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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

IS 6/7/07

P.L. 2005, CHAPTER 105, *approved June 29, 2005*  
Senate, No. 84 (*First Reprint*)

1 AN ACT concerning cruelty to animals in certain circumstances and  
2 amending R.S.4:22-17 <sup>1</sup>and R.S.4:22-26<sup>1</sup> .

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 <sup>1</sup>[1. R.S.4:22-17 is amended to read as follows:

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

9 a. Overdrive, overload, drive when overloaded, overwork, torture,  
10 torment, deprive of necessary sustenance, unnecessarily or cruelly beat  
11 or otherwise abuse, or needlessly mutilate or kill, a living animal or  
12 creature;

13 b. Cause or procure any of such acts to be done including through  
14 the use of another animal; or

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

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

**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:**

<sup>1</sup> Senate SEG committee amendments adopted February 5, 2004.

1 penalties established for a disorderly persons offense pursuant to Title  
2 2C of the New Jersey Statutes.  
3 (cf: P.L.2000, c.162, s.1)]<sup>1</sup>

4

5 <sup>1</sup>1. R.S.4:22-17 is amended to read as follows:

6 4:22-17. a. A person who shall:

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

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

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

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

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

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

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

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

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

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

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

34 [c.] d. If a juvenile is adjudicated delinquent for an act which, if  
35 committed by an adult, would constitute a disorderly persons offense  
36 pursuant to subsection a. of this section or a crime of the third degree  
37 or crime of the fourth degree pursuant to subsection b. of this section,  
38 the court also shall order the juvenile to receive mental health  
39 counseling by a licensed psychologist or therapist named by the court  
40 for a period of time to be prescribed by the licensed psychologist or  
41 therapist.<sup>1</sup>

42 (cf: P.L.2003, c.232, s.1)

43  
44 <sup>1</sup>2. R.S.4:22-26 is amended to read as follows:

45 4:22-26. A person who shall:

46 a. (1) Overdrive, overload, drive when overloaded, overwork,

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

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

10 (3) Cruelly kill, or cause or procure , by any direct or indirect  
11 means, including but not limited to through the use of another living  
12 animal or creature, the cruel killing of, a living animal or creature, or  
13 otherwise cause or procure , by any direct or indirect means, including  
14 but not limited to through the use of another living animal or creature,  
15 the death of a living animal or creature from commission of any act  
16 described in paragraph (2) of this subsection;

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

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

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

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

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

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

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

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

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

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

- 1 were bought in market or of a stranger;
- 2 t. Abandon a domesticated animal;
- 3 u. For amusement or gain, cause, allow, or permit the fighting or  
4 baiting of a living animal or creature;
- 5 v. Own, possess, keep, train, promote, purchase, or knowingly sell  
6 a living animal or creature for the purpose of fighting or baiting that  
7 animal or creature;
- 8 w. Gamble on the outcome of a fight involving a living animal or  
9 creature;
- 10 x. Knowingly sell or barter or offer for sale or barter, at wholesale  
11 or retail, the fur or hair of a domestic dog or cat or any product made  
12 in whole or in part from the fur or hair of a domestic dog or cat, unless  
13 such fur or hair for sale or barter is from a commercial grooming  
14 establishment or a veterinary office or clinic or is for use for scientific  
15 research;
- 16 y. Knowingly sell or barter or offer for sale or barter, at wholesale  
17 or retail, for human consumption, the flesh of a domestic dog or cat or  
18 any product made in whole or in part from the flesh of a domestic dog  
19 or cat;
- 20 z. Surgically debark or silence a dog in violation of section 1 or 2  
21 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 22 aa. Use a live pigeon, fowl or other bird for the purpose of a  
23 target, or to be shot at either for amusement or as a test of skill in  
24 marksmanship, except that this subsection and subsections bb. and cc.  
25 shall not apply to the shooting of game;
- 26 bb. Shoot at a bird used as described in subsection aa. of this  
27 section, or is a party to such shooting; or
- 28 cc. Lease a building, room, field or premises, or knowingly permit  
29 the use thereof for the purposes of subsection aa. or bb. of this section  
30 --
- 31 Shall forfeit and pay a sum according to the following schedule, to  
32 be sued for and recovered, with costs, in a civil action by any person  
33 in the name of the New Jersey Society for the Prevention of Cruelty  
34 to Animals:
- 35 For a violation of subsection e., f., g., u., v., w., or z. of this section  
36 or of paragraph (3) of subsection a. of this section, or for a second or  
37 subsequent violation of paragraph (2) of subsection a. of this section,  
38 a sum of up to \$5,000;
- 39 For a violation of subsection l. of this section or for a first violation  
40 of paragraph (2) of subsection a. of this section, a sum of up to  
41 \$3,000;
- 42 For a violation of subsection x. or y. of this section, a sum of up to  
43 \$1,000 for each domestic dog or cat fur or fur or hair product or  
44 domestic dog or cat carcass or meat product;
- 45 For a violation of subsection t. of this section, a sum of not less  
46 than \$500 nor more than \$1,000, but if the violation occurs on or near



1 a highway, a mandatory sum of \$1,000;

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

5 For a violation of subsection i., m., n., o., p., q., r., or s. of this  
6 section, a sum of up to \$500.<sup>1</sup>

7 (cf: P.L.2003, c.232, s.3)

8

9 <sup>1</sup>[2.] 3.<sup>1</sup> This act shall take effect immediately.

10

11

12

13

14 Clarifies that cruelty to animals includes the use of an animal to injure  
15 another animal or the use of any direct or indirect means to inflict the  
16 cruelty.

# SENATE, No. 84

## STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Senator SHARPE JAMES**

**District 29 (Essex and Union)**

**Co-Sponsored by:**

**Senator Inverso**

**SYNOPSIS**

Clarifies that cruelty to animals includes the use of an animal to injure another animal.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



S84 JAMES

2

1 AN ACT concerning cruelty to animals in certain circumstances and  
2 amending R.S.4:22-17.

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 person who shall:

9 a. Overdrive, overload, drive when overloaded, overwork, torture,  
10 torment, deprive of necessary sustenance, unnecessarily or cruelly beat  
11 or otherwise abuse, or needlessly mutilate or kill, a living animal or  
12 creature;

13 b. Cause or procure any of such acts to be done including through  
14 the use of another animal; or

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

20 Shall be guilty of a disorderly persons offense, and notwithstanding  
21 the provisions of N.J.S.2C:43-3 to the contrary, for every such offense  
22 shall be fined not less than \$250 nor more than \$1,000, or be  
23 imprisoned for a term of not more than six months, or both, in the  
24 discretion of the court. In addition, the court (1) shall impose a term  
25 of community service of up to 30 days, and may direct that the term  
26 of community service be served in providing assistance to the New  
27 Jersey Society for the Prevention of Cruelty to Animals, a district  
28 (county) society for the prevention of cruelty to animals, or any other  
29 recognized organization concerned with the prevention of cruelty to  
30 animals or the humane treatment and care of animals, or to a  
31 municipality's animal control or animal population control program;  
32 (2) may require the violator to pay restitution or otherwise reimburse  
33 any costs for food, drink, shelter, or veterinary care or treatment, or  
34 other costs, incurred by any agency, entity, or organization  
35 investigating the violation, including but not limited to the New Jersey  
36 Society for the Prevention of Cruelty to Animals, a district (county)  
37 society for the prevention of cruelty to animals, any other recognized  
38 organization concerned with the prevention of cruelty to animals or  
39 the humane treatment and care of animals, or a local or State  
40 governmental entity; and (3) may impose any other appropriate  
41 penalties established for a disorderly persons offense pursuant to Title  
42 2C of the New Jersey Statutes.

43 (cf: P.L.2000, c.162, s.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.**

1       2. This act shall take effect immediately.

2

3

4

**STATEMENT**

5

6       N.J.S.A.4:22-17 criminalizes cruelty to animals. The bill would

7 clarify that cruelty to animals as set forth in N.J.S.A.4:22-17 includes

8 the harming or killing of an animal through the use of another animal.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO

[First Reprint]

**SENATE, No. 84**

**STATE OF NEW JERSEY**

DATED: MAY 5, 2005

The Assembly Agriculture and Natural Resources Committee reports favorably Senate Bill No. 84 (1R).

This bill would clarify that cruelty to animals, whether prosecuted either criminally or civilly, includes the use of an animal to injure or kill another animal or the use of any other direct or indirect means to inflict the cruelty.

# SENATE ECONOMIC GROWTH COMMITTEE

## STATEMENT TO

### **SENATE, No. 84**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 5, 2004

The Senate Economic Growth Committee reports favorably and with committee amendments Senate Bill No. 84.

This bill, as amended by the committee, would clarify that cruelty to animals, whether prosecuted either criminally or civilly, includes the use of an animal to injure or kill another animal or the use of any other direct or indirect means to inflict the cruelty.

The committee amended the bill to include the clarification not only for that section of the animal cruelty law providing for criminal liability but also the section providing for the assessment of civil penalties. The committee amendments also expand the extent of the clarification to the use of any direct or indirect means to inflict animal cruelty, not just the use of another animal. Finally, the committee amendments make technical, clarifying, and consolidating amendments to the law and update the bill's amendatory sections to incorporate the current versions of the applicable animal cruelty laws, which were just recently changed in late 2003.

This bill was pre-filed for introduction in the 2004-2005 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

# ASSEMBLY, No. 1583

## STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Assemblyman JOHN J. BURZICHELLI**

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

**Assemblyman DOUGLAS H. FISHER**

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

**SYNOPSIS**

Clarifies that cruelty to animals includes use of an animal to injure another animal, and provides for criminal and civil penalties for violations thereof.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



A1583 BURZICHELLI, FISHER

2

1 AN ACT concerning cruelty to animals in certain circumstances and  
2 amending R.S.4:22-17 and R.S.4:22-26.

3

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

6

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

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

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

12 (2) Cause or procure any such acts to be done, including through  
13 the use of another animal; or

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

20 Shall be guilty of a disorderly persons offense, and notwithstanding  
21 the provisions of N.J.S.2C:43-3 to the contrary, for every such offense  
22 shall be fined not less than \$250 nor more than \$1,000, or be  
23 imprisoned for a term of not more than six months, or both, in the  
24 discretion of the court. In addition, the court (1) shall impose a term  
25 of community service of up to 30 days, and may direct that the term  
26 of community service be served in providing assistance to the New  
27 Jersey Society for the Prevention of Cruelty to Animals, a district  
28 (county) society for the prevention of cruelty to animals, or any other  
29 recognized organization concerned with the prevention of cruelty to  
30 animals or the humane treatment and care of animals, or to a  
31 municipality's animal control or animal population control program;  
32 (2) may require the violator to pay restitution or otherwise reimburse  
33 any costs for food, drink, shelter, or veterinary care or treatment, or  
34 other costs, incurred by any agency, entity, or organization  
35 investigating the violation, including but not limited to the New Jersey  
36 Society for the Prevention of Cruelty to Animals, a district (county)  
37 society for the prevention of cruelty to animals, any other recognized  
38 organization concerned with the prevention of cruelty to animals or  
39 the humane treatment and care of animals, or a local or State  
40 governmental entity; and (3) may impose any other appropriate  
41 penalties established for a disorderly persons offense pursuant to Title  
42 2C of the New Jersey Statutes.

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

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

**Matter underlined thus is new matter.**



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

3 (2) Cause or procure any such acts to be done, including through  
4 the use of another animal --

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

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

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

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

33

34 2. R.S.4:22-26 is amended to read as follows:

35 4:22-26. A person who shall:

36 a. Overdrive, overload, drive when overloaded, overwork, deprive  
37 of necessary sustenance, abuse, or needlessly kill, torment, torture,  
38 maim, hang, unnecessarily or cruelly beat, needlessly mutilate, or  
39 cruelly kill a living animal or creature;

40 b. Cause or procure any such acts enumerated in subsection a. of  
41 this section to be done, including through the use of another animal;

42 c. Inflict unnecessary cruelty upon a living animal or creature, or  
43 unnecessarily fail to provide a living animal or creature of which the  
44 person has charge either as an owner or otherwise with proper food,  
45 drink, shelter or protection from the weather, or leave it unattended in  
46 a vehicle under inhumane conditions adverse to the health or welfare

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

1 chicks, ducklings or other fowl or rabbits, turtles or chameleons which  
2 have been dyed or artificially colored or otherwise treated so as to  
3 impart to them an artificial color;

4 p. Use any animal, reptile, or fowl for the purpose of soliciting any  
5 alms, collections, contributions, subscriptions, donations, or payment  
6 of money except in connection with exhibitions, shows or  
7 performances conducted in a bona fide manner by recognized breeders'  
8 associations, 4-H clubs or other similar bona fide organizations;

9 q. Sell or offer for sale, barter, or give away living rabbits, turtles,  
10 baby chicks, ducklings or other fowl under two months of age, for use  
11 as household or domestic pets;

12 r. Sell, offer for sale, barter or give away living baby chicks,  
13 ducklings or other fowl, or rabbits, turtles or chameleons under two  
14 months of age for any purpose not prohibited by subsection q. of this  
15 section and who shall fail to provide proper facilities for the care of  
16 such animals;

17 s. Artificially mark sheep or cattle, or cause them to be marked, by  
18 cropping or cutting off both ears, cropping or cutting either ear more  
19 than one inch from the tip end thereof, or half cropping or cutting both  
20 ears or either ear more than one inch from the tip end thereof, or who  
21 shall have or keep in his possession sheep or cattle, which he claims to  
22 own, marked contrary to this subsection unless they were bought in  
23 market or of a stranger;

24 t. Abandon a domesticated animal;

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

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

30 w. Gamble on the outcome of a fight involving a living animal or  
31 creature;

32 x. Knowingly sell or barter or offer for sale or barter, at wholesale  
33 or retail, the fur or hair of a domestic dog or cat or any product made  
34 in whole or in part from the fur or hair of a domestic dog or cat, unless  
35 such fur or hair for sale or barter is from a commercial grooming  
36 establishment or a veterinary office or clinic or is for use for scientific  
37 research;

38 y. Knowingly sell or barter or offer for sale or barter, at wholesale  
39 or retail, for human consumption, the flesh of a domestic dog or cat or  
40 any product made in whole or in part from the flesh of a domestic dog  
41 or cat; or

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

44 Shall forfeit and pay a sum not to exceed \$250, except in the case  
45 of a violation of subsection t. a mandatory sum of \$500, and \$1,000  
46 if the violation occurs on or near a roadway, and in the case of a

1 violation of subsection x. or y. a sum not to exceed \$1,000 for each  
2 domestic dog or cat fur or fur or hair product or domestic dog or cat  
3 carcass or meat product, to be sued for and recovered, with costs, in  
4 a civil action by any person in the name of the New Jersey Society for  
5 the Prevention of Cruelty to Animals.

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

7

8 3. This act shall take effect immediately.

9

10

11

#### STATEMENT

12

13 This bill would clarify that cruelty to animals, as set forth and  
14 criminalized in R.S.4:22-17, includes the harming or killing of an  
15 animal through the use of another animal. The bill would also amend  
16 a corresponding section of law at R.S.4:22-26 to allow the New Jersey  
17 Society for the Prevention of Cruelty to Animals to institute a civil  
18 action to recover a civil penalty for violating the bill's prohibition  
19 against the use of an animal to harm or kill another animal.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 1583**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 19, 2004

The Assembly Agriculture and Natural Resources Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 1583.

This committee substitute would clarify that cruelty to animals, whether prosecuted either criminally or civilly, includes the use of an animal to injure or kill another animal or the use of any other direct or indirect means to inflict the cruelty.

As reported by the committee, this committee substitute is identical to Senate Bill No. 84 (1R) of 2004.

It is the committee's understanding and intent that the committee substitute does not and should not be construed to prohibit, interfere with, or inhibit in any way: (1) the taking of fish or wildlife as allowed or provided by Title 23 of the Revised Statutes or any other State law, the State Fish and Game Code or any other rule or regulation, or any federal law, rule, or regulation; or (2) the use of a dog, bird, or other animal or creature in the lawful taking of fish or wildlife in accordance with such State and federal laws, codes, rules, and regulations. The committee takes note of the law at R.S.4:22-16, especially subsections c. and d. thereof, and recognizes and endorses its applicability to exempting such lawful activities as falconry and the use of dogs for hunting from any possible consideration as animal cruelty as prohibited in this committee substitute or elsewhere in the law.