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RH/CL

P.L. 2021, CHAPTER 83, *approved May 11, 2021*
Senate, No. 975

1 AN ACT concerning animal cruelty and animal fighting, and
2 amending and supplementing chapter 22 of Title 4 of the Revised
3 Statutes.

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

7
8 1. (New section) a. In addition to the provisions of R.S.4:22-
9 24, it shall be unlawful to engage in, facilitate, or provide the means
10 to engage in, trunk fighting. For the purposes of this section, “trunk
11 fighting” means the practice of enclosing two or more animals in
12 the trunk or any part of a motor vehicle for the purpose of the
13 animals attacking each other, and possibly fighting until one or
14 more of the animals are dead.

15 b. A violation of subsection a. of this section shall be a crime
16 of the third degree.

17
18 2. R.S.4:22-26 is amended to read as follows:

19 4:22-26. A person who shall:

20 a. (1) Overdrive, overload, drive when overloaded, overwork,
21 abuse, or needlessly kill a living animal or creature, or cause or
22 procure, by any direct or indirect means, including but not limited
23 to through the use of another living animal or creature, any such
24 acts to be done;

25 (2) Torment, torture, maim, hang, poison, unnecessarily or
26 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or
27 creature, or cause or procure, by any direct or indirect means,
28 including but not limited to through the use of another living animal
29 or creature, any such acts to be done;

30 (3) Cause the death of, or serious bodily injury to, a living
31 animal or creature from commission of any act described in
32 paragraph (2), (4), or (5) of this subsection, by any direct or indirect
33 means, including but not limited to through the use of another living
34 animal or creature, or otherwise cause or procure any such acts to
35 be done;

36 (4) Fail, as the owner or a person otherwise charged with the
37 care of a living animal or creature, to provide the living animal or
38 creature with necessary care, or otherwise cause or procure such an
39 act to be done; or

40 (5) Cause bodily injury to a living animal or creature from
41 commission of the act described in paragraph (4) of this subsection;

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 b. (Deleted by amendment, P.L.2003, c.232)
- 2 c. Inflict unnecessary cruelty upon a living animal or creature,
3 by any direct or indirect means, including but not limited to through
4 the use of another living animal or creature; or leave the living
5 animal or creature unattended in a vehicle under inhumane
6 conditions adverse to the health or welfare of the living animal or
7 creature;
- 8 d. Receive or offer for sale a horse that is suffering from abuse
9 or neglect, or which by reason of disability, disease, abuse or
10 lameness, or any other cause, could not be worked, ridden or
11 otherwise used for show, exhibition or recreational purposes, or
12 kept as a domestic pet without violating the provisions of article 2
13 of chapter 22 of Title 4 of the Revised Statutes;
- 14 e. Keep, use, be connected with or interested in the
15 management of, or receive money or other consideration for the
16 admission of a person to, a place kept or used for the purpose of
17 fighting or baiting a living animal or creature;
- 18 f. Be present and witness, pay admission to, encourage, aid or
19 assist in an activity enumerated in subsection e. of this section;
- 20 g. Permit **【or suffer】** a person's place owned or controlled by
21 the person to be used as provided in subsection e. of this section;
- 22 h. Carry, or cause to be carried, a living animal or creature in
23 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 24 i. Use a dog or dogs for the purpose of drawing or helping to
25 draw a vehicle for business purposes;
- 26 j. Impound or confine or cause to be impounded or confined in
27 a pound or other place a living animal or creature, and shall fail to
28 supply the living animal or creature during such confinement with a
29 sufficient quantity of good and wholesome food and water;
- 30 k. Abandon a maimed, sick, infirm or disabled animal or
31 creature to die in a public place;
- 32 l. Willfully sell, or offer to sell, use, expose, or cause or permit
33 to be sold or offered for sale, used or exposed, a horse or other
34 animal having the disease known as glanders or farcy, or other
35 contagious or infectious disease dangerous to the health or life of
36 human beings or animals, or who shall, when any such disease is
37 beyond recovery, refuse, upon demand, to deprive the animal of
38 life;
- 39 m. Own, operate, manage or conduct a roadside stand or market
40 for the sale of merchandise along a public street or highway; or a
41 shopping mall, or a part of the premises thereof; and keep a living
42 animal or creature confined, or allowed to roam in an area whether
43 or not the area is enclosed, on these premises as an exhibit; except
44 that this subsection shall not be applicable to: a pet shop licensed
45 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who
46 keeps an animal, in a humane manner, for the purpose of the
47 protection of the premises; or a recognized breeders' association, a
48 4-H club, an educational agricultural program, an equestrian team, a

- 1 humane society or other similar charitable or nonprofit organization
2 conducting an exhibition, show or performance;
- 3 n. Keep or exhibit a wild animal at a roadside stand or market
4 located along a public street or highway of this State; a gasoline
5 station; or a shopping mall, or a part of the premises thereof;
- 6 o. Sell, offer for sale, barter or give away or display live baby
7 chicks, ducklings or other fowl or rabbits, turtles or chameleons
8 which have been dyed or artificially colored or otherwise treated so
9 as to impart to them an artificial color;
- 10 p. Use any animal, reptile, or fowl for the purpose of soliciting
11 any alms, collections, contributions, subscriptions, donations, or
12 payment of money except in connection with exhibitions, shows or
13 performances conducted in a bona fide manner by recognized
14 breeders' associations, 4-H clubs or other similar bona fide
15 organizations;
- 16 q. Sell or offer for sale, barter, or give away living rabbits,
17 turtles, baby chicks, ducklings or other fowl under two months of
18 age, for use as household or domestic pets;
- 19 r. Sell, offer for sale, barter or give away living baby chicks,
20 ducklings or other fowl, or rabbits, turtles or chameleons under two
21 months of age for any purpose not prohibited by subsection q. of
22 this section and who shall fail to provide proper facilities for the
23 care of such animals;
- 24 s. Artificially mark sheep or cattle, or cause them to be
25 marked, by cropping or cutting off both ears, cropping or cutting
26 either ear more than one inch from the tip end thereof, or half
27 cropping or cutting both ears or either ear more than one inch from
28 the tip end thereof, or who shall have or keep in the person's
29 possession sheep or cattle, which the person claims to own, marked
30 contrary to this subsection unless they were bought in market or of
31 a stranger;
- 32 t. Abandon a domesticated animal;
- 33 u. For amusement or gain, cause, allow, or permit the fighting
34 or baiting of a living animal or creature; or engage in, facilitate, or
35 provide the means to engage in, trunk fighting as defined in section
36 1 of P.L. , c. (C.) (pending before the Legislature as this bill);
- 37 v. Own, possess, keep, train, promote, purchase, or knowingly
38 sell a living animal or creature for the purpose of fighting or baiting
39 that animal or creature; or own, possess, buy, sell, transfer, or
40 manufacture animal fighting paraphernalia as defined pursuant to
41 R.S.4:22-24 for the purpose of engaging in or otherwise promoting
42 or facilitating the fighting or baiting of a living animal or creature;
- 43 w. Gamble on the outcome of a fight involving a living animal
44 or creature;
- 45 x. Knowingly sell or barter or offer for sale or barter, at
46 wholesale or retail, the fur or hair of a domestic dog or cat or any
47 product made in whole or in part from the fur or hair of a domestic
48 dog or cat, unless such fur or hair for sale or barter is from a

- 1 commercial grooming establishment or a veterinary office or clinic
2 or is for use for scientific research;
- 3 y. (1) Knowingly sell or barter, or offer for sale or barter, at
4 wholesale or retail, for human consumption, the flesh of a domestic
5 dog or cat, or any product made in whole or in part from the flesh of
6 a domestic dog or cat;
- 7 (2) Knowingly slaughter a horse for human consumption;
- 8 (3) Knowingly sell or barter, or offer for sale or barter, at
9 wholesale or retail, for human consumption, the flesh of a horse, or
10 any product made in whole or in part from the flesh of a horse, or
11 knowingly accept or publish newspaper advertising that includes the
12 offering for sale, trade, or distribution of any such item for human
13 consumption;
- 14 (4) Knowingly transport a horse for the purpose of slaughter for
15 human consumption;
- 16 (5) Knowingly transport horsemeat, or any product made in
17 whole or in part from the flesh of a horse, for the purpose of human
18 consumption;
- 19 z. Surgically debark or silence a dog in violation of section 1
20 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 21 aa. Use a live pigeon, fowl or other bird for the purpose of a
22 target, or to be shot at either for amusement or as a test of skill in
23 marksmanship, except that this subsection and subsections bb. and
24 cc. shall not apply to the shooting of game;
- 25 bb. Shoot at a bird used as described in subsection aa. of this
26 section, or is a party to such shooting; or
- 27 cc. Lease a building, room, field or premises, or knowingly
28 permit the use thereof for the purposes of subsection aa. or bb. of
29 this section ---
- 30 Shall forfeit and pay a sum according to the following schedule,
31 to be sued for and recovered, with costs, in a civil action by any
32 person in the name of the municipality or county wherein the
33 defendant resides or where the offense was committed:
- 34 For a violation of subsection e., f., g., u., v., w., or z. of this
35 section or of paragraph (3) of subsection a. of this section, or for a
36 second or subsequent violation of paragraph (2) or (5) of subsection
37 a. of this section, a sum of not less than \$3,000 nor more than
38 \$5,000;
- 39 For a violation of subsection l. of this section, for a first violation
40 of paragraph (2) or (5) of subsection a. of this section a sum of not
41 less than \$1,000 nor more than \$3,000;
- 42 For a violation of paragraph (4) of subsection a. of this section,
43 or subsection c. of this section, a sum of not less than \$500 nor
44 more than \$2,000;
- 45 For a violation of subsection x. or paragraph (1) of subsection y.
46 of this section, a sum of not less than \$500 nor more than \$1,000 for
47 each domestic dog or cat fur or fur or hair product or domestic dog

1 or cat carcass or meat product sold, bartered, or offered for sale or
2 barter;

3 For a violation of paragraph (2), (3), (4), or (5) of subsection y.
4 of this section, a sum of not less than \$500 nor more than \$1,000 for
5 each horse slaughtered or transported for the purpose of slaughter
6 for human consumption, or for each horse carcass or meat product
7 transported, sold or bartered, or offered or advertised for sale or
8 barter;

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

12 For a violation of subsection 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 not less than \$250 nor more than \$1,000; and

15 For a violation of subsection i., m., n., o., p., q., r., or s. of this
16 section, a sum of not less than \$250 nor more than \$500.

17 (cf: P.L.2019, c.223, s.3)

18

19 3. This act shall take effect immediately.

20

21

22 STATEMENT

23

24 This bill establishes the animal cruelty offense of engaging in,
25 facilitating, or providing the means to engage in, trunk fighting as a
26 crime of the third degree. It defines trunk fighting as the practice of
27 enclosing two or more animals in the trunk of a motor vehicle for
28 the purpose of the animals attacking each other, and possibly
29 fighting until one or more of the animals are dead. The bill also
30 provides civil penalties for the offense.

31

32

33

34

35 _____
36 Establishes trunk fighting as animal cruelty offense and crime of
the third degree.

SENATE, No. 975

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Senator TROY SINGLETON

District 7 (Burlington)

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

Co-Sponsored by:

Senators Greenstein, Addiego, O'Scanlon, Diegnan, Gopal, Holzapfel,

Assemblymen Catalano, McGuckin, Space, Scharfenberger,

Assemblywoman Dunn, Assemblyman Johnson, Assemblywoman Vainieri

Huttle, Assemblyman Clifton, Assemblywomen Reynolds-Jackson,

McKnight, Assemblymen Wirths, Benson, Freiman, Assemblywoman

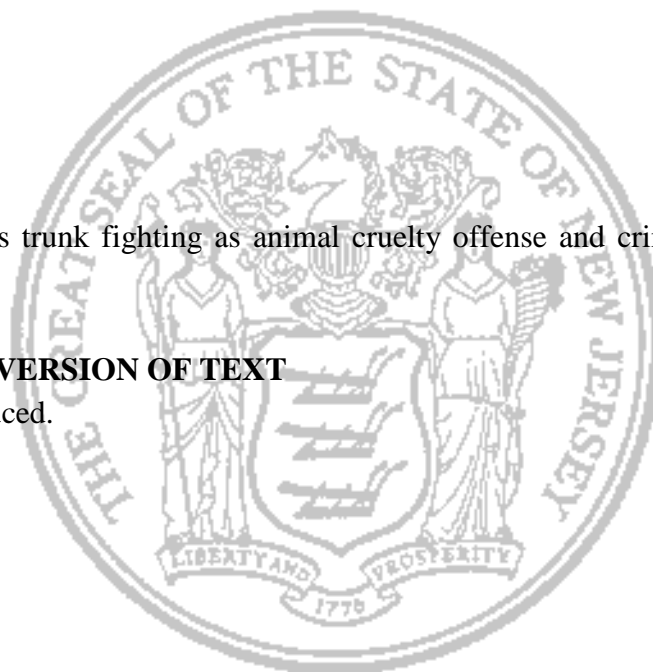
Downey and Assemblyman McKeon

SYNOPSIS

Establishes trunk fighting as animal cruelty offense and crime of the third degree.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/25/2021)

1 AN ACT concerning animal cruelty and animal fighting, and
2 amending and supplementing chapter 22 of Title 4 of the Revised
3 Statutes.

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

7
8 1. (New section) a. In addition to the provisions of R.S.4:22-
9 24, it shall be unlawful to engage in, facilitate, or provide the means
10 to engage in, trunk fighting. For the purposes of this section, “trunk
11 fighting” means the practice of enclosing two or more animals in
12 the trunk or any part of a motor vehicle for the purpose of the
13 animals attacking each other, and possibly fighting until one or
14 more of the animals are dead.

15 b. A violation of subsection a. of this section shall be a crime
16 of the third degree.

17
18 2. R.S.4:22-26 is amended to read as follows:

19 4:22-26. A person who shall:

20 a. (1) Overdrive, overload, drive when overloaded, overwork,
21 abuse, or needlessly kill a living animal or creature, or cause or
22 procure, by any direct or indirect means, including but not limited
23 to through the use of another living animal or creature, any such
24 acts to be done;

25 (2) Torment, torture, maim, hang, poison, unnecessarily or
26 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or
27 creature, or cause or procure, by any direct or indirect means,
28 including but not limited to through the use of another living animal
29 or creature, any such acts to be done;

30 (3) Cause the death of, or serious bodily injury to, a living
31 animal or creature from commission of any act described in
32 paragraph (2), (4), or (5) of this subsection, by any direct or indirect
33 means, including but not limited to through the use of another living
34 animal or creature, or otherwise cause or procure any such acts to
35 be done;

36 (4) Fail, as the owner or a person otherwise charged with the
37 care of a living animal or creature, to provide the living animal or
38 creature with necessary care, or otherwise cause or procure such an
39 act to be done; or

40 (5) Cause bodily injury to a living animal or creature from
41 commission of the act described in paragraph (4) of this subsection;

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

43 c. Inflict unnecessary cruelty upon a living animal or creature,
44 by any direct or indirect means, including but not limited to through
45 the use of another living animal or creature; or leave the living

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

- 1 n. Keep or exhibit a wild animal at a roadside stand or market
2 located along a public street or highway of this State; a gasoline
3 station; or a shopping mall, or a part of the premises thereof;
- 4 o. Sell, offer for sale, barter or give away or display live baby
5 chicks, ducklings or other fowl or rabbits, turtles or chameleons
6 which have been dyed or artificially colored or otherwise treated so
7 as to impart to them an artificial color;
- 8 p. Use any animal, reptile, or fowl for the purpose of soliciting
9 any alms, collections, contributions, subscriptions, donations, or
10 payment of money except in connection with exhibitions, shows or
11 performances conducted in a bona fide manner by recognized
12 breeders' associations, 4-H clubs or other similar bona fide
13 organizations;
- 14 q. Sell or offer for sale, barter, or give away living rabbits,
15 turtles, baby chicks, ducklings or other fowl under two months of
16 age, for use as household or domestic pets;
- 17 r. Sell, offer for sale, barter or give away living baby chicks,
18 ducklings or other fowl, or rabbits, turtles or chameleons under two
19 months of age for any purpose not prohibited by subsection q. of
20 this section and who shall fail to provide proper facilities for the
21 care of such animals;
- 22 s. Artificially mark sheep or cattle, or cause them to be
23 marked, by cropping or cutting off both ears, cropping or cutting
24 either ear more than one inch from the tip end thereof, or half
25 cropping or cutting both ears or either ear more than one inch from
26 the tip end thereof, or who shall have or keep in the person's
27 possession sheep or cattle, which the person claims to own, marked
28 contrary to this subsection unless they were bought in market or of
29 a stranger;
- 30 t. Abandon a domesticated animal;
- 31 u. For amusement or gain, cause, allow, or permit the fighting
32 or baiting of a living animal or creature; or engage in, facilitate, or
33 provide the means to engage in, trunk fighting as defined in section
34 1 of P.L. , c. (C.) (pending before the Legislature as this bill);
- 35 v. Own, possess, keep, train, promote, purchase, or knowingly
36 sell a living animal or creature for the purpose of fighting or baiting
37 that animal or creature; or own, possess, buy, sell, transfer, or
38 manufacture animal fighting paraphernalia as defined pursuant to
39 R.S.4:22-24 for the purpose of engaging in or otherwise promoting
40 or facilitating the fighting or baiting of a living animal or creature;
- 41 w. Gamble on the outcome of a fight involving a living animal
42 or creature;
- 43 x. Knowingly sell or barter or offer for sale or barter, at
44 wholesale or retail, the fur or hair of a domestic dog or cat or any
45 product made in whole or in part from the fur or hair of a domestic
46 dog or cat, unless such fur or hair for sale or barter is from a
47 commercial grooming establishment or a veterinary office or clinic
48 or is for use for scientific research;

- 1 y. (1) Knowingly sell or barter, or offer for sale or barter, at
2 wholesale or retail, for human consumption, the flesh of a domestic
3 dog or cat, or any product made in whole or in part from the flesh of
4 a domestic dog or cat;
- 5 (2) Knowingly slaughter a horse for human consumption;
- 6 (3) Knowingly sell or barter, or offer for sale or barter, at
7 wholesale or retail, for human consumption, the flesh of a horse, or
8 any product made in whole or in part from the flesh of a horse, or
9 knowingly accept or publish newspaper advertising that includes the
10 offering for sale, trade, or distribution of any such item for human
11 consumption;
- 12 (4) Knowingly transport a horse for the purpose of slaughter for
13 human consumption;
- 14 (5) Knowingly transport horsemeat, or any product made in
15 whole or in part from the flesh of a horse, for the purpose of human
16 consumption;
- 17 z. Surgically debark or silence a dog in violation of section 1
18 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 19 aa. Use a live pigeon, fowl or other bird for the purpose of a
20 target, or to be shot at either for amusement or as a test of skill in
21 marksmanship, except that this subsection and subsections bb. and
22 cc. shall not apply to the shooting of game;
- 23 bb. Shoot at a bird used as described in subsection aa. of this
24 section, or is a party to such shooting; or
- 25 cc. Lease a building, room, field or premises, or knowingly
26 permit the use thereof for the purposes of subsection aa. or bb. of
27 this section ---
- 28 Shall forfeit and pay a sum according to the following schedule,
29 to be sued for and recovered, with costs, in a civil action by any
30 person in the name of the municipality or county wherein the
31 defendant resides or where the offense was committed:
- 32 For a violation of subsection e., f., g., u., v., w., or z. of this
33 section or of paragraph (3) of subsection a. of this section, or for a
34 second or subsequent violation of paragraph (2) or (5) of subsection
35 a. of this section, a sum of not less than \$3,000 nor more than
36 \$5,000;
- 37 For a violation of subsection l. of this section, for a first violation
38 of paragraph (2) or (5) of subsection a. of this section a sum of not
39 less than \$1,000 nor more than \$3,000;
- 40 For a violation of paragraph (4) of subsection a. of this section,
41 or subsection c. of this section, a sum of not less than \$500 nor
42 more than \$2,000;
- 43 For a violation of subsection x. or paragraph (1) of subsection y.
44 of this section, a sum of not less than \$500 nor more than \$1,000 for
45 each domestic dog or cat fur or fur or hair product or domestic dog
46 or cat carcass or meat product sold, bartered, or offered for sale or
47 barter;

1 For a violation of paragraph (2), (3), (4), or (5) of subsection y.
2 of this section, a sum of not less than \$500 nor more than \$1,000 for
3 each horse slaughtered or transported for the purpose of slaughter
4 for human consumption, or for each horse carcass or meat product
5 transported, sold or bartered, or offered or advertised for sale or
6 barter;

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

10 For a violation of subsection d., h., j., k., aa., bb., or cc. of this
11 section or of paragraph (1) of subsection a. of this section, a sum of
12 not less than \$250 nor more than \$1,000; and

13 For a violation of subsection i., m., n., o., p., q., r., or s. of this
14 section, a sum of not less than \$250 nor more than \$500.
15 (cf: P.L.2019, c.223, s.3)

16

17 3. This act shall take effect immediately.

18

19

20

STATEMENT

21

22 This bill establishes the animal cruelty offense of engaging in,
23 facilitating, or providing the means to engage in, trunk fighting as a
24 crime of the third degree. It defines trunk fighting as the practice of
25 enclosing two or more animals in the trunk of a motor vehicle for
26 the purpose of the animals attacking each other, and possibly
27 fighting until one or more of the animals are dead. The bill also
28 provides civil penalties for the offense.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 975

STATE OF NEW JERSEY

DATED: OCTOBER 19, 2020

The Senate Environment and Energy Committee favorably reports Senate Bill No. 975.

This bill would make it unlawful to engage in, facilitate, or provide the means to engage in trunk fighting. Under the bill, “trunk fighting” means the practice of enclosing two or more animals in the trunk or any part of a motor vehicle for the purpose of the animals attacking each other, and possibly fighting until one or more of the animals are dead. A person who violates the bill would be guilty of a crime of the third degree and be subject to a civil penalty of between \$3,000 and \$5,000.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 975

STATE OF NEW JERSEY

DATED: JANUARY 21, 2021

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 975.

This bill makes it unlawful to engage in, facilitate, or provide the means to engage in trunk fighting. Under the bill, “trunk fighting” means the practice of enclosing two or more animals in the trunk or any part of a motor vehicle for the purpose of the animals attacking each other, and possibly fighting until one or more of the animals are dead. A person who violates the bill would be guilty of a crime of the third degree and be subject to a civil penalty of between \$3,000 and \$5,000.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

ASSEMBLY, No. 3231

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman RONALD S. DANCER
District 12 (Burlington, Middlesex, Monmouth and Ocean)
Assemblyman ERIC HOUGHTALING
District 11 (Monmouth)
Assemblywoman LISA SWAIN
District 38 (Bergen and Passaic)

Co-Sponsored by:

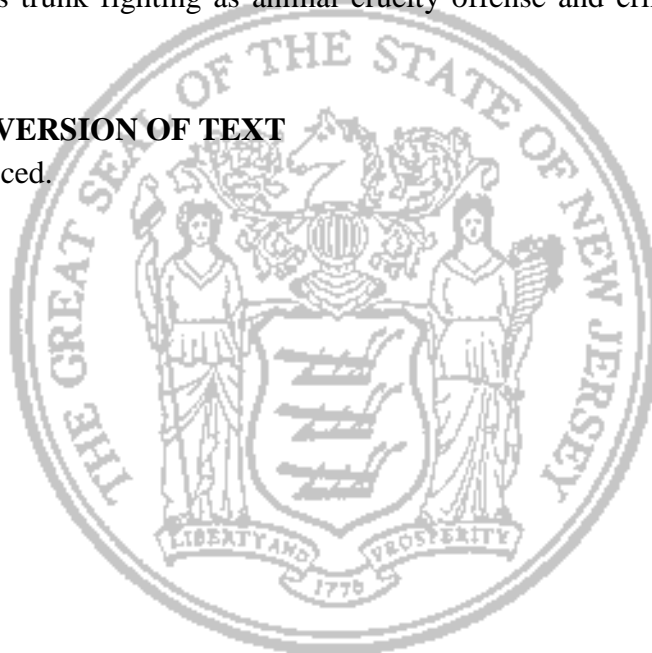
Assemblymen Catalano, McGuckin, Space, Scharfenberger,
Assemblywoman Dunn, Assemblyman Johnson, Assemblywoman Vainieri
Huttle, Assemblyman Clifton, Assemblywomen Reynolds-Jackson,
McKnight, Assemblymen Wirths, Benson, Freiman, Assemblywoman
Downey and Assemblyman McKeon

SYNOPSIS

Establishes trunk fighting as animal cruelty offense and crime of the third degree.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/25/2021)

A3231 DANCER, HOUGHTALING

2

1 AN ACT concerning animal cruelty and animal fighting, and
2 amending and supplementing chapter 22 of Title 4 of the Revised
3 Statutes.

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

7
8 1. (New section) a. In addition to the provisions of R.S.4:22-
9 24, it shall be unlawful to engage in, facilitate, or provide the means
10 to engage in, trunk fighting. For the purposes of this section, “trunk
11 fighting” means the practice of enclosing two or more animals in
12 the trunk or any part of a motor vehicle for the purpose of the
13 animals attacking each other, and possibly fighting until one or
14 more of the animals are dead.

15 b. A violation of subsection a. of this section shall be a crime
16 of the third degree.

17
18 2. R.S.4:22-26 is amended to read as follows:

19 4:22-26. A person who shall:

20 a. (1) Overdrive, overload, drive when overloaded, overwork,
21 abuse, or needlessly kill a living animal or creature, or cause or
22 procure, by any direct or indirect means, including but not limited
23 to through the use of another living animal or creature, any such
24 acts to be done;

25 (2) Torment, torture, maim, hang, poison, unnecessarily or
26 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or
27 creature, or cause or procure, by any direct or indirect means,
28 including but not limited to through the use of another living animal
29 or creature, any such acts to be done;

30 (3) Cause the death of, or serious bodily injury to, a living
31 animal or creature from commission of any act described in
32 paragraph (2), (4), or (5) of this subsection, by any direct or indirect
33 means, including but not limited to through the use of another living
34 animal or creature, or otherwise cause or procure any such acts to
35 be done;

36 (4) Fail, as the owner or a person otherwise charged with the
37 care of a living animal or creature, to provide the living animal or
38 creature with necessary care, or otherwise cause or procure such an
39 act to be done; or

40 (5) Cause bodily injury to a living animal or creature from
41 commission of the act described in paragraph (4) of this subsection;

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

43 c. Inflict unnecessary cruelty upon a living animal or creature,
44 by any direct or indirect means, including but not limited to through
45 the use of another living animal or creature; or leave the living

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.

A3231 DANCER, HOUGHTALING

3

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

A3231 DANCER, HOUGHTALING

- 1 n. Keep or exhibit a wild animal at a roadside stand or market
2 located along a public street or highway of this State; a gasoline
3 station; or a shopping mall, or a part of the premises thereof;
- 4 o. Sell, offer for sale, barter or give away or display live baby
5 chicks, ducklings or other fowl or rabbits, turtles or chameleons
6 which have been dyed or artificially colored or otherwise treated so
7 as to impart to them an artificial color;
- 8 p. Use any animal, reptile, or fowl for the purpose of soliciting
9 any alms, collections, contributions, subscriptions, donations, or
10 payment of money except in connection with exhibitions, shows or
11 performances conducted in a bona fide manner by recognized
12 breeders' associations, 4-H clubs or other similar bona fide
13 organizations;
- 14 q. Sell or offer for sale, barter, or give away living rabbits,
15 turtles, baby chicks, ducklings or other fowl under two months of
16 age, for use as household or domestic pets;
- 17 r. Sell, offer for sale, barter or give away living baby chicks,
18 ducklings or other fowl, or rabbits, turtles or chameleons under two
19 months of age for any purpose not prohibited by subsection q. of
20 this section and who shall fail to provide proper facilities for the
21 care of such animals;
- 22 s. Artificially mark sheep or cattle, or cause them to be
23 marked, by cropping or cutting off both ears, cropping or cutting
24 either ear more than one inch from the tip end thereof, or half
25 cropping or cutting both ears or either ear more than one inch from
26 the tip end thereof, or who shall have or keep in the person's
27 possession sheep or cattle, which the person claims to own, marked
28 contrary to this subsection unless they were bought in market or of
29 a stranger;
- 30 t. Abandon a domesticated animal;
- 31 u. For amusement or gain, cause, allow, or permit the fighting
32 or baiting of a living animal or creature; or engage in, facilitate, or
33 provide the means to engage in, trunk fighting as defined in section
34 1 of P.L. , c. (C.) (pending before the Legislature as this bill);
- 35 v. Own, possess, keep, train, promote, purchase, or knowingly
36 sell a living animal or creature for the purpose of fighting or baiting
37 that animal or creature; or own, possess, buy, sell, transfer, or
38 manufacture animal fighting paraphernalia as defined pursuant to
39 R.S.4:22-24 for the purpose of engaging in or otherwise promoting
40 or facilitating the fighting or baiting of a living animal or creature;
- 41 w. Gamble on the outcome of a fight involving a living animal
42 or creature;
- 43 x. Knowingly sell or barter or offer for sale or barter, at
44 wholesale or retail, the fur or hair of a domestic dog or cat or any
45 product made in whole or in part from the fur or hair of a domestic
46 dog or cat, unless such fur or hair for sale or barter is from a
47 commercial grooming establishment or a veterinary office or clinic
48 or is for use for scientific research;

- 1 y. (1) Knowingly sell or barter, or offer for sale or barter, at
2 wholesale or retail, for human consumption, the flesh of a domestic
3 dog or cat, or any product made in whole or in part from the flesh of
4 a domestic dog or cat;
- 5 (2) Knowingly slaughter a horse for human consumption;
- 6 (3) Knowingly sell or barter, or offer for sale or barter, at
7 wholesale or retail, for human consumption, the flesh of a horse, or
8 any product made in whole or in part from the flesh of a horse, or
9 knowingly accept or publish newspaper advertising that includes the
10 offering for sale, trade, or distribution of any such item for human
11 consumption;
- 12 (4) Knowingly transport a horse for the purpose of slaughter for
13 human consumption;
- 14 (5) Knowingly transport horsemeat, or any product made in
15 whole or in part from the flesh of a horse, for the purpose of human
16 consumption;
- 17 z. Surgically debark or silence a dog in violation of section 1
18 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 19 aa. Use a live pigeon, fowl or other bird for the purpose of a
20 target, or to be shot at either for amusement or as a test of skill in
21 marksmanship, except that this subsection and subsections bb. and
22 cc. shall not apply to the shooting of game;
- 23 bb. Shoot at a bird used as described in subsection aa. of this
24 section, or is a party to such shooting; or
- 25 cc. Lease a building, room, field or premises, or knowingly
26 permit the use thereof for the purposes of subsection aa. or bb. of
27 this section ---
- 28 Shall forfeit and pay a sum according to the following schedule,
29 to be sued for and recovered, with costs, in a civil action by any
30 person in the name of the municipality or county wherein the
31 defendant resides or where the offense was committed:
- 32 For a violation of subsection e., f., g., u., v., w., or z. of this
33 section or of paragraph (3) of subsection a. of this section, or for a
34 second or subsequent violation of paragraph (2) or (5) of subsection
35 a. of this section, a sum of not less than \$3,000 nor more than
36 \$5,000;
- 37 For a violation of subsection l. of this section, for a first violation
38 of paragraph (2) or (5) of subsection a. of this section a sum of not
39 less than \$1,000 nor more than \$3,000;
- 40 For a violation of paragraph (4) of subsection a. of this section,
41 or subsection c. of this section, a sum of not less than \$500 nor
42 more than \$2,000;
- 43 For a violation of subsection x. or paragraph (1) of subsection y.
44 of this section, a sum of not less than \$500 nor more than \$1,000 for
45 each domestic dog or cat fur or fur or hair product or domestic dog
46 or cat carcass or meat product sold, bartered, or offered for sale or
47 barter;

A3231 DANCER, HOUGHTALING

6

1 For a violation of paragraph (2), (3), (4), or (5) of subsection y.
2 of this section, a sum of not less than \$500 nor more than \$1,000 for
3 each horse slaughtered or transported for the purpose of slaughter
4 for human consumption, or for each horse carcass or meat product
5 transported, sold or bartered, or offered or advertised for sale or
6 barter;

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

10 For a violation of subsection d., h., j., k., aa., bb., or cc. of this
11 section or of paragraph (1) of subsection a. of this section, a sum of
12 not less than \$250 nor more than \$1,000; and

13 For a violation of subsection i., m., n., o., p., q., r., or s. of this
14 section, a sum of not less than \$250 nor more than \$500.
15 (cf: P.L.2019, c.223, s.3)

16

17 3. This act shall take effect immediately.

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STATEMENT

21

22 This bill establishes the animal cruelty offense of engaging in,
23 facilitating, or providing the means to engage in, trunk fighting as a
24 crime of the third degree. It defines trunk fighting as the practice of
25 enclosing two or more animals in the trunk of a motor vehicle for
26 the purpose of the animals attacking each other, and possibly
27 fighting until one or more of the animals are dead. The bill also
28 provides civil penalties for the offense.

ASSEMBLY AGRICULTURE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3231

STATE OF NEW JERSEY

DATED: JANUARY 27, 2021

The Assembly Agriculture Committee reports favorably Assembly Bill No. 3231.

This bill establishes the animal cruelty offense of engaging in, facilitating, or providing the means to engage in, trunk fighting as a crime of the third degree. It defines trunk fighting as the practice of enclosing two or more animals in the trunk of a motor vehicle for the purpose of the animals attacking each other, and possibly fighting until one or more of the animals are dead.

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

The bill also provides for the imposition of a civil penalty for a violation in an amount not less than \$3,000 nor more than \$5,000.

Governor Murphy Signs Legislation to Protect Animals from Trunk Fighting

05/11/2021

TRENTON – Today, Governor Phil Murphy signed S975 into law to prohibit animal trunk fighting in New Jersey. Trunk fighting is defined as two or more animals fighting each other that could lead to possible death(s). With this new law, those who are in violation will be subject to a third-degree animal cruelty felony and/or fined up to \$5,000 for each offense.

“Building a stronger and fairer New Jersey includes ensuring animal welfare,” **said Governor Murphy**. “With today’s bill signing, we are enhancing protections for animals and ensuring that these disturbing activities will not be tolerated.”

“Trunk fighting is morally reprehensible,” **said Senate Republican Leader Tom Kean**. “In New Jersey, we will not tolerate this barbaric and despicable activity. With this law, we are sending a clear message to anyone who would consider fighting dogs in this most inhumane manner that they will face significant penalties and substantial fines.”

“During my time in the Legislature, I have sponsored multiple proposals to prioritize animal welfare,” **said Senator Troy Singleton**. “Trunk fighting is a horrifying act of animal cruelty where dogs are provoked to fight to their death in the trunk of a car. It is disgusting and it will not be tolerated in New Jersey with this new law. Those who commit this crime must be brought to justice and be punished accordingly.”

“Trunk fighting is an act of animal cruelty, plain and simple,” **said Assemblymembers Eric Houghtaling and Lisa Swain**. “This law will hold the small number of people who take part in this heinous practice accountable for their disgraceful actions. Animal cruelty will never be tolerated in New Jersey.”

“New Jersey is sending a clear message to these animal abusers and criminals that we have no tolerance for such depravity. The strict penalties enforced through this legislation will serve as strong deterrent and save animals from unthinkable cruelty,” **said Assemblyman Ron Dancer**.

“We applaud Governor Murphy for taking action today signing this legislation into law,” **said Brian R. Hackett, New Jersey State Director, the Humane Society of the United States**. “It continues the positive trend of New Jersey having some of the strongest laws in the country against the cruel blood sport of animal fighting. This illicit activity harms animals and the very fabric of our communities and has no place in our society today.”

“We are thrilled Governor Murphy signed legislation banning trunk fighting, the barbaric practice of forcing two dogs into the trunk of a car to fight to the death,” **said Laurie Perla, representative of the Animal Protection League of New Jersey**. “This demonstrates Governor Murphy’s continued commitment to enacting humane legislation.”

“The American Kennel Clubs lauds the leadership of Senators Kean, Singleton, Dancer, Houghtaling and Swain, and Governor Murphy in making trunk fighting a felony,” **said Sheila Goffe, VP of Government Relations at The American Kennel Club**. “Organized dog fighting is a deplorable practice, and AKC is proud to strongly support leadership and legislation that makes participating in organized dog fighting a felony offense.”