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No

NEWSPAPER ARTICLES:

Yes

"Dog silencing now illegal in Jersey," 11-22-2002 Trentonian, p.8

"Bill: Let dogs bark or else," 11-22-2002 Star Ledger, p.24

P.L. 2002, CHAPTER 102, *approved November 20, 2002*
Assembly, No. 1586 (*First Reprint*)

1 AN ACT concerning surgical debarking or silencing of dogs,
2 supplementing Title 4 of the Revised Statutes, and amending
3 P.L.1941, c.151 ¹and R.S.4:22-26¹.
4

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

7
8 1. (New section) A person who surgically debarks or silences a
9 dog, or causes the surgical debarking or silencing of a dog, for reasons
10 other than to protect the life or health of the dog as deemed necessary
11 by a duly licensed veterinarian shall be guilty of a crime of the third
12 degree.
13

14 2. (New section) No person other than a duly licensed veterinarian
15 may surgically debark or silence a dog. A person who violates this
16 section shall be guilty of a crime of the third degree.
17

18 ¹3. (New section) a. A dog that has been surgically debarked or
19 silenced may be seized at the time of arrest of a person charged with
20 violating sections 1 or 2 of P.L. , c. (C.) (now before the
21 Legislature as this bill), or at any time thereafter, and, upon seizure
22 and pending final determination of the charges, shall be kept and cared
23 for in a humane manner by an appropriate and qualified individual or
24 entity as directed by the court.

25 b. If a person is found guilty of violating sections 1 or 2 of P.L. ,
26 c. (C.) (now before the Legislature as this bill), the court may
27 order forfeiture of a dog seized pursuant to subsection a. of this
28 section for such disposition as the court deems appropriate.

29 c. The costs of sheltering, feeding, caring for, and treating a dog
30 seized pursuant to subsection a. or forfeited pursuant to subsection b.
31 of this section, including any veterinary expenses incurred for the
32 provision of any of those services and any other reasonably related
33 expenses incurred, shall be borne by the person found guilty of
34 violating sections 1 or 2 of P.L. , c. (C.) (now before the
35 Legislature as this bill).¹

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

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted March 25, 2002.

1 ¹[3.] 4.¹ (New section) Whenever a duly licensed veterinarian
2 surgically debarks or silences a dog, the veterinarian shall prepare and
3 file a written statement with the State Department of Health and
4 Senior Services setting forth the veterinary basis for administering the
5 surgery and providing the name and address of the owner, keeper or
6 harbinger of the debarked or silenced dog. A veterinarian who fails to
7 comply with the provisions of this section shall be subject to
8 disciplinary action by the State Board of Veterinary Medical
9 Examiners.

10

11 ¹[4.] 5.¹ (New section) a. No municipal clerk or other official
12 designated by the governing body of any municipality to license dogs
13 therein shall grant any such license and official metal registration tag
14 for any dog unless the owner thereof when applying for the license and
15 registration tag indicates whether the dog has been surgically debarked
16 or silenced.

17 b. A person who knowingly provides false information on a dog
18 license application as to whether a dog has been surgically debarked
19 or silenced shall be guilty of a disorderly persons offense.

20 c. The municipal clerk or other official designated by the governing
21 body of any municipality to license dogs therein may, upon request of
22 any law enforcement officer or municipal animal control officer,
23 provide notice thereto of the name and address of any person
24 indicating on a dog license application the possession of a surgically
25 debarked or silenced dog.

26

27 ¹[5.] 6.¹ (New section) An owner, keeper or harbinger of a dog
28 that has been surgically debarked or silenced shall, prior to selling or
29 donating the dog, inform the prospective owner that the dog has been
30 surgically debarked or silenced. A person who violates this section
31 shall be guilty of a petty disorderly persons offense.

32

33 ¹[6.] 7.¹ Section 5 of P.L.1941, c.151 (C.4:19-15.5) is amended
34 to read as follows:

35 5. The application shall state the breed, sex, age, color and
36 markings of the dog for which license and registration are sought,
37 **[and]** whether it is of a long- or short-haired variety , and whether it
38 has been surgically debarked or silenced ; also the name, street and
39 post-office address of the owner and the person who shall keep or
40 harbor such dog. The information on **[said]** the application and the
41 registration number issued for the dog shall be preserved for a period
42 of three years by the clerk or other local official designated to license
43 dogs in the municipality. In addition **[he]** , the clerk or other local
44 official shall forward to the State Department of Health each month,
45 on forms furnished by the **[said]** department an accurate account of
46 registration numbers issued or otherwise disposed of. Registration

- 1 numbers shall be issued in the order of the applications.
2 (cf: P.L.1952, c.37, s.1)
3
- 4 ¹8. R.S.4:22-26 is amended to read as follows:
5 4:22-26. A person who shall:
- 6 a. Overdrive, overload, drive when overloaded, overwork, deprive
7 of necessary sustenance, abuse, or needlessly kill, torment, torture,
8 maim, hang, unnecessarily or cruelly beat, needlessly mutilate, or
9 cruelly kill a living animal or creature;
- 10 b. Cause or procure any such acts enumerated in subsection a. of
11 this section to be done;
- 12 c. Inflict unnecessary cruelty upon a living animal or creature, or
13 unnecessarily fail to provide a living animal or creature of which the
14 person has charge either as an owner or otherwise with proper food,
15 drink, shelter or protection from the weather, or leave it unattended in
16 a vehicle under inhumane conditions adverse to the health or welfare
17 of the living animal or creature;
- 18 d. Receive or offer for sale a horse that is suffering from abuse or
19 neglect, or which by reason of disability, disease, abuse or lameness,
20 or any other cause, could not be worked, ridden or otherwise used for
21 show, exhibition or recreational purposes, or kept as a domestic pet
22 without violating the provisions of this article;
- 23 e. Keep, use, be connected with or interested in the management
24 of, or receive money or other consideration for the admission of a
25 person to, a place kept or used for the purpose of fighting or baiting
26 a living animal or creature;
- 27 f. Be present and witness, pay admission to, encourage, aid or
28 assist in an activity enumerated in subsection e. of this section;
- 29 g. Permit or suffer a place owned or controlled by him to be used
30 as provided in subsection e. of this section;
- 31 h. Carry, or cause to be carried, a living animal or creature in or
32 upon a vehicle or otherwise, in a cruel or inhumane manner;
- 33 i. Use a dog or dogs for the purpose of drawing or helping to draw
34 a vehicle for business purposes;
- 35 j. Impound or confine or cause to be impounded or confined in a
36 pound or other place a living animal or creature, and shall fail to
37 supply it during such confinement with a sufficient quantity of good
38 and wholesome food and water;
- 39 k. Abandon a maimed, sick, infirm or disabled animal or creature
40 to die in a public place;
- 41 l. Willfully sell, or offer to sell, use, expose, or cause or permit to
42 be sold or offered for sale, used or exposed, a horse or other animal
43 having the disease known as glanders or farcy, or other contagious or
44 infectious disease dangerous to the health or life of human beings or
45 animals, or who shall, when any such disease is beyond recovery,
46 refuse, upon demand, to deprive the animal of life;

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

1 creature;

2 x. Knowingly sell or barter or offer for sale or barter, at wholesale
3 or retail, the fur or hair of a domestic dog or cat or any product made
4 in whole or in part from the fur or hair of a domestic dog or cat, unless
5 such fur or hair for sale or barter is from a commercial grooming
6 establishment or a veterinary office or clinic or is for use for scientific
7 research; [or]

8 y. Knowingly sell or barter or offer for sale or barter, at wholesale
9 or retail, for human consumption, the flesh of a domestic dog or cat or
10 any product made in whole or in part from the flesh of a domestic dog
11 or cat; or

12 z. Surgically debark or silence a dog in violation of sections 1 or
13 2 of P.L. , c. (C.) (now before the Legislature as this bill) --

14 Shall forfeit and pay a sum not to exceed \$250, except in the case
15 of a violation of subsection t. a mandatory sum of \$500, and \$1,000
16 if the violation occurs on or near a roadway, and in the case of a
17 violation of subsection x. or y. a sum not to exceed \$1,000 for each
18 domestic dog or cat fur or fur or hair product or domestic dog or cat
19 carcass or meat product, to be sued for and recovered, with costs, in
20 a civil action by any person in the name of the New Jersey Society for
21 the Prevention of Cruelty to Animals.¹

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

23

24 ¹[7.] 9.¹ This act shall take effect immediately.

25

26

27

28

29 Restricts surgical debarking or silencing of dogs.

ASSEMBLY, No. 1586

STATE OF NEW JERSEY
210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Assemblyman GUY R. GREGG

District 24 (Sussex, Hunterdon and Morris)

Assemblyman JERRY GREEN

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Restricts surgical debarking or silencing of dogs.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A1586 GREGG, GREEN

2

1 AN ACT concerning surgical debarking or silencing of dogs,
2 supplementing Title 4 of the Revised Statutes, and amending
3 P.L.1941, c.151.

4

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

7

8 1. (New section) A person who surgically debarks or silences a
9 dog, or causes the surgical debarking or silencing of a dog, for reasons
10 other than to protect the life or health of the dog as deemed necessary
11 by a duly licensed veterinarian shall be guilty of a crime of the third
12 degree.

13

14 2. (New section) No person other than a duly licensed veterinarian
15 may surgically debark or silence a dog. A person who violates this
16 section shall be guilty of a crime of the third degree.

17

18 3. (New section) Whenever a duly licensed veterinarian surgically
19 debarks or silences a dog, the veterinarian shall prepare and file a
20 written statement with the State Department of Health setting forth the
21 veterinary basis for administering the surgery and providing the name
22 and address of the owner, keeper or harbinger of the debarked or
23 silenced dog. A veterinarian who fails to comply with the provisions
24 of this section shall be subject to disciplinary action by the State Board
25 of Veterinary Medical Examiners.

26

27 4. (New section) a. No municipal clerk or other official designated
28 by the governing body of any municipality to license dogs therein shall
29 grant any such license and official metal registration tag for any dog
30 unless the owner thereof when applying for the license and registration
31 tag indicates whether the dog has been surgically debarked or silenced.

32 b. A person who knowingly provides false information on a dog
33 license application as to whether a dog has been surgically debarked
34 or silenced shall be guilty of a disorderly persons offense.

35 c. The municipal clerk or other official designated by the governing
36 body of any municipality to license dogs therein may, upon request of
37 any law enforcement officer or municipal animal control officer,
38 provide notice thereto of the name and address of any person
39 indicating on a dog license application the possession of a surgically
40 debarked or silenced dog.

41

42 5. (New section) An owner, keeper or harbinger of a dog that has
43 been surgically debarked or silenced shall, prior to selling or donating

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

Matter underlined thus is new matter.

1 the dog, inform the prospective owner that the dog has been surgically
2 debarked or silenced. A person who violates this section shall be
3 guilty of a petty disorderly persons offense.

4
5 6. Section 5 of P.L.1941, c.151 (C.4:19-15.5) is amended to read
6 as follows:

7 5. The application shall state the breed, sex, age, color and
8 markings of the dog for which license and registration are sought,
9 [and] whether it is of a long- or short-haired variety , and whether it
10 has been surgically debarked or silenced ; also the name, street and
11 post-office address of the owner and the person who shall keep or
12 harbor such dog. The information on [said] the application and the
13 registration number issued for the dog shall be preserved for a period
14 of three years by the clerk or other local official designated to license
15 dogs in the municipality. In addition [he] , the clerk or other local
16 official shall forward to the State Department of Health each month,
17 on forms furnished by the [said] department an accurate account of
18 registration numbers issued or otherwise disposed of. Registration
19 numbers shall be issued in the order of the applications.

20 (cf: P.L.1952, c.37, s.1)

21
22 7. This act shall take effect immediately.

23
24 STATEMENT

25
26 This bill makes surgically debarking or silencing a dog, or causing
27 the surgical debarking or silencing of a dog, for reasons other than to
28 protect the life or health of the dog a crime of the third degree, and
29 provides that only a duly licensed veterinarian may surgically debark
30 or silence a dog. The bill requires a veterinarian who surgically
31 debarks or silences a dog to file a report with the State Department of
32 Health setting forth the veterinary justification for performing the
33 surgery. In addition, the bill changes the application procedure for
34 licensing and registering a dog to provide that a dog license and
35 registration tag shall not be issued unless the owner indicates on the
36 application whether the dog has been surgically debarked or silenced,
37 and provides that knowingly providing false information when
38 registering such a dog is a disorderly persons offense. Upon request
39 of a law enforcement officer or municipal animal control officer, the
40 name and address of any person indicating the possession of a
41 surgically debarked or silenced dog may be provided to the requestor.
42 Lastly, the bill provides that an owner of a dog that has been surgically
43 debarked or silenced shall, prior to selling or donating the dog, inform
44 the prospective owner that the dog has been surgically debarked or
45 silenced, and provides that the failure to do so is a petty disorderly
46 persons offense.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1586

STATE OF NEW JERSEY

DATED: MARCH 11, 2002

The Assembly Agriculture and Natural Resources Committee reports favorably Assembly Bill No. 1586.

This bill makes surgically debarking or silencing a dog, or causing the surgical debarking or silencing of a dog, for reasons other than to protect the life or health of the dog a crime of the third degree, and provides that only a duly licensed veterinarian may surgically debark or silence a dog. The bill requires a veterinarian who surgically debarks or silences a dog to file a report with the State Department of Health setting forth the veterinary justification for performing the surgery. In addition, the bill changes the application procedure for licensing and registering a dog to provide that a dog license and registration tag shall not be issued unless the owner indicates on the application whether the dog has been surgically debarked or silenced, and provides that knowingly providing false information when registering such a dog is a disorderly persons offense. Upon request of a law enforcement officer or municipal animal control officer, the name and address of any person indicating the possession of a surgically debarked or silenced dog may be provided to the requestor. Lastly, the bill provides that an owner of a dog that has been surgically debarked or silenced shall, prior to selling or donating the dog, inform the prospective owner that the dog has been surgically debarked or silenced, and provides that the failure to do so is a petty disorderly persons offense.

This bill was pre-filed for introduction in the 2002-2003 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE ECONOMIC GROWTH, AGRICULTURE AND
TOURISM COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1586

STATE OF NEW JERSEY

DATED: SEPTEMBER 26, 2002

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably Assembly Bill No. 1586 (1R).

This bill makes surgically debarking or silencing a dog, or causing the surgical debarking or silencing of a dog, for reasons other than to protect the life or health of the dog a crime of the third degree, and provides that only a duly licensed veterinarian may surgically debark or silence a dog. The bill requires a veterinarian who surgically debarks or silences a dog to file a report with the State Department of Health and Senior Services setting forth the veterinary justification for performing the surgery. In addition, the bill changes the application procedure for licensing and registering a dog to provide that a dog license and registration tag shall not be issued unless the owner indicates on the application whether the dog has been surgically debarked or silenced, and provides that knowingly providing false information when registering such a dog is a disorderly persons offense. Upon request of a law enforcement officer or municipal animal control officer, the name and address of any person indicating the possession of a surgically debarked or silenced dog may be provided to the requestor. The bill also provides that an owner of a dog that has been surgically debarked or silenced shall, prior to selling or donating the dog, inform the prospective owner that the dog has been surgically debarked or silenced, and provides that the failure to do so is a petty disorderly persons offense.

The bill would allow for seizure and forfeiture of a dog surgically debarked or silenced in violation of the bill's prohibition against such actions. The costs of sheltering, feeding, caring for, and treating a dog seized and perhaps forfeited as provided pursuant to the bill, including any veterinary expenses incurred for the provision of any of those services and any other reasonably related expenses incurred, would be borne by the violator.

The bill also would authorize the New Jersey Society for the Prevention of Cruelty to Animals to institute a civil action, as is the case with numerous other animal cruelty offenses, to recover a sum of

up to \$250 plus costs from any person violating the bill's provisions prohibiting the surgical debarking or silencing of a dog.

As reported by the committee, this bill is identical to Senate Bill No. 1430 of 2002 as amended and also reported by the committee.

STATEMENT TO
ASSEMBLY, No. 1586

with Assembly Floor Amendments
(Proposed By Assemblyman GREGG)

ADOPTED: MARCH 25, 2002

These amendments would allow for seizure and forfeiture of a dog surgically debarked or silenced in violation of the bill's prohibition against such actions. The costs of sheltering, feeding, caring for, and treating a dog seized and perhaps forfeited as provided pursuant to the bill, including any veterinary expenses incurred for the provision of any of those services and any other reasonably related expenses incurred, would be borne by the violator.

The amendments also would authorize the NJSPCA to institute a civil action, as is the case with numerous other animal cruelty offenses, to recover a sum of up to \$250 plus costs from any person violating the bill's provisions prohibiting the surgical debarking or silencing of a dog.

SENATE, No. 1430

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MARCH 26, 2002

Sponsored by:

Senator PETER A. INVERSO
District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senators Palaia and Allen

SYNOPSIS

Restricts surgical debarking or silencing of dogs.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/1/2002)

S1430 INVERSO

2

1 AN ACT concerning surgical debarking or silencing of dogs,
2 supplementing Title 4 of the Revised Statutes, and amending
3 P.L.1941, c.151.

4

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

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8 1. (New section) A person who surgically debarks or silences a
9 dog, or causes the surgical debarking or silencing of a dog, for reasons
10 other than to protect the life or health of the dog as deemed necessary
11 by a duly licensed veterinarian shall be guilty of a crime of the third
12 degree.

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14 2. (New section) No person other than a duly licensed veterinarian
15 may surgically debark or silence a dog. A person who violates this
16 section shall be guilty of a crime of the third degree.

17

18 3. (New section) Whenever a duly licensed veterinarian surgically
19 debarks or silences a dog, the veterinarian shall prepare and file a
20 written statement with the State Department of Health and Senior
21 Services setting forth the veterinary basis for administering the surgery
22 and providing the name and address of the owner, keeper or harborer
23 of the debarked or silenced dog. A veterinarian who fails to comply
24 with the provisions of this section shall be subject to disciplinary
25 action by the State Board of Veterinary Medical Examiners.

26

27 4. (New section) a. No municipal clerk or other official
28 designated by the governing body of any municipality to license dogs
29 therein shall grant any such license and official metal registration tag
30 for any dog unless the owner thereof when applying for the license and
31 registration tag indicates whether the dog has been surgically debarked
32 or silenced.

33 b. A person who knowingly provides false information on a dog
34 license application as to whether a dog has been surgically debarked
35 or silenced shall be guilty of a disorderly persons offense.

36 c. The municipal clerk or other official designated by the governing
37 body of any municipality to license dogs therein may, upon request of
38 any law enforcement officer or municipal animal control officer,
39 provide notice thereto of the name and address of any person
40 indicating on a dog license application the possession of a surgically
41 debarked or silenced dog.

42

43 5. (New section) An owner, keeper or harborer of a dog that has

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Matter underlined thus is new matter.

S1430 INVERSO

1 been surgically debarked or silenced shall, prior to selling or donating
2 the dog, inform the prospective owner that the dog has been surgically
3 debarked or silenced. A person who violates this section shall be
4 guilty of a petty disorderly persons offense.

5
6 6. Section 5 of P.L.1941, c.151 (C.4:19-15.5) is amended to read
7 as follows:

8 5. The application shall state the breed, sex, age, color and
9 markings of the dog for which license and registration are sought,
10 **[and] whether it is of a long- or short-haired variety and whether it**
11 **has been surgically debarked or silenced** ; also the name, street and
12 post-office address of the owner and the person who shall keep or
13 harbor such dog. The information on **[said] the** application and the
14 registration number issued for the dog shall be preserved for a period
15 of three years by the clerk or other local official designated to license
16 dogs in the municipality. In addition **[he] , the clerk or other local**
17 **official** shall forward to the State Department of Health each month,
18 on forms furnished by the **[said]** department an accurate account of
19 registration numbers issued or otherwise disposed of. Registration
20 numbers shall be issued in the order of the applications.

21 (cf: P.L.1952, c.37, s.1)

22
23 7. This act shall take effect immediately.

24
25 **STATEMENT**

26
27 This bill makes surgically debarking or silencing a dog, or causing
28 the surgical debarking or silencing of a dog, for reasons other than to
29 protect the life or health of the dog a crime of the third degree, and
30 provides that only a duly licensed veterinarian may surgically debark
31 or silence a dog. The bill requires a veterinarian who surgically
32 debarks or silences a dog to file a report with the State Department of
33 Health and Senior Services setting forth the veterinary justification for
34 performing the surgery. In addition, the bill changes the application
35 procedure for licensing and registering a dog to provide that a dog
36 license and registration tag shall not be issued unless the owner
37 indicates on the application whether the dog has been surgically
38 debarked or silenced, and provides that knowingly providing false
39 information when registering such a dog is a disorderly persons
40 offense. Upon request of a law enforcement officer or municipal
41 animal control officer, the name and address of any person indicating
42 the possession of a surgically debarked or silenced dog may be
43 provided to the requestor. Lastly, the bill provides that an owner of
44 a dog that has been surgically debarked or silenced shall, prior to
45 selling or donating the dog, inform the prospective owner that the dog
46 has been surgically debarked or silenced, and provides that the failure
47 to do so is a petty disorderly persons offense.

SENATE ECONOMIC GROWTH, AGRICULTURE AND
TOURISM COMMITTEE

STATEMENT TO

SENATE, No. 1430

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 26, 2002

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably and with committee amendments Senate Bill No. 1430.

This bill makes surgically debarking or silencing a dog, or causing the surgical debarking or silencing of a dog, for reasons other than to protect the life or health of the dog a crime of the third degree, and provides that only a duly licensed veterinarian may surgically debark or silence a dog. The bill requires a veterinarian who surgically debarks or silences a dog to file a report with the State Department of Health and Senior Services setting forth the veterinary justification for performing the surgery. In addition, the bill changes the application procedure for licensing and registering a dog to provide that a dog license and registration tag shall not be issued unless the owner indicates on the application whether the dog has been surgically debarked or silenced, and provides that knowingly providing false information when registering such a dog is a disorderly persons offense. Upon request of a law enforcement officer or municipal animal control officer, the name and address of any person indicating the possession of a surgically debarked or silenced dog may be provided to the requestor. Lastly, the bill provides that an owner of a dog that has been surgically debarked or silenced shall, prior to selling or donating the dog, inform the prospective owner that the dog has been surgically debarked or silenced, and provides that the failure to do so is a petty disorderly persons offense.

The committee amended the bill to:

(1) allow for seizure and forfeiture of a dog surgically debarked or silenced in violation of the bill's prohibition against such actions;

(2) provide that the costs of sheltering, feeding, caring for, and treating a dog seized and perhaps forfeited as provided pursuant to the bill, including any veterinary expenses incurred for the provision of any of those services and any other reasonably related expenses incurred, would be borne by the violator; and

(3) authorize the New Jersey Society for the Prevention of Cruelty

to Animals to institute a civil action, as is the case with numerous other animal cruelty offenses, to recover a sum of up to \$250 plus costs from any person violating the bill's provisions prohibiting the surgical debarking or silencing of a dog.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 1586 (1R) of 2002 as also reported by the committee.