

ASSEMBLY, No. 2981

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JUNE 16, 2008

Sponsored by:

Assemblyman NELSON T. ALBANO

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman MATTHEW W. MILAM

District 1 (Cape May, Atlantic and Cumberland)

SYNOPSIS

Establishes animal hoarding as a criminal and civil animal cruelty offense.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing the animal cruelty offense of animal hoarding,
2 and amending and supplementing chapter 22 of Title 4 of the
3 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.4:22-15 is amended to read as follows:

9 4:22-15. As used in this article:

10 "Animal" or "creature" includes the whole brute creation.

11 **["Owner" or "person" includes a corporation, and the knowledge**
12 **and acts of an agent or employee of a corporation in regard to**
13 **animals transported, owned, employed or in the custody of the**
14 **corporation shall be imputed to the corporation]**

15 "Caretaker" means a person who is in possession of an animal and a
16 person upon whom the care, health, safety and welfare of the animal
17 are primarily dependent.

18 "Minimum care" means care sufficient to preserve the health and
19 wellbeing of an animal and, except for emergencies or circumstances
20 beyond the control of the person responsible for the care of the animal,
21 provide the following: (1) food of sufficient quantity and quality to
22 allow for normal growth or maintenance of body weight; (2) open or
23 adequate access to drinkable water of an appropriate temperature in
24 sufficient quantity to satisfy the needs of the animal; (3) access to an
25 enclosed nonhazardous structure sufficient to protect the animal from
26 the weather that has adequate bedding to protect against cold and
27 dampness; (4) adequate protection from extreme or excessive sunlight
28 and from overexposure to the sun, heat, and other weather conditions;
29 (5) veterinary care deemed necessary by a reasonably prudent person
30 to prevent or relieve injury, neglect, or disease, or distress from these
31 conditions; and (6) reasonable access to a clean and adequate exercise
32 area.

33 "Owner of the animal" means a person who is the caretaker of an
34 animal in question and has the legal right of possession of the animal
35 and any legal title to its ownership.

36 "Possession" means having physical custody of, having legal
37 custody over, being in charge of, or having physical control over an
38 animal, whether temporarily or as an owner of the animal, or a
39 building, premises, or other real property .

40 (cf: R.S.4:22-15)

41
42 2. (New section) a. A person is guilty of hoarding animals if the
43 person keeps or has possession of a number of animals in a quantity
44 such that the person fails or is unable to provide minimum care for all
45 of the animals and, due to the failure or inability to provide minimum

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 care, at least some of the animals experience death, bodily injury or
2 other serious adverse health consequences. Animal hoarding is a crime
3 of the fourth degree.

4 b. The number of animals kept or in the possession of a person
5 shall not be determinative of whether there has been a violation of this
6 section, but may be considered as a factor in determining whether
7 animals have been provided minimum care.

8 c. Each course of conduct involving the hoarding of animals, not
9 each animal involved, shall constitute a separate offense.

10

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

12 4:22-26. A person who shall:

13 a. (1) Overdrive, overload, drive when overloaded, overwork,
14 deprive of necessary sustenance, abuse, or needlessly kill a living
15 animal or creature, or cause or procure, by any direct or indirect
16 means, including but not limited to through the use of another living
17 animal or creature, any such acts to be done;

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

23 (3) Cruelly kill, or cause or procure, by any direct or indirect
24 means, including but not limited to through the use of another living
25 animal or creature, the cruel killing of, a living animal or creature,
26 or otherwise cause or procure, by any direct or indirect means,
27 including but not limited to through the use of another living animal
28 or creature, the death of a living animal or creature from
29 commission of any act described in paragraph (2) of this subsection;

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

31 c. Inflict unnecessary cruelty upon a living animal or creature,
32 by any direct or indirect means, including but not limited to through
33 the use of another living animal or creature; or unnecessarily fail to
34 provide a living animal or creature of which the person has charge
35 either as an owner of the animal or otherwise with proper food,
36 drink, shelter or protection from the weather; or leave it unattended
37 in a vehicle under inhumane conditions adverse to the health or
38 welfare of the living animal or creature;

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

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

- 1 f. Be present and witness, pay admission to, encourage, aid or
2 assist in an activity enumerated in subsection e. of this section;
- 3 g. Permit or suffer a place owned or controlled by him to be
4 used as provided in subsection e. of this section;
- 5 h. Carry, or cause to be carried, a living animal or creature in
6 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 7 i. Use a dog or dogs for the purpose of drawing or helping to
8 draw a vehicle for business purposes;
- 9 j. Impound or confine or cause to be impounded or confined in
10 a pound or other place a living animal or creature, and shall fail to
11 supply it during such confinement with a sufficient quantity of good
12 and wholesome food and water;
- 13 k. Abandon a maimed, sick, infirm or disabled animal or
14 creature to die in a public place;
- 15 l. Willfully sell, or offer to sell, use, expose, or cause or permit
16 to be sold or offered for sale, used or exposed, a horse or other
17 animal having the disease known as glanders or farcy, or other
18 contagious or infectious disease dangerous to the health or life of
19 human beings or animals, or who shall, when any such disease is
20 beyond recovery, refuse, upon demand, to deprive the animal of
21 life;
- 22 m. Own, operate, manage or conduct a roadside stand or market
23 for the sale of merchandise along a public street or highway; or a
24 shopping mall, or a part of the premises thereof; and keep a living
25 animal or creature confined, or allowed to roam in an area whether
26 or not the area is enclosed, on these premises as an exhibit; except
27 that this subsection shall not be applicable to: a pet shop licensed
28 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who
29 keeps an animal, in a humane manner, for the purpose of the
30 protection of the premises; or a recognized breeders' association, a
31 4-H club, an educational agricultural program, an equestrian team, a
32 humane society or other similar charitable or nonprofit organization
33 conducting an exhibition, show or performance;
- 34 n. Keep or exhibit a wild animal at a roadside stand or market
35 located along a public street or highway of this State; a gasoline
36 station; or a shopping mall, or a part of the premises thereof;
- 37 o. Sell, offer for sale, barter or give away or display live baby
38 chicks, ducklings or other fowl or rabbits, turtles or chameleons
39 which have been dyed or artificially colored or otherwise treated so
40 as to impart to them an artificial color;
- 41 p. Use any animal, reptile, or fowl for the purpose of soliciting
42 any alms, collections, contributions, subscriptions, donations, or
43 payment of money except in connection with exhibitions, shows or
44 performances conducted in a bona fide manner by recognized
45 breeders' associations, 4-H clubs or other similar bona fide
46 organizations;

- 1 q. Sell or offer for sale, barter, or give away living rabbits,
2 turtles, baby chicks, ducklings or other fowl under two months of
3 age, for use as household or domestic pets;
- 4 r. Sell, offer for sale, barter or give away living baby chicks,
5 ducklings or other fowl, or rabbits, turtles or chameleons under two
6 months of age for any purpose not prohibited by subsection q. of
7 this section and who shall fail to provide proper facilities for the
8 care of such animals;
- 9 s. Artificially mark sheep or cattle, or cause them to be
10 marked, by cropping or cutting off both ears, cropping or cutting
11 either ear more than one inch from the tip end thereof, or half
12 cropping or cutting both ears or either ear more than one inch from
13 the tip end thereof, or who shall have or keep in the person's
14 possession sheep or cattle, which the person claims to own, marked
15 contrary to this subsection unless they were bought in market or of
16 a stranger;
- 17 t. Abandon a domesticated animal;
- 18 u. For amusement or gain, cause, allow, or permit the fighting
19 or baiting of a living animal or creature;
- 20 v. Own, possess, keep, train, promote, purchase, or knowingly
21 sell a living animal or creature for the purpose of fighting or baiting
22 that animal or creature;
- 23 w. Gamble on the outcome of a fight involving a living animal
24 or creature;
- 25 x. Knowingly sell or barter or offer for sale or barter, at
26 wholesale or retail, the fur or hair of a domestic dog or cat or any
27 product made in whole or in part from the fur or hair of a domestic
28 dog or cat, unless such fur or hair for sale or barter is from a
29 commercial grooming establishment or a veterinary office or clinic
30 or is for use for scientific research;
- 31 y. Knowingly sell or barter or offer for sale or barter, at
32 wholesale or retail, for human consumption, the flesh of a domestic
33 dog or cat or any product made in whole or in part from the flesh of
34 a domestic dog or cat;
- 35 z. Surgically debark or silence a dog in violation of section 1
36 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 37 aa. Use a live pigeon, fowl or other bird for the purpose of a
38 target, or to be shot at either for amusement or as a test of skill in
39 marksmanship, except that this subsection and subsections bb. and
40 cc. shall not apply to the shooting of game;
- 41 bb. Shoot at a bird used as described in subsection aa. of this
42 section, or is a party to such shooting; **[or]**
- 43 cc. Lease a building, room, field or premises, or knowingly
44 permit the use thereof for the purposes of subsection aa. or bb. of
45 this section ; or
- 46 dd. Keeps or has possession of a number of animals in a quantity
47 such that the person fails or is unable to provide minimum care for all
48 of the animals and, due to the failure or inability to provide minimum

1 care, at least some of the animals experience death, bodily injury or
2 other serious adverse health consequences --

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

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

14 For a violation of subsection l. of this section **[or]** , for a first
15 violation of paragraph (2) of subsection a. of this section, or for a
16 violation of subsection dd. of this section, a sum of not less than
17 \$1,000 nor more than \$3,000;

18 For a violation of subsection x. or y. of this section, a sum of not
19 less than \$500 nor more than \$1,000 for each domestic dog or cat
20 fur or fur or hair product or domestic dog or cat carcass or meat
21 product;

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

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

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

30 (cf: P.L.2005, c.372, s.16)

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32 4. This act shall take effect on the 90th day following the date
33 of enactment.

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STATEMENT

37

38 This bill would establish animal hoarding as a crime of the fourth
39 degree and as a civil animal cruelty offense.

40 A person would be guilty of hoarding animals if the person keeps or
41 has possession of a number of animals in a quantity such that the
42 person fails or is unable to provide minimum care for all of the
43 animals and, due to the failure or inability to provide minimum care, at
44 least some of the animals experience death, bodily injury or other
45 serious adverse health consequences. The number of animals kept or in
46 the possession of a person would not be determinative of whether there
47 has been a violation of this bill, but may be considered as a factor in
48 determining whether animals have been provided minimum care.

A2981 ALBANO, MILAM

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1 A person who has been convicted of the crime of animal
2 hoarding may be sentenced to pay a fine not to exceed \$10,000, and
3 imprisonment for a specific term not to exceed 18 months. Each
4 instance of a person found guilty of criminal animal hoarding, not each
5 animal involved, would constitute a separate offense. A person found
6 guilty of the civil offense of animal hoarding would be liable for a
7 civil penalty of between \$1,000 and \$3,000.