

4:22-18

**LEGISLATIVE HISTORY CHECKLIST**  
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(Animal cruelty)

NJSA: 4:22-18

LAWS OF: 1996 CHAPTER: 64

BILL NO: S661

SPONSOR(S): Ciesla

DATE INTRODUCED: February 5, 1996

COMMITTEE: ASSEMBLY: ---

SENATE: Senior Citizens

AMENDED DURING PASSAGE: No Senate Committee substitute enacted

DATE OF PASSAGE: ASSEMBLY: May 30, 1996

SENATE: March 19, 1996

DATE OF APPROVAL: July 12, 1996

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:  
REPORTS: No

HEARINGS: No

KBP:pp

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE, No. 661

STATE OF NEW JERSEY

ADOPTED FEBRUARY 15, 1996

Sponsored by Senator CIESLA

1 AN ACT concerning animal cruelty and amending R.S.4:22-17,  
2 R.S.4:22-18, and R.S.4:22-19.

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. Cruelty; disorderly persons offense

9 A person who shall:

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

14 b. Cause or procure any of such acts to be done; 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--

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

**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 investigating the violation, including but not limited to the New Jersey  
2 Society for the Prevention of Cruelty to Animals, a district (county)  
3 society for the prevention of cruelty to animals, any other recognized  
4 organization concerned with the prevention of cruelty to animals or  
5 the humane treatment and care of animals, or a local or State  
6 governmental entity; and (3) may impose any other appropriate  
7 penalties established for a disorderly persons offense pursuant to Title  
8 2C of the New Jersey Statutes.

9 (cf: P.L.1995, c.355, s.2).

10

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

12 4:22-18. Carrying animal in cruel, inhumane manner; disorderly  
13 persons offense

14 A person who shall carry, or cause to be carried, a living animal or  
15 creature in or upon a vehicle or otherwise, in a cruel or inhumane  
16 manner, shall be guilty of a disorderly persons offense and punished as  
17 provided in R.S.4:22-17.

18 (cf: P.L.1995, c.355, s.3)

19

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

21 4:22-19. A person who shall:

22 a. 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 it during such confinement with a sufficient quantity of good  
25 and wholesome food and water; or

26 b. Destroy or cause to be destroyed any such animal by hypoxia  
27 induced by decompression or in any other manner, by the  
28 administration of a lethal gas other than an inhalant anesthetic, or in  
29 any other manner except by a method of euthanasia generally  
30 accepted by the veterinary medical profession as being reliable,  
31 appropriate to the type of animal upon which it is to be employed, and  
32 capable of producing loss of consciousness and death as rapidly and  
33 painlessly as possible for such animal shall, in the case of a violation  
34 of subsection a., be guilty of a disorderly persons offense and shall be  
35 punished as provided in R.S.4:22-17; or, in the case of a violation of  
36 subsection b., be subject to a penalty of \$25.00 for the first offense  
37 and \$50.00 for each subsequent offense. Each animal destroyed in  
38 violation of subsection b. shall constitute a separate offense. The  
39 penalty shall be collected in accordance with "the penalty  
40 enforcement law" (N. J. S. 2A:58-1 et seq.) and all money collected  
41 shall be remitted to the State.

42

43 This section shall apply to kennels, pet shops, shelters and pounds  
44 as defined and licensed pursuant to P.L.1941, c. 151 (C. 4:19-15.1 et  
45 seq.); to pounds and places of confinement owned and operated by  
municipalities, counties or regional governmental authorities; and to

1 every contractual warden or impounding service, any provision to the  
2 contrary in this title notwithstanding.

3 (cf: P.L.1982, c.158, s.2)

4

5 4. This act shall take effect immediately.

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8

9

10 Expands criminal penalties for violations of certain animal cruelty  
11 laws.

SENATE, No. 661

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Senator CIESLA

1 AN ACT concerning animal cruelty and amending R.S.4:22-17,  
2 R.S.4:22-18, and R.S.4:22-19.

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. Cruelty in general**【; misdemeanor】**

9 A person who shall:

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

14 b. Cause or procure any of such acts to be done; 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--

19 Shall be guilty of a **【misdemeanor】** disorderly persons offense, and,  
20 notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, for  
21 every such offense shall be fined not **【more than two hundred and fifty**  
22 **dollars,】**less than \$250 nor more than \$1,000, or be imprisoned **【in the**  
23 **county jail】** 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

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 investigating the violation, including but not limited to the New Jersey  
2 Society for the Prevention of Cruelty to Animals, a district (county)  
3 society for the prevention of cruelty to animals, any other recognized  
4 organization concerned with the prevention of cruelty to animals or  
5 the humane treatment and care of animals, or a local or State  
6 governmental entity; and (3) may impose any other appropriate  
7 penalties established for a disorderly persons offense pursuant to Title  
8 2C of the New Jersey Statutes.

9 (cf: R.S.4:22-17)

10

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

12 4:22-18. Carrying animal in cruel manner[; misdemeanor]

13 A person who shall carry, or cause to be carried, a living animal or  
14 creature in or upon a vehicle or otherwise, in a cruel or [inhuman]  
15 inhumane manner, shall be guilty of a [misdemeanor] disorderly  
16 persons offense and punished as provided in [section 4:22-17 of this  
17 title] R.S.4:22-17 .

18 (cf: R.S.4:22-18)

19

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

21 4:22-19. A person who shall:

22 a. 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 it during such confinement with a sufficient quantity of good  
25 and wholesome food and water; or

26 b. Destroy or cause to be destroyed any such animal by hypoxia  
27 induced by decompression or in any other manner, by the  
28 administration of a lethal gas other than an inhalant anesthetic, or in  
29 any other manner except by a method of euthanasia generally accepted  
30 by the veterinary medical profession as being reliable, appropriate to  
31 the type of animal upon which it is to be employed, and capable of  
32 producing loss of consciousness and death as rapidly and painlessly as  
33 possible for such animal shall, in the case of a violation of subsection  
34 a., be guilty of a disorderly persons offense and shall be punished as  
35 provided in R.S.4:22-17; or, in the case of a violation of subsection b.,  
36 be subject to a penalty of \$25.00 for the first offense and \$50.00 for  
37 each subsequent offense. Each animal destroyed in violation of  
38 subsection b. shall constitute a separate offense. The penalty shall be  
39 collected in accordance with "the penalty enforcement law"  
40 (N.J.S.2A:58-1 et seq.) and all money collected shall be remitted to  
41 the State.

42

43 This section shall apply to kennels, pet shops, shelters and pounds  
44 as defined and licensed pursuant to P.L.1941, c.151 (C.4:19-15.1 et  
45 seq.); to pounds and places of confinement owned and operated by  
46 municipalities, counties or regional governmental authorities; and to  
every contractual warden or impounding service, any provision to the

1 contrary in this title notwithstanding.  
2 (cf: P.L.1982, c.158, s.2)

3

4 4. This act shall take effect immediately.

5

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#### STATEMENT

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9 This bill would update, clarify, and expand the criminal penalties for  
10 violations of certain animal cruelty laws. Specifically, the bill provides  
11 that a violation of R.S.4:22-17 (cruelty in general), R.S.4:22-18  
12 (carrying an animal in a cruel manner), and subsection a. of  
13 R.S.4:22-19 (impounding or confining an animal without sufficient  
14 food and water) would be a disorderly persons offense with a  
15 minimum criminal fine of \$250 and a maximum criminal fine of \$1,000,  
16 or a jail term of up to six months, or both. In addition, the bill would  
17 require the sentencing court to impose a community service term of  
18 up to 30 days, and give the court the option to also require (1) the  
19 violator to pay restitution for the costs of food, drink, shelter, or  
20 veterinary care or treatment, or other costs, incurred by an agency,  
21 entity, or organization investigating the violation, and (2) impose any  
22 other appropriate penalties established for a disorderly persons offense  
23 under Title 2C of the New Jersey Statutes (the New Jersey Code of  
24 Criminal Justice). The penalties established in this bill would be in  
25 addition to any civil penalties authorized by R.S.4:22-26 or any other  
26 law.

27 This bill is necessary to clear up confusion in the interpretation of  
28 the animal cruelty laws by various courts because of antiquated  
29 language in the statutes that does not reflect terminology used in the  
30 New Jersey Code of Criminal Justice. In addition, it is important to  
31 ensure that those persons who treat animals in a cruel manner receive  
32 stiff punishment in order to deter future violations by those persons  
33 and others who are similarly inclined - thus, this bill provides for a  
34 statutory minimum criminal fine, mandatory community service, and,  
35 at the court's discretion, payment of restitution.

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41 Makes various amendments to penalty provisions of certain animal  
cruelty laws.

SENATE SENIOR CITIZENS, VETERANS' AFFAIRS AND  
AGRICULTURE COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 661**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 15, 1996

The Senate Senior Citizens, Veterans' Affairs and Agriculture Committee reports favorably a Senate Committee Substitute for Senate Bill No. 661.

This committee substitute for Senate Bill No.661 would expand the criminal penalties for violations of certain animal cruelty laws. Currently, a violation of R.S.4:22-17 (cruelty in general), R.S.4:22-18 (carrying an animal in a cruel manner), or subsection a. of R.S.4:22-19 (impounding or confining an animal without sufficient food and water) is a disorderly persons offense, which carries a maximum term of imprisonment of six months and a maximum fine of \$1,000. The committee substitute would impose a mandatory minimum criminal fine of \$250. The committee substitute would also require the sentencing court to impose a community service term of up to 30 days, and give the court the option to also require (1) the violator to pay restitution for the costs of food, drink, shelter, or veterinary care or treatment, or other costs, incurred by an agency, entity, or organization investigating the violation, and (2) impose any other appropriate penalties established for a disorderly persons offense under Title 2C of the New Jersey Statutes (the New Jersey Code of Criminal Justice). The penalties established in this bill would be in addition to any civil penalties authorized by R.S.4:22-26 or any other law.