatures from a crime of the fourth degree to a crime of the third degree. The jail term for a conviction therefor would thus increase from the present maximum of 18 months to between three and five years. The fine would continue to be a maximum of \$7,500. The bill would also expand criminal liability under the animal fighting act to encompass those who cause, allow, or permit the fighting or baiting of a living animal or creature, who keep, train, promote, purchase, or knowingly sell animals for the purpose of fighting or baiting them, or who gamble on the outcome of these fights. The bill would permit the New Jersey Society for the Prevention of Cruelty of Animals to bring a civil action against any person engaging in these activities. Finally, the bill provides that the costs of sheltering, caring for, treating, and, if necessary, destroying a seized animal or creature be borne by the owner thereof.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported the bill includes the changes required by technical review which has been performed.

SENATE NATURAL RESOURCES
AND AGRICULTURE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1416

STATE OF NEW JERSEY

DATED: JUNE 16, 1988

The Senate Natural Resources and Agriculture Committee favorably reported Assembly Bill No. 1416.

This bill would upgrade the offense of keeping a place for, witnessing, or encouraging the fighting or baiting of living animals or creatures from a crime of the fourth degree to a crime of the third degree. The jail term for a conviction therefor would thus increase from the present maximum of 18 months to between three and five years. The fine would continue to be a maximum of \$7,500. The bill would also expand criminal liability under the animal fighting act to encompass those who cause, allow, or permit the fighting or baiting of a living animal or creature, who keep, train, promote, purchase, or knowingly sell animals for the purpose of fighting or baiting them, or who gamble on the outcome of these fights. The bill would permit the New Jersey Society for the Prevention of Cruelty of Animals to bring a civil action against any person engaging in these activities. Finally, the bill provides that the costs of sheltering, caring for, treating, and, if necessary, destroying a seized animal or creature be borne by the owner thereof.