

4:22-26

LEGISLATIVE HISTORY CHECKLIST

NJSA: 4:22-26 (Animals - exhibition in shopping malls)

LAWS OF: 1983 CHAPTER: 103

Bill No: A1601

Sponsor(s): Perun

Date Introduced: June 14, 1982

Committee: Assembly: Agriculture and Environment

Senate: Natural Resources and Agriculture

Amended during passage: Yes // Amendments during passage denoted by asterisks

Date of Passage: Assembly: Dec. 16, 1982

Senate: Feb. 9, 1983

Date of Approval: March 14, 1983

Following statements are attached if available:

Sponsor statement: Yes //

Committee statement: Assembly Yes //

Senate Yes //

Fiscal Note: /// No

Veto Message: /// No

Message on Signing: /// ~~No~~ Yes

Following were printed:

Reports: /// No

Hearings: /// No

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ASSEMBLY, No. 1601**STATE OF NEW JERSEY**

INTRODUCED JUNE 14, 1982

By Assemblywoman PERUN

AN ACT concerning cruelty to animals and amending R. S. 4:22-26.

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

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

2 4:22-26. A person who shall:

3 a. Overdrive, overload, drive when overloaded, overwork, tor-
 4 ture, torment, deprive of necessary sustenance, or cruelly beat or
 5 otherwise abuse or needlessly mutilate or kill a living animal or
 6 creature;

7 b. Cause or procure to be done by his agent, servant, employee or
 8 otherwise an act enumerated in paragraph "a" of this section;

9 c. Inflict unnecessary cruelty upon a living animal or creature of
 10 which he has charge or custody either as owner or otherwise, or
 11 unnecessarily fail to provide it with proper food, drink, shelter or
 12 protection from the weather;

13 d. Receive or offer for sale a horse which by reason of disability,
 14 disease or lameness, or any other cause, could not be worked with-
 15 out violating the provisions of this article;

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

20 f. Be present and witness, encourage, aid or assist in an activity
 21 enumerated in paragraph "e" of this section;

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

**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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendment adopted November 29, 1982.

- 24 h. Carry, or cause to be carried, a living animal or creature in
25 or upon a vehicle or otherwise, in a cruel or inhuman manner;
- 26 i. Use a dog or dogs for the purpose of drawing or helping to
27 draw a vehicle for business purposes;
- 28 j. Impound or confine or cause to be impounded or confined in a
29 pound or other place a living animal or creature, and shall fail to
30 supply it during such confinement with a sufficient quantity of good
31 and wholesome food and water;
- 32 k. Abandon a maimed, sick, infirm or disabled animal or creature
33 to die in a public place;
- 34 l. Willfully sell, or offer to sell, use, expose, or cause or permit
35 to be sold or offered for sale, used or exposed, a horse or other ani-
36 mal having the disease known as glanders or farcy, or other con-
37 tagious or infectious disease dangerous to the health or life of
38 human beings or animals, or who shall, when any such disease is
39 beyond recovery, refuse, upon demand, to deprive the animal of
40 life;
- 41 m. Own, operate, manage or conduct a **[stand or]** roadside *stand*
42 *or market* for the sale of merchandise along a *public street or*
43 *highway; or a shopping mall, or a part of the premises thereof;*
44 and **[shall]** keep a living animal or creature **[inhumanely]** con-
45 fined, *or allowed to roam in an area whether or not the area is*
46 *enclosed, on [such] these premises as an exhibit; except that this*
47 *subsection shall not be applicable to: a pet shop licensed pursuant*
48 *to P. L. 1941, c. 151 (C. 4:19–15.1 et seq.); a person who keeps an*
49 *animal, in a humane manner, for the purpose of the protection of*
50 *the premises; or a recognized breeders' association, a 4H club, *an*
51 *educational agricultural program,* an equestrian team, a humane*
52 *society or other similar charitable or nonprofit organization con-*
53 *ducting an exhibition, show or performance;*
- 54 n. Keep or exhibit **[any]** a wild animal**],** other than birds or
55 fowl,**]** at **[any road]** a roadside stand**],** *or market located along*
56 *a public street or highway of this State; a gasoline station; or*
57 **[market located on any of the public streets or highways of this**
58 **State]** *a shopping mall, or a part of the premises thereof;*
- 59 o. Sell, offer for sale, barter or give away or display live baby
60 chicks, ducklings or other fowl or rabbits, turtles or chameleons
61 which have been dyed or artificially colored or otherwise treated
62 so as to impart to them an artificial color;
- 63 p. Use any animal, reptile, or fowl for the purpose of soliciting
64 any alms, collections, contributions, subscriptions, donations, or
65 payment of money except in connection with exhibitions, shows or
66 performances conducted in a bona fide manner by recognized

67 breeders associations, 4H clubs or other similar bona fide organiza-
68 tions;

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

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

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

84 t. Abandon a dog or cat—

85 Shall forfeit and pay a sum not to exceed \$250.00 to be used for
86 and recovered, with costs, in a civil action by any person in the
87 name of the New Jersey Society for the Prevention of Cruelty to
88 Animals.

1 2. This act shall take effect immediately.

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STATEMENT

This bill prohibits the exhibitions of animals in shopping malls, with certain exceptions, and subjects a person conducting an exhibition to a civil fine. This prevents the needless cruelty to animals which often occurs when they are displayed in flea market-type exhibitions and are not properly attended or cared for. In addition, this bill prohibits the keeping and exhibiting of wild animals at shopping malls.

A1601 (1982)

ASSEMBLY AGRICULTURE AND ENVIRONMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1601

STATE OF NEW JERSEY

DATED: NOVEMBER 29, 1982

This bill would prohibit the exhibition of animals in shopping malls, with certain exceptions, and subject a person so exhibiting the animal to the civil fine imposed by law for other acts of cruelty toward animals —\$250.00.

The bill would also prohibit the exhibition of wild animals at shopping malls in addition to the prohibition against such exhibition at roadside stands or markets or gasoline stations.

The committee amended the bill to exempt from the prohibitions “educational agricultural programs.”

SENATE NATURAL RESOURCES AND AGRICULTURE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1601

STATE OF NEW JERSEY

DATED: JANUARY 20, 1983

This bill adds shopping malls to the list of places which prohibit the exhibition of animals, with certain exceptions.

The bill subjects a violator to the civil fine imposed by law for other acts of cruelty toward animals—a sum not to exceed \$250.00.

OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE:
MONDAY, MARCH 14, 1983

CONTACT: PAUL WOLCOTT

Governor Thomas H. Kean has signed the following bills:

A-564, sponsored by Assemblyman Joseph V. Doria, Jr., D-Hudson, which makes a simple assault on any school board member or employee an aggravated assault.

A-284, sponsored by Assemblyman S. M. Terry LaCorte, R-Passaic, which exempts from paying motor vehicle registration fees chartered local councils of the Boys Clubs of America, the Girls Clubs of America and the Police Athletic League.

A-1684, sponsored by Assemblyman Harry A. McEnroe, D-Essex, which appropriates \$20 million from the Energy Conservation Bond Act of 1980.

A-1601, sponsored by Assemblywoman Angela D. Perun, D-Middlesex, which prohibits the exhibition of animals in shopping malls, with certain exceptions.

A-894, sponsored by Assemblyman Byron M. Baer, D-Bergen, which requires the driver of a vehicle carrying radioactive materials to produce a certificate of handling when requested to do so by the State Police or the Department of Environmental Protection.

A-590, sponsored by Assemblyman Alan J. Karcher, (D-Middlesex), which permits hold-harmless clauses in construction contracts except in cases where the damages are due to the sole negligence of the person receiving the promise.

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