

4:22-20

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 4:22-20

(Animals--
abandonment)

LAWS OF: 1991

CHAPTER: 108

Bill No: S230

Sponsor(s): Paterniti

Date Introduced: Pre-filed

Committee: Assembly: Conservation

Senate: Natural Resources

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: February 4, 1990

Senate: March 29, 1990

Date of Approval: April 19, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clippings--attached:
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STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator PATERNITI

1 AN ACT concerning cruelty to animals, and amending
2 R.S.4:22-20 and R.S.4:22-26.

3

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

6 1. R.S.4:22-20 is amended to read as follows:

7 4:22-20. a. A person who shall abandon a maimed, sick, infirm
8 or disabled animal or creature to die in a public place, shall be
9 guilty of a disorderly persons offense.

10 b. A person who shall abandon a domesticated animal shall be
11 guilty of a disorderly persons offense. The violator shall be
12 subject to the maximum \$1,000 penalty.

13 (cf: P.L.1986, c.176, s.1)

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

15 4:22-26. A person who shall:

16 a. Overdrive, overload, drive when overloaded, overwork,
17 torture, torment, deprive of necessary sustenance, or cruelly beat
18 or otherwise abuse or needlessly mutilate or kill a living animal
19 or creature;

20 b. Cause or procure to be done by his agent, servant, employee
21 or otherwise an act enumerated in subsection "a." of this section;

22 c. Inflict unnecessary cruelty upon a living animal or creature
23 of which he has charge or custody either as owner or otherwise,
24 or unnecessarily fail to provide it with proper food, drink, shelter
25 or protection from the weather;

26 d. Receive or offer for sale a horse which by reason of
27 disability, disease or lameness, or any other cause, could not be
28 worked without violating the provisions of this article;

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

33 f. Be present and witness, ²pay admission to,² encourage, aid
34 or assist in an activity enumerated in subsection "e." of this
35 section;

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

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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SNR committee amendments adopted February 5, 1990.

² Assembly ANR committee amendments adopted September 13, 1990.

- 1 i. Use a dog or dogs for the purpose of drawing or helping to
2 draw a vehicle for business purposes;
- 3 j. Impound or confine or cause to be impounded or confined in
4 a pound or other place a living animal or creature, and shall fail
5 to supply it during such confinement with a sufficient quantity of
6 good and wholesome food and water;
- 7 k. Abandon a maimed, sick, infirm or disabled animal or
8 creature to die in a public place;
- 9 l. Willfully sell, or offer to sell, use, expose, or cause or
10 permit to be sold or offered for sale, used or exposed, a horse or
11 other animal having the disease known as glanders or farcy, or
12 other contagious or infectious disease dangerous to the health or
13 life of human beings or animals, or who shall, when any such
14 disease is beyond recovery, refuse, upon demand, to deprive the
15 animal of life;
- 16 m. Own, operate, manage or conduct a roadside stand or
17 market for the sale of merchandise along a public street or
18 highway; or a shopping mall, or a part of the premises thereof;
19 and keep a living animal or creature confined, or allowed to roam
20 in an area whether or not the area is enclosed, on these premises
21 as an exhibit; except that this subsection shall not be applicable
22 to: a pet shop licensed pursuant to P.L.1941, c.151 (C.4:19-15.1
23 et seq.); a person who keeps an animal, in a humane manner, for
24 the purpose of the protection of the premises; or a recognized
25 breeders' association, a 4-H club, an educational agricultural
26 program, an equestrian team, a humane society or other similar
27 charitable or nonprofit organization conducting an exhibition,
28 show or performance;
- 29 n. Keep or exhibit a wild animal at a roadside stand or market
30 located along a public street or highway of this State; a gasoline
31 station; or a shopping mall, or a part of the premises thereof;
- 32 o. Sell, offer for sale, barter or give away or display live baby
33 chicks, ducklings or other fowl or rabbits, turtles or chameleons
34 which have been dyed or artificially colored or otherwise treated
35 so as to impart to them an artificial color;
- 36 p. Use any animal, reptile, or fowl for the purpose of soliciting
37 any alms, collections, contributions, subscriptions, donations, or
38 payment of money except in connection with exhibitions, shows
39 or performances conducted in a bona fide manner by recognized
40 breeders' associations, 4-H clubs or other similar bona fide
41 organizations;
- 42 q. Sell or offer for sale, barter, or give away living rabbits,
43 turtles, baby chicks, ducklings or other fowl under ²[2] two²
44 months of age, for use as household or domestic pets;
- 45 r. Sell, offer for sale, barter or give away living baby chicks,
46 ducklings or other fowl, or rabbits, turtles or chameleons under
47 ²[2] two² months of age for any purpose not prohibited by
48 subsection q. of this section and who shall fail to provide proper
49 facilities for the care of such animals;

1 s. Artificially mark sheep or cattle, or cause them to be
2 marked, by cropping or cutting off both ears, cropping or cutting
3 either ear more than ²[1] one² inch from the tip end thereof, or
4 half cropping or cutting both ears or either ear more than ²[1]
5 one² inch from the tip end thereof, or who shall have or keep in
6 his possession sheep or cattle, which he claims to own, marked
7 contrary to this subsection unless they were bought in market or
8 of a stranger;

9 t. Abandon a ¹[dog or cat] domesticated animal¹;

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

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

15 w. Gamble on the outcome of a fight involving a living animal
16 or creature--

17 Shall forfeit and pay a sum not to exceed \$250.00, except in
18 the case of a violation of subsection "t." a mandatory sum of
19 \$500, and \$1,000 if the violation occurs on or near a roadway, to
20 be sued for and recovered, with costs, in a civil action by any
21 person in the name of the New Jersey Society for the Prevention
22 of Cruelty to Animals.

23 (cf: P.L.1989, c.35, s.2)

24 3. This act shall take effect immediately.

25

26

27

AGRICULTURE

28

29 Increases penalty for abandoning animals.

- 1 care of such animals;
- 2 s. Artificially mark sheep or cattle, or cause them to be
- 3 marked, by cropping or cutting off both ears, cropping or cutting
- 4 either ear more than 1 inch from the tip end thereof, or half
- 5 cropping or cutting both ears or either ear more than 1 inch from
- 6 the tip end thereof, or who shall have or keep in his possession
- 7 sheep or cattle, which he claims to own, marked contrary to this
- 8 subsection unless they were bought in market or of a stranger;
- 9 t. Abandon a dog or cat--
- 10 Shall forfeit and pay a sum not to exceed \$250.00, except in
- 11 the case of a violation of subsection "t." a mandatory sum of
- 12 \$500, and \$1,000 if the violation occurs on or near a roadway, to
- 13 be sued for and recovered, with costs, in a civil action by any
- 14 person in the name of the New Jersey Society for the Prevention
- 15 of Cruelty to Animals.
- 16 (cf: P.L.1983, c.103, s.1)
- 17 3. This act shall take effect immediately.

18
19
20 *Sponsor* STATEMENT
21

22 This bill increases the penalties imposed for certain animal
23 cruelty abuses. Specifically the bill increases the penalty for
24 abandoning an animal. Currently, the criminal penalty for
25 abandoning a domesticated animal is a disorderly persons
26 offense. This bill imposes a mandatory criminal penalty of a
27 \$1,000 fine if an animal is abandoned on or near a roadway.
28 Similarly, the civil fine for abandonment would increase to a
29 mandatory \$500, and \$1,000 if the violation occurs on or near a
30 roadway.

31
32
33 AGRICULTURE

34
35 Amends animal cruelty statute to increase penalty for abandoning
36 animals.

ASSEMBLY CONSERVATION AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 230

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 13, 1990

The Assembly Conservation and Natural Resources Committee favorably reports Senate Bill No. 230 [1R] with Assembly committee amendments.

This bill would increase the penalties for abandoning an animal.

Currently, it is a disorderly persons offense to abandon an animal. This bill would require that the maximum \$1,000 criminal fine associated with a disorderly persons offense be mandatorily imposed in the case of abandoning a domesticated animal. The bill would also expand the civil offense of abandoning a dog or cat to apply to the abandonment of any domesticated animal, and increase the amount that may be recovered in a civil action brought by the New Jersey Society for the Prevention of Cruelty to Animals for a violation thereof from an amount not to exceed \$250 to a mandatory \$500, and \$1,000 if the violation occurs on or near a roadway.

The committee amended the bill to update it in keeping with current law and to make it identical with Assembly Bill No. 3562, which was also released by the committee.

SENATE NATURAL RESOURCES AND
AGRICULTURE COMMITTEE

STATEMENT TO

SENATE, No. 230

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 5, 1990

The Senate Natural Resources and Agriculture Committee favorably reports Senate Bill No. 230 with Senate committee amendments.

This bill would increase the penalties imposed for certain animal cruelty abuses. Specifically the bill would increase the penalty for abandoning an animal. Currently, the criminal penalty for abandoning a domesticated animal is a disorderly persons offense. This bill would impose a mandatory criminal penalty of a \$1,000 fine if an animal is abandoned on or near a roadway. Similarly, the civil fine for abandonment of a dog or cat would increase to a mandatory \$500, and \$1,000 if the violation occurs on or near a roadway.

The committee amended the bill to impose the civil fines for the abandonment of all domesticated animals.

This bill was prefiled for introduction in the 1990 session pending technical review. As reported the bill includes the changes required by technical review, which has been performed.