# 4:22-17 LEGISLATIVE HISTORY CHECKLIST

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LAWS OF:	2015	CHAP <sup>-</sup>	TER:	133		
NJSA:	4:22-17 (Criminalizes bestiality.)			1		
BILL NO:	A3012 (Subst		ituted for	- S2296)		
SPONSOR(S)	Ciattarelli, Jack M., and others					
DATE INTROD	UCED:	March 24, 2014	ļ.			
COMMITTEE:		ASSEMBLY:	Judicia	ary		
		SENATE:	Judicia	ary		
AMENDED DU	RING PA	SSAGE:	No			
DATE OF PAS	SAGE:	ASSE	MBLY:	6/26/2014		
		SENA	TE:	5/18/2015		
DATE OF APP	ROVAL:	Novem	nber 9, 2	015		
FOLLOWING ARE ATTACHED IF AVAILABLE:						
FINAL	TEXT O	F BILL (Introduc	ed bill er	nacted)		Yes
A3012		DUCED BILL: (I	ncludes	sponsor(s) stater	ment)	Yes
	СОММІ	TTEE STATEM	ENT:		ASSEMBLY:	Yes
					SENATE:	Yes
		gs of the commi <b>y</b> be found at wv		etings, correspon .state.nj.us)	ding to the date o	of the committee
	FLOOR		STATE	MENT:		No
	LEGISL	ATIVE FISCAL	ESTIM	ATE:		No
S2296						
	INTRO	DUCED BILL: (I	ncludes	sponsor(s) stater	ment)	Yes
	СОММІ	TTEE STATEM	ENT:		ASSEMBLY:	No
					SENATE:	Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

	FLOOR AMENDMENT STATEMENT:	No
	LEGISLATIVE FISCAL ESTIMATE:	No
VETO MESSAC	SE:	No
GOVERNOR'S	PRESS RELEASE ON SIGNING:	Yes
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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	No

end

### P.L.2015, CHAPTER 133, *approved November 9, 2015* Assembly, No. 3012

AN ACT concerning bestiality and amending R.S.4:22-17. 1 2 3 BE IT ENACTED by the Senate and General Assembly of the State 4 of New Jersey: 5 6 1. R.S.4:22-17 is amended to read as follows: 7 Cruelty; certain acts, crime; degrees. 8 4:22-17. a. It shall be unlawful to: 9 (1) Overdrive, overload, drive when overloaded, overwork, 10 abuse, or needlessly kill a living animal or creature; 11 (2) Cause or procure, by any direct or indirect means, including 12 but not limited to through the use of another living animal or 13 creature, any of the acts described in paragraph (1) of this 14 subsection to be done; (3) Inflict unnecessary cruelty upon a living animal or creature, 15 16 by any direct or indirect means, including but not limited to through 17 the use of another living animal or creature; or leave the living 18 animal or creature unattended in a vehicle under inhumane 19 conditions adverse to the health or welfare of the living animal or 20 creature; or 21 (4) Fail, as the owner or as a person otherwise charged with the 22 care of a living animal or creature, to provide the living animal or 23 creature with necessary care. 24 b. (1) A person who violates subsection a. of this section shall 25 be guilty of a disorderly persons offense. Notwithstanding the 26 provisions of N.J.S.2C:43-3 to the contrary, for every conviction of 27 an offense pursuant to paragraph (1) or (2) of subsection a. of this section, the person shall be fined not less than \$250 nor more than 28 29 \$1,000, or be imprisoned for a term of not more than six months, or 30 both, in the discretion of the court; and for every conviction of an 31 offense pursuant to paragraph (3) or (4) of subsection a. of this 32 section, the person shall be fined not less than \$500 nor more than \$2,000, or be imprisoned for a term of not more than six months, or 33 34 both, in the discretion of the court. 35 (2) If the person who violates subsection a. of this section has a 36 prior conviction for an offense that would constitute a violation of 37 subsection a. of this section, the person shall be guilty of a crime of 38 the fourth degree. 39 (3) A person who violates subsection a. of this section shall also 40 be subject to the provisions of subsections e. and f. and, if 41 appropriate, subsection g., of this section. 42 It shall be unlawful to purposely, knowingly, or recklessly: c.

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 <u>thus</u> is new matter.

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

4 (2) Cause bodily injury to a living animal or creature by failing
5 to provide the living animal or creature with necessary care,
6 whether as the owner or as a person otherwise charged with the care
7 of the living animal or creature; [or]

8 (3) Cause or procure an act described in paragraph (1) or (2) of 9 this subsection to be done, by any direct or indirect means, 10 including but not limited to through the use of another living animal 11 or creature; or

12 (4) Use, or cause or procure the use of, an animal or creature in 13 any kind of sexual manner or initiate any kind of sexual contact 14 with the animal or creature, including, but not limited to, sodomizing the animal or creature. As used in this paragraph, 15 16 "sexual contact" means any contact between a person and an animal 17 by penetration of the penis or a foreign object into the vagina or 18 anus, contact between the mouth and genitalia, or by contact 19 between the genitalia of one and the genitalia or anus of the other. 20 This term does not include any medical procedure performed by a 21 licensed veterinarian practicing veterinary medicine or an accepted 22 animal husbandry practice.

d. (1) A person who violates paragraph (1), (2), [or] (3) or (4)
of subsection c. of this section shall be guilty of a crime of the
fourth degree, except that the person shall be guilty of a crime of
the third degree if:

(a) the animal or creature dies as a result of the violation;

27

(b) the animal or creature suffers serious bodily injury as aresult of the violation; or

30 (c) the person has a prior conviction for an offense that would 31 constitute a violation of paragraph (1), (2), [or] (3) <u>or (4)</u> of 32 subsection c. of this section.

33 (2) A person who violates any provision of subsection c. of this
34 section shall also be subject to the provisions of subsections e. and
35 f. and, if appropriate, subsection g., of this section.

For a violation of this section, in addition to imposing any 36 e. 37 other appropriate penalties established for a crime of the third 38 degree, crime of the fourth degree, or disorderly persons offense, as 39 the case may be, pursuant to Title 2C of the New Jersey Statutes, 40 the court shall impose a term of community service of up to 30 days, and may direct that the term of community service be served 41 42 in providing assistance to the New Jersey Society for the Prevention 43 of Cruelty to Animals, a county society for the prevention of cruelty 44 to animals, or any other recognized organization concerned with the 45 prevention of cruelty to animals or the humane treatment and care 46 of animals, or to a municipality's animal control or animal 47 population control program.

1 The court also shall require any violator of this section to f. 2 pay restitution, including but not limited to, the monetary cost of 3 replacing the animal if the animal died or had to be euthanized 4 because of the extent of the animal's injuries, or otherwise 5 reimburse any costs for food, drink, shelter, or veterinary care or treatment, or other costs, incurred by the owner of the animal, if the 6 7 owner is not the person committing the act of cruelty, or incurred 8 by any agency, entity, or organization investigating the violation, 9 including but not limited to the New Jersey Society for the 10 Prevention of Cruelty to Animals, a county society for the 11 prevention of cruelty to animals, any other recognized organization 12 concerned with the prevention of cruelty to animals or the humane treatment and care of animals, a local or State governmental entity, 13 14 or a kennel, shelter, pound, or other facility providing for the shelter 15 and care of the animal or animals involved in the violation.

16 g. If a juvenile is adjudicated delinquent for an act which, if 17 committed by an adult, would constitute a disorderly persons 18 offense, crime of the fourth degree, or crime of the third degree 19 pursuant to this section, the court also shall order the juvenile to 20 receive mental health counseling by a licensed psychologist or 21 therapist named by the court for a period of time to be prescribed by 22 the licensed psychologist or therapist.

- 23 (cf: P.L.2013, c.88, s.2)
- 24 25
- 2. This act shall take effect immediately
- 26 27
- 28
- 29

### STATEMENT

30 This bill would criminalize bestiality. Current animal cruelty 31 law makes it a crime to torture or neglect an animal or creature. 32 This bill would amend R.S. 4:22-17 to specifically make it a crime 33 to use, or cause or procure the use of, an animal or creature in any 34 kind of sexual manner or initiate any kind of sexual contact with the 35 animal or creature, including, but not limited to, sodomizing the 36 animal or creature. As used in the bill, "sexual contact" means any 37 contact between a person and an animal by penetration of the penis 38 or a foreign object into the vagina or anus, contact between the 39 mouth and genitalia, or contact between the genitalia of one and the 40 genitalia or anus of the other. This term does not include any 41 medical procedure performed by a licensed veterinarian practicing 42 veterinary medicine or an accepted animal husbandry practice.

Under the bill, bestiality would be a crime of the fourth degree
except that the person would be guilty of a crime of the third degree
if the animal or creature dies as a result of the violation; the animal
or creature suffers serious bodily injury as a result of the violation;
or the person has a prior conviction for an offense that would
constitute animal cruelty under the statute. A crime of the fourth

degree is punishable by up to 18 months imprisonment, a fine of up
to \$10,000, or both. A crime of the third degree is punishable by
three to five years imprisonment, a fine of up to \$15,000, or both.

# ASSEMBLY, No. 3012 STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MARCH 24, 2014

Sponsored by: Assemblyman JACK M. CIATTARELLI District 16 (Hunterdon, Mercer, Middlesex and Somerset) Assemblyman RONALD S. DANCER District 12 (Burlington, Middlesex, Monmouth and Ocean) Senator CHRISTOPHER ''KIP'' BATEMAN District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by: Assemblywoman Simon, Assemblymen Giblin, Coughlin, Senators Weinberg and Scutari

SYNOPSIS

Criminalizes bestiality.

### **CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 5/19/2015)

1 AN ACT concerning bestiality and amending R.S.4:22-17. 2 3 **BE IT ENACTED** by the Senate and General Assembly of the State 4 of New Jersey: 5 6 1. R.S.4:22-17 is amended to read as follows: 7 Cruelty; certain acts, crime; degrees. 8 4:22-17. a. It shall be unlawful to: (1) Overdrive, overload, drive when overloaded, overwork, 9 10 abuse, or needlessly kill a living animal or creature; 11 (2) Cause or procure, by any direct or indirect means, including 12 but not limited to through the use of another living animal or 13 creature, any of the acts described in paragraph (1) of this 14 subsection to be done; 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 leave the living animal or creature unattended in a vehicle under inhumane 18 19 conditions adverse to the health or welfare of the living animal or 20 creature; or 21 (4) Fail, as the owner or as a person otherwise charged with the 22 care of a living animal or creature, to provide the living animal or 23 creature with necessary care. 24 b. (1) A person who violates subsection a. of this section shall 25 be guilty of a disorderly persons offense. Notwithstanding the 26 provisions of N.J.S.2C:43-3 to the contrary, for every conviction of 27 an offense pursuant to paragraph (1) or (2) of subsection a. of this 28 section, the person shall be fined not less than \$250 nor more than 29 \$1,000, or be imprisoned for a term of not more than six months, or 30 both, in the discretion of the court; and for every conviction of an 31 offense pursuant to paragraph (3) or (4) of subsection a. of this 32 section, the person shall be fined not less than \$500 nor more than 33 \$2,000, or be imprisoned for a term of not more than six months, or 34 both, in the discretion of the court. 35 (2) If the person who violates subsection a. of this section has a prior conviction for an offense that would constitute a violation of 36 37 subsection a. of this section, the person shall be guilty of a crime of 38 the fourth degree. 39 (3) A person who violates subsection a. of this section shall also 40 be subject to the provisions of subsections e. and f. and, if 41 appropriate, subsection g., of this section. 42 c. It shall be unlawful to purposely, knowingly, or recklessly: 43 (1) Torment, torture, maim, hang, poison, unnecessarily or 44 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or 45 creature;

**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 <u>thus</u> is new matter.

### A3012 CIATTARELLI, DANCER

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

5 (3) Cause or procure an act described in paragraph (1) or (2) of 6 this subsection to be done, by any direct or indirect means, 7 including but not limited to through the use of another living animal 8 or creature<u>: or</u>

9 (4) Use, or cause or procure the use of, an animal or creature in 10 any kind of sexual manner or initiate any kind of sexual contact with the animal or creature, including, but not limited to, 11 12 sodomizing the animal or creature. As used in this paragraph, 13 "sexual contact" means any contact between a person and an animal 14 by penetration of the penis or a foreign object into the vagina or 15 anus, contact between the mouth and genitalia, or by contact 16 between the genitalia of one and the genitalia or anus of the other. 17 This term does not include any medical procedure performed by a 18 licensed veterinarian practicing veterinary medicine or an accepted 19 animal husbandry practice.

d. (1) A person who violates paragraph (1), (2), [or] (3) or (4) of
subsection c. of this section shall be guilty of a crime of the fourth
degree, except that the person shall be guilty of a crime of the third
degree if:

24 (a) the animal or creature dies as a result of the violation;

(b) the animal or creature suffers serious bodily injury as aresult of the violation; or

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

30 (2) A person who violates any provision of subsection c. of this
31 section shall also be subject to the provisions of subsections e. and
32 f. and, if appropriate, subsection g., of this section.

33 e. For a violation of this section, in addition to imposing any 34 other appropriate penalties established for a crime of the third 35 degree, crime of the fourth degree, or disorderly persons offense, as 36 the case may be, pursuant to Title 2C of the New Jersey Statutes, 37 the court shall impose a term of community service of up to 30 38 days, and may direct that the term of community service be served 39 in providing assistance to the New Jersey Society for the Prevention 40 of Cruelty to Animals, a county society for the prevention of cruelty 41 to animals, or any other recognized organization concerned with the 42 prevention of cruelty to animals or the humane treatment and care 43 of animals, or to a municipality's animal control or animal 44 population control program.

f. The court also shall require any violator of this section to
pay restitution, including but not limited to, the monetary cost of
replacing the animal if the animal died or had to be euthanized
because of the extent of the animal's injuries, or otherwise

# A3012 CIATTARELLI, DANCER

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1 reimburse any costs for food, drink, shelter, or veterinary care or 2 treatment, or other costs, incurred by the owner of the animal, if the 3 owner is not the person committing the act of cruelty, or incurred 4 by any agency, entity, or organization investigating the violation, 5 including but not limited to the New Jersey Society for the 6 Prevention of Cruelty to Animals, a county society for the 7 prevention of cruelty to animals, any other recognized organization 8 concerned with the prevention of cruelty to animals or the humane 9 treatment and care of animals, a local or State governmental entity, 10 or a kennel, shelter, pound, or other facility providing for the shelter 11 and care of the animal or animals involved in the violation.

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

2. This act shall take effect immediately

19 (cf: P.L.2013, c.88, s.2)

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- 22 23
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### STATEMENT

26 This bill would criminalize bestiality. Current animal cruelty 27 law makes it a crime to torture or neglect an animal or creature. This bill would amend R.S. 4:22-17 to specifically make it a crime 28 29 to use, or cause or procure the use of, an animal or creature in any 30 kind of sexual manner or initiate any kind of sexual contact with the 31 animal or creature, including, but not limited to, sodomizing the 32 animal or creature. As used in the bill, "sexual contact" means any 33 contact between a person and an animal by penetration of the penis 34 or a foreign object into the vagina or anus, contact between the 35 mouth and genitalia, or contact between the genitalia of one and the 36 genitalia or anus of the other. This term does not include any 37 medical procedure performed by a licensed veterinarian practicing 38 veterinary medicine or an accepted animal husbandry practice.

39 Under the bill, bestiality would be a crime of the fourth degree 40 except that the person would be guilty of a crime of the third degree 41 if the animal or creature dies as a result of the violation; the animal 42 or creature suffers serious bodily injury as a result of the violation; 43 or the person has a prior conviction for an offense that would 44 constitute animal cruelty under the statute. A crime of the fourth 45 degree is punishable by up to 18 months imprisonment, a fine of up 46 to \$10,000, or both. A crime of the third degree is punishable by 47 three to five years imprisonment, a fine of up to \$15,000, or both.

# STATEMENT TO

# ASSEMBLY, No. 3012

# **STATE OF NEW JERSEY**

### DATED: JUNE 12, 2014

The Assembly Judiciary Committee reports favorably Assembly Bill No. 3012.

This bill would criminalize bestiality. Under current law, it is a criminal offense to torture or neglect an animal or creature or commit other acts of animal cruelty. This bill would amend R.S.4:22-17 to specifically make it a crime to use, or cause or procure the use of, an animal or creature in any kind of sexual manner or initiate any kind of sexual contact with the animal or creature, including, but not limited to, sodomizing the animal or creature. The bill defines "sexual contact" as any contact between a person and an animal by penetration of the penis or a foreign object into the vagina or anus, contact between the mouth and genitalia, or contact between the genitalia of one and the genitalia or anus of the other. The bill specifies that the term "sexual contact" does not include any medical procedure performed by a licensed veterinarian practicing veterinary medicine or an accepted animal husbandry practice.

Under the bill, bestiality would be a crime of the fourth degree unless the animal or creature dies or suffers serious bodily injury as a result of the violation, or the person has a prior conviction for an offense that would constitute animal cruelty under the statute, in which case bestiality would be a crime of the third degree. A crime of the fourth degree is punishable by up to 18 months' imprisonment, a fine of up to \$10,000, or both. A crime of the third degree is punishable by three to five years' imprisonment, a fine of up to \$15,000, or both.

## SENATE JUDICIARY COMMITTEE

### STATEMENT TO

## ASSEMBLY, No. 3012

# **STATE OF NEW JERSEY**

### DATED: MAY 7, 2015

The Senate Judiciary Committee reports favorably Assembly Bill No. 3012.

This bill would criminalize bestiality as a form of animal cruelty. Under current law, it is an offense to torture or neglect an animal or creature, or to commit other acts of animal cruelty.

This bill would amend the animal cruelty statute, R.S.4:22-17, to specifically make it a crime to use, or cause or procure the use of, an animal or creature in any kind of sexual manner or initiate any kind of sexual contact with the animal or creature, including, but not limited to, sodomizing the animal or creature.

Bestiality would be graded as a crime of the fourth degree unless the animal or creature dies or suffers serious bodily injury as a result of the criminal act, or the person has a prior conviction for bestiality or another criminal act constituting animal cruelty under the statute, in which case it would be upgraded to a crime of the third degree. A crime of the fourth degree is ordinarily punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both; a crime of the third degree is ordinarily punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

As per the current law regarding animal cruelty, further punishment would include:

- the performance of community service for up to 30 days, which could be done by providing assistance to the New Jersey Society for the Prevention of Cruelty to Animals or any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, or to a municipality's animal control or animal population control program; and

- the payment of restitution, including but not limited to, the monetary cost of replacing the animal or creature if such died or had to be euthanized because of the extent of the animal's or creature's injuries, or otherwise reimburse any costs for food, drink, shelter, or veterinary care or treatment, or other costs, incurred by the owner of the animal or creature, if the owner is not the person committing the act of cruelty, or incurred by others.

Additionally, if the actor was a juvenile, that person would be ordered to receive mental health counseling by a licensed psychologist or therapist for a period of time to be prescribed by that licensed professional.

This bill, as reported, is identical to Senate Bill No. 2296, also reported by the committee today.

# SENATE, No. 2296 STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JULY 10, 2014

Sponsored by: Senator CHRISTOPHER "KIP" BATEMAN District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by: Senators Weinberg and Scutari

SYNOPSIS Criminalizes bestiality.

**CURRENT VERSION OF TEXT** As introduced.



(Sponsorship Updated As Of: 5/19/2015)

### 2

1 AN ACT concerning bestiality and amending R.S.4:22-17. 2 3 **BE IT ENACTED** by the Senate and General Assembly of the State 4 of New Jersey: 5 6 1. R.S.4:22-17 is amended to read as follows: 7 Cruelty; certain acts, crime; degrees. 8 4:22-17. a. It shall be unlawful to: (1) Overdrive, overload, drive when overloaded, overwork, 9 10 abuse, or needlessly kill a living animal or creature; 11 (2) Cause or procure, by any direct or indirect means, including 12 but not limited to through the use of another living animal or 13 creature, any of the acts described in paragraph (1) of this 14 subsection to be done; 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 leave the living animal or creature unattended in a vehicle under inhumane 18 19 conditions adverse to the health or welfare of the living animal or 20 creature; or 21 (4) Fail, as the owner or as a person otherwise charged with the 22 care of a living animal or creature, to provide the living animal or 23 creature with necessary care. 24 b. (1) A person who violates subsection a. of this section shall 25 be guilty of a disorderly persons offense. Notwithstanding the 26 provisions of N.J.S.2C:43-3 to the contrary, for every conviction of 27 an offense pursuant to paragraph (1) or (2) of subsection a. of this 28 section, the person shall be fined not less than \$250 nor more than 29 \$1,000, or be imprisoned for a term of not more than six months, or 30 both, in the discretion of the court; and for every conviction of an 31 offense pursuant to paragraph (3) or (4) of subsection a. of this 32 section, the person shall be fined not less than \$500 nor more than 33 \$2,000, or be imprisoned for a term of not more than six months, or 34 both, in the discretion of the court. 35 (2) If the person who violates subsection a. of this section has a prior conviction for an offense that would constitute a violation of 36 37 subsection a. of this section, the person shall be guilty of a crime of 38 the fourth degree. 39 (3) A person who violates subsection a. of this section shall also 40 be subject to the provisions of subsections e. and f. and, if 41 appropriate, subsection g., of this section. 42 c. It shall be unlawful to purposely, knowingly, or recklessly: 43 (1) Torment, torture, maim, hang, poison, unnecessarily or 44 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or 45 creature;

**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 <u>thus</u> is new matter.

### S2296 BATEMAN

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

5 (3) Cause or procure an act described in paragraph (1) or (2) of 6 this subsection to be done, by any direct or indirect means, 7 including but not limited to through the use of another living animal 8 or creature<u>: or</u>

9 (4) Use, or cause or procure the use of, an animal or creature in 10 any kind of sexual manner or initiate any kind of sexual contact 11 with the animal or creature, including, but not limited to, sodomizing the animal or creature. As used in this paragraph, 12 13 "sexual contact" means any contact between a person and an animal 14 by penetration of the penis or a foreign object into the vagina or 15 anus, contact between the mouth and genitalia, or by contact 16 between the genitalia of one and the genitalia or anus of the other. 17 This term does not include any medical procedure performed by a licensed veterinarian practicing veterinary medicine or an accepted 18 19 animal husbandry practice.

d. (1) A person who violates paragraph (1), (2), [or] (3) or (4)
of subsection c. of this section shall be guilty of a crime of the
fourth degree, except that the person shall be guilty of a crime of
the third degree if:

24 (a) the animal or creature dies as a result of the violation;

(b) the animal or creature suffers serious bodily injury as aresult of the violation; or

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

30 (2) A person who violates any provision of subsection c. of this
31 section shall also be subject to the provisions of subsections e. and
32 f. and, if appropriate, subsection g., of this section.

e. For a violation of this section, in addition to imposing any 33 34 other appropriate penalties established for a crime of the third 35 degree, crime of the fourth degree, or disorderly persons offense, as 36 the case may be, pursuant to Title 2C of the New Jersey Statutes, the court shall impose a term of community service of up to 30 37 38 days, and may direct that the term of community service be served 39 in providing assistance to the New Jersey Society for the Prevention 40 of Cruelty to Animals, a county society for the prevention of cruelty 41 to animals, or any other recognized organization concerned with the 42 prevention of cruelty to animals or the humane treatment and care 43 of animals, or to a municipality's animal control or animal 44 population control program.

45 f. The court also shall require any violator of this section to 46 pay restitution, including but not limited to, the monetary cost of 47 replacing the animal if the animal died or had to be euthanized 48 because of the extent of the animal's injuries, or otherwise 49 reimburse any costs for food, drink, shelter, or veterinary care or

1 treatment, or other costs, incurred by the owner of the animal, if the 2 owner is not the person committing the act of cruelty, or incurred 3 by any agency, entity, or organization investigating the violation, 4 including but not limited to the New Jersey Society for the 5 Prevention of Cruelty to Animals, a county society for the 6 prevention of cruelty to animals, any other recognized organization 7 concerned with the prevention of cruelty to animals or the humane 8 treatment and care of animals, a local or State governmental entity, 9 or a kennel, shelter, pound, or other facility providing for the shelter 10 and care of the animal or animals involved in the violation.

11 g. If a juvenile is adjudicated delinquent for an act which, if 12 committed by an adult, would constitute a disorderly persons 13 offense, crime of the fourth degree, or crime of the third degree 14 pursuant to this section, the court also shall order the juvenile to 15 receive mental health counseling by a licensed psychologist or 16 therapist named by the court for a period of time to be prescribed by 17 the licensed psychologist or therapist.

2. This act shall take effect immediately

- 18 (cf: P.L.2013, c.88, s.2)
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- 23 24

STATEMENT

25 This bill would criminalize bestiality. Current animal cruelty 26 law makes it a crime to torture or neglect an animal or creature. 27 This bill would amend R.S. 4:22-17 to specifically make it a crime 28 to use, or cause or procure the use of, an animal or creature in any 29 kind of sexual manner or initiate any kind of sexual contact with the 30 animal or creature, including, but not limited to, sodomizing the 31 animal or creature. As used in the bill, "sexual contact" means any 32 contact between a person and an animal by penetration of the penis 33 or a foreign object into the vagina or anus, contact between the 34 mouth and genitalia, or contact between the genitalia of one and the 35 genitalia or anus of the other. This term does not include any 36 medical procedure performed by a licensed veterinarian practicing 37 veterinary medicine or an accepted animal husbandry practice.

38 Under the bill, bestiality would be a crime of the fourth degree 39 except that the person would be guilty of a crime of the third degree 40 if the animal or creature dies as a result of the violation; the animal 41 or creature suffers serious bodily injury as a result of the violation; 42 or the person has a prior conviction for an offense that would 43 constitute animal cruelty under the statute. A crime of the fourth 44 degree is punishable by up to 18 months imprisonment, a fine of up 45 to \$10,000, or both. A crime of the third degree is punishable by 46 three to five years imprisonment, a fine of up to \$15,000, or both.

# STATEMENT TO

# **SENATE, No. 2296**

# **STATE OF NEW JERSEY**

### DATED: MAY 7, 2015

The Senate Judiciary Committee reports favorably Senate Bill No. 2296.

This bill would criminalize bestiality as a form of animal cruelty. Under current law, it is an offense to torture or neglect an animal or creature, or to commit other acts of animal cruelty.

This bill would amend the animal cruelty statute, R.S.4:22-17, to specifically make it a crime to use, or cause or procure the use of, an animal or creature in any kind of sexual manner or initiate any kind of sexual contact with the animal or creature, including, but not limited to, sodomizing the animal or creature.

Bestiality would be graded as a crime of the fourth degree unless the animal or creature dies or suffers serious bodily injury as a result of the criminal act, or the person has a prior conviction for bestiality or another criminal act constituting animal cruelty under the statute, in which case it would be upgraded to a crime of the third degree. A crime of the fourth degree is ordinarily punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both; a crime of the third degree is ordinarily punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

As per the current law regarding animal cruelty, further punishment would include:

- the performance of community service for up to 30 days, which could be done by providing assistance to the New Jersey Society for the Prevention of Cruelty to Animals or any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, or to a municipality's animal control or animal population control program; and

- the payment of restitution, including but not limited to, the monetary cost of replacing the animal or creature if such died or had to be euthanized because of the extent of the animal's or creature's injuries, or otherwise reimburse any costs for food, drink, shelter, or veterinary care or treatment, or other costs, incurred by the owner of the animal or creature, if the owner is not the person committing the act of cruelty, or incurred by others.

Additionally, if the actor was a juvenile, that person would be ordered to receive mental health counseling by a licensed psychologist or therapist for a period of time to be prescribed by that licensed professional.

This bill, as reported, is identical to Assembly Bill No. 3012, also reported by the committee today.

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### Governor Christie Takes Action On Pending Legislation

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Trenton, NJ – Governor Chris Christie today took action on legislation, including a package of five bills intended to address the fiscal stability of Atlantic City.

Understanding both the immediate and long-term obstacles facing Atlantic City and its stabilization, the Governor has consistently highlighted the need for comprehensive reform efforts to confront the city's challenges – both from State and local leaders. The Governor remains committed to bringing about the necessary reforms to stabilize Atlantic City and continue an effective long-term transition to an economy that is diversified beyond its traditional gaming industry.

Continuing in that effort, Governor Christie conditionally vetoed A-3981, establishing a payment-in-lieu-of-taxes (PILOT) program for casinos operating in the City, A-3984, reallocating revenue derived from the casino investment alternative tax from the Casino Reinvestment Development Authority to the City to pay debt service on municipal bonds, and A-3985, repealing the Atlantic City Alliance.

"While I commend the Legislature for attempting to devise measures to stabilize the City's budget and finances, I am concerned that the bills, in their present form, fail to recognize the true path to economic revitalization and fiscal stability in the City," Governor Christie said. "While these bills represent the bipartisan efforts of many to provide important, near-term support to the City's immediate challenges, I do not believe they meet the goal of setting a course toward renewed, long-term prosperity and economic growth. To achieve these goals, we must continue our work and go further to ensure that the next step leads to that economically vibrant future for Atlantic City."

In addition, the Governor signed A- 3983, authorizing supplemental school aid to the Atlantic City school district, and vetoed the fifth bill, A-3982, which would add a costly and unjustified new mandate for casino business operation in the City by requiring each casino, as a condition of licensure, to provide to its full time employees "suitable" health care benefits and "suitable" retirement benefits.

"A-3982 would do nothing to enhance the financial condition of Atlantic City," Governor Christie wrote. "To be sure, this bill would make it more costly for casinos to operate in Atlantic City, thereby impeding the industry's ability to grow and expand."

Governor Christie also vetoed legislation designed to revise certain laws concerning domestic violence and firearms. The Christie Administration has made protecting our most vulnerable residents one of its main priorities and has enacted some of the toughest measures to combat domestic violence. Governor Christie has supported a comprehensive approach to addressing the level of violence within our society and recently signed legislation to further penalize aggravated assault perpetuated against domestic violence victims. This legislation, A-4218 (Mosquera, Greenwald, Lagana, Benson, Lampitt, Vainieri Huttle, Danielsen/Weinberg, Gill, Cruz-Perez), substantially restates New Jersey's existing laws that govern firearms and domestic violence and does not offer new and sensible improvements to those current laws. For that reason, rather than restate existing laws, the Governor is proposing significant amendments that will meaningfully deter future acts of violence.

• Enhanced Penalties For Domestic Violence. Governor Christie is proposing enhanced criminal penalties imposed against those who are convicted of domestic violence. To demonstrate society's unconditional condemnation of this conduct, perpetrators would receive the maximum available prison sentence under New Jersey law.

• **Tighter Restrictions On Parole Eligibility For Perpetrators Of Domestic Violence.** The Governor's recommended changes will strengthen penalties for perpetrators of domestic abuse by lengthening periods of parole



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ineligibility.

• **Prioritizing Victims Who Seek Firearms For Protection.** The Governor is also recommending an immediate codification in statute of new rules currently being processed, giving expedited processing of firearm license applications for victims of domestic violence so that the victims may better defend themselves against future instances of abuse.

"I urge the Legislature to join with me in a bipartisan manner to broaden this bill's approach to reducing domestic violence while simultaneously empowering victims to protect themselves through lawful means," Governor Christie said. "Together, we can enact a more comprehensive approach and reduce the harm that domestic violence inflicts on victims, families, and our society."

The Governor also took the following action on other pending legislation:

### BILL SIGNINGS:

S-2174/A-3364 (Barnes, Holzapfel/Quijano, Mainor, Pinkin) - Prohibits manufacture, sale, or installation of counterfeit or nonfunctional air bags in motor vehicles

A-815/S-852 (Coughlin, Ciattarelli, Diegnan, Pinkin, Giblin/Vitale) - Requires municipalities which license peddlers and solicitors to accept certain background check results from other municipalities

A-1029/S-274 (Benson, Vainieri Huttle, Jasey, Tucker, Wimberly/Greenstein, Ruiz) - Requires training program for school bus drivers and school bus aides on interacting with students with special needs, and requires development and use of student information cards

A-1041/S-2676 (Schaer, Johnson, Vainieri Huttle, Eustace, Mazzeo,/Rumana, Gordon, Weinberg) - Exempts Holocaust reparations payments from legal process, and from estate recovery under Medicaid program

A-1102/S-1145 (Vainieri Huttle, Sumter, Spencer, Schaer, Wimberly/Weinberg, Cruz-Perez) - Provides for licensure of dementia care homes by DOH

ACS for A-1662/S-2856 (Johnson, Lagana, Wimberly/Weinberg) - Authorizes the court to order the deletion, sealing, labeling, or correction of certain personal information in government records involving certain victims of identity theft

AS for A-1678/SS for S-1365 (Johnson, Mainor, O'Scanlon, Wilson, Wimberly/ Weinberg) - Authorizes court to order submission of DNA evidence to national database to determine whether evidence matches known individual or DNA profile from an unsolved crime

AS for ACS for A-2073/SCS for S-712 (Handlin, Space, Garcia, Pintor Marin/Cruz-Perez, Kyrillos, Lesniak) -Exempts certain offers and sales of securities from registration

A-2385/S-944 (McKeon, Diegnan, Jasey, Andrzejczak/Smith, Codey) - Authorizes rural electric cooperative and certain municipalities to establish municipal shared services authority

ACS for A-2477/SCS for S-1705 (Lampitt, Conaway, Benson, Sumter, Munoz, Pinkin/Vitale, Singer) - Establishes requirements for pharmacists to dispense biological products

A-2714/S-1993 (Giblin, Sumter/Barnes) - Requires continuing education for licensed practicing psychologists

A-2936/S-1957 (Mosquera, Lampitt, Singleton, Wimberly/Singer, Connors) - Requires complaint for guardianship of person receiving services from Division of Developmental Disabilities to include one of documents identified in bill

A-3012/S-2296 (Ciattarelli, Dancer/Bateman) - Criminalizes bestiality

A-3079/S-2766 (Jasey, Diegnan, Mainor, Wimberly, Oliver, DeCroce/Turner, Ruiz) - Prohibits administration of standardized assessments in kindergarten through second grade

A-3153/S-2415 (DeAngelo, Mosquera/Madden, Beach) - Requires UI employer contribution reports and remittances be submitted to the Division of Revenue

A-3248/S-2459 (Conaway, Sumter, Pintor Marin/Singer) - Establishes the Task Force on Chronic Obstructive Pulmonary Disease in DOH

A-3580/S-2846 (Moriarty, Dancer, Coughlin, Mainor, Pinkin, Munoz, Danielsen, Wimberly/Madden, Turner) -Prohibits sale of powdered alcohol

A-3636/SCS for S-2393, 2408, 2411 (McKeon, Lagana, Spencer/Scutari, O'Toole, Holzapfel) - Establishes crimefraud exception to marital and civil union partnership privilege

A-3669/S-2655 (Mazzeo, Burzichelli/Whelan) - Prohibits eligibility for certain sign programs from being conditioned on availability of free drinking water or public telephone

A-3807/S-2619 (Eustace, Greenwald/Whelan) - Permits educational research and services corporations to act as lead procurement agencies for local units and publically supported educational institutions; permits Council of County Colleges to act as lead procurement agency for county colleges

A-3841/S-2540 (Munoz, Gusciora, Angelini, DeCroce/O'Toole, Weinberg) – Upgrades violation of a stalking restraining order to a crime of the third degree

A-3843/S-2735 (Caputo, Giblin, Tucker, Johnson, Mainor, Sumter/Rice) - Permits municipality to enact ordinance allowing voluntary registration of private outdoor video surveillance cameras

A-3983/S-2574 (Mazzeo, Burzichelli, Giblin/Sweeney, Whelan) - Authorizes supplemental State aid to school districts in municipality with significant decrease in commercial property valuation; makes appropriation

A-4008/SCS for S-2334 (Singleton, Mukherji, Pintor Marin, Wimberly, Sumter/Cunningham, Ruiz) - Requires DOC to make reports containing information concerning treatment and reentry initiative participation; requires AOC to establish program that collects recidivism data and make reports concerning adults sentenced to period of probation

A-4013/S-2497 (Greenwald, Lagana, Coughlin/Oroho) - Eliminates mortgage guaranty insurance coverage cap of 25% of outstanding balance of insured loan

A-4073/S-2687 (Schaer, Prieto, Caride, Lagana, Giblin, Wimberly, Rumana/Sarlo, Gill) - Requires installation of carbon monoxide detectors in certain structures; designated as "Korman and Park's Law"

A-4078/S-2686 (Vainieri Huttle, Mosquera, McKeon, Munoz, Benson, Sumter/Pou, Beck) - "Sexual Assault Survivor Protection Act of 2015"; authorizes the court to issue protective orders for victims of certain nonconsensual sexual conduct

A-4089/S-2693 (Coughlin, Ciattarelli/Beach, Singer) - Revises certain provisions of dental service corporation law

A-4143/S-2514 (Lagana, Spencer, Mukherji, Johnson, Rumana, Rodriquez-Gregg, Gusciora, Mazzeo/Barnes, Addiego) - Permits holders of certain alcoholic beverage licenses to be issued amusement game license and updates definition of recognized amusement park

A-4144/S-2755 (Pintor Marin, Spencer, Caride, Quijano, Mukherji/Ruiz, Stack) – Requires insurance producer licensing examination and registration materials to be offered in English and Spanish, and examination instructional materials to be available in Spanish

A-4167/S-2751 (Lagana, Mazzeo, Eustace, Andrzejczak, Vainieri Huttle/Barnes) - Requires DHS to notify enrollees in Programs of All-Inclusive Care for the Elderly of Medicare eligibility

A-4168/S-2750 (Lagana, Mazzeo, Eustace, Andrzejczak, Vainieri Huttle/Barnes) - Requires providers to submit to DHS expenditure details of enrollees in Program of All-Inclusive Care for the Elderly

A-4169/S-2752 (Lagana, Mazzeo, Eustace, Andrzejczak, Vainieri Huttle/Barnes) - Requires DHS to monitor utilization and billing of services for Medicaid home and community-based long-term care

A-4333/S-3020 (Singleton, Gill) - Exempts certain activities of alarm businesses from statutes governing practice of locksmithing

A-4361/S-2891 (Johnson, A.M. Bucco, Garcia, S. Kean/Barnes, A.R. Bucco) - Revises definition of all-terrain vehicles

A-4375/S-3011 (Moriarty, Andrzejczak, Mazzeo, Mosquera, Quijano, Ciattarelli, Wimberly/Van Drew, Bateman) -Upgrades crimes of false public alarm under certain circumstances and establishes reporting requirements concerning crime

A-4485/S-2881 (Diegnan, Jasey, Wimberly, McKeon, Lagana/Gill, Turner) - Prohibits withholding of State school aid based on student participation rate on State assessments

A-4587/S-3049 (Greenwald, Lampitt, McKeon, Holley/Scutari, Cruz-Perez) – Requires facilities providing services to persons with developmental disabilities and schools to adopt policies permitting administration of medical marijuana to qualifying patients

AJR-64/SJR-82 (Schaer, Eustace, Lagana, Spencer, Caride, Mukherji/Pou, Ruiz) - Declares August 16 of each year as "Dominican Restoration Day" in New Jersey

### **BILLS VETOED:**

S-929/A-1908 (Sweeney, Madden/Burzichelli, Riley, Moriarty) – ABSOLUTE -Concerns certain workers' compensation supplemental benefits

A-801/S-861 (Coughlin, Wisniewski, Mazzeo/Vitale, Sacco) - CONDITIONAL - Directs New Jersey Turnpike Authority and South Jersey Transportation Authority to study and report on potential revenue generating services of rest areas and service plazas

A-947/S-2216 (Singleton, Lagana, Diegnan/Pennacchio, Rice) – CONDITIONAL - Requires release of bid list prior to bid date under "Local Public Contracts Law"

A-1468/S-2513 (Diegnan, Lampitt, Caride/Barnes, Ruiz) – CONDITIONAL -Establishes Task Force on Engineering Curriculum and Instruction

A-1726/S-308 (Eustace, Lagana, Mosquera, Vainieri Huttle, Wimberly/Gordon) – CONDITIONAL - Amends "Flood Hazard Area Control Act" to require DEP to take certain actions concerning delineations of flood hazard areas and

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floodplains

A-2579/S-1510 (Mukherji, Pintor Marin, Eustace/Smith, Bateman) – CONDITIONAL - Authorizes municipalities to facilitate private financing of water conservation, storm shelter construction, and flood and hurricane resistance projects through use of voluntary special assessments

A-2771/S-452 (Johnson, Burzichelli, Pintor Marin, Mosquera/Ruiz, Cruz-Perez) – CONDITIONAL - "The New Jersey Social Innovation Act"; establishes social innovation loan pilot program and study commission within EDA

A-2906/S-2926 (Stender, Pinkin, Mazzeo/Whelan, Scutari) – ABSOLUTE - Excludes from gross income compensation paid to members of district boards of election for services rendered in elections

A-3223/S-2056 (Singleton, Lampitt, Quijano, Pintor Marin, Wimberly/Sarlo, Ruiz) – CONDITIONAL - Requires Division of Local Government Services to include certain property tax information on division's web page

A-3393/S-2167 (Spencer, Pintor Marin, Caputo, Tucker/Rice, Ruiz) – CONDITIONAL - Permits Newark to use rental car tax proceeds over three-year period to help reduce its "cash deficit for preceding year" appropriation and operational deficit

A-3421/S-2220 (Dancer, Mukherji/Singer) – CONDITIONAL - Revises the "Self-Funded Multiple Employer Welfare Arrangement Regulation Act"

A-3435/S-2503 (Garcia, Mukherji, Vainieri Huttle, Mainor, Eustace, Mosquera/Stack, Gordon) - CONDITIONAL -"Boys & Girls Clubs Keystone Law"; permits minors to give consent for behavioral health care

A-3500/S-1973 (Andrzejczak, Pinkin, Quijano/Van Drew, Beach) – ABSOLUTE - Requires local recreation departments and youth serving organizations to have defibrillators for youth athletic events

A-3954/S-2981 (Conaway, Singleton, Spencer, McKeon/Greenstein) – CONDITIONAL - Requires maximum contaminant level to be established for 1,2,3-trichloropropane in drinking water

A-3981/S-2572 (Mazzeo, Burzichelli, Andrzejczak/Sweeney, Whelan) - CONDITIONAL - "Casino Property Taxation Stabilization Act"

A-3982/S-2573 (Mazzeo, Burzichelli, Andrzejczak/Sweeney, Whelan) – ABSOLUTE - Requires holder of casino license to provide certain employees with certain health care and retirement benefits

A-3984/S-2575 (Mazzeo, Burzichelli, Giblin/Sweeney, Whelan) – CONDITIONAL - Reallocates casino investment alternative tax to Atlantic City to pay debt service on municipal bonds issued

A-3985/S-2576 (Mazzeo, Burzichelli, Andrzejczak, Giblin/Sweeney, Whelan) – CONDITIONAL - Removes provisions of law relating to Atlantic City Alliance

A-4018/S-2843 (Burzichelli, Caputo, Mazzeo/Sarlo, Whelan) – ABSOLUTE - Authorizes operation of lottery courier services

A-4218/S-2786 (Mosquera, Greenwald, Lagana, Benson, Lampitt, Vainieri Huttle, Danielsen/Weinberg, Gill, Cruz-Perez) - CONDITIONAL - Revises certain laws concerning domestic violence and firearms

A-4265/S-2783 (McKeon, Pintor Marin, Jasey, Caputo, Giblin, Tucker, Spencer, Oliver, Gusciora, Danielson/Codey, Ruiz, Rice) – ABSOLUTE - Permits municipal, county, and regional police and fire forces to establish five-year residency requirement for police officers and firefighters; allows exceptions to requirement under certain circumstances

A-4337/S-3008 (Schaer, Danielsen, Dancer, Sumter/Barnes) – ABSOLUTE - Expands eligibility of inmates for medical parole and requires inmate's enrollment in Medicaid under certain circumstances

A-4476/S-2876 (Conaway/Codey) - CONDITIONAL - Requires certain surgical practices and ambulatory care facilities licensed in this State to be owned by hospital or medical school located in the State

A-4607/S-3106 (Pintor Marin, Schaer, Oliver, Lagana, Johnson, Singleton/Ruiz, Cunningham) – ABSOLUTE -Makes FY 2016 supplemental appropriations of \$6,500,000 and adds language provision

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