

4:19-15.16

LEGISLATIVE HISTORY CHECKLIST

NJSA: 4:19-15.16 (Animal shelters-- adoption of animals)

LAWS OF: 1987 CHAPTER: 376

Bill No: A4036

Sponsor(s): Franks

Date Introduced: May 18, 1987

Committee: Assembly: Energy and Natural Resources

Senate: -----

Amended during passage: No

Date of Passage: Assembly: September 10, 1987

Senate: December 10, 1987

Date of Approval: January 7, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

Court case, mentioned in statements:

"Custody ruling puts judge in doghouse," 5-11-87 Courier Post

"Court ruling a life or death issue," 5-3-87 Star Ledger

Also attached: Letter from President of Animal Welfare Ass'n

with newspaper articles

ASSEMBLY, No. 4036
STATE OF NEW JERSEY

INTRODUCED MAY 18, 1987

By Assemblyman FRANKS

AN ACT concerning domestic animal control and amending P. L.
1941, c. 151.

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

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

3 16. Any person appointed for the purpose by the governing body
4 of the municipality shall take into custody and impound or cause
5 to be taken into custody and impounded, and thereafter destroyed
6 or **[disposed of]** *offered for adoption* as provided in this section:

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

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

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

15 (d) Any dog or other animal which is suspected to be rabid;

16 (e) Any dog or other animal off the premises of the owner
17 reported to, or observed by, a certified animal control officer to be
18 ill, injured or creating a threat to public health, safety or welfare,
19 or otherwise interfering with the enjoyment of property.

20 If any animal so seized wears a collar or harness having in-
21 scribed thereon or attached thereto the name and address of any
22 person or a registration tag, or the owner or the person keeping
23 or harboring said animal is known, any person authorized by the
24 governing body shall forthwith serve on the person whose address
25 is given on the collar, or on the owner or the person keeping or
26 harboring said animal, if known, a notice in writing stating that

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 printed in italics thus is new matter

27 the animal has been seized and will be liable to be [disposed of]
28 *offered for adoption* or destroyed if not claimed within seven days
29 after the service of the notice.

30 A notice under this section may be served either by delivering it
31 to the person on whom it is to be served, or by leaving it at the per-
32 son's usual or last known place of abode, or at the address given on
33 the collar, or by forwarding it by post in a prepaid letter addressed
34 to that person at his usual or last known place of abode, or to the
35 address given on the collar.

36 [When any dog so seized has been detained for seven days after
37 notice, when notice can be given as above set forth, or has been
38 detained for seven days after seizure, when no notice has been given
39 as above set forth and if the owner or person keeping or harboring
40 said dog has not claimed said dog and paid all expenses incurred
41 by reason of its detention, including maintenance not exceeding
42 \$4.00 per day, and if the dog be unlicensed at the time of the
43 seizure and the owner or person keeping or harboring said dog has
44 not produced a license and registration tag for said dog, any person
45 authorized by the governing body may cause the dog to be de-
46 stroyed in manner causing as little pain as possible and consistent
47 with the provisions of R. S. 4:22-19.]

48 *Any person authorized by the governing body may cause an*
49 *animal to be destroyed in a manner causing as little pain as possible*
50 *and consistent with the provisions of R. S. 4:22-19 or offered for*
51 *adoption seven days after seizure provided that:*

52 (1) *Notice is given as set forth above and the animal remains*
53 *unclaimed; or,*

54 (2) *The owner or person keeping or harboring the animal has*
55 *not claimed the animal and paid all expenses incurred by reason of*
56 *its detention, including maintenance costs not exceeding \$4.00 per*
57 *day; or,*

58 (3) *The owner or person keeping or harboring a dog which was*
59 *unlicensed at the time of seizure does not produce a license and*
60 *registration tag for the dog.*

61 *At the time of adoption, the right of ownership in the animal shall*
62 *transfer to the new owner. No dog or other animal so caught and*
63 *detained or procured, obtained, sent or brought to a pound or*
64 *shelter shall be sold or otherwise made available for the purpose*
65 *of experimentation. Any person who sells or otherwise makes*
66 *available any such dog or other animal for the purpose of experi-*
67 *mentation shall be guilty of a disorderly persons offense.*

68 After observation, any animal seized under this section suspected
69 of being rabid shall be immediately reported to the executive officer
70 of the local board of health and to the Department of Health.

1 2. This act shall take effect immediately.

STATEMENT

This measure would authorize shelters to offer for adoption cats and dogs not claimed by their owners within seven days. Existing law permits shelters only to destroy or dispose of unclaimed dogs. No provisions exist in the statute for the adoption of cats.

DOMESTIC ANIMALS

Allows shelters to offer animals for adoption.

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ASSEMBLY ENERGY AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4036

STATE OF NEW JERSEY

DATED: JUNE 18, 1987

The Assembly Energy and Natural Resources Committee favorably reports Assembly Bill No. 4036 of 1987. This bill clarifies that an animal taken into custody and impounded by a person appointed by a municipality to do so may offer the animal for adoption after a seven-day period. Although this has been the practice in the past, a recent court ruling questioned whether adoption is a legal option for these impounded animals. If adoption is not allowed then the only option available to a pound or shelter would be the destruction of the animal after seven days. This bill also provides that upon adoption the right of ownership will transfer to the new owner. The court case had held that a new owner held title to the animal subject to the original owner's claim to recover the animal. This bill also broadens the seven-day grace period for destruction or adoption to apply to any animal, as opposed to being limited to dogs. This gives additional protection from destruction and the availability of adoption to other animals such as cats.