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P.L. 2002, CHAPTER 24, *approved June 11, 2002*

Senate, No. 981

1 AN ACT concerning certain dogs, and amending P.L.1989, c.307.

2

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

5

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

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

10 (1) caused bodily injury as defined in N.J.S.2C:11-1(a) to a
11 person during an unprovoked attack, and poses a serious threat of bodily
12 injury or death to a person, or

13 (2) severely injured or killed another domestic animal, and

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

15 (b) poses a threat of death to another domestic animal, or

16 (3) has been trained, tormented, badgered, baited or encouraged
17 to engage in unprovoked attacks upon persons or domestic animals.

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

19 (1) causing bodily injury as defined in N.J.S.2C:11-1(a) to a
20 person if the dog was provoked, or

21 (2) severely injuring or killing a domestic animal if the domestic
22 animal was the aggressor.

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

26 (cf: P.L.1994, c.187, s.4)

27

28 2. This act shall take effect immediately.

29

30

31 STATEMENT

32

33 Current law requires a municipal court to find a dog potentially
34 dangerous if it kills a domestic animal and poses a threat of serious bodily
35 injury or death to a person or poses a threat of death to a domestic animal.
36 Thus, unless an attacked animal is killed, a dog cannot be declared
37 potentially dangerous.

38 This bill would require the municipal court to declare a dog to be
39 potentially dangerous if it finds by clear and convincing evidence that the
40 dog seriously injured another domestic animal and poses a threat of
41 serious bodily injury or death to a person or poses a threat of death to
42 another domestic animal.

43 This bill also provides that a dog shall not be declared potentially

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

Matter underlined thus is new matter.

1 dangerous by a municipal court for seriously injuring a domestic animal
2 if the domestic animal was the aggressor.

3

4

5

6

7 Requires municipal court to find dog potentially dangerous under certain
8 circumstances.

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

Matter underlined thus is new matter.

SENATE, No. 981

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED FEBRUARY 21, 2002

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Mercer)

Assemblyman REED GUSCIORA

District 15 (Mercer)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Co-Sponsored by:

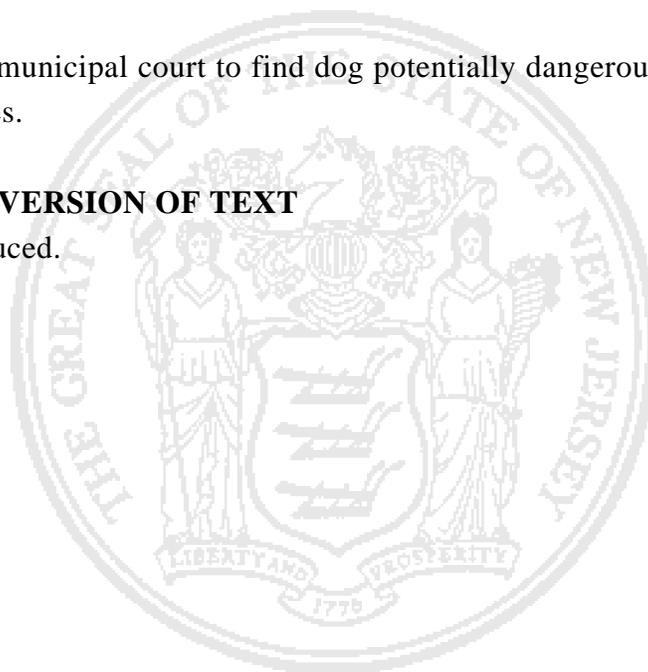
Senator Sacco, Assemblywoman Previte, Assemblymen Connors, Conaway, Roberts, Stanley, Assemblywomen Friscia, Cruz-Perez and Weinberg

SYNOPSIS

Requires municipal court to find dog potentially dangerous under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/21/2002)

1 AN ACT concerning certain dogs, and amending P.L.1989, c.307.

2

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

5

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

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

10 (1) caused bodily injury as defined in N.J.S.2C:11-1(a) to a person
11 during an unprovoked attack, and poses a serious threat of bodily
12 injury or death to a person, or

13 (2) severely injured or killed another domestic animal, and

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

15 (b) poses a threat of death to another domestic animal, or

16 (3) has been trained, tormented, badgered, baited or encouraged to
17 engage in unprovoked attacks upon persons or domestic animals.

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

19 (1) causing bodily injury as defined in N.J.S.2C:11-1(a) to a person
20 if the dog was provoked, or

21 (2) severely injuring or killing a domestic animal if the domestic
22 animal was the aggressor.

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

26 (cf: P.L.1994, c.187, s.4)

27

28 2. This act shall take effect immediately.

29

30 STATEMENT

31

32 Current law requires a municipal court to find a dog potentially
33 dangerous if it kills a domestic animal and poses a threat of serious
34 bodily injury or death to a person or poses a threat of death to a
35 domestic animal. Thus, unless an attacked animal is killed, a dog
36 cannot be declared potentially dangerous.

37 This bill would require the municipal court to declare a dog to be
38 potentially dangerous if it finds by clear and convincing evidence that
39 the dog seriously injured another domestic animal and poses a threat
40 of serious bodily injury or death to a person or poses a threat of death
41 to another domestic animal.

42 This bill also provides that a dog shall not be declared potentially
43 dangerous by a municipal court for seriously injuring a domestic
44 animal if the domestic animal was the aggressor.

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

Matter underlined thus is new matter.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 981

STATE OF NEW JERSEY

DATED: MAY 13, 2002

The Assembly Judiciary Committee reports favorably Senate Bill No. 981.

Current law requires a municipal court to find a dog potentially dangerous if the dog kills a domestic animal and poses a threat of serious bodily injury or death to a person or poses a threat of death to a domestic animal. Therefore, unless an attacked animal is killed, a dog cannot be declared potentially dangerous.

This bill would require the municipal court to also declare a dog to be potentially dangerous if the court finds that the dog "severely injured" 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.

This bill also provides that a dog shall not be declared potentially dangerous by a municipal court for severely injuring a domestic animal if the domestic animal was the aggressor.

This bill is identical to Assembly Bill No.298.

SENATE ECONOMIC GROWTH, AGRICULTURE AND
TOURISM COMMITTEE

STATEMENT TO

SENATE, No. 981

STATE OF NEW JERSEY

DATED: MARCH 11, 2002

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably Senate Bill No. 981.

Current law requires a municipal court to find a dog potentially dangerous if the dog kills a domestic animal and poses a threat of serious bodily injury or death to a person or poses a threat of death to a domestic animal. Thus, unless an attacked animal is killed, a dog cannot be declared potentially dangerous.

This bill would require the municipal court to also declare a dog to be potentially dangerous if the court finds by clear and convincing evidence that the dog severely injured 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.

This bill also provides that a dog shall not be declared potentially dangerous by a municipal court for severely injuring a domestic animal if the domestic animal was the aggressor.

ASSEMBLY, No. 298

STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Assemblyman REED GUSCIORA

District 15 (Mercer)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Co-Sponsored by:

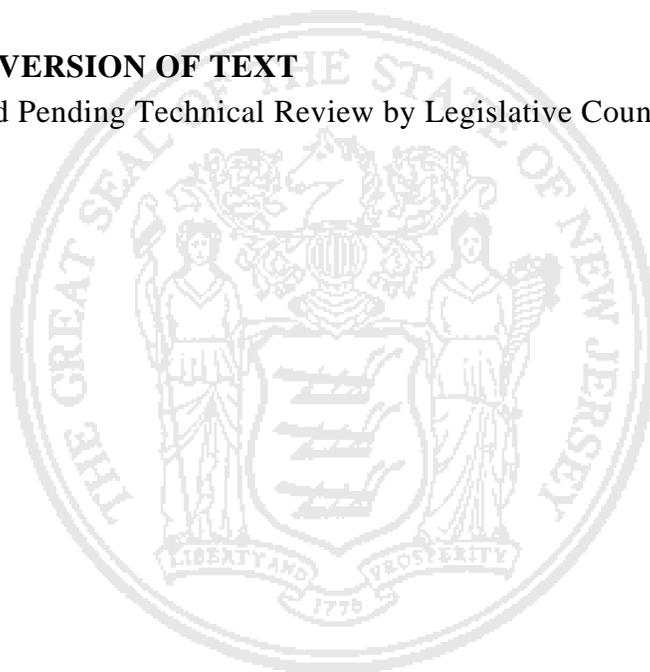
**Assemblywoman Previte, Assemblymen Connors, Conaway, Roberts,
Stanley, Assemblywomen Friscia, Cruz-Perez and Weinberg**

SYNOPSIS

Requires municipal court to find dog potentially dangerous under certain circumstances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning certain dogs, and amending P.L.1989, c.307.

2

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

5

6 1. Section 7 of P.L.1989, c.307 (C.4:19-23) is amended to read as
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8 7. a. The municipal court shall declare a dog to be potentially
9 dangerous if it finds by clear and convincing evidence that the dog:

10 (1) caused bodily injury as defined in N.J.S.2C:11-1(a) to a person
11 during an unprovoked attack, and poses a serious threat of bodily
12 injury or death to a person, or

13 (2) severely injured or killed another domestic animal, and

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

15 (b) poses a threat of death to another domestic animal, or

16 (3) has been trained, tormented, badgered, baited or encouraged to
17 engage in unprovoked attacks upon persons or domestic animals.

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

19 (1) causing bodily injury as defined in N.J.S.2C:11-1(a) to a person
20 if the dog was provoked, or

21 (2) severely injuring or killing a domestic animal if the domestic
22 animal was the aggressor.

23 For the purposes of paragraph (1) of this subsection, the
24 municipality shall bear the burden of proof to demonstrate that the dog
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28 2. This act shall take effect immediately.

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38 potentially dangerous if it finds by clear and convincing evidence that
39 the dog seriously injures another domestic animal and poses a threat
40 of serious bodily injury or death to a person or poses a threat of death
41 to another domestic animal.

42 A dog shall not be declared potentially dangerous by a municipal
43 court for seriously injuring a domestic animal if the domestic animal
44 was the aggressor.

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

Matter underlined thus is new matter.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 298

STATE OF NEW JERSEY

DATED: MAY 13, 2002

The Assembly Judiciary Committee reports favorably Assembly Bill No. 298.

Current law requires a municipal court to find a dog potentially dangerous if the dog kills a domestic animal and poses a threat of serious bodily injury or death to a person or poses a threat of death to a domestic animal. Therefore, unless an attacked animal is killed, a dog cannot be declared potentially dangerous.

This bill would require the municipal court to also declare a dog to be potentially dangerous if the court finds that the dog "severely injured" 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.

This bill also provides that a dog shall not be declared potentially dangerous by a municipal court for severely injuring a domestic animal if the domestic animal was the aggressor.

This bill was prefiled for introduction in the 2002 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

This bill is identical to Senate Bill No.981.