

**2C:33-31 & 2C:33-32**  
**LEGISLATIVE HISTORY CHECKLIST**  
Compiled by the NJ State Law Library

**LAWS OF:** 2015                    **CHAPTER:** 85

NJSA: 2C:33-31 & 2C:33-32 (Establishes crime of dog fighting and leader of a dog fighting network, and updates crime of animal fighting, amends RICO concerning dog fighting)

**BILL NO:** S736 (Substituted for A3037/A2547/A3596/A2422)

**SPONSOR(S)** Kean and others

**DATE INTRODUCED:** January 14, 2014

**COMMITTEE:**                    **ASSEMBLY:** Agriculture and Natural Resources

**SENATE:** Judiciary

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                    **ASSEMBLY:** June 25, 2015

**SENATE:** May 18, 2015

**DATE OF APPROVAL:** August 10, 2015

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

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

**S736**

**SPONSOR'S STATEMENT:** (Begins on page 6 of introduced bill) Yes

**COMMITTEE STATEMENT:**                                            **ASSEMBLY:** No

**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:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**A3037/A2547/A3596/A2422**

**SPONSOR'S STATEMENT A3037:** (Begins on page 11 of introduced bill) Yes

**SPONSOR'S STATEMENT A2547:** (Begins on page 7 of introduced bill) Yes

**SPONSOR'S STATEMENT A3596:** (Begins on page 6 of introduced bill) Yes

**SPONSOR'S STATEMENT A2422:** (Begins on page 6 of introduced bill) Yes

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

**SENATE:** No

(continued)

**FLOOR AMENDMENT STATEMENT:** Yes

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"Christie Signs Law Criminalizing Dog Fighting in Jersey," The Star Ledger, August 11, 2015

"New Dogfighting Law Wins Praise," The Record, August 11, 2015

LAW/RWH

P.L.2015, CHAPTER 85, *approved August 10, 2015*  
Senate, No. 736 (*First Reprint*)

1 AN ACT concerning animal fighting, supplementing chapter 33 of  
2 Title 2C <sup>1</sup>of the New Jersey Statutes,<sup>1</sup> and amending N.J.S.2C:41-  
3 1 and R.S.4:22-24 <sup>1</sup>; <sup>1</sup>

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

7  
8 1. (New section) a. A person is guilty of dog fighting if that  
9 person knowingly:

10 (1) keeps, uses, is connected with or interested in the  
11 management of, or receives money for the admission of a person to,  
12 a place kept or used for the purpose of fighting or baiting a dog;

13 (2) owns, possesses, keeps, trains, promotes, purchases, breeds  
14 or sells a dog for the purpose of fighting or baiting that dog;

15 (3) for amusement or gain, causes, allows, or permits the  
16 fighting or baiting of a dog;

17 (4) permits or suffers a place owned or controlled by that person  
18 to be used for the purpose of fighting or baiting a dog;

19 (5) is present and witnesses, pays admission to, encourages or  
20 assists in the fighting or baiting of a dog; or

21 (6) gambles on the outcome of a fight involving a dog.

22 Dog fighting is a crime of the third degree.

23 b. <sup>1</sup>(1)<sup>1</sup> In addition to any other penalty imposed, the court shall  
24 order <sup>1</sup>:

25 (a)<sup>1</sup> the seizure and forfeiture of any <sup>1</sup>dogs or other<sup>1</sup> animals  
26 used for fighting or baiting, and may upon request of the prosecutor  
27 or on its own motion, order any person convicted of a violation  
28 under this section to forfeit possession of: <sup>1</sup>[(1)] (i)<sup>1</sup> any other  
29 <sup>1</sup>dogs or other<sup>1</sup> animals in the person's custody or possession; and  
30 <sup>1</sup>[(2)] (ii)<sup>1</sup> any other property involved in or related to a violation  
31 of this <sup>1</sup>[act] section; and

32 (b) restitution, concerning the dogs or other animals seized and  
33 forfeited pursuant to subparagraph (a) of this paragraph, in the form  
34 of reimbursing any costs for all the animals' food, drink, shelter, or  
35 veterinary care or treatment, or other costs, incurred by any person,  
36 agency, entity, or organization, including but not limited to the New  
37 Jersey Society for the Prevention of Cruelty to Animals, a county  
38 society for the prevention of cruelty to animals, any other  
39 recognized organization concerned with the prevention of cruelty to  
40 animals or the humane treatment and care of animals, a State 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 SJU committee amendments adopted May 7, 2015.

1 local governmental entity, or a kennel, shelter, pound, or other  
2 facility<sup>1</sup>.

3 <sup>1(2)</sup><sup>1</sup> The court may prohibit any <sup>1</sup>**["such"] convicted**<sup>1</sup> person from  
4 having future possession or custody of any animal for any period of  
5 time the court deems reasonable, including a permanent prohibition.

6 c. For the purposes of this section "bait" means to attack with  
7 violence, to provoke, or to harass a dog with one or more animals  
8 for the purpose of training the dog for, or to cause a dog to engage  
9 in, a fight with or among other dogs.

10

11 2. (New section) a. A person is a leader of a dog fighting  
12 network if he conspires with others in a scheme or course of  
13 conduct to unlawfully engage in dog fighting, as defined in section  
14 1 of P.L. , c. (C. ) (pending before the Legislature this bill),  
15 as an organizer, supervisor, financier or manager of at least one  
16 other person. Leader of a dog fighting network is a crime of the  
17 second degree.

18 "Financier" means a person who, with the intent to derive a  
19 profit, provides money or credit or other thing of value in order to  
20 finance the operations of dog fighting.

21 b. <sup>1(1)</sup><sup>1</sup> In addition to any other penalty imposed, the court shall  
22 order <sup>1</sup>;

23 (a)<sup>1</sup> the seizure and forfeiture of any dogs <sup>1</sup>or other animals<sup>1</sup>  
24 used for fighting or baiting, and may upon request of the prosecutor  
25 or on its own motion, order any person convicted of a violation  
26 under this section to forfeit possession of: <sup>1</sup>**[(1)] (i)**<sup>1</sup> any other  
27 <sup>1</sup>dogs or other<sup>1</sup> animals in the person's custody or possession; and  
28 <sup>1</sup>**[(2)] (ii)**<sup>1</sup> any other property involved in or related to a violation  
29 of this <sup>1</sup>**["act"]** ; and

30 (b) restitution, concerning the dogs or other animals seized and  
31 forfeited pursuant to subparagraph (a) of this paragraph, in the form  
32 of reimbursing any costs for all the animals' food, drink, shelter, or  
33 veterinary care or treatment, or other costs, incurred by any person,  
34 agency, entity, or organization, including but not limited to the New  
35 Jersey Society for the Prevention of Cruelty to Animals, a county  
36 society for the prevention of cruelty to animals, any other  
37 recognized organization concerned with the prevention of cruelty to  
38 animals or the humane treatment and care of animals, a State or  
39 local governmental entity, or a kennel, shelter, pound, or other  
40 facility<sup>1</sup>.

41 <sup>1(2)</sup><sup>1</sup> The court may prohibit any <sup>1</sup>**["such"] convicted**<sup>1</sup> person from  
42 having future possession or custody of any animal for any period of  
43 time the court deems reasonable, including a permanent prohibition.

44 c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction  
45 of leader of a dog fighting network shall not merge with the  
46 conviction for any offense, nor shall such other conviction merge  
47 with a conviction under this section, which is the object of the

1 conspiracy. Nothing contained in this section shall prohibit the  
2 court from imposing an extended term pursuant to N.J.S.2C:43-7;  
3 nor shall this section be construed in any way to preclude or limit  
4 the prosecution or conviction of any person for conspiracy under  
5 N.J.S.2C:5-2, or any prosecution or conviction under N.J.S.2C:41-1  
6 et seq. (racketeering activities) or subsection g. of N.J.S.2C:5-2  
7 (leader of organized crime) or any prosecution or conviction for any  
8 such offense.

9 d. It shall not be necessary in any prosecution under this  
10 section for the State to prove that any intended profit was actually  
11 realized. The trier of fact may infer that a particular scheme or  
12 course of conduct was undertaken for profit from all of the  
13 attendant circumstances, including but not limited to the number of  
14 persons involved in the scheme or course of conduct, the actor's net  
15 worth and his expenditures in relation to his legitimate sources of  
16 income, or the amount of cash or currency involved.

17 e. It shall not be a defense to a prosecution under this section  
18 that the dog intended to be used for fighting was brought into or  
19 transported in this State solely for ultimate distribution or sale in  
20 another jurisdiction.

21 f. It shall not be a defense that the defendant was subject to the  
22 supervision or management of another, nor that another person or  
23 persons were also leaders of a dog fighting network.

24

25 3. N.J.S.2C:41-1 is amended to read as follows:

26 2C:41-1. For purposes of this section and N.J.S.2C:41-2 through  
27 N.J.S.2C:41-6:

28 a. "Racketeering activity" means (1) any of the following  
29 crimes which are crimes under the laws of New Jersey or are  
30 equivalent crimes under the laws of any other jurisdiction:

31 (a) murder

32 (b) kidnapping

33 (c) gambling

34 (d) promoting prostitution

35 (e) obscenity

36 (f) robbery

37 (g) bribery

38 (h) extortion

39 (i) criminal usury

40 (j) violations of Title 33 of the Revised Statutes

41 (k) violations of Title 54A of the New Jersey Statutes and Title  
42 54 of the Revised Statutes

43 (l) arson

44 (m) burglary

45 (n) theft and all crimes defined in chapter 20 of Title 2C of the  
46 New Jersey Statutes

47 (o) forgery and fraudulent practices and all crimes defined in  
48 chapter 21 of Title 2C of the New Jersey Statutes

- 1 (p) fraud in the offering, sale or purchase of securities  
2 (q) alteration of motor vehicle identification numbers  
3 (r) unlawful manufacture, purchase, use or transfer of firearms  
4 (s) unlawful possession or use of destructive devices or  
5 explosives  
6 (t) violation of sections 112 through 116 inclusive of the  
7 "Casino Control Act," P.L.1977, c.110 (C.5:12-112 through 5:12-  
8 116)  
9 (u) violation of N.J.S.2C:35-4, N.J.S.2C:35-5 or N.J.S.2C:35-6  
10 and all crimes involving illegal distribution of a controlled  
11 dangerous substance or controlled substance analog, except  
12 possession of less than one ounce of marijuana  
13 (v) violation of subsection b. of N.J.S.2C:24-4 except for  
14 subparagraph (b) of paragraph (5) of subsection b.  
15 (w) violation of section 1 of P.L.1995, c.405 (C.2C:39-16),  
16 leader of firearms trafficking network  
17 (x) violation of section 1 of P.L.1983, c.229 (C.2C:39-14),  
18 weapons training for illegal activities  
19 (y) violation of section 2 of P.L.2002, c.26 (C.2C:38-2),  
20 terrorism  
21 (z) violation of section 1 of P.L.2005, c.77 (C.2C:13-8), human  
22 trafficking  
23 (aa) violation of N.J.S.2C:12-1 requiring purposeful or knowing  
24 conduct  
25 (bb) violation of N.J.S.2C:12-3, terroristic threats [.]  
26 (cc) violation of section <sup>1</sup>[2] <sup>1</sup> of P.L. , c. (C. ) (pending  
27 before the Legislature as this bill). <sup>1</sup>[leader of]<sup>1</sup> dog fighting  
28 <sup>1</sup>[network]<sup>1</sup>.  
29 (2) any conduct defined as "racketeering activity" under Title  
30 18, U.S.C.s.1961(1)(A), (B) and (D).  
31 b. "Person" includes any individual or entity or enterprise as  
32 defined herein holding or capable of holding a legal or beneficial  
33 interest in property.  
34 c. "Enterprise" includes any individual, sole proprietorship,  
35 partnership, corporation, business or charitable trust, association, or  
36 other legal entity, any union or group of individuals associated in  
37 fact although not a legal entity, and it includes illicit as well as licit  
38 enterprises and governmental as well as other entities.  
39 d. "Pattern of racketeering activity" requires:  
40 (1) Engaging in at least two incidents of racketeering conduct  
41 one of which shall have occurred after the effective date of this act  
42 and the last of which shall have occurred within 10 years (excluding  
43 any period of imprisonment) after a prior incident of racketeering  
44 activity; and  
45 (2) A showing that the incidents of racketeering activity  
46 embrace criminal conduct that has either the same or similar  
47 purposes, results, participants or victims or methods of commission

1 or are otherwise interrelated by distinguishing characteristics and  
2 are not isolated incidents.

3 e. "Unlawful debt" means a debt:

4 (1) Which was incurred or contracted in gambling activity  
5 which was in violation of the law of the United States, a state or  
6 political subdivision thereof; or

7 (2) Which is unenforceable under state or federal law in whole  
8 or in part as to principal or interest because of the laws relating to  
9 usury.

10 f. "Documentary material" includes any book, paper,  
11 document, writing, drawing, graph, chart, photograph, phonorecord,  
12 magnetic or recording or video tape, computer printout, other data  
13 compilation from which information can be obtained or from which  
14 information can be translated into useable form or other tangible  
15 item.

16 g. "Attorney General" includes the Attorney General of New  
17 Jersey, his assistants and deputies. The term shall also include a  
18 county prosecutor or his designated assistant prosecutor if a county  
19 prosecutor is expressly authorized in writing by the Attorney  
20 General to carry out the powers conferred on the Attorney General  
21 by this chapter.

22 h. "Trade or commerce" shall include all economic activity  
23 involving or relating to any commodity or service.

24 (cf: P.L.2007, c.341, s.4)

25

26 4. R.S.4:22-24 is amended to read as follows:

27 4:22-24. A person who shall:

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

32 b. Be present and witness, pay admission to, encourage or  
33 assist therein;

34 c. Permit or suffer a place owned or controlled by him to be so  
35 used;

36 d. For amusement or gain, cause, allow, or permit the fighting  
37 or baiting of a living animal or creature;

38 e. Own, possess, keep, train, promote, purchase, or knowingly  
39 sell a living animal or creature for the purpose of fighting or baiting  
40 that animal or creature; or

41 f. Gamble on the outcome of a fight involving a living animal  
42 or creature--

43 Shall be guilty of a crime of the third degree.

44 For the purposes of this section "bait" means to attack with  
45 violence, to provoke, or to harass an animal with one or more  
46 animals for the purpose of training the animal for, or to cause an

1 animal to engage in, a fight with or among other animals.  
2 (cf: P.L.1989, c.35, s.1)

3

4 5. This act shall take effect immediately.

5

6

7

8

9 Establishes crimes of dog fighting and leader of a dog fighting  
10 network, and updates crime of animal fighting; amends RICO  
11 concerning dog fighting.



# SENATE, No. 736

## STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

**Sponsored by:**

**Senator THOMAS H. KEAN, JR.**

**District 21 (Morris, Somerset and Union)**

**Senator RAYMOND J. LESNIAK**

**District 20 (Union)**

**Co-Sponsored by:**

**Senators Bateman, A.R.Bucco, Pou and Kyrillos**

**SYNOPSIS**

Establishes crimes of dog fighting and leader of a dog fighting network;  
amends RICO to add leader of a dog fighting network.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 5/8/2015)**

1 AN ACT concerning animal fighting, supplementing chapter 33 of  
2 Title 2C and amending N.J.S.2C:41-1 and R.S.4:22-24

3

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

6

7 1. (New section) a. A person is guilty of dog fighting if that  
8 person knowingly:

9 (1) keeps, uses, is connected with or interested in the  
10 management of, or receives money for the admission of a person to,  
11 a place kept or used for the purpose of fighting or baiting a dog;

12 (2) owns, possesses, keeps, trains, promotes, purchases, breeds  
13 or sells a dog for the purpose of fighting or baiting that dog;

14 (3) for amusement or gain, causes, allows, or permits the  
15 fighting or baiting of a dog;

16 (4) permits or suffers a place owned or controlled by that person  
17 to be used for the purpose of fighting or baiting a dog;

18 (5) is present and witnesses, pays admission to, encourages or  
19 assists in the fighting or baiting of a dog; or

20 (6) gambles on the outcome of a fight involving a dog.

21 Dog fighting is a crime of the third degree.

22 b. In addition to any other penalty imposed, the court shall  
23 order the seizure and forfeiture of any animals used for fighting or  
24 baiting, and may upon request of the prosecutor or on its own  
25 motion, order any person convicted of a violation under this section  
26 to forfeit possession of: (1) any other animals in the person's  
27 custody or possession; and (2) any other property involved in or  
28 related to a violation of this act. The court may prohibit any such  
29 person from having future possession or custody of any animal for  
30 any period of time the court deems reasonable, including a  
31 permanent prohibition.

32 c. For the purposes of this section "bait" means to attack with  
33 violence, to provoke, or to harass a dog with one or more animals  
34 for the purpose of training the dog for, or to cause a dog to engage  
35 in, a fight with or among other dogs.

36

37 2. (New section) a. A person is a leader of a dog fighting  
38 network if he conspires with others in a scheme or course of  
39 conduct to unlawfully engage in dog fighting, as defined in section  
40 1 of P.L. , c. (C. ) (pending before the Legislature this bill),  
41 as an organizer, supervisor, financier or manager of at least one  
42 other person. Leader of a dog fighting network is a crime of the  
43 second degree.

**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 "Financier" means a person who, with the intent to derive a  
2 profit, provides money or credit or other thing of value in order to  
3 finance the operations of dog fighting.

4 b. In addition to any other penalty imposed, the court shall  
5 order the seizure and forfeiture of any dogs used for fighting or  
6 baiting, and may upon request of the prosecutor or on its own  
7 motion, order any person convicted of a violation under this section  
8 to forfeit possession of: (1) any other animals in the person's  
9 custody or possession; and (2) any other property involved in or  
10 related to a violation of this act. The court may prohibit any such  
11 person from having future possession or custody of any animal for  
12 any period of time the court deems reasonable, including a  
13 permanent prohibition.

14 c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction  
15 of leader of a dog fighting network shall not merge with the  
16 conviction for any offense, nor shall such other conviction merge  
17 with a conviction under this section, which is the object of the  
18 conspiracy. Nothing contained in this section shall prohibit the  
19 court from imposing an extended term pursuant to N.J.S.2C:43-7;  
20 nor shall this section be construed in any way to preclude or limit  
21 the prosecution or conviction of any person for conspiracy under  
22 N.J.S.2C:5-2, or any prosecution or conviction under N.J.S.2C:41-1  
23 et seq. (racketeering activities) or subsection g. of N.J.S.2C:5-2  
24 (leader of organized crime) or any prosecution or conviction for any  
25 such offense.

26 d. It shall not be necessary in any prosecution under this  
27 section for the State to prove that any intended profit was actually  
28 realized. The trier of fact may infer that a particular scheme or  
29 course of conduct was undertaken for profit from all of the  
30 attendant circumstances, including but not limited to the number of  
31 persons involved in the scheme or course of conduct, the actor's net  
32 worth and his expenditures in relation to his legitimate sources of  
33 income, or the amount of cash or currency involved.

34 e. It shall not be a defense to a prosecution under this section  
35 that the dog intended to be used for fighting was brought into or  
36 transported in this State solely for ultimate distribution or sale in  
37 another jurisdiction.

38 f. It shall not be a defense that the defendant was subject to the  
39 supervision or management of another, nor that another person or  
40 persons were also leaders of a dog fighting network.

41

42 3. N.J.S.2C:41-1 is amended to read as follows:

43 2C:41-1. For purposes of this section and N.J.S.2C:41-2 through  
44 N.J.S.2C:41-6:

45 a. "Racketeering activity" means (1) any of the following  
46 crimes which are crimes under the laws of New Jersey or are  
47 equivalent crimes under the laws of any other jurisdiction:

- 1 (a) murder
- 2 (b) kidnapping
- 3 (c) gambling
- 4 (d) promoting prostitution
- 5 (e) obscenity
- 6 (f) robbery
- 7 (g) bribery
- 8 (h) extortion
- 9 (i) criminal usury
- 10 (j) violations of Title 33 of the Revised Statutes
- 11 (k) violations of Title 54A of the New Jersey Statutes and Title
- 12 54 of the Revised Statutes
- 13 (l) arson
- 14 (m) burglary
- 15 (n) theft and all crimes defined in chapter 20 of Title 2C of the
- 16 New Jersey Statutes
- 17 (o) forgery and fraudulent practices and all crimes defined in
- 18 chapter 21 of Title 2C of the New Jersey Statutes
- 19 (p) fraud in the offering, sale or purchase of securities
- 20 (q) alteration of motor vehicle identification numbers
- 21 (r) unlawful manufacture, purchase, use or transfer of firearms
- 22 (s) unlawful possession or use of destructive devices or
- 23 explosives
- 24 (t) violation of sections 112 through 116 inclusive of the
- 25 "Casino Control Act," P.L.1977, c.110 (C.5:12-112 through 5:12-
- 26 116)
- 27 (u) violation of N.J.S.2C:35-4, N.J.S.2C:35-5 or N.J.S.2C:35-6
- 28 and all crimes involving illegal distribution of a controlled
- 29 dangerous substance or controlled substance analog, except
- 30 possession of less than one ounce of marijuana
- 31 (v) violation of subsection b. of N.J.S.2C:24-4 except for
- 32 subparagraph (b) of paragraph (5) of subsection b.
- 33 (w) violation of section 1 of P.L.1995, c.405 (C.2C:39-16),
- 34 leader of firearms trafficking network
- 35 (x) violation of section 1 of P.L.1983, c.229 (C.2C:39-14),
- 36 weapons training for illegal activities
- 37 (y) violation of section 2 of P.L.2002, c.26 (C.2C:38-2),
- 38 terrorism
- 39 (z) violation of section 1 of P.L.2005, c.77 (C.2C:13-8), human
- 40 trafficking
- 41 (aa) violation of N.J.S.2C:12-1 requiring purposeful or knowing
- 42 conduct
- 43 (bb) violation of N.J.S.2C:12-3, terroristic threats **[.]**
- 44 (cc) violation of section 2 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending
- 45 before the Legislature as this bill), leader of dog fighting network.
- 46 (2) any conduct defined as "racketeering activity" under Title
- 47 18, U.S.C.s.1961(1)(A), (B) and (D).

- 1       b. "Person" includes any individual or entity or enterprise as  
2 defined herein holding or capable of holding a legal or beneficial  
3 interest in property.
- 4       c. "Enterprise" includes any individual, sole proprietorship,  
5 partnership, corporation, business or charitable trust, association, or  
6 other legal entity, any union or group of individuals associated in  
7 fact although not a legal entity, and it includes illicit as well as licit  
8 enterprises and governmental as well as other entities.
- 9       d. "Pattern of racketeering activity" requires:
- 10       (1) Engaging in at least two incidents of racketeering conduct  
11 one of which shall have occurred after the effective date of this act  
12 and the last of which shall have occurred within 10 years (excluding  
13 any period of imprisonment) after a prior incident of racketeering  
14 activity; and
- 15       (2) A showing that the incidents of racketeering activity  
16 embrace criminal conduct that has either the same or similar  
17 purposes, results, participants or victims or methods of commission  
18 or are otherwise interrelated by distinguishing characteristics and  
19 are not isolated incidents.
- 20       e. "Unlawful debt" means a debt:
- 21       (1) Which was incurred or contracted in gambling activity  
22 which was in violation of the law of the United States, a state or  
23 political subdivision thereof; or
- 24       (2) Which is unenforceable under state or federal law in whole  
25 or in part as to principal or interest because of the laws relating to  
26 usury.
- 27       f. "Documentary material" includes any book, paper,  
28 document, writing, drawing, graph, chart, photograph, phonorecord,  
29 magnetic or recording or video tape, computer printout, other data  
30 compilation from which information can be obtained or from which  
31 information can be translated into useable form or other tangible  
32 item.
- 33       g. "Attorney General" includes the Attorney General of New  
34 Jersey, his assistants and deputies. The term shall also include a  
35 county prosecutor or his designated assistant prosecutor if a county  
36 prosecutor is expressly authorized in writing by the Attorney  
37 General to carry out the powers conferred on the Attorney General  
38 by this chapter.
- 39       h. "Trade or commerce" shall include all economic activity  
40 involving or relating to any commodity or service.  
41 (cf: P.L.2007, c.341, s.4)
- 42
- 43       4. R.S.4:22-24 is amended to read as follows:  
44       4:22-24. A person who shall:
- 45       a. Keep, use, be connected with or interested in the  
46 management of, or receive money for the admission of a person to,

- 1 a place kept or used for the purpose of fighting or baiting a living  
2 animal or creature;
- 3 b. Be present and witness, pay admission to, encourage or  
4 assist therein;
- 5 c. Permit or suffer a place owned or controlled by him to be so  
6 used;
- 7 d. For amusement or gain, cause, allow, or permit the fighting  
8 or baiting of a living animal or creature;
- 9 e. Own, possess, keep, train, promote, purchase, or knowingly  
10 sell a living animal or creature for the purpose of fighting or baiting  
11 that animal or creature; or
- 12 f. Gamble on the outcome of a fight involving a living animal  
13 or creature--
- 14 Shall be guilty of a crime of the third degree.
- 15 For the purposes of this section "bait" means to attack with  
16 violence, to provoke, or to harass an animal with one or more  
17 animals for the purpose of training the animal for, or to cause an  
18 animal to engage in, a fight with or among other animals.  
19 (cf: P.L.1989, c.35, s.1)

20

21 5. This act shall take effect immediately.

22

23

24 STATEMENT

25

26 This bill would establish two new crimes: dog fighting; and  
27 leader of a dog fighting network. The latter crime would also be  
28 added to the list of offenses considered "racketeering activity"  
29 under New Jersey's anti-racketeering law ("RICO"), N.J.S.2C:41-1  
30 et seq.

31 A person would be guilty of dog fighting if the person  
32 knowingly: (1) keeps, uses, or is connected with or interested in the  
33 management of, or receives money for the admission of a person to,  
34 a place kept or used for the purpose of fighting or baiting a dog; (2)  
35 owns, possesses, keeps, trains, promotes, purchases, breeds or sells  
36 a dog for the purpose of fighting or baiting that dog; (3) for  
37 amusement or gain, causes, allows, or permits the fighting or  
38 baiting of a dog; (4) permits or suffers a place owned or controlled  
39 by that person to be used for the purpose of fighting or baiting a  
40 dog; (5) is present and witnesses, pays admission to, encourages or  
41 assists in the fighting or baiting of a dog; or (6) gambles on the  
42 outcome of a fight involving a dog. Under the bill, the term  
43 "baiting" in reference to the above categories would mean "to  
44 attack with violence, to provoke, or to harass a dog with one or  
45 more animals" for purposes of training or causing a dog to engage  
46 in dog fighting.

1 Dog fighting would be a crime of the third degree. A crime of the  
2 third degree is ordinarily punishable by a term of imprisonment of  
3 three to five years, a fine of up to \$15,000, or both.

4 Additionally, a person would be guilty of the crime of leader of a  
5 dog fighting network if the person conspires with others in a  
6 scheme or course of conduct to unlawfully engage in dog fighting  
7 as an organizer, supervisor, financier or manager of at least one  
8 other person. This crime would be a crime of the second degree. A  
9 crime of the second degree is ordinarily punishable by a term of  
10 imprisonment of five to 10 years, a fine of up to \$150,000, or both.  
11 This crime would also be added to the list of offenses considered  
12 “racketeering activity” under RICO, N.J.S.2C:41-1 et seq., which  
13 could trigger additional criminal penalties if a person is found to  
14 engage in a pattern of racketeering activity. See N.J.S.2C:41-3.

15 Also concerning prosecutions for the crime of leader of a dog  
16 fighting network, the bill includes a non-merger provision, meaning  
17 that a conviction for such crime would not merge with the  
18 conviction for any other offense when the underlying conduct being  
19 prosecuted establishes more than one offense.

20 Further, it would not be a defense to the crime of leader of a dog  
21 fighting network that a dog intended to be used for fighting was  
22 brought into or transported in this State solely for ultimate  
23 distribution or sale in another jurisdiction. It also would not be a  
24 defense that the defendant was subject to the supervision or  
25 management of another.

26 With respect to both criminal dog fighting and leader of a dog  
27 fighting network, the court would, in addition to any other penalty it  
28 imposed, order the seizure and forfeiture of any dogs used for  
29 fighting or baiting, and may upon request of the prosecutor or on its  
30 own motion, order any convicted person to forfeit possession of: (1)  
31 any other animals in the person’s custody or possession; and (2) any  
32 other property involved in or related to the criminal act.  
33 Additionally, the court could prohibit any such person from having  
34 future possession or custody of any animal for any period of time  
35 the court deems reasonable, including a permanent prohibition.

36 Finally, with respect to animal fighting generally, the bill would  
37 amend R.S.4:22-24, a statute concerning criminal animal fighting,  
38 to include a definition of “baiting” similar to that set forth above for  
39 the new crime of dog fighting. Thus, under the bill, the term  
40 “baiting” in reference to persons engaged in criminal animal  
41 fighting would mean “to attack with violence, to provoke, or to  
42 harass an animal with one or more animals” for purposes of training  
43 or causing the animal to engage in animal fighting. The existing  
44 crime of animal fighting is a crime of the third degree, ordinarily  
45 punishable by a term of imprisonment of three to five years, a fine  
46 of up to \$15,000, or both.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### **SENATE, No. 736**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 7, 2015

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 736.

This bill, as amended, would establish two new crimes: dog fighting; and leader of a dog fighting network. The crime of dog fighting would also be added to the list of offenses considered “racketeering activity” under New Jersey’s anti-racketeering law (“RICO”), N.J.S.2C:41-1 et seq.

A person would be guilty of dog fighting if the person knowingly: (1) keeps, uses, or is connected with or interested in the management of, or receives money for the admission of a person to, a place kept or used for the purpose of fighting or baiting a dog; (2) owns, possesses, keeps, trains, promotes, purchases, breeds or sells a dog for the purpose of fighting or baiting that dog; (3) for amusement or gain, causes, allows, or permits the fighting or baiting of a dog; (4) permits or suffers a place owned or controlled by that person to be used for the purpose of fighting or baiting a dog; (5) is present and witnesses, pays admission to, encourages or assists in the fighting or baiting of a dog; or (6) gambles on the outcome of a fight involving a dog. Under the bill, the term “baiting” in reference to the above categories would mean “to attack with violence, to provoke, or to harass a dog with one or more animals” for purposes of training or causing a dog to engage in dog fighting.

Dog fighting would be a crime of the third degree. A crime of the third degree is ordinarily punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both. The bill’s addition of this crime to the list of offenses considered “racketeering activity” under RICO, N.J.S.2C:41-1 et seq., could trigger additional criminal penalties if a person is found to engage in a pattern of racketeering activity, graded as either a crime of the first or second degree based on the circumstances of the underlying acts. See N.J.S.2C:41-3.

As to the second new crime, a person would be guilty of the crime of leader of a dog fighting network if the person conspires with others in a scheme or course of conduct to unlawfully engage in dog fighting as an organizer, supervisor, financier or manager of at least one other person. This crime would be a crime of the second degree. A crime of



the second degree is ordinarily punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both.

Concerning prosecutions for the crime of leader of a dog fighting network, the bill includes a non-merger provision, meaning that a conviction for such crime would not merge with the conviction for any other offense when the underlying conduct being prosecuted establishes more than one offense. Further, it would not be a defense to the crime of leader of a dog fighting network that a dog intended to be used for fighting was brought into or transported in this State solely for ultimate distribution or sale in another jurisdiction. It also would not be a defense that the defendant was subject to the supervision or management of another.

With respect to both criminal dog fighting and leader of a dog fighting network, the court would, in addition to any other penalty it imposed, order the seizure and forfeiture of any dogs or other animals used for fighting or baiting, and may upon request of the prosecutor or on its own motion, order any convicted person to forfeit possession of: any other dogs or other animals in the person's custody or possession; and any other property involved in or related to the criminal act. Additionally, the court would order restitution concerning any such seized and forfeited dogs or other animals, in the form of reimbursing any costs for all the animals' food, drink, shelter, or veterinary care or treatment, or other costs, incurred by any person, agency, entity, or organization, including but not limited to the New Jersey Society for the Prevention of Cruelty to Animals, a county society for the prevention of cruelty to animals, any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, a State or local governmental entity, or a kennel, shelter, pound, or other facility. The court could also prohibit any such person from having future possession or custody of any animal for any period of time the court deems reasonable, including a permanent prohibition.

Finally, with respect to animal fighting generally, the bill would amend R.S.4:22-24, a statute concerning criminal animal fighting, to include a definition of "baiting" similar to that set forth above for the new crime of dog fighting. Thus, under the bill, the term "baiting" in reference to persons engaged in criminal animal fighting would mean "to attack with violence, to provoke, or to harass an animal with one or more animals" for purposes of training or causing the animal to engage in animal fighting. The existing crime of animal fighting is a crime of the third degree, ordinarily punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

This bill was pre-filed for introduction in the 2014-2015 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

The committee amendments to the bill:

- include provisions for ordering restitution by a person convicted of either dog fighting or leader of a dog fighting network, in the form of reimbursing parties for any costs of caring for the dogs and other animals seized and forfeited as a result of the conviction;
- add the crime of dog fighting to the list of offenses considered “racketeering activity” under RICO, N.J.S.2C:41-1 et seq., instead of leader of a dog fighting network, in order to expressly permit RICO prosecutions targeting the “street level” activity of dog fighting;
- make technical and grammatical corrections to the bill’s title; and
- update the bill’s synopsis to better reflect the provisions of the bill and the changes made by the amendments.

# ASSEMBLY, No. 3037

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MARCH 24, 2014

**Sponsored by:**

**Assemblyman BOB ANDRZEJCZAK**

**District 1 (Atlantic, Cape May and Cumberland)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**SYNOPSIS**

Revises animal fighting laws; establishes minimum penalty for criminal animal cruelty offenses; establishes additional penalties for animal cruelty offenses.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/12/2014)**

1 AN ACT concerning animal cruelty, amending R.S.4:22-17,  
2 R.S.4:22-24, R.S.4:22-26, and R.S.4:22-26.1, and supplementing  
3 chapter 22 of Title 4 of the Revised Statutes.

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

7  
8 1. R.S.4:22-17 is amended to read as follows:

9 4:22-17. a. It shall be unlawful to:

10 (1) Overdrive, overload, drive when overloaded, overwork,  
11 abuse, or needlessly kill a living animal or creature;

12 (2) Cause or procure, by any direct or indirect means, including  
13 but not limited to through the use of another living animal or  
14 creature, any of the acts described in paragraph (1) of this  
15 subsection to be done;

16 (3) Inflict unnecessary cruelty upon a living animal or creature,  
17 by any direct or indirect means, including but not limited to through  
18 the use of another living animal or creature; or leave the living  
19 animal or creature unattended in a vehicle under inhumane  
20 conditions adverse to the health or welfare of the living animal or  
21 creature; or

22 (4) Fail, as the owner or as a person otherwise charged with the  
23 care of a living animal or creature, to provide the living animal or  
24 creature with necessary care.

25 b. (1) A person who violates subsection a. of this section shall  
26 be guilty of a disorderly persons offense. Notwithstanding the  
27 provisions of N.J.S.2C:43-3 to the contrary, for every conviction of  
28 an offense pursuant to paragraph (1) or (2) of subsection a. of this  
29 section, the person shall be fined not less than \$250 nor more than  
30 \$1,000, or be imprisoned for a term of not more than six months, or  
31 both, in the discretion of the court; and for every conviction of an  
32 offense pursuant to paragraph (3) or (4) of subsection a. of this  
33 section, the person shall be fined not less than \$500 nor more than  
34 \$2,000, or be imprisoned for a term of not more than six months, or  
35 both, in the discretion of the court.

36 (2) If the person who violates subsection a. of this section has a  
37 prior conviction for an offense that would constitute a violation of  
38 subsection a. of this section, the person shall be guilty of a crime of  
39 the fourth degree.

40 (3) A person who violates subsection a. of this section shall also  
41 be subject to the provisions of subsections e. and f. and, if  
42 appropriate, subsection g., of this section.

43 c. It shall be unlawful to purposely, knowingly, or recklessly:

44 (1) Torment, torture, maim, hang, poison, unnecessarily 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 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or  
2 creature;

3 (2) Cause bodily injury to a living animal or creature by failing  
4 to provide the living animal or creature with necessary care,  
5 whether as the owner or as a person otherwise charged with the care  
6 of the living animal or creature; or

7 (3) Cause or procure an act described in paragraph (1) or (2) of  
8 this subsection to be done, by any direct or indirect means,  
9 including but not limited to through the use of another living animal  
10 or creature.

11 d. (1) A person who violates paragraph (1), (2), or (3) of  
12 subsection c. of this section shall be guilty of a crime of the fourth  
13 degree, except that the person shall be guilty of a crime of the third  
14 degree if:

15 (a) the animal or creature dies as a result of the violation;

16 (b) the animal or creature suffers serious bodily injury as a  
17 result of the violation; or

18 (c) the person has a prior conviction for an offense that would  
19 constitute a violation of paragraph (1), (2), or (3) of subsection c. of  
20 this section.

21 (2) A person who violates any provision of subsection c. of this  
22 section shall also be subject to the provisions of subsections e. and  
23 f. and, if appropriate, subsection g., of this section.

24 e. For a violation of this section, in addition to imposing any  
25 other appropriate penalties established for **[a crime of the third**  
26 **degree, crime of the fourth degree,]** any degree of crime or  
27 disorderly persons offense, as the case may be, pursuant to Title 2C  
28 of the New Jersey Statutes, the court:

29 (1) shall impose a term of community service of **[up to]** not less  
30 than 30 days for any person convicted of a criminal offense in  
31 violation of chapter 22 of Title 4 of the Revised Statutes who is not  
32 sentenced to a term of imprisonment, and may impose on a person  
33 convicted guilty of a criminal offense in violation of chapter 22 of  
34 Title 4 of the Revised Statutes who is sentenced to a term of  
35 imprisonment, an additional term of community service of up to 30  
36 days; and

37 (2) may direct that the term of community service imposed  
38 pursuant to paragraph (1) of this subsection be served in providing  
39 assistance to the New Jersey Society for the Prevention of Cruelty  
40 to Animals, a county society for the prevention of cruelty to  
41 animals, or any other recognized organization concerned with the  
42 prevention of cruelty to animals or the humane treatment and care  
43 of animals, or to a municipality's animal control or animal  
44 population control program, provided that the organization or  
45 municipality, as the case may be, consents to the placement of the  
46 violation and conditions for the placement are established to ensure  
47 that the service is appropriately supervised and that no animals are  
48 placed at risk by the violator's service.

1 f. The court also shall require any violator of this section to  
2 pay restitution, including but not limited to, the monetary cost of  
3 replacing the animal if the animal died or had to be euthanized  
4 because of the extent of the animal's injuries, or otherwise  
5 reimburse any costs for food, drink, shelter, or veterinary care or  
6 treatment, or other costs, incurred by the owner of the animal, if the  
7 owner is not the person committing the act of cruelty, or incurred  
8 by any agency, entity, or organization investigating the violation,  
9 including but not limited to the New Jersey Society for the  
10 Prevention of Cruelty to Animals, a county society for the  
11 prevention of cruelty to animals, any other recognized organization  
12 concerned with the prevention of cruelty to animals or the humane  
13 treatment and care of animals, a local or State governmental entity,  
14 or a kennel, shelter, pound, or other facility providing for the shelter  
15 and care of the animal or animals involved in the violation.

16 g. **【If】** The court also:

17 (1) shall order a person who is convicted of a violation of  
18 chapter 22 of Title 4 of the Revised Statutes that constitutes a crime  
19 of the third, second, or first degree to receive mental health  
20 counseling by a licensed psychiatrist, psychologist or therapist for a  
21 period of time prescribed by the licensed psychologist or therapist,  
22 the cost of which shall be paid by the person guilty of the offense;

23 (2) shall order a juvenile who is adjudicated delinquent for an  
24 act which, if committed by an adult, would constitute a disorderly  
25 persons offense, crime of the fourth degree, or crime of the third  
26 degree pursuant to this section, 【the court also shall order the  
27 juvenile】 to receive mental health counseling by a licensed  
28 psychologist or therapist named by the court for a period of time to  
29 be prescribed by the licensed psychologist or therapist 【.】, the cost  
30 of which shall be paid by the parents or other legal guardian of the  
31 juvenile; and

32 (3) may order a person convicted of any other violation of  
33 chapter 22 of Title 4 of the Revised Statutes, or a juvenile  
34 adjudicated delinquent for such an act, to receive mental health  
35 counseling by a licensed psychologist or therapist for a period of  
36 time prescribed by the licensed psychologist or therapist, the cost of  
37 which shall be paid by the person convicted or the legal guardians  
38 of the juvenile, as applicable.

39 (cf: P.L.2013, c.88, s.2)

40

41 2. R.S.4:22-24 is amended to read as follows:

42 4:22-24. a. A person who shall:

43 **【a** Keep, use, be connected with or interested in the  
44 management of, or receive money for the admission of a person to**】**

45 (1) Recklessly or negligently allow, as the owner or the person  
46 in possession of the real property , a place 【kept or】 to be used for  
47 the purpose of 【fighting or】 baiting 【a living animal or creature;

1       b.] animals, fighting between animals, or training animals for  
2 fighting; or

3       (2) Be present [and], witness, pay admission to, [encourage or]  
4 assist [therein;

5       c. Permit or suffer a place owned or controlled by him to be so  
6 used;

7       d. For amusement or gain, cause, allow, or permit the fighting  
8 or baiting of a living animal or creature;

9       e. Own, possess, keep, train, promote, purchase, or knowingly  
10 sell a living animal or creature for the purpose of fighting or baiting  
11 that animal or creature; or

12       f. Gamble] in or encourage an animal fight, or gamble on the  
13 outcome of [a] an animal fight [involving a living animal or  
14 creature] --

15       Shall be guilty of a crime of the third degree.

16       b. A person who shall purposely or knowingly:

17       (1) Organize a fight between animals or the gambling on the  
18 outcome of the animal fight;

19       (2) Collect or hold the bets for such gambling on the outcome of  
20 an animal fight;

21       (3) As the owner or the person in possession of the real  
22 property, provide or allow to be used, for personal amusement or  
23 monetary gain, a place for the purpose of baiting animals, fighting  
24 between animals, holding organized animal fights, or training  
25 animals for fighting; or

26       (4) Own, possess, keep, train, promote, purchase, breed or sell  
27 any animal for the purpose of fighting between animals or baiting  
28 animals to engage in fighting ---

29       Shall be guilty of a crime of the second degree.

30       c. Each animal being used in a fight, bred, trained, or used for  
31 fighting, baited, or attacked by a baited animal in violation of this  
32 section shall constitute a separate offense.

33 (cf: P.L.1989, c.35, s.1)

34

35       3. R.S.4:22-26 is amended to read as follows:

36       4:22-26. A person who shall:

37       a. (1) Overdrive, overload, drive when overloaded, overwork,  
38 abuse, or needlessly kill a living animal or creature, or cause or  
39 procure, by any direct or indirect means, including but not limited  
40 to through the use of another living animal or creature, any such  
41 acts to be done;

42       (2) Torment, torture, maim, hang, poison, unnecessarily or  
43 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or  
44 creature, or cause or procure, by any direct or indirect means,  
45 including but not limited to through the use of another living animal  
46 or creature, any such acts to be done;

- 1 (3) Cause the death of, or serious bodily injury to, a living  
2 animal or creature from commission of any act described in  
3 paragraph (2), (4), or (5)**], or (6)]** of this subsection, by any direct  
4 or indirect means, including but not limited to through the use of  
5 another living animal or creature, or otherwise cause or procure any  
6 such acts to be done;
- 7 (4) Fail, as the owner or a person otherwise charged with the  
8 care of a living animal or creature, to provide the living animal or  
9 creature with necessary care, or otherwise cause or procure such an  
10 act to be done; or
- 11 (5) Cause bodily injury to a living animal or creature from  
12 commission of the act described in paragraph (4) of this subsection;
- 13 b. (Deleted by amendment, P.L.2003, c.232)
- 14 c. Inflict unnecessary cruelty upon a living animal or creature,  
15 by any direct or indirect means, including but not limited to through  
16 the use of another living animal or creature; or leave the living  
17 animal or creature unattended in a vehicle under inhumane  
18 conditions adverse to the health or welfare of the living animal or  
19 creature;
- 20 d. Receive or offer for sale a horse that is suffering from abuse  
21 or neglect, or which by reason of disability, disease, abuse or  
22 lameness, or any other cause, could not be worked, ridden or  
23 otherwise used for show, exhibition or recreational purposes, or  
24 kept as a domestic pet without violating the provisions of this  
25 article;
- 26 e. **Keep, use, be connected with or interested in the**  
27 **management of, or receive money or other consideration for the**  
28 **admission of a person to, a place kept or used for the purpose of**  
29 **fighting or baiting a living animal or creature]** Organize a fight  
30 between animals or the gambling on the outcome of the animal  
31 fight; collect or hold the bets for such gambling on the outcome of  
32 an animal fight; or as the owner or the person in possession of the  
33 real property, provide the property to be used, for personal  
34 amusement or monetary gain, as a place for the purpose of baiting  
35 animals, fighting between animals, holding organized animal fights,  
36 or training animals for fighting;
- 37 f. Be present **[and]**, witness, pay admission to, encourage,  
38 **[aid]** or assist in **[an activity enumerated in subsection e. of this**  
39 **section]** an animal fight, or gamble on the outcome of an animal  
40 fight;
- 41 g. **[Permit or suffer a place owned or controlled by him to be**  
42 **used as provided in subsection e. of this section]** Allow, as the  
43 owner or the person in possession of the real property, a place to be  
44 used for the purpose of baiting animals, fighting between animals,  
45 or training animals for fighting;
- 46 h. Carry, or cause to be carried, a living animal or creature in  
47 or upon a vehicle or otherwise, in a cruel or inhumane manner;



- 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 to  
5 supply the living animal or creature during such confinement with a  
6 sufficient quantity of 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 permit  
10 to be sold or offered for sale, used or exposed, a horse or other  
11 animal having the disease known as glanders or farcy, or other  
12 contagious or infectious disease dangerous to the health or life of  
13 human beings or animals, or who shall, when any such disease is  
14 beyond recovery, refuse, upon demand, to deprive the animal of  
15 life;
- 16 m. Own, operate, manage or conduct a roadside stand or market  
17 for the sale of merchandise along a public street or highway; or a  
18 shopping mall, or a part of the premises thereof; and keep a living  
19 animal or creature confined, or allowed to roam in an area whether  
20 or not the area is enclosed, on these premises as an exhibit; except  
21 that this subsection shall not be applicable to: a pet shop licensed  
22 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who  
23 keeps an animal, in a humane manner, for the purpose of the  
24 protection of the premises; or a recognized breeders' association, a  
25 4-H club, an educational agricultural program, an equestrian team, a  
26 humane society or other similar charitable or nonprofit organization  
27 conducting an exhibition, show or performance;
- 28 n. Keep or exhibit a wild animal at a roadside stand or market  
29 located along a public street or highway of this State; a gasoline  
30 station; or a shopping mall, or a part of the premises thereof;
- 31 o. Sell, offer for sale, barter or give away or display live baby  
32 chicks, ducklings or other fowl or rabbits, turtles or chameleons  
33 which have been dyed or artificially colored or otherwise treated so  
34 as to impart to them an artificial color;
- 35 p. Use any animal, reptile, or fowl for the purpose of soliciting  
36 any alms, collections, contributions, subscriptions, donations, or  
37 payment of money except in connection with exhibitions, shows or  
38 performances conducted in a bona fide manner by recognized  
39 breeders' associations, 4-H clubs or other similar bona fide  
40 organizations;
- 41 q. Sell or offer for sale, barter, or give away living rabbits,  
42 turtles, baby chicks, ducklings or other fowl under two months of  
43 age, for use as household or domestic pets;
- 44 r. Sell, offer for sale, barter or give away living baby chicks,  
45 ducklings or other fowl, or rabbits, turtles or chameleons under two  
46 months of age for any purpose not prohibited by subsection q. of  
47 this section and who shall fail to provide proper facilities for the  
48 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 one inch from the tip end thereof, or half  
4 cropping or cutting both ears or either ear more than one inch from  
5 the tip end thereof, or who shall have or keep in the person's  
6 possession sheep or cattle, which the person claims to own, marked  
7 contrary to this subsection unless they were bought in market or of  
8 a stranger;
- 9 t. Abandon a domesticated animal;
- 10 u. **【For amusement or gain, cause, allow, or permit the fighting**  
11 **or baiting of a living animal or creature;】** (Deleted by amendment,  
12 P.L. , c. (C. ) (pending before the Legislature as this bill)
- 13 v. Own, possess, keep, train, promote, purchase, breed, or  
14 **【knowingly】** sell a living animal or creature for the purpose of  
15 fighting between animals or baiting **【that animal or creature】**  
16 animals to engage in fighting;
- 17 w. **【Gamble on the outcome of a fight involving a living animal**  
18 **or creature;】** (Deleted by amendment, P.L. , c. (C. ) (pending  
19 before the Legislature as this bill)
- 20 x. Knowingly sell or barter or offer for sale or barter, at  
21 wholesale or retail, the fur or hair of a domestic dog or cat or any  
22 product made in whole or in part from the fur or hair of a domestic  
23 dog or cat, unless such fur or hair for sale or barter is from a  
24 commercial grooming establishment or a veterinary office or clinic  
25 or is for use for scientific research;
- 26 y. (1) Knowingly sell or barter, or offer for sale or barter, at  
27 wholesale or retail, for human consumption, the flesh of a domestic  
28 dog or cat, or any product made in whole or in part from the flesh of  
29 a domestic dog or cat;
- 30 (2) Knowingly slaughter a horse for human consumption;
- 31 (3) Knowingly sell or barter, or offer for sale or barter, at  
32 wholesale or retail, for human consumption, the flesh of a horse, or  
33 any product made in whole or in part from the flesh of a horse, or  
34 knowingly accept or publish newspaper advertising that includes the  
35 offering for sale, trade, or distribution of any such item for human  
36 consumption;
- 37 (4) Knowingly transport a horse for the purpose of slaughter for  
38 human consumption;
- 39 (5) Knowingly transport horsemeat, or any product made in  
40 whole or in part from the flesh of a horse, for the purpose of human  
41 consumption;
- 42 z. Surgically debark or silence a dog in violation of section 1  
43 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 44 aa. Use a live pigeon, fowl or other bird for the purpose of a  
45 target, or to be shot at either for amusement or as a test of skill in  
46 marksmanship, except that this subsection and subsections bb. and  
47 cc. shall not apply to the shooting of game;

1       bb. Shoot at a bird used as described in subsection aa. of this  
2 section, or is a party to such shooting; or

3       cc. Lease a building, room, field or premises, or knowingly  
4 permit the use thereof for the purposes of subsection aa. or bb. of  
5 this section --

6       Shall forfeit and pay a sum according to the following schedule,  
7 to be sued for and recovered, with costs, in a civil action by any  
8 person in the name of the New Jersey Society for the Prevention of  
9 Cruelty to Animals or a county society for the prevention of cruelty  
10 to animals, as appropriate, or, in the name of the municipality if  
11 brought by a certified animal control officer or animal cruelty  
12 investigator:

13       For a violation of subsection e., g., or v. of this section, a sum of  
14 not less than \$5,000 nor more than \$7,500;

15       For a violation of subsection [e.,] f. [, g., u., v., w.,] or z. of this  
16 section or of paragraph (3) of subsection a. of this section, or for a  
17 second or subsequent violation of paragraph (2) of subsection a. of  
18 this section, a sum of not less than \$3,000 nor more than \$5,000;

19       For a violation of subsection l. of this section, for a first violation  
20 of paragraph (2) or (5) of subsection a. of this section, a sum of not  
21 less than \$1,000 nor more than \$3,000;

22       For a violation of paragraph (4) of subsection a. of this section,  
23 or subsection c. of this section, a sum of not less than \$500 nor  
24 more than \$2,000;

25       For a violation of subsection x. or paragraph (1) of subsection y.  
26 of this section, a sum of not less than \$500 nor more than \$1,000 for  
27 each domestic dog or cat fur or fur or hair product or domestic dog  
28 or cat carcass or meat product sold, bartered, or offered for sale or  
29 barter;

30       For a violation of paragraph (2), (3), (4), or (5) of subsection y.  
31 of this section, a sum of not less than \$500 nor more than \$1,000 for  
32 each horse slaughtered or transported for the purpose of slaughter  
33 for human consumption, or for each horse carcass or meat product  
34 transported, sold or bartered, or offered or advertised for sale or  
35 barter;

36       For a violation of subsection t. of this section, a sum of not less  
37 than \$500 nor more than \$1,000, but if the violation occurs on or  
38 near a highway, a mandatory sum of \$1,000;

39       For a violation of subsection d., h., j., k., aa., bb., or cc. of this  
40 section or of paragraph (1) of subsection a. of this section, a sum of  
41 not less than \$250 nor more than \$1,000; and

42       For a violation of subsection i., m., n., o., p., q., r., or s. of this  
43 section, a sum of not less than \$250 nor more than \$500.

44 (cf: P.L.2013, c.88, s.3)

45

46       4. Section 1 of P.L.1995, c.255 (C.4:22-26.1) is amended to  
47 read as follows:

- 1       1. a. An officer or agent of the New Jersey Society for the  
2 Prevention of Cruelty to Animals, or a certified animal control  
3 officer, may petition a court of competent jurisdiction to have any  
4 animal confiscated and forfeited that is owned or possessed by a  
5 person at the time the person is found to be guilty of violating  
6 【R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20 or R.S.4:22-  
7 23.】 an animal cruelty provision of chapter 22 of Title 4 of the  
8 Revised Statutes.
- 9       b. Upon a finding that the continued possession by that person  
10 poses a threat to the animal's welfare, the court may, in addition to  
11 any other penalty that may be imposed for a violation of 【R.S.4:22-  
12 17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20 or R.S.4:22-23.】 an  
13 animal cruelty provision of chapter 22 of Title 4 of the Revised  
14 Statutes, adjudge an animal forfeited for such disposition as the  
15 court deems appropriate.
- 16       c. When the court orders a defendant to forfeit possession of an  
17 animal pending final disposition of the action against the defendant,  
18 the court may further order that all rights to possess the animal be  
19 given over to an appropriate person or agency demonstrating a  
20 willingness to accept and care for the animal or to an appropriate  
21 animal care agency for further disposition in accordance with  
22 accepted practices for humane treatment of animals. The court may  
23 also order forfeiture of other animals owned by, or in the possession  
24 of, the defendant, and that all rights to possess any such animal be  
25 given over to an appropriate person, organization, or entity.
- 26       d. The court may order a person convicted of a violation of  
27 chapter 22 of Title 4 of the Revised Statutes to forfeit the  
28 possession of any animal involved in the commission of the offense,  
29 and may order custody and care of the animal assigned to an  
30 appropriate person, organization, or entity. The court also may  
31 order restrictions on the ownership of an animal by a person  
32 convicted of any animal cruelty violation of chapter 22 of Title 4 of  
33 the Revised Statutes. These restrictions may include, but are not  
34 limited to, imposing a prohibition from ownership or care of an  
35 animal for a period of time or permanent prohibition from owning  
36 or caring for any animal for the natural life of the person.
- 37       e. Except in cases of extreme financial hardship, the court shall  
38 require a person subject to forfeiture of an animal pursuant to this  
39 section or other provisions of chapter 22 of Title 4 of the Revised  
40 Statutes to post a bond or make other appropriate financial  
41 arrangements to pay for the cost of caring for the animal while it is  
42 held at a kennel, shelter, pound, or other facility for the temporary  
43 care and housing of animals, including the cost of any veterinary  
44 care addressing any bodily injury caused by the violation of chapter  
45 22 of Title 4 of the Revised Statutes that resulted in the forfeiture of  
46 the animal.
- 47 (cf: P.L.1995, c.255, s.1)

1 5. (New section) Any person who has been convicted of a  
2 criminal offense violating the provisions of chapter 22 of Title 4 of  
3 the Revised Statutes is subject to a maximum fine as provided under  
4 N.J.S.2C:43-3, and shall be subject to a minimum fine of not less  
5 than:

- 6 a. \$10,000 when the offense is a crime of the first degree;
- 7 b. \$5,000 when the offense is a crime of the second degree;
- 8 c. \$3,000 when the offense is a crime of the third degree;
- 9 d. \$1,000 when the offense is a crime of the fourth degree; or
- 10 e. \$500 when the offense is a disorderly persons offense.

11

12 6. This act shall take effect immediately.

13

14

15

#### STATEMENT

16

17 This bill amends current law concerning animal fighting. Under  
18 current law, all offenses relating to animal fighting are crimes of the  
19 third degree. Under the bill, it would be a crime of the second  
20 degree for a person to purposely or knowingly:

21 1) organize a fight between animals or the gambling on the  
22 outcome of the animal fight;

23 2) collect or holds the bets for such gambling on the outcome  
24 of an animal fight;

25 3) as the owner or the person in possession of the real property,  
26 provide or allow to be used, for personal amusement or monetary  
27 gain, a place for the purpose of baiting animals, fighting between  
28 animals, holding organized animal fights, or training animals for  
29 fighting; or

30 4) own, possess, keep, train, promote, purchase, breed or sell  
31 any animal for the purpose of fighting between animals or baiting  
32 animals to engage in fighting.

33 The bill revises other animal fighting offenses under current law,  
34 but they remain crimes of the third degree. They are:

35 1) recklessly or negligently allowing, as the owner or the  
36 person in possession of the real property, a place to be used for the  
37 purpose of baiting animals, fighting between animals, or training  
38 animals for fighting; and

39 2) being present, witnessing, paying admission to, assisting in  
40 or encouraging an animal fight, or gambling on the outcome of an  
41 animal fight.

42 The bill also establishes minimum criminal penalties for criminal  
43 animal cruelty offenses, and additional penalties to be imposed by  
44 courts. These additional penalties include mandatory community  
45 service, restitution, and mental health counseling, and restrictions  
46 on ownership of an animal by a person convicted of any animal  
47 cruelty violation and including, but not limited to, imposing a  
48 prohibition from ownership or care of an animal for a period of time

**A3037 ANDRZEJCZAK, MUKHERJI**

12

- 1 or permanent prohibition from owning or caring for any animal for
- 2 the natural life of the person.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, Nos. 3037, 2547, 3596, and 2422

**STATE OF NEW JERSEY**

DATED: DECEMBER 11, 2014

The Assembly Agriculture and Natural Resources Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 3037, 2547, 3596, and 2422.

This committee substitute would revise and expand the animal cruelty statutes concerning animal fighting by increasing the level of crime for certain offenses, establishing new criminal and civil offenses, and increasing certain criminal and civil penalties. The committee substitute would also establish minimum mandatory fines for various criminal animal cruelty offenses, revise and expand various provisions in the law concerning required mental health counseling for animal cruelty offenders, revise and expand various community service requirements for such offenders, and revise and expand animal seizure and forfeiture provisions in the law.

The committee substitute would establish the two new crimes under the State Criminal Code of animal fighting and leader of an animal fighting network. The latter crime would also be added to the list of offenses considered “racketeering activity” under New Jersey’s anti-racketeering law (“RICO”), which could trigger additional criminal penalties.

Under the State Criminal Code, a person would be guilty of animal fighting if the person knowingly:

(1) keeps, uses, is connected with or interested in the management of, or receives money for the admission of a person to, a place kept or used for the purpose of fighting or baiting an animal;

(2) owns, possesses, keeps, trains, promotes, purchases, breeds, or sells an animal for the purpose of fighting or baiting that animal;

(3) for amusement or gain, causes, allows, or permits the fighting or baiting of an animal;

(4) permits or allows a place owned or controlled by that person to be used for the purpose of fighting or baiting an animal;

(5) is present at, witnesses, brings a minor under the age of 18 to be present at or witness, pays admission to, aids or assists in, or encourages the fighting or baiting of an animal; or

(6) gambles on the outcome of a fight involving an animal.

Under the committee substitute, the term “baiting” in reference to the above categories would mean “to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training the animal for, or to cause an animal to engage in, a fight with or among other animals.”

Animal fighting under the State Criminal Code would continue to be a crime of the third degree.

A person would be guilty of the crime of leader of an animal fighting network if the person conspires with others in a scheme or course of conduct to unlawfully engage in animal fighting as an organizer, supervisor, financier, or manager of at least one other person. This offense would be a crime of the second degree.

With respect to both crimes newly established under the State Criminal Code, the court would, in addition to any other penalty it imposed, order seizure and forfeiture of any animals used for fighting or baiting, and may upon request of the prosecutor or on its own motion, order any person convicted of a violation to forfeit possession of: (1) any other animals in the person’s custody or possession; and (2) any other property involved in or related to the violation. The court may also prohibit any such person from having future possession or custody of any animal for any period of time the court deems reasonable, including a permanent prohibition.

Also concerning prosecutions for the crime of leader of an animal fighting network, the committee substitute would include a non-merger provision, meaning that a conviction for the crime would not merge with the conviction for any other offense when the underlying conduct being prosecuted establishes more than one offense. Further, it would not be a defense to any prosecution that the animal intended to be used for fighting was brought into or transported in this State solely for ultimate distribution or sale in another jurisdiction. It would also not be a defense that the defendant was subject to the supervision or management of another, or that another person or persons were also leaders of an animal fighting network.

The committee substitute also would revise R.S.4:22-24, the animal fighting law under the State animal cruelty statutes, to include several new specific offenses and to increase the level of crime for certain offenses. Several animal fighting offenses remain crimes of the third degree, but committing the following offenses purposely or knowingly would be elevated to crimes of the second degree:

- 1) organizing a fight between animals or the gambling on the outcome of an animal fight;
- 2) collecting or holding the bets for such gambling on the outcome of an animal fight;
- 3) as the owner or the person in possession of the real property, providing or allowing the property to be used, for personal amusement or monetary gain, as a place for the purpose of baiting animals,



fighting between animals, holding organized animal fights, or training animals for fighting;

4) owning, possessing, keeping, training, promoting, purchasing, breeding, or selling any animal for the purpose of fighting between animals or baiting animals to engage in fighting;

5) importing into the State or exporting out of the State an animal for the purpose of animal fighting;

6) stealing an animal for the purpose of using that animal in animal fighting; or

7) conspiring to organize, participating in, or training animals for the purpose of animal fighting.

The committee substitute would also provide that:

1) assets or property used in certain prohibited activities would be subject to seizure and forfeiture. The proceeds realized from any such forfeiture would be dedicated to training animal control officers and humane law enforcement officers, and to animal health, care, and welfare; and

2) each animal being used in a fight, bred, trained, or used for fighting, baited, or attacked by a baited animal would constitute a separate offense.

The committee substitute would further revise or establish civil animal fighting offenses so as to make them comparable to the criminal animal fighting offenses in the committee substitute, as well as substantially increase the potential civil fines for violations of those civil offenses.

The committee substitute also would establish minimum mandatory fines for various criminal animal cruelty offenses, revise and expand various provisions in the law concerning required mental health counseling for animal cruelty offenders, revise and expand various community service requirements for such offenders, and revise and expand animal seizure and forfeiture provisions in the law.

STATEMENT TO

**ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, Nos. 3037, 2547, 3596, and 2422**

with Assembly Floor Amendments  
(Proposed by Assemblyman ANDRZEJCZAK)

ADOPTED: JUNE 25, 2015

These amendments revise the bill's language to make it identical to the Senate version of the legislation.

# ASSEMBLY, No. 2547

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 10, 2014

**Sponsored by:**

**Assemblyman CARMELO G. GARCIA**

**District 33 (Hudson)**

**Assemblywoman ANGELICA M. JIMENEZ**

**District 32 (Bergen and Hudson)**

**Assemblyman JOSEPH CRYAN**

**District 20 (Union)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Assemblywoman Watson Coleman, Assemblymen Wilson and Andrzejczak**

**SYNOPSIS**

Creates new offenses and penalties regarding animal fighting.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/12/2014)**

1 AN ACT concerning animal fighting and amending R.S.4:22-24 and  
2 R.S.4:22-26.

3

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

6

7 1. R.S.4:22-24 is amended to read as follows:

8 4:22-24. A person who shall:

9 a. Keep, use, be connected with or interested in the  
10 management of, or receive money for the admission of a person to,  
11 a place kept or used for the purpose of fighting or baiting a living  
12 animal or creature;

13 b. Be present and witness, pay admission to, encourage or  
14 assist therein;

15 c. Permit or suffer a place owned or controlled by him to be so  
16 used;

17 d. For amusement or gain, cause, allow, or permit the fighting  
18 or baiting of a living animal or creature;

19 e. Own, possess, keep, train, promote, purchase, or knowingly  
20 sell a living animal or creature for the purpose of fighting or baiting  
21 that animal or creature; **[or]**

22 f. Gamble on the outcome of a fight involving a living animal  
23 or creature ;

24 g. Import into the State or export out of the State an animal for  
25 the purpose of animal fighting;

26 h. Steal an animal for the purpose of using that animal in  
27 animal fighting; or

28 i. Conspire to organize, participate in or train animals for the  
29 purpose of animal fighting --

30 Shall be guilty of a crime of the **[third]** second degree. Assets  
31 or property used in an activity enumerated in this section shall be  
32 subject to seizure and forfeiture. The proceeds realized from any  
33 such forfeiture shall be dedicated to training animal control officers  
34 and humane law enforcement officers, and to animal health, care  
35 and welfare.

36 (cf: P.L.1989, c.35, s.1)

37

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

39 4:22-26. A person who shall:

40 a. (1) Overdrive, overload, drive when overloaded, overwork,  
41 abuse, or needlessly kill a living animal or creature, or cause or  
42 procure, by any direct or indirect means, including but not limited  
43 to through the use of another living animal or creature, any such  
44 acts to be done;

**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 (2) Torment, torture, maim, hang, poison, unnecessarily or  
2 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or  
3 creature, or cause or procure, by any direct or indirect means,  
4 including but not limited to through the use of another living animal  
5 or creature, any such acts to be done;

6 (3) Cause the death of, or serious bodily injury to, a living  
7 animal or creature from commission of any act described in  
8 paragraph (2), (4), or (5) **】, or (6)】** of this subsection, by any direct  
9 or indirect means, including but not limited to through the use of  
10 another living animal or creature, or otherwise cause or procure any  
11 such acts to be done;

12 (4) Fail, as the owner or a person otherwise charged with the  
13 care of a living animal or creature, to provide the living animal or  
14 creature with necessary care, or otherwise cause or procure such an  
15 act to be done; or

16 (5) Cause bodily injury to a living animal or creature from  
17 commission of the act described in paragraph (4) of this subsection;

18 b. (Deleted by amendment, P.L.2003, c.232)

19 c. Inflict unnecessary cruelty upon a living animal or creature,  
20 by any direct or indirect means, including but not limited to through  
21 the use of another living animal or creature; or leave the living  
22 animal or creature unattended in a vehicle under inhumane  
23 conditions adverse to the health or welfare of the living animal or  
24 creature;

25 d. Receive or offer for sale a horse that is suffering from abuse  
26 or neglect, or which by reason of disability, disease, abuse or  
27 lameness, or any other cause, could not be worked, ridden or  
28 otherwise used for show, exhibition or recreational purposes, or  
29 kept as a domestic pet without violating the provisions of this  
30 article;

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

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

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

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

41 i. Use a dog or dogs for the purpose of drawing or helping to  
42 draw a vehicle for business purposes;

43 j. Impound or confine or cause to be impounded or confined in  
44 a pound or other place a living animal or creature, and shall fail to  
45 supply the living animal or creature during such confinement with a  
46 sufficient quantity of good and wholesome food and water;

47 k. Abandon a maimed, sick, infirm or disabled animal or  
48 creature to die in a public place;

- 1       l. Willfully sell, or offer to sell, use, expose, or cause or permit  
2 to be sold or offered for sale, used or exposed, a horse or other  
3 animal having the disease known as glanders or farcy, or other  
4 contagious or infectious disease dangerous to the health or life of  
5 human beings or animals, or who shall, when any such disease is  
6 beyond recovery, refuse, upon demand, to deprive the animal of  
7 life;
- 8       m. Own, operate, manage or conduct a roadside stand or market  
9 for the sale of merchandise along a public street or highway; or a  
10 shopping mall, or a part of the premises thereof; and keep a living  
11 animal or creature confined, or allowed to roam in an area whether  
12 or not the area is enclosed, on these premises as an exhibit; except  
13 that this subsection shall not be applicable to: a pet shop licensed  
14 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who  
15 keeps an animal, in a humane manner, for the purpose of the  
16 protection of the premises; or a recognized breeders' association, a  
17 4-H club, an educational agricultural program, an equestrian team, a  
18 humane society or other similar charitable or nonprofit organization  
19 conducting an exhibition, show or performance;
- 20       n. Keep or exhibit a wild animal at a roadside stand or market  
21 located along a public street or highway of this State; a gasoline  
22 station; or a shopping mall, or a part of the premises thereof;
- 23       o. Sell, offer for sale, barter or give away or display live baby  
24 chicks, ducklings or other fowl or rabbits, turtles or chameleons  
25 which have been dyed or artificially colored or otherwise treated so  
26 as to impart to them an artificial color;
- 27       p. Use any animal, reptile, or fowl for the purpose of soliciting  
28 any alms, collections, contributions, subscriptions, donations, or  
29 payment of money except in connection with exhibitions, shows or  
30 performances conducted in a bona fide manner by recognized  
31 breeders' associations, 4-H clubs or other similar bona fide  
32 organizations;
- 33       q. Sell or offer for sale, barter, or give away living rabbits,  
34 turtles, baby chicks, ducklings or other fowl under two months of  
35 age, for use as household or domestic pets;
- 36       r. Sell, offer for sale, barter or give away living baby chicks,  
37 ducklings or other fowl, or rabbits, turtles or chameleons under two  
38 months of age for any purpose not prohibited by subsection q. of  
39 this section and who shall fail to provide proper facilities for the  
40 care of such animals;
- 41       s. Artificially mark sheep or cattle, or cause them to be  
42 marked, by cropping or cutting off both ears, cropping or cutting  
43 either ear more than one inch from the tip end thereof, or half  
44 cropping or cutting both ears or either ear more than one inch from  
45 the tip end thereof, or who shall have or keep in the person's  
46 possession sheep or cattle, which the person claims to own, marked  
47 contrary to this subsection unless they were bought in market or of  
48 a stranger;

- 1 t. Abandon a domesticated animal;
- 2 u. For amusement or gain, cause, allow, or permit the fighting  
3 or baiting of a living animal or creature;
- 4 v. Own, possess, keep, train, promote, purchase, or knowingly  
5 sell a living animal or creature for the purpose of fighting or baiting  
6 that animal or creature;
- 7 w. Gamble on the outcome of a fight involving a living animal  
8 or creature;
- 9 x. Knowingly sell or barter or offer for sale or barter, at  
10 wholesale or retail, the fur or hair of a domestic dog or cat or any  
11 product made in whole or in part from the fur or hair of a domestic  
12 dog or cat, unless such fur or hair for sale or barter is from a  
13 commercial grooming establishment or a veterinary office or clinic  
14 or is for use for scientific research;
- 15 y. (1) Knowingly sell or barter, or offer for sale or barter, at  
16 wholesale or retail, for human consumption, the flesh of a domestic  
17 dog or cat, or any product made in whole or in part from the flesh of  
18 a domestic dog or cat;
- 19 (2) Knowingly slaughter a horse for human consumption;
- 20 (3) Knowingly sell or barter, or offer for sale or barter, at  
21 wholesale or retail, for human consumption, the flesh of a horse, or  
22 any product made in whole or in part from the flesh of a horse, or  
23 knowingly accept or publish newspaper advertising that includes the  
24 offering for sale, trade, or distribution of any such item for human  
25 consumption;
- 26 (4) Knowingly transport a horse for the purpose of slaughter for  
27 human consumption;
- 28 (5) Knowingly transport horsemeat, or any product made in  
29 whole or in part from the flesh of a horse, for the purpose of human  
30 consumption;
- 31 z. Surgically debark or silence a dog in violation of section 1  
32 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 33 aa. Use a live pigeon, fowl or other bird for the purpose of a  
34 target, or to be shot at either for amusement or as a test of skill in  
35 marksmanship, except that this subsection and subsections bb. and  
36 cc. shall not apply to the shooting of game;
- 37 bb. Shoot at a bird used as described in subsection aa. of this  
38 section, or is a party to such shooting; **[or]**
- 39 cc. Lease a building, room, field or premises, or knowingly  
40 permit the use thereof for the purposes of subsection aa. or bb. of  
41 this section ;
- 42 dd. Import into the State or export out of the State an animal for  
43 the purpose of animal fighting;
- 44 ee. Steal an animal for the purpose of using that animal in  
45 animal fighting; or
- 46 ff. Conspire to organize, participate in or train animals for the  
47 purpose of animal fighting --

1 Shall forfeit and pay a sum according to the following schedule,  
2 to be sued for and recovered, with costs, in a civil action by any  
3 person in the name of the New Jersey Society for the Prevention of  
4 Cruelty to Animals or a county society for the prevention of cruelty  
5 to animals, as appropriate, or, in the name of the municipality if  
6 brought by a certified animal control officer or animal cruelty  
7 investigator:

8 For a violation of subsection [e., f., g., u., v., w., or] z. of this  
9 section or of paragraph (3) of subsection a. of this section, or for a  
10 second or subsequent violation of paragraph (2) or (5) of subsection  
11 a. of this section, a sum of not less than \$3,000 nor more than  
12 \$5,000;

13 For a violation of subsections f. or w. of this section a sum of not  
14 less than \$3,000 nor more than \$25,000;

15 For a violation of subsections e., g., u., v., dd., ee., or ff. of this  
16 section a sum of not less than \$3,000 nor more than \$500,000;

17 For a violation of subsection l. of this section, for a first violation  
18 of paragraph (2) or (5) of subsection a. of this section, a sum of not  
19 less than \$1,000 nor more than \$3,000;

20 For a violation of paragraph (4) of subsection a. of this section,  
21 or subsection c. of this section, a sum of not less than \$500 nor  
22 more than \$2,000;

23 For a violation of subsection x. or paragraph (1) of subsection y.  
24 of this section, a sum of not less than \$500 nor more than \$1,000 for  
25 each domestic dog or cat fur or fur or hair product or domestic dog  
26 or cat carcass or meat product sold, bartered, or offered for sale or  
27 barter;

28 For a violation of paragraph (2), (3), (4), or (5) of subsection y.  
29 of this section, a sum of not less than \$500 nor more than \$1,000 for  
30 each horse slaughtered or transported for the purpose of slaughter  
31 for human consumption, or for each horse carcass or meat product  
32 transported, sold or bartered, or offered or advertised for sale or  
33 barter;

34 For a violation of subsection t. of this section, a sum of not less  
35 than \$500 nor more than \$1,000, but if the violation occurs on or  
36 near a highway, a mandatory sum of \$1,000;

37 For a violation of subsection d., h., j., k., aa., bb., or cc. of this  
38 section or of paragraph (1) of subsection a. of this section, a sum of  
39 not less than \$250 nor more than \$1,000; and

40 For a violation of subsection i., m., n., o., p., q., r., or s. of this  
41 section, a sum of not less than \$250 nor more than \$500.

42 (cf: P.L.2013, c.88, s.3)

43

44 3. This act shall take effect immediately.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

STATEMENT

This bill would raise certain aspects of the crime of animal fighting from a third to a second degree crime. The bill would also establish the crimes of, and civil penalties for: (1) importing into New Jersey or exporting out of New Jersey animals for fighting; (2) stealing an animal for use in animal fighting; and (3) conspiracy to organize or participate in animal fighting.

The bill would provide for the seizure and forfeiture of property and assets used in animal fighting, with the proceeds of any such seizures to be dedicated to training animal control officers and humane law enforcement officers, and to animal health, care and welfare.

The bill would increase the maximum civil fine for being a spectator to animal fighting from a maximum of \$5,000 to a maximum of \$25,000. The bill would also increase the maximum civil fine for: (1) importing into New Jersey or exporting out of New Jersey animals for fighting; (2) stealing an animal for use in animal fighting; (3) conspiracy to organize or participate in animal fighting; (4) organizing an animal fight; (5) handling an animal for fighting; or (6) owning property on which animal fighting occurs, from a maximum of \$5,000 to a maximum of \$500,000.

# ASSEMBLY, No. 3596

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED SEPTEMBER 11, 2014

**Sponsored by:**

**Assemblywoman NANCY F. MUNOZ**

**District 21 (Morris, Somerset and Union)**

**Assemblyman JOSEPH A. LAGANA**

**District 38 (Bergen and Passaic)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**SYNOPSIS**

Establishes crimes of dog fighting and leader of a dog fighting network; amends RICO to add leader of a dog fighting network.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/12/2014)**

1 AN ACT concerning animal fighting, supplementing chapter 33 of  
2 Title 2C of the New Jersey Statutes, and amending N.J.S.2C:41-1  
3 and R.S.4:22-24.

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

7  
8 1. (New section) a. A person is guilty of dog fighting if that  
9 person knowingly:

10 (1) keeps, uses, is connected with or interested in the  
11 management of, or receives money for the admission of a person to,  
12 a place kept or used for the purpose of fighting or baiting a dog;

13 (2) owns, possesses, keeps, trains, promotes, purchases, breeds  
14 or sells a dog for the purpose of fighting or baiting that dog;

15 (3) for amusement or gain, causes, allows, or permits the  
16 fighting or baiting of a dog;

17 (4) permits or suffers a place owned or controlled by that person  
18 to be used for the purpose of fighting or baiting a dog;

19 (5) is present and witnesses, pays admission to, encourages or  
20 assists in the fighting or baiting of a dog; or

21 (6) gambles on the outcome of a fight involving a dog.

22 Dog fighting is a crime of the third degree.

23 b. In addition to any other penalty imposed, the court shall  
24 order the seizure and forfeiture of any animals used for fighting or  
25 baiting, and may upon request of the prosecutor or on its own  
26 motion, order any person convicted of a violation under this section  
27 to forfeit possession of: (1) any other animals in the person's  
28 custody or possession; and (2) any other property involved in or  
29 related to a violation of this act. The court may prohibit any such  
30 person from having future possession or custody of any animal for  
31 any period of time the court deems reasonable, including a  
32 permanent prohibition.

33 c. For the purposes of this section "bait" means to attack with  
34 violence, to provoke, or to harass a dog with one or more animals  
35 for the purpose of training the dog for, or to cause a dog to engage  
36 in, a fight with or among other dogs.

37  
38 2. (New section) a. A person is a leader of a dog fighting  
39 network if he conspires with others in a scheme or course of  
40 conduct to unlawfully engage in dog fighting, as defined in section  
41 1 of P.L. , c. (C. ) (pending before the Legislature this bill),  
42 as an organizer, supervisor, financier or manager of at least one  
43 other person. Leader of a dog fighting network is a crime of the  
44 second degree.

**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 "Financier" means a person who, with the intent to derive a  
2 profit, provides money or credit or other thing of value in order to  
3 finance the operations of dog fighting.

4 b. In addition to any other penalty imposed, the court shall  
5 order the seizure and forfeiture of any dogs used for fighting or  
6 baiting, and may upon request of the prosecutor or on its own  
7 motion, order any person convicted of a violation under this section  
8 to forfeit possession of: (1) any other animals in the person's  
9 custody or possession; and (2) any other property involved in or  
10 related to a violation of this act. The court may prohibit any such  
11 person from having future possession or custody of any animal for  
12 any period of time the court deems reasonable, including a  
13 permanent prohibition.

14 c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction  
15 of leader of a dog fighting network shall not merge with the  
16 conviction for any offense, nor shall such other conviction merge  
17 with a conviction under this section, which is the object of the  
18 conspiracy. Nothing contained in this section shall prohibit the  
19 court from imposing an extended term pursuant to N.J.S.2C:43-7;  
20 nor shall this section be construed in any way to preclude or limit  
21 the prosecution or conviction of any person for conspiracy under  
22 N.J.S.2C:5-2, or any prosecution or conviction under N.J.S.2C:41-1  
23 et seq. (racketeering activities) or subsection g. of N.J.S.2C:5-2  
24 (leader of organized crime) or any prosecution or conviction for any  
25 such offense.

26 d. It shall not be necessary in any prosecution under this  
27 section for the State to prove that any intended profit was actually  
28 realized. The trier of fact may infer that a particular scheme or  
29 course of conduct was undertaken for profit from all of the  
30 attendant circumstances, including but not limited to the number of  
31 persons involved in the scheme or course of conduct, the actor's net  
32 worth and his expenditures in relation to his legitimate sources of  
33 income, or the amount of cash or currency involved.

34 e. It shall not be a defense to a prosecution under this section  
35 that the dog intended to be used for fighting was brought into or  
36 transported in this State solely for ultimate distribution or sale in  
37 another jurisdiction.

38 f. It shall not be a defense that the defendant was subject to the  
39 supervision or management of another, nor that another person or  
40 persons were also leaders of a dog fighting network.

41  
42 3. N.J.S.2C:41-1 is amended to read as follows:

43 2C:41-1. For purposes of this section and N.J.S.2C:41-2 through  
44 N.J.S.2C:41-6:

45 a. "Racketeering activity" means (1) any of the following  
46 crimes which are crimes under the laws of New Jersey or are  
47 equivalent crimes under the laws of any other jurisdiction:

48 (a) murder

- 1 (b) kidnapping
- 2 (c) gambling
- 3 (d) promoting prostitution
- 4 (e) obscenity
- 5 (f) robbery
- 6 (g) bribery
- 7 (h) extortion
- 8 (i) criminal usury
- 9 (j) violations of Title 33 of the Revised Statutes
- 10 (k) violations of Title 54A of the New Jersey Statutes and Title
- 11 54 of the Revised Statutes
- 12 (l) arson
- 13 (m) burglary
- 14 (n) theft and all crimes defined in chapter 20 of Title 2C of the
- 15 New Jersey Statutes
- 16 (o) forgery and fraudulent practices and all crimes defined in
- 17 chapter 21 of Title 2C of the New Jersey Statutes
- 18 (p) fraud in the offering, sale or purchase of securities
- 19 (q) alteration of motor vehicle identification numbers
- 20 (r) unlawful manufacture, purchase, use or transfer of firearms
- 21 (s) unlawful possession or use of destructive devices or
- 22 explosives
- 23 (t) violation of sections 112 through 116 inclusive of the
- 24 "Casino Control Act," P.L.1977, c.110 (C.5:12-112 through 5:12-
- 25 116)
- 26 (u) violation of N.J.S.2C:35-4, N.J.S.2C:35-5 or N.J.S.2C:35-6
- 27 and all crimes involving illegal distribution of a controlled
- 28 dangerous substance or controlled substance analog, except
- 29 possession of less than one ounce of marijuana
- 30 (v) violation of subsection b. of N.J.S.2C:24-4 except for
- 31 subparagraph (b) of paragraph (5) of subsection b.
- 32 (w) violation of section 1 of P.L.1995, c.405 (C.2C:39-16),
- 33 leader of firearms trafficking network
- 34 (x) violation of section 1 of P.L.1983, c.229 (C.2C:39-14),
- 35 weapons training for illegal activities
- 36 (y) violation of section 2 of P.L.2002, c.26 (C.2C:38-2),
- 37 terrorism
- 38 (z) violation of section 1 of P.L.2005, c.77 (C.2C:13-8), human
- 39 trafficking
- 40 (aa) violation of N.J.S.2C:12-1 requiring purposeful or knowing
- 41 conduct
- 42 (bb) violation of N.J.S.2C:12-3, terroristic threats **[.]**
- 43 (cc) violation of section 2 of P.L. , c. (C. ) (pending
- 44 before the Legislature as this bill), leader of dog fighting network.
- 45 (2) any conduct defined as "racketeering activity" under Title
- 46 18, U.S.C.s.1961(1)(A), (B) and (D).

1       b. "Person" includes any individual or entity or enterprise as  
2 defined herein holding or capable of holding a legal or beneficial  
3 interest in property.

4       c. "Enterprise" includes any individual, sole proprietorship,  
5 partnership, corporation, business or charitable trust, association, or  
6 other legal entity, any union or group of individuals associated in  
7 fact although not a legal entity, and it includes illicit as well as licit  
8 enterprises and governmental as well as other entities.

9       d. "Pattern of racketeering activity" requires:

10       (1) Engaging in at least two incidents of racketeering conduct  
11 one of which shall have occurred after the effective date of this act  
12 and the last of which shall have occurred within 10 years (excluding  
13 any period of imprisonment) after a prior incident of racketeering  
14 activity; and

15       (2) A showing that the incidents of racketeering activity  
16 embrace criminal conduct that has either the same or similar  
17 purposes, results, participants or victims or methods of commission  
18 or are otherwise interrelated by distinguishing characteristics and  
19 are not isolated incidents.

20       e. "Unlawful debt" means a debt:

21       (1) Which was incurred or contracted in gambling activity  
22 which was in violation of the law of the United States, a state or  
23 political subdivision thereof; or

24       (2) Which is unenforceable under state or federal law in whole  
25 or in part as to principal or interest because of the laws relating to  
26 usury.

27       f. "Documentary material" includes any book, paper,  
28 document, writing, drawing, graph, chart, photograph, phonorecord,  
29 magnetic or recording or video tape, computer printout, other data  
30 compilation from which information can be obtained or from which  
31 information can be translated into useable form or other tangible  
32 item.

33       g. "Attorney General" includes the Attorney General of New  
34 Jersey, his assistants and deputies. The term shall also include a  
35 county prosecutor or his designated assistant prosecutor if a county  
36 prosecutor is expressly authorized in writing by the Attorney  
37 General to carry out the powers conferred on the Attorney General  
38 by this chapter.

39       h. "Trade or commerce" shall include all economic activity  
40 involving or relating to any commodity or service.

41 (cf: P.L.2007, c.341, s.4)

42

43       4. R.S.4:22-24 is amended to read as follows:

44       4:22-24. A person who shall:

45       a. Keep, use, be connected with or interested in the  
46 management of, or receive money for the admission of a person to,  
47 a place kept or used for the purpose of fighting or baiting a living  
48 animal or creature;

- 1       b. Be present and witness, pay admission to, encourage or  
2 assist therein;
- 3       c. Permit or suffer a place owned or controlled by him to be so  
4 used;
- 5       d. For amusement or gain, cause, allow, or permit the fighting  
6 or baiting of a living animal or creature;
- 7       e. Own, possess, keep, train, promote, purchase, or knowingly  
8 sell a living animal or creature for the purpose of fighting or baiting  
9 that animal or creature; or
- 10      f. Gamble on the outcome of a fight involving a living animal  
11 or creature--

12       Shall be guilty of a crime of the third degree.

13       For the purposes of this section "bait" means to attack with  
14 violence, to provoke, or to harass an animal with one or more  
15 animals for the purpose of training the animal for, or to cause an  
16 animal to engage in, a fight with or among other animals.

17 (cf: P.L.1989, c.35, s.1)

18

19       5. This act shall take effect immediately.

20

21

22

#### STATEMENT

23

24       This bill would establish two new crimes: dog fighting; and  
25 leader of a dog fighting network. The latter crime would also be  
26 added to the list of offenses considered "racketeering activity"  
27 under New Jersey's anti-racketeering law ("RICO"), N.J.S.2C:41-1  
28 et seq.

29       A person would be guilty of dog fighting if the person  
30 knowingly: (1) keeps, uses, or is connected with or interested in the  
31 management of, or receives money for the admission of a person to,  
32 a place kept or used for the purpose of fighting or baiting a dog; (2)  
33 owns, possesses, keeps, trains, promotes, purchases, breeds or sells  
34 a dog for the purpose of fighting or baiting that dog; (3) for  
35 amusement or gain, causes, allows, or permits the fighting or  
36 baiting of a dog; (4) permits or suffers a place owned or controlled  
37 by that person to be used for the purpose of fighting or baiting a  
38 dog; (5) is present and witnesses, pays admission to, encourages or  
39 assists in the fighting or baiting of a dog; or (6) gambles on the  
40 outcome of a fight involving a dog. Under the bill, the term  
41 "baiting" in reference to the above categories would mean "to  
42 attack with violence, to provoke, or to harass a dog with one or  
43 more animals" for purposes of training or causing a dog to engage  
44 in dog fighting.

45       Dog fighting would be a crime of the third degree. A crime of the  
46 third degree is ordinarily punishable by a term of imprisonment of  
47 three to five years, a fine of up to \$15,000, or both.

1        Additionally, a person would be guilty of the crime of leader of a  
2 dog fighting network if the person conspires with others in a  
3 scheme or course of conduct to unlawfully engage in dog fighting  
4 as an organizer, supervisor, financier or manager of at least one  
5 other person. This crime would be a crime of the second degree. A  
6 crime of the second degree is ordinarily punishable by a term of  
7 imprisonment of five to 10 years, a fine of up to \$150,000, or both.  
8 This crime would also be added to the list of offenses considered  
9 “racketeering activity” under RICO, N.J.S.2C:41-1 et seq., which  
10 could trigger additional criminal penalties if a person is found to  
11 engage in a pattern of racketeering activity. See N.J.S.2C:41-3.

12        Also concerning prosecutions for the crime of leader of a dog  
13 fighting network, the bill includes a non-merger provision, meaning  
14 that a conviction for such crime would not merge with the  
15 conviction for any other offense when the underlying conduct being  
16 prosecuted establishes more than one offense.

17        Further, it would not be a defense to the crime of leader of a dog  
18 fighting network that a dog intended to be used for fighting was  
19 brought into or transported in this State solely for ultimate  
20 distribution or sale in another jurisdiction. It also would not be a  
21 defense that the defendant was subject to the supervision or  
22 management of another.

23        With respect to both criminal dog fighting and leader of a dog  
24 fighting network, the court would, in addition to any other penalty it  
25 imposed, order the seizure and forfeiture of any dogs used for  
26 fighting or baiting, and may upon request of the prosecutor or on its  
27 own motion, order any convicted person to forfeit possession of: (1)  
28 any other animals in the person’s custody or possession; and (2) any  
29 other property involved in or related to the criminal act.  
30 Additionally, the court could prohibit any such person from having  
31 future possession or custody of any animal for any period of time  
32 the court deems reasonable, including a permanent prohibition.

33        Finally, with respect to animal fighting generally, the bill would  
34 amend R.S.4:22-24, a statute concerning criminal animal fighting,  
35 to include a definition of “baiting” similar to that set forth above for  
36 the new crime of dog fighting. Thus, under the bill, the term  
37 “baiting” in reference to persons engaged in criminal animal  
38 fighting would mean “to attack with violence, to provoke, or to  
39 harass an animal with one or more animals” for purposes of training  
40 or causing the animal to engage in animal fighting. The existing  
41 crime of animal fighting is a crime of the third degree, ordinarily  
42 punishable by a term of imprisonment of three to five years, a fine  
43 of up to \$15,000, or both.



# ASSEMBLY, No. 2422

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 6, 2014

**Sponsored by:**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**Assemblyman JAY WEBBER**

**District 26 (Essex, Morris and Passaic)**

**SYNOPSIS**

Specifies bringing minor to animal fight as crime of third degree; establishes civil penalty therefor.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/16/2014)**

1 AN ACT concerning animal fighting and amending R.S.4:22-24 and  
2 R.S.4:22-26.

3

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

6

7 1. R.S.4:22-24 is amended to read as follows:

8 4:22-24. A person who shall:

9 a. Keep, use, be connected with or interested in the  
10 management of, or receive money for the admission of a person to,  
11 a place kept or used for the purpose of fighting or baiting a living  
12 animal or creature;

13 b. Be present at and witness, pay admission to, encourage or  
14 assist **[therein]** in, or bring a minor under the age of 18 years old to  
15 be present at and witness, the fighting or baiting of a living animal  
16 or creature;

17 c. Permit or suffer a place owned or controlled by **[him]** the  
18 person to be so used;

19 d. For amusement or gain, cause, allow, or permit the fighting  
20 or baiting of a living animal or creature;

21 e. Own, possess, keep, train, promote, purchase, or knowingly  
22 sell a living animal or creature for the purpose of fighting or baiting  
23 that animal or creature; or

24 f. Gamble on the outcome of a fight involving a living animal  
25 or creature

26 Shall be guilty of a crime of the third degree.

27 (cf: P.L.1989, c.35, s.1.)

28

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

30 4:22-26. A person who shall:

31 a. (1) Overdrive, overload, drive when overloaded, overwork,  
32 abuse, or needlessly kill a living animal or creature, or cause or  
33 procure, by any direct or indirect means, including but not limited  
34 to through the use of another living animal or creature, any such  
35 acts to be done;

36 (2) Torment, torture, maim, hang, poison, unnecessarily or  
37 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or  
38 creature, or cause or procure, by any direct or indirect means,  
39 including but not limited to through the use of another living animal  
40 or creature, any such acts to be done;

41 (3) Cause the death of, or serious bodily injury to, a living  
42 animal or creature from commission of any act described in  
43 paragraph (2), (4), (5), or (6) of this subsection,

**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 by any direct or indirect means, including but not limited to through  
2 the use of another living animal or creature, or otherwise cause or  
3 procure any such acts to be done;
- 4 (4) Fail, as the owner or a person otherwise charged with the  
5 care of a living animal or creature, to provide the living animal or  
6 creature with necessary care, or otherwise cause or procure such an  
7 act to be done; or
- 8 (5) Cause bodily injury to a living animal or creature from  
9 commission of the act described in paragraph (4) of this subsection;
- 10 b. (Deleted by amendment, P.L.2003, c.232)
- 11 c. Inflict unnecessary cruelty upon a living animal or creature,  
12 by any direct or indirect means, including but not limited to through  
13 the use of another living animal or creature; or leave the living  
14 animal or creature unattended in a vehicle under inhumane  
15 conditions adverse to the health or welfare of the living animal or  
16 creature;
- 17 d. Receive or offer for sale a horse that is suffering from abuse  
18 or neglect, or which by reason of disability, disease, abuse or  
19 lameness, or any other cause, could not be worked, ridden or  
20 otherwise used for show, exhibition or recreational purposes, or  
21 kept as a domestic pet without violating the provisions of this  
22 article;
- 23 e. Keep, use, be connected with or interested in the  
24 management of, or receive money or other consideration for the  
25 admission of a person to, a place kept or used for the purpose of  
26 fighting or baiting a living animal or creature;
- 27 f. Be present at and witness, bring a minor under the age of 18  
28 years old to be present and witness, pay admission to, encourage,  
29 aid or assist in **【an activity enumerated in subsection e. of this**  
30 **section】** fighting or baiting a living animal or creature;
- 31 g. Permit or suffer a place owned or controlled by **【him】** the  
32 person to be used as provided in subsection e. of this section;
- 33 h. Carry, or cause to be carried, a living animal or creature in  
34 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 35 i. Use a dog or dogs for the purpose of drawing or helping to  
36 draw a vehicle for business purposes;
- 37 j. Impound or confine or cause to be impounded or confined in  
38 a pound or other place a living animal or creature, and shall fail to  
39 supply the living animal or creature during such confinement with a  
40 sufficient quantity of good and wholesome food and water;
- 41 k. Abandon a maimed, sick, infirm or disabled animal or  
42 creature to die in a public place;
- 43 l. Willfully sell, or offer to sell, use, expose, or cause or permit  
44 to be sold or offered for sale, used or exposed, a horse or other  
45 animal having the disease known as glanders or farcy, or other  
46 contagious or infectious disease dangerous to the health or life of  
47 human beings or animals, or who shall, when any such disease is

- 1 beyond recovery, refuse, upon demand, to deprive the animal of  
2 life;
- 3 m. Own, operate, manage or conduct a roadside stand or market  
4 for the sale of merchandise along a public street or highway; or a  
5 shopping mall, or a part of the premises thereof; and keep a living  
6 animal or creature confined, or allowed to roam in an area whether  
7 or not the area is enclosed, on these premises as an exhibit; except  
8 that this subsection shall not be applicable to: a pet shop licensed  
9 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who  
10 keeps an animal, in a humane manner, for the purpose of the  
11 protection of the premises; or a recognized breeders' association, a  
12 4-H club, an educational agricultural program, an equestrian team, a  
13 humane society or other similar charitable or nonprofit organization  
14 conducting an exhibition, show or performance;
- 15 n. Keep or exhibit a wild animal at a roadside stand or market  
16 located along a public street or highway of this State; a gasoline  
17 station; or a shopping mall, or a part of the premises thereof;
- 18 o. Sell, offer for sale, barter or give away or display live baby  
19 chicks, ducklings or other fowl or rabbits, turtles or chameleons  
20 which have been dyed or artificially colored or otherwise treated so  
21 as to impart to them an artificial color;
- 22 p. Use any animal, reptile, or fowl for the purpose of soliciting  
23 any alms, collections, contributions, subscriptions, donations, or  
24 payment of money except in connection with exhibitions, shows or  
25 performances conducted in a bona fide manner by recognized  
26 breeders' associations, 4-H clubs or other similar bona fide  
27 organizations;
- 28 q. Sell or offer for sale, barter, or give away living rabbits,  
29 turtles, baby chicks, ducklings or other fowl under two months of  
30 age, for use as household or domestic pets;
- 31 r. Sell, offer for sale, barter or give away living baby chicks,  
32 ducklings or other fowl, or rabbits, turtles or chameleons under two  
33 months of age for any purpose not prohibited by subsection q. of  
34 this section and who shall fail to provide proper facilities for the  
35 care of such animals;
- 36 s. Artificially mark sheep or cattle, or cause them to be  
37 marked, by cropping or cutting off both ears, cropping or cutting  
38 either ear more than one inch from the tip end thereof, or half  
39 cropping or cutting both ears or either ear more than one inch from  
40 the tip end thereof, or who shall have or keep in the person's  
41 possession sheep or cattle, which the person claims to own, marked  
42 contrary to this subsection unless they were bought in market or of  
43 a stranger;
- 44 t. Abandon a domesticated animal;
- 45 u. For amusement or gain, cause, allow, or permit the fighting  
46 or baiting of a living animal or creature;

- 1 v. Own, possess, keep, train, promote, purchase, or knowingly  
2 sell a living animal or creature for the purpose of fighting or baiting  
3 that animal or creature;
- 4 w. Gamble on the outcome of a fight involving a living animal  
5 or creature;
- 6 x. Knowingly sell or barter or offer for sale or barter, at  
7 wholesale or retail, the fur or hair of a domestic dog or cat or any  
8 product made in whole or in part from the fur or hair of a domestic  
9 dog or cat, unless such fur or hair for sale or barter is from a  
10 commercial grooming establishment or a veterinary office or clinic  
11 or is for use for scientific research;
- 12 y. (1) Knowingly sell or barter, or offer for sale or barter, at  
13 wholesale or retail, for human consumption, the flesh of a domestic  
14 dog or cat, or any product made in whole or in part from the flesh of  
15 a domestic dog or cat;
- 16 (2) Knowingly slaughter a horse for human consumption;
- 17 (3) Knowingly sell or barter, or offer for sale or barter, at  
18 wholesale or retail, for human consumption, the flesh of a horse, or  
19 any product made in whole or in part from the flesh of a horse, or  
20 knowingly accept or publish newspaper advertising that includes the  
21 offering for sale, trade, or distribution of any such item for human  
22 consumption;
- 23 (4) Knowingly transport a horse for the purpose of slaughter for  
24 human consumption;
- 25 (5) Knowingly transport horsemeat, or any product made in  
26 whole or in part from the flesh of a horse, for the purpose of human  
27 consumption;
- 28 z. Surgically debark or silence a dog in violation of section 1  
29 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 30 aa. Use a live pigeon, fowl or other bird for the purpose of a  
31 target, or to be shot at either for amusement or as a test of skill in  
32 marksmanship, except that this subsection and subsections bb. and  
33 cc. shall not apply to the shooting of game;
- 34 bb. Shoot at a bird used as described in subsection aa. of this  
35 section, or is a party to such shooting; or
- 36 cc. Lease a building, room, field or premises, or knowingly  
37 permit the use thereof for the purposes of subsection aa. or bb. of  
38 this section --
- 39 Shall forfeit and pay a sum according to the following schedule,  
40 to be sued for and recovered, with costs, in a civil action by any  
41 person in the name of the New Jersey Society for the Prevention of  
42 Cruelty to Animals or a county society for the prevention of cruelty  
43 to animals, as appropriate, or, in the name of the municipality if  
44 brought by a certified animal control officer or animal cruelty  
45 investigator:
- 46 For a violation of subsection e., f., g., u., v., w., or z. of this  
47 section or of paragraph (3) of subsection a. of this section, or for a  
48 second or subsequent violation of paragraph (2) or (5) of subsection

1 a. of this section, a sum of not less than \$3,000 nor more than  
2 \$5,000;

3 For a violation of subsection l. of this section, for a first violation  
4 of paragraph (2) or (5) of subsection a. of this section, a sum of not  
5 less than \$1,000 nor more than \$3,000;

6 For a violation of paragraph (4) of subsection a. of this section,  
7 or subsection c. of this section, a sum of not less than \$500 nor  
8 more than \$2,000;

9 For a violation of subsection x. or paragraph (1) of subsection y.  
10 of this section, a sum of not less than \$500 nor more than \$1,000 for  
11 each domestic dog or cat fur or fur or hair product or domestic dog  
12 or cat carcass or meat product sold, bartered, or offered for sale or  
13 barter;

14 For a violation of paragraph (2), (3), (4), or (5) of subsection y.  
15 of this section, a sum of not less than \$500 nor more than \$1,000 for  
16 each horse slaughtered or transported for the purpose of slaughter  
17 for human consumption, or for each horse carcass or meat product  
18 transported, sold or bartered, or offered or advertised for sale or  
19 barter;

20 For a violation of subsection t. of this section, a sum of not less  
21 than \$500 nor more than \$1,000, but if the violation occurs on or  
22 near a highway, a mandatory sum of \$1,000;

23 For a violation of subsection d., h., j., k., aa., bb., or cc. of this  
24 section or of paragraph (1) of subsection a. of this section, a sum of  
25 not less than \$250 nor more than \$1,000; and

26 For a violation of subsection i., m., n., o., p., q., r., or s. of this  
27 section, a sum of not less than \$250 nor more than \$500.

28 (cf: P.L.2013, c.88, s.3)

29

30 3. This act shall take effect immediately.

31

32

33

#### STATEMENT

34

35 This bill clarifies that bringing a minor under the age of 18 years  
36 old to be present at and witness the fighting or baiting of an animal  
37 is a crime of the third degree, and carries a civil penalty of \$3,000  
38 to \$5,000.