N.J.S.A. 4:19-15.16

December 10, 1974

LEGISLATIVE HISTORY OF R.S. 4:19-15.16 and R.S. 4:19-15.19
(Impounding or taking of dogs into custody; grounds; notice; destruction. Violations of act or rule; penalties)

COPY 2

L. 1941, c. 151, p. 500, § 16, and p. 502, §19 - A124 & A309
Both bills amended during passage.
Both bills had a statement (enclosed).

L. 1942, c. 132, p. 417, §1 - A201 (Meyer)
Bill amended twice during passage.
Bill had statement (enclosed).

L. 1959, c. 33, p. 126, §1 - A175 (Bateman)
Not amended during passage.
Bill had no statement.

Prior bills precedent to enactment of the 1974 amendment:

1966 - A743
1967 - A427
1968 - A693
1969 - A518
1971 - S2111
1970 - A852 (Gov. veto message enclosed)
1972 - A1344

L. 1974, c. 69 - A895
Not amended during passage.
Bill had statement (enclosed).

No hearings or reports were located on any of these bills.

VF--NJ--Animals-Domestic
Selected newspaper clippings from 1969-1974 enclosed.

Prior laws: historical note enclosed.

JRM/PC

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surgical, or other treatments, owned by and operated under the immediate supervision of a graduate veterinarian licensed in the State of New Jersey.

19. Sections 4:19–10, 4:19–11, 4:19–12, 4:19–13, 4:19–14, 4:19–15, 40:52–5 and 40:52–6 of the Revised Statutes are repealed.

20. This act shall take effect May first, one thousand nine hundred and forty-one.

STATEMENT

An act for the uniform control and licensing of dogs to prevent the spread of rabies and other diseases.

18. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this act.

19. Any person who violates or who fails or refuses to comply with sections two, four, six, seven, eight, ten or eighteen of this act shall be liable to a fine of not less than five dollars ($5.00) nor more than fifty dollars ($50.00) for each offense, to be recovered in an action of debt, in the name of the municipality where the offense occurred, or by and in the name of the State Department of Health. Any official of any such municipality may institute suit for the recovery of the penalties herein provided, without assent of the governing body thereof. Said penalty when recovered in an action brought in the name of a municipality shall be paid to the municipality where the offense occurred, for the use of the same, and when recovered in an action brought in the name of the State Department of Health shall be paid by the department into the Treasury of the State.

20. No provision of this act shall be construed to apply to any establishment wherein or whereon dogs are received or kept for diagnostic, medical, surgical, or other treatments, owned by and operated under the immediate supervision of a graduate veterinarian licensed in the State of New Jersey.

21. Sections 4:19–10, 4:19–11, 4:19–12, 4:19–13, 4:19–14, 4:19–15, 40:52–5, 40:52–6 of the Revised Statutes are hereby repealed.

22. This act shall take effect May first, one thousand nine hundred and forty-one.

STATEMENT

The purpose of this bill is to provide uniform licensing, registration and control of dogs throughout New Jersey, to regulate sanitary conditions in kennels, dog pounds and pet shops where dogs are offered for sale, and to pay from license and registration fees for damage by dogs and for rabies prevention and control. Certain conflicting statutes are repealed.

A 201 (1942)

STATEMENT

The purpose of this act is to so amend section nineteen of the dog license act as to permit the magistrate to fix the amount of the penalty without minimum limitation in cases of failure to obtain the license. Under the present law the minimum penalty is five dollars which seems excessive, particularly in cases of first offenders or new residents.

A landowner has no right to kill a dog which is merely trespassing but he may humanely destroy a dog under circumstances giving rise to a reasonable belief that dog is chasing, worrying, wounding, or destroying stock or domestic animals, his person, his property, or that of other persons. Id.

One may at common law kill a dog in defense of his person, his property or of other persons where circumstances justify a reasonable belief that so extreme a measure is necessary to protect himself, his family or his property from harm. Bunn v. Shaw, 4 N.J.Super. 475, 67 A.2d 876 (1949), affirmed 69 A.2d 576, 15 A.L.R.2d 574.

Where farmer whose farm was posted against trespassing had no idea when she first saw dogs that they were after her sheep and did not deny that she told witness that dog was not chasing or attempting to kill or attack sheep, but merely that he had no right to be on property, and farmer testified that she directed son to shoot dog when it was within 10 feet of sheep because dog was causing undue excitement, farmer had no reasonable ground for belief that dog would injure the sheep, and hence was liable to owner for damages. Id.

ARTICLE 2. REGISTRATION AND TAGS; INJURIES TO ANIMALS AND POULTRY

4:19-10 to 4:19-15. Repealed by L.1941, c. 151, p. 506, § 28

Historical Note

Section 4:19-10, derived from L. 1891, c. 36, § 1, p. 42 [C.S. p. 71, § 80], as am. by L.1916, c. 74, § 1, p. 150 [1924 Suppl. § 7-80], L.1926, c. 34, § 1, p. 65, suppl. to Rev.1877, p. 15; L.1894, c. 36, p. 43 [C.S. p. 72, § 85], suppl. to Rev.1877, p. 15, required registration of dogs. For provisions relating to similar subject matter, see, now, § 4:19-15.2.

Section 4:19-11, derived from L. 1894, c. 36, § 2, p. 42, as am. by L. 1895, c. 286, § 1, p. 578 [C.S. p. 72, § 81], L.1916, c. 75, § 1, p. 151 [1924 Suppl. § 7-81], suppl. to Rev.1877, p. 15, specified the registration fee for dogs and for the use of the fee to pay claims. For provisions relating to similar subject matter, see, now, §§ 4:19-15.3 and 4:19-15.11.

Section 4:19-12, derived from L. 1894, c. 36, § 2, p. 42, as am. by L. 1895, c. 286, § 1, p. 578 [C.S. p. 72, § 81], L.1916, c. 75, § 1, p. 151 [1924 Suppl. § 7-81], suppl. to Rev.1877, p. 15, required municipalities to keep books for registering dogs.

Section 4:19-13, derived from L. 1894, c. 36, § 3, p. 42, as am. by L. 1895, c. 286, § 2, p. 579 [C.S. p. 72, § 82], L.1916, c. 75, § 2, p. 151 [1924 Suppl. § 7-82], suppl. to Rev.1877, p. 15, related to penalty for failure of a clerk to register a dog.

Sections 4:19-14 and 4:19-15, derived from L.1926, c. 34, §§ 2, 3, pp. 65, 66, authorized the impounding and destruction of unregistered or untagged dogs, and required notice of impounding to be given to the S.P.C.A. For provisions relating to similar subject matter, see, now, §§ 4:19-15.16 and 4:19-15.17.

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ASSEMBLY, No. 895

STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1974

By Assemblyman JACKMAN

Referred to Committee on Agriculture and Environment

AN ACT concerning dogs and amending P. L. 1941, c. 151.

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

1. Section 16 of P. L. 1941, c. 151 (C. 4:19–15.16) is amended to read as follows:

16. Any person appointed for the purpose by the governing body of the municipality, shall take into custody and impound or cause to be taken into custody and impounded, and thereafter destroyed or disposed of as provided in this section:

(a) Any dog off the premises of the owner or of the person keeping or harboring said dog which said official or his agent, or agents have reason to believe is a stray dog;

(b) Any dog off the premises of the owner or of the person keeping or harboring said dog without a current registration tag on his collar;

(c) Any female dog in season off the premises of the owner or of the person keeping or harboring said dog.

If any dog so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag or the owner or the person keeping or harboring said dog is known, any person authorized by the governing body, shall forthwith serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring said dog, if known, a notice in writing stating that the dog has been seized and will be liable to be disposed of or destroyed if not claimed within 7 days after the service of the notice.

A notice under this section may be served either by delivering it to the person on whom it is to be served, or by leaving it at the per-

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

son's usual, or last known place of abode, or at the address given on the collar, or by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode, or to the address given on the collar.

When any dog so seized has been detained for 7 days after notice, when notice can be given as above set forth, or has been detained for 7 days after seizure, when no notice has been given as above set forth and if the owner or person keeping or harboring said dog has not claimed said dog and paid all expenses incurred by reason of its detention, including maintenance not exceeding $1.00 per day, and if the dog be unlicensed at the time of the seizure and the owner or person keeping or harboring said dog has not produced a license and registration tag for said dog, any person authorized by the governing body, may cause the dog to be destroyed in manner causing as little pain as possible. *No dog or other animal so caught and detained or procured, obtained, sent or brought to a pound or shelter shall be sold or otherwise made available for the purpose of experimentation. Any person who sells or otherwise makes available any such dog or other animal for the purpose of experimentation shall be guilty of a disorderly persons offense.*

2. Section 19 of P. L. 1941, c. 151 (C. 4:19–15.19) is amended to read as follows:

19. *Except as otherwise provided in this act,* [Any] *any* person who violates or who fails or refuses to comply with sections 2, 4, 6, 7, 8, 10 or 18 of this act or the rules and regulations promulgated by the State Department of Health pursuant to section 14 of this act, shall be liable to a penalty of not less than $5.00 nor more than $50.00 for each offense, to be recovered by and in the name of the Director of Health of the State of New Jersey, or by and in the name of the local board of health of the municipality, or by and in the name of the municipality, as the case may be, except that for the first offense in cases of violations of sections 2, 4 and 6 of this act, the penalty shall be not less than $1.00 nor more than $50.00, to be recovered in the same manner.

3. This act shall take effect immediately.

STATEMENT

This bill further clarifies the intent of the existing law that no dog that has been impounded may be sold or otherwise made available for purpose of experimentation.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

ASSEMBLY BILL NO. 852

STATEMENT

I am filing Assembly Bill No. 852 in the State Library without my approval.

Under the provisions of Article V, Section I, paragraph 14(b) of the Constitution, this bill does not become a law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

Assembly Bill No. 852 would prevent the sale of impounded dogs for purpose of experimentation. This bill has received an inordinate amount of attention and special study. I have been impressed by the great sincerity and compassion of those advocating its approval. Like them, I abhor cruelty in any form. Like them, I want all dog owners to have every opportunity to reclaim dogs placed in municipal pounds.

My study reveals that this bill gives the appearance of offering much but, in reality, accomplishes little. In fact, if signed, it would have results contrary to those intended. While the bill may severely hamper experimentation, it does not preclude it. Thus, two dogs would be lost for each used for medical education and research. This includes the unclaimed animal destroyed at the pound as well as the animal eventually provided for experimentation. This is unconscionable. In addition, in order to supply the needs of the medical community in New Jersey, many dogs would be shipped great distances. Experience has shown that prolonged transportation causes adverse effects which can be more cruel than the experimentation itself. Moreover, operators of commercial dog pounds, being deprived of the opportunity to sell unwanted animals, would be reluctant to incur additional feeding and maintenance expense and would not hold unclaimed dogs longer than the existing 7-day holding period. This would severely limit the period within which the owner of a stray dog could recover his pet.

Furthermore, the bill, while prohibiting the sale of impounded dogs for purpose of experimentation, contains no penalty for violation nor are there any general penalty provisions which can apply. The bill is thus incapable of enforcement and would be merely a gesture which could not be implemented.

A review of the medical accomplishments dependent upon animal experimentation leads one to the inescapable conclusion that these experiments will and must continue. Mankind and animals alike have benefited in the following areas:

1. Nutrition - Most of our present knowledge in the area of nutrition concerning animals and humans is the result of animal studies.
2. Surgical Procedures, Cures, etc. -

   (a) Treatment of shock and discovering its underlying factors results almost exclusively from animal research.

   (b) Surgery - The program for helping children with malformed hearts (blue baby operation) was developed through animal experiments, also the use of electronic pacemakers to correct improper heartbeat conditions for more than 10,000 Americans. Organ transplant procedures were developed through studies made on animals. Since bones of dogs are quite similar to human bones, treatment for bone fracture depends quite extensively on work done with dogs.

   (c) Cures - Insulin remedy for diabetes
   Salk polio vaccine
   New procedures to prevent tragedies such as the thalidomide problem
   Cancer research
   Treatment of emphysema
   Development of heart-lung machine
   Development of the iron lung.

(d) Students in medical schools and doctors in hospitals learn their skills and develop new ones by practicing surgical procedures on animals. This enables them to obtain expertise prior to actual work on humans and other animals.

3. Drugs - The U. S. Department of Agriculture requires that all new drugs be first tried out on animals before human consumption is permitted. The itemization of new drugs which have been developed over the recent years is endless.

4. Better Care of Laboratory and Pet Animals - As a result of the broad scope of research and medical procedures used in connection with animals, doctors of veterinary medicine have improved their skills and developed cures for illness and physical defects in animals themselves.

While I cannot sign this bill for the reasons stated above, I feel deeply that changes in the laws are required to insure humane treatment for animals in experimentation and in pounds as well. Owners of pets are also entitled to peace of mind should the occasion arise that their pet stray and be picked up. I have asked my counsel to prepare appropriate legislation to accomplish the following:

1. An increase in the holding period at pounds and shelters from 7 to 14 days in order to permit owners a longer period of time to recover their dogs. This will cost municipalities more money to provide for the maintenance of the dogs for this extended period. An increase in the present license fees may be required.
2. Stricter control over pounds and shelters to insure impounded animals receive appropriate care. The State Health Department will be directed to review and update its rules, regulations and procedures in this regard pursuant to P.L. 1941, c. 151.
3. Lengthening of the hours when pounds and shelters are open for owners to search for lost pets on the premises. Attendants should also be more available to assist pet owners in locating their pets.

4. Stricter regulations to insure that the animals which are used for research are used under humane and regulated circumstances. The State Health Department, pursuant to R.S. 4:27-16, will provide more supervision over the proper conduct of animal experiments. It should be noted also that the Animal Welfare Act of 1970 enacted by the Congress requires all agencies using animals in experimentation to prepare annual reports indicating the care and precautions used in experiments involving pain or distress to animals. These reports will be required beginning February 1973 and annually thereafter.

5. Consideration will also be given to a system of permanent identification or marking and registry of dogs. Under such a system the owner of a dog could voluntarily have his pet permanently identified. Any dog so identified could never be used thereafter for experimental purposes.

The changes I propose provide a realistic approach for the protection of stray dogs, both at the pound and in the course of medical use. Most important, it is a system which is workable. In addition, a program of permanent identification will permit pet owners themselves to safeguard their animals from experimentation.

William T. Cahill
GOVERNOR

Dated: March 2, 1972

ASSEMBLY, No. 1344

STATE OF NEW JERSEY

INTRODUCED JUNE 19, 1972

By Assemblyman JACKMAN

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning dogs and amending P. L. 1941, c. 151.

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

1. Section 16 of P. L. 1941, c. 151 (C. 4:19–15.16) is amended to read as follows:

16. The chief of police of a municipality, or the chairman of the police committee if the office of chief of police does not exist, or any person appointed for the purpose by the governing body of the municipality, shall take into custody and impound or cause to be taken into custody and impounded, and thereafter destroyed or disposed of as provided in this section:

(a) Any dog off the premises of the owner or of the person keeping or harboring said dog which said official or his agent, or agents have reason to believe is a stray dog;

(b) Any dog off the premises of the owner or of the person keeping or harboring said dog without a current registration tag on his collar;

(c) Any female dog in season off the premises of the owner or of the person keeping or harboring said dog.

If any dog so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag or the owner or the person keeping or harboring said dog is known, the chief of police or chairman of the police committee, or any person authorized by him in that behalf, shall forthwith serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring said dog, if known, a notice in writing stating that the dog has been seized and will be liable to be disposed of or destroyed if not claimed within 7 days after the service of the notice.

A notice under this section may be served either by delivering it

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

to the person on whom it is to be served, or by leaving it at the person's usual, or last known place of abode, or at the address given on the collar, or by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode, or to the address given on the collar.

When any dog so seized has been detained for 7 days after notice, when notice can be given as above set forth, or has been detained for 7 days after seizure, when no notice has been given as above set forth and if the owner or person keeping or harboring said dog has not claimed said dog and paid all expenses incurred by reason of its detention, including maintenance not exceeding $1.00 per day, and if the dog be unlicensed at the time of the seizure and the owner or person keeping or harboring said dog has not produced a license and registration tag for said dog, the aforesaid chief of police of the municipality, or the chairman of the police committee, or any person authorized by him in that behalf, may cause the dog to be destroyed in manner causing as little pain as possible. *No dog or other animal so caught and detained or procured, obtained, sent or brought to a pound or shelter shall be sold or otherwise made available for the purpose of experimentation. Any person who sells or otherwise makes available any such dog or other animal for the purpose of experimentation shall be guilty of a disorderly persons offense.*

2. Section 19 of P. L. 1941, c. 151 (C. 4:19–15.19) is amended to read as follows:

19. *Except as otherwise provided in this act,* [Any] *any* person who violates or who fails or refuses to comply with sections 2, 4, 6, 7, 8, 10 or 18 of this act or the rules and regulations promulgated by the State Department of Health pursuant to section 14 of this act, shall be liable to a penalty of not less than $5.00 nor more than $50.00 for each offense, to be recovered by and in the name of the Director of Health of the State of New Jersey, or by and in the name of the local board of health of the municipality, or by and in the name of the municipality, as the case may be, except that for the first offense in cases of violations of sections 2, 4 and 6 of this act, the penalty shall be not less than $1.00 nor more than $50.00, to be recovered in the same manner.

3. This act shall take effect immediately.

STATEMENT

This bill further clarifies the intent of the existing law that no dog that has been impounded may be sold or otherwise made available for purpose of experimentation.