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No

P.L. 2003, CHAPTER 232, *approved January 9, 2004*

Assembly Committee Substitute for  
Assembly, Nos. 3074 and 2720

1 **AN ACT** concerning animal cruelty and amending various sections of  
2 chapter 22 of Title 4 of the Revised Statutes.

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, overwork,  
10 deprive of necessary sustenance, abuse, or needlessly kill a living  
11 animal or creature;

12 (2) Cause or procure any such acts to be done; or

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

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

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

**Matter underlined thus is new matter.**

1 2C of the New Jersey Statutes.

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

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

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

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

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

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

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

40 (cf: P.L.2001, c.229, s.1)

41

42 2. R.S.4:22-23 is amended to read as follows:

43 4:22-23. A person who shall:

44 a. Use a live pigeon, fowl or other bird for the purpose of a target,  
45 or to be shot at either for amusement or as a test of skill in  
46 marksmanship;

1       b. Shoot at a bird used as [aforesaid] described in subsection a. of  
2 this section, or is a party to such shooting; or

3       c. Lease a building, room, field or premises, or knowingly permit  
4 the use thereof for the purpose of such shooting--

5       Shall be guilty of a disorderly persons offense, and shall, in addition  
6 to any penalty assessed therefor, be fined \$25 for each bird shot at or  
7 killed in violation of this section.

8       This section shall not apply to the shooting of game.  
9 (cf: P.L.1995, c.355, s.6)

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, abuse, or needlessly kill [, torment,]  
15 a living animal or creature, or cause or procure any such acts to be  
16 done;

17       (2) Torment, torture, maim, hang, poison, unnecessarily or cruelly  
18 beat, or needlessly mutilate [, or cruelly kill] a living animal or  
19 creature, or cause or procure any such acts to be done;

20       (3) Cruelly kill, or cause or procure the cruel killing of, a living  
21 animal or creature, or otherwise cause or procure the death of a living  
22 animal or creature from commission of any act described in paragraph  
23 (2) of this subsection ;

24       b. [Cause or procure any such acts enumerated in subsection a. of  
25 this section to be done;] Deleted by amendment, P.L. , c. (now  
26 before the Legislature as this bill)

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

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

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

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

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

46       h. Carry, or cause to be carried, a living animal or creature in or

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

- 1 s. Artificially mark sheep or cattle, or cause them to be marked, by  
2 cropping or cutting off both ears, cropping or cutting either ear more  
3 than one inch from the tip end thereof, or half cropping or cutting both  
4 ears or either ear more than one inch from the tip end thereof, or who  
5 shall have or keep in ~~his~~ the person's possession sheep or cattle,  
6 which ~~he~~ the person claims to own, marked contrary to this  
7 subsection unless they were bought in market or of a stranger;
- 8 t. Abandon a domesticated animal;
- 9 u. For amusement or gain, cause, allow, or permit the fighting or  
10 baiting of a living animal or creature;
- 11 v. Own, possess, keep, train, promote, purchase, or knowingly sell  
12 a living animal or creature for the purpose of fighting or baiting that  
13 animal or creature;
- 14 w. Gamble on the outcome of a fight involving a living animal or  
15 creature;
- 16 x. Knowingly sell or barter or offer for sale or barter, at wholesale  
17 or retail, the fur or hair of a domestic dog or cat or any product made  
18 in whole or in part from the fur or hair of a domestic dog or cat, unless  
19 such fur or hair for sale or barter is from a commercial grooming  
20 establishment or a veterinary office or clinic or is for use for scientific  
21 research;
- 22 y. Knowingly sell or barter or offer for sale or barter, at wholesale  
23 or retail, for human consumption, the flesh of a domestic dog or cat or  
24 any product made in whole or in part from the flesh of a domestic dog  
25 or cat; ~~or~~
- 26 z. Surgically debark or silence a dog in violation of section 1 or 2  
27 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 28 aa. Use a live pigeon, fowl or other bird for the purpose of a  
29 target, or to be shot at either for amusement or as a test of skill in  
30 marksmanship, except that this subsection and subsections bb. and cc.  
31 shall not apply to the shooting of game;
- 32 bb. Shoot at a bird used as described in subsection aa. of this  
33 section, or is a party to such shooting; or
- 34 cc. Lease a building, room, field or premises, or knowingly permit  
35 the use thereof for the purposes of subsections aa. or bb. of this  
36 section --
- 37 Shall forfeit and pay a sum ~~not to exceed \$250, except in the case~~  
38 ~~of a violation of subsection t. a mandatory sum of \$500, and \$1,000~~  
39 ~~if the violation occurs on or near a roadway, and in the case of a~~  
40 ~~violation of subsection x. or y. a sum not to exceed \$1,000 for each~~  
41 ~~domestic dog or cat fur or fur or hair product or domestic dog or cat~~  
42 ~~carcass or meat product] according to the following schedule , to be~~  
43 ~~sued for and recovered, with costs, in a civil action by any person in~~  
44 ~~the name of the New Jersey Society for the Prevention of Cruelty to~~  
45 ~~Animals [.]~~
- 46 For a violation of subsections 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 up to \$5,000;

3 For a violation of subsection l. of this section or for a first violation  
4 of paragraph (2) of subsection a. of this section, a sum of up to  
5 \$3,000;

6 For a violation of subsections x. or y. of this section, a sum of up  
7 to \$1,000 for each domestic dog or cat fur or fur or hair product or  
8 domestic dog or cat carcass or meat product;

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

12 For a violation of subsections c., d., h., j., k., aa., bb., or cc. of this  
13 section or of paragraph (1) of subsection a. of this section, a sum of  
14 up to \$1,000; and

15 For a violation of subsections i., m., n., o., p., q., r., or s. of this  
16 section, a sum of up to \$500.

17 (cf: P.L.2002, c.102, s.8)

18

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

20 4:22-28. The indictment of a person under the provisions of this  
21 article, or the holding of a person to bail to await the action of a grand  
22 jury or court, shall not in any way relieve [him from his] that person  
23 from liability to be sued for the [penalty in paragraphs "e," "f," "g,"  
24 "u," "v," or "w" of section 4:22-26 of this Title] appropriate penalties  
25 under R.S.4:22-26 .

26 (cf: P.L.1989, c.35, s.3)

27

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

29 4:22-29. The action for the penalty prescribed in R.S.4:22-26 [or  
30 R.S.4:22-27,] shall be brought:

31 a. In the Superior Court; or

32 b. In a municipal court of the municipality wherein the defendant  
33 resides or where the offense was committed.

34 (cf: P.L.1991, c.91, s.176)

35

36 6. R.S.4:22-32 is amended to read as follows:

37 4:22-32. Penalties for violations of [sections 4:22-26 and 4:22-27  
38 of this Title] R.S.4:22-26 shall be enforced and collected in a summary  
39 manner under ["the penalty enforcement law" (2A:58-1 et seq.)] the  
40 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et  
41 seq.). A warrant may issue when the defendant is temporarily within  
42 the jurisdiction of the court, but not residing therein; or when the  
43 defendant is likely to evade judgment by



1 removal therefrom; or when [his] the defendant's name or residence  
2 is unknown.

3 (cf: P.L.1953, c.5, s.69)

4

5 7. This act shall take effect immediately.

6

7

8

9

10 Increases criminal and civil penalties for certain animal cruelty  
11 offenses; and increases penalty for certain repeat offenders.

# ASSEMBLY, No. 3074

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED DECEMBER 9, 2002

**Sponsored by:**

**Assemblyman DOUGLAS H. FISHER**

**District 3 (Salem, Cumberland and Gloucester)**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Salem, Cumberland and Gloucester)**

**SYNOPSIS**

Increases criminal and civil penalties for certain animal cruelty offenses; and increases penalty for certain repeat offenders.

**CURRENT VERSION OF TEXT**

As introduced.



A3074 FISHER, BURZICHELLI

2

1 AN ACT concerning animal cruelty and amending various sections of  
2 chapter 22 of Title 4 of the Revised Statutes.

3

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

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

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

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10 deprive of necessary sustenance, abuse, or needlessly kill a living  
11 animal or creature;

12 (2) Cause or procure any such acts to be done; or

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

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

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

43 (1) Torment, torture, maim, hang, poison, unnecessarily or cruelly

**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 beat, or needlessly mutilate [, or cruelly kill] a living animal or  
2 creature; or

3 (2) Cause or procure 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 a  
7 violation of this subsection, the person shall be guilty of a crime of the  
8 third degree.

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

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

37 (cf: P.L.2001, c.229, s.1)

38

39 2. R.S.4:22-23 is amended to read as follows:

40 4:22-23. A person who shall:

41 a. Use a live pigeon, fowl or other bird for the purpose of a target,  
42 or to be shot at either for amusement or as a test of skill in  
43 marksmanship;

44 b. Shoot at a bird used as [aforesaid] described in subsection a. of  
45 this section, or is a party to such shooting; or

46 c. Lease a building, room, field or premises, or knowingly permit

1 the use thereof for the purpose of such shooting--

2 Shall be guilty of a disorderly persons offense, and shall, in addition  
3 to any penalty assessed therefor, be fined \$25 for each bird shot at or  
4 killed in violation of this section.

5 This section shall not apply to the shooting of game.

6 (cf: P.L.1995, c.355, s.6)

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

9 4:22-26. A person who shall:

10 a. (1) Overdrive, overload, drive when overloaded, overwork,  
11 deprive of necessary sustenance, abuse, or needlessly kill [, torment,]  
12 a living animal or creature, or cause or procure any such acts to be  
13 done;

14 (2) Torment, torture, maim, hang, poison, unnecessarily or cruelly  
15 beat, or needlessly mutilate [, or cruelly kill] a living animal or  
16 creature, or cause or procure any such acts to be done;

17 (3) Cruelly kill, or cause or procure the cruel killing of, a living  
18 animal or creature, or otherwise cause or procure the death of a living  
19 animal or creature from commission of any act described in paragraph  
20 (2) of this subsection ;

21 b. [Cause or procure any such acts enumerated in subsection a. of  
22 this section to be done;] Deleted by amendment, P.L. , c. (now  
23 before the Legislature as this bill)

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

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

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

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

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

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

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

- 1       j. Impound or confine or cause to be impounded or confined in a  
2 pound or other place a living animal or creature, and shall fail to  
3 supply it during such confinement with a sufficient quantity of good  
4 and wholesome food and water;
- 5       k. Abandon a maimed, sick, infirm or disabled animal or creature  
6 to die in a public place;
- 7       l. Willfully sell, or offer to sell, use, expose, or cause or permit to  
8 be sold or offered for sale, used or exposed, a horse or other animal  
9 having the disease known as glanders or farcy, or other contagious or  
10 infectious disease dangerous to the health or life of human beings or  
11 animals, or who shall, when any such disease is beyond recovery,  
12 refuse, upon demand, to deprive the animal of life;
- 13       m. Own, operate, manage or conduct a roadside stand or market  
14 for the sale of merchandise along a public street or highway; or a  
15 shopping mall, or a part of the premises thereof; and keep a living  
16 animal or creature confined, or allowed to roam in an area whether or  
17 not the area is enclosed, on these premises as an exhibit; except that  
18 this subsection shall not be applicable to: a pet shop licensed pursuant  
19 to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an  
20 animal, in a humane manner, for the purpose of the protection of the  
21 premises; or a recognized breeders' association, a 4-H club, an  
22 educational agricultural program, an equestrian team, a humane  
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- 28       o. Sell, offer for sale, barter or give away or display live baby  
29 chicks, ducklings or other fowl or rabbits, turtles or chameleons which  
30 have been dyed or artificially colored or otherwise treated so as to  
31 impart to them an artificial color;
- 32       p. Use any animal, reptile, or fowl for the purpose of soliciting any  
33 alms, collections, contributions, subscriptions, donations, or payment  
34 of money except in connection with exhibitions, shows or  
35 performances conducted in a bona fide manner by recognized breeders'  
36 associations, 4-H clubs or other similar bona fide organizations;
- 37       q. Sell or offer for sale, barter, or give away living rabbits, turtles,  
38 baby chicks, ducklings or other fowl under two months of age, for use  
39 as household or domestic pets;
- 40       r. Sell, offer for sale, barter or give away living baby chicks,  
41 ducklings or other fowl, or rabbits, turtles or chameleons under two  
42 months of age for any purpose not prohibited by subsection q. of this  
43 section and who shall fail to provide proper facilities for the care of  
44 such animals;
- 45       s. Artificially mark sheep or cattle, or cause them to be marked, by  
46 cropping or cutting off both ears, cropping or cutting either ear more

1 than one inch from the tip end thereof, or half cropping or cutting both  
2 ears or either ear more than one inch from the tip end thereof, or who  
3 shall have or keep in [his] the person's possession sheep or cattle,  
4 which [he] the person claims to own, marked contrary to this  
5 subsection unless they were bought in market or of a stranger;

6 t. Abandon a domesticated animal;

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

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

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

14 x. Knowingly sell or barter or offer for sale or barter, at wholesale  
15 or retail, the fur or hair of a domestic dog or cat or any product made  
16 in whole or in part from the fur or hair of a domestic dog or cat, unless  
17 such fur or hair for sale or barter is from a commercial grooming  
18 establishment or a veterinary office or clinic or is for use for scientific  
19 research;

20 y. Knowingly sell or barter or offer for sale or barter, at wholesale  
21 or retail, for human consumption, the flesh of a domestic dog or cat or  
22 any product made in whole or in part from the flesh of a domestic dog  
23 or cat; [or]

24 z. Surgically debark or silence a dog in violation of section 1 or 2  
25 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39) ;

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

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

32 cc. Lease a building, room, field or premises, or knowingly permit  
33 the use thereof for the purposes of subsections aa. or bb. of this  
34 section --

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

44 For a violation of subsections e., f., g., u., v., w., or z. of this  
45 section or of paragraph (3) of subsection a. of this section, or for a  
46 second or subsequent violation of paragraph (2) of subsection a. of

1 this section, a sum of up to \$5,000;

2 For a violation of subsection l. of this section or for a first violation  
3 of paragraph (2) of subsection a. of this section, a sum of up to  
4 \$3,000;

5 For a violation of subsections x. or y. of this section, a sum of up  
6 to \$1,000 for each domestic dog or cat fur or fur or hair product or  
7 domestic dog or cat carcass or meat product;

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

11 For a violation of subsections c., d., h., j., k., aa., bb., or cc. of this  
12 section or of paragraph (1) of subsection a. of this section, a sum of  
13 up to \$1,000; and

14 For a violation of subsections i., m., n., o., p., q., r., or s. of this  
15 section, a sum of up to \$500.

16 (cf: P.L.2002, c.102, s.8)

17

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

19 4:22-28. The indictment of a person under the provisions of this  
20 article, or the holding of a person to bail to await the action of a grand  
21 jury or court, shall not in any way relieve [him from his] that person  
22 from liability to be sued for the [penalty in paragraphs "e," "f," "g,"  
23 "u," "v," or "w" of section 4:22-26 of this Title] appropriate penalties  
24 under R.S.4:22-26 .

25 (cf: P.L.1989, c.35, s.3)

26

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

28 4:22-29. The action for the penalty prescribed in R.S.4:22-26 [or  
29 R.S.4:22-27,] shall be brought:

30 a. In the Superior Court; or

31 b. In a municipal court of the municipality wherein the defendant  
32 resides or where the offense was committed.

33 (cf: P.L.1991, c.91, s.176)

34

35 6. R.S.4:22-32 is amended to read as follows:

36 4:22-32. Penalties for violations of [sections 4:22-26 and 4:22-27  
37 of this Title] R.S.4:22-26 shall be enforced and collected in a summary  
38 manner under ["the penalty enforcement law" (2A:58-1 et seq.)] the  
39 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et  
40 seq.) . A warrant may issue when the defendant is temporarily within  
41 the jurisdiction of the court, but not residing therein; or when the  
42 defendant is likely to evade judgment by removal therefrom; or when  
43 [his] the defendant's name or residence is unknown.

44 (cf: P.L.1953, c.5, s.69)



1       7. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       This bill would elevate certain animal cruelty offenses from fourth  
7 degree crimes to third degree crimes if the animal is killed or dies as  
8 a result of the cruelty, or if the person committing the offense has a  
9 prior conviction for one of those specified animal cruelty offenses.

10       The bill would also significantly increase the possible civil fines that  
11 may be assessed and collected by the New Jersey Society for the  
12 Prevention of Cruelty to Animals for various animal cruelty offenses  
13 and establish a schedule for those fines based upon the relative severity  
14 of the parallel criminal provisions for those offenses.

15       Under current law, the civil penalty for most animal cruelty offenses  
16 is a fine of up to \$250, or, for a few offenses, a fine of up to \$1,000.  
17 Under the bill, a new civil penalty schedule generally would provide  
18 for civil fines of up to \$5,000 for animal cruelty offenses regarded  
19 elsewhere in the law as third degree crimes, up to \$3,000 for animal  
20 cruelty offenses regarded as fourth degree crimes, up to \$1,000 for  
21 animal cruelty offenses regarded as disorderly persons offenses, and up  
22 to \$500 for animal cruelty offenses for which there are no parallel  
23 criminal provisions.

24       The bill also amends current law to specifically list poisoning of an  
25 animal as an offense.

26       In addition, the bill creates new parallel civil action provisions for  
27 certain criminalized animal cruelty offenses under current law  
28 concerned with the illegal shooting of birds.

29       Finally, the bill amends current law to provide that indictment for  
30 commission of an animal cruelty offense does not relieve the defendant  
31 from possible liability for parallel civil penalties.

# ASSEMBLY, No. 2720

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED SEPTEMBER 12, 2002

**Sponsored by:**

**Assemblyman GEORGE F. GEIST**

**District 4 (Camden and Gloucester)**

**Assemblyman JOSEPH AZZOLINA**

**District 13 (Middlesex and Monmouth)**

**Co-Sponsored by:**

**Assemblywoman Perez-Cinciarelli and Assemblyman Gusciora**

**SYNOPSIS**

Increases criminal and civil penalties for certain animal cruelty offenses.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/26/2002)**

1 AN ACT concerning animal cruelty and amending various parts of the  
2 statutory law.

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, overwork,  
10 deprive of necessary sustenance, abuse, or needlessly kill a living  
11 animal or creature;

12 (2) Cause or procure any such acts to be done; or

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

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

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

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

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

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

4 If the animal or creature is cruelly killed, or dies as a result of a  
5 violation of this subsection, the person shall be guilty of a crime of the  
6 third degree.

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

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

35 (cf: P.L.2001, c.229, s.1)

36

37 2. R.S.4:22-23 is amended to read as follows:

38 4:22-23. A person who shall:

39 a. Use a live pigeon, fowl or other bird for the purpose of a target,  
40 or to be shot at either for amusement or as a test of skill in  
41 marksmanship;

42 b. Shoot at a bird used as [aforesaid] described in subsection a. of  
43 this section, or is a party to such shooting; or

44 c. Lease a building, room, field or premises, or knowingly permit  
45 the use thereof for the purpose of such shooting--

46 Shall be guilty of a disorderly persons offense, and shall, in addition

1 to any penalty assessed therefor, be fined \$25 for each bird shot at or  
2 killed in violation of this section.

3 This section shall not apply to the shooting of game.

4 (cf: P.L.1995, c.355, s.6)

5

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

7 4:22-26. A person who shall:

8 a. (1) Overdrive, overload, drive when overloaded, overwork,  
9 deprive of necessary sustenance, abuse, or needlessly kill [, torment,]  
10 a living animal or creature, or cause or procure any such acts to be  
11 done;

12 (2) Torment, torture, maim, hang, unnecessarily or cruelly beat, or  
13 needlessly mutilate [, or cruelly kill] a living animal or creature , or  
14 cause or procure any such acts to be done;

15 (3) Cruelly kill, or cause or procure the cruel killing of, a living  
16 animal or creature, or otherwise cause or procure the death of a living  
17 animal or creature from commission of any act described in paragraph  
18 (2) of this subsection ;

19 b. [Cause or procure any such acts enumerated in subsection a. of  
20 this section to be done;] Deleted by amendment, P.L. , c. (now  
21 before the Legislature as this bill)

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

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

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

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

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

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

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

45 j. Impound or confine or cause to be impounded or confined in a  
46 pound or other place a living animal or creature, and shall fail to

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

- 1 shall have or keep in [his] the person's possession sheep or cattle,  
2 which [he] the person claims to own, marked contrary to this  
3 subsection unless they were bought in market or of a stranger;
- 4 t. Abandon a domesticated animal;
- 5 u. For amusement or gain, cause, allow, or permit the fighting or  
6 baiting of a living animal or creature;
- 7 v. Own, possess, keep, train, promote, purchase, or knowingly sell  
8 a living animal or creature for the purpose of fighting or baiting that  
9 animal or creature;
- 10 w. Gamble on the outcome of a fight involving a living animal or  
11 creature;
- 12 x. Knowingly sell or barter or offer for sale or barter, at wholesale  
13 or retail, the fur or hair of a domestic dog or cat or any product made  
14 in whole or in part from the fur or hair of a domestic dog or cat, unless  
15 such fur or hair for sale or barter is from a commercial grooming  
16 establishment or a veterinary office or clinic or is for use for scientific  
17 research; [or]
- 18 y. Knowingly sell or barter or offer for sale or barter, at wholesale  
19 or retail, for human consumption, the flesh of a domestic dog or cat or  
20 any product made in whole or in part from the flesh of a domestic dog  
21 or cat ;
- 22 z. Use a live pigeon, fowl or other bird for the purpose of a target,  
23 or to be shot at either for amusement or as a test of skill in  
24 marksmanship, except that this subsection and subsections aa. and bb.  
25 shall not apply to the shooting of game;
- 26 aa. Shoot at a bird used as described in subsection z. of this  
27 section, or is a party to such shooting; or
- 28 bb. Lease a building, room, field or premises, or knowingly permit  
29 the use thereof for the purposes of subsections z. or aa. of this  
30 section --
- 31 Shall forfeit and pay a sum [not to exceed \$250, except in the case  
32 of a violation of subsection t. a mandatory sum of \$500, and \$1,000  
33 if the violation occurs on or near a roadway, and in the case of a  
34 violation of subsection x. or y. a sum not to exceed \$1,000 for each  
35 domestic dog or cat fur or fur or hair product or domestic dog or cat  
36 carcass or meat product] according to the following schedule , to be  
37 sued for and recovered, with costs, in a civil action by any person in  
38 the name of the New Jersey Society for the Prevention of Cruelty to  
39 Animals [.] ;
- 40 For a violation of subsections e., f., g., u., v., or w. of this section  
41 or of paragraph (3) of subsection a. of this section, a sum of up to  
42 \$5,000;
- 43 For a violation of subsection l. of this section or of paragraph (2)  
44 of subsection a. of this section, a sum of up to \$3,000;
- 45 For a violation of subsections x. or y. of this section, a sum of up  
46 to \$1,000 for each domestic dog or cat fur or fur or hair product or

1 domestic dog or cat carcass or meat product:

2 For a violation of subsection t. of this section, a sum of not less  
3 than \$500 nor more than \$1,000, but if the violation occurs on or near  
4 a highway, a mandatory sum of \$1,000:

5 For a violation of subsections c., d., h., j., k., z., aa., or bb. of this  
6 section or of paragraph (1) of subsection a. of this section, a sum of  
7 up to \$1,000; and

8 For a violation of subsections i., m., n., o., p., q., r., or s. of this  
9 section, a sum of up to \$500.

10 (cf: P.L.2001, c.229, s.4)

11

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

13 4:22-28. The indictment of a person under the provisions of this  
14 article, or the holding of a person to bail to await the action of a grand  
15 jury or court, shall not in any way relieve [him from his] that person  
16 from liability to be sued for the [penalty in paragraphs "e," "f," "g,"  
17 "u," "v," or "w" of section 4:22-26 of this Title] appropriate penalties  
18 under R.S.4:22-26 .

19 (cf: P.L.1989, c.35, s.3)

20

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

22 4:22-29. The action for the penalty prescribed in R.S.4:22-26 [or  
23 R.S.4:22-27,] shall be brought:

24 a. In the Superior Court; or

25 b. In a municipal court of the municipality wherein the defendant  
26 resides or where the offense was committed.

27 (cf: P.L.1991, c.91, s.176)

28

29 6. R.S.4:22-32 is amended to read as follows:

30 4:22-32. Penalties for violations of [sections 4:22-26 and 4:22-27  
31 of this Title] R.S.4:22-26 shall be enforced and collected in a summary  
32 manner under ["the penalty enforcement law" (2A:58-1 et seq.)] the  
33 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et  
34 seq.) . A warrant may issue when the defendant is temporarily within  
35 the jurisdiction of the court, but not residing therein; or when the  
36 defendant is likely to evade judgment by removal therefrom; or when  
37 [his] the defendant's name or residence is unknown.

38 (cf: P.L.1953, c.5, s.69)

39

40 7. This act shall take effect immediately.

41

42

43

STATEMENT

44

45 This bill would elevate certain animal cruelty offenses from fourth



1 degree crimes to third degree crimes if the animal is killed or dies as  
2 a result of the cruelty. The bill would also significantly increase the  
3 possible civil fines that may be assessed and collected by the New  
4 Jersey Society for the Prevention of Cruelty to Animals for various  
5 animal cruelty offenses and establish a schedule for those fines based  
6 upon the relative severity of the parallel criminal provisions for those  
7 offenses.

8 Under current law, the civil penalty for most animal cruelty offenses  
9 is a fine of up to \$250, or, for a few offenses, a fine of up to \$1,000.  
10 Under the bill, a new civil penalty schedule would provide for civil  
11 fines of up to \$5,000 for animal cruelty offenses regarded elsewhere  
12 in the law as third degree crimes, up to \$3,000 for animal cruelty  
13 offenses regarded as fourth degree crimes, up to \$1,000 for animal  
14 cruelty offenses regarded as disorderly persons offenses, and up to  
15 \$500 for animal cruelty offenses for which there are no parallel  
16 criminal provisions.

17 The bill also creates new parallel civil action provisions for certain  
18 criminalized animal cruelty offenses under current law concerned with  
19 the illegal shooting of birds.

20 Finally, the bill amends current law to provide that indictment for  
21 commission of an animal cruelty offense does not relieve the defendant  
22 from possible liability for parallel civil penalties.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 3074 and 2720**

**STATE OF NEW JERSEY**

DATED: DECEMBER 9, 2002

The Assembly Agriculture and Natural Resources Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 3074 and 2720.

This committee substitute would elevate certain animal cruelty offenses from fourth degree crimes to third degree crimes if the animal is killed or dies as a result of the cruelty, or if the person committing the offense has a prior conviction for one of those specified animal cruelty offenses. The committee substitute would also significantly increase the possible civil fines that may be assessed and collected by the New Jersey Society for the Prevention of Cruelty to Animals for various animal cruelty offenses and establish a schedule for those fines based upon the relative severity of the parallel criminal provisions for those offenses.

Under current law, the civil penalty for most animal cruelty offenses is a fine of up to \$250, or, for a few offenses, a fine of up to \$1,000. Under the committee substitute, a new civil penalty schedule generally would provide for civil fines of up to \$5,000 for animal cruelty offenses regarded elsewhere in the law as third degree crimes, up to \$3,000 for animal cruelty offenses regarded as fourth degree crimes, up to \$1,000 for animal cruelty offenses regarded as disorderly persons offenses, and up to \$500 for animal cruelty offenses for which there are no parallel criminal provisions.

The committee substitute also amends current law to specifically list poisoning of an animal as an offense.

In addition, the committee substitute creates new parallel civil action provisions for certain criminalized animal cruelty offenses under current law concerned with the illegal shooting of birds.

Finally, the committee substitute amends current law to provide that indictment for commission of an animal cruelty offense does not relieve the defendant from possible liability for parallel civil penalties.

SENATE ECONOMIC GROWTH, AGRICULTURE AND  
TOURISM COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 3074 and 2720**

**STATE OF NEW JERSEY**

DATED: MARCH 17, 2003

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably the Assembly Committee Substitute for Assembly Bill Nos. 3074 and 2720.

This bill would elevate certain animal cruelty offenses from fourth degree crimes to third degree crimes if the animal is killed or dies as a result of the cruelty, or if the person committing the offense has a prior conviction for one of those specified animal cruelty offenses. The bill would also significantly increase the possible civil fines that may be assessed and collected by the New Jersey Society for the Prevention of Cruelty to Animals for various animal cruelty offenses and establish a schedule for those fines based upon the relative severity of the parallel criminal provisions for those offenses.

Under current law, the civil penalty for most animal cruelty offenses is a fine of up to \$250, or, for a few offenses, a fine of up to \$1,000. Under the bill, a new civil penalty schedule generally would provide for civil fines of up to \$5,000 for animal cruelty offenses regarded elsewhere in the law as third degree crimes, up to \$3,000 for animal cruelty offenses regarded as fourth degree crimes, up to \$1,000 for animal cruelty offenses regarded as disorderly persons offenses, and up to \$500 for animal cruelty offenses for which there are no parallel criminal provisions.

The bill also amends current law to specifically list poisoning of an animal as an offense.

In addition, the bill creates new parallel civil action provisions for certain criminalized animal cruelty offenses under current law concerned with the illegal shooting of birds.

Finally, the bill amends current law to provide that indictment for commission of an animal cruelty offense does not relieve the defendant from possible liability for parallel civil penalties.

# SENATE, No. 2154

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED DECEMBER 12, 2002

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Salem, Cumberland and Gloucester)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Co-Sponsored by:**

**Senators Connors, Allen, Turner and Geist**

**SYNOPSIS**

Increases criminal and civil penalties for certain animal cruelty offenses; and increases penalty for certain repeat offenders.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/12/2003)**

1 AN ACT concerning animal cruelty and amending various sections of  
2 chapter 22 of Title 4 of the Revised Statutes.

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, overwork,  
10 deprive of necessary sustenance, abuse, or needlessly kill a living  
11 animal or creature;

12 (2) Cause or procure any such acts to be done; or

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

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

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

43 (1) Torment, torture, maim, hang, poison, unnecessarily or cruelly

**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 beat, or needlessly mutilate [, or cruelly kill] a living animal or  
2 creature; or

3 (2) Cause or procure 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 a  
7 violation of this subsection, the person shall be guilty of a crime of the  
8 third degree.

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

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

37 (cf: P.L.2001, c.229, s.1)

38

39 2. R.S.4:22-23 is amended to read as follows:

40 4:22-23. A person who shall:

41 a. Use a live pigeon, fowl or other bird for the purpose of a target,  
42 or to be shot at either for amusement or as a test of skill in  
43 marksmanship;

44 b. Shoot at a bird used as [aforesaid] described in subsection a. of  
45 this section, or is a party to such shooting; or

46 c. Lease a building, room, field or premises, or knowingly permit

1 the use thereof for the purpose of such shooting--

2 Shall be guilty of a disorderly persons offense, and shall, in addition  
3 to any penalty assessed therefor, be fined \$25 for each bird shot at or  
4 killed in violation of this section.

5 This section shall not apply to the shooting of game.

6 (cf: P.L.1995, c.355, s.6)

7

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

9 4:22-26. A person who shall:

10 a. (1) Overdrive, overload, drive when overloaded, overwork,  
11 deprive of necessary sustenance, abuse, or needlessly kill [, torment,]  
12 a living animal or creature, or cause or procure any such acts to be  
13 done;

14 (2) Torment, torture, maim, hang, poison, unnecessarily or cruelly  
15 beat, or needlessly mutilate [, or cruelly kill] a living animal or  
16 creature, or cause or procure any such acts to be done;

17 (3) Cruelly kill, or cause or procure the cruel killing of, a living  
18 animal or creature, or otherwise cause or procure the death of a living  
19 animal or creature from commission of any act described in paragraph  
20 (2) of this subsection ;

21 b. [Cause or procure any such acts enumerated in subsection a. of  
22 this section to be done;] Deleted by amendment, P.L. , c. (now  
23 before the Legislature as this bill)

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

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

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

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

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

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

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

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



1 than one inch from the tip end thereof, or half cropping or cutting both  
2 ears or either ear more than one inch from the tip end thereof, or who  
3 shall have or keep in [his] the person's possession sheep or cattle,  
4 which [he] the person claims to own, marked contrary to this  
5 subsection unless they were bought in market or of a stranger;

6 t. Abandon a domesticated animal;

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

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

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

14 x. Knowingly sell or barter or offer for sale or barter, at wholesale  
15 or retail, the fur or hair of a domestic dog or cat or any product made  
16 in whole or in part from the fur or hair of a domestic dog or cat, unless  
17 such fur or hair for sale or barter is from a commercial grooming  
18 establishment or a veterinary office or clinic or is for use for scientific  
19 research;

20 y. Knowingly sell or barter or offer for sale or barter, at wholesale  
21 or retail, for human consumption, the flesh of a domestic dog or cat or  
22 any product made in whole or in part from the flesh of a domestic dog  
23 or cat; [or]

24 z. Surgically debark or silence a dog in violation of section 1 or 2  
25 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39) ;

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

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

32 cc. Lease a building, room, field or premises, or knowingly permit  
33 the use thereof for the purposes of subsections aa. or bb. of this  
34 section --

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

44 For a violation of subsections e., f., g., u., v., w., or z. of this  
45 section or of paragraph (3) of subsection a. of this section, or for a  
46 second or subsequent violation of paragraph (2) of subsection a. of

1 this section, a sum of up to \$5,000;

2 For a violation of subsection l. of this section or for a first violation  
3 of paragraph (2) of subsection a. of this section, a sum of up to  
4 \$3,000;

5 For a violation of subsections x. or y. of this section, a sum of up  
6 to \$1,000 for each domestic dog or cat fur or fur or hair product or  
7 domestic dog or cat carcass or meat product;

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

11 For a violation of subsections c., d., h., j., k., aa., bb., or cc. of this  
12 section or of paragraph (1) of subsection a. of this section, a sum of  
13 up to \$1,000; and

14 For a violation of subsections i., m., n., o., p., q., r., or s. of this  
15 section, a sum of up to \$500.

16 (cf: P.L.2002, c.102, s.8)

17

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

19 4:22-28. The indictment of a person under the provisions of this  
20 article, or the holding of a person to bail to await the action of a grand  
21 jury or court, shall not in any way relieve [him from his] that person  
22 from liability to be sued for the [penalty in paragraphs "e," "f," "g,"  
23 "u," "v," or "w" of section 4:22-26 of this Title] appropriate penalties  
24 under R.S.4:22-26 .

25 (cf: P.L.1989, c.35, s.3)

26

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

28 4:22-29. The action for the penalty prescribed in R.S.4:22-26 [or  
29 R.S.4:22-27,] shall be brought:

30 a. In the Superior Court; or

31 b. In a municipal court of the municipality wherein the defendant  
32 resides or where the offense was committed.

33 (cf: P.L.1991, c.91, s.176)

34

35 6. R.S.4:22-32 is amended to read as follows:

36 4:22-32. Penalties for violations of [sections 4:22-26 and 4:22-27  
37 of this Title] R.S.4:22-26 shall be enforced and collected in a summary  
38 manner under ["the penalty enforcement law" (2A:58-1 et seq.)] the  
39 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et  
40 seq.). A warrant may issue when the defendant is temporarily within  
41 the jurisdiction of the court, but not residing therein; or when the  
42 defendant is likely to evade judgment by removal therefrom; or when  
43 [his] the defendant's name or residence is unknown.

44 (cf: P.L.1953, c.5, s.69)

1       7. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       This bill would elevate certain animal cruelty offenses from fourth  
7 degree crimes to third degree crimes if the animal is killed or dies as  
8 a result of the cruelty, or if the person committing the offense has a  
9 prior conviction for one of those specified animal cruelty offenses.  
10 The bill would also significantly increase the possible civil fines that  
11 may be assessed and collected by the New Jersey Society for the  
12 Prevention of Cruelty to Animals for various animal cruelty offenses  
13 and establish a schedule for those fines based upon the relative severity  
14 of the parallel criminal provisions for those offenses.

15       Under current law, the civil penalty for most animal cruelty offenses  
16 is a fine of up to \$250, or, for a few offenses, a fine of up to \$1,000.  
17 Under the bill, a new civil penalty schedule generally would provide  
18 for civil fines of up to \$5,000 for animal cruelty offenses regarded  
19 elsewhere in the law as third degree crimes, up to \$3,000 for animal  
20 cruelty offenses regarded as fourth degree crimes, up to \$1,000 for  
21 animal cruelty offenses regarded as disorderly persons offenses, and up  
22 to \$500 for animal cruelty offenses for which there are no parallel  
23 criminal provisions.

24       The bill also amends current law to specifically list poisoning of an  
25 animal as an offense.

26       In addition, the bill creates new parallel civil action provisions for  
27 certain criminalized animal cruelty offenses under current law  
28 concerned with the illegal shooting of birds.

29       Finally, the bill amends current law to provide that indictment for  
30 commission of an animal cruelty offense does not relieve the defendant  
31 from possible liability for parallel civil penalties.

SENATE ECONOMIC GROWTH, AGRICULTURE AND  
TOURISM COMMITTEE

STATEMENT TO

**SENATE, No. 2154**

**STATE OF NEW JERSEY**

DATED: MARCH 17, 2003

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably Senate Bill No. 2154.

This bill would elevate certain animal cruelty offenses from fourth degree crimes to third degree crimes if the animal is killed or dies as a result of the cruelty, or if the person committing the offense has a prior conviction for one of those specified animal cruelty offenses. The bill would also significantly increase the possible civil fines that may be assessed and collected by the New Jersey Society for the Prevention of Cruelty to Animals for various animal cruelty offenses and establish a schedule for those fines based upon the relative severity of the parallel criminal provisions for those offenses.

Under current law, the civil penalty for most animal cruelty offenses is a fine of up to \$250, or, for a few offenses, a fine of up to \$1,000. Under the bill, a new civil penalty schedule generally would provide for civil fines of up to \$5,000 for animal cruelty offenses regarded elsewhere in the law as third degree crimes, up to \$3,000 for animal cruelty offenses regarded as fourth degree crimes, up to \$1,000 for animal cruelty offenses regarded as disorderly persons offenses, and up to \$500 for animal cruelty offenses for which there are no parallel criminal provisions.

The bill also amends current law to specifically list poisoning of an animal as an offense.

In addition, the bill creates new parallel civil action provisions for certain criminalized animal cruelty offenses under current law concerned with the illegal shooting of birds.

Finally, the bill amends current law to provide that indictment for commission of an animal cruelty offense does not relieve the defendant from possible liability for parallel civil penalties.