

**4:19-22 & 4:19-23**  
**LEGISLATIVE HISTORY CHECKLIST**

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**LAWS OF:** 2019                    **CHAPTER:** 82

**NJSA:** 4:19-22 & 4:19-23 (Revises criteria for determining whether dog is vicious or potentially dangerous.)

**BILL NO:** S1923                    (Substituted for A1822)

**SPONSOR(S)** Troy Singleton and others

**DATE INTRODUCED:** 2/22/2018

**COMMITTEE:**                    **ASSEMBLY:** Agriculture & Natural Resources

**SENATE:** Economic Growth

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                    **ASSEMBLY:** 3/25/2019

**SENATE:** 9/27/2018

**DATE OF APPROVAL:** 5/7/2019

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (First Reprint enacted) Yes

**S1923**

**SPONSOR'S STATEMENT:** (Begins on page 3 of introduced bill) Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** Yes

**LEGISLATIVE FISCAL ESTIMATE:** No

**A1822**

**SPONSOR'S STATEMENT:** (Begins on page 3 of introduced bill) Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

(continued)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

Gov. Murphy signs legislation protecting animal rights following Hamilton's pet shelter charges  
Trentonian, The (Trenton, NJ) - May 7, 2019

Bills to protect dogs signed into law One makes it harder for canines to be euthanized just for being forced into illegal fights  
Star-Ledger, The (Newark, NJ) - May 9, 2019

Bills to protect dogs signed into law  
South Jersey Times (NJ) - May 11, 2019

RWH/JA

P.L. 2019, CHAPTER 82, *approved May 7, 2019*  
Senate, No. 1923 (*First Reprint*)

1 AN ACT concerning vicious dogs and potentially dangerous dogs,  
2 and amending P.L.1989, c.307.

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

6  
7 <sup>1</sup>**[**1. Section 6 of P.L.1989, c.307 (C.4:19-22) is amended to  
8 read as follows:

9 6. a. The municipal court shall declare the dog vicious if it  
10 finds by clear and convincing evidence that the dog:

11 (1) killed a person or caused serious bodily injury as defined in  
12 **[**N.J.S.2C:11-1(b)**]** subsection b. of N.J.S.2C:11-1 to a person; or

13 (2) **[**has engaged in dog fighting activities as described in  
14 R.S.4:22-24 and R.S.4:22-26, and poses a threat of serious bodily  
15 injury or death to a person**]** (Deleted by amendment,  
16 P.L. , c. ) (pending before the Legislature as this bill).

17 b. A dog shall not be declared vicious for inflicting death or  
18 serious bodily injury as defined in **[**N.J.S.2C:11-1(b)**]** subsection b.  
19 of N.J.S.2C:11-1 upon a person if the dog was provoked. The  
20 municipality shall bear the burden of proof to demonstrate that the  
21 dog was not provoked.

22 c. If the municipal court declares a dog to be vicious, and no  
23 appeal is made of this ruling pursuant to section 9 of P.L.1989,  
24 c.307 (C.4:19-25), the court may order:

25 (1) the dog's owner to comply with certain restrictions to protect  
26 the public that are at least as stringent as the requirements for  
27 potentially dangerous dogs pursuant to section 8 of P.L.1989, c.307  
28 (C.4:19-24) and section 12 of P.L.1989, c.307 (C.4:19-28); or

29 (2) the dog **[**shall**]** to be [destroyed] euthanized in a humane  
30 and expeditious manner, except that no dog may be **[**destroyed**]**  
31 euthanized during the pendency of an appeal.

32 (cf: P.L.1994, c.187, s.3)**]**<sup>1</sup>

33  
34 <sup>1</sup>**[**2. Section 7 of P.L.1989, c.307 (C.4:19-23) is amended to  
35 read as follows:

36 7. a. The municipal court shall declare a dog to be potentially  
37 dangerous if it finds by clear and convincing evidence that the dog:

38 (1) caused bodily injury as defined in **[**N.J.S.2C:11-1(a)**]**  
39 subsection a. of N.J.S.2C:11-1 to a person during an unprovoked  
40 attack, and poses a serious threat of bodily injury, serious bodily  
41 injury, or death to a person **[,** **]** ; or

**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:**

<sup>1</sup>Senate floor amendments adopted July 26, 2018.

- 1 (2) **【severely injured or killed another domestic animal, and**  
2 (a) poses a threat of serious bodily injury or death to a person;  
3 or  
4 (b) poses a threat of death to another domestic animal, or**】**  
5 (Deleted by amendment, P.L. , c. ) (pending before the  
6 Legislature as this bill)  
7 (3) has been trained, tormented, badgered, baited, or encouraged  
8 to engage in unprovoked attacks upon persons **【or domestic**  
9 **animals】**.  
10 b. A dog shall not be declared potentially dangerous for:  
11 (1) causing bodily injury as defined in **【N.J.S.2C:11-1(a)】**  
12 subsection a. of N.J.S.2C:11-1 to a person if the dog was provoked  
13 **【or,】** ;  
14 (2) severely injuring or killing a domestic animal if the domestic  
15 animal was the aggressor;  
16 (3) causing bodily injury to a person who was committing or  
17 attempting to commit a crime or offense upon the owner or person  
18 with custody or control of the dog or committing or attempting to  
19 commit a trespass or other criminal offense on the property of the  
20 owner or person with custody or control of the dog;  
21 (4) causing bodily injury to a person or a domestic animal who  
22 was abusing, assaulting, or physically threatening the dog or the  
23 dog's offspring; or  
24 (5) causing bodily injury to a person who was intervening  
25 between two or more dogs engaged in aggressive behavior or  
26 fighting.

27 For the purposes of paragraph (1) of this subsection, the  
28 municipality shall bear the burden of proof to demonstrate that the  
29 dog was not provoked.

30 (cf: P.L.2002, c.24, s.1)**】**<sup>1</sup>

31

32 <sup>1</sup>1. Section 6 of P.L.1989, c.307 (C.4:19-22) is amended to read  
33 as follows:

34 6. a. The municipal court shall declare the dog vicious if it  
35 finds by clear and convincing evidence that the dog:

36 (1) killed a person or caused serious bodily injury **【as defined in**  
37 **N.J.S.2C:11-1(b)】** to a person; or

38 (2) **【has engaged in dog fighting activities as described in**  
39 **R.S.4:22-24 and R.S.4:22-26, and poses a threat of serious bodily**  
40 **injury or death to a person】** (Deleted by amendment,  
41 P.L. , c. ) (pending before the Legislature as this bill).

42 b. A dog shall not be declared vicious for inflicting death or  
43 serious bodily injury **【as defined in N.J.S.2C:11-1(b)】** upon a  
44 person if the dog was provoked. The municipality shall bear the  
45 burden of proof to demonstrate that the dog was not provoked.

1 c. If the municipal court declares a dog to be vicious, and no  
2 appeal is made of this ruling pursuant to section 9 of P.L.1989,  
3 c.307 (C.4:19-25), the court may order:

4 (1) the dog's owner to comply with certain restrictions to protect  
5 the public that are at least as stringent as the requirements for  
6 potentially dangerous dogs pursuant to section 8 of P.L.1989, c.307  
7 (C.4:19-24) and section 12 of P.L.1989, c.307 (C.4:19-28); or

8 (2) the dog **【shall】** to be **【destroyed】**  euthanized in a humane  
9 and expeditious manner, except that no dog may be **【destroyed】**  
10 euthanized during the pendency of an appeal.

11 d. As used in this section, "serious bodily injury" means serious  
12 bodily injury as defined in subsection b. of N.J.S.2C:11-1.<sup>1</sup>  
13 (cf: P.L.1994, c.187, s.3)  
14

15 <sup>1</sup>2. Section 7 of P.L.1989, c.307 (C.4:19-23) is amended to read  
16 as follows:

17 7. a. The municipal court shall declare a dog to be potentially  
18 dangerous if it finds by clear and convincing evidence that the dog:

19 (1) caused bodily injury **【as defined in N.J.S.2C:11-1(a)】** to a  
20 person during an unprovoked attack, and poses a serious threat of  
21 serious bodily injury or death to a person **【, or】** ;

22 (2) **【severely injured】** caused serious bodily injury to another  
23 domestic animal or killed another domestic animal, and

24 (a) poses a serious threat of serious bodily injury or death to a  
25 person**【;】** , or

26 (b) poses a serious threat of death to another domestic animal  
27 **【,】** ; or

28 (3) **【has been trained, tormented, badgered, baited, or**  
29 **encouraged to engage in unprovoked attacks upon persons or**  
30 **domestic animals】** (Deleted by amendment, P.L. , c. ) (pending  
31 before the Legislature as this bill).

32 b. A dog shall not be declared potentially dangerous for:

33 (1) causing bodily injury **【as defined in N.J.S.2C:11-1(a)】** to a  
34 person if the dog was provoked **【or,】** ;

35 (2) **【severely injuring】** causing serious bodily injury to, or  
36 killing, a domestic animal if the domestic animal was the aggressor;

37 (3) causing bodily injury to a person who was committing or  
38 attempting to commit a crime or offense upon the owner or person  
39 with custody or control of the dog or committing or attempting to  
40 commit a trespass or other criminal offense on the property of the  
41 owner or person with custody or control of the dog;

42 (4) causing bodily injury to a person or a domestic animal who  
43 was abusing, assaulting, or physically threatening the dog or the  
44 dog's offspring; or

45 (5) causing bodily injury to a person who was intervening  
46 between two or more dogs engaged in aggressive behavior or  
47 fighting.

1 For the purposes of paragraph (1) of this subsection, the  
2 municipality shall bear the burden of proof to demonstrate that the  
3 dog was not provoked.

4 c. As used in this section, “bodily injury” means bodily injury  
5 as defined in subsection a. of N.J.S.2C:11-1; and “serious bodily  
6 injury” means serious bodily injury as defined in subsection b. of  
7 N.J.S.2C:11-1.<sup>1</sup>

8 (cf: P.L.2002, c.24, s.1)

9

10 3. This act shall take effect immediately.

11

12

13

14

15 Revises criteria for determining whether dog is vicious or  
16 potentially dangerous.

# SENATE, No. 1923

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 22, 2018

**Sponsored by:**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**SYNOPSIS**

Revises criteria for determining whether dog is vicious or potentially dangerous.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/27/2018)**

1 AN ACT concerning vicious dogs and potentially dangerous dogs,  
2 and amending P.L.1989, c.307.

3

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

6

7 1. Section 6 of P.L.1989, c.307 (C.4:19-22) is amended to read  
8 as follows:

9 6. a. The municipal court shall declare the dog vicious if it  
10 finds by clear and convincing evidence that the dog:

11 (1) killed a person or caused serious bodily injury as defined in  
12 **[N.J.S.2C:11-1(b)]** subsection b. of N.J.S.2C:11-1 to a person; or

13 (2) **[has engaged in dog fighting activities as described in**  
14 **R.S.4:22-24 and R.S.4:22-26, and poses a threat of serious bodily**  
15 **injury or death to a person]** (Deleted by amendment,  
16 P.L. , c. ) (pending before the Legislature as this bill).

17 b. A dog shall not be declared vicious for inflicting death or  
18 serious bodily injury as defined in **[N.J.S.2C:11-1(b)]** subsection b.  
19 of N.J.S.2C:11-1 upon a person if the dog was provoked. The  
20 municipality shall bear the burden of proof to demonstrate that the  
21 dog was not provoked.

22 c. If the municipal court declares a dog to be vicious, and no  
23 appeal is made of this ruling pursuant to section 9 of P.L.1989,  
24 c.307 (C.4:19-25), the court may order:

25 (1) the dog's owner to comply with certain restrictions to protect  
26 the public that are at least as stringent as the requirements for  
27 potentially dangerous dogs pursuant to section 8 of P.L.1989, c.307  
28 (C.4:19-24) and section 12 of P.L.1989, c.307 (C.4:19-28); or

29 (2) the dog [shall] to be [destroyed] euthanized in a humane  
30 and expeditious manner, except that no dog may be **[destroyed]**  
31 euthanized during the pendency of an appeal.

32 (cf: P.L.1994, c.187, s.3)

33

34 2. Section 7 of P.L.1989, c.307 (C.4:19-23) is amended to read  
35 as follows:

36 7. a. The municipal court shall declare a dog to be potentially  
37 dangerous if it finds by clear and convincing evidence that the dog:

38 (1) caused bodily injury as defined in **[N.J.S.2C:11-1(a)]**  
39 subsection a. of N.J.S.2C:11-1 to a person during an unprovoked  
40 attack, and poses a serious threat of bodily injury, serious bodily  
41 injury, or death to a person **[,]**; or

42 (2) **[severely injured or killed another domestic animal, and**

43 (a) poses a threat of serious bodily injury or death to a person;  
44 or

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) poses a threat of death to another domestic animal, or]  
2 (Deleted by amendment, P.L. , c. ) (pending before the  
3 Legislature as this bill)

4 (3) has been trained, tormented, badgered, baited, or encouraged  
5 to engage in unprovoked attacks upon persons **[or domestic**  
6 **animals]**.

7 b. A dog shall not be declared potentially dangerous for:

8 (1) causing bodily injury as defined in **[N.J.S.2C:11-1(a)]**  
9 subsection a. of N.J.S.2C:11-1 to a person if the dog was provoked  
10 **[or,]** ;

11 (2) severely injuring or killing a domestic animal if the domestic  
12 animal was the aggressor;

13 (3) causing bodily injury to a person who was committing or  
14 attempting to commit a crime or offense upon the owner or person  
15 with custody or control of the dog or committing or attempting to  
16 commit a trespass or other criminal offense on the property of the  
17 owner or person with custody or control of the dog;

18 (4) causing bodily injury to a person or a domestic animal who  
19 was abusing, assaulting, or physically threatening the dog or the  
20 dog's offspring; or

21 (5) causing bodily injury to a person who was intervening  
22 between two or more dogs engaged in aggressive behavior or  
23 fighting.

24 For the purposes of paragraph (1) of this subsection, the  
25 municipality shall bear the burden of proof to demonstrate that the  
26 dog was not provoked.

27 (cf: P.L.2002, c.24, s.1)

28

29 3. This act shall take effect immediately.

30

31

32

#### STATEMENT

33

34 This bill revises the current law concerning vicious and potentially  
35 dangerous dogs.

36 Concerning vicious dogs, the bill removes the requirement that the  
37 municipal court is required to declare a dog vicious if it finds by clear  
38 and convincing evidence that the dog has engaged in dog fighting  
39 activities as described in State law (R.S.4:22-24 and R.S.4:22-26),  
40 and the dog poses a threat of serious bodily injury or death to a  
41 person. Under the bill, the law would continue to require the  
42 municipal court to declare a dog vicious if it finds by clear and  
43 convincing evidence that the dog killed a person or caused a person  
44 serious bodily injury as defined in the State Criminal Code  
45 (N.J.S.2C:11-1(b)). The bill also authorizes the court to order:

**S1923 SINGLETON, GOPAL**

4

1       1) the dog's owner to comply with certain restrictions to protect  
2 the public that are at least as stringent as those imposed on  
3 potentially dangerous dogs; or

4       2) the dog to be euthanized in a humane and expeditious  
5 manner.

6       Current law requires the humane and expeditious destruction of  
7 any dog declared to be vicious. Under the bill and under current  
8 law, a dog cannot be euthanized if there is an appeal pending.

9       Concerning potentially dangerous dogs, the bill deletes the  
10 provision that the municipal court is required to declare a dog to be  
11 potentially dangerous if it finds by clear and convincing evidence  
12 that the dog both severely injured or killed another domestic animal  
13 and poses a threat of serious bodily injury or death to a person or  
14 poses a threat of death to another domestic animal. Under the bill,  
15 the municipal court is still required to declare a dog to be  
16 potentially dangerous if it finds by clear and convincing evidence  
17 that the dog has been trained, tormented, badgered, baited, or  
18 encouraged to engage in unprovoked attacks on people only. The  
19 bill removes the current provision of law that a dog that has been  
20 trained, tormented, badgered, baited, or encouraged to engage in  
21 unprovoked attacks on domestic animals be declared potentially  
22 dangerous.

23       Finally, current law provides that a dog cannot be declared  
24 potentially dangerous if the dog is provoked and causes bodily  
25 injury to a person, or if the dog severely injures or kills a domestic  
26 animal if the domestic animal was the aggressor. The bill adds to  
27 these provisions that a dog cannot be declared potentially dangerous  
28 for:

29       1) causing bodily injury to a person who was committing or  
30 attempting to commit a crime or offense upon the owner or or  
31 person with custody or control of the dog or committing or  
32 attempting to commit a trespass or other criminal offense on the  
33 owner or person with custody or control of the dog;

34       2) causing bodily injury to a person or a domestic animal who  
35 was abusing, assaulting, or physically threatening the dog or the  
36 dog's offspring; or

37       3) causing bodily injury to a person who was intervening  
38 between two or more dogs engaged in aggressive behavior or  
39 fighting.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO

[First Reprint]

**SENATE, No. 1923**

**STATE OF NEW JERSEY**

DATED: MARCH 11, 2019

The Assembly Agriculture and Natural Resources Committee favorably reports Senate Bill No. 1923 (1R).

This bill revises the current law concerning vicious and potentially dangerous dogs.

The bill removes the requirement that the municipal court (court) is required to declare a dog vicious if it finds that the dog has engaged in certain dog fighting activities, and the dog poses a threat of serious bodily injury or death to a person. The bill also authorizes the court to order:

(1) the owner of a vicious dog to comply with certain restrictions that are at least as stringent as those imposed on potentially dangerous dogs in order to protect the public; or

(2) a vicious dog to be euthanized in a humane and expeditious manner.

The bill removes a provision under current law that requires the court to declare a dog to be declared potentially dangerous if the dog has been trained, tormented, badgered, baited, or encouraged to engage in unprovoked attacks on domestic animals. The bill also clarifies that a court would declare a dog potentially dangerous if it finds by clear and convincing evidence that the dog:

(1) caused bodily injury to a person during an unprovoked attack, and poses a serious threat of serious bodily injury or death to a person; or

(2) caused serious bodily injury to another domestic animal or killed another domestic animal, and

(a) poses a serious threat of serious bodily injury or death to a person, or

(b) poses a serious threat of death to another domestic animal.

The bill also prohibits the court from declaring a dog to be potentially dangerous for:

(1) causing bodily injury to a person who was committing or attempting to commit a crime or offense upon the owner or person with custody or control of the dog or committing or attempting to commit a trespass or other criminal offense on the owner or person with custody or control of the dog;

(2) causing bodily injury to a person or a domestic animal who was abusing, assaulting, or physically threatening the dog or the dog's offspring; or

(3) causing bodily injury to a person who was intervening between two or more dogs engaged in aggressive behavior or fighting.

As reported, the bill is identical to Assembly Bill No. 1822 (1R) as reported by the committee.

# SENATE ECONOMIC GROWTH COMMITTEE

## STATEMENT TO

### SENATE, No. 1923

# STATE OF NEW JERSEY

DATED: MAY 31, 2018

The Senate Economic Growth Committee reports favorably Senate Bill No. 1923.

As reported, this bill revises the current law concerning vicious and potentially dangerous dogs.

The bill removes the requirement that the municipal court (court) is required to declare a dog vicious if it finds that the dog has engaged in certain dog fighting activities, and the dog poses a threat of serious bodily injury or death to a person. The bill also authorizes the court to order:

(1) the owner of a vicious dog to comply with certain restrictions that are at least as stringent as those imposed on potentially dangerous dogs in order to protect the public; or

(2) a vicious dog to be euthanized in a humane and expeditious manner.

The bill removes a requirement that the court declare a dog to be potentially dangerous if it finds that the dog both severely injured or killed another domestic animal and poses a threat of serious bodily injury or death to a person or poses a threat of death to another domestic animal. Under the bill, the court is still required to declare a dog to be potentially dangerous if it finds by clear and convincing evidence that the dog has been trained, tormented, badgered, baited, or encouraged to engage in unprovoked attacks on people only. The bill also removes a provision under current law that requires the court to declare a dog to be declared potentially dangerous if the dog has been trained, tormented, badgered, baited, or encouraged to engage in unprovoked attacks on domestic animals.

The bill also prohibits the court from declaring a dog to be potentially dangerous for:

(1) causing bodily injury to a person who was committing or attempting to commit a crime or offense upon the owner or person with custody or control of the dog or committing or attempting to commit a trespass or other criminal offense on the owner or person with custody or control of the dog;

(2) causing bodily injury to a person or a domestic animal who was abusing, assaulting, or physically threatening the dog or the dog's offspring; or

(3) causing bodily injury to a person who was intervening between two or more dogs engaged in aggressive behavior or fighting.

STATEMENT TO

**SENATE, No. 1923**

with Senate Floor Amendments  
(Proposed by Senator SINGLETON)

ADOPTED: JULY 26, 2018

These amendments clarify the terms “bodily injury” and “serious bodily injury” in the bill and the court’s application of these terms when determining whether a dog is vicious or potentially dangerous.

# ASSEMBLY, No. 1822

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblyman TIM EUSTACE**

**District 38 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblywoman Reynolds-Jackson**

**SYNOPSIS**

Revises criteria for determining whether dog is vicious or potentially dangerous.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/8/2019)**

A1822 JOHNSON, EUSTACE

2

1 AN ACT concerning vicious dogs and potentially dangerous dogs,  
2 and amending P.L.1989, c.307.

3

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

6

7 1. Section 6 of P.L.1989, c.307 (C.4:19-22) is amended to read  
8 as follows:

9 6. a. The municipal court shall declare the dog vicious if it  
10 finds by clear and convincing evidence that the dog:

11 (1) killed a person or caused serious bodily injury as defined in  
12 **[N.J.S.2C:11-1(b)]** subsection b. of N.J.S.2C:11-1 to a person; or

13 (2) **[has engaged in dog fighting activities as described in**  
14 **R.S.4:22-24 and R.S.4:22-26, and poses a threat of serious bodily**  
15 **injury or death to a person]** (Deleted by amendment,  
16 P.L. , c. ) (pending before the Legislature as this bill).

17 b. A dog shall not be declared vicious for inflicting death or  
18 serious bodily injury as defined in **[N.J.S.2C:11-1(b)]** subsection b.  
19 of N.J.S.2C:11-1 upon a person if the dog was provoked. The  
20 municipality shall bear the burden of proof to demonstrate that the  
21 dog was not provoked.

22 c. If the municipal court declares a dog to be vicious, and no  
23 appeal is made of this ruling pursuant to section 9 of P.L.1989,  
24 c.307 (C.4:19-25), the court may order:

25 (1) the dog's owner to comply with certain restrictions to protect  
26 the public that are at least as stringent as the requirements for  
27 potentially dangerous dogs pursuant to section 8 of P.L.1989, c.307  
28 (C.4:19-24) and section 12 of P.L.1989, c.307 (C.4:19-28); or

29 (2) the dog [shall] to be [destroyed] euthanized in a humane  
30 and expeditious manner, except that no dog may be **[destroyed]**  
31 euthanized during the pendency of an appeal.

32 (cf: P.L.1994, c.187, s.3)

33

34 2. Section 7 of P.L.1989, c.307 (C.4:19-23) is amended to read  
35 as follows:

36 7. a. The municipal court shall declare a dog to be potentially  
37 dangerous if it finds by clear and convincing evidence that the dog:

38 (1) caused bodily injury as defined in **[N.J.S.2C:11-1(a)]**  
39 subsection a. of N.J.S.2C:11-1 to a person during an unprovoked  
40 attack, and poses a serious threat of bodily injury, serious bodily  
41 injury, or death to a person **[,]**; or

42 (2) **[severely injured or killed another domestic animal, and**

43 (a) poses a threat of serious bodily injury or death to a person;  
44 or

**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) poses a threat of death to another domestic animal, or]  
2 (Deleted by amendment, P.L. , c. ) (pending before the  
3 Legislature as this bill)

4 (3) has been trained, tormented, badgered, baited, or encouraged  
5 to engage in unprovoked attacks upon persons **[or domestic**  
6 **animals]**.

7 b. A dog shall not be declared potentially dangerous for:

8 (1) causing bodily injury as defined in **[N.J.S.2C:11-1(a)]**  
9 subsection a. of N.J.S.2C:11-1 to a person if the dog was provoked  
10 **[or,]** ;

11 (2) severely injuring or killing a domestic animal if the domestic  
12 animal was the aggressor;

13 (3) causing bodily injury to a person who was committing or  
14 attempting to commit a crime or offense upon the owner or person  
15 with custody or control of the dog or committing or attempting to  
16 commit a trespass or other criminal offense on the property of the  
17 owner or person with custody or control of the dog;

18 (4) causing bodily injury to a person or a domestic animal who  
19 was abusing, assaulting, or physically threatening the dog or the  
20 dog's offspring; or

21 (5) causing bodily injury to a person who was intervening  
22 between two or more dogs engaged in aggressive behavior or  
23 fighting.

24 For the purposes of paragraph (1) of this subsection, the  
25 municipality shall bear the burden of proof to demonstrate that the  
26 dog was not provoked.

27 (cf: P.L.2002, c.24, s.1)

28  
29 3. This act shall take effect immediately.  
30  
31

### 32 STATEMENT

33  
34 This bill revises the current law concerning vicious and potentially  
35 dangerous dogs.

36 Concerning vicious dogs, the bill removes the requirement that the  
37 municipal court is required to declare a dog vicious if it finds by clear  
38 and convincing evidence that the dog has engaged in dog fighting  
39 activities as described in State law (R.S.4:22-24 and R.S.4:22-26),  
40 and the dog poses a threat of serious bodily injury or death to a  
41 person. Under the bill, the law would continue to require the  
42 municipal court to declare a dog vicious if it finds by clear and  
43 convincing evidence that the dog killed a person or caused a person  
44 serious bodily injury as defined in the State Criminal Code  
45 (N.J.S.2C:11-1(b)). The bill also authorizes the court to order:

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4

1 1) the dog's owner to comply with certain restrictions to protect  
2 the public that are at least as stringent as those imposed on  
3 potentially dangerous dogs; or

4 2) the dog to be euthanized in a humane and expeditious  
5 manner.

6 Current law requires the humane and expeditious destruction of  
7 any dog declared to be vicious. Under the bill and under current  
8 law, a dog cannot be euthanized if there is an appeal pending.

9 Concerning potentially dangerous dogs, the bill deletes the  
10 provision that the municipal court is required to declare a dog to be  
11 potentially dangerous if it finds by clear and convincing evidence  
12 that the dog both severely injured or killed another domestic animal  
13 and poses a threat of serious bodily injury or death to a person or  
14 poses a threat of death to another domestic animal. Under the bill,  
15 the municipal court is still required to declare a dog to be  
16 potentially dangerous if it finds by clear and convincing evidence  
17 that the dog has been trained, tormented, badgered, baited, or  
18 encouraged to engage in unprovoked attacks on people only. The  
19 bill removes the current provision of law that a dog that has been  
20 trained, tormented, badgered, baited, or encouraged to engage in  
21 unprovoked attacks on domestic animals be declared potentially  
22 dangerous.

23 Finally, current law provides that a dog cannot be declared  
24 potentially dangerous if the dog is provoked and causes bodily  
25 injury to a person, or if the dog severely injures or kills a domestic  
26 animal if the domestic animal was the aggressor. The bill adds to  
27 these provisions that a dog cannot be declared potentially dangerous  
28 for:

29 1) causing bodily injury to a person who was committing or  
30 attempting to commit a crime or offense upon the owner or or  
31 person with custody or control of the dog or committing or  
32 attempting to commit a trespass or other criminal offense on the  
33 owner or person with custody or control of the dog;

34 2) causing bodily injury to a person or a domestic animal who  
35 was abusing, assaulting, or physically threatening the dog or the  
36 dog's offspring; or

37 3) causing bodily injury to a person who was intervening  
38 between two or more dogs engaged in aggressive behavior or  
39 fighting.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO  
ASSEMBLY, No. 1822

with committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 11, 2019

The Assembly Agriculture and Natural Resources Committee favorably reports, and with committee amendments, Assembly Bill No. 1822.

This bill, as amended, revises the current law concerning vicious and potentially dangerous dogs.

The bill, as amended, removes the requirement that the municipal court (court) is required to declare a dog vicious if it finds that the dog has engaged in certain dog fighting activities, and the dog poses a threat of serious bodily injury or death to a person. The bill, as amended, also authorizes the court to order:

(1) the owner of a vicious dog to comply with certain restrictions that are at least as stringent as those imposed on potentially dangerous dogs in order to protect the public; or

(2) a vicious dog to be euthanized in a humane and expeditious manner.

The bill, as amended, removes a provision under current law that requires the court to declare a dog to be declared potentially dangerous if the dog has been trained, tormented, badgered, baited, or encouraged to engage in unprovoked attacks on domestic animals. The bill, as amended, also clarifies that a court would declare a dog potentially dangerous if it finds by clear and convincing evidence that the dog:

(1) caused bodily injury to a person during an unprovoked attack, and poses a serious threat of serious bodily injury or death to a person; or

(2) caused serious bodily injury to another domestic animal or killed another domestic animal, and

(a) poses a serious threat of serious bodily injury or death to a person, or

(b) poses a serious threat of death to another domestic animal.

The bill, as amended, also prohibits the court from declaring a dog to be potentially dangerous for:

(1) causing bodily injury to a person who was committing or attempting to commit a crime or offense upon the owner or person with custody or control of the dog or committing or attempting to

commit a trespass or other criminal offense on the owner or person with custody or control of the dog;

(2) causing bodily injury to a person or a domestic animal who was abusing, assaulting, or physically threatening the dog or the dog's offspring; or

(3) causing bodily injury to a person who was intervening between two or more dogs engaged in aggressive behavior or fighting.

Also, as reported with the committee amendments, the bill is identical to Senate Bill No. 1923 (1R) as reported by the committee.

COMMITTEE AMENDMENTS:

The committee amendments:

(1) clarify the terms "bodily injury" and "serious bodily injury" in the bill and the court's application of the terms when determining whether a dog is vicious or potentially dangerous;

(2) clarifies when a court would declare a dog to be potentially dangerous; and

(3) make the bill identical to Senate Bill No. 1923 (1R).



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## Newark, N.J.

# Governor Murphy Signs Legislation to Protect Animal Rights

05/7/2019

**TRENTON** - Governor Phil Murphy today signed S1923 and S2674 into law to further protect animal rights across New Jersey.

“As long-time dog owners, animal welfare is close to my and Tammy’s hearts,” **said Governor Phil Murphy**. “I am proud to sign these bills that will protect animals in danger of abuse and treat our four-legged residents with the compassion they deserve.”

S2674 revises the law to make it easier for law enforcement officers to rescue animals whose life or health are in danger.

S1923 changes municipal court requirements to allow more consideration of abusive circumstances in cases where dogs are at risk of euthanasia. The bill also prohibits courts from declaring a dog to be potentially dangerous for causing bodily injury in the act of defending its owner from a person committing or attempting to commit a crime against them.

“No animal deserves to be abused or neglected,” **said Assemblyman Bruce Land**. “Unfortunately, some animals wind up in dangerous, potentially life-threatening environments. This new law will make it easier for officers to rescue more animals in need of help and set them on a path to find a loving home.”

“Animal cruelty is abuse, plain and simple,” **said Assemblyman Matt Milam**. “We will not tolerate animal cruelty in New Jersey, and this law will strengthen our efforts to bring abused animals to safety by enabling law enforcement to intervene when necessary.”

“The decision to end a life, whether that life is that of a human or of another species, is an incredibly difficult one, and one which should warrant appropriate reasoning and rationale,” **said Assemblyman Gordon Johnson**. “While protecting the lives of our residents is our first and foremost priority, there is no need to unnecessarily euthanize a living creature based on a mere suspicion of potential future danger when there may not be enough evidence to suggest that the dog is truly that dangerous.”

“New Jersey is one of only nine states with laws that allow euthanasiation of dogs that participated in dog fighting, without any consideration for the dog’s actual behavior, according to the ASPCA,” **said Assemblywoman Carol Murphy**. “It isn’t fair or humane to punish a dog so severely if they may not pose a real threat to other animals or people. With this new law, the determination process of euthanasiation will be far more just.”

“It’s heartbreaking to think that underserving dogs have been euthanized in New Jersey when rehabilitation may

have been a better option,” **said Assemblyman Benjie Wimberly**. “Fortunately, those days are over. Hundreds of canine lives will be saved under this new law, and they’ll have chance to find forever, caring homes.”

“There is a negative stigma associated with dogs who have suffered through dog fighting and because of this, they cannot be adopted due to the assumption they will harm people,” **said Senator Troy Singleton**. “Yet, many of these former fighting dogs pose no threat to humans. They want to be loved like every other dog. By dropping the stigma, we will see more of these former fighting dogs re-adapt to society and find loving homes.”

“This is a lifeline for pets that are visibly subjected to neglect and abuse,” **said Senator Nilsa Cruz-Perez**. “There are pet owners callously failing to provide the necessary care to their furry family members, and that’s what they are, family. It is imperative that officers have the authority to act swiftly in scenarios where removal is deemed vital to ensuring the safety and well-being of an animal.”

“Unfortunately, some dog owners want to train their pets to be aggressive and dangerous creatures,” **said Senator Vin Gopal**. “That does not mean, however, that every dog bite, every incident, is the result of the dog being vicious. I sponsored this legislation because as a state, we need to make sure that dangerous dogs are not a threat to public safety, but we also need to give credence to incidents provoked, not by the dog’s training but by human behavior and outside circumstance.”

“The Humane Society of the United States (HSUS) applauds Governor Murphy for affixing his signature on these two important animal protection bills, which will better defend and help innocent animals left in dire circumstances by no fault of their own,” **said Brian R. Hackett**, HSUS New Jersey State Director. “S2674 strengthens our state’s proper outdoor shelter and tethering restriction law for pets left outdoors, passed two years ago, making it the strongest and most comprehensive in the country. S1923 joins New Jersey with 41 other states which have ensured that canine victims of illegal dogfighting are treated humanely after being seized from cruel fighting rings. HSUS appreciates the efforts of the bills’ legislative sponsors, and we look forward to continuing to work with Governor Murphy and the Legislature on animal protection efforts, making New Jersey a leader in animal protection.”

“The ASPCA thanks Governor Murphy and the New Jersey State Legislature for enacting these important humane bills that will spare dogs, service animals, and pets from cruelty,” **said Debora Bresch**, Senior State Legislative Director for ASPCA. “With the enactment of these vital protections, it will no longer be permissible to unfairly label and confine or even destroy canine dogfighting victims based on their abusive pasts, and law enforcement will have needed clarity regarding their authority to protect animals who are at risk of injury or death due to inhumane treatment.”

“By signing this lifesaving piece of legislation, Governor Murphy has ensured that all dogs will be treated as individuals in New Jersey, even those who have sustained horrific abuse,” **said AJ Albrecht**, Best Friends Animal Society Legislative attorney.

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