

CHAPTER 129

AN ACT concerning certain animals involved in animal cruelty violations, supplementing Title 4 of the Revised Statutes, and amending P.L.2017, c.189.

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

1. Section 7 of P.L.2017, c.189 (C.4:22-17.7) is amended to read as follows:

C.4:22-17.7 Violations, remedies, required actions.

7. a. Upon a showing of probable cause that there has been a violation of P.L.2017, c.189 (C.4:22-17.1 et seq.) and submission of proof of issuance of a summons, a court of competent jurisdiction may issue, upon request, a warrant to any municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or other State or local law enforcement officer to enter onto the private property where a dog, domestic companion animal, or service animal is located and take custody of the animal.

b. Notwithstanding the provisions of subsection a. of this section, or any other law, or any rule or regulation adopted pursuant thereto, to the contrary, any municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or other State or local law enforcement officer may immediately enter onto private property where a dog, domestic companion animal, or service animal is located and take custody of the animal if the officer has a reasonable basis to believe that, due to a violation of P.L.2017, c.189 (C.4:22-17.1 et seq.), immediate assistance is required to protect or preserve the animal's life or prevent injury to the animal.

c. Upon taking custody of a dog, domestic companion animal, or service animal pursuant to subsection a. or b. of this section, the person taking custody of the animal shall:

(1) post immediately, in a conspicuous place at the location from which the dog, domestic companion animal, or service animal was taken into custody, the notice required pursuant to subsection d. of this section to the owner or person with custody or control of the dog, domestic companion animal, or service animal; and

(2) no later than seven days after the dog, domestic companion animal, or service animal has been taken into custody, send by registered or certified mail, or by personal service, the notice described in subsection d. of this section to:

(a) the address of the location from which the dog, domestic companion animal, or service animal was taken into custody; and

(b) the owner of record, if the address for the owner of record is different from the location from which the dog, domestic companion animal, or service animal was taken.

d. The notice required pursuant to subsection c. of this section shall:

(1) provide a description of the dog, domestic companion animal, or service animal;

(2) state the statutory authority and reason for taking custody of the dog, domestic companion animal, or service animal; and

(3) provide contact information, including at least the name of any applicable office or entity, the name of a person at that office or entity, and a telephone number for the owner or person with custody or control of the dog, domestic companion animal, or service animal to obtain information concerning the animal including where the animal is in custody.

e. A dog, domestic companion animal, or service animal taken into custody pursuant to subsection a. or b. of this section shall be placed in the care of a licensed shelter, pound, or kennel operating as a shelter or pound to ensure the humane care and treatment of the animal. If, after the dog, domestic companion animal, or service animal has been taken into custody, a licensed veterinarian makes a written determination that the animal is in intractable and

extreme pain and beyond any reasonable hope of recovery with reasonable veterinary medical treatment, the animal may be euthanized. At any time while the licensed shelter, pound, or kennel operating as a shelter or pound has custody or control of the dog, domestic companion animal, or service animal, it may place the animal in an animal rescue organization facility or a foster home, or otherwise provide care to improve the animal's physical or psychological well-being, if it determines the placement or care is in the best interest of the animal.

f. (1) A person shall be issued a correction warning prior to being cited for a violation of P.L.2017, c.189 (C.4:22-17.1 et seq.) unless the dog, domestic companion animal, or service animal involved in the violation was seized immediately pursuant to subsection b. of this section. A summons shall be served on the alleged violator as soon as practicable if:

(a) after the seven days have elapsed from the date a correction warning is issued, no correction has been made; or

(b) the dog, domestic companion animal, or service animal involved in the violation was seized immediately pursuant to subsection b. of this section.

(2) If the alleged violator is not the owner of the dog, domestic companion animal, or service animal, the person issuing the correction warning or summons, as applicable, shall also notify the owner of the animal of the violation and provide the owner with a copy of the issued correction warning or summons, as applicable.

g. Any summons issued for a violation of P.L.2017, c.189 (C.4:22-17.1 et seq.) shall contain:

(1) a description of the violation and statutory authority; and

(2) contact information identifying, at a minimum (a) the name of the investigating agency or office, and (b) the name of the officer issuing the summons or investigating the alleged violation.

h. Any municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or other State or local law enforcement officer issuing a summons for a violation of P.L.2017, c.189 (C.4:22-17.1 et seq.) shall also serve on the alleged violator, with the summons, a written notice of:

(1) the right to voluntarily forfeit ownership or custody of the dog, domestic companion animal, or service animal;

(2) the action or actions required for compliance;

(3) a demand for immediate compliance; and

(4) a telephone number for the investigating agency or office and the investigating officer or agent.

i. Any municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or other State or local law enforcement officer may petition a court of competent jurisdiction to have a dog, domestic companion animal, or service animal confiscated, if not previously seized, and forfeited upon the person being found guilty of, or liable for, a violation of P.L.2017, c.189 (C.4:22-17.1 et seq.). Upon a finding that continued possession of the dog, domestic companion animal, or service animal by the owner or other person authorized to have custody or control of the animal poses a threat to the health or safety of the animal, the court shall order that the animal be forfeited, placed in an animal rescue organization facility, shelter, pound, or kennel operating as a shelter or pound, and made available for adoption.

j. A person found guilty of, or liable for, a violation of any provision of P.L.2017, c.189 (C.4:22-17.1 et seq.) shall be responsible for, and pay, the reasonable costs of caring for the dog, domestic companion animal, or service animal from the date on which custody of the animal was taken pursuant to this section until the date the animal is surrendered, forfeited,

returned, or euthanized, including, but not limited to, the cost of transporting, sheltering, and feeding the animal, the cost of providing the animal with necessary veterinary care, and if the animal is euthanized, the cost of the euthanasia.

C.4:22-46.1 Definitions.

2. As used in sections 2 through 5 of P.L.2023, c.129 (C.4:22-46.1 et al.):

"Animal care agency" means a shelter, pound, kennel, or animal rescue organization, as those terms are defined in section 1 of P.L.1941, c.151 (C.4:19-15.1), or a humane society or other organization that has temporary custody of an animal.

"Animal cruelty violation" means a civil or criminal violation of chapter 19 or 22 of Title 4 of the Revised Statutes, Title 2C of the New Jersey Statutes, or any other State law concerning animal cruelty.

"Enforcement agency" means any agency, department, organization, or county society for the prevention of cruelty to animals, or any agent, humane law enforcement officer, or representative thereof, involved in law enforcement or animal control, or the monitoring of animal welfare and animal cruelty violations.

"Reasonable costs of care" means: the costs of shelter, food, water, and bedding necessary to house an animal; the costs of necessary care to improve an animal's psychological well-being, including, but not limited to, training and enrichments designed to provide mental and physical stimulation; and the costs of necessary veterinary care for an animal, including, but not limited to, surgical intervention, medicine, vaccinations, and euthanasia and disposal costs, as determined necessary by a licensed veterinarian. "Reasonable costs of care" does not include the costs of elective surgical procedures.

C.4:22-46.2 Animal cruelty violation, probable cause, warrant, enter property, animal located, taking custody of animal.

3. a. Notwithstanding the provisions of any other law, or any rule or regulation adopted pursuant thereto, to the contrary, upon a showing of probable cause that there has been an animal cruelty violation, a court of competent jurisdiction may issue, upon request, a warrant to any municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or other State or local law enforcement officer to enter onto the private property where an animal is located and take custody of the animal.

b. Notwithstanding the provisions of subsection a. of this section, or any other law, or any rule or regulation adopted pursuant thereto, to the contrary, a municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or other State or local law enforcement officer may immediately enter onto private property where an animal is located and take custody of an animal if the officer has a reasonable basis to believe that, due to an animal cruelty violation, immediate assistance is required to protect or preserve the animal's life or prevent injury to the animal.

c. Upon taking custody of an animal pursuant to subsection a. or b. of this section, the person taking custody of the animal shall:

(1) post immediately, in a conspicuous place at the location from which the animal was taken into custody, the notice required pursuant to subsection d. of this section to the owner or person with custody or control of the animal;

(2) no later than seven days after the animal has been taken into custody, send by registered or certified mail, or by personal service, the notice described in subsection d. of this section, to:

(a) the address of the location from which the animal was taken into custody; and

(b) the owner of record, if the address for the owner of record is different from the address of the location from which the animal was taken.

d. The notice required pursuant to subsection c. of this section shall:

(1) provide a description of the animal;

(2) state the statutory authority and reason for taking custody of the animal; and

(3) provide contact information, including at least the name of any applicable office or entity, the name of a person at that office or entity, and a telephone number for the owner or person having custody or control of the animal to obtain information concerning the animal, including where the animal is in custody.

e. An animal taken into custody pursuant to subsection a. or b. of this section shall be placed in the care of a licensed shelter, pound, or kennel operating as a shelter or pound to ensure the humane care and treatment of the animal. If, after the animal has been taken into custody, a licensed veterinarian makes a written determination that the animal is in intractable and extreme pain and is beyond any reasonable hope of recovery with reasonable veterinary medical treatment, the animal may be euthanized. At any time while the licensed shelter, pound, or kennel operating as a shelter or pound has custody or control of the animal, it may place the animal in an animal rescue organization facility or a foster home, or may otherwise provide care to improve the animal's physical or psychological well-being, if it determines that such placement or care is in the best interests of the animal.

C.4:22-46.3 Animal care agency, authorized agent, file action, seeking reasonable costs of care.

4. a. An animal care agency that takes custody of an animal pursuant to section 3 of P.L.2023, c.129 (C.4:22-46.2), or an authorized agent of the animal care agency, including an attorney prosecuting an animal cruelty violation on behalf of a municipality or county, may, no later than 20 days after the animal is taken into custody, file an action in the Superior Court seeking the reasonable costs of care for the animal from the animal's owner, or, if the owner is not known to the plaintiff, the person from whom the animal was taken. A copy of the complaint shall be served upon the animal's owner, or, if the owner is not known to the plaintiff, to the person from whom the animal was taken in accordance with the rules of the court. The complaint shall include:

(1) the name, business address, and telephone number of the animal care agency that has custody of the animal;

(2) a description of the animal taken into custody, including a licensed veterinarian's assessment of the animal's condition and needs;

(3) a statement of the actual and estimated reasonable costs of care for the animal;

(4) a statement that, at any time after the animal has been taken into custody, the animal's owner may relinquish ownership of the animal to the enforcement agency that seized the animal or to the animal care agency with custody of the animal;

(5) a statement that, if the animal's owner or the person from whom the animal was taken fails to pay any portion of the reasonable costs of care for the animal, as established by the court, when due, ownership of the animal shall immediately transfer to the animal care agency with custody of the animal; and

(6) a plain language summary of the provisions of P.L.2023, c.129 (C.4:22-46.1 et al.), to be prepared by the Attorney General's Office and distributed to animal care agencies in the State.

b. Upon receipt of a complaint filed pursuant to subsection a. of this section, the court shall schedule a hearing on the complaint to be conducted no later than 30 days after the date on which the complaint is filed with the court. Failure by the court to hold a timely hearing

pursuant to this subsection shall not affect the disposition of the animal under the provisions of P.L.2023, c.129 (C.4:22-46.1 et al.) or the disposition of any pending animal cruelty case against the person from whom an animal was seized.

c. At the hearing on a complaint filed pursuant to subsection a. of this section, the plaintiff shall establish by a preponderance of the evidence that the animal was taken into custody for the animal's protection from harm. The court may consider testimony from the agent or officer who seized the animal and other witnesses as to the condition of the animal when seized and as to the conditions under which the animal or other animals in the household were kept, testimony and evidence as to the veterinary care provided to the animal, expert testimony as to the proper and reasonable care of the same type of animal, testimony from any witnesses as to the prior treatment or condition of this or other animals in the custody of the owner or person from whom the animal was taken, or any other evidence the court considers to be material or relevant. The plaintiff shall also demonstrate that the animal's owner, or, if the animal's owner is not known, the person from whom the animal was taken, was served with a copy of the complaint as required pursuant to subsection a. of this section.

(1) If the court determines that the plaintiff has demonstrated by a preponderance of the evidence that the animal was taken into custody for the animal's protection and that the service and content of the complaint met the requirements of subsection a. of this section, the court shall award damages for the reasonable costs of care for the animal for the period the animal is in the custody and care of the animal care agency against the animal's owner or the person from whom the animal was taken, as appropriate. The costs shall be calculated from the date the animal was taken into custody by the enforcement agency or animal care agency, whichever is earlier.

(2) If the court determines that the plaintiff has not shown by a preponderance of the evidence that an animal was taken into custody for the animal's protection, the court shall not award damages for the reasonable costs of care, but the animal shall remain in the custody of the animal care agency during the pendency of the criminal investigation and proceeding related to the alleged criminal offense that led to the seizure of the animal.

(3) If the court determines that the service or content of the complaint did not meet the requirements of subsection a. of this section, the animal shall remain in the custody of the animal care agency during the pendency of the criminal investigation and proceeding related to the alleged criminal offense that led to the seizure of the animal. The plaintiff may petition the court for a thirty-day extension to refile the complaint.

d. Unless otherwise ordered by the court, no later than seven days after the issuance of a court order pursuant to subsection c. of this section, the person found liable for the reasonable costs of care shall pay the animal care agency the full amount, as required by the court, for the respective 30-day period. The person shall make a new payment in the same amount every 30 days until:

- (1) the owner voluntarily transfers ownership of the animal to the animal care agency;
- (2) ownership of the animal is transferred to the animal care agency pursuant to subsection f. of this section;
- (3) the animal is euthanized pursuant to subsection g. of this section; or
- (4) final disposition of the proceeding related to the alleged criminal offense that led to the seizure of the animal, including forfeiture of the animal pursuant to section 5 of P.L.2023, c.129 (C.4:22-26.2) or any other law.

Upon a change in the animal's ownership status pursuant to paragraphs (1) through (4) of this subsection, any unexpended amounts paid by the person to the animal care agency shall be returned to the person.

e. If the person against whom a judgment pursuant to subsection c. of this section was entered fails to make a payment for the reasonable costs of care for an animal within seven days of the date of issuance of the court order and every 30 days thereafter as required pursuant to subsection d. of this section, ownership of the animal shall immediately transfer, by operation of law, to the animal care agency with custody of the animal, and the animal care agency shall obtain all rights and privileges in and over the animal.

f. An animal care agency shall not sell; permanently alter, unless medically necessary; euthanize; offer for adoption; or otherwise dispose of an animal if the person liable for the reasonable costs of care for the animal makes timely payments of such costs to the animal care agency as required by the court; provided, however, that an animal care agency may euthanize an animal at any time if a licensed veterinarian makes a written determination that the animal is experiencing intractable and extreme pain and is beyond any reasonable hope of recovery.

g. If a person liable for the reasonable costs of care pursuant to this section is found not guilty of the alleged criminal animal cruelty offense that led to the seizure of the animal, and if the person has made timely payments of the reasonable costs of care pursuant to this section, the person shall have the right to immediately repossess the person's animal and to be reimbursed by the animal care agency for all of the reasonable costs of care that were paid by the person to the animal care agency.

h. The result of any hearing held pursuant to this section, and any statement made by a party in the course of such a hearing, shall not be admissible in any criminal prosecution for an animal cruelty violation.

i. If the owner or the person from whom an animal was taken, as applicable, fails to appear for a hearing for the reasonable costs of care for an animal pursuant to this section, the owner or other person shall be liable for the costs, and all other provisions of this section shall remain in force.

j. As used in this section, "animal" means any vertebrate other than humans, except that, other than animals used in connection with a violation of R.S.4:22-24 and equine animals, "animal" shall not include "domestic livestock" as defined by section 1 of P.L.1995, c.311 (C.4:22-16.1).

C.4:22-26.2 Animal care agency, enforcement agency, animal cruelty violation conviction, forfeiture, transfer custody; prohibiting violator from owning, harboring, residing with, having custody of other animals, time deemed appropriate by court.

5. a. (1) Notwithstanding the provisions of any other law, or any rule or regulation adopted pursuant thereto, to the contrary, an animal care agency or enforcement agency may, upon the conviction of a person for an animal cruelty violation, petition the court in the animal cruelty proceeding for an order requiring forfeiture of the animal that is the basis of the conviction and prohibiting the person convicted of an animal cruelty violation from owning, harboring, residing with, or having custody or control of any other animals for a period of time that the court deems appropriate.

(2) Notwithstanding the provisions of any other law, or any rule or regulation adopted pursuant thereto, to the contrary, a co-owner of the animal that is the basis of the conviction may, upon such conviction, petition the court to transfer the animal to the custody of the petitioner upon a demonstration that the petitioner: (a) is a co-owner of the animal as demonstrated by a written and executed contract showing co-ownership of the animal and dated prior to the date of the violation; (b) does not reside with the defendant; (c) has not been convicted of an animal cruelty violation; and (d) did not harbor or have custody of the animal at the time of the violation for which the defendant was convicted.

b. At the sentencing of a person convicted of an animal cruelty violation, the court, upon its own initiative or in response to a petition filed pursuant to subsection a. of this section, and in addition to any other penalties that may be imposed on the defendant, may:

(1) (a) adjudge an animal that is the basis of the conviction for an animal cruelty violation forfeited to the animal care agency with custody of the animal, and invest all rights and privileges over the animal in the animal care agency; or (b) order the transfer of custody of the animal to the co-owner pursuant to a petition filed pursuant to paragraph (2) of subsection a. of this section, upon a determination that the co-owner has successfully demonstrated that the conditions in paragraph (2) of subsection a. of this section have been met, and the transfer is in the best interests of the animal's health, safety, and well-being, and will further the goal of protecting the animal from further harm; and

(2) order that the person convicted of an animal cruelty violation shall not own, harbor, reside with, or have custody or control of any other animals for a period of time that the court deems appropriate.

6. This act shall take effect immediately.

Approved July 26, 2023.