

# 4:22-17

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2001                    **CHAPTER:** 229  
**NJSA:** 4:22-17                (Criminalizes certain types of animal cruelty)  
**BILL NO:** S1515                (Substituted for A2698/2322 (AS))

**SPONSOR(S):** Cafiero and Allen

**DATE INTRODUCED:** September 14, 2000

**COMMITTEE:**                    **ASSEMBLY:** ----  
**SENATE:** Economic Growth

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**            **ASSEMBLY:** June 28, 2001  
**SENATE:** June 28, 2001

**DATE OF APPROVAL:** August 27, 2001

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (Senate Substitute (2R) enacted)

(Amendments during passage denoted by superscript numbers)

### S1515

**SPONSORS STATEMENT:**(Begins on page 6 of original bill)                    Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:**                    No

**SENATE:**                    Yes

**FLOOR AMENDMENT STATEMENTS:**                    Yes    3-26-2001

3-29-2001

**LEGISLATIVE FISCAL ESTIMATE:**                    No

**1<sup>st</sup> REPRINT:**                    Yes

**A2698/2322(AS)**

<b>ASSEMBLY FLOOR SUBSTITUTE</b> (statement on page 7):	Yes
<b>COMMITTEE STATEMENT:</b>	
<b>ASSEMBLY:</b>	No
<b>SENATE:</b>	No
<b>FLOOR AMENDMENT STATEMENT</b>	No
<b>LEGISLATIVE FISCAL NOTE:</b>	Yes

**A2698(ACS)**

<b>ASSEMBLY COMMITTEE SUBSTITUTE :</b>	Yes
<b>COMMITTEE STATEMENT:</b>	
<b>ASSEMBLY:</b>	Yes
<b>SENATE:</b>	No
<b>FLOOR AMENDMENT STATEMENTS</b>	No
<b>FISCAL ESTIMATE</b>	No

**A2698**

<b>SPONSORS STATEMENT:</b> (Begins on page 6 of original bill)	Yes
Bill and Sponsors Statement identical to S1515	
<b>COMMITTEE STATEMENT:</b>	
<b>ASSEMBLY:</b>	Yes
<b>SENATE:</b>	No
<b>FLOOR AMENDMENT STATEMENTS:</b>	No
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	No
<b>FINAL VERSION</b> (1 <sup>st</sup> reprint):	Yes

**A2322**

<b>SPONSORS STATEMENT:</b> (Begins on page 2 of original bill)	Yes
<b>COMMITTEE STATEMENT:</b>	
<b>ASSEMBLY:</b>	Yes
<b>SENATE:</b>	No
<b>FLOOR AMENDMENTS STATEMENT:</b>	No

**LEGISLATIVE FISCAL NOTE:**

Yes

**VETO MESSAGE:**

No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

Yes

"New law makes animal cruelty punishable by jail," 8-28-2001 Star Ledger, p.21

"Animal –cruelty puts teeth in fines," 8-29-2001 The Press,p.A1

# SENATE, No. 1515

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED SEPTEMBER 14, 2000

**Sponsored by:**

**Senator JAMES S. CAFIERO**

**District 1 (Cape May, Atlantic and Cumberland)**

**Senator DIANE ALLEN**

**District 7 (Burlington and Camden)**

**SYNOPSIS**

Makes certain acts of animal cruelty crimes of fourth degree; requires juveniles found guilty of any animal cruelty crime to receive court-ordered psychological counseling.

**CURRENT VERSION OF TEXT**

As introduced.



S1515 CAFIERO, ALLEN

2

1 AN ACT concerning animal cruelty and amending R.S.4:22-17 and  
2 R.S.4:22-26.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. R.S.4:22-17 is amended to read as follows:

8 a. A person who shall:

9 [a.] (1) Overdrive, overload, drive when overloaded, overwork,  
10 [torture, torment,] or deprive of necessary sustenance, [unnecessarily  
11 or cruelly beat or otherwise abuse, or needlessly mutilate or kill,] a  
12 living animal or creature;

13 [b.](2) Cause or procure any [of] such acts to be done; or

14 [c.](3) [Inflict unnecessary cruelty upon a living animal or  
15 creature of which he has charge either as owner or otherwise, or  
16 unnecessarily] Unnecessarily fail to provide [it]an animal or a  
17 creature of which the person has charge, either as an owner or  
18 otherwise, with proper food, drink, shelter or protection from the  
19 weather--

20 Shall be guilty of a disorderly persons offense, and notwithstanding  
21 the provisions of N.J.S.2C:43-3 to the contrary, for every such offense  
22 shall be fined not less than \$250 nor more than \$1,000, or be  
23 imprisoned for a term of not more than six months, or both, in the  
24 discretion of the court. In addition, the court (1) shall impose a term  
25 of community service of up to 30 days, and may direct that the term  
26 of community service be served in providing assistance to the New  
27 Jersey Society for the Prevention of Cruelty to Animals, a district  
28 (county) society for the prevention of cruelty to animals, or any other  
29 recognized organization concerned with the prevention of cruelty to  
30 animals or the humane treatment and care of animals, or to a  
31 municipality's animal control or animal population control program;  
32 (2) may require the violator to pay restitution or otherwise reimburse  
33 any costs for food, drink, shelter, or veterinary care or treatment, or  
34 other costs, incurred by any agency, entity, or organization  
35 investigating the violation, including but not limited to the New Jersey  
36 Society for the Prevention of Cruelty to Animals, a district (county)  
37 society for the prevention of cruelty to animals, any other recognized  
38 organization concerned with the prevention of cruelty to animals or  
39 the humane treatment and care of animals, or a local or State  
40 governmental entity; and (3) may impose any other appropriate  
41 penalties established for a disorderly persons offense pursuant to Title  
42 2C of the New Jersey Statutes.

**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     b. A person who shall purposely, knowingly, or recklessly:  
2     (1) Unnecessarily or cruelly abuse, beat, or torment, or inflict  
3 unnecessary cruelty upon, an animal or a creature;  
4     (2) Torture, needlessly mutilate, maim, hang or inhumanely kill in  
5 any manner an animal or a creature, except as provided pursuant to  
6 R.S.4:22-19; or  
7     (3) Cause or procure any such acts to be done --  
8     Shall be guilty of a crime of the fourth degree.

9     In addition to any other appropriate penalties established for a  
10 crime of the fourth degree pursuant to Title 2C of the New Jersey  
11 Statutes, the court (1) shall impose a term of community service of up  
12 to 30 days, and may direct that the term of community service be  
13 served in providing assistance to the New Jersey Society for the  
14 Prevention of Cruelty to Animals, a district (county) society for the  
15 prevention of cruelty to animals, or any other recognized organization  
16 concerned with the prevention of cruelty to animals or the humane  
17 treatment and care of animals, or to a municipality's animal control or  
18 animal population control program; and (2) may require the violator  
19 to pay restitution or otherwise reimburse any costs for food, drink,  
20 shelter, or veterinary care or treatment, or other costs, incurred by any  
21 agency, entity, or organization investigating the violation, including  
22 but not limited to the New Jersey Society for the Prevention of Cruelty  
23 to Animals, a district (county) society for the prevention of cruelty to  
24 animals, any other recognized organization concerned with the  
25 prevention of cruelty to animals or the humane treatment and care of  
26 animals, or to a municipality's animal control or animal population  
27 control program.

28     c. Any court finding a juvenile guilty of a disorderly persons  
29 offense pursuant to subsection a. of this section or of a crime pursuant  
30 to subsection b. of this section shall order the juvenile to receive  
31 psychological counseling for a period of time to be prescribed by a  
32 licensed psychologist named by the court.

33 (cf: P.L.1996, c.64, s.1.)

34

35     2. R.S.4:22-18 is amended to read as follows:

36     4:22-18. A person who shall carry, or cause to be carried, a living  
37 animal or creature in or upon a vehicle or otherwise, in a cruel or  
38 inhumane manner, shall be guilty of a disorderly persons offense and  
39 punished as provided in subsection a. of R.S.4:22-17.

40 (cf: P.L.1996, c.64, s.2.)

41

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

43     4:22-26. A person who shall:

44     a. Overdrive, overload, drive when overloaded, overwork,  
45 [torture, torment,] deprive of necessary sustenance, unnecessarily or  
46 cruelly abuse, beat [or otherwise abuse], or torment, or inflict

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

- 1 to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an  
2 animal, in a humane manner, for the purpose of the protection of the  
3 premises; or a recognized breeders' association, a 4-H club, an  
4 educational agricultural program, an equestrian team, a humane  
5 society or other similar charitable or nonprofit organization conducting  
6 an exhibition, show or performance;
- 7 n. Keep or exhibit a wild animal at a roadside stand or market  
8 located along a public street or highway of this State; a gasoline  
9 station; or a shopping mall, or a part of the premises thereof;
- 10 o. Sell, offer for sale, barter or give away or display live baby  
11 chicks, ducklings or other fowl or rabbits, turtles or chameleons which  
12 have been dyed or artificially colored or otherwise treated so as to  
13 impart to them an artificial color;
- 14 p. Use any animal, reptile, or fowl for the purpose of soliciting any  
15 alms, collections, contributions, subscriptions, donations, or payment  
16 of money except in connection with exhibitions, shows or  
17 performances conducted in a bona fide manner by recognized breeders'  
18 associations, 4-H clubs or other similar bona fide organizations;
- 19 q. Sell or offer for sale, barter, or give away living rabbits, turtles,  
20 baby chicks, ducklings or other fowl under two months of age, for use  
21 as household or domestic pets;
- 22 r. Sell, offer for sale, barter or give away living baby chicks,  
23 ducklings or other fowl, or rabbits, turtles or chameleons under two  
24 months of age for any purpose not prohibited by subsection q. of this  
25 section and who shall fail to provide proper facilities for the care of  
26 such animals;
- 27 s. Artificially mark sheep or cattle, or cause them to be marked, by  
28 cropping or cutting off both ears, cropping or cutting either ear more  
29 than one inch from the tip end thereof, or half cropping or cutting both  
30 ears or either ear more than one inch from the tip end thereof, or who  
31 shall have or keep in his possession sheep or cattle, which he claims to  
32 own, marked contrary to this subsection unless they were bought in  
33 market or of a stranger;
- 34 t. Abandon a domesticated animal;
- 35 u. For amusement or gain, cause, allow, or permit the fighting or  
36 baiting of a living animal or creature;
- 37 v. Own, possess, keep, train, promote, purchase, or knowingly sell  
38 a living animal or creature for the purpose of fighting or baiting that  
39 animal or creature;
- 40 w. Gamble on the outcome of a fight involving a living animal or  
41 creature;
- 42 x. Knowingly sell or barter or offer for sale or barter, at wholesale  
43 or retail, the fur or hair of a domestic dog or cat or any product made  
44 in whole or in part from the fur or hair of a domestic dog or cat, unless  
45 such fur or hair for sale or barter is from a commercial grooming  
46 establishment or a veterinary office or clinic or is for use for scientific



1 research; or

2 y. Knowingly sell or barter or offer for sale or barter, at wholesale  
3 or retail, for human consumption, the flesh of a domestic dog or cat or  
4 any product made in whole or in part from the flesh of a domestic dog  
5 or cat --

6 Shall forfeit and pay a sum not to exceed \$250, except in the case  
7 of a violation of subsection t. a mandatory sum of \$500, and \$1,000  
8 if the violation occurs on or near a roadway, and in the case of a  
9 violation of subsection x. or y. a sum not to exceed \$1,000 for each  
10 domestic dog or cat fur or fur or hair product or domestic dog or cat  
11 carcass or meat product, to be sued for and recovered, with costs, in  
12 a civil action by any person in the name of the New Jersey Society for  
13 the Prevention of Cruelty to Animals.

14 (cf: P.L.1999, c.307, s.3.)

15

16 4. R.S.39:4-23 is amended to read as follows:

17 39:4-23. No person shall either ill-treat, overdrive, override or  
18 cruelly or unnecessarily beat a horse. A person who violates this  
19 section shall be guilty of a disorderly persons offense, except that a  
20 person who cruelly or unnecessarily beats a horse shall be guilty of a  
21 crime of the fourth degree. and subject to the provisions of  
22 R.S.4:22-17, R.S.4:22-21, and R.S.4:22-26, as appropriate.

23 (cf: P.L.1998, c.105, s.1.)

24

25 5. This act shall take effect immediately.

26

27

28

#### STATEMENT

29

30 This bill amends current law to establish as a crime of the fourth  
31 degree purposely, knowingly, or recklessly cruelly abusing, beating,  
32 tormenting, inflicting unnecessary cruelty upon, torturing, needlessly  
33 mutilating, maiming, hanging or inhumanely killing in any manner, an  
34 animal or creature, except as provided pursuant to R.S.4:22-19, or  
35 causing any such acts to be done. R.S.4:22-19 concerns impounded  
36 animals and provides certain penalties for the improper care or  
37 inhumane killing of such animals. The bill also specifies that any  
38 juvenile found guilty of any crime involving animal cruelty receive  
39 court-ordered psychological counseling.

SENATE ECONOMIC GROWTH, AGRICULTURE AND  
TOURISM COMMITTEE

STATEMENT TO

**SENATE, No. 1515**

with committee amendments

**STATE OF NEW JERSEY**

DATED: NOVEMBER 13, 2000

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably Senate Bill No. 1515 with committee amendments.

As amended by the committee, this bill amends current law to establish as a crime of the fourth degree purposely, knowingly, or recklessly cruelly abusing, beating, tormenting, inflicting unnecessary cruelty upon, torturing, needlessly mutilating, maiming, hanging or inhumanely killing in any manner, an animal or creature, except as provided pursuant to R.S.4:22-19, or causing any such acts to be done. R.S.4:22-19 concerns impounded animals and provides certain penalties for the improper care or inhumane killing of such animals. The bill also specifies that any juvenile found guilty of certain crimes involving animal cruelty receive court-ordered mental health counseling by a licensed psychologist or therapist named by the court for a period of time determined by the named psychologist or therapist.

The committee amended the bill to provide that the court-ordered counseling to juveniles be provided by a licensed psychologist or therapist named by the court.

This bill, as amended, is identical to Assembly Bill No. 2698 (1R).

[First Reprint]

**SENATE, No. 1515**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED SEPTEMBER 14, 2000

**Sponsored by:**

**Senator JAMES S. CAFIERO**

**District 1 (Cape May, Atlantic and Cumberland)**

**Senator DIANE ALLEN**

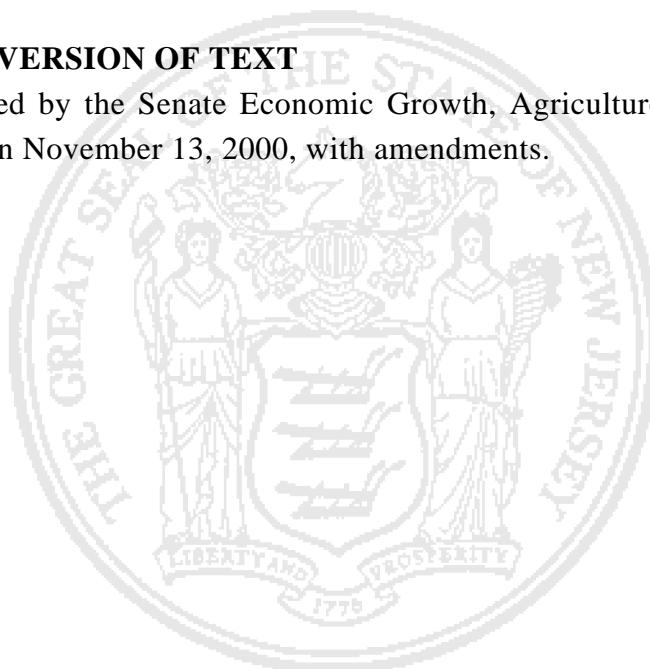
**District 7 (Burlington and Camden)**

**SYNOPSIS**

Makes certain acts of animal cruelty crimes of fourth degree; requires juveniles found guilty of certain animal cruelty crimes to receive court-ordered psychological counseling.

**CURRENT VERSION OF TEXT**

As reported by the Senate Economic Growth, Agriculture and Tourism Committee on November 13, 2000, with amendments.



1 AN ACT concerning animal cruelty and amending R.S.4:22-17  
2 <sup>1</sup>[and] , R.S.4:22-18, R.S.4:22-19,<sup>1</sup> R.S.4:22-26 <sup>1</sup>and R.S.39:4-  
3 23<sup>1</sup>.

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

7  
8 1. R.S.4:22-17 is amended to read as follows:  
9 4:22-17 a. A person who shall:

10 [a.] (1) Overdrive, overload, drive when overloaded, overwork,  
11 [torture, torment,] or deprive of necessary sustenance, [unnecessarily  
12 or cruelly beat or otherwise abuse, or needlessly mutilate or kill,] a  
13 living animal or creature;

14 [b.] (2) Cause or procure any [of] such acts to be done; or

15 [c.] (3) [Inflict unnecessary cruelty upon a living animal or  
16 creature of which he has charge either as owner or otherwise, or  
17 unnecessarily] Unnecessarily fail to provide [it] an animal or <sup>1</sup>[a]<sup>1</sup>  
18 creature of which the person has charge, either as an owner or  
19 otherwise, with proper food, drink, shelter or protection from the  
20 weather--

21 Shall be guilty of a disorderly persons offense, and notwithstanding  
22 the provisions of N.J.S.2C:43-3 to the contrary, for every such offense  
23 shall be fined not less than \$250 nor more than \$1,000, or be  
24 imprisoned for a term of not more than six months, or both, in the  
25 discretion of the court. In addition, the court (1) shall impose a term  
26 of community service of up to 30 days, and may direct that the term  
27 of community service be served in providing assistance to the New  
28 Jersey Society for the Prevention of Cruelty to Animals, a district  
29 (county) society for the prevention of cruelty to animals, or any other  
30 recognized organization concerned with the prevention of cruelty to  
31 animals or the humane treatment and care of animals, or to a  
32 municipality's animal control or animal population control program;  
33 (2) may require the violator to pay restitution or otherwise reimburse  
34 any costs for food, drink, shelter, or veterinary care or treatment, or  
35 other costs, incurred by any agency, entity, or organization  
36 investigating the violation, including but not limited to the New Jersey  
37 Society for the Prevention of Cruelty to Animals, a district (county)  
38 society for the prevention of cruelty to animals, any other recognized  
39 organization concerned with the prevention of cruelty to animals or  
40 the humane treatment and care of animals, or a local or State  
41 governmental entity; and (3) may impose any other appropriate

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SEG committee amendments adopted November 13, 2000.

1 penalties established for a disorderly persons offense pursuant to Title  
2 2C of the New Jersey Statutes.

3 b. A person who shall purposely, knowingly, or recklessly:

4 (1) Unnecessarily or cruelly abuse, beat, or torment, or inflict  
5 unnecessary cruelty upon, an animal or <sup>1</sup>[a]<sup>1</sup> creature;

6 (2) Torture, needlessly mutilate, maim, hang or inhumanely kill in  
7 any manner an animal or <sup>1</sup>[a]<sup>1</sup> creature, except as provided pursuant  
8 to R.S.4:22-19; or

9 (3) Cause or procure any such acts to be done --

10 Shall be guilty of a crime of the fourth degree.

11 In addition to any other appropriate penalties established for a  
12 crime of the fourth degree pursuant to Title 2C of the New Jersey  
13 Statutes, the court (1) shall impose a term of community service of up  
14 to 30 days, and may direct that the term of community service be  
15 served in providing assistance to the New Jersey Society for the  
16 Prevention of Cruelty to Animals, a district (county) society for the  
17 prevention of cruelty to animals, or any other recognized organization  
18 concerned with the prevention of cruelty to animals or the humane  
19 treatment and care of animals, or to a municipality's animal control or  
20 animal population control program; and (2) may require the violator  
21 to pay restitution or otherwise reimburse any costs for food, drink,  
22 shelter, or veterinary care or treatment, or other costs, incurred by any  
23 agency, entity, or organization investigating the violation, including  
24 but not limited to the New Jersey Society for the Prevention of Cruelty  
25 to Animals, a district (county) society for the prevention of cruelty to  
26 animals, any other recognized organization concerned with the  
27 prevention of cruelty to animals or the humane treatment and care of  
28 animals, or to a municipality's animal control or animal population  
29 control program.

30 c. Any court finding a juvenile guilty of a disorderly persons  
31 offense pursuant to subsection a. of this section or of a crime pursuant  
32 to subsection b. of this section shall order the juvenile to receive  
33 <sup>1</sup>[psychological] mental health<sup>1</sup> counseling <sup>1</sup>by a licensed psychologist  
34 or therapist named by the court<sup>1</sup> for a period of time to be prescribed  
35 by <sup>1</sup>[a] the<sup>1</sup> licensed psychologist <sup>1</sup>[named by the court] or  
36 therapist<sup>1</sup>.

37 (cf: P.L.1996, c.64, s.1)

38

39 2. R.S.4:22-18 is amended to read as follows:

40 4:22-18. A person who shall carry, or cause to be carried, a living  
41 animal or creature in or upon a vehicle or otherwise, in a cruel or  
42 inhumane manner, shall be guilty of a disorderly persons offense and  
43 punished as provided in subsection a. of R.S.4:22-17.

44 (cf: P.L.1996, c.64, s.2.)

45

46 <sup>1</sup>3. R.S.4:22-19 is amended to read as follows:

1 4:22-19. A person who shall:

2 a. Impound or confine, or cause to be impounded or confined, in  
3 a pound or other place, a living animal or creature, and shall fail to  
4 supply it during such confinement with a sufficient quantity of good  
5 and wholesome food and water; or

6 b. Destroy or cause to be destroyed any such animal by hypoxia  
7 induced by decompression or in any other manner, by the  
8 administration of a lethal gas other than an inhalant anesthetic, or in  
9 any other manner except by a method of euthanasia generally accepted  
10 by the veterinary medical profession as being reliable, appropriate to  
11 the type of animal upon which it is to be employed, and capable of  
12 producing loss of consciousness and death as rapidly and painlessly  
13 as possible for such animal shall, in the case of a violation of  
14 subsection a., be guilty of a disorderly persons offense and shall be  
15 punished as provided in subsection a. of R.S.4:22-17; or, in the case  
16 of a violation of subsection b., be subject to a penalty of \$25.00 for  
17 the first offense and \$50.00 for each subsequent offense. Each animal  
18 destroyed in violation of subsection b. shall constitute a separate  
19 offense. The penalty shall be collected in accordance with "the penalty  
20 enforcement law" (N.J.S.2A:58-1 et seq.) and all money collected shall  
21 be remitted to the State.

22 This section shall apply to kennels, pet shops, shelters and pounds  
23 as defined and licensed pursuant to P.L.1941, c.151 (C.4:19-15.1 et  
24 seq.); to pounds and places of confinement owned and operated by  
25 municipalities, counties or regional governmental authorities; and to  
26 every contractual warden or impounding service, any provision to the  
27 contrary in this title notwithstanding.<sup>1</sup>

28 (cf: P.L.1996, c.64, s.3)

29

30 <sup>1</sup>[3.] 4.<sup>1</sup> R.S.4:22-26 is amended to read as follows:

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

32 a. Overdrive, overload, drive when overloaded, overwork,  
33 [torture, torment,] deprive of necessary sustenance, unnecessarily or  
34 cruelly abuse, beat [or otherwise abuse], or torment, or inflict  
35 unnecessary cruelty upon, an animal or creature, or torture, needlessly  
36 mutilate [or], maim, hang, or inhumanely kill[ a living]in any manner,  
37 an animal or creature, except as provided pursuant to R.S.4:22-19;

38 b. Cause or procure <sup>1</sup>[to be done by his agent, servant, employee  
39 or otherwise an act] any such acts<sup>1</sup> enumerated in subsection a. of this  
40 section <sup>1</sup>to be done<sup>1</sup> ;

41 c. [Inflict unnecessary cruelty upon a living animal or creature of  
42 which he has charge or custody either as owner or otherwise, or  
43 unnecessarily] Unnecessarily fail to provide [it] an animal or <sup>1</sup>[a]<sup>1</sup>  
44 creature of which the person has charge, either as an owner or  
45 otherwise, with proper food, drink, shelter or protection from the  
46 weather;

- 1 d. Receive or offer for sale a horse that is suffering from abuse or  
2 neglect, or which by reason of disability, disease, abuse or lameness,  
3 or any other cause, could not be worked, ridden or otherwise used for  
4 show, exhibition or recreational purposes, or kept as a domestic pet  
5 without violating the provisions of this article;
- 6 e. Keep, use, be connected with or interested in the management  
7 of, or receive money or other consideration for the admission of a  
8 person to, a place kept or used for the purpose of fighting or baiting  
9 a living animal or creature;
- 10 f. Be present and witness, pay admission to, encourage, aid or  
11 assist in an activity enumerated in subsection e. of this section;
- 12 g. Permit or suffer a place owned or controlled by him to be used  
13 as provided in subsection e. of this section;
- 14 h. Carry, or cause to be carried, a living animal or creature in or  
15 upon a vehicle or otherwise, in a cruel or inhuman manner;
- 16 i. Use a dog or dogs for the purpose of drawing or helping to draw  
17 a vehicle for business purposes;
- 18 j. Impound or confine or cause to be impounded or confined in a  
19 pound or other place a living animal or creature, and shall fail to  
20 supply it during such confinement with a sufficient quantity of good  
21 and wholesome food and water;
- 22 k. Abandon a maimed, sick, infirm or disabled animal or creature  
23 to die in a public place;
- 24 l. Willfully sell, or offer to sell, use, expose, or cause or permit to  
25 be sold or offered for sale, used or exposed, a horse or other animal  
26 having the disease known as glanders or farcy, or other contagious or  
27 infectious disease dangerous to the health or life of human beings or  
28 animals, or who shall, when any such disease is beyond recovery,  
29 refuse, upon demand, to deprive the animal of life;
- 30 m. Own, operate, manage or conduct a roadside stand or market  
31 for the sale of merchandise along a public street or highway; or a  
32 shopping mall, or a part of the premises thereof; and keep a living  
33 animal or creature confined, or allowed to roam in an area whether or  
34 not the area is enclosed, on these premises as an exhibit; except that  
35 this subsection shall not be applicable to: a pet shop licensed pursuant  
36 to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an  
37 animal, in a humane manner, for the purpose of the protection of the  
38 premises; or a recognized breeders' association, a 4-H club, an  
39 educational agricultural program, an equestrian team, a humane  
40 society or other similar charitable or nonprofit organization conducting  
41 an exhibition, show or performance;
- 42 n. Keep or exhibit a wild animal at a roadside stand or market  
43 located along a public street or highway of this State; a gasoline  
44 station; or a shopping mall, or a part of the premises thereof;
- 45 o. Sell, offer for sale, barter or give away or display live baby  
46 chicks, ducklings or other fowl or rabbits, turtles or chameleons which

- 1 have been dyed or artificially colored or otherwise treated so as to  
2 impart to them an artificial color;
- 3 p. Use any animal, reptile, or fowl for the purpose of soliciting any  
4 alms, collections, contributions, subscriptions, donations, or payment  
5 of money except in connection with exhibitions, shows or  
6 performances conducted in a bona fide manner by recognized breeders'  
7 associations, 4-H clubs or other similar bona fide organizations;
- 8 q. Sell or offer for sale, barter, or give away living rabbits, turtles,  
9 baby chicks, ducklings or other fowl under two months of age, for use  
10 as household or domestic pets;
- 11 r. Sell, offer for sale, barter or give away living baby chicks,  
12 ducklings or other fowl, or rabbits, turtles or chameleons under two  
13 months of age for any purpose not prohibited by subsection q. of this  
14 section and who shall fail to provide proper facilities for the care of  
15 such animals;
- 16 s. Artificially mark sheep or cattle, or cause them to be marked, by  
17 cropping or cutting off both ears, cropping or cutting either ear more  
18 than one inch from the tip end thereof, or half cropping or cutting both  
19 ears or either ear more than one inch from the tip end thereof, or who  
20 shall have or keep in his possession sheep or cattle, which he claims to  
21 own, marked contrary to this subsection unless they were bought in  
22 market or of a stranger;
- 23 t. Abandon a domesticated animal;
- 24 u. For amusement or gain, cause, allow, or permit the fighting or  
25 baiting of a living animal or creature;
- 26 v. Own, possess, keep, train, promote, purchase, or knowingly sell  
27 a living animal or creature for the purpose of fighting or baiting that  
28 animal or creature;
- 29 w. Gamble on the outcome of a fight involving a living animal or  
30 creature;
- 31 x. Knowingly sell or barter or offer for sale or barter, at wholesale  
32 or retail, the fur or hair of a domestic dog or cat or any product made  
33 in whole or in part from the fur or hair of a domestic dog or cat, unless  
34 such fur or hair for sale or barter is from a commercial grooming  
35 establishment or a veterinary office or clinic or is for use for scientific  
36 research; or
- 37 y. Knowingly sell or barter or offer for sale or barter, at wholesale  
38 or retail, for human consumption, the flesh of a domestic dog or cat or  
39 any product made in whole or in part from the flesh of a domestic dog  
40 or cat --
- 41 Shall forfeit and pay a sum not to exceed \$250, except in the case  
42 of a violation of subsection t. a mandatory sum of \$500, and \$1,000  
43 if the violation occurs on or near a roadway, and in the case of a  
44 violation of subsection x. or y. a sum not to exceed \$1,000 for each  
45 domestic dog or cat fur or fur or hair product or domestic dog or cat  
46 carcass or meat product, to be sued for and recovered, with costs, in



1 a civil action by any person in the name of the New Jersey Society for  
2 the Prevention of Cruelty to Animals.

3 (cf: P.L.1999, c.307, s.3)

4

5 <sup>1</sup>[4.] 5.<sup>1</sup> R.S.39:4-23 is amended to read as follows:

6 39:4-23. No person shall either ill-treat, overdrive, override or  
7 cruelly or unnecessarily beat a horse. A person who violates this  
8 section shall be guilty of a disorderly persons offense, except that a  
9 person who cruelly or unnecessarily beats a horse shall be guilty of a  
10 crime of the fourth degree. and subject to the provisions of  
11 R.S.4:22-17, R.S.4:22-21, and R.S.4:22-26, as appropriate.

12 (cf: P.L.1998, c.105, s.1.)

13

14 <sup>1</sup>[5.] 6.<sup>1</sup> This act shall take effect immediately.

SENATE SUBSTITUTE FOR  
**SENATE, No. 1515**

---

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

---

ADOPTED DECEMBER 18, 2000

**Sponsored by:**

**Senator JAMES S. CAFIERO**

**District 1 (Cape May, Atlantic and Cumberland)**

**Senator DIANE ALLEN**

**District 7 (Burlington and Camden)**

**Co-Sponsored by:**

**Senators Inverso and Baer**

**SYNOPSIS**

Makes certain acts of animal cruelty crimes of the fourth degree; requires juveniles found guilty of certain animal cruelty offenses to receive court-ordered psychological counseling.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Senate.



**(Sponsorship Updated As Of: 3/27/2001)**

1 AN ACT concerning animal cruelty and amending R.S.4:22-17,  
2 R.S.4:22-18, R.S.4:22-19, R.S.4:22-26 and R.S.39:4-23.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. R.S.4:22-17 is amended to read as follows:

8 4:22-17 a. A person who shall:

9 [a.] (1) Overdrive, overload, drive when overloaded, overwork,  
10 [torture, torment,] deprive of necessary sustenance, [unnecessarily or  
11 cruelly beat or otherwise] abuse, [or needlessly mutilate] or  
12 needlessly kill a living animal or creature;

13 [b.] (2) Cause or procure any [of] such acts to be done; or

14 [c.] (3) Inflict unnecessary cruelty upon a living animal or  
15 creature [of which he has charge either as owner or otherwise], or  
16 unnecessarily fail to provide [it] a living animal or creature of which  
17 the person has charge either as an owner or otherwise with proper  
18 food, drink, shelter or protection from the weather, or leave it  
19 unattended in a vehicle under inhumane conditions adverse to the  
20 health or welfare of the living animal or creature--

21 Shall be guilty of a disorderly persons offense, and notwithstanding  
22 the provisions of N.J.S.2C:43-3 to the contrary, for every such offense  
23 shall be fined not less than \$250 nor more than \$1,000, or be  
24 imprisoned for a term of not more than six months, or both, in the  
25 discretion of the court. In addition, the court (1) shall impose a term  
26 of community service of up to 30 days, and may direct that the term  
27 of community service be served in providing assistance to the New  
28 Jersey Society for the Prevention of Cruelty to Animals, a district  
29 (county) society for the prevention of cruelty to animals, or any other  
30 recognized organization concerned with the prevention of cruelty to  
31 animals or the humane treatment and care of animals, or to a  
32 municipality's animal control or animal population control program;  
33 (2) may require the violator to pay restitution or otherwise reimburse  
34 any costs for food, drink, shelter, or veterinary care or treatment, or  
35 other costs, incurred by any agency, entity, or organization  
36 investigating the violation, including but not limited to the New Jersey  
37 Society for the Prevention of Cruelty to Animals, a district (county)  
38 society for the prevention of cruelty to animals, any other recognized  
39 organization concerned with the prevention of cruelty to animals or  
40 the humane treatment and care of animals, or a local or State  
41 governmental entity; and (3) may impose any other appropriate  
42 penalties established for a disorderly persons offense pursuant to Title

**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 2C of the New Jersey Statutes.

2 b. A person who shall purposely, knowingly, or recklessly:

3 (1) Torment, torture, maim, hang, unnecessarily or cruelly beat,  
4 needlessly mutilate, or cruelly kill a living animal or creature; or

5 (2) Cause or procure any such acts to be done --

6 Shall be guilty of a crime of the fourth degree.

7 In addition to imposing any other appropriate penalties established  
8 for a crime of the fourth degree pursuant to Title 2C of the New  
9 Jersey Statutes, the court: shall impose a term of community service  
10 of up to 30 days, and may direct that the term of community service  
11 be served in providing assistance to the New Jersey Society for the  
12 Prevention of Cruelty to Animals, a district (county) society for the  
13 prevention of cruelty to animals, or any other recognized organization  
14 concerned with the prevention of cruelty to animals or the humane  
15 treatment and care of animals, or to a municipality's animal control or  
16 animal population control program; and may require the violator to  
17 pay restitution or otherwise reimburse any costs for food, drink,  
18 shelter, or veterinary care or treatment, or other costs, incurred by any  
19 agency, entity, or organization investigating the violation, including  
20 but not limited to the New Jersey Society for the Prevention of Cruelty  
21 to Animals, a district (county) society for the prevention of cruelty to  
22 animals, any other recognized organization concerned with the  
23 prevention of cruelty to animals or the humane treatment and care of  
24 animals, or to a municipality's animal control or animal population  
25 control program.

26 c. If a juvenile is found guilty of a disorderly persons offense  
27 pursuant to subsection a. of this section or of a crime pursuant to  
28 subsection b. of this section, the court shall also order the juvenile to  
29 receive mental health counseling by a licensed psychologist or  
30 therapist named by the court for a period of time to be prescribed by  
31 the licensed psychologist or therapist.

32 (cf: P.L.2000, c.162, s.1)

33

34 2. R.S.4:22-18 is amended to read as follows:

35 4:22-18. A person who shall carry, or cause to be carried, a living  
36 animal or creature in or upon a vehicle or otherwise, in a cruel or  
37 inhumane manner, shall be guilty of a disorderly persons offense and  
38 punished as provided in subsection a. of R.S.4:22-17.

39 (cf: P.L.1996, c.64, s.2)

40

41 3. R.S.4:22-19 is amended to read as follows:

42 4:22-19. A person who shall:

43 a. Impound or confine, or cause to be impounded or confined, in  
44 a pound or other place, a living animal or creature, and shall fail to  
45 supply it during such confinement with a sufficient quantity of good  
46 and wholesome food and water; or

1        b. Destroy or cause to be destroyed any such animal by hypoxia  
2 induced by decompression or in any other manner, by the  
3 administration of a lethal gas other than an inhalant anesthetic, or in  
4 any other manner except by a method of euthanasia generally accepted  
5 by the veterinary medical profession as being reliable, appropriate to  
6 the type of animal upon which it is to be employed, and capable of  
7 producing loss of consciousness and death as rapidly and painlessly  
8 as possible for such animal shall, in the case of a violation of  
9 subsection a., be guilty of a disorderly persons offense and shall be  
10 punished as provided in subsection a. of R.S.4:22-17; or, in the case  
11 of a violation of subsection b., be subject to a penalty of ~~[\$25.00]~~  
12 \$25 for the first offense and ~~[\$50.00]~~ \$50 for each subsequent  
13 offense. Each animal destroyed in violation of subsection b. shall  
14 constitute a separate offense. The penalty shall be collected in  
15 accordance with "the penalty enforcement law" (N.J.S.2A:58-1 et  
16 seq.) and all money collected shall be remitted to the State.

17        This section shall apply to kennels, pet shops, shelters and pounds  
18 as defined and licensed pursuant to P.L.1941, c.151 (C.4:19-15.1 et  
19 seq.); to pounds and places of confinement owned and operated by  
20 municipalities, counties or regional governmental authorities; and to  
21 every contractual warden or impounding service, any provision to the  
22 contrary in this title notwithstanding.  
23 (cf: P.L.1996, c.64, s.3)

24

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

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

27        a. Overdrive, overload, drive when overloaded, overwork,  
28 ~~[torture, torment,]~~ deprive of necessary sustenance, ~~[unnecessarily~~  
29 ~~or cruelly beat or otherwise]~~ abuse, or needlessly kill, torment,  
30 torture, maim, hang, unnecessarily or cruelly beat, needlessly mutilate,  
31 or cruelly kill a living animal or creature;

32        b. Cause or procure ~~[to be done by his agent, servant, employee~~  
33 ~~or otherwise an act]~~ any such acts enumerated in subsection a. of this  
34 section to be done;

35        c. Inflict unnecessary cruelty upon a living animal or creature ~~[of~~  
36 ~~which he has charge or custody either as owner or otherwise]~~, or  
37 unnecessarily fail to provide ~~[it]~~ a living animal or creature of which  
38 the person has charge either as an owner or otherwise with proper  
39 food, drink, shelter or protection from the weather, or leave it  
40 unattended in a vehicle under inhumane conditions adverse to the  
41 health or welfare of the living animal or creature;

42        d. Receive or offer for sale a horse that is suffering from abuse or  
43 neglect, or which by reason of disability, disease, abuse or lameness,  
44 or any other cause, could not be worked, ridden or otherwise used for  
45 show, exhibition or recreational purposes, or kept as a domestic pet

- 1 without violating the provisions of this article;
- 2 e. Keep, use, be connected with or interested in the management  
3 of, or receive money or other consideration for the admission of a  
4 person to, a place kept or used for the purpose of fighting or baiting  
5 a living animal or creature;
- 6 f. Be present and witness, pay admission to, encourage, aid or  
7 assist in an activity enumerated in subsection e. of this section;
- 8 g. Permit or suffer a place owned or controlled by him to be used  
9 as provided in subsection e. of this section;
- 10 h. Carry, or cause to be carried, a living animal or creature in or  
11 upon a vehicle or otherwise, in a cruel or inhuman manner;
- 12 i. Use a dog or dogs for the purpose of drawing or helping to  
13 draw a vehicle for business purposes;
- 14 j. Impound or confine or cause to be impounded or confined in a  
15 pound or other place a living animal or creature, and shall fail to  
16 supply it during such confinement with a sufficient quantity of good  
17 and wholesome food and water;
- 18 k. Abandon a maimed, sick, infirm or disabled animal or creature  
19 to die in a public place;
- 20 l. Willfully sell, or offer to sell, use, expose, or cause or permit to  
21 be sold or offered for sale, used or exposed, a horse or other animal  
22 having the disease known as glanders or farcy, or other contagious or  
23 infectious disease dangerous to the health or life of human beings or  
24 animals, or who shall, when any such disease is beyond recovery,  
25 refuse, upon demand, to deprive the animal of life;
- 26 m. Own, operate, manage or conduct a roadside stand or market  
27 for the sale of merchandise along a public street or highway; or a  
28 shopping mall, or a part of the premises thereof; and keep a living  
29 animal or creature confined, or allowed to roam in an area whether or  
30 not the area is enclosed, on these premises as an exhibit; except that  
31 this subsection shall not be applicable to: a pet shop licensed pursuant  
32 to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an  
33 animal, in a humane manner, for the purpose of the protection of the  
34 premises; or a recognized breeders' association, a 4-H club, an  
35 educational agricultural program, an equestrian team, a humane  
36 society or other similar charitable or nonprofit organization conducting  
37 an exhibition, show or performance;
- 38 n. Keep or exhibit a wild animal at a roadside stand or market  
39 located along a public street or highway of this State; a gasoline  
40 station; or a shopping mall, or a part of the premises thereof;
- 41 o. Sell, offer for sale, barter or give away or display live baby  
42 chicks, ducklings or other fowl or rabbits, turtles or chameleons which  
43 have been dyed or artificially colored or otherwise treated so as to  
44 impart to them an artificial color;
- 45 p. Use any animal, reptile, or fowl for the purpose of soliciting any  
46 alms, collections, contributions, subscriptions, donations, or payment

1 of money except in connection with exhibitions, shows or  
2 performances conducted in a bona fide manner by recognized breeders'  
3 associations, 4-H clubs or other similar bona fide organizations;

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

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

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

19 t. Abandon a domesticated animal;

20 u. For amusement or gain, cause, allow, or permit the fighting or  
21 baiting of a living animal or creature;

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

25 w. Gamble on the outcome of a fight involving a living animal or  
26 creature;

27 x. Knowingly sell or barter or offer for sale or barter, at wholesale  
28 or retail, the fur or hair of a domestic dog or cat or any product made  
29 in whole or in part from the fur or hair of a domestic dog or cat, unless  
30 such fur or hair for sale or barter is from a commercial grooming  
31 establishment or a veterinary office or clinic or is for use for scientific  
32 research; or

33 y. Knowingly sell or barter or offer for sale or barter, at wholesale  
34 or retail, for human consumption, the flesh of a domestic dog or cat or  
35 any product made in whole or in part from the flesh of a domestic dog  
36 or cat --

37 Shall forfeit and pay a sum not to exceed \$250, except in the case  
38 of a violation of subsection t. a mandatory sum of \$500, and \$1,000  
39 if the violation occurs on or near a roadway, and in the case of a  
40 violation of subsection x. or y. a sum not to exceed \$1,000 for each  
41 domestic dog or cat fur or fur or hair product or domestic dog or cat  
42 carcass or meat product, to be sued for and recovered, with costs, in  
43 a civil action by any person in the name of the New Jersey Society for  
44 the Prevention of Cruelty to Animals.

45 (cf: P.L.2000, c.162, s.2)

1 5. R.S.39:4-23 is amended to read as follows:

2 39:4-23. No person shall either ill-treat, overdrive, override or  
3  ~~[cruelly or] unnecessarily or cruelly~~ beat a horse. A person who  
4 violates this section shall be guilty of a disorderly persons offense,  
5 except that a person who unnecessarily or cruelly beats a horse shall  
6 be guilty of a crime of the fourth degree, and shall be subject to the  
7 provisions of R.S.4:22-17, R.S.4:22-21, and R.S.4:22-26, as  
8 appropriate.

9 (cf: P.L.1998, c.105, s.1)

10

11 6. This act shall take effect immediately.

12

13

14

#### STATEMENT

15

16 This floor substitute amends current law to establish as a crime of  
17 the fourth degree purposely, knowingly, or recklessly tormenting,  
18 torturing, maiming, hanging, unnecessarily or cruelly beating,  
19 needlessly mutilating, or cruelly killing a living animal or creature, or  
20 causing any such acts to be done. It clarifies the language in the  
21 original bill to more clearly specify which more serious animal cruelty  
22 offenses are to be crimes of the fourth degree. The floor substitute  
23 also provides, as did the original bill, that any juvenile found guilty of  
24 certain crimes involving animal cruelty receive court-ordered mental  
25 health counseling by a licensed psychologist or therapist named by the  
26 court.



STATEMENT TO

SENATE SUBSTITUTE FOR

**SENATE, No. 1515**

with Senate Floor Amendments  
(Proposed By Senator BRYANT)

ADOPTED: MARCH 26, 2001

The Senate Substitute for Senate Bill No. 1515 makes it a crime of the fourth degree to purposely, knowingly, or recklessly torment, torture, maim, hang, unnecessarily or cruelly beat, needlessly mutilate, or cruelly kill a living animal or creature, or to cause any of these acts.

These Senate amendments provide that a person convicted of a fourth-degree crime of animal cruelty under the bill is not to be disqualified from voting in any primary, municipal, special or general election.

[First Reprint]

SENATE SUBSTITUTE FOR  
**SENATE, No. 1515**

---

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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ADOPTED DECEMBER 18, 2000

**Sponsored by:**

**Senator JAMES S. CAFIERO**

**District 1 (Cape May, Atlantic and Cumberland)**

**Senator DIANE ALLEN**

**District 7 (Burlington and Camden)**

**Co-Sponsored by:**

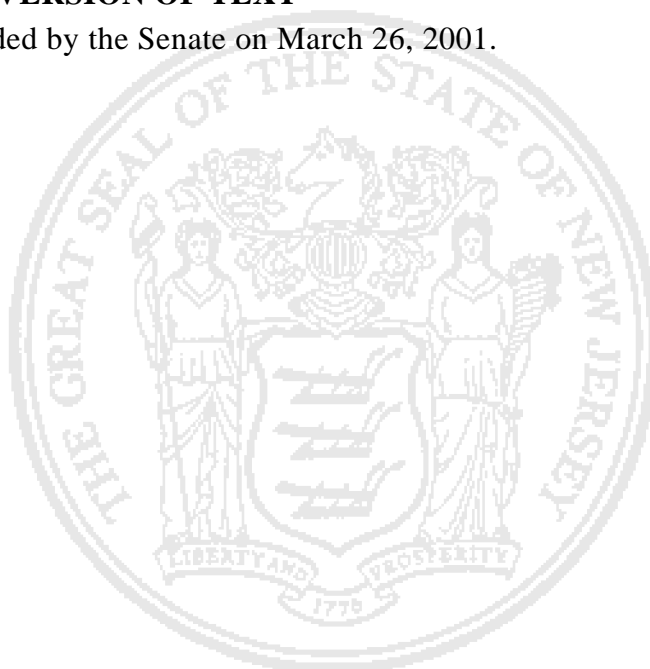
**Senators Inverso, Baer, Robertson, Palaia, Bucco, Matheussen and Zane**

**SYNOPSIS**

Makes certain acts of animal cruelty crimes of the fourth degree; requires juveniles found guilty of certain animal cruelty offenses to receive court-ordered psychological counseling.

**CURRENT VERSION OF TEXT**

As amended by the Senate on March 26, 2001.



**(Sponsorship Updated As Of: 3/30/2001)**

1 AN ACT concerning animal cruelty and amending R.S.4:22-17,  
2 R.S.4:22-18, R.S.4:22-19, R.S.4:22-26 and R.S.39:4-23.

3

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

6

7 1. R.S.4:22-17 is amended to read as follows:

8 4:22-17 a. A person who shall:

9 [a.] (1) Overdrive, overload, drive when overloaded, overwork,  
10 [torture, torment,] deprive of necessary sustenance, [unnecessarily or  
11 cruelly beat or otherwise] abuse, [or needlessly mutilate] or  
12 needlessly kill a living animal or creature;

13 [b.] (2) Cause or procure any [of] such acts to be done; or

14 [c.] (3) Inflict unnecessary cruelty upon a living animal or  
15 creature [of which he has charge either as owner or otherwise], or  
16 unnecessarily fail to provide [it] a living animal or creature of which  
17 the person has charge either as an owner or otherwise with proper  
18 food, drink, shelter or protection from the weather, or leave it  
19 unattended in a vehicle under inhumane conditions adverse to the  
20 health or welfare of the living animal or creature--

21 Shall be guilty of a disorderly persons offense, and notwithstanding  
22 the provisions of N.J.S.2C:43-3 to the contrary, for every such offense  
23 shall be fined not less than \$250 nor more than \$1,000, or be  
24 imprisoned for a term of not more than six months, or both, in the  
25 discretion of the court. In addition, the court (1) shall impose a term  
26 of community service of up to 30 days, and may direct that the term  
27 of community service be served in providing assistance to the New  
28 Jersey Society for the Prevention of Cruelty to Animals, a district  
29 (county) society for the prevention of cruelty to animals, or any other  
30 recognized organization concerned with the prevention of cruelty to  
31 animals or the humane treatment and care of animals, or to a  
32 municipality's animal control or animal population control program;  
33 (2) may require the violator to pay restitution or otherwise reimburse  
34 any costs for food, drink, shelter, or veterinary care or treatment, or  
35 other costs, incurred by any agency, entity, or organization  
36 investigating the violation, including but not limited to the New Jersey  
37 Society for the Prevention of Cruelty to Animals, a district (county)  
38 society for the prevention of cruelty to animals, any other recognized  
39 organization concerned with the prevention of cruelty to animals or  
40 the humane treatment and care of animals, or a local or State  
41 governmental entity; and (3) may impose any other appropriate

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Senate floor amendments adopted March 26, 2001.**

1 penalties established for a disorderly persons offense pursuant to Title  
2 2C of the New Jersey Statutes.

3 b. A person who shall purposely, knowingly, or recklessly:

4 (1) Torment, torture, maim, hang, unnecessarily or cruelly beat,  
5 needlessly mutilate, or cruelly kill a living animal or creature; or

6 (2) Cause or procure any such acts to be done --

7 Shall be guilty of a crime of the fourth degree.

8 In addition to imposing any other appropriate penalties established  
9 for a crime of the fourth degree pursuant to Title 2C of the New  
10 Jersey Statutes, the court: shall impose a term of community service  
11 of up to 30 days, and may direct that the term of community service  
12 be served in providing assistance to the New Jersey Society for the  
13 Prevention of Cruelty to Animals, a district (county) society for the  
14 prevention of cruelty to animals, or any other recognized organization  
15 concerned with the prevention of cruelty to animals or the humane  
16 treatment and care of animals, or to a municipality's animal control or  
17 animal population control program; and may require the violator to  
18 pay restitution or otherwise reimburse any costs for food, drink,  
19 shelter, or veterinary care or treatment, or other costs, incurred by any  
20 agency, entity, or organization investigating the violation, including  
21 but not limited to the New Jersey Society for the Prevention of Cruelty  
22 to Animals, a district (county) society for the prevention of cruelty to  
23 animals, any other recognized organization concerned with the  
24 prevention of cruelty to animals or the humane treatment and care of  
25 animals, or to a municipality's animal control or animal population  
26 control program.

27 <sup>1</sup>Notwithstanding the provisions of N.J.S.2C:51-3, a person who  
28 violates this subsection shall not be disqualified from voting in any  
29 primary, municipal, special or general election.<sup>1</sup>

30 c. If a juvenile is found guilty of a disorderly persons offense  
31 pursuant to subsection a. of this section or of a crime pursuant to  
32 subsection b. of this section, the court shall also order the juvenile to  
33 receive mental health counseling by a licensed psychologist or  
34 therapist named by the court for a period of time to be prescribed by  
35 the licensed psychologist or therapist.

36 (cf: P.L.2000, c.162, s.1)

37

38 2. R.S.4:22-18 is amended to read as follows:

39 4:22-18. A person who shall carry, or cause to be carried, a living  
40 animal or creature in or upon a vehicle or otherwise, in a cruel or  
41 inhumane manner, shall be guilty of a disorderly persons offense and  
42 punished as provided in subsection a. of R.S.4:22-17.

43 (cf: P.L.1996, c.64, s.2)

44

45 3. R.S.4:22-19 is amended to read as follows:

46 4:22-19. A person who shall:

1 a. Impound or confine, or cause to be impounded or confined, in  
2 a pound or other place, a living animal or creature, and shall fail to  
3 supply it during such confinement with a sufficient quantity of good  
4 and wholesome food and water; or

5 b. Destroy or cause to be destroyed any such animal by hypoxia  
6 induced by decompression or in any other manner, by the  
7 administration of a lethal gas other than an inhalant anesthetic, or in  
8 any other manner except by a method of euthanasia generally accepted  
9 by the veterinary medical profession as being reliable, appropriate to  
10 the type of animal upon which it is to be employed, and capable of  
11 producing loss of consciousness and death as rapidly and painlessly  
12 as possible for such animal shall, in the case of a violation of  
13 subsection a., be guilty of a disorderly persons offense and shall be  
14 punished as provided in subsection a. of R.S.4:22-17; or, in the case  
15 of a violation of subsection b., be subject to a penalty of ~~[\$25.00]~~  
16 ~~\$25~~ for the first offense and ~~[\$50.00]~~ ~~\$50~~ for each subsequent  
17 offense. Each animal destroyed in violation of subsection b. shall  
18 constitute a separate offense. The penalty shall be collected in  
19 accordance with "the penalty enforcement law" (N.J.S.2A:58-1 et  
20 seq.) and all money collected shall be remitted to the State.

21 This section shall apply to kennels, pet shops, shelters and pounds  
22 as defined and licensed pursuant to P.L.1941, c.151 (C.4:19-15.1 et  
23 seq.); to pounds and places of confinement owned and operated by  
24 municipalities, counties or regional governmental authorities; and to  
25 every contractual warden or impounding service, any provision to the  
26 contrary in this title notwithstanding.

27 (cf: P.L.1996, c.64, s.3)

28

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

30 4:22-26. A person who shall:

31 a. Overdrive, overload, drive when overloaded, overwork,  
32 ~~[torture, torment,]~~ deprive of necessary sustenance, ~~[unnecessarily~~  
33 ~~or cruelly beat or otherwise]~~ abuse, or ~~needlessly kill, torment,~~  
34 ~~torture, maim, hang, unnecessarily or cruelly beat,~~ needlessly mutilate,  
35 or ~~cruelly~~ kill a living animal or creature;

36 b. Cause or procure ~~[to be done by his agent, servant, employee~~  
37 ~~or otherwise an act]~~ any such acts enumerated in subsection a. of this  
38 section to be done;

39 c. Inflict unnecessary cruelty upon a living animal or creature ~~[of~~  
40 ~~which he has charge or custody either as owner or otherwise]~~, or  
41 unnecessarily fail to provide ~~[it]~~ a living animal or creature of which  
42 the person has charge either as an owner or otherwise with proper  
43 food, drink, shelter or protection from the weather, or leave it  
44 unattended in a vehicle under inhumane conditions adverse to the  
45 health or welfare of the living animal or creature;

- 1       d. Receive or offer for sale a horse that is suffering from abuse or  
2 neglect, or which by reason of disability, disease, abuse or lameness,  
3 or any other cause, could not be worked, ridden or otherwise used for  
4 show, exhibition or recreational purposes, or kept as a domestic pet  
5 without violating the provisions of this article;
- 6       e. Keep, use, be connected with or interested in the management  
7 of, or receive money or other consideration for the admission of a  
8 person to, a place kept or used for the purpose of fighting or baiting  
9 a living animal or creature;
- 10      f. Be present and witness, pay admission to, encourage, aid or  
11 assist in an activity enumerated in subsection e. of this section;
- 12      g. Permit or suffer a place owned or controlled by him to be used  
13 as provided in subsection e. of this section;
- 14      h. Carry, or cause to be carried, a living animal or creature in or  
15 upon a vehicle or otherwise, in a cruel or inhuman manner;
- 16      i. Use a dog or dogs for the purpose of drawing or helping to  
17 draw a vehicle for business purposes;
- 18      j. Impound or confine or cause to be impounded or confined in a  
19 pound or other place a living animal or creature, and shall fail to  
20 supply it during such confinement with a sufficient quantity of good  
21 and wholesome food and water;
- 22      k. Abandon a maimed, sick, infirm or disabled animal or creature  
23 to die in a public place;
- 24      l. Willfully sell, or offer to sell, use, expose, or cause or permit to  
25 be sold or offered for sale, used or exposed, a horse or other animal  
26 having the disease known as glanders or farcy, or other contagious or  
27 infectious disease dangerous to the health or life of human beings or  
28 animals, or who shall, when any such disease is beyond recovery,  
29 refuse, upon demand, to deprive the animal of life;
- 30      m. Own, operate, manage or conduct a roadside stand or market  
31 for the sale of merchandise along a public street or highway; or a  
32 shopping mall, or a part of the premises thereof; and keep a living  
33 animal or creature confined, or allowed to roam in an area whether or  
34 not the area is enclosed, on these premises as an exhibit; except that  
35 this subsection shall not be applicable to: a pet shop licensed pursuant  
36 to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an  
37 animal, in a humane manner, for the purpose of the protection of the  
38 premises; or a recognized breeders' association, a 4-H club, an  
39 educational agricultural program, an equestrian team, a humane  
40 society or other similar charitable or nonprofit organization conducting  
41 an exhibition, show or performance;
- 42      n. Keep or exhibit a wild animal at a roadside stand or market  
43 located along a public street or highway of this State; a gasoline  
44 station; or a shopping mall, or a part of the premises thereof;
- 45      o. Sell, offer for sale, barter or give away or display live baby  
46 chicks, ducklings or other fowl or rabbits, turtles or chameleons which

- 1 have been dyed or artificially colored or otherwise treated so as to  
2 impart to them an artificial color;
- 3 p. Use any animal, reptile, or fowl for the purpose of soliciting any  
4 alms, collections, contributions, subscriptions, donations, or payment  
5 of money except in connection with exhibitions, shows or  
6 performances conducted in a bona fide manner by recognized breeders'  
7 associations, 4-H clubs or other similar bona fide organizations;
- 8 q. Sell or offer for sale, barter, or give away living rabbits, turtles,  
9 baby chicks, ducklings or other fowl under two months of age, for use  
10 as household or domestic pets;
- 11 r. Sell, offer for sale, barter or give away living baby chicks,  
12 ducklings or other fowl, or rabbits, turtles or chameleons under two  
13 months of age for any purpose not prohibited by subsection q. of this  
14 section and who shall fail to provide proper facilities for the care of  
15 such animals;
- 16 s. Artificially mark sheep or cattle, or cause them to be marked,  
17 by cropping or cutting off both ears, cropping or cutting either ear  
18 more than one inch from the tip end thereof, or half cropping or  
19 cutting both ears or either ear more than one inch from the tip end  
20 thereof, or who shall have or keep in his possession sheep or cattle,  
21 which he claims to own, marked contrary to this subsection unless they  
22 were bought in market or of a stranger;
- 23 t. Abandon a domesticated animal;
- 24 u. For amusement or gain, cause, allow, or permit the fighting or  
25 baiting of a living animal or creature;
- 26 v. Own, possess, keep, train, promote, purchase, or knowingly sell  
27 a living animal or creature for the purpose of fighting or baiting that  
28 animal or creature;
- 29 w. Gamble on the outcome of a fight involving a living animal or  
30 creature;
- 31 x. Knowingly sell or barter or offer for sale or barter, at wholesale  
32 or retail, the fur or hair of a domestic dog or cat or any product made  
33 in whole or in part from the fur or hair of a domestic dog or cat, unless  
34 such fur or hair for sale or barter is from a commercial grooming  
35 establishment or a veterinary office or clinic or is for use for scientific  
36 research; or
- 37 y. Knowingly sell or barter or offer for sale or barter, at wholesale  
38 or retail, for human consumption, the flesh of a domestic dog or cat or  
39 any product made in whole or in part from the flesh of a domestic dog  
40 or cat --
- 41 Shall forfeit and pay a sum not to exceed \$250, except in the case  
42 of a violation of subsection t. a mandatory sum of \$500, and \$1,000  
43 if the violation occurs on or near a roadway, and in the case of a  
44 violation of subsection x. or y. a sum not to exceed \$1,000 for each  
45 domestic dog or cat fur or fur or hair product or domestic dog or cat  
46 carcass or meat product, to be sued for and recovered, with costs, in

1 a civil action by any person in the name of the New Jersey Society for  
2 the Prevention of Cruelty to Animals.

3 (cf: P.L.2000, c.162, s.2)

4

5 5. R.S.39:4-23 is amended to read as follows:

6 39:4-23. No person shall either ill-treat, overdrive, override or  
7 **[cruelly or]** unnecessarily or cruelly beat a horse. A person who  
8 violates this section shall be guilty of a disorderly persons offense,  
9 except that a person who unnecessarily or cruelly beats a horse shall  
10 be guilty of a crime of the fourth degree, and shall be subject to the  
11 provisions of R.S.4:22-17, R.S.4:22-21, and R.S.4:22-26, as  
12 appropriate.

13 (cf: P.L.1998, c.105, s.1)

14

15 6. This act shall take effect immediately.



# STATEMENT TO

[First Reprint]

## SENATE SUBSTITUTE FOR **SENATE, No. 1515**

with Assembly Floor Amendments  
(Proposed by Assemblyman ASSELTA)

to

ADOPTED: MARCH 29, 2001

The Senate Substitute (1R) for Senate Bill No. 1515 makes it a crime of the fourth degree to purposely, knowingly or recklessly torment, torture, maim, hang, unnecessarily or cruelly beat, needlessly mutilate or cruelly kill a living animal or creature or to cause one of these acts. The substitute also requires the court to order a juvenile who is found guilty of a disorderly persons offense or crime of the fourth degree to receive 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.

These Assembly amendments to the Senate Substitute (1R) for Senate Bill No. 1515 remove a provision that would have permitted persons convicted of a fourth-degree crime of animal cruelty to vote in any primary, municipal, special or general election. The Assembly amendments also correct language in the bill referring to juveniles being "found guilty" of an offense. Juveniles in this State are adjudicated delinquent for acts which, if committed by adults, would constitute an offense. The amendments also make other technical corrections.

[Second Reprint]

SENATE SUBSTITUTE FOR  
**SENATE, No. 1515**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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ADOPTED DECEMBER 18, 2000

**Sponsored by:**

**Senator JAMES S. CAFIERO**

**District 1 (Cape May, Atlantic and Cumberland)**

**Senator DIANE ALLEN**

**District 7 (Burlington and Camden)**

**Co-Sponsored by:**

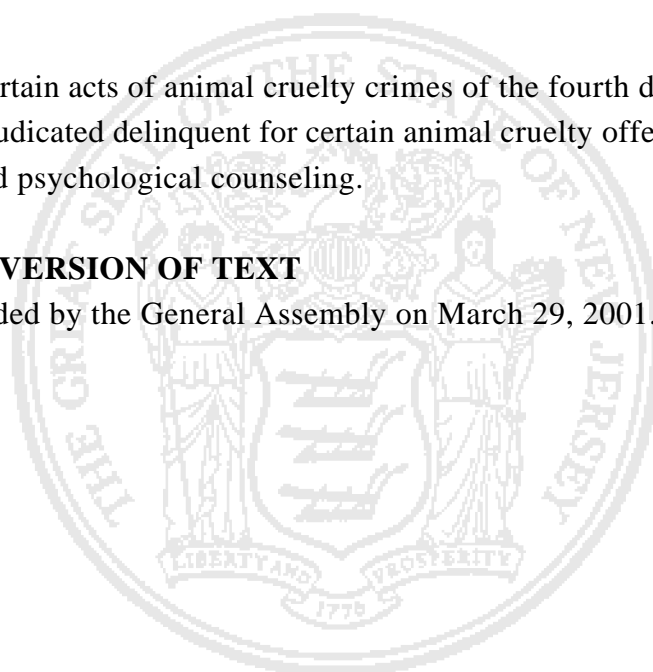
**Senators Inverso, Baer, Robertson, Palaia, Bucco, Matheussen, Zane, Singer, Assemblymen Asselta, Gibson, Malone, Holzapfel, LeFevre, Assemblywoman Crecco, Assemblyman Wolfe, Assemblywoman Myers, Assemblymen Blee, Cottrell, Arnone, Assemblywoman Heck, Assemblymen Pennacchio, Talarico, Bateman, Felice, Zecker and Assemblywoman Greenstein**

**SYNOPSIS**

Makes certain acts of animal cruelty crimes of the fourth degree; requires juveniles adjudicated delinquent for certain animal cruelty offenses to receive court-ordered psychological counseling.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on March 29, 2001.



**(Sponsorship Updated As Of: 6/29/2001)**

1 AN ACT concerning animal cruelty and amending R.S.4:22-17,  
2 R.S.4:22-18, R.S.4:22-19, R.S.4:22-26 and R.S.39:4-23.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. R.S.4:22-17 is amended to read as follows:

8 4:22-17 a. A person who shall:

9 [a.] (1) Overdrive, overload, drive when overloaded, overwork,  
10 [torture, torment,] deprive of necessary sustenance, [unnecessarily or  
11 cruelly beat or otherwise] abuse, [or needlessly mutilate] or  
12 needlessly kill a living animal or creature;

13 [b.] (2) Cause or procure any [of] such acts to be done; or

14 [c.] (3) Inflict unnecessary cruelty upon a living animal or  
15 creature [of which he has charge either as owner or otherwise], or  
16 unnecessarily fail to provide [it] a living animal or creature of which  
17 the person has charge either as an owner or otherwise with proper  
18 food, drink, shelter or protection from the weather, or leave it  
19 unattended in a vehicle under inhumane conditions adverse to the  
20 health or welfare of the living animal or creature--

21 Shall be guilty of a disorderly persons offense, and notwithstanding  
22 the provisions of N.J.S.2C:43-3 to the contrary, for every such offense  
23 shall be fined not less than \$250 nor more than \$1,000, or be  
24 imprisoned for a term of not more than six months, or both, in the  
25 discretion of the court. In addition, the court (1) shall impose a term  
26 of community service of up to 30 days, and may direct that the term  
27 of community service be served in providing assistance to the New  
28 Jersey Society for the Prevention of Cruelty to Animals, a district  
29 (county) society for the prevention of cruelty to animals, or any other  
30 recognized organization concerned with the prevention of cruelty to  
31 animals or the humane treatment and care of animals, or to a  
32 municipality's animal control or animal population control program;  
33 (2) may require the violator to pay restitution or otherwise reimburse  
34 any costs for food, drink, shelter, or veterinary care or treatment, or  
35 other costs, incurred by any agency, entity, or organization  
36 investigating the violation, including but not limited to the New Jersey  
37 Society for the Prevention of Cruelty to Animals, a district (county)  
38 society for the prevention of cruelty to animals, any other recognized  
39 organization concerned with the prevention of cruelty to animals or  
40 the humane treatment and care of animals, or a local or State

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate floor amendments adopted March 26, 2001.

<sup>2</sup> Assembly floor amendments adopted March 29, 2001.

1 governmental entity; and (3) may impose any other appropriate  
2 penalties established for a disorderly persons offense pursuant to Title  
3 2C of the New Jersey Statutes.

4 b. A person who shall purposely, knowingly, or recklessly:

5 (1) Torment, torture, maim, hang, unnecessarily or cruelly beat,  
6 needlessly mutilate, or cruelly kill a living animal or creature; or

7 (2) Cause or procure any such acts to be done --

8 Shall be guilty of a crime of the fourth degree.

9 In addition to imposing any other appropriate penalties established  
10 for a crime of the fourth degree pursuant to Title 2C of the New  
11 Jersey Statutes, the court <sup>2</sup>[:]<sup>2</sup> shall impose a term of community  
12 service of up to 30 days, and may direct that the term of community  
13 service be served in providing assistance to the New Jersey Society for  
14 the Prevention of Cruelty to Animals, a district (county) society for the  
15 prevention of cruelty to animals, or any other recognized organization  
16 concerned with the prevention of cruelty to animals or the humane  
17 treatment and care of animals, or to a municipality's animal control or  
18 animal population control program <sup>2</sup>[; and]. The court also<sup>2</sup> may  
19 require the violator to pay restitution or otherwise reimburse any costs  
20 for food, drink, shelter, or veterinary care or treatment, or other costs,  
21 incurred by any agency, entity, or organization investigating the  
22 violation, including but not limited to the New Jersey Society for the  
23 Prevention of Cruelty to Animals, a district (county) society for the  
24 prevention of cruelty to animals, any other recognized organization  
25 concerned with the prevention of cruelty to animals or the humane  
26 treatment and care of animals, or to a municipality's animal control or  
27 animal population control program.

28 <sup>2</sup>[<sup>1</sup>Notwithstanding the provisions of N.J.S.2C:51-3, a person who  
29 violates this subsection shall not be disqualified from voting in any  
30 primary, municipal, special or general election. <sup>1</sup>]<sup>2</sup>

31 c. If a juvenile is <sup>2</sup>[found guilty of] adjudicated delinquent for an  
32 act which, if committed by an adult, would constitute<sup>2</sup> a disorderly  
33 persons offense pursuant to subsection a. of this section or <sup>2</sup>[of]<sup>2</sup> a  
34 crime <sup>2</sup>of the fourth degree<sup>2</sup> pursuant to subsection b. of this section,  
35 the court <sup>2</sup>[shall]<sup>2</sup> also <sup>2</sup>shall<sup>2</sup> order the juvenile to receive mental  
36 health counseling by a licensed psychologist or therapist named by the  
37 court for a period of time to be prescribed by the licensed psychologist  
38 or therapist.

39 (cf: P.L.2000, c.162, s.1)

40  
41 2. R.S.4:22-18 is amended to read as follows:

42 4:22-18. A person who shall carry, or cause to be carried, a living  
43 animal or creature in or upon a vehicle or otherwise, in a cruel or  
44 inhumane manner, shall be guilty of a disorderly persons offense and  
45 punished as provided in subsection a. of R.S.4:22-17.

46 (cf: P.L.1996, c.64, s.2)

1 3. R.S.4:22-19 is amended to read as follows:

2 4:22-19. A person who shall:

3 a. Impound or confine, or cause to be impounded or confined, in  
4 a pound or other place, a living animal or creature, and shall fail to  
5 supply it during such confinement with a sufficient quantity of good  
6 and wholesome food and water; or

7 b. Destroy or cause to be destroyed any such animal by hypoxia  
8 induced by decompression or in any other manner, by the  
9 administration of a lethal gas other than an inhalant anesthetic, or in  
10 any other manner except by a method of euthanasia generally accepted  
11 by the veterinary medical profession as being reliable, appropriate to  
12 the type of animal upon which it is to be employed, and capable of  
13 producing loss of consciousness and death as rapidly and painlessly  
14 as possible for such animal shall, in the case of a violation of  
15 subsection a., be guilty of a disorderly persons offense and shall be  
16 punished as provided in subsection a. of R.S.4:22-17; or, in the case  
17 of a violation of subsection b., be subject to a penalty of ~~[\$25.00]~~  
18 \$25 for the first offense and ~~[\$50.00]~~ \$50 for each subsequent  
19 offense. Each animal destroyed in violation of subsection b. shall  
20 constitute a separate offense. The penalty shall be collected in  
21 accordance with <sup>2</sup>~~["the penalty enforcement law" (N.J.S.2A:58-1 et~~  
22 ~~seq.)]~~ the "Penalty Enforcement Law of 1999," P.L.1999, c.274  
23 (C.2A:58-10 et seq.)<sup>2</sup> and all money collected shall be remitted to the  
24 State.

25 This section shall apply to kennels, pet shops, shelters and pounds  
26 as defined and licensed pursuant to P.L.1941, c.151 (C.4:19-15.1 et  
27 seq.); to pounds and places of confinement owned and operated by  
28 municipalities, counties or regional governmental authorities; and to  
29 every contractual warden or impounding service, any provision to the  
30 contrary in this title notwithstanding.

31 (cf: P.L.1996, c.64, s.3)

32

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

34 4:22-26. A person who shall:

35 a. Overdrive, overload, drive when overloaded, overwork,  
36 ~~[torture, torment,]~~ deprive of necessary sustenance, ~~[unnecessarily~~  
37 ~~or cruelly beat or otherwise]~~ abuse, or needlessly kill, torment,  
38 torture, maim, hang, unnecessarily or cruelly beat, needlessly mutilate,  
39 or cruelly kill a living animal or creature;

40 b. Cause or procure ~~[to be done by his agent, servant, employee~~  
41 ~~or otherwise an act]~~ any such acts enumerated in subsection a. of this  
42 section to be done;

43 c. Inflict unnecessary cruelty upon a living animal or creature ~~[of~~  
44 ~~which he has charge or custody either as owner or otherwise]~~, or  
45 unnecessarily fail to provide ~~[it]~~ a living animal or creature of which

- 1 the person has charge either as an owner or otherwise with proper  
2 food, drink, shelter or protection from the weather, or leave it  
3 unattended in a vehicle under inhumane conditions adverse to the  
4 health or welfare of the living animal or creature;
- 5 d. Receive or offer for sale a horse that is suffering from abuse or  
6 neglect, or which by reason of disability, disease, abuse or lameness,  
7 or any other cause, could not be worked, ridden or otherwise used for  
8 show, exhibition or recreational purposes, or kept as a domestic pet  
9 without violating the provisions of this article;
- 10 e. Keep, use, be connected with or interested in the management  
11 of, or receive money or other consideration for the admission of a  
12 person to, a place kept or used for the purpose of fighting or baiting  
13 a living animal or creature;
- 14 f. Be present and witness, pay admission to, encourage, aid or  
15 assist in an activity enumerated in subsection e. of this section;
- 16 g. Permit or suffer a place owned or controlled by him to be used  
17 as provided in subsection e. of this section;
- 18 h. Carry, or cause to be carried, a living animal or creature in or  
19 upon a vehicle or otherwise, in a cruel or inhuman manner;
- 20 i. Use a dog or dogs for the purpose of drawing or helping to  
21 draw a vehicle for business purposes;
- 22 j. Impound or confine or cause to be impounded or confined in a  
23 pound or other place a living animal or creature, and shall fail to  
24 supply it during such confinement with a sufficient quantity of good  
25 and wholesome food and water;
- 26 k. Abandon a maimed, sick, infirm or disabled animal or creature  
27 to die in a public place;
- 28 l. Willfully sell, or offer to sell, use, expose, or cause or permit to  
29 be sold or offered for sale, used or exposed, a horse or other animal  
30 having the disease known as glanders or farcy, or other contagious or  
31 infectious disease dangerous to the health or life of human beings or  
32 animals, or who shall, when any such disease is beyond recovery,  
33 refuse, upon demand, to deprive the animal of life;
- 34 m. Own, operate, manage or conduct a roadside stand or market  
35 for the sale of merchandise along a public street or highway; or a  
36 shopping mall, or a part of the premises thereof; and keep a living  
37 animal or creature confined, or allowed to roam in an area whether or  
38 not the area is enclosed, on these premises as an exhibit; except that  
39 this subsection shall not be applicable to: a pet shop licensed pursuant  
40 to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an  
41 animal, in a humane manner, for the purpose of the protection of the  
42 premises; or a recognized breeders' association, a 4-H club, an  
43 educational agricultural program, an equestrian team, a humane  
44 society or other similar charitable or nonprofit organization conducting  
45 an exhibition, show or performance;
- 46 n. Keep or exhibit a wild animal at a roadside stand or market

- 1 located along a public street or highway of this State; a gasoline  
2 station; or a shopping mall, or a part of the premises thereof;
- 3 o. Sell, offer for sale, barter or give away or display live baby  
4 chicks, ducklings or other fowl or rabbits, turtles or chameleons which  
5 have been dyed or artificially colored or otherwise treated so as to  
6 impart to them an artificial color;
- 7 p. Use any animal, reptile, or fowl for the purpose of soliciting any  
8 alms, collections, contributions, subscriptions, donations, or payment  
9 of money except in connection with exhibitions, shows or  
10 performances conducted in a bona fide manner by recognized breeders'  
11 associations, 4-H clubs or other similar bona fide organizations;
- 12 q. Sell or offer for sale, barter, or give away living rabbits, turtles,  
13 baby chicks, ducklings or other fowl under two months of age, for use  
14 as household or domestic pets;
- 15 r. Sell, offer for sale, barter or give away living baby chicks,  
16 ducklings or other fowl, or rabbits, turtles or chameleons under two  
17 months of age for any purpose not prohibited by subsection q. of this  
18 section and who shall fail to provide proper facilities for the care of  
19 such animals;
- 20 s. Artificially mark sheep or cattle, or cause them to be marked,  
21 by cropping or cutting off both ears, cropping or cutting either ear  
22 more than one inch from the tip end thereof, or half cropping or  
23 cutting both ears or either ear more than one inch from the tip end  
24 thereof, or who shall have or keep in his possession sheep or cattle,  
25 which he claims to own, marked contrary to this subsection unless they  
26 were bought in market or of a stranger;
- 27 t. Abandon a domesticated animal;
- 28 u. For amusement or gain, cause, allow, or permit the fighting or  
29 baiting of a living animal or creature;
- 30 v. Own, possess, keep, train, promote, purchase, or knowingly sell  
31 a living animal or creature for the purpose of fighting or baiting that  
32 animal or creature;
- 33 w. Gamble on the outcome of a fight involving a living animal or  
34 creature;
- 35 x. Knowingly sell or barter or offer for sale or barter, at wholesale  
36 or retail, the fur or hair of a domestic dog or cat or any product made  
37 in whole or in part from the fur or hair of a domestic dog or cat, unless  
38 such fur or hair for sale or barter is from a commercial grooming  
39 establishment or a veterinary office or clinic or is for use for scientific  
40 research; or
- 41 y. Knowingly sell or barter or offer for sale or barter, at wholesale  
42 or retail, for human consumption, the flesh of a domestic dog or cat or  
43 any product made in whole or in part from the flesh of a domestic dog  
44 or cat --
- 45 Shall forfeit and pay a sum not to exceed \$250, except in the case  
46 of a violation of subsection t. a mandatory sum of \$500, and \$1,000

1 if the violation occurs on or near a roadway, and in the case of a  
2 violation of subsection x. or y. a sum not to exceed \$1,000 for each  
3 domestic dog or cat fur or fur or hair product or domestic dog or cat  
4 carcass or meat product, to be sued for and recovered, with costs, in  
5 a civil action by any person in the name of the New Jersey Society for  
6 the Prevention of Cruelty to Animals.

7 (cf: P.L.2000, c.162, s.2)

8

9 5. R.S.39:4-23 is amended to read as follows:

10 39:4-23. No person shall either ill-treat, overdrive, override or  
11 ~~unnecessarily or cruelly~~ beat a horse. A person who  
12 violates this section shall be guilty of a disorderly persons offense,  
13 except that a person who unnecessarily or cruelly beats a horse shall  
14 be guilty of a crime of the fourth degree, and shall be subject to the  
15 provisions of R.S.4:22-17, R.S.4:22-21, and R.S.4:22-26, as  
16 appropriate.

17 (cf: P.L.1998, c.105, s.1)

18

19 6. This act shall take effect immediately.



# ASSEMBLY, No. 2322

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MAY 1, 2000

**Sponsored by:**

**Assemblyman JOSEPH R. MALONE, III**

**District 30 (Burlington, Monmouth and Ocean)**

**Assemblyman JAMES W. HOLZAPFEL**

**District 10 (Monmouth and Ocean)**

**Co-Sponsored by:**

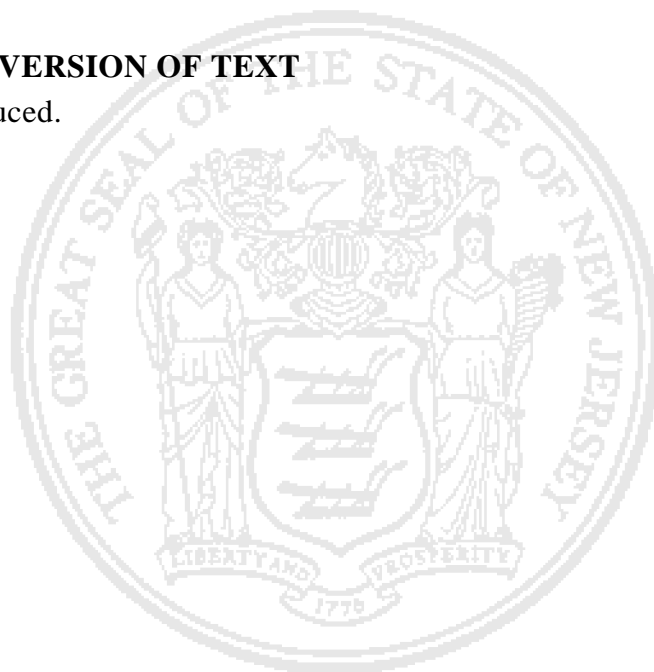
**Assemblyman Wolfe, Assemblywoman Myers, Assemblymen Blee,  
LeFevre, Cottrell, Arnone and Assemblywoman Crecco**

**SYNOPSIS**

Requires counseling for juveniles adjudicated delinquent for cruelty to animals.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 4/20/2001)**

1 AN ACT concerning juveniles and supplementing chapter 4A of Title  
2 2A of the New Jersey Statutes.

3

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

6

7 1. The court, in addition to any other authorized disposition, shall  
8 order that a juvenile, who has been adjudicated delinquent for an act  
9 that involves cruelty to an animal, participate in counseling or other  
10 psychological treatment.

11

12 2. This act shall take effect immediately.

13

14

15

#### STATEMENT

16

17 This bill would require that a juvenile, who has been adjudicated  
18 delinquent for an act that involves cruelty to an animal, receive  
19 counseling or other psychological treatment, in addition to any other  
20 disposition authorized by law. The counseling or other treatment  
21 would be designed to ameliorate the behavior patterns that led to the  
22 act of animal cruelty. Research has demonstrated a positive  
23 correlation between the abuse of animals in childhood and later  
24 violence toward humans.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2322**

**STATE OF NEW JERSEY**

DATED: JANUARY 18, 2001

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2322.

Assembly Bill No. 2322 requires juveniles who have been adjudicated delinquent for an act that involves cruelty to an animal to receive counseling or other psychological treatment, in addition to any other disposition authorized by law. The counseling or other treatment would be designed to ameliorate the behavior patterns that led to the act of animal cruelty. Research has demonstrated a positive correlation between the abuse of animals in childhood and later violence toward humans.

**FISCAL NOTE**  
**ASSEMBLY, No. 2322**  
**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

DATED: OCTOBER 11, 2000

**SUMMARY**

**Synopsis:** Requires counseling for juveniles adjudicated delinquent for cruelty to animals.

**Type of Impact:** None.

**Agencies Affected:** Department of Law and Public Safety, Juvenile Justice Commission.

**Executive Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	None	None	None
<b>State Revenue</b>	None	None	None

- ! The Office of Legislative Services (OLS) **concurs** with the Juvenile Justice Commission's estimate.
- ! Requires counseling for juveniles adjudicated delinquent for cruelty to animals.
- ! No additional costs are expected to result from enactment of this bill because the Juvenile Justice Commission presently provides counseling for all juveniles adjudicated delinquent.

**BILL DESCRIPTION**

Assembly Bill No. 2322 of 2000 requires that a juvenile, who has been adjudicated delinquent for an act that involves cruelty to an animal, receive counseling or other psychological treatment, in addition to any other disposition authorized by law. The counseling or other treatment would be designed to ameliorate the behavior patterns that led to the act of animal cruelty.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

The Juvenile Justice Commission, located in but not of the Department of Law and Public Safety, estimates that enactment of this bill will result in no additional cost because counseling is currently provided to all juveniles adjudicated delinquent.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services (OLS) concurs with the Juvenile Justice Commission's estimate.

Section: *Law and Public Safety*

Analyst: *James F. Vari*  
*Associate Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY SUBSTITUTE FOR  
**ASSEMBLY, Nos. 2698 (ACS) and 2322**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

---

ADOPTED MARCH 26, 2001

**Sponsored by:**

**Assemblyman NICHOLAS ASSELTA**

**District 1 (Cape May, Atlantic and Cumberland)**

**Assemblyman JOHN C. GIBSON**

**District 1 (Cape May, Atlantic and Cumberland)**

**Assemblyman JOSEPH R. MALONE, III**

**District 30 (Burlington, Monmouth and Ocean)**

**Assemblyman JAMES W. HOLZAPFEL**

**District 10 (Monmouth and Ocean)**

**Co-Sponsored by:**

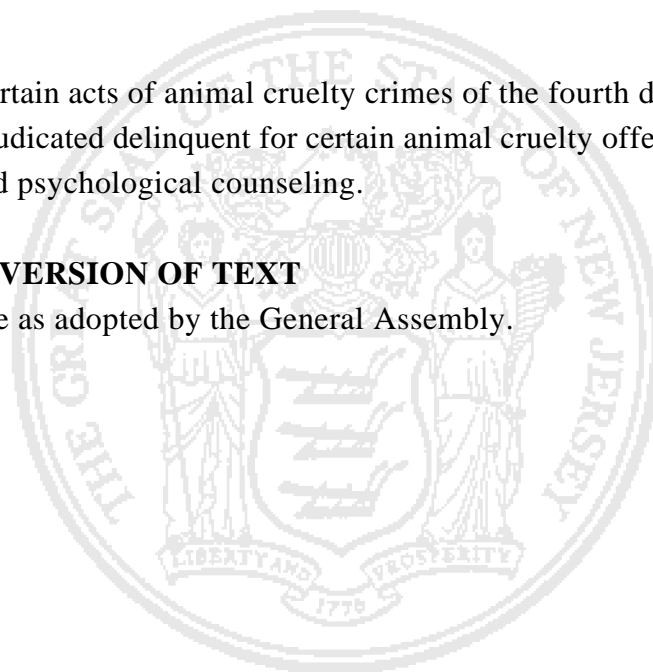
**Assemblyman LeFevre, Assemblywoman Crecco, Assemblyman Wolfe,  
Assemblywoman Myers, Assemblymen Blee, Cottrell, Arnone,  
Assemblywoman Heck, Assemblymen Pennachio, Talarico, Bateman,  
Felice, Zecker and Assemblywoman Greenstein**

**SYNOPSIS**

Makes certain acts of animal cruelty crimes of the fourth degree; requires juveniles adjudicated delinquent for certain animal cruelty offenses to receive court-ordered psychological counseling.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the General Assembly.



**(Sponsorship Updated As Of: 6/22/2001)**

1 AN ACT concerning animal cruelty and amending R.S.4:22-17,  
2 R.S.4:22-18, R.S.4:22-19, R.S.4:22-26 and R.S.39:4-23.

3

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

6

7 1. R.S.4:22-17 is amended to read as follows:

8 4:22-17 a. A person who shall:

9 [a.] (1) Overdrive, overload, drive when overloaded, overwork,  
10 [torture, torment,] deprive of necessary sustenance, [unnecessarily or  
11 cruelly beat or otherwise] abuse, or needlessly [mutilate or] kill a  
12 living animal or creature;

13 [b.] (2) Cause or procure any [of] such acts to be done; or

14 [c.] (3) Inflict unnecessary cruelty upon a living animal or  
15 creature [of which he has charge either as owner or otherwise], or  
16 unnecessarily fail to provide [it] a living animal or creature of which  
17 the person has charge either as an owner or otherwise with proper  
18 food, drink, shelter or protection from the weather, or leave it  
19 unattended in a vehicle under inhumane conditions adverse to the  
20 health or welfare of the living animal or creature--

21 Shall be guilty of a disorderly persons offense, and notwithstanding  
22 the provisions of N.J.S.2C:43-3 to the contrary, for every such offense  
23 shall be fined not less than \$250 nor more than \$1,000, or be  
24 imprisoned for a term of not more than six months, or both, in the  
25 discretion of the court. In addition, the court (1) shall impose a term  
26 of community service of up to 30 days, and may direct that the term  
27 of community service be served in providing assistance to the New  
28 Jersey Society for the Prevention of Cruelty to Animals, a district  
29 (county) society for the prevention of cruelty to animals, or any other  
30 recognized organization concerned with the prevention of cruelty to  
31 animals or the humane treatment and care of animals, or to a  
32 municipality's animal control or animal population control program;  
33 (2) may require the violator to pay restitution or otherwise reimburse  
34 any costs for food, drink, shelter, or veterinary care or treatment, or  
35 other costs, incurred by any agency, entity, or organization  
36 investigating the violation, including but not limited to the New Jersey  
37 Society for the Prevention of Cruelty to Animals, a district (county)  
38 society for the prevention of cruelty to animals, any other recognized  
39 organization concerned with the prevention of cruelty to animals or  
40 the humane treatment and care of animals, or a local or State  
41 governmental entity; and (3) may impose any other appropriate  
42 penalties established for a disorderly persons offense pursuant to Title

**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 2C of the New Jersey Statutes.

2 b. A person who shall purposely, knowingly, or recklessly:

3 (1) Torment, torture, maim, hang, unnecessarily or cruelly beat,  
4 needlessly mutilate, or cruelly kill a living animal or creature; or

5 (2) Cause or procure any such acts to be done --

6 Shall be guilty of a crime of the fourth degree.

7 In addition to imposing any other appropriate penalties established  
8 for a crime of the fourth degree pursuant to Title 2C of the New  
9 Jersey Statutes, the court shall impose a term of community service of  
10 up to 30 days, and may direct that the term of community service be  
11 served in providing assistance to the New Jersey Society for the  
12 Prevention of Cruelty to Animals, a district (county) society for the  
13 prevention of cruelty to animals, or any other recognized organization  
14 concerned with the prevention of cruelty to animals or the humane  
15 treatment and care of animals, or to a municipality's animal control or  
16 animal population control program. The court also may require the  
17 violator to pay restitution or otherwise reimburse any costs for food,  
18 drink, shelter, or veterinary care or treatment, or other costs, incurred  
19 by any agency, entity, or organization investigating the violation,  
20 including but not limited to the New Jersey Society for the Prevention  
21 of Cruelty to Animals, a district (county) society for the prevention of  
22 cruelty to animals, any other recognized organization concerned with  
23 the prevention of cruelty to animals or the humane treatment and care  
24 of animals, or to a municipality's animal control or animal population  
25 control program.

26 c. If a juvenile is adjudicated delinquent for an act which, if  
27 committed by an adult, would constitute a disorderly persons offense  
28 pursuant to subsection a. of this section or a crime of the fourth  
29 degree pursuant to subsection b. of this section, the court also shall  
30 order the juvenile to receive mental health counseling by a licensed  
31 psychologist or therapist named by the court for a period of time to be  
32 prescribed by the licensed psychologist or therapist.

33 (cf: P.L.2000, c.162, s.1)

34

35 2. R.S.4:22-18 is amended to read as follows:

36 4:22-18. A person who shall carry, or cause to be carried, a living  
37 animal or creature in or upon a vehicle or otherwise, in a cruel or  
38 inhumane manner, shall be guilty of a disorderly persons offense and  
39 punished as provided in subsection a. of R.S.4:22-17.

40 (cf: P.L.1996, c.64, s.2)

41

42 3. R.S.4:22-19 is amended to read as follows:

43 4:22-19. A person who shall:

44 a. Impound or confine, or cause to be impounded or confined, in  
45 a pound or other place, a living animal or creature, and shall fail to  
46 supply it during such confinement with a sufficient quantity of good



1 and wholesome food and water; or  
2 b. Destroy or cause to be destroyed any such animal by hypoxia  
3 induced by decompression or in any other manner, by the  
4 administration of a lethal gas other than an inhalant anesthetic, or in  
5 any other manner except by a method of euthanasia generally accepted  
6 by the veterinary medical profession as being reliable, appropriate to  
7 the type of animal upon which it is to be employed, and capable of  
8 producing loss of consciousness and death as rapidly and painlessly  
9 as possible for such animal shall, in the case of a violation of  
10 subsection a., be guilty of a disorderly persons offense and shall be  
11 punished as provided in subsection a. of R.S.4:22-17; or, in the case  
12 of a violation of subsection b., be subject to a penalty of ~~[\$25.00]~~  
13 \$25 for the first offense and ~~[\$50.00]~~ \$50 for each subsequent  
14 offense. Each animal destroyed in violation of subsection b. shall  
15 constitute a separate offense. The penalty shall be collected in  
16 accordance with ~~["the penalty enforcement law" (N.J.S.2A:58-1 et~~  
17 ~~seq.)]~~ the "Penalty Enforcement Law of 1999," P.L.1999, c.274  
18 (C.2A:58-10 et seq.) and all money collected shall be remitted to the  
19 State.

20 This section shall apply to kennels, pet shops, shelters and pounds  
21 as defined and licensed pursuant to P.L.1941, c.151 (C.4:19-15.1 et  
22 seq.); to pounds and places of confinement owned and operated by  
23 municipalities, counties or regional governmental authorities; and to  
24 every contractual warden or impounding service, any provision to the  
25 contrary in this title notwithstanding.

26 (cf: P.L.1996, c.64, s.3)

27

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

29 4:22-26. A person who shall:

30 a. Overdrive, overload, drive when overloaded, overwork,  
31 ~~[torture, torment,]~~ deprive of necessary sustenance, ~~[or cruelly beat~~  
32 ~~or otherwise]~~ abuse, or ~~needlessly kill, torment, torture, maim, hang,~~  
33 unnecessarily or cruelly beat, needlessly mutilate, or cruelly kill a  
34 living animal or creature;

35 b. Cause or procure ~~[to be done by his agent, servant, employee~~  
36 ~~or otherwise an act]~~ any such acts enumerated in subsection a. of this  
37 section to be done;

38 c. Inflict unnecessary cruelty upon a living animal or creature ~~[of~~  
39 ~~which he has charge or custody either as owner or otherwise]~~, or  
40 unnecessarily fail to provide ~~[it]~~ a living animal or creature of which  
41 the person has charge either as an owner or otherwise with proper  
42 food, drink, shelter or protection from the weather, or leave it  
43 unattended in a vehicle under inhumane conditions adverse to the  
44 health or welfare of the living animal or creature;

45 d. Receive or offer for sale a horse that is suffering from abuse or

- 1 neglect, or which by reason of disability, disease, abuse or lameness,  
2 or any other cause, could not be worked, ridden or otherwise used for  
3 show, exhibition or recreational purposes, or kept as a domestic pet  
4 without violating the provisions of this article;
- 5 e. Keep, use, be connected with or interested in the management  
6 of, or receive money or other consideration for the admission of a  
7 person to, a place kept or used for the purpose of fighting or baiting  
8 a living animal or creature;
- 9 f. Be present and witness, pay admission to, encourage, aid or  
10 assist in an activity enumerated in subsection e. of this section;
- 11 g. Permit or suffer a place owned or controlled by him to be used  
12 as provided in subsection e. of this section;
- 13 h. Carry, or cause to be carried, a living animal or creature in or  
14 upon a vehicle or otherwise, in a cruel or inhuman manner;
- 15 i. Use a dog or dogs for the purpose of drawing or helping to  
16 draw a vehicle for business purposes;
- 17 j. Impound or confine or cause to be impounded or confined in a  
18 pound or other place a living animal or creature, and shall fail to  
19 supply it during such confinement with a sufficient quantity of good  
20 and wholesome food and water;
- 21 k. Abandon a maimed, sick, infirm or disabled animal or creature  
22 to die in a public place;
- 23 l. Willfully sell, or offer to sell, use, expose, or cause or permit to  
24 be sold or offered for sale, used or exposed, a horse or other animal  
25 having the disease known as glanders or farcy, or other contagious or  
26 infectious disease dangerous to the health or life of human beings or  
27 animals, or who shall, when any such disease is beyond recovery,  
28 refuse, upon demand, to deprive the animal of life;
- 29 m. Own, operate, manage or conduct a roadside stand or market  
30 for the sale of merchandise along a public street or highway; or a  
31 shopping mall, or a part of the premises thereof; and keep a living  
32 animal or creature confined, or allowed to roam in an area whether or  
33 not the area is enclosed, on these premises as an exhibit; except that  
34 this subsection shall not be applicable to: a pet shop licensed pursuant  
35 to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an  
36 animal, in a humane manner, for the purpose of the protection of the  
37 premises; or a recognized breeders' association, a 4-H club, an  
38 educational agricultural program, an equestrian team, a humane  
39 society or other similar charitable or nonprofit organization conducting  
40 an exhibition, show or performance;
- 41 n. Keep or exhibit a wild animal at a roadside stand or market  
42 located along a public street or highway of this State; a gasoline  
43 station; or a shopping mall, or a part of the premises thereof;
- 44 o. Sell, offer for sale, barter or give away or display live baby  
45 chicks, ducklings or other fowl or rabbits, turtles or chameleons which  
46 have been dyed or artificially colored or otherwise treated so as to

- 1 impart to them an artificial color;
- 2 p. Use any animal, reptile, or fowl for the purpose of soliciting any  
3 alms, collections, contributions, subscriptions, donations, or payment  
4 of money except in connection with exhibitions, shows or  
5 performances conducted in a bona fide manner by recognized breeders'  
6 associations, 4-H clubs or other similar bona fide organizations;
- 7 q. Sell or offer for sale, barter, or give away living rabbits, turtles,  
8 baby chicks, ducklings or other fowl under two months of age, for use  
9 as household or domestic pets;
- 10 r. Sell, offer for sale, barter or give away living baby chicks,  
11 ducklings or other fowl, or rabbits, turtles or chameleons under two  
12 months of age for any purpose not prohibited by subsection q. of this  
13 section and who shall fail to provide proper facilities for the care of  
14 such animals;
- 15 s. Artificially mark sheep or cattle, or cause them to be marked,  
16 by cropping or cutting off both ears, cropping or cutting either ear  
17 more than one inch from the tip end thereof, or half cropping or  
18 cutting both ears or either ear more than one inch from the tip end  
19 thereof, or who shall have or keep in his possession sheep or cattle,  
20 which he claims to own, marked contrary to this subsection unless they  
21 were bought in market or of a stranger;
- 22 t. Abandon a domesticated animal;
- 23 u. For amusement or gain, cause, allow, or permit the fighting or  
24 baiting of a living animal or creature;
- 25 v. Own, possess, keep, train, promote, purchase, or knowingly sell  
26 a living animal or creature for the purpose of fighting or baiting that  
27 animal or creature;
- 28 w. Gamble on the outcome of a fight involving a living animal or  
29 creature;
- 30 x. Knowingly sell or barter or offer for sale or barter, at wholesale  
31 or retail, the fur or hair of a domestic dog or cat or any product made  
32 in whole or in part from the fur or hair of a domestic dog or cat, unless  
33 such fur or hair for sale or barter is from a commercial grooming  
34 establishment or a veterinary office or clinic or is for use for scientific  
35 research; or
- 36 y. Knowingly sell or barter or offer for sale or barter, at wholesale  
37 or retail, for human consumption, the flesh of a domestic dog or cat or  
38 any product made in whole or in part from the flesh of a domestic dog  
39 or cat --
- 40 Shall forfeit and pay a sum not to exceed \$250, except in the case  
41 of a violation of subsection t. a mandatory sum of \$500, and \$1,000  
42 if the violation occurs on or near a roadway, and in the case of a  
43 violation of subsection x. or y. a sum not to exceed \$1,000 for each  
44 domestic dog or cat fur or fur or hair product or domestic dog or cat  
45 carcass or meat product, to be sued for and recovered, with costs, in  
46 a civil action by any person in the name of the New Jersey Society for

1 the Prevention of Cruelty to Animals.

2 (cf: P.L.2000, c.162, s.2)

3

4 5. R.S.39:4-23 is amended to read as follows:

5 39:4-23. No person shall either ill-treat, overdrive, override or  
6 [cruelly or] unnecessarily or cruelly beat a horse. A person who  
7 violates this section shall be guilty of a disorderly persons offense,  
8 except that a person who unnecessarily or cruelly beats a horse shall  
9 be guilty of a crime of the fourth degree, and shall be subject to the  
10 provisions of R.S.4:22-17, R.S.4:22-21, and R.S.4:22-26, as  
11 appropriate.

12 (cf: P.L.1998, c.105, s.1)

13

14 6. This act shall take effect immediately.

15

16

17

#### STATEMENT

18

19 This Assembly Substitute for Assembly Bill No. 2698 (ACS) and  
20 Assembly Bill No. 2322 make it a crime of the fourth degree to  
21 purposely, knowingly or recklessly torment, torture, maim, hang,  
22 unnecessarily or cruelly beat, needlessly mutilate or cruelly kill a living  
23 animal or creature or to cause one of these acts. Fourth-degree crimes  
24 are punishable by a term of imprisonment of up to 18 months, a fine  
25 of up to \$10,000, or both.

26 In addition to the penalties imposed for a fourth degree crime, the  
27 Assembly substitute requires the court to impose a term of community  
28 service of up to 30 days. The offender may be required to satisfy this  
29 term by providing assistance to: (1) the New Jersey Society for the  
30 Prevention of Cruelty to Animals; (2) a district (county) society for the  
31 prevention of cruelty to animals; (3) another recognized organization  
32 concerned with the prevention of cruelty to animals or the humane  
33 treatment and care of animals; or (4) a municipality's animal control or  
34 animal population control program. The offender also may be required  
35 to pay restitution or the costs of providing food, drink, shelter or  
36 veterinary care or treatment incurred by an agency investigating a  
37 claim of animal cruelty.

38 The substitute also requires the court to order a juvenile who is  
39 adjudicated delinquent for an act which, if committed by an adult,  
40 would constitute a disorderly persons offense or crime of the fourth  
41 degree under the substitute to receive mental health counseling by a  
42 licensed psychologist or therapist named by the court for a period of  
43 time to be prescribed by the licensed psychologist or therapist.

**FISCAL NOTE**  
**ASSEMBLY SUBSTITUTE FOR**  
**ASSEMBLY, Nos. 2698 (ACS) and 2322**  
**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

DATED: APRIL 16, 2001

**SUMMARY**

**Synopsis:** Makes certain acts of animal cruelty crimes of the fourth degree; requires juveniles adjudicated delinquent for certain animal cruelty offenses to receive court-ordered psychological counseling.

**Type of Impact:** Indeterminate cost for psychological counseling for delinquent juveniles.

**Agencies Affected:** Judiciary

**Executive Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	Indeterminate	Indeterminate	Indeterminate

- ! The Office of Legislative Services **concurs** with the Judiciary estimate and adds that conviction for a fourth degree offense carries with it the presumption of non-incarceration for first time offenders. As a result there would be no cost incurred to the Juvenile Justice Commission or the Department of Corrections for incarceration. The OLS further notes that an additional unidentified cost could be incurred by the State to fund psychological counseling for delinquent juveniles.
- ! The substitute makes it a crime of the fourth degree to purposely, knowingly or recklessly torment, torture, maim, hang, unnecessarily or cruelly beat, needlessly mutilate or cruelly kill a living animal or creature or to cause one of these acts.
- ! In addition, the substitute requires the court to impose a term of community service of up to 30 days. The offender also may be required to pay restitution or the costs of providing food, drink, shelter or veterinary care or treatment incurred by an agency investigating a claim of animal cruelty.
- ! The substitute also requires the court to order a juvenile who is adjudicated delinquent for an act which, if committed by an adult, would constitute a disorderly persons offense or crime of the fourth degree under the substitute to receive 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 Administrative Office of the Courts states that enactment of the substitute would generate no additional costs to the State.

### **BILL DESCRIPTION**

Assembly Substitute for Assembly Bill Nos. 2698 (ACS) and 2322 of 2000 makes it a crime of the fourth degree to purposely, knowingly or recklessly torment, torture, maim, hang, unnecessarily or cruelly beat, needlessly mutilate or cruelly kill a living animal or creature or to cause one of these acts. Fourth-degree crimes are punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

In addition, the substitute requires the court to impose a term of community service of up to 30 days. The offender also may be required to pay restitution or the costs of providing food, drink, shelter or veterinary care or treatment incurred by an agency investigating a claim of animal cruelty.

The substitute also requires the court to order a juvenile who is adjudicated delinquent for an act which, if committed by an adult, would constitute a disorderly persons offense or crime of the fourth degree under the substitute to receive 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.

### **FISCAL ANALYSIS**

#### ***EXECUTIVE BRANCH***

The Administrative Office of the Courts states that enactment of the substitute would generate no additional costs to the State.

#### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services concurs with the Judiciary estimate and adds that conviction for a fourth degree offense carries with it the presumption of non-incarceration for first time offenders. As a result there would be no cost incurred to the Juvenile Justice Commission or the Department of Corrections for incarceration. The OLS further notes that an additional unidentified cost could be incurred by the State to fund psychological counseling for delinquent juveniles.

Section: *Judiciary*

Analyst: *Anne C. Raughley*  
*Lead Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L.1980, c.67.

AS for **2698** ACS

3

P.L. 2001, CHAPTER 229, *approved August 27, 2001*  
Senate Substitute (*Second Reprint*) for  
Senate, No. 1515

1 AN ACT concerning animal cruelty and amending R.S.4:22-17,  
2 R.S.4:22-18, R.S.4:22-19, R.S.4:22-26 and R.S.39:4-23.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. R.S.4:22-17 is amended to read as follows:

8 4:22-17 a. A person who shall:

9 [a.] (1) Overdrive, overload, drive when overloaded, overwork,  
10 [torture, torment,] deprive of necessary sustenance, [unnecessarily or  
11 cruelly beat or otherwise] abuse, [or needlessly mutilate] or  
12 needlessly kill a living animal or creature;

13 [b.] (2) Cause or procure any [of] such acts to be done; or

14 [c.] (3) Inflict unnecessary cruelty upon a living animal or  
15 creature [of which he has charge either as owner or otherwise], or  
16 unnecessarily fail to provide [it] a living animal or creature of which  
17 the person has charge either as an owner or otherwise with proper  
18 food, drink, shelter or protection from the weather, or leave it  
19 unattended in a vehicle under inhumane conditions adverse to the  
20 health or welfare of the living animal or creature--

21 Shall be guilty of a disorderly persons offense, and notwithstanding  
22 the provisions of N.J.S.2C:43-3 to the contrary, for every such offense  
23 shall be fined not less than \$250 nor more than \$1,000, or be  
24 imprisoned for a term of not more than six months, or both, in the  
25 discretion of the court. In addition, the court (1) shall impose a term  
26 of community service of up to 30 days, and may direct that the term  
27 of community service be served in providing assistance to the New  
28 Jersey Society for the Prevention of Cruelty to Animals, a district  
29 (county) society for the prevention of cruelty to animals, or any other  
30 recognized organization concerned with the prevention of cruelty to  
31 animals or the humane treatment and care of animals, or to a  
32 municipality's animal control or animal population control program;  
33 (2) may require the violator to pay restitution or otherwise reimburse  
34 any costs for food, drink, shelter, or veterinary care or treatment, or  
35 other costs, incurred by any agency, entity, or organization  
36 investigating the violation, including but not limited to the New Jersey  
37 Society for the Prevention of Cruelty to Animals, a district (county)  
38 society for the prevention of cruelty to animals, any other recognized

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate floor amendments adopted March 26, 2001.

<sup>2</sup> Assembly floor amendments adopted March 29, 2001.



1 organization concerned with the prevention of cruelty to animals or  
2 the humane treatment and care of animals, or a local or State  
3 governmental entity; and (3) may impose any other appropriate  
4 penalties established for a disorderly persons offense pursuant to Title  
5 2C of the New Jersey Statutes.

6 b. A person who shall purposely, knowingly, or recklessly:

7 (1) Torment, torture, maim, hang, unnecessarily or cruelly beat,  
8 needlessly mutilate, or cruelly kill a living animal or creature; or

9 (2) Cause or procure any such acts to be done --

10 Shall be guilty of a crime of the fourth degree.

11 In addition to imposing any other appropriate penalties established  
12 for a crime of the fourth degree pursuant to Title 2C of the New  
13 Jersey Statutes, the court <sup>2</sup>[:]<sup>2</sup> shall impose a term of community  
14 service of up to 30 days, and may direct that the term of community  
15 service be served in providing assistance to the New Jersey Society for  
16 the Prevention of Cruelty to Animals, a district (county) society for the  
17 prevention of cruelty to animals, or any other recognized organization  
18 concerned with the prevention of cruelty to animals or the humane  
19 treatment and care of animals, or to a municipality's animal control or  
20 animal population control program <sup>2</sup>[; and]. The court also<sup>2</sup> may  
21 require the violator to pay restitution or otherwise reimburse any costs  
22 for food, drink, shelter, or veterinary care or treatment, or other costs,  
23 incurred by any agency, entity, or organization investigating the  
24 violation, including but not limited to the New Jersey Society for the  
25 Prevention of Cruelty to Animals, a district (county) society for the  
26 prevention of cruelty to animals, any other recognized organization  
27 concerned with the prevention of cruelty to animals or the humane  
28 treatment and care of animals, or to a municipality's animal control or  
29 animal population control program.

30 <sup>2</sup>[<sup>1</sup>Notwithstanding the provisions of N.J.S.2C:51-3, a person who  
31 violates this subsection shall not be disqualified from voting in any  
32 primary, municipal, special or general election. <sup>1</sup>]<sup>2</sup>

33 c. If a juvenile is <sup>2</sup>[found guilty of] adjudicated delinquent[ for an  
34 act which, if committed by an adult, would constitute<sup>2</sup> a disorderly  
35 persons offense pursuant to subsection a. of this section or <sup>2</sup>[of]<sup>2</sup> a  
36 crime <sup>2</sup>of the fourth degree<sup>2</sup> pursuant to subsection b. of this section,  
37 the court <sup>2</sup>[shall]<sup>2</sup> also <sup>2</sup>shall<sup>2</sup> order the juvenile to receive mental  
38 health counseling by a licensed psychologist or therapist named by the  
39 court for a period of time to be prescribed by the licensed psychologist  
40 or therapist.

41 (cf: P.L.2000, c.162, s.1)

42

43 2. R.S.4:22-18 is amended to read as follows:

44 4:22-18. A person who shall carry, or cause to be carried, a living  
45 animal or creature in or upon a vehicle or otherwise, in a cruel or  
46 inhumane manner, shall be guilty of a disorderly persons offense and

1 punished as provided in subsection a. of R.S.4:22-17.  
2 (cf: P.L.1996, c.64, s.2)

3  
4 3. R.S.4:22-19 is amended to read as follows:

5 4:22-19. A person who shall:

6 a. Impound or confine, or cause to be impounded or confined, in  
7 a pound or other place, a living animal or creature, and shall fail to  
8 supply it during such confinement with a sufficient quantity of good  
9 and wholesome food and water; or

10 b. Destroy or cause to be destroyed any such animal by hypoxia  
11 induced by decompression or in any other manner, by the  
12 administration of a lethal gas other than an inhalant anesthetic, or in  
13 any other manner except by a method of euthanasia generally accepted  
14 by the veterinary medical profession as being reliable, appropriate to  
15 the type of animal upon which it is to be employed, and capable of  
16 producing loss of consciousness and death as rapidly and painlessly  
17 as possible for such animal shall, in the case of a violation of  
18 subsection a., be guilty of a disorderly persons offense and shall be  
19 punished as provided in subsection a. of R.S.4:22-17; or, in the case  
20 of a violation of subsection b., be subject to a penalty of ~~[\$25.00]~~  
21 \$25 for the first offense and ~~[\$50.00]~~ \$50 for each subsequent  
22 offense. Each animal destroyed in violation of subsection b. shall  
23 constitute a separate offense. The penalty shall be collected in  
24 accordance with <sup>2</sup>~~["the penalty enforcement law" (N.J.S.2A:58-1 et~~  
25 ~~seq.)]~~ the "Penalty Enforcement Law of 1999," P.L.1999, c.274  
26 (C.2A:58-10 et seq.)<sup>2</sup> and all money collected shall be remitted to the  
27 State.

28 This section shall apply to kennels, pet shops, shelters and pounds  
29 as defined and licensed pursuant to P.L.1941, c.151 (C.4:19-15.1 et  
30 seq.); to pounds and places of confinement owned and operated by  
31 municipalities, counties or regional governmental authorities; and to  
32 every contractual warden or impounding service, any provision to the  
33 contrary in this title notwithstanding.

34 (cf: P.L.1996, c.64, s.3)

35  
36 4. R.S.4:22-26 is amended to read as follows:

37 4:22-26. A person who shall:

38 a. Overdrive, overload, drive when overloaded, overwork,  
39 ~~[torture, torment,]~~ deprive of necessary sustenance, ~~[unnecessarily~~  
40 ~~or cruelly beat or otherwise]~~ abuse, or needlessly kill, torment,  
41 torture, maim, hang, unnecessarily or cruelly beat, needlessly mutilate,  
42 or cruelly kill a living animal or creature;

43 b. Cause or procure ~~[to be done by his agent, servant, employee~~  
44 ~~or otherwise an act]~~ any such acts enumerated in subsection a. of this  
45 section to be done;

- 1 c. Inflict unnecessary cruelty upon a living animal or creature [of  
2 which he has charge or custody either as owner or otherwise], or  
3 unnecessarily fail to provide [it] a living animal or creature of which  
4 the person has charge either as an owner or otherwise with proper  
5 food, drink, shelter or protection from the weather, or leave it  
6 unattended in a vehicle under inhumane conditions adverse to the  
7 health or welfare of the living animal or creature;
- 8 d. Receive or offer for sale a horse that is suffering from abuse or  
9 neglect, or which by reason of disability, disease, abuse or lameness,  
10 or any other cause, could not be worked, ridden or otherwise used for  
11 show, exhibition or recreational purposes, or kept as a domestic pet  
12 without violating the provisions of this article;
- 13 e. Keep, use, be connected with or interested in the management  
14 of, or receive money or other consideration for the admission of a  
15 person to, a place kept or used for the purpose of fighting or baiting  
16 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 used  
20 as provided in subsection e. of this section;
- 21 h. Carry, or cause to be carried, a living animal or creature in or  
22 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 a  
26 pound or other place a living animal or creature, and shall fail to  
27 supply it during such confinement with a sufficient quantity of good  
28 and wholesome food and water;
- 29 k. Abandon a maimed, sick, infirm or disabled animal or creature  
30 to die in a public place;
- 31 l. Willfully sell, or offer to sell, use, expose, or cause or permit to  
32 be sold or offered for sale, used or exposed, a horse or other animal  
33 having the disease known as glanders or farcy, or other contagious or  
34 infectious disease dangerous to the health or life of human beings or  
35 animals, or who shall, when any such disease is beyond recovery,  
36 refuse, upon demand, to deprive the animal of life;
- 37 m. Own, operate, manage or conduct a roadside stand or market  
38 for the sale of merchandise along a public street or highway; or a  
39 shopping mall, or a part of the premises thereof; and keep a living  
40 animal or creature confined, or allowed to roam in an area whether or  
41 not the area is enclosed, on these premises as an exhibit; except that  
42 this subsection shall not be applicable to: a pet shop licensed pursuant  
43 to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an  
44 animal, in a humane manner, for the purpose of the protection of the  
45 premises; or a recognized breeders' association, a 4-H club, an  
46 educational agricultural program, an equestrian team, a humane

- 1 society or other similar charitable or nonprofit organization conducting  
2 an exhibition, show or performance;
- 3 n. Keep or exhibit a wild animal at a roadside stand or market  
4 located along a public street or highway of this State; a gasoline  
5 station; or a shopping mall, or a part of the premises thereof;
- 6 o. Sell, offer for sale, barter or give away or display live baby  
7 chicks, ducklings or other fowl or rabbits, turtles or chameleons which  
8 have been dyed or artificially colored or otherwise treated so as to  
9 impart to them an artificial color;
- 10 p. Use any animal, reptile, or fowl for the purpose of soliciting any  
11 alms, collections, contributions, subscriptions, donations, or payment  
12 of money except in connection with exhibitions, shows or  
13 performances conducted in a bona fide manner by recognized breeders'  
14 associations, 4-H clubs or other similar bona fide organizations;
- 15 q. Sell or offer for sale, barter, or give away living rabbits, turtles,  
16 baby chicks, ducklings or other fowl under two months of age, for use  
17 as household or domestic pets;
- 18 r. Sell, offer for sale, barter or give away living baby chicks,  
19 ducklings or other fowl, or rabbits, turtles or chameleons under two  
20 months of age for any purpose not prohibited by subsection q. of this  
21 section and who shall fail to provide proper facilities for the care of  
22 such animals;
- 23 s. Artificially mark sheep or cattle, or cause them to be marked,  
24 by cropping or cutting off both ears, cropping or cutting either ear  
25 more than one inch from the tip end thereof, or half cropping or  
26 cutting both ears or either ear more than one inch from the tip end  
27 thereof, or who shall have or keep in his possession sheep or cattle,  
28 which he claims to own, marked contrary to this subsection unless they  
29 were bought in market or of a stranger;
- 30 t. Abandon a domesticated animal;
- 31 u. For amusement or gain, cause, allow, or permit the fighting or  
32 baiting of a living animal or creature;
- 33 v. Own, possess, keep, train, promote, purchase, or knowingly sell  
34 a living animal or creature for the purpose of fighting or baiting that  
35 animal or creature;
- 36 w. Gamble on the outcome of a fight involving a living animal or  
37 creature;
- 38 x. Knowingly sell or barter or offer for sale or barter, at wholesale  
39 or retail, the fur or hair of a domestic dog or cat or any product made  
40 in whole or in part from the fur or hair of a domestic dog or cat, unless  
41 such fur or hair for sale or barter is from a commercial grooming  
42 establishment or a veterinary office or clinic or is for use for scientific  
43 research; or
- 44 y. Knowingly sell or barter or offer for sale or barter, at wholesale  
45 or retail, for human consumption, the flesh of a domestic dog or cat or  
46 any product made in whole or in part from the flesh of a domestic dog

1 or cat --

2 Shall forfeit and pay a sum not to exceed \$250, except in the case  
3 of a violation of subsection t. a mandatory sum of \$500, and \$1,000  
4 if the violation occurs on or near a roadway, and in the case of a  
5 violation of subsection x. or y. a sum not to exceed \$1,000 for each  
6 domestic dog or cat fur or fur or hair product or domestic dog or cat  
7 carcass or meat product, to be sued for and recovered, with costs, in  
8 a civil action by any person in the name of the New Jersey Society for  
9 the Prevention of Cruelty to Animals.

10 (cf: P.L.2000, c.162, s.2)

11

12 5. R.S.39:4-23 is amended to read as follows:

13 39:4-23. No person shall either ill-treat, overdrive, override or  
14 **[cruelly or]** unnecessarily or cruelly beat a horse. A person who  
15 violates this section shall be guilty of a disorderly persons offense,  
16 except that a person who unnecessarily or cruelly beats a horse shall  
17 be guilty of a crime of the fourth degree, and shall be subject to the  
18 provisions of R.S.4:22-17, R.S.4:22-21, and R.S.4:22-26, as  
19 appropriate.

20 (cf: P.L.1998, c.105, s.1)

21

22 6. This act shall take effect immediately.

23

24

25

26

27 Makes certain acts of animal cruelty crimes of the fourth degree;  
28 requires juveniles adjudicated delinquent for certain animal cruelty  
29 offenses to receive court-ordered psychological counseling.

## CHAPTER 229

AN ACT concerning animal cruelty and amending R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-26 and R.S.39:4-23.

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

1. R.S.4:22-17 is amended to read as follows:

Cruelty; disorderly persons offense; certain acts, crime of fourth degree.

4:22-17 a. A person who shall:

- (1) Overdrive, overload, drive when overloaded, overwork, deprive of necessary sustenance, abuse, or needlessly kill a living animal or creature;
- (2) Cause or procure any such acts to be done; or
- (3) Inflict unnecessary cruelty upon a living animal or creature, or unnecessarily fail to provide a living animal or creature of which the person has charge either as an owner or otherwise with proper food, drink, shelter or protection from the weather, or leave it unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature--

Shall be guilty of a disorderly persons offense, and notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, for every such offense shall be fined not less than \$250 nor more than \$1,000, or be imprisoned for a term of not more than six months, or both, in the discretion of the court. In addition, the court (1) shall 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 district (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; (2) may require the violator to pay restitution or otherwise reimburse any costs for food, drink, shelter, or veterinary care or treatment, or other costs, incurred by any agency, entity, or organization investigating the violation, including but not limited to the New Jersey Society for the Prevention of Cruelty to Animals, a district (county) society for the prevention of cruelty to animals, any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, or a local or State governmental entity; and (3) may impose any other appropriate penalties established for a disorderly persons offense pursuant to Title 2C of the New Jersey Statutes.

b. A person who shall purposely, knowingly, or recklessly:

- (1) Torment, torture, maim, hang, unnecessarily or cruelly beat, needlessly mutilate, or cruelly kill a living animal or creature; or
- (2) Cause or procure any such acts to be done --

Shall be guilty of a crime of the fourth degree.

In addition to imposing any other appropriate penalties established for a crime of the fourth degree pursuant to Title 2C of the New Jersey Statutes, the court shall 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 district (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. The court also may require the violator to pay restitution or otherwise reimburse any costs for food, drink, shelter, or veterinary care or treatment, or other costs, incurred by any agency, entity, or organization investigating the violation, including but not limited to the New Jersey Society for the Prevention of Cruelty to Animals, a district (county) society for the prevention of cruelty to animals, 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.

c. If a juvenile is adjudicated delinquent for an act which, if committed by an adult, would constitute a disorderly persons offense pursuant to subsection a. of this section or a crime of the fourth degree pursuant to subsection b. of this section, the court also shall order the juvenile to

receive 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.

2. R.S.4:22-18 is amended to read as follows:

Carrying animal in cruel, inhumane manner; disorderly persons offense.

4:22-18. A person who shall carry, or cause to be carried, a living animal or creature in or upon a vehicle or otherwise, in a cruel or inhumane manner, shall be guilty of a disorderly persons offense and punished as provided in subsection a. of R.S.4:22-17.

3. R.S.4:22-19 is amended to read as follows:

Failure to care for, destruction of impounded animals; penalties; collection.

4:22-19. A person who shall:

a. Impound or confine, or cause to be impounded or confined, in a pound or other place, a living animal or creature, and shall fail to supply it during such confinement with a sufficient quantity of good and wholesome food and water; or

b. Destroy or cause to be destroyed any such animal by hypoxia induced by decompression or in any other manner, by the administration of a lethal gas other than an inhalant anesthetic, or in any other manner except by a method of euthanasia generally accepted by the veterinary medical profession as being reliable, appropriate to the type of animal upon which it is to be employed, and capable of producing loss of consciousness and death as rapidly and painlessly as possible for such animal shall, in the case of a violation of subsection a., be guilty of a disorderly persons offense and shall be punished as provided in subsection a. of R.S.4:22-17; or, in the case of a violation of subsection b., be subject to a penalty of \$25 for the first offense and \$50 for each subsequent offense. Each animal destroyed in violation of subsection b. shall constitute a separate offense. The penalty shall be collected in accordance with the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) and all money collected shall be remitted to the State.

This section shall apply to kennels, pet shops, shelters and pounds as defined and licensed pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); to pounds and places of confinement owned and operated by municipalities, counties or regional governmental authorities; and to every contractual warden or impounding service, any provision to the contrary in this title notwithstanding.

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

Penalty for acts constituting cruelty in general.

4:22-26. A person who shall:

a. Overdrive, overload, drive when overloaded, overwork, deprive of necessary sustenance, abuse, or needlessly kill, torment, torture, maim, hang, unnecessarily or cruelly beat, needlessly mutilate, or cruelly kill a living animal or creature;

b. Cause or procure any such acts enumerated in subsection a. of this section to be done;

c. Inflict unnecessary cruelty upon a living animal or creature, or unnecessarily fail to provide a living animal or creature of which the person has charge either as an owner or otherwise with proper food, drink, shelter or protection from the weather, or leave it unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature;

d. Receive or offer for sale a horse that is suffering from abuse or neglect, or which by reason of disability, disease, abuse or lameness, or any other cause, could not be worked, ridden or otherwise used for show, exhibition or recreational purposes, or kept as a domestic pet without violating the provisions of this article;

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

f. Be present and witness, pay admission to, encourage, aid or assist in an activity enumerated in subsection e. of this section;

g. Permit or suffer a place owned or controlled by him to be used as provided in subsection e. of this section;

h. Carry, or cause to be carried, a living animal or creature in or upon a vehicle or otherwise, in a cruel or inhumane manner;

i. Use a dog or dogs for the purpose of drawing or helping to draw a vehicle for business purposes;

j. Impound or confine or cause to be impounded or confined in a pound or other place a living animal or creature, and shall fail to supply it during such confinement with a sufficient quantity of good and wholesome food and water;

k. Abandon a maimed, sick, infirm or disabled animal or creature to die in a public place;

l. Willfully sell, or offer to sell, use, expose, or cause or permit to be sold or offered for sale, used or exposed, a horse or other animal having the disease known as glanders or farcy, or other contagious or infectious disease dangerous to the health or life of human beings or animals, or who shall, when any such disease is beyond recovery, refuse, upon demand, to deprive the animal of life;

m. Own, operate, manage or conduct a roadside stand or market for the sale of merchandise along a public street or highway; or a shopping mall, or a part of the premises thereof; and keep a living animal or creature confined, or allowed to roam in an area whether or not the area is enclosed, on these premises as an exhibit; except that this subsection shall not be applicable 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 the purpose of the protection of the premises; or a recognized breeders' association, a 4-H club, an educational agricultural program, an equestrian team, a humane society or other similar charitable or nonprofit organization conducting an exhibition, show or performance;

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

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

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

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

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

s. Artificially mark sheep or cattle, or cause them to be marked, by cropping or cutting off both ears, cropping or cutting either ear more than one inch from the tip end thereof, or half cropping or cutting both ears or either ear more than one inch from 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 subsection unless they were bought in market or of a stranger;

t. Abandon a domesticated animal;

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

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

w. Gamble on the outcome of a fight involving a living animal or creature;

x. Knowingly sell or barter or offer for sale or barter, at wholesale or retail, the fur or hair of a domestic dog or cat or any product made in whole or in part from the fur or hair of a domestic dog or cat, unless such fur or hair for sale or barter is from a commercial grooming



establishment or a veterinary office or clinic or is for use for scientific research; or

y. Knowingly sell or barter or offer for sale or barter, at wholesale or retail, for human consumption, the flesh of a domestic dog or cat or any product made in whole or in part from the flesh of a domestic dog or cat --

Shall forfeit and pay a sum not to exceed \$250, except in the case of a violation of subsection t. a mandatory sum of \$500, and \$1,000 if the violation occurs on or near a roadway, and in the case of a violation of subsection x. or y. a sum not to exceed \$1,000 for each domestic dog or cat fur or fur or hair product or domestic dog or cat carcass or meat product, to be sued for and recovered, with costs, in a civil action by any person in the name of the New Jersey Society for the Prevention of Cruelty to Animals.

5. R.S.39:4-23 is amended to read as follows:

Mistreatment of horse, violations, disorderly person; certain acts, crime of fourth degree.

39:4-23. No person shall either ill-treat, overdrive, override or unnecessarily or cruelly beat a horse. A person who violates this section shall be guilty of a disorderly persons offense, except that a person who unnecessarily or cruelly beats a horse shall be guilty of a crime of the fourth degree, and shall be subject to the provisions of R.S.4:22-17, R.S.4:22-21, and R.S.4:22-26, as appropriate.

(cf: P.L.1998, c.105, s.1)

6. This act shall take effect immediately.

Makes certain acts of animal cruelty crimes of the fourth degree; requires juveniles adjudicated delinquent for certain animal cruelty offenses to receive court-ordered psychological counseling.

Approved August 27, 2001.