

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Christie signs bill stiffening penalties against anyone threatening police dogs," Home News Tribune, 8-15-13.
"Law protects police dogs," The Press of Atlantic City, 8-15-13.

LAW/KR

P.L.2013, CHAPTER 137, *approved August 14, 2013*
Assembly, No. 495 (*Third Reprint*)

1 AN ACT concerning threats against certain animals ¹and designated
2 as ³**[Dano's]** Dano and Vader's³ Law, and¹ amending P.L.1983,
3 c.261.
4

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

8 1. Section 1 of P.L.1983, c.261 (C.2C:29-3.1) is amended to
9 read as follows:

10 1. a. Any person who purposely kills a dog, horse or other
11 animal owned or used by a law enforcement agency or a search and
12 rescue dog shall be guilty of a crime of the third degree, and shall
13 be sentenced by the court to a term of imprisonment. The term of
14 imprisonment shall include the imposition of a minimum term. The
15 minimum term shall be fixed at five years, during which the
16 defendant shall be ineligible for parole. In addition, the court shall
17 impose a fine of \$15,000.

18 b. Any person who purposely maims or otherwise inflicts harm
19 upon a dog, horse or other animal owned or used by a law
20 enforcement agency or a search and rescue dog shall be guilty of a
21 crime of the **[fourth]** ²**[third]** fourth² degree.

22 c. Any person who purposely threatens to kill, maim or
23 otherwise inflict harm upon a dog, horse or other animal owned or
24 used by a law enforcement agency or a search and rescue dog,
25 under circumstances reasonably causing the person to whom the
26 threat is made to believe that it is likely that it will be carried out,
27 shall be guilty of a crime of ²**[third]** the fourth² degree.

28 d. Any person who interferes with any law enforcement officer
29 using an animal in the performance of his official duties commits a
30 disorderly persons offense, subject to a sentence of six months'
31 imprisonment, some or all of which may be community service,
32 restitution and a ²**[\$1,000.00]** \$1,000² fine.

33 As used in this section, "search and rescue dog" means any dog
34 trained or being trained for the purpose of search and rescue that is
35 owned by an independent handler or member of a search and rescue
36 team, and used in conjunction with local law enforcement or
37 emergency services organizations for the purpose of locating
38 missing persons or evidence of arson.

39 (cf: P.L.2011, c.77, s.1)

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:

¹Assembly AAN committee amendments adopted May 14, 2012.

²Senate SEG committee amendments adopted August 20, 2012.

³Senate SBA committee amendments adopted June 24, 2013.

1 2. This act shall take effect immediately.

2

3

4

5

6 Creates crime of threatening the life of certain animals;
7 designated as Dano and Vader's Law.

ASSEMBLY, No. 495

STATE OF NEW JERSEY

215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Assemblyman NELSON T. ALBANO
District 1 (Atlantic, Cape May and Cumberland)
Assemblyman GILBERT "WHIP" L. WILSON
District 5 (Camden and Gloucester)

Co-Sponsored by:

Assemblymen Prieto and Peterson

SYNOPSIS

Creates crime of threatening the life of certain animals.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 5/15/2012)

1 AN ACT concerning threats against certain animals and amending
2 P.L.1983, c.261.

3

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

6

7 1. Section 1 of P.L.1983, c.261 (C.2C:29-3.1) is amended to
8 read as follows:

9 1. a. Any person who purposely kills a dog, horse or other
10 animal owned or used by a law enforcement agency or a search and
11 rescue dog shall be guilty of a crime of the third degree.

12 b. Any person who purposely maims or otherwise inflicts harm
13 upon a dog, horse or other animal owned or used by a law
14 enforcement agency or a search and rescue dog shall be guilty of a
15 crime of the **[fourth]** third degree.

16 c. Any person who purposely threatens to kill, maim or
17 otherwise inflict harm upon a dog, horse or other animal owned or
18 used by a law enforcement agency or a search and rescue dog,
19 under circumstances reasonably causing the person to whom the
20 threat is made to believe that it is likely that it will be carried out,
21 shall be guilty of a crime of third degree.

22 d. Any person who interferes with any law enforcement officer
23 using an animal in the performance of his official duties commits a
24 disorderly persons offense, subject to a sentence of six months'
25 imprisonment, some or all of which may be community service,
26 restitution and a \$1,000.00 fine.

27 As used in this section, "search and rescue dog" means any dog
28 trained or being trained for the purpose of search and rescue that is
29 owned by an independent handler or member of a search and rescue
30 team, and used in conjunction with local law enforcement or
31 emergency services organizations for the purpose of locating
32 missing persons or evidence of arson.

33 (cf: P.L.2005, c.24, s.1)

34

35 2. This act shall take effect immediately.

36

37

38

STATEMENT

39

40 This bill amends N.J.S.A.2C:29-3.1, the statute which sets forth
41 penalties for killing, maiming or inflicting harm, or interfering with
42 an animal owned or used by a law enforcement agency or a search
43 and rescue dog.

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 Currently, this law provides that any person who: (1) purposely
2 kills an animal owned or used by the police is guilty of a crime of
3 the third degree; (2) purposely maims or otherwise inflicts harm
4 upon an animal owned or used by the police is guilty of a crime of
5 the fourth degree; (3) interferes with any law enforcement officer
6 using an animal in the performance of his official duties is guilty of
7 a disorderly persons offense.

8 The bill upgrades the offense of purposely maiming or otherwise
9 inflicting harm upon a dog, horse, or other animal owned or used by
10 a law enforcement agency or a search and rescue dog from a fourth
11 degree crime to a third degree crime. A fourth degree crime is
12 punishable by up to 18 months imprisonment, a fine of up to
13 \$10,000, or both. A third degree crime is punishable by three to
14 five years imprisonment, a fine of up to \$15,000, or both.

15 The bill also adds a provision to the current law that a person
16 who purposely threatens to kill, maim or otherwise inflict harm
17 upon a dog, horse or other animal owned or used by a law
18 enforcement agency or a search and rescue dog, under
19 circumstances reasonably causing the person to whom the threat is
20 made to believe that it is likely that it will be carried out, is guilty
21 of a crime of the third degree.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 495

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 14, 2012

The Assembly Agriculture and Natural Resources Committee reports favorably and with committee amendments Assembly Bill No. 495.

This bill amends N.J.S.A.2C:29-3.1, the statute which sets forth penalties for killing, maiming or inflicting harm upon, or interfering with an animal owned or used by a law enforcement agency or a search and rescue dog.

Currently, this law provides that any person who: (1) purposely kills an animal owned or used by a law enforcement agency or a search and rescue dog is guilty of a crime of the third degree; (2) purposely maims or otherwise inflicts harm upon an animal owned or used by a law enforcement agency or a search and rescue dog is guilty of a crime of the fourth degree; or (3) interferes with any law enforcement officer using an animal in the performance of his official duties is guilty of a disorderly persons offense.

The bill upgrades the offense of purposely maiming or otherwise inflicting harm upon a dog, horse, or other animal owned or used by a law enforcement agency or a search and rescue dog from a fourth degree crime to a third degree crime. A fourth degree crime is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both. A third degree crime is punishable by three to five years imprisonment, a fine of up to \$15,000, or both.

The bill adds to the current law a provision stating that a person who purposely threatens to kill, maim or otherwise inflict harm upon a dog, horse or other animal owned or used by a law enforcement agency or a search and rescue dog, under circumstances reasonably causing the person to whom the threat is made to believe that it is likely that it will be carried out, is guilty of a crime of the third degree.

The committee amendments designated the bill as "Dano's Law." It is so designated for Dano, the canine partner of Somerset County Sheriff's Officer Captain Tim Pino. Hillsboro local police had stopped a suspected drug dealer and asked for assistance from the Somerset

County Sheriff's Office. The suspected drug dealer's boyfriend then appeared on the scene and tried to distract police by threatening to kill Dano.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amendments designate the bill as "Dano's Law."

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 495

STATE OF NEW JERSEY 215th LEGISLATURE

DATED: MAY 24, 2012

SUMMARY

Synopsis: Creates crime of threatening the life of certain animals; designated as Dano's law.

Type of Impact: General Fund Expenditure

Agencies Affected: Judiciary

Office of Legislative Services Estimate

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

- In a fiscal note for a prior legislative session, the Administrative Office of the Courts (AOC) stated that this is a completely new crime and the Judiciary lacks a basis or historical data from which to project the impact of this legislation. Consequently, the Judiciary is unable to provide a reliable estimate as to the fiscal impact of the legislation.
- The Office of Legislative Services (OLS) **concurs** with the Executive estimate from the prior session and notes that there is a presumption of non-incarceration for first time offenders of third degree offenses.
- The bill upgrades the offense of purposely maiming or otherwise inflicting harm upon a dog, horse, or other animal owned or used by a law enforcement agency or a search and rescue dog from a fourth degree crime to a third degree crime.
- The bill adds to the current law a provision stating that a person who purposely threatens to kill, maim or otherwise inflict harm upon a dog, horse or other animal owned or used by a law enforcement agency or a search and rescue dog, under circumstances reasonably causing the person to whom the threat is made to believe that it is likely that it will be carried out, is guilty of a crime of the third degree.

BILL DESCRIPTION

Assembly Bill No. 495 (1R) of 2012 amends N.J.S.A.2C:29-3.1, the statute which sets forth penalties for killing, maiming or inflicting harm upon, or interfering with an animal owned or used by a law enforcement agency or a search and rescue dog.

Currently, this law provides that any person who: (1) purposely kills an animal owned or used by a law enforcement agency or a search and rescue dog is guilty of a crime of the third degree; (2) purposely maims or otherwise inflicts harm upon an animal owned or used by a law enforcement agency or a search and rescue dog is guilty of a crime of the fourth degree; or (3) interferes with any law enforcement officer using an animal in the performance of his official duties is guilty of a disorderly persons offense.

The bill upgrades the offense of purposely maiming or otherwise inflicting harm upon a dog, horse, or other animal owned or used by a law enforcement agency or a search and rescue dog from a fourth degree crime to a third degree crime. A fourth degree crime is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both. A third degree crime is punishable by three to five years imprisonment, a fine of up to \$15,000, or both.

The bill adds to the current law a provision stating that a person who purposely threatens to kill, maim or otherwise inflict harm upon a dog, horse or other animal owned or used by a law enforcement agency or a search and rescue dog, under circumstances reasonably causing the person to whom the threat is made to believe that it is likely that it will be carried out, is guilty of a crime of the third degree.

FISCAL ANALYSIS

EXECUTIVE BRANCH

In a fiscal note for a prior legislative session, the AOC stated that according to data from the Judiciary's automated criminal case tracking system, PROMIS Gavel, during 2007 only three people were convicted of purposely killing or injuring a law enforcement animal pursuant to N.J.S.A. 2C:29-3.1. All three of those convictions were the result of a guilty plea. Over the past three calendar years, 2005 – 2007, only .72 percent of convictions for fourth degree crimes were the result of a jury trial. Generally, the number of convictions remains constant year to year.

The AOC noted that this is a completely new crime and the Judiciary lacks the basis or historical data from which to project the impact of this legislation. Consequently, the Judiciary is unable to provide a reliable estimate as to the fiscal impact of the legislation.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate and notes that there is a presumption of non-incarceration for first time offenders of third degree offenses.

Section: *Judiciary*

Analyst: *Anne Raughley*
 Principal Fiscal Analyst

Approved: *David J. Rosen*
 Legislative Budget and Finance Officer

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

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 495

with committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 9, 2012

The Senate Economic Growth Committee reports favorably Assembly Bill, No. 495 (1R) with committee amendments.

As amended, this bill, designated as “Dano’s Law,” amends N.J.S.A.2C:29-3.1, the statute which sets forth penalties for killing, maiming or inflicting harm upon, or interfering with an animal owned or used by a law enforcement agency or a search and rescue dog.

Currently, this law provides that any person who: 1) purposely kills an animal owned or used by a law enforcement agency or a search and rescue dog is guilty of a crime of the third degree; 2) purposely maims or otherwise inflicts harm upon an animal owned or used by a law enforcement agency or a search and rescue dog is guilty of a crime of the fourth degree; or 3) interferes with any law enforcement officer using an animal in the performance of his official duties is guilty of a disorderly persons offense.

The amended bill keeps the offense of purposely maiming or otherwise inflicting harm upon a dog, horse, or other animal owned or used by a law enforcement agency or a search and rescue dog as a fourth degree crime. A fourth degree crime is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both.

The amended bill adds to the current law a provision stating that a person who purposely threatens to kill, maim, or otherwise inflict harm upon a dog, horse or other animal owned or used by a law enforcement agency or a search and rescue dog, under circumstances reasonably causing the person to whom the threat is made to believe that it is likely that it will be carried out, is guilty of a crime of the fourth degree.

The amended bill is designated as “Dano’s Law” for Dano, the canine partner of Somerset County Sheriff’s Officer Captain Tim Pino. Hillsborough local police had stopped a suspected drug dealer and asked for assistance from the Somerset County Sheriff’s Office. The suspected drug dealer’s boyfriend then appeared on the scene and tried to distract police by threatening to kill Dano.

COMMITTEE AMENDMENTS

The committee amendments make it a fourth degree crime instead of a third degree crime the offense of: 1) purposely maiming or otherwise inflicting harm upon a dog, horse, or other animal owned or used by a law enforcement agency or a search and rescue dog; and 2) purposely threatening to kill, maim, or otherwise inflict harm upon a dog, horse or other animal owned or used by a law enforcement agency or a search and rescue dog, under circumstances reasonably causing the person to whom the threat is made to believe that it is likely that it will be carried out.

As amended and reported by the committee, Assembly Bill No. 495 (1R) is identical to Senate Bill No. 79 which was also amended and reported by the committee on this date.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint] **ASSEMBLY, No. 495**

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 24, 2013

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 495 (2R), with committee amendments.

As amended, the bill, designated as “Dano and Vader’s Law,” adds to the current law to provide that a person who purposely threatens to kill, maim, or otherwise inflict harm upon a dog, horse, or other animal owned or used by a law enforcement agency or a search and rescue dog, under circumstances reasonably causing the person to whom the threat is made to believe that it is likely that it will be carried out, is guilty of a crime of the fourth degree. A fourth degree crime is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both.

The bill is designated as “Dano and Vader’s Law” for Dano and Vader, two canine partners of law enforcement officers who have been threatened with assault or assaulted during their duties. Dano is the canine partner of Somerset County Sheriff’s Officer Captain Tim Pino. Hillsborough local police had stopped a suspected drug dealer and asked for assistance from the Somerset County Sheriff’s Office. The suspected drug dealer’s boyfriend then appeared on the scene and tried to distract police by threatening to kill Dano. Vader is Atlantic City’s most productive police canine since coming into service in 2008. Vader apprehended 95 criminal suspects, with 31 of them brought into custody by physical apprehension. One out of every three of Vader’s physical apprehensions resulted in Vader being physically assaulted by the suspects, causing injury to him and sometimes requiring his hospitalization.

As amended and reported, this bill is identical to Senate Bill No. 79 (1R), as also amended and reported by the committee.

COMMITTEE AMENDMENTS:

The committee amendments replace the title and synopsis of the bill to additionally recognize Vader, an Atlantic City police canine injured in the line of duty.

FISCAL IMPACT:

In the Legislative Fiscal Estimate to an earlier version of this bill, the Office of Legislative Services (OLS), notes that the Administrative Office of the Courts (AOC) observed that in establishing a completely new crime, the Judiciary has no basis or historical data from which to project a reliable estimate on the fiscal impact of the bill. The OLS notes that there is a presumption of non-incarceration for first time offenders of fourth degree offenses.

LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

ASSEMBLY, No. 495

STATE OF NEW JERSEY 215th LEGISLATURE

DATED: JULY 5, 2013

SUMMARY

Synopsis: Creates crime of threatening the life of certain animals; designated as Vader and Dano's law.

Type of Impact: General Fund Expenditure

Agencies Affected: Judiciary

Office of Legislative Services Estimate

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

- In a fiscal note for a prior legislative session, the Administrative Office of the Courts (AOC) stated that this is a completely new crime and the Judiciary lacks a basis or historical data from which to project the impact of this legislation. Consequently, the Judiciary is unable to provide a reliable estimate as to the fiscal impact of the legislation.
- The Office of Legislative Services (OLS) **concurs** with the Executive estimate from the prior session and notes that there is a presumption of non-incarceration for first time offenders of fourth degree offenses.

BILL DESCRIPTION

Assembly Bill No. 495 (3R) of 2012, designated as “Vader and Dano’s Law,” adds to the current law to provide that a person who purposely threatens to kill, maim, or otherwise inflict harm upon a dog, horse or other animal owned or used by a law enforcement agency or a search and rescue dog, under circumstances reasonably causing the person to whom the threat is made to believe that it is likely that it will be carried out, is guilty of a crime of the fourth degree. A fourth degree crime is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

In a fiscal note for a prior legislative session, the AOC stated that according to data from the Judiciary's automated criminal case tracking system, PROMIS Gavel, during 2007 only three people were convicted of purposely killing or injuring a law enforcement animal pursuant to N.J.S.A. 2C:29-3.1. All three of those convictions were the result of a guilty plea. Over the past three calendar years, 2005 – 2007, only .72 percent of convictions for fourth degree crimes were the result of a jury trial. Generally, the number of convictions remains constant year to year.

The AOC noted that this is a completely new crime and the Judiciary lacks the basis or historical data from which to project the impact of this legislation. Consequently, the Judiciary is unable to provide a reliable estimate as to the fiscal impact of the legislation.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate and notes that there is a presumption of non-incarceration for first time offenders of fourth degree offenses.

Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

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

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

SENATE, No. 79

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Creates crime of threatening the life of certain animals.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning threats against certain animals and amending
2 P.L.1983, c.261.

3

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

6

7 1. Section 1 of P.L.1983, c.261 (C.2C:29-3.1) is amended to
8 read as follows:

9 1. a. Any person who purposely kills a dog, horse or other
10 animal owned or used by a law enforcement agency or a search and
11 rescue dog shall be guilty of a crime of the third degree.

12 b. Any person who purposely maims or otherwise inflicts harm
13 upon a dog, horse or other animal owned or used by a law
14 enforcement agency or a search and rescue dog shall be guilty of a
15 crime of the **[fourth]** third degree.

16 c. Any person who purposely threatens to kill, maim or
17 otherwise inflict harm upon a dog, horse or other animal owned or
18 used by a law enforcement agency or a search and rescue dog,
19 under circumstances reasonably causing the person to whom the
20 threat is made to believe that it is likely that it will be carried out,
21 shall be guilty of a crime of the third degree.

22 d. Any person who interferes with any law enforcement officer
23 using an animal in the performance of his official duties commits a
24 disorderly persons offense, subject to a sentence of six months'
25 imprisonment, some or all of which may be community service,
26 restitution and a \$1,000.00 fine.

27 As used in this section, "search and rescue dog" means any dog
28 trained or being trained for the purpose of search and rescue that is
29 owned by an independent handler or member of a search and rescue
30 team, and used in conjunction with local law enforcement or
31 emergency services organizations for the purpose of locating
32 missing persons or evidence of arson.

33 (cf: P.L.2005, c.24, s.1)

34

35 2. This act shall take effect immediately.

36

37

38 STATEMENT

39

40 This bill amends N.J.S.A.2C:29-3.1, the statute which sets forth
41 penalties for killing, maiming or inflicting harm, or interfering with
42 an animal owned or used by a law enforcement agency or a search
43 and rescue dog.

44 Currently, this law provides that any person who: (1) purposely

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.

S79 BATEMAN

1 kills an animal owned or used by the police is guilty of a crime of
2 the third degree; (2) purposely maims or otherwise inflicts harm
3 upon an animal owned or used by the police is guilty of a crime of
4 the fourth degree; (3) interferes with any law enforcement officer
5 using an animal in the performance of his official duties is guilty of
6 a disorderly persons offense.

7 The bill upgrades the offense of purposely maiming or otherwise
8 inflicting harm upon a dog, horse, or other animal owned or used by
9 a law enforcement agency or a search and rescue dog from a fourth
10 degree crime to a third degree crime. A fourth degree crime is
11 punishable by up to 18 months imprisonment, a fine of up to
12 \$10,000, or both. A third degree crime is punishable by three to
13 five years imprisonment, a fine of up to \$15,000, or both.

14 The bill also adds a provision to the current law that a person
15 who purposely threatens to kill, maim or otherwise inflict harm
16 upon a dog, horse or other animal owned or used by a law
17 enforcement agency or a search and rescue dog, under
18 circumstances reasonably causing the person to whom the threat is
19 made to believe that it is likely that it will be carried out, is guilty
20 of a crime of the third degree.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 79

with committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 9, 2012

The Senate Economic Growth Committee reports favorably Senate Bill, No. 79 with committee amendments.

As amended, this bill, designated as “Dano’s Law,” amends N.J.S.A.2C:29-3.1, the statute which sets forth penalties for killing, maiming or inflicting harm upon, or interfering with an animal owned or used by a law enforcement agency or a search and rescue dog.

Currently, this law provides that any person who: 1) purposely kills an animal owned or used by a law enforcement agency or a search and rescue dog is guilty of a crime of the third degree; 2) purposely maims or otherwise inflicts harm upon an animal owned or used by a law enforcement agency or a search and rescue dog is guilty of a crime of the fourth degree; or 3) interferes with any law enforcement officer using an animal in the performance of his official duties is guilty of a disorderly persons offense.

The amended bill keeps the offense of purposely maiming or otherwise inflicting harm upon a dog, horse, or other animal owned or used by a law enforcement agency or a search and rescue dog as a fourth degree crime. A fourth degree crime is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both.

The amended bill adds to the current law a provision stating that a person who purposely threatens to kill, maim, or otherwise inflict harm upon a dog, horse or other animal owned or used by a law enforcement agency or a search and rescue dog, under circumstances reasonably causing the person to whom the threat is made to believe that it is likely that it will be carried out, is guilty of a crime of the fourth degree.

The amended bill is designated as “Dano’s Law” for Dano, the canine partner of Somerset County Sheriff’s Officer Captain Tim Pino. Hillsborough local police had stopped a suspected drug dealer and asked for assistance from the Somerset County Sheriff’s Office. The suspected drug dealer’s boyfriend then appeared on the scene and tried to distract police by threatening to kill Dano.

COMMITTEE AMENDMENTS

The committee amendments: 1) make it a fourth degree crime instead of a third degree crime the offense of (a) purposely maiming or otherwise inflicting harm upon a dog, horse, or other animal owned or used by a law enforcement agency or a search and rescue dog and (b) purposely threatening to kill, maim, or otherwise inflict harm upon a dog, horse or other animal owned or used by a law enforcement agency or a search and rescue dog, under circumstances reasonably causing the person to whom the threat is made to believe that it is likely that it will be carried out; and 2) designate the bill as “Dano’s Law.”

As amended and reported by the committee, Senate Bill No. 79 is identical to Assembly Bill No. 495 (1R) which was also amended and reported by the committee on this date.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 79

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 24, 2013

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 79 (1R), with committee amendments.

As amended, the bill, designated as “Dano and Vader’s Law,” adds to the current law to provide that a person who purposely threatens to kill, maim, or otherwise inflict harm upon a dog, horse, or other animal owned or used by a law enforcement agency or a search and rescue dog, under circumstances reasonably causing the person to whom the threat is made to believe that it is likely that it will be carried out, is guilty of a crime of the fourth degree. A fourth degree crime is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both.

The bill is designated as “Dano and Vader’s Law” for Dano and Vader, two canine partners of law enforcement officers who have been threatened with assault or assaulted during their duties. Dano is the canine partner of Somerset County Sheriff’s Officer Captain Tim Pino. Hillsborough local police had stopped a suspected drug dealer and asked for assistance from the Somerset County Sheriff’s Office. The suspected drug dealer’s boyfriend then appeared on the scene and tried to distract police by threatening to kill Dano. Vader is Atlantic City’s most productive police canine since coming into service in 2008. Vader apprehended 95 criminal suspects, with 31 of them brought into custody by physical apprehension. One out of every three of Vader’s physical apprehensions resulted in Vader being physically assaulted by the suspects, causing injury to him and sometimes requiring his hospitalization.

As amended and reported, this bill is identical to Assembly Bill No. 495 (2R), as also amended and reported by the committee.

COMMITTEE AMENDMENTS:

The committee amendments replace the title of the bill to additionally recognize Vader, an Atlantic City police canine injured in the line of duty.

FISCAL IMPACT:

In the Legislative Fiscal Estimate to a similar bill, the Office of Legislative Services (OLS), notes that the Administrative Office of the Courts (AOC) observed that for a bill establishing a completely new crime, the Judiciary has no basis or historical data from which to project a reliable estimate on the fiscal impact of the bill. The OLS notes that there is a presumption of non-incarceration for first time offenders of fourth degree offenses.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 79

STATE OF NEW JERSEY 215th LEGISLATURE

DATED: JULY 5, 2013

SUMMARY

Synopsis: Creates crime of threatening the life of certain animals; designated as Vader and Dano's law.

Type of Impact: General Fund Expenditure

Agencies Affected: Judiciary

Office of Legislative Services Estimate

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

- In a fiscal note for a prior legislative session, the Administrative Office of the Courts (AOC) stated that this is a completely new crime and the Judiciary lacks a basis or historical data from which to project the impact of this legislation. Consequently, the Judiciary is unable to provide a reliable estimate as to the fiscal impact of the legislation.
- The Office of Legislative Services (OLS) **concurs** with the Executive estimate from the prior session and notes that there is a presumption of non-incarceration for first time offenders of fourth degree offenses.

BILL DESCRIPTION

Senate Bill No. 79 (2R) of 2012, designated as “Vader and Dano’s Law,” adds to the current law to provide that a person who purposely threatens to kill, maim, or otherwise inflict harm upon a dog, horse or other animal owned or used by a law enforcement agency or a search and rescue dog, under circumstances reasonably causing the person to whom the threat is made to believe that it is likely that it will be carried out, is guilty of a crime of the fourth degree. A fourth degree crime is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

In a fiscal note for a prior legislative session, the AOC stated that according to data from the Judiciary's automated criminal case tracking system, PROMIS Gavel, during 2007 only three people were convicted of purposely killing or injuring a law enforcement animal pursuant to N.J.S.A. 2C:29-3.1. All three of those convictions were the result of a guilty plea. Over the past three calendar years, 2005 – 2007, only .72 percent of convictions for fourth degree crimes were the result of a jury trial. Generally, the number of convictions remains constant year to year.

The AOC noted that this is a completely new crime and the Judiciary lacks the basis or historical data from which to project the impact of this legislation. Consequently, the Judiciary is unable to provide a reliable estimate as to the fiscal impact of the legislation.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate and notes that there is a presumption of non-incarceration for first time offenders of fourth degree offenses.

Section: Judiciary

Analyst: Anne Raughley
Principal Fiscal Analyst

Approved: David J. Rosen
Legislative Budget and Finance Officer

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

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