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"Christie signs law to raise animal cruelty penalties," The Star Ledger, 8-8-13

LAW/RWH

P.L.2013, CHAPTER 88, *approved August 7, 2013*

Senate, No. 1303 (*Fourth Reprint*)

1 AN ACT concerning animal cruelty and designated as "Patrick's
2 Law," ³[and]³ ⁴and⁴ amending ²R.S.4:22-15,² R.S.4:22-17 ²,²
3 and R.S.4:22-26 ⁴[³, and supplementing chapter 22 of Title 4 of
4 the Revised Statutes³]⁴.

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

8
9 ²1. R.S.4:22-15 is amended to read as follows:

10 4:22-15. As used in this article:

11 "Animal" or "creature" includes the whole brute creation.

12 ⁴[³"Domestic companion animal" means any animal commonly
13 referred to as a pet or one that has been bought, bred, raised or
14 otherwise acquired, in accordance with local ordinances and State
15 and federal law, for the primary purpose of providing
16 companionship to the owner, rather than for business or agricultural
17 purposes.³]

18 "Bodily injury" means physical pain, illness or any impairment
19 of physical condition.⁴

20 "Necessary care" means care sufficient to preserve the health and
21 well-being of an animal, and includes, but is not limited to: food of
22 sufficient quantity and quality to allow for normal growth or
23 maintenance of body weight; adequate access to water in sufficient
24 quantity and quality to satisfy the animal's needs; access to
25 adequate protection from the weather; and veterinary care to
26 alleviate suffering and maintain health.

27 "Owner" or "person" includes a corporation, and the knowledge
28 and acts of an agent or employee of a corporation in regard to
29 animals transported, owned, employed, or in the custody of the
30 corporation shall be imputed to the corporation.²

31 ⁴"Serious bodily injury" means bodily injury which creates a
32 substantial risk of death or which causes serious, permanent
33 disfigurement, or protracted loss or impairment of the function of
34 any bodily member or organ.⁴

35 (cf: R.S.4:22-15)

36
37 ⁴[³2. (New section) The provisions of R.S.4:22-17 and R.S.4:22-
38 26 shall not apply to an animal which is domestic livestock subject
39 to the provisions of P.L.1995, c.311 (C.4:22-16.1) or the standards,

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:

¹Senate SEG committee amendments adopted September 20, 2012.

²Senate floor amendments adopted October 4, 2012.

³Assembly AAN committee amendments adopted December 10, 2012.

⁴Assembly floor amendments adopted February 21, 2013.

1 rules, or regulations developed and adopted pursuant thereto, except
 2 if the animal is a domestic companion animal.³⁴

3
 4 ²[1.]³[2.]⁴[3.]³ R.S.4:22-17 is amended to read as follows:

5 4:22-17. a. ¹[A person who shall] It shall be unlawful to¹ :

6 (1) Overdrive, overload, drive when overloaded, or overwork
 7 [,] [deprive of necessary sustenance, abuse, or needlessly kill] a
 8 living animal or creature;

9 (2) Cause or procure, by any direct or indirect means, including
 10 but not limited to through the use of another living animal or
 11 creature, any such acts to be done; or

12 (3) Inflict unnecessary cruelty upon a living animal or creature,
 13 by any direct or indirect means, including but not limited to through
 14 the use of another living animal or creature; or ²[unnecessarily fail
 15 to provide a living animal or creature of which the person has
 16 charge either as an owner or otherwise with proper food, drink,
 17 shelter or protection from the weather; or]² leave it unattended in a
 18 vehicle under inhumane conditions adverse to the health or welfare
 19 of the living animal or creature ¹[--] .¹

20 ¹[Shall] b. (1) A person who violates subsection a. of this
 21 section shall¹ be guilty of a disorderly persons offense [,] and
 22 notwithstanding] . Notwithstanding the provisions of N.J.S.2C:43-
 23 3 to the contrary, for every [such] conviction of an offense
 24 pursuant to paragraph (1) or (2) of ¹[this]¹ subsection ¹a. of this
 25 section¹ , the person shall be fined not less than \$250 nor more than
 26 \$1,000, or be imprisoned for a term of not more than six months, or
 27 both, in the discretion of the court; and for every conviction of an
 28 offense pursuant to paragraph (3) of ¹[this]¹ subsection ¹a. of this
 29 section¹ , the person shall be fined not less than \$500 nor more than
 30 \$2,000, or be imprisoned for a term of not more than six months, or
 31 both, in the discretion of the court.

32 ¹(2)¹ If an animal ²[is needlessly killed or]² dies as a result of a
 33 violation of ¹[this]¹ subsection ¹a. of this section¹ , ¹[or the person
 34 has a prior conviction for a violation of this subsection,]¹ the
 35 person ²who violates ³[the] that³ subsection² shall be guilty of a
 36 crime of the fourth degree.

37 ¹(3) If the person ²who violates subsection a. of this section² has
 38 a prior conviction for ²an offense that would constitute² a violation
 39 of subsection a. of this section, the person shall be guilty of a crime
 40 of the fourth degree.

41 ⁽⁴⁾¹ A ¹[violator of this subsection] person who violates ³[²this
 42 subsection or²]³ subsection a. ²[or b.]² of this section¹ shall also be
 43 subject to the provisions of subsection ¹[c.] d.¹ and, if appropriate,
 44 subsection ¹[d.] e.¹ of this section.

1 ¹**[b. A person who shall]** c. It shall be unlawful to¹ purposely,
2 knowingly, or recklessly:

3 (1) Torment, torture, maim, hang, poison, unnecessarily or
4 cruelly beat, **[or]** needlessly mutilate, deprive of necessary
5 ²**[sustenance] care**², or abuse a living animal or creature; ²**[or]**²

6 (2) Cause or procure, by any direct or indirect means, including
7 but not limited to through the use of another living animal or
8 creature, any such acts to be done ¹**[--]** ²**[.1]**; or

9 (3) Needlessly kill a living animal or creature.²

10 ¹**[Shall]** A person who violates this subsection shall¹ be guilty
11 of a crime of the fourth degree.

12 If the animal or creature is cruelly killed ³as a result of a
13 violation of this subsection,³ or dies as a result of a violation of
14 ³paragraph (1) or (2) of³ this subsection, or ²if² the person ²who
15 violates this subsection² has a prior conviction for ²an offense that
16 would constitute² a violation of this subsection, the person shall be
17 guilty of a crime of the third degree.

18 ²**[¹(3)¹]**² A ¹**[violator of]** person who violates¹ this subsection
19 shall also be subject to the provisions of subsection ¹**[c.] d.**¹ and, if
20 appropriate, subsection ¹**[d.] e.**¹ of this section.

21 ¹**[c.] d.**¹ For a violation of subsection a. ¹**[or]** ³**[.1]** b. ¹,³ or c.¹
22 of this section, in addition to imposing any other appropriate
23 penalties established for a crime of the third degree, crime of the
24 fourth degree, or disorderly persons offense, as the case may be,
25 pursuant to Title 2C of the New Jersey Statutes, the court shall
26 impose a term of community service of up to 30 days, and may
27 direct that the term of community service be served in providing
28 assistance to the New Jersey Society for the Prevention of Cruelty
29 to Animals, a ²**[district (county)]** county² society for the prevention
30 of cruelty to animals, or any other recognized organization
31 concerned with the prevention of cruelty to animals or the humane
32 treatment and care of animals, or to a municipality's animal control
33 or animal population control program. The court also **[may]** shall
34 require the violator to pay restitution, including but not limited to,
35 the monetary cost of replacing the animal if it died or had to be
36 euthanized because of the extent of its injuries, or otherwise
37 reimburse any costs for food, drink, shelter, or veterinary care or
38 treatment, or other costs, incurred by the owner of the animal, if the
39 owner is not the person committing the act of cruelty, or incurred
40 by any agency, entity, or organization investigating the violation,
41 including but not limited to the New Jersey Society for the
42 Prevention of Cruelty to Animals, a ²**[district (county)]** county²
43 society for the prevention of cruelty to animals, any other
44 recognized organization concerned with the prevention of cruelty to
45 animals or the humane treatment and care of animals, **[or]** a local
46 or State governmental entity, or a kennel, shelter, pound, or other

1 facility providing for the shelter and care of the animal or animals
 2 involved in the violation.

3 ¹~~【d.】~~ ¹e. ¹If a juvenile is adjudicated delinquent for an act which,
 4 if committed by an adult, would constitute a disorderly persons
 5 offense ³~~【, ¹or a crime of the fourth degree¹~~ pursuant to subsection
 6 a. ²~~or b.~~ ²of this section or a crime of the third degree or ³~~】~~, ³ ²crime
 7 of the fourth degree ³, or crime of the third degree³ pursuant to
 8 ³~~【subsection ¹【b.】 c.¹ of】³~~ this section, the court also shall order
 9 the juvenile to receive mental health counseling by a licensed
 10 psychologist or therapist named by the court for a period of time to
 11 be prescribed by the licensed psychologist or therapist.
 12 (cf: P.L.2005, c.105, s.1)⁴

13

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

15 4:22-26. A person who shall:

16 a. (1) Overdrive, overload, drive when overloaded, or
 17 overwork ~~【, deprive of necessary sustenance, abuse, or needlessly~~
 18 kill】 a living animal or creature, or cause or procure, by any direct
 19 or indirect means, including but not limited to through the use of
 20 another living animal or creature, any such acts to be done;

21 (2) Torment, torture, maim, hang, poison, unnecessarily or
 22 cruelly beat, or needlessly mutilate, deprive of necessary
 23 sustenance, or abuse a living animal or creature, or cause or
 24 procure, by any direct or indirect means, including but not limited
 25 to through the use of another living animal or creature, any such
 26 acts to be done;

27 (3) Cruelly kill, or cause or procure, by any direct or indirect
 28 means, including but not limited to through the use of another living
 29 animal or creature, the cruel killing of, a living animal or creature,
 30 or otherwise cause or procure, by any direct or indirect means,
 31 including but not limited to through the use of another living animal
 32 or creature, the death of a living animal or creature from
 33 commission of any act described in paragraph (2) of this subsection;

34 (4) Needlessly kill a living animal or creature, or cause or
 35 procure, by any direct or indirect means, including but not limited
 36 to through the use of another living animal or creature, the death of
 37 a living animal or creature as a result of the commission of any act
 38 described in paragraph (1) of this subsection or subsection c. of this
 39 section;

40 b. (Deleted by amendment, P.L.2003, c.232).

41 c. Inflict unnecessary cruelty upon a living animal or creature,
 42 by any direct or indirect means, including but not limited to through
 43 the use of another living animal or creature; or unnecessarily fail to
 44 provide a living animal or creature of which the person has charge
 45 either as an owner or otherwise with proper food, drink, shelter or
 46 protection from the weather; or leave it unattended in a vehicle

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

- 1 o. Sell, offer for sale, barter or give away or display live baby
2 chicks, ducklings or other fowl or rabbits, turtles or chameleons
3 which have been dyed or artificially colored or otherwise treated so
4 as to impart to them an artificial color;
- 5 p. Use any animal, reptile, or fowl for the purpose of soliciting
6 any alms, collections, contributions, subscriptions, donations, or
7 payment of money except in connection with exhibitions, shows or
8 performances conducted in a bona fide manner by recognized
9 breeders' associations, 4-H clubs or other similar bona fide
10 organizations;
- 11 q. Sell or offer for sale, barter, or give away living rabbits,
12 turtles, baby chicks, ducklings or other fowl under two months of
13 age, for use as household or domestic pets;
- 14 r. Sell, offer for sale, barter or give away living baby chicks,
15 ducklings or other fowl, or rabbits, turtles or chameleons under two
16 months of age for any purpose not prohibited by subsection q. of
17 this section and who shall fail to provide proper facilities for the
18 care of such animals;
- 19 s. Artificially mark sheep or cattle, or cause them to be
20 marked, by cropping or cutting off both ears, cropping or cutting
21 either ear more than one inch from the tip end thereof, or half
22 cropping or cutting both ears or either ear more than one inch from
23 the tip end thereof, or who shall have or keep in the person's
24 possession sheep or cattle, which the person claims to own, marked
25 contrary to this subsection unless they were bought in market or of
26 a stranger;
- 27 t. Abandon a domesticated animal;
- 28 u. For amusement or gain, cause, allow, or permit the fighting
29 or baiting of a living animal or creature;
- 30 v. Own, possess, keep, train, promote, purchase, or knowingly
31 sell a living animal or creature for the purpose of fighting or baiting
32 that animal or creature;
- 33 w. Gamble on the outcome of a fight involving a living animal
34 or creature;
- 35 x. Knowingly sell or barter or offer for sale or barter, at
36 wholesale or retail, the fur or hair of a domestic dog or cat or any
37 product made in whole or in part from the fur or hair of a domestic
38 dog or cat, unless such fur or hair for sale or barter is from a
39 commercial grooming establishment or a veterinary office or clinic
40 or is for use for scientific research;
- 41 y. Knowingly sell or barter or offer for sale or barter, at
42 wholesale or retail, for human consumption, the flesh of a domestic
43 dog or cat or any product made in whole or in part from the flesh of
44 a domestic dog or cat;
- 45 z. Surgically debark or silence a dog in violation of section 1
46 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 47 aa. Use a live pigeon, fowl or other bird for the purpose of a
48 target, or to be shot at either for amusement or as a test of skill in

1 marksmanship, except that this subsection and subsections bb. and
2 cc. shall not apply to the shooting of game;

3 bb. Shoot at a bird used as described in subsection aa. of this
4 section, or is a party to such shooting; or

5 cc. Lease a building, room, field or premises, or knowingly
6 permit the use thereof for the purposes of subsection aa. or bb. of
7 this section --

8 Shall forfeit and pay a sum according to the following schedule,
9 to be sued for and recovered, with costs, in a civil action by any
10 person in the name of the New Jersey Society for the Prevention of
11 Cruelty to Animals or a county society for the prevention of cruelty
12 to animals, as appropriate, or, in the name of the municipality if
13 brought by a certified animal control officer or animal cruelty
14 investigator:

15 For a violation of subsection e., f., g., u., v., w., or z. of this
16 section or of paragraph (3) of subsection a. of this section, or for a
17 second or subsequent violation of paragraph (2) of subsection a. of
18 this section, a sum of not less than \$3,000 nor more than \$5,000;

19 For a violation of subsection l. of this section **[or]** for a first
20 violation of paragraph (2) of subsection a. of this section, or for a
21 violation of paragraph (4) of subsection a. of this section, a sum of
22 not less than \$1,000 nor more than \$3,000;

23 For a violation of subsection c. of this section, a sum of not less
24 than \$500 nor more than \$2,000;

25 For a violation of subsection x. or y. of this section, a sum of not
26 less than \$500 nor more than \$1,000 for each domestic dog or cat
27 fur or fur or hair product or domestic dog or cat carcass or meat
28 product;

29 For a violation of subsection t. of this section, a sum of not less
30 than \$500 nor more than \$1,000, but if the violation occurs on or
31 near a highway, a mandatory sum of \$1,000;

32 For a violation of subsection **[c.,]** d., h., j., k., aa., bb., or cc. of
33 this section or of paragraph (1) of subsection a. of this section, a
34 sum of not less than \$250 nor more than \$1,000; and

35 For a violation of subsection i., m., n., o., p., q., r., or s. of this
36 section, a sum of not less than \$250 nor more than \$500.

37 (cf: P.L.2005, c.372, s.16)²

38

39 ³**[²3.]** ⁴**[^{4.}3** R.S.4:22-26 is amended to read as follows:

40 4:22-26. A person who shall:

41 a. (1) Overdrive, overload, drive when overloaded, or
42 overwork **[**, deprive of necessary sustenance, abuse, or needlessly
43 kill**]** a living animal or creature, or cause or procure, by any direct
44 or indirect means, including but not limited to through the use of
45 another living animal or creature, any such acts to be done;

46 (2) Torment, torture, maim, hang, poison, unnecessarily or
47 cruelly beat, **[or]** needlessly mutilate , deprive of necessary care, or

1 abuse a living animal or creature, or cause or procure, by any direct
2 or indirect means, including but not limited to through the use of
3 another living animal or creature, any such acts to be done;

4 (3) Cruelly kill, or cause or procure, by any direct or indirect
5 means, including but not limited to through the use of another living
6 animal or creature, the cruel killing of, a living animal or creature,
7 or otherwise cause or procure, by any direct or indirect means,
8 including but not limited to through the use of another living animal
9 or creature, the death of a living animal or creature from
10 commission of any act described in paragraph (2) of this subsection;

11 (4) Needlessly kill a living animal or creature;

12 b. (Deleted by amendment, P.L.2003, c.232).

13 c. Inflict unnecessary cruelty upon a living animal or creature,
14 by any direct or indirect means, including but not limited to through
15 the use of another living animal or creature; or **]**unnecessarily fail
16 to provide a living animal or creature of which the person has
17 charge either as an owner or otherwise with proper food, drink,
18 shelter or protection from the weather; or **]** leave it unattended in a
19 vehicle under inhumane conditions adverse to the health or welfare
20 of the living animal or creature;

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

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

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

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

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

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

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

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

45 l. Willfully sell, or offer to sell, use, expose, or cause or permit
46 to be sold or offered for sale, used or exposed, a horse or other
47 animal having the disease known as glanders or farcy, or other
48 contagious or infectious disease dangerous to the health or life of

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

- 1 v. Own, possess, keep, train, promote, purchase, or knowingly
2 sell a living animal or creature for the purpose of fighting or baiting
3 that animal or creature;
- 4 w. Gamble on the outcome of a fight involving a living animal
5 or creature;
- 6 x. Knowingly sell or barter or offer for sale or barter, at
7 wholesale or retail, the fur or hair of a domestic dog or cat or any
8 product made in whole or in part from the fur or hair of a domestic
9 dog or cat, unless such fur or hair for sale or barter is from a
10 commercial grooming establishment or a veterinary office or clinic
11 or is for use for scientific research;
- 12 y. (1) Knowingly sell or barter, or offer for sale or barter, at
13 wholesale or retail, for human consumption, the flesh of a domestic
14 dog or cat, or any product made in whole or in part from the flesh of
15 a domestic dog or cat;
- 16 (2) Knowingly slaughter a horse for human consumption;
- 17 (3) Knowingly sell or barter, or offer for sale or barter, at
18 wholesale or retail, for human consumption, the flesh of a horse, or
19 any product made in whole or in part from the flesh of a horse, or
20 knowingly accept or publish newspaper advertising that includes the
21 offering for sale, trade, or distribution of any such item for human
22 consumption;
- 23 (4) Knowingly transport a horse for the purpose of slaughter for
24 human consumption;
- 25 (5) Knowingly transport horsemeat, or any product made in
26 whole or in part from the flesh of a horse, for the purpose of human
27 consumption;
- 28 z. Surgically debark or silence a dog in violation of section 1
29 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 30 aa. Use a live pigeon, fowl or other bird for the purpose of a
31 target, or to be shot at either for amusement or as a test of skill in
32 marksmanship, except that this subsection and subsections bb. and
33 cc. shall not apply to the shooting of game;
- 34 bb. Shoot at a bird used as described in subsection aa. of this
35 section, or is a party to such shooting; or
- 36 cc. Lease a building, room, field or premises, or knowingly
37 permit the use thereof for the purposes of subsection aa. or bb. of
38 this section --
- 39 Shall forfeit and pay a sum according to the following schedule,
40 to be sued for and recovered, with costs, in a civil action by any
41 person in the name of the New Jersey Society for the Prevention of
42 Cruelty to Animals or a county society for the prevention of cruelty
43 to animals, as appropriate, or, in the name of the municipality if
44 brought by a certified animal control officer or animal cruelty
45 investigator:
- 46 For a violation of subsection e., f., g., u., v., w., or z. of this
47 section or of paragraph (3) of subsection a. of this section, or for a

1 second or subsequent violation of paragraph (2) of subsection a. of
2 this section, a sum of not less than \$3,000 nor more than \$5,000;

3 For a violation of subsection l. of this section **[or]**, for a first
4 violation of paragraph (2) of subsection a. of this section, or for a
5 violation of paragraph (4) of subsection a. of this section, a sum of
6 not less than \$1,000 nor more than \$3,000;

7 For a violation of subsection c. of this section, a sum of not less
8 than \$500 nor more than \$2,000;

9 For a violation of subsection x. or paragraph (1) of subsection y.
10 of this section, a sum of not less than \$500 nor more than \$1,000 for
11 each domestic dog or cat fur or fur or hair product or domestic dog
12 or cat carcass or meat product sold, bartered, or offered for sale or
13 barter;

14 For a violation of paragraph (2), (3), (4), or (5) of subsection y.
15 of this section, a sum of not less than \$500 nor more than \$1,000 for
16 each horse slaughtered or transported for the purpose of slaughter
17 for human consumption, or for each horse carcass or meat product
18 transported, sold or bartered, or offered or advertised for sale or
19 barter;

20 For a violation of subsection t. of this section, a sum of not less
21 than \$500 nor more than \$1,000, but if the violation occurs on or
22 near a highway, a mandatory sum of \$1,000;

23 For a violation of subsection **[c.,]** d., h., j., k., aa., bb., or cc. of
24 this section or of paragraph (1) of subsection a. of this section, a
25 sum of not less than \$250 nor more than \$1,000; and

26 For a violation of subsection i., m., n., o., p., q., r., or s. of this
27 section, a sum of not less than \$250 nor more than \$500.²

28 (cf: P.L.2012, c.52, s.2, Advance Law 9/19/2012)**】**⁴

29

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

31 4:22-17. a. **[A person who shall]** It shall be unlawful to:

32 (1) Overdrive, overload, drive when overloaded, overwork **[,**
33 **deprive of necessary sustenance]** , abuse, or needlessly kill a living
34 animal or creature;

35 (2) Cause or procure, by any direct or indirect means, including
36 but not limited to through the use of another living animal or
37 creature, any **[such]** of the acts described in paragraph (1) of this
38 subsection to be done; **[or]**

39 (3) Inflict unnecessary cruelty upon a living animal or creature,
40 by any direct or indirect means, including but not limited to through
41 the use of another living animal or creature; or **[unnecessarily fail**
42 **to provide a living animal or creature of which the person has**
43 **charge either as an owner or otherwise with proper food, drink,**
44 **shelter or protection from the weather; or]** leave **[it]** the living
45 animal or creature unattended in a vehicle under inhumane
46 conditions adverse to the health or welfare of the living animal or
47 creature **[--**

1 Shall] ; or

2 (4) Fail, as the owner or as a person otherwise charged with the
3 care of a living animal or creature, to provide the living animal or
4 creature with necessary care.

5 b. (1) A person who violates subsection a. of this section shall be
6 guilty of a disorderly persons offense [, and notwithstanding] .
7 Notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, for
8 every [such] conviction of an offense pursuant to paragraph (1) or
9 (2) of subsection a. of this section, the person shall be fined not less
10 than \$250 nor more than \$1,000, or be imprisoned for a term of not
11 more than six months, or both, in the discretion of the court; and for
12 every conviction of an offense pursuant to paragraph (3) or (4) of
13 subsection a. of this section, the person shall be fined not less than
14 \$500 nor more than \$2,000, or be imprisoned for a term of not more
15 than six months, or both, in the discretion of the court.

16 (2) If the person who violates subsection a. of this section has a
17 prior conviction for an offense that would constitute a violation of
18 subsection a. of this section, the person shall be guilty of a crime of
19 the fourth degree.

20 (3) A [violator of this subsection] person who violates
21 subsection a. of this section shall also be subject to the provisions
22 of [subsection c.] subsections e. and f. and, if appropriate,
23 subsection [d.] g., of this section.

24 [b. A person who shall] c. It shall be unlawful to purposely,
25 knowingly, or recklessly:

26 (1) Torment, torture, maim, hang, poison, unnecessarily or
27 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or
28 creature; [or]

29 (2) Cause bodily injury to a living animal or creature by failing
30 to provide the living animal or creature with necessary care,
31 whether as the owner or as a person otherwise charged with the care
32 of the living animal or creature; or

33 (3) Cause or procure an act described in paragraph (1) or (2) of
34 this subsection to be done, by any direct or indirect means,
35 including but not limited to through the use of another living animal
36 or creature [, any such acts to be done --

37 Shall] .

38 d. (1) A person who violates paragraph (1), (2), or (3) of
39 subsection c. of this section shall be guilty of a crime of the fourth
40 degree [.

41 If] , except that the person shall be guilty of a crime of the third
42 degree if:

43 (a) the animal or creature [is cruelly killed or] dies as a result of
44 [a] the violation [of this subsection, or] ;

45 (b) the animal or creature suffers serious bodily injury as a result
46 of the violation; or

1 (c) the person has a prior conviction for an offense that would
2 constitute a violation of [this] paragraph (1), (2), or (3) of
3 subsection [], the person shall be guilty of a crime of the third
4 degree] c. of this section.

5 (2) A [violator of this] person who violates any provision of
6 subsection c. of this section shall also be subject to the provisions of
7 [subsection c.] subsections e. and f. and, if appropriate, subsection
8 [d.] g., of this section.

9 [c.] e. For a violation of [subsection a. or b. of] this section, in
10 addition to imposing any other appropriate penalties established for
11 a crime of the third degree, crime of the fourth degree, or disorderly
12 persons offense, as the case may be, pursuant to Title 2C of the
13 New Jersey Statutes, the court 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
16 for the Prevention of Cruelty to Animals, a [district (county)]
17 county society for the prevention of cruelty to animals, or any other
18 recognized organization concerned with the prevention of cruelty to
19 animals or the humane treatment and care of animals, or to a
20 municipality's animal control or animal population control program.

21 f. The court also [may] shall require [the] any violator of this
22 section to pay restitution, including but not limited to, the monetary
23 cost of replacing the animal if the animal died or had to be
24 euthanized because of the extent of the animal's injuries, or
25 otherwise reimburse any costs for food, drink, shelter, or veterinary
26 care or treatment, or other costs, incurred by the owner of the
27 animal, if the owner is not the person committing the act of cruelty,
28 or incurred by any agency, entity, or organization investigating the
29 violation, including but not limited to the New Jersey Society for
30 the Prevention of Cruelty to Animals, a [district (county)] county
31 society for the prevention of cruelty to animals, any other
32 recognized organization concerned with the prevention of cruelty to
33 animals or the humane treatment and care of animals, [or] a local
34 or State governmental entity, or a kennel, shelter, pound, or other
35 facility providing for the shelter and care of the animal or animals
36 involved in the violation.

37 [d.] g. If a juvenile is adjudicated delinquent for an act which,
38 if committed by an adult, would constitute a disorderly persons
39 offense [pursuant to subsection a. of this section or a crime of the
40 third degree or] , crime of the fourth degree , or crime of the third
41 degree pursuant to [subsection b. of] this section, the court also
42 shall order the juvenile to receive mental health counseling by a
43 licensed psychologist or therapist named by the court for a period of
44 time to be prescribed by the licensed psychologist or therapist.⁴

45 (cf: P.L.2005, c.105, s.1)

- 1 ⁴3. R.S.4:22-26 is amended to read as follows:
2 4:22-26. A person who shall:
- 3 a. (1) Overdrive, overload, drive when overloaded, overwork **[**,
4 deprive of necessary sustenance,**]** abuse, or needlessly kill a living
5 animal or creature, or cause or procure, by any direct or indirect
6 means, including but not limited to through the use of another living
7 animal or creature, any such acts to be done;
- 8 (2) Torment, torture, maim, hang, poison, unnecessarily or
9 cruelly beat, **[or]** cruelly abuse, or needlessly mutilate a living
10 animal or creature, or cause or procure, by any direct or indirect
11 means, including but not limited to through the use of another living
12 animal or creature, any such acts to be done;
- 13 (3) **[Cruelly kill, or cause or procure,]** Cause the death of, or
14 serious bodily injury to, a living animal or creature from
15 commission of any act described in paragraph (2), (4), (5), or (6) of
16 this subsection,
17 by any direct or indirect means, including but not limited to through
18 the use of another living animal or creature, **[the cruel killing of, a**
19 living animal or creature,**]** or otherwise cause or procure **[**, by any
20 direct or indirect means, including but not limited to through the use
21 of another living animal or creature, the death of a living animal or
22 creature from commission of any act described in paragraph (2) of
23 this subsection**]** any such acts to be done;
- 24 (4) Fail, as the owner or a person otherwise charged with the
25 care of a living animal or creature, to provide the living animal or
26 creature with necessary care, or otherwise cause or procure such an
27 act to be done; or
- 28 (5) Cause bodily injury to a living animal or creature from
29 commission of the act described in paragraph (4) of this subsection;
- 30 b. (Deleted by amendment, P.L.2003, c.232)**[.]**
- 31 c. Inflict unnecessary cruelty upon a living animal or creature,
32 by any direct or indirect means, including but not limited to through
33 the use of another living animal or creature; or **[unnecessarily fail**
34 to provide a living animal or creature of which the person has
35 charge either as an owner or otherwise with proper food, drink,
36 shelter or protection from the weather; or**]** leave **[it]** the living
37 animal or creature unattended in a vehicle under inhumane
38 conditions adverse to the health or welfare of the living animal or
39 creature;
- 40 d. Receive or offer for sale a horse that is suffering from abuse
41 or neglect, or which by reason of disability, disease, abuse or
42 lameness, or any other cause, could not be worked, ridden or
43 otherwise used for show, exhibition or recreational purposes, or
44 kept as a domestic pet without violating the provisions of this
45 article;
- 46 e. Keep, use, be connected with or interested in the
47 management of, or receive money or other consideration for the

- 1 admission of a person to, a place kept or used for the purpose of
2 fighting or baiting a living animal or creature;
- 3 f. Be present and witness, pay admission to, encourage, aid or
4 assist in an activity enumerated in subsection e. of this section;
- 5 g. Permit or suffer a place owned or controlled by him to be
6 used as provided in subsection e. of this section;
- 7 h. Carry, or cause to be carried, a living animal or creature in
8 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 9 i. Use a dog or dogs for the purpose of drawing or helping to
10 draw a vehicle for business purposes;
- 11 j. Impound or confine or cause to be impounded or confined in
12 a pound or other place a living animal or creature, and shall fail to
13 supply **[it]** the living animal or creature during such confinement
14 with a sufficient quantity of good and wholesome food and water;
- 15 k. Abandon a maimed, sick, infirm or disabled animal or
16 creature to die in a public place;
- 17 l. Willfully sell, or offer to sell, use, expose, or cause or permit
18 to be sold or offered for sale, used or exposed, a horse or other
19 animal having the disease known as glanders or farcy, or other
20 contagious or infectious disease dangerous to the health or life of
21 human beings or animals, or who shall, when any such disease is
22 beyond recovery, refuse, upon demand, to deprive the animal of
23 life;
- 24 m. Own, operate, manage or conduct a roadside stand or market
25 for the sale of merchandise along a public street or highway; or a
26 shopping mall, or a part of the premises thereof; and keep a living
27 animal or creature confined, or allowed to roam in an area whether
28 or not the area is enclosed, on these premises as an exhibit; except
29 that this subsection shall not be applicable to: a pet shop licensed
30 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who
31 keeps an animal, in a humane manner, for the purpose of the
32 protection of the premises; or a recognized breeders' association, a
33 4-H club, an educational agricultural program, an equestrian team, a
34 humane society or other similar charitable or nonprofit organization
35 conducting an exhibition, show or performance;
- 36 n. Keep or exhibit a wild animal at a roadside stand or market
37 located along a public street or highway of this State; a gasoline
38 station; or a shopping mall, or a part of the premises thereof;
- 39 o. Sell, offer for sale, barter or give away or display live baby
40 chicks, ducklings or other fowl or rabbits, turtles or chameleons
41 which have been dyed or artificially colored or otherwise treated so
42 as to impart to them an artificial color;
- 43 p. Use any animal, reptile, or fowl for the purpose of soliciting
44 any alms, collections, contributions, subscriptions, donations, or
45 payment of money except in connection with exhibitions, shows or
46 performances conducted in a bona fide manner by recognized
47 breeders' associations, 4-H clubs or other similar bona fide
48 organizations;

- 1 q. Sell or offer for sale, barter, or give away living rabbits,
2 turtles, baby chicks, ducklings or other fowl under two months of
3 age, for use as household or domestic pets;
- 4 r. Sell, offer for sale, barter or give away living baby chicks,
5 ducklings or other fowl, or rabbits, turtles or chameleons under two
6 months of age for any purpose not prohibited by subsection q. of
7 this section and who shall fail to provide proper facilities for the
8 care of such animals;
- 9 s. Artificially mark sheep or cattle, or cause them to be
10 marked, by cropping or cutting off both ears, cropping or cutting
11 either ear more than one inch from the tip end thereof, or half
12 cropping or cutting both ears or either ear more than one inch from
13 the tip end thereof, or who shall have or keep in the person's
14 possession sheep or cattle, which the person claims to own, marked
15 contrary to this subsection unless they were bought in market or of
16 a stranger;
- 17 t. Abandon a domesticated animal;
- 18 u. For amusement or gain, cause, allow, or permit the fighting
19 or baiting of a living animal or creature;
- 20 v. Own, possess, keep, train, promote, purchase, or knowingly
21 sell a living animal or creature for the purpose of fighting or baiting
22 that animal or creature;
- 23 w. Gamble on the outcome of a fight involving a living animal
24 or creature;
- 25 x. Knowingly sell or barter or offer for sale or barter, at
26 wholesale or retail, the fur or hair of a domestic dog or cat or any
27 product made in whole or in part from the fur or hair of a domestic
28 dog or cat, unless such fur or hair for sale or barter is from a
29 commercial grooming establishment or a veterinary office or clinic
30 or is for use for scientific research;
- 31 y. (1) Knowingly sell or barter, or offer for sale or barter, at
32 wholesale or retail, for human consumption, the flesh of a domestic
33 dog or cat, or any product made in whole or in part from the flesh of
34 a domestic dog or cat;
- 35 (2) Knowingly slaughter a horse for human consumption;
- 36 (3) Knowingly sell or barter, or offer for sale or barter, at
37 wholesale or retail, for human consumption, the flesh of a horse, or
38 any product made in whole or in part from the flesh of a horse, or
39 knowingly accept or publish newspaper advertising that includes the
40 offering for sale, trade, or distribution of any such item for human
41 consumption;
- 42 (4) Knowingly transport a horse for the purpose of slaughter for
43 human consumption;
- 44 (5) Knowingly transport horsemeat, or any product made in
45 whole or in part from the flesh of a horse, for the purpose of human
46 consumption;
- 47 z. Surgically debark or silence a dog in violation of section 1
48 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);

1 aa. Use a live pigeon, fowl or other bird for the purpose of a
2 target, or to be shot at either for amusement or as a test of skill in
3 marksmanship, except that this subsection and subsections bb. and
4 cc. shall not apply to the shooting of game;

5 bb. Shoot at a bird used as described in subsection aa. of this
6 section, or is a party to such shooting; or

7 cc. Lease a building, room, field or premises, or knowingly
8 permit the use thereof for the purposes of subsection aa. or bb. of
9 this section --

10 Shall forfeit and pay a sum according to the following schedule,
11 to be sued for and recovered, with costs, in a civil action by any
12 person in the name of the New Jersey Society for the Prevention of
13 Cruelty to Animals or a county society for the prevention of cruelty
14 to animals, as appropriate, or, in the name of the municipality if
15 brought by a certified animal control officer or animal cruelty
16 investigator:

17 For a violation of subsection e., f., g., u., v., w., or z. of this
18 section or of paragraph (3) of subsection a. of this section, or for a
19 second or subsequent violation of paragraph (2) or (5) of subsection
20 a. of this section, a sum of not less than \$3,000 nor more than
21 \$5,000;

22 For a violation of subsection l. of this section **[or]**, for a first
23 violation of paragraph (2) or (5) of subsection a. of this section, a
24 sum of not less than \$1,000 nor more than \$3,000;

25 For a violation of paragraph (4) of subsection a. of this section,
26 or subsection c. of this section, a sum of not less than \$500 nor
27 more than \$2,000;

28 For a violation of subsection x. or paragraph (1) of subsection y.
29 of this section, a sum of not less than \$500 nor more than \$1,000 for
30 each domestic dog or cat fur or fur or hair product or domestic dog
31 or cat carcass or meat product sold, bartered, or offered for sale or
32 barter;

33 For a violation of paragraph (2), (3), (4), or (5) of subsection y.
34 of this section, a sum of not less than \$500 nor more than \$1,000 for
35 each horse slaughtered or transported for the purpose of slaughter
36 for human consumption, or for each horse carcass or meat product
37 transported, sold or bartered, or offered or advertised for sale or
38 barter;

39 For a violation of subsection t. of this section, a sum of not less
40 than \$500 nor more than \$1,000, but if the violation occurs on or
41 near a highway, a mandatory sum of \$1,000;

42 For a violation of subsection **[c.,]** d., h., j., k., aa., bb., or cc. of
43 this section or of paragraph (1) of subsection a. of this section, a
44 sum of not less than \$250 nor more than \$1,000; and

45 For a violation of subsection i., m., n., o., p., q., r., or s. of this
46 section, a sum of not less than \$250 nor more than \$500.⁴

47 (cf: P.L.2012, c.52, s.2)

S1303 [4R]

18

1 ²**[3.]** ³**[4.²]** ⁴**[5.³]** 4.⁴ This act shall take effect immediately.

2

3

4

5

6

7

Revises penalties for animal cruelty, increasing degree of certain offenses; designated as Patrick's Law.

SENATE, No. 1303

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JANUARY 30, 2012

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

Co-Sponsored by:

Senators Bateman, Pennacchio, A.R.Bucco and Lesniak

SYNOPSIS

Revises penalties for animal cruelty, increasing degree of certain offenses; designated as Patrick's Law.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/21/2012)

1 AN ACT concerning animal cruelty and designated as “Patrick’s
2 Law,” and amending R.S.4:22-17 and 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 4:22-17. a. A person who shall:

9 (1) Overdrive, overload, drive when overloaded, or overwork
10 **[,]** **[deprive of necessary sustenance, abuse, or needlessly kill]** a
11 living animal or creature;

12 (2) Cause or procure, by any direct or indirect means, including
13 but not limited to through the use of another living animal or
14 creature, any such acts to be done; or

15 (3) Inflict unnecessary cruelty upon a living animal or creature,
16 by any direct or indirect means, including but not limited to through
17 the use of another living animal or creature; or unnecessarily fail to
18 provide a living animal or creature of which the person has charge
19 either as an owner or otherwise with proper food, drink, shelter or
20 protection from the weather; or leave it unattended in a vehicle
21 under inhumane conditions adverse to the health or welfare of the
22 living animal or creature--

23 Shall be guilty of a disorderly persons offense **[, and**
24 **notwithstanding]** . Notwithstanding the provisions of N.J.S.2C:43-
25 3 to the contrary, for every **[such]** conviction of an offense
26 pursuant to paragraph (1) or (2) of this subsection, the person shall
27 be fined not less than \$250 nor more than \$1,000, or be imprisoned
28 for a term of not more than six months, or both, in the discretion of
29 the court; and for every conviction of an offense pursuant to
30 paragraph (3) of this subsection, the person shall be fined not less
31 than \$500 nor more than \$2,000, or be imprisoned for a term of not
32 more than six months, or both, in the discretion of the court.

33 If an animal is needlessly killed or dies as a result of a violation
34 of this subsection, or the person has a prior conviction for a
35 violation of this subsection, the person shall be guilty of a crime of
36 the fourth degree.

37 A violator of this subsection shall also be subject to the
38 provisions of subsection c. and, if appropriate, subsection d. of this
39 section.

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

41 (1) Torment, torture, maim, hang, poison, unnecessarily or
42 cruelly beat, **[or]** needlessly mutilate, deprive of necessary
43 sustenance, or abuse a living animal or creature; or

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

Matter underlined thus is new matter.

1 (2) Cause or procure, by any direct or indirect means, including
2 but not limited to through the use of another living animal or
3 creature, any such acts to be done --

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

5 If the animal or creature is cruelly killed or dies as a result of a
6 violation of this subsection, or the person has a prior conviction for
7 a violation of this subsection, the person shall be guilty of a crime
8 of the third degree.

9 A violator of this subsection shall also be subject to the
10 provisions of subsection c. and, if appropriate, subsection d. of this
11 section.

12 c. For a violation of subsection a. or b. of this section, in
13 addition to imposing any other appropriate penalties established for
14 a crime of the third degree, crime of the fourth degree, or
15 disorderly persons offense, as the case may be, pursuant to Title 2C
16 of the New Jersey Statutes, the court shall impose a term of
17 community service of up to 30 days, and may direct that the term of
18 community service be served in providing assistance to the New
19 Jersey Society for the Prevention of Cruelty to Animals, a district
20 (county) society for the prevention of cruelty to animals, or any
21 other recognized organization concerned with the prevention of
22 cruelty to animals or the humane treatment and care of animals, or
23 to a municipality's animal control or animal population control
24 program. The court also **[may]** shall require the violator to pay
25 restitution , including but not limited to, the monetary cost of
26 replacing the animal if it died or had to be euthanized because of
27 the extent of its injuries, or otherwise reimburse any costs for food,
28 drink, shelter, or veterinary care or treatment, or other costs,
29 incurred by the owner of the animal, if the owner is not the person
30 committing the act of cruelty, or incurred by any agency, entity, or
31 organization investigating the violation, including but not limited to
32 the New Jersey Society for the Prevention of Cruelty to Animals, a
33 district (county) society for the prevention of cruelty to animals,
34 any other recognized organization concerned with the prevention of
35 cruelty to animals or the humane treatment and care of animals,
36 **[or]** a local or State governmental entity , or a kennel, shelter,
37 pound, or other facility providing for the shelter and care of the
38 animal or animals involved in the violation.

39 d. If a juvenile is adjudicated delinquent for an act which, if
40 committed by an adult, would constitute a disorderly persons
41 offense pursuant to subsection a. of this section or a crime of the
42 third degree or crime of the fourth degree pursuant to subsection b.
43 of this section, the court also shall order the juvenile to receive
44 mental health counseling by a licensed psychologist or therapist
45 named by the court for a period of time to be prescribed by the
46 licensed psychologist or therapist.

47 (cf: P.L.2005, c.105, s.1)

- 1 2. R.S.4:22-26 is amended to read as follows:
2 4:22-26. A person who shall:
3 a. (1) Overdrive, overload, drive when overloaded, or
4 overwork **】, deprive of necessary sustenance, abuse, or needlessly**
5 **kill】** a living animal or creature, or cause or procure, by any direct
6 or indirect means, including but not limited to through the use of
7 another living animal or creature, any such acts to be done;
8 (2) Torment, torture, maim, hang, poison, unnecessarily or
9 cruelly beat, or needlessly mutilate , deprive of necessary
10 sustenance, or abuse a living animal or creature, or cause or
11 procure, by any direct or indirect means, including but not limited
12 to through the use of another living animal or creature, any such
13 acts to be done;
14 (3) Cruelly kill, or cause or procure, by any direct or indirect
15 means, including but not limited to through the use of another living
16 animal or creature, the cruel killing of, a living animal or creature,
17 or otherwise cause or procure, by any direct or indirect means,
18 including but not limited to through the use of another living animal
19 or creature, the death of a living animal or creature from
20 commission of any act described in paragraph (2) of this subsection;
21 (4) Needlessly kill a living animal or creature, or cause or
22 procure, by any direct or indirect means, including but not limited
23 to through the use of another living animal or creature, the death of
24 a living animal or creature as a result of the commission of any act
25 described in paragraph (1) of this subsection or subsection c. of this
26 section;
27 b. (Deleted by amendment, P.L.2003, c.232).
28 c. Inflict unnecessary cruelty upon a living animal or creature,
29 by any direct or indirect means, including but not limited to through
30 the use of another living animal or creature; or unnecessarily fail to
31 provide a living animal or creature of which the person has charge
32 either as an owner or otherwise with proper food, drink, shelter or
33 protection from the weather; or leave it unattended in a vehicle
34 under inhumane conditions adverse to the health or welfare of the
35 living animal or creature;
36 d. Receive or offer for sale a horse that is suffering from abuse
37 or neglect, or which by reason of disability, disease, abuse or
38 lameness, or any other cause, could not be worked, ridden or
39 otherwise used for show, exhibition or recreational purposes, or
40 kept as a domestic pet without violating the provisions of this
41 article;
42 e. Keep, use, be connected with or interested in the
43 management of, or receive money or other consideration for the
44 admission of a person to, a place kept or used for the purpose of
45 fighting or baiting a living animal or creature;
46 f. Be present and witness, pay admission to, encourage, aid or
47 assist in an activity enumerated in subsection e. of this section;

- 1 g. Permit or suffer a place owned or controlled by him to be
2 used as provided in subsection e. of this section;
- 3 h. Carry, or cause to be carried, a living animal or creature in
4 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 5 i. Use a dog or dogs for the purpose of drawing or helping to
6 draw a vehicle for business purposes;
- 7 j. Impound or confine or cause to be impounded or confined in
8 a pound or other place a living animal or creature, and shall fail to
9 supply it during such confinement with a sufficient quantity of good
10 and wholesome food and water;
- 11 k. Abandon a maimed, sick, infirm or disabled animal or
12 creature to die in a public place;
- 13 l. Willfully sell, or offer to sell, use, expose, or cause or permit
14 to be sold or offered for sale, used or exposed, a horse or other
15 animal having the disease known as glanders or farcy, or other
16 contagious or infectious disease dangerous to the health or life of
17 human beings or animals, or who shall, when any such disease is
18 beyond recovery, refuse, upon demand, to deprive the animal of
19 life;
- 20 m. Own, operate, manage or conduct a roadside stand or market
21 for the sale of merchandise along a public street or highway; or a
22 shopping mall, or a part of the premises thereof; and keep a living
23 animal or creature confined, or allowed to roam in an area whether
24 or not the area is enclosed, on these premises as an exhibit; except
25 that this subsection shall not be applicable to: a pet shop licensed
26 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who
27 keeps an animal, in a humane manner, for the purpose of the
28 protection of the premises; or a recognized breeders' association, a
29 4-H club, an educational agricultural program, an equestrian team, a
30 humane society or other similar charitable or nonprofit organization
31 conducting an exhibition, show or performance;
- 32 n. Keep or exhibit a wild animal at a roadside stand or market
33 located along a public street or highway of this State; a gasoline
34 station; or a shopping mall, or a part of the premises thereof;
- 35 o. Sell, offer for sale, barter or give away or display live baby
36 chicks, ducklings or other fowl or rabbits, turtles or chameleons
37 which have been dyed or artificially colored or otherwise treated so
38 as to impart to them an artificial color;
- 39 p. Use any animal, reptile, or fowl for the purpose of soliciting
40 any alms, collections, contributions, subscriptions, donations, or
41 payment of money except in connection with exhibitions, shows or
42 performances conducted in a bona fide manner by recognized
43 breeders' associations, 4-H clubs or other similar bona fide
44 organizations;
- 45 q. Sell or offer for sale, barter, or give away living rabbits,
46 turtles, baby chicks, ducklings or other fowl under two months of
47 age, for use as household or domestic pets;

- 1 r. Sell, offer for sale, barter or give away living baby chicks,
2 ducklings or other fowl, or rabbits, turtles or chameleons under two
3 months of age for any purpose not prohibited by subsection q. of
4 this section and who shall fail to provide proper facilities for the
5 care of such animals;
- 6 s. Artificially mark sheep or cattle, or cause them to be
7 marked, by cropping or cutting off both ears, cropping or cutting
8 either ear more than one inch from the tip end thereof, or half
9 cropping or cutting both ears or either ear more than one inch from
10 the tip end thereof, or who shall have or keep in the person's
11 possession sheep or cattle, which the person claims to own, marked
12 contrary to this subsection unless they were bought in market or of
13 a stranger;
- 14 t. Abandon a domesticated animal;
- 15 u. For amusement or gain, cause, allow, or permit the fighting
16 or baiting of a living animal or creature;
- 17 v. Own, possess, keep, train, promote, purchase, or knowingly
18 sell a living animal or creature for the purpose of fighting or baiting
19 that animal or creature;
- 20 w. Gamble on the outcome of a fight involving a living animal
21 or creature;
- 22 x. Knowingly sell or barter or offer for sale or barter, at
23 wholesale or retail, the fur or hair of a domestic dog or cat or any
24 product made in whole or in part from the fur or hair of a domestic
25 dog or cat, unless such fur or hair for sale or barter is from a
26 commercial grooming establishment or a veterinary office or clinic
27 or is for use for scientific research;
- 28 y. Knowingly sell or barter or offer for sale or barter, at
29 wholesale or retail, for human consumption, the flesh of a domestic
30 dog or cat or any product made in whole or in part from the flesh of
31 a domestic dog or cat;
- 32 z. Surgically debark or silence a dog in violation of section 1
33 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 34 aa. Use a live pigeon, fowl or other bird for the purpose of a
35 target, or to be shot at either for amusement or as a test of skill in
36 marksmanship, except that this subsection and subsections bb. and
37 cc. shall not apply to the shooting of game;
- 38 bb. Shoot at a bird used as described in subsection aa. of this
39 section, or is a party to such shooting; or
- 40 cc. Lease a building, room, field or premises, or knowingly
41 permit the use thereof for the purposes of subsection aa. or bb. of
42 this section --
- 43 Shall forfeit and pay a sum according to the following schedule,
44 to be sued for and recovered, with costs, in a civil action by any
45 person in the name of the New Jersey Society for the Prevention of
46 Cruelty to Animals or a county society for the prevention of cruelty
47 to animals, as appropriate, or, in the name of the municipality if

1 brought by a certified animal control officer or animal cruelty
2 investigator:

3 For a violation of subsection e., f., g., u., v., w., or z. of this
4 section or of paragraph (3) of subsection a. of this section, or for a
5 second or subsequent violation of paragraph (2) of subsection a. of
6 this section, a sum of not less than \$3,000 nor more than \$5,000;

7 For a violation of subsection l. of this section **[or]** for a first
8 violation of paragraph (2) of subsection a. of this section, or for a
9 violation of paragraph (4) of subsection a. of this section, a sum of
10 not less than \$1,000 nor more than \$3,000;

11 For a violation of subsection c. of this section, a sum of not less
12 than \$500 nor more than \$2,000;

13 For a violation of subsection x. or y. of this section, a sum of not
14 less than \$500 nor more than \$1,000 for each domestic dog or cat
15 fur or fur or hair product or domestic dog or cat carcass or meat
16 product;

17 For a violation of subsection t. of this section, a sum of not less
18 than \$500 nor more than \$1,000, but if the violation occurs on or
19 near a highway, a mandatory sum of \$1,000;

20 For a violation of subsection **[c.,]** d., h., j., k., aa., bb., or cc. of
21 this section or of paragraph (1) of subsection a. of this section, a
22 sum of not less than \$250 nor more than \$1,000; and

23 For a violation of subsection i., m., n., o., p., q., r., or s. of this
24 section, a sum of not less than \$250 nor more than \$500.

25 (cf: P.L.2005, c.372, s.16)

26

27 3. This act shall take effect immediately.

28

29

30

STATEMENT

31

32 This bill, designated as "Patrick's Law," increases to crimes of
33 the fourth degree, the offenses of depriving an animal of necessary
34 sustenance, or abusing an animal, and it increases the grade of these
35 offenses to crimes of the third degree if the animal dies as a result
36 of these acts. The civil penalty for these offenses would also be
37 increased under the bill to a fine of \$1,000 to \$3,000 for a first
38 offense, and \$3,000 to \$5,000 for a second or subsequent offense.

39 The bill would additionally increase the criminal and civil
40 penalties for the following offenses: 1) inflicting unnecessary
41 cruelty upon a living animal or creature, by any direct or indirect
42 means, including but not limited to through the use of another living
43 animal or creature; 2) unnecessarily failing to provide a living
44 animal or creature of which the person has charge either as an
45 owner or otherwise with proper food, drink, shelter or protection
46 from the weather; or 3) leaving it unattended in a vehicle under
47 inhumane conditions adverse to the health or welfare of the living
48 animal or creature. The criminal penalty would be increased to a

1 fine of not less than \$500 nor more than \$2,000, or imprisonment
2 for a term of not more than six months, or both, at the discretion of
3 the court. If an animal is needlessly killed or dies as a result of one
4 of these violations, or the person has a prior conviction for a
5 violation of this provision, the person would be guilty of a crime of
6 the fourth degree. The civil penalty recoverable under R.S.4:22-26
7 would be increased to a fine of \$500 to \$2,000.

8 Furthermore, the bill requires that court-ordered restitution
9 include the monetary cost of replacing the animal if it died or had to
10 be euthanized because of the extent of its injuries, in addition to
11 reimbursement of any costs for food, drink, shelter, or veterinary
12 care or treatment, or other costs. The bill clarifies that the
13 reimbursement would be for costs incurred by the owner of the
14 animal, if the owner is not the person committing the act of cruelty.

15 This bill is being introduced in response to the treatment of
16 Patrick, a pit bull in Newark, which after being starved to an
17 extremely emaciated condition, was placed in a garbage bag, and
18 dropped down a garbage chute in an apartment complex in that city.
19 The dog is now being cared for and recuperating after a
20 maintenance person in the building collecting garbage noticed
21 movement in one of the garbage bags and found the dog still alive
22 inside.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 1303

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 13, 2012

The Senate Economic Growth Committee reports favorably Senate Bill, No. 1303 with committee amendments.

As amended, this bill, designated as “Patrick’s Law,” increases the criminal and civil penalties for certain instances of animal cruelty. Specifically, the bill increases from a disorderly persons offense to a fourth degree crime the purposeful, knowing, or reckless deprivation of necessary sustenance, or abuse of a living animal or creature.

The amended bill additionally increases the criminal and civil penalties for the following offenses: 1) inflicting unnecessary cruelty upon a living animal or creature, by any direct or indirect means, including, but not limited to, through the use of another living animal or creature; 2) unnecessarily failing 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 3) leaving a living animal or creature unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature. The bill creates a crime of the fourth degree where an animal is needlessly killed or dies as a result of one of these violations, or the person has a prior conviction for a violation of these provisions. The criminal penalty for a violation of these provisions would be increased to a fine of not less than \$500 nor more than \$2,000, or imprisonment for a term of not more than six months, or both, at the discretion of the court and the civil penalty recoverable under R.S.4:22-26 would be increased to a fine of \$500 to \$2,000.

Furthermore, the amended bill requires that court-ordered restitution include the monetary cost of replacing the animal if it died or had to be euthanized because of the extent of its injuries, in addition to reimbursement of any costs for food, drink, shelter, or veterinary care or treatment, or other costs. The bill clarifies that the reimbursement would be for costs incurred by the owner of the animal, if the owner is not the person committing the act of cruelty.

This amended bill is designated as “Patrick’s Law” in response to the treatment of Patrick, a pit bull in Newark, which was found in an extremely emaciated condition at an apartment complex in that city.

COMMITTEE AMENDMENTS

The committee amendments make technical changes to section 1 of the bill to replace archaic with modern language in the manner describing the crimes established or increased in the bill and renumber subsections and paragraphs to improve clarity to the process of charging violators of those types of crimes.

STATEMENT TO
[First Reprint]
SENATE, No. 1303

with Senate Floor Amendments
(Proposed by Senator KEAN)

ADOPTED: OCTOBER 4, 2012

These floor amendments: 1) establish as a separate offense and a crime of the fourth degree, needlessly killing an animal or creature; 2) create a definition of “necessary care”; 3) replace the requirement of providing a living animal or creature with proper food, drink, shelter, or protection from the weather with the requirement for providing necessary care; 4) add a statutory citation to the bill’s title; 5) correct and clarify cross references cited in subsection b. of section 1 of the bill; 6) update the law amended by section 2 of the bill to current law as enacted by section 2 of P.L.2012, c.52; and 7) make technical corrections.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

[Second Reprint]
SENATE, No. 1303

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 10, 2012

The Assembly Agriculture and Natural Resources Committee reports favorably and with committee amendments Senate Bill No. 1303 (2R).

The bill, as amended, is designated as “Patrick’s Law,” increases the criminal and civil penalties for certain instances of animal cruelty, and provides that the amended sections of law would not apply to domestic livestock as defined by P.L.1995, c.311, except if the animal was kept as a domestic companion animal. “Domestic companion animal” is defined under the amended bill any animal commonly referred to as a pet or one that has been bought, bred, raised or otherwise acquired, in accordance with local ordinances and State and federal law, for the primary purpose of providing companionship to the owner, rather than for business or agricultural purposes.

Specifically, the amended bill increases the criminal and civil penalties for the following offenses: 1) inflicting unnecessary cruelty upon a living animal or creature, by any direct or indirect means, including, but not limited to, through the use of another living animal or creature; 2) unnecessarily failing 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 3) leaving a living animal or creature unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature. The bill creates a crime of the fourth degree where an animal is needlessly killed or dies as a result of one of these violations, or the person has a prior conviction for a violation of these provisions. The criminal penalty for a violation of these provisions would be increased to a fine of not less than \$500 nor more than \$2,000, or imprisonment for a term of not more than six months, or both, at the discretion of the court and the civil penalty recoverable under R.S.4:22-26 would be increased to a fine of \$500 to \$2,000.

The bill, as amended, also establishes needlessly killing an animal or creature as a separate offense and a crime of the fourth degree, and

revises the care standard under the law. The bill, as amended, replaces the standard of providing a living animal or creature with proper food, drink, shelter, or protection from the weather, with the requirement to provide necessary care. “Necessary care” is defined in the bill, as amended, as care sufficient to preserve the health and well-being of an animal, and includes, but is not limited to: food of sufficient quantity and quality to allow for normal growth or maintenance of body weight; adequate access to water in sufficient quantity and quality to satisfy the animal’s needs; access to adequate protection from the weather; and veterinary care to alleviate suffering and maintain health.

Furthermore, the amended bill requires that court-ordered restitution include the monetary cost of replacing the animal if it died or had to be euthanized because of the extent of its injuries, in addition to reimbursement of any costs for food, drink, shelter, or veterinary care or treatment, or other costs. The bill clarifies that the reimbursement would be for costs incurred by the owner of the animal, if the owner is not the person committing the act of cruelty.

This amended bill is designated as “Patrick’s Law” in response to the treatment of Patrick, a pit bull in Newark, which was found in an extremely emaciated condition at an apartment complex in that city.

As reported, Senate No. 1303 (2R) is identical to the Assembly Committee Substitute for Assembly Nos. 798 and 2124 as reported by the committee.

COMMITTEE AMENDMENTS

The committee amendments:

- 1) provide the amended sections of law would not apply to domestic livestock, except if the animal is a domestic companion animal;
- 2) define domestic companion animal;
- 3) make technical and clarifying amendments.

STATEMENT TO
[Third Reprint]
SENATE, No. 1303

with Assembly Floor Amendments
(Proposed by Assemblywoman N.MUNOZ)

ADOPTED: FEBRUARY 21, 2013

These amendments: 1) delete the definition of domestic companion animal and section 2 of the bill, referring to domestic livestock; and 2) revise the offenses and penalties therefor of needlessly killing an animal, failing to provide an animal with necessary care, and the consequences thereof.

ASSEMBLY, No. 798

STATE OF NEW JERSEY

215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Assemblywoman NANCY F. MUNOZ
District 21 (Morris, Somerset and Union)
Assemblywoman L. GRACE SPENCER
District 29 (Essex)

Co-Sponsored by:

Assemblymen Wolfe and McGuckin

SYNOPSIS

Revises penalties for animal cruelty, increasing degree of certain offenses; designated as Patrick's Law.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 10/12/2012)

1 AN ACT concerning animal cruelty and designated as “Patrick’s
2 Law,” and amending R.S.4:22-17 and 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 4:22-17. a. A person who shall:

9 (1) Overdrive, overload, drive when overloaded, or overwork **[,]**
10 **[deprive of necessary sustenance, abuse, or needlessly kill]** a living
11 animal or creature;

12 (2) Cause or procure, by any direct or indirect means, including
13 but not limited to through the use of another living animal or
14 creature, any such acts to be done; or

15 (3) Inflict unnecessary cruelty upon a living animal or creature,
16 by any direct or indirect means, including but not limited to through
17 the use of another living animal or creature; or unnecessarily fail to
18 provide a living animal or creature of which the person has charge
19 either as an owner or otherwise with proper food, drink, shelter or
20 protection from the weather; or leave it unattended in a vehicle
21 under inhumane conditions adverse to the health or welfare of the
22 living animal or creature--

23 Shall be guilty of a disorderly persons offense **[, and**
24 **notwithstanding]** . Notwithstanding the provisions of N.J.S.2C:43-
25 3 to the contrary, for every **[such]** conviction of an offense
26 pursuant to paragraph (1) or (2) of this subsection, the person shall
27 be fined not less than \$250 nor more than \$1,000, or be imprisoned
28 for a term of not more than six months, or both, in the discretion of
29 the court; and for every conviction of an offense pursuant to
30 paragraph (3) of this subsection, the person shall be fined not less
31 than \$500 nor more than \$2,000, or be imprisoned for a term of not
32 more than six months, or both, in the discretion of the court.

33 If an animal is needlessly killed or dies as a result of a violation
34 of this subsection, or the person has a prior conviction for a
35 violation of this subsection, the person shall be guilty of a crime of
36 the fourth degree.

37 A violator of this subsection shall also be subject to the
38 provisions of subsection c. and, if appropriate, subsection d. of this
39 section.

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

41 (1) Torment, torture, maim, hang, poison, unnecessarily or
42 cruelly beat, **[or]** needlessly mutilate, deprive of necessary
43 sustenance, or abuse a living animal or creature; or

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

Matter underlined thus is new matter.

1 (2) Cause or procure, by any direct or indirect means, including
2 but not limited to through the use of another living animal or
3 creature, any such acts to be done --

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

5 If the animal or creature is cruelly killed or dies as a result of a
6 violation of this subsection, or the person has a prior conviction for
7 a violation of this subsection, the person shall be guilty of a crime
8 of the third degree.

9 A violator of this subsection shall also be subject to the
10 provisions of subsection c. and, if appropriate, subsection d. of this
11 section.

12 c. For a violation of subsection a. or b. of this section, in addition
13 to imposing any other appropriate penalties established for a crime
14 of the third degree, crime of the fourth degree, or disorderly
15 persons offense, as the case may be, pursuant to Title 2C of the
16 New Jersey Statutes, the court shall impose a term of community
17 service of up to 30 days, and may direct that the term of community
18 service be served in providing assistance to the New Jersey Society
19 for the Prevention of Cruelty to Animals, a district (county) society
20 for the prevention of cruelty to animals, or any other recognized
21 organization concerned with the prevention of cruelty to animals or
22 the humane treatment and care of animals, or to a municipality's
23 animal control or animal population control program. The court
24 also **[may]** shall require the violator to pay restitution , including
25 but not limited to, the monetary cost of replacing the animal if it
26 died or had to be euthanized because of the extent of its injuries, or
27 otherwise reimburse any costs for food, drink, shelter, or veterinary
28 care or treatment, or other costs, incurred by the owner of the
29 animal, if the owner is not the person committing the act of cruelty,
30 or incurred by any agency, entity, or organization investigating the
31 violation, including but not limited to the New Jersey Society for
32 the Prevention of Cruelty to Animals, a district (county) society for
33 the prevention of cruelty to animals, any other recognized
34 organization concerned with the prevention of cruelty to animals or
35 the humane treatment and care of animals, **[or]** a local or State
36 governmental entity , or a kennel, shelter, pound, or other facility
37 providing for the shelter and care of the animal or animals involved
38 in the violation.

39 d. If a juvenile is adjudicated delinquent for an act which, if
40 committed by an adult, would constitute a disorderly persons
41 offense pursuant to subsection a. of this section or a crime of the
42 third degree or crime of the fourth degree pursuant to subsection b.
43 of this section, the court also shall order the juvenile to receive
44 mental health counseling by a licensed psychologist or therapist
45 named by the court for a period of time to be prescribed by the
46 licensed psychologist or therapist.

47 (cf: P.L.2005, c.105, s.1)

- 1 2. R.S.4:22-26 is amended to read as follows:
2 4:22-26. A person who shall:
3 a. (1) Overdrive, overload, drive when overloaded, or overwork
4 **[, deprive of necessary sustenance, abuse, or needlessly kill]** a
5 living animal or creature, or cause or procure, by any direct or
6 indirect means, including but not limited to through the use of
7 another living animal or creature, any such acts to be done;
8 (2) Torment, torture, maim, hang, poison, unnecessarily or
9 cruelly beat, or needlessly mutilate , deprive of necessary
10 sustenance, or abuse a living animal or creature, or cause or
11 procure, by any direct or indirect means, including but not limited
12 to through the use of another living animal or creature, any such
13 acts to be done;
14 (3) Cruelly kill, or cause or procure, by any direct or indirect
15 means, including but not limited to through the use of another living
16 animal or creature, the cruel killing of, a living animal or creature,
17 or otherwise cause or procure, by any direct or indirect means,
18 including but not limited to through the use of another living animal
19 or creature, the death of a living animal or creature from
20 commission of any act described in paragraph (2) of this subsection;
21 (4) Needlessly kill a living animal or creature, or cause or
22 procure, by any direct or indirect means, including but not limited
23 to through the use of another living animal or creature, the death of
24 a living animal or creature as a result of the commission of any act
25 described in paragraph (1) of this subsection or subsection c. of this
26 section;
27 b. (Deleted by amendment, P.L.2003, c.232).
28 c. Inflict unnecessary cruelty upon a living animal or creature, by
29 any direct or indirect means, including but not limited to through
30 the use of another living animal or creature; or unnecessarily fail to
31 provide a living animal or creature of which the person has charge
32 either as an owner or otherwise with proper food, drink, shelter or
33 protection from the weather; or leave it unattended in a vehicle
34 under inhumane conditions adverse to the health or welfare of the
35 living animal or creature;
36 d. Receive or offer for sale a horse that is suffering from abuse or
37 neglect, or which by reason of disability, disease, abuse or
38 lameness, or any other cause, could not be worked, ridden or
39 otherwise used for show, exhibition or recreational purposes, or
40 kept as a domestic pet without violating the provisions of this
41 article;
42 e. Keep, use, be connected with or interested in the management
43 of, or receive money or other consideration for the admission of a
44 person to, a place kept or used for the purpose of fighting or baiting
45 a living animal or creature;
46 f. Be present and witness, pay admission to, encourage, aid or
47 assist in an activity enumerated in subsection e. of this section;

- 1 g. Permit or suffer a place owned or controlled by him to be used
2 as provided in subsection e. of this section;
- 3 h. Carry, or cause to be carried, a living animal or creature in or
4 upon a vehicle or otherwise, in a cruel or inhumane manner;
- 5 i. Use a dog or dogs for the purpose of drawing or helping to
6 draw a vehicle for business purposes;
- 7 j. Impound or confine or cause to be impounded or confined in a
8 pound or other place a living animal or creature, and shall fail to
9 supply it during such confinement with a sufficient quantity of good
10 and wholesome food and water;
- 11 k. Abandon a maimed, sick, infirm or disabled animal or creature
12 to die in a public place;
- 13 l. Willfully sell, or offer to sell, use, expose, or cause or permit
14 to be sold or offered for sale, used or exposed, a horse or other
15 animal having the disease known as glanders or farcy, or other
16 contagious or infectious disease dangerous to the health or life of
17 human beings or animals, or who shall, when any such disease is
18 beyond recovery, refuse, upon demand, to deprive the animal of
19 life;
- 20 m. Own, operate, manage or conduct a roadside stand or market
21 for the sale of merchandise along a public street or highway; or a
22 shopping mall, or a part of the premises thereof; and keep a living
23 animal or creature confined, or allowed to roam in an area whether
24 or not the area is enclosed, on these premises as an exhibit; except
25 that this subsection shall not be applicable to: a pet shop licensed
26 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who
27 keeps an animal, in a humane manner, for the purpose of the
28 protection of the premises; or a recognized breeders' association, a
29 4-H club, an educational agricultural program, an equestrian team, a
30 humane society or other similar charitable or nonprofit organization
31 conducting an exhibition, show or performance;
- 32 n. Keep or exhibit a wild animal at a roadside stand or market
33 located along a public street or highway of this State; a gasoline
34 station; or a shopping mall, or a part of the premises thereof;
- 35 o. Sell, offer for sale, barter or give away or display live baby
36 chicks, ducklings or other fowl or rabbits, turtles or chameleons
37 which have been dyed or artificially colored or otherwise treated so
38 as to impart to them an artificial color;
- 39 p. Use any animal, reptile, or fowl for the purpose of soliciting
40 any alms, collections, contributions, subscriptions, donations, or
41 payment of money except in connection with exhibitions, shows or
42 performances conducted in a bona fide manner by recognized
43 breeders' associations, 4-H clubs or other similar bona fide
44 organizations;
- 45 q. Sell or offer for sale, barter, or give away living rabbits,
46 turtles, baby chicks, ducklings or other fowl under two months of
47 age, for use as household or domestic pets;

- 1 r. Sell, offer for sale, barter or give away living baby chicks,
2 ducklings or other fowl, or rabbits, turtles or chameleons under two
3 months of age for any purpose not prohibited by subsection q. of
4 this section and who shall fail to provide proper facilities for the
5 care of such animals;
- 6 s. Artificially mark sheep or cattle, or cause them to be marked,
7 by cropping or cutting off both ears, cropping or cutting either ear
8 more than one inch from the tip end thereof, or half cropping or
9 cutting both ears or either ear more than one inch from the tip end
10 thereof, or who shall have or keep in the person's possession sheep
11 or cattle, which the person claims to own, marked contrary to this
12 subsection unless they were bought in market or of a stranger;
- 13 t. Abandon a domesticated animal;
- 14 u. For amusement or gain, cause, allow, or permit the fighting or
15 baiting of a living animal or creature;
- 16 v. Own, possess, keep, train, promote, purchase, or knowingly
17 sell a living animal or creature for the purpose of fighting or baiting
18 that animal or creature;
- 19 w. Gamble on the outcome of a fight involving a living animal
20 or creature;
- 21 x. Knowingly sell or barter or offer for sale or barter, at
22 wholesale or retail, the fur or hair of a domestic dog or cat or any
23 product made in whole or in part from the fur or hair of a domestic
24 dog or cat, unless such fur or hair for sale or barter is from a
25 commercial grooming establishment or a veterinary office or clinic
26 or is for use for scientific research;
- 27 y. Knowingly sell or barter or offer for sale or barter, at
28 wholesale or retail, for human consumption, the flesh of a domestic
29 dog or cat or any product made in whole or in part from the flesh of
30 a domestic dog or cat;
- 31 z. Surgically debark or silence a dog in violation of section 1 or 2
32 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 33 aa. Use a live pigeon, fowl or other bird for the purpose of a
34 target, or to be shot at either for amusement or as a test of skill in
35 marksmanship, except that this subsection and subsections bb. and
36 cc. shall not apply to the shooting of game;
- 37 bb. Shoot at a bird used as described in subsection aa. of this
38 section, or is a party to such shooting; or
- 39 cc. Lease a building, room, field or premises, or knowingly
40 permit the use thereof for the purposes of subsection aa. or bb. of
41 this section --
- 42 Shall forfeit and pay a sum according to the following schedule,
43 to be sued for and recovered, with costs, in a civil action by any
44 person in the name of the New Jersey Society for the Prevention of
45 Cruelty to Animals or a county society for the prevention of cruelty
46 to animals, as appropriate, or, in the name of the municipality if

1 brought by a certified animal control officer or animal cruelty
2 investigator:

3 For a violation of subsection e., f., g., u., v., w., or z. of this
4 section or of paragraph (3) of subsection a. of this section, or for a
5 second or subsequent violation of paragraph (2) of subsection a. of
6 this section, a sum of not less than \$3,000 nor more than \$5,000;

7 For a violation of subsection l. of this section **[or]** for a first
8 violation of paragraph (2) of subsection a. of this section, or for a
9 violation of paragraph (4) of subsection a. of this section, a sum of
10 not less than \$1,000 nor more than \$3,000;

11 For a violation of subsection c. of this section, a sum of not less
12 than \$500 nor more than \$2,000;

13 For a violation of subsection x. or y. of this section, a sum of not
14 less than \$500 nor more than \$1,000 for each domestic dog or cat
15 fur or fur or hair product or domestic dog or cat carcass or meat
16 product;

17 For a violation of subsection t. of this section, a sum of not less
18 than \$500 nor more than \$1,000, but if the violation occurs on or
19 near a highway, a mandatory sum of \$1,000;

20 For a violation of subsection **[c.,]** d., h., j., k., aa., bb., or cc. of
21 this section or of paragraph (1) of subsection a. of this section, a
22 sum of not less than \$250 nor more than \$1,000; and

23 For a violation of subsection i., m., n., o., p., q., r., or s. of this
24 section, a sum of not less than \$250 nor more than \$500.

25 (cf: P.L.2005, c.372, s.16)

26

27 3. This act shall take effect immediately.

28

29

30

STATEMENT

31

32 This bill, designated as “Patrick’s Law,” increases to crimes of
33 the fourth degree, the offenses of depriving an animal of necessary
34 sustenance, or abusing an animal, and it increases the grade of these
35 offenses to crimes of the third degree if the animal dies as a result
36 of these acts. The civil penalty for these offenses would also be
37 increased under the bill to a fine of \$1,000 to \$3,000 for a first
38 offense, and \$3,000 to \$5,000 for a second or subsequent offense.

39 The bill would additionally increase the criminal and civil
40 penalties for the following offenses: 1) inflicting unnecessary
41 cruelty upon a living animal or creature, by any direct or indirect
42 means, including but not limited to through the use of another living
43 animal or creature; 2) unnecessarily failing to provide a living
44 animal or creature of which the person has charge either as an
45 owner or otherwise with proper food, drink, shelter or protection
46 from the weather; or 3) leaving it unattended in a vehicle under
47 inhumane conditions adverse to the health or welfare of the living

1 animal or creature. The criminal penalty would be increased to a
2 fine of not less than \$500 nor more than \$2,000, or imprisonment
3 for a term of not more than six months, or both, at the discretion of
4 the court. If an animal is needlessly killed or dies as a result of one
5 of these violations, or the person has a prior conviction for a
6 violation of this provision, the person would be guilty of a crime of
7 the fourth degree. The civil penalty recoverable under R.S.4:22-26
8 would be increased to a fine of \$500 to \$2,000.

9 Furthermore, the bill requires that court-ordered restitution
10 include the monetary cost of replacing the animal if it died or had to
11 be euthanized because of the extent of its injuries, in addition to
12 reimbursement of any costs for food, drink, shelter, or veterinary
13 care or treatment, or other costs. The bill clarifies that the
14 reimbursement would be for costs incurred by the owner of the
15 animal, if the owner is not the person committing the act of cruelty.

16 This bill is being introduced in response to the treatment of
17 Patrick, a pit bull in Newark, which after being starved to an
18 extremely emaciated condition, was placed in a garbage bag, and
19 dropped down a garbage chute in an apartment complex in that city.
20 The dog is now being cared for and recuperating after a
21 maintenance person in the building collecting garbage noticed
22 movement in one of the garbage bags and found the dog still alive
23 inside.

ASSEMBLY, No. 2124

STATE OF NEW JERSEY

215th LEGISLATURE

INTRODUCED JANUARY 30, 2012

Sponsored by:

Assemblyman JOHN J. BURZICHELLI
District 3 (Cumberland, Gloucester and Salem)
Assemblyman ANGEL FUENTES
District 5 (Camden and Gloucester)

SYNOPSIS

Establishes as third degree crime new offense of serious bodily injury to an animal; revises other offenses and penalties for animal cruelty, increasing the degree of certain offenses; designated as Patrick's Law.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/7/2012)

1 AN ACT concerning animal cruelty and designated as “Patrick’s
2 Law,” and amending R.S.4:22-15, R.S.4:22-17 and 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.4:22-15 is amended to read as follows:

8 4:22-15. As used in this article:

9 "Animal" or "creature" includes the whole brute creation.

10 "Owner" or "person" includes a corporation, and the knowledge
11 and acts of an agent or employee of a corporation in regard to
12 animals transported, owned, employed or in the custody of the
13 corporation shall be imputed to the corporation.

14 “Serious bodily injury” means bodily injury to a living animal or
15 creature which creates a substantial risk of death or which causes
16 serious, permanent disfigurement, or protracted loss or impairment
17 of the function of any bodily member or organ.

18 (cf: R.S.4:22-15)

19

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

21 4:22-17. a. A person who shall:

22 (1) Overdrive, overload, drive when overloaded, overwork,
23 deprive of necessary sustenance, or abuse **[, or needlessly kill]** a
24 living animal or creature;

25 (2) Cause or procure, by any direct or indirect means, including
26 but not limited to through the use of another living animal or
27 creature, any such acts to be done; or

28 (3) Inflict unnecessary cruelty upon a living animal or creature,
29 by any direct or indirect means, including but not limited to through
30 the use of another living animal or creature; or unnecessarily fail to
31 provide a living animal or creature of which the person has charge
32 either as an owner or otherwise with proper food, drink, shelter or
33 protection from the weather; or leave it unattended in a vehicle
34 under inhumane conditions adverse to the health or welfare of the
35 living animal or creature--

36 Shall be guilty of a disorderly persons offense, and
37 notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, for
38 every such offense shall be fined not less than \$250 nor more than
39 \$1,000, or be imprisoned for a term of not more than six months, or
40 both, in the discretion of the court. A person convicted of a second
41 or subsequent violation of this subsection shall be guilty of a crime
42 of the fourth degree. A violator of this subsection shall also be
43 subject to the provisions of subsection c. and, if appropriate,
44 subsection d. of this section.

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

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 (1) Torment, torture, maim, hang, poison, unnecessarily or
2 cruelly beat, or needlessly mutilate a living animal or creature; or

3 (2) Cause or procure, by any direct or indirect means, including
4 but not limited to through the use of another living animal or
5 creature, any such acts to be done --

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

7 If the animal or creature is [cruelly killed] inflicted with serious
8 bodily injury as a result of a violation of subsection a. of this
9 section or this subsection, or dies as a result of a violation of
10 subsection a. of this subsection or this subsection, or the person has
11 a prior conviction for a violation of this subsection, the person shall
12 be guilty of a crime of the third degree.

13 A violator of this subsection shall also be subject to the
14 provisions of subsection c. and, if appropriate, subsection d. of this
15 section.

16 c. For a violation of subsection a. or b. of this section, in
17 addition to imposing any other appropriate penalties established for
18 a crime of the third degree, crime of the fourth degree, or
19 disorderly persons offense, as the case may be, pursuant to Title 2C
20 of the New Jersey Statutes, the court shall impose a term of
21 community service of up to 30 days, and may direct that the term of
22 community service be served in providing assistance to the New
23 Jersey Society for the Prevention of Cruelty to Animals, a district
24 (county) society for the prevention of cruelty to animals, or any
25 other recognized organization concerned with the prevention of
26 cruelty to animals or the humane treatment and care of animals, or
27 to a municipality's animal control or animal population control
28 program. The court also may require the violator to pay restitution
29 incurred by any agency, entity, or organization investigating the
30 violation, including but not limited to the New Jersey Society for
31 the Prevention of Cruelty to Animals, a district (county) society for
32 the prevention of cruelty to animals, any other recognized
33 organization concerned with the prevention of cruelty to animals or
34 the humane treatment and care of animals, or a local or State
35 governmental entity.

36 d. If a juvenile is adjudicated delinquent for an act which, if
37 committed by an adult, would constitute a disorderly persons
38 offense pursuant to subsection a. of this section or a crime of the
39 third degree or crime of the fourth degree pursuant to subsection a.
40 or subsection b. of this section, the court also shall order the
41 juvenile to receive mental health counseling by a licensed
42 psychologist or therapist named by the court for a period of time to
43 be prescribed by the licensed psychologist or therapist.

44 e. The court may order a person convicted of a violation of
45 subsection a. or b. of this section to undergo a psychological
46 evaluation, at the person's expense. Based on that evaluation, the
47 court may also order the person to receive mental health counseling
48 by a licensed psychologist or therapist named by the court for a

1 period of time to be prescribed by the licensed psychologist or
2 therapist.

3 f. The court may order restrictions on a person's contact with
4 animals if the person is convicted of a violation of subsection a. or
5 b. of this section, including, but not limited to, imposing a
6 prohibition from ownership or care of an animal for a period of time
7 or permanent prohibition from owning or caring for any animal for
8 the natural life of the person.

9 (cf: P.L.2005, c.105, s.1)

10

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

12 4:22-26. A person who shall:

13 a. (1) Overdrive, overload, drive when overloaded, overwork ,
14 deprive of necessary sustenance, or abuse **[, or needlessly kill]** a
15 living animal or creature, or cause or procure, by any direct or
16 indirect means, including but not limited to through the use of
17 another living animal or creature, any such acts to be done;

18 (2) Torment, torture, maim, hang, poison, unnecessarily or
19 cruelly beat, or needlessly mutilate a living animal or creature, or
20 cause or procure, by any direct or indirect means, including but not
21 limited to through the use of another living animal or creature, any
22 such acts to be done;

23 (3) **[Cruelly kill]** Inflict serious bodily injury upon a living
24 animal or creature, or cause or procure, by any direct or indirect
25 means, including but not limited to through the use of another living
26 animal or creature, the **[cruel killing of]** inflicting of serious bodily
27 injury upon, a living animal or creature, or otherwise cause or
28 procure, by any direct or indirect means, including but not limited
29 to through the use of another living animal or creature, the death of
30 a living animal or creature from commission of any act described in
31 paragraph (2) of this subsection;

32 (4) Cause the death of a living animal or creature as a result of
33 the commission of any act described in paragraph (1) of this
34 subsection or subsection c. of this section;

35 b. (Deleted by amendment, P.L.2003, c.232);

36 c. Inflict unnecessary cruelty upon a living animal or creature, by
37 any direct or indirect means, including but not limited to through
38 the use of another living animal or creature; or unnecessarily fail to
39 provide a living animal or creature of which the person has charge
40 either as an owner or otherwise with proper food, drink, shelter or
41 protection from the weather; or leave it unattended in a vehicle
42 under inhumane conditions adverse to the health or welfare of the
43 living animal or creature;

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

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

- 1 payment of money except in connection with exhibitions, shows or
2 performances conducted in a bona fide manner by recognized
3 breeders' associations, 4-H clubs or other similar bona fide
4 organizations;
- 5 q. Sell or offer for sale, barter, or give away living rabbits,
6 turtles, baby chicks, ducklings or other fowl under two months of
7 age, for use as household or domestic pets;
- 8 r. Sell, offer for sale, barter or give away living baby chicks,
9 ducklings or other fowl, or rabbits, turtles or chameleons under two
10 months of age for any purpose not prohibited by subsection q. of
11 this section and who shall fail to provide proper facilities for the
12 care of such animals;
- 13 s. Artificially mark sheep or cattle, or cause them to be
14 marked, by cropping or cutting off both ears, cropping or cutting
15 either ear more than one inch from the tip end thereof, or half
16 cropping or cutting both ears or either ear more than one inch from
17 the tip end thereof, or who shall have or keep in the person's
18 possession sheep or cattle, which the person claims to own, marked
19 contrary to this subsection unless they were bought in market or of
20 a stranger;
- 21 t. Abandon a domesticated animal;
- 22 u. For amusement or gain, cause, allow, or permit the fighting
23 or baiting of a living animal or creature;
- 24 v. Own, possess, keep, train, promote, purchase, or knowingly
25 sell a living animal or creature for the purpose of fighting or baiting
26 that animal or creature;
- 27 w. Gamble on the outcome of a fight involving a living animal
28 or creature;
- 29 x. Knowingly sell or barter or offer for sale or barter, at
30 wholesale or retail, the fur or hair of a domestic dog or cat or any
31 product made in whole or in part from the fur or hair of a domestic
32 dog or cat, unless such fur or hair for sale or barter is from a
33 commercial grooming establishment or a veterinary office or clinic
34 or is for use for scientific research;
- 35 y. Knowingly sell or barter or offer for sale or barter, at
36 wholesale or retail, for human consumption, the flesh of a domestic
37 dog or cat or any product made in whole or in part from the flesh of
38 a domestic dog or cat;
- 39 z. Surgically debark or silence a dog in violation of section 1
40 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 41 aa. Use a live pigeon, fowl or other bird for the purpose of a
42 target, or to be shot at either for amusement or as a test of skill in
43 marksmanship, except that this subsection and subsections bb. and
44 cc. shall not apply to the shooting of game;
- 45 bb. Shoot at a bird used as described in subsection aa. of this
46 section, or is a party to such shooting; or

1 cc. Lease a building, room, field or premises, or knowingly
2 permit the use thereof for the purposes of subsection aa. or bb. of
3 this section --

4 Shall forfeit and pay a sum according to the following schedule,
5 to be sued for and recovered, with costs, in a civil action by any
6 person in the name of the New Jersey Society for the Prevention of
7 Cruelty to Animals or a county society for the prevention of cruelty
8 to animals, as appropriate, or, in the name of the municipality if
9 brought by a certified animal control officer or animal cruelty
10 investigator:

11 For a violation of subsection e., f., g., u., v., w., or z. of this
12 section or of paragraph (3) or paragraph (4) of subsection a. of this
13 section, or for a second or subsequent violation of paragraph (2) of
14 subsection a. of this section, a sum of not less than \$3,000 nor more
15 than \$5,000;

16 For a violation of subsection l. of this section **[or]**, for a first
17 violation of paragraph (2) of subsection a. of this section, or for a
18 second or subsequent violation of paragraph (1) of subsection a. or
19 subsection c. of this section, a sum of not less than \$1,000 nor more
20 than \$3,000;

21 For a violation of subsection x. or y. of this section, a sum of not
22 less than \$500 nor more than \$1,000 for each domestic dog or cat
23 fur or fur or hair product or domestic dog or cat carcass or meat
24 product;

25 For a violation of subsection t. of this section, a sum of not less
26 than \$500 nor more than \$1,000, but if the violation occurs on or
27 near a highway, a mandatory sum of \$1,000;

28 For a first violation of subsection c., or a violation of subsection
29 d., h., j., k., aa., bb., or cc. of this section or of paragraph (1) of
30 subsection a. of this section, a sum of not less than \$250 nor more
31 than \$1,000; and

32 For a violation of subsection i., m., n., o., p., q., r., or s. of this
33 section, a sum of not less than \$250 nor more than \$500.

34 (cf: P.L.2005, c.372, s.16)

35

36 4. This act shall take effect immediately.

37

38

39

STATEMENT

40

41 The bill establishes as a crime of the third degree for inflicting
42 serious bodily injury upon a living animal or creature and for when
43 an animal dies as a result of a violation of subsection a. of R.S.4:22-
44 17. "Serious bodily injury" is defined in the bill as bodily injury to
45 a living animal or creature which creates a substantial risk of death
46 or which causes serious, permanent disfigurement, or protracted
47 loss or impairment of the function of any bodily member or organ.

1 The bill also provides that the person would be liable for a civil
2 penalty of between \$3,000 and \$5,000.

3 The bill also provides that a person found guilty of a second or
4 subsequent offense under subsection a. of R.S.4:22-17 would be
5 guilty of a crime of the fourth degree. Those offenses are:

6 1) overdriving, overloading, driving when overloaded,
7 overworking, depriving of necessary sustenance, or abusing a living
8 animal or creature;

9 2) causing or procuring, by any direct or indirect means,
10 including but not limited to through the use of another living animal
11 or creature, any such acts to be done;

12 3) inflicting unnecessary cruelty upon a living animal or
13 creature, by any direct or indirect means, including but not limited
14 to through the use of another living animal or creature;

15 4) unnecessarily failing to provide a living animal or creature of
16 which the person has charge either as an owner or otherwise with
17 proper food, drink, shelter or protection from the weather; or

18 5) leaving a living animal or creature unattended in a vehicle
19 under inhumane conditions adverse to the health or welfare of the
20 living animal or creature.

21 The bill provides that a person committing these offenses for a
22 second or subsequent time would be liable for a civil penalty of
23 between \$1,000 and \$3,000.

24 This bill is being introduced in response to the treatment of
25 Patrick, a pit bull in Newark, which after being starved to an
26 extremely emaciated condition, was placed in a garbage bag, and
27 dropped down a garbage chute in an apartment complex in that city.
28 The dog survived and is recuperating after a maintenance person in
29 the building collecting garbage noticed movement in one of the
30 garbage bags and found the dog inside.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 798 and 2124

STATE OF NEW JERSEY

DATED: DECEMBER 10, 2012

The Assembly Agriculture and Natural Resources Committee favorably reports an Assembly Committee Substitute for Assembly Bill Nos. 798 and 2124.

The committee substitute, designated as “Patrick’s Law,” increases the criminal and civil penalties for certain instances of animal cruelty, and provides that the amended sections of law would not apply to domestic livestock as defined by P.L.1995, c.311, except if the animal was kept as a domestic companion animal. “Domestic companion animal” is defined under the committee substitute as any animal commonly referred to as a pet or one that has been bought, bred, raised or otherwise acquired, in accordance with local ordinances and State and federal law, for the primary purpose of providing companionship to the owner, rather than for business or agricultural purposes.

Specifically, the committee substitute increases the criminal and civil penalties for the following offenses: 1) inflicting unnecessary cruelty upon a living animal or creature, by any direct or indirect means, including, but not limited to, through the use of another living animal or creature; 2) unnecessarily failing 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 3) leaving a living animal or creature unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature. The committee substitute creates a crime of the fourth degree where an animal dies as a result of one of these violations, or the person has a prior conviction for a violation of these provisions. The criminal penalty for a violation of these provisions would be increased to a fine of not less than \$500 nor more than \$2,000, or imprisonment for a term of not more than six months, or both, at the discretion of the court and the civil penalty recoverable under R.S.4:22-26 would be increased to a fine of \$500 to \$2,000.

The committee substitute also establishes needlessly killing an animal or creature as a separate offense and a crime of the fourth degree, and revises the care standard under the law. The committee substitute replaces the standard of providing a living animal or creature

with proper food, drink, shelter, or protection from the weather, with the requirement to provide necessary care. “Necessary care” is defined in the substitute as care sufficient to preserve the health and well-being of an animal, and includes, but is not limited to: food of sufficient quantity and quality to allow for normal growth or maintenance of body weight; adequate access to water in sufficient quantity and quality to satisfy the animal’s needs; access to adequate protection from the weather; and veterinary care to alleviate suffering and maintain health.

Furthermore, the committee substitute requires that court-ordered restitution include the monetary cost of replacing the animal if it died or had to be euthanized because of the extent of its injuries, in addition to reimbursement of any costs for food, drink, shelter, or veterinary care or treatment, or other costs. The substitute clarifies that the reimbursement would be for costs incurred by the owner of the animal, if the owner is not the person committing the act of cruelty.

This committee substitute is designated as “Patrick’s Law” in response to the treatment of Patrick, a pit bull in Newark, which was found in an extremely emaciated condition at an apartment complex in that city.

As reported, the Assembly Committee Substitute for Assembly Nos. 798 and 2124 is identical to Senate No. 1303 (2R) as amended and reported by the committee.