

SENATE, No. 3061

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JUNE 29, 2015

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

Senator RAYMOND J. LESNIAK

District 20 (Union)

Co-Sponsored by:

Senators Bateman, Kyrillos, A.R.Bucco and Sweeney

SYNOPSIS

Regulates tethering of, and outdoor shelter for, dogs.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/14/2015)

1 AN ACT concerning the tethering of, and proper outdoor shelter for,
2 dogs, supplementing Title 4 of the Revised Statutes, and
3 amending P.L.1995, c.255 and R.S.4:22-26.

4

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

7

8 1. (New section) As used in P.L. , c. (C.) (pending
9 before the Legislature as this bill):

10 “Proper outdoor shelter” means an outdoor structure that
11 conforms with the standards set forth in subsection b. of section 3
12 of P.L. , c. (C.) (pending before the Legislature as this
13 bill).

14 “Tether” means to fasten a dog with an object such as a cable,
15 chain, rope, or other similar object to a stationary object or to a
16 device that is mobile, including, but not limited to, a trolley or
17 pulley, in order to restrict the dog’s movement. “Tether” also means
18 the cable, chain, rope, or other similar object used to fasten a dog,
19 as applicable.

20 “Animal care facility” means an animal rescue organization
21 facility, foster home, kennel, shelter, or pound as these terms are
22 defined pursuant to section 1 of P.L.1941, c.151 (C.4:19-15.1).

23

24 2. (New section) a. It shall be unlawful to tether a dog, or for
25 an owner or other person with custody or control of the dog to allow
26 the dog to remain tethered, whether indoors or outdoors:

27 (1) by means of any collar other than a buckle collar that has a
28 metal or plastic buckle and that is properly sized and fitted for the
29 restraint and comfort of the dog being tethered;

30 (2) by means of a halter;

31 (3) with a tether to which a weight is attached;

32 (4) with a tether consisting of metal chain links that are more
33 than one-quarter of an inch thick or materials other than plastic-
34 coated or vinyl-coated wire cable;

35 (5) without swivels on both ends of the tether to prevent
36 twisting and tangling;

37 (6) with a tether restraining more than one dog on the same
38 tether; or

39 (7) with a tether that permits the dog to reach any window sill,
40 fence, wall, porch or terrace railing, vehicle, tree, pole, tether
41 restraining another dog, pool, public road or highway, or other
42 object or location that poses a risk of entanglement, strangulation,
43 drowning, or other harm to the health or safety of the dog,
44 whenever the owner or other person with custody or control of the
45 dog is not outdoors and is not in the immediate presence of the dog.

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 b. It shall be unlawful to tether a dog outdoors, or for an owner
2 or other person with custody or control of the dog to allow the dog
3 to remain tethered outdoors, for more than 30 minutes:

4 (1) between the hours of 10 p.m. and 7 a.m.;

5 (2) by means of a tether that does not permit a dog to walk at
6 least twelve feet in any one direction; or

7 (3) when:

8 (a) a weather advisory or warning issued by federal, State, or
9 local authorities is in effect;

10 (b) the outdoor ambient temperature is 32 degrees Fahrenheit or
11 below, or 90 degrees Fahrenheit or above; or

12 (c) other outdoor environmental conditions, including, but not
13 limited to, wind, rain, snow, ice, sleet, and hail, or extreme heat or
14 cold that a person would know, or reasonably should know, could
15 pose an adverse risk to the health or safety of the dog, based on the
16 dog's size, age, and physical condition, and the thickness of the
17 dog's hair or fur.

18 c. The provisions of subsection b. of this section shall not
19 apply if the owner or the person with custody or control of the dog
20 is outdoors on the property where the dog is tethered.

21

22 3. (New section) a. It shall be unlawful to put a dog outdoors
23 for longer than 30 minutes, or for an owner or other person with
24 custody or control of a dog to allow the dog to remain outdoors for
25 longer than 30 minutes, under the conditions described in paragraph
26 (3) of subsection b. of section 2 of P.L. , c. (C.) (pending
27 before the Legislature as this bill) without providing the dog with
28 easy access to proper outdoor shelter as described in subsection b.
29 of this section. This subsection shall not apply if the owner or the
30 person with custody or control of the dog is outdoors on the
31 property where the dog is outdoors.

32 b. Proper outdoor shelter for a dog shall meet the following
33 standards:

34 (1) The materials used to construct any primary structure
35 pursuant to paragraphs (2) through (5) of this subsection shall not
36 include pressure-treated wood or any other materials that are
37 potentially harmful to the health or safety of a dog, as determined
38 by the Department of Health;

39 (2) A proper outdoor shelter shall consist of a primary structure
40 with four walls and a roof that is soundly constructed to prevent the
41 sagging or collapsing of any wall or the roof of the primary
42 structure;

43 (3) The primary structure shall have adequate air circulation and
44 contain (a) sufficient space so that (i) there are at least three inches
45 between the ceiling of the structure and the top of the head of the
46 dog when the dog is in a normal standing position inside the
47 primary structure, and (ii) the dog can easily turn around in a full
48 circle and lie down with limbs outstretched when inside the primary

1 structure, and (b) dry bedding and insulation of a kind and quantity
2 to meet the health and safety needs of the dog, including, but not
3 limited to, retention of the dog's body heat, based on the outdoor
4 environmental conditions, the size and type of the primary structure
5 and the dog's size, age, and physical condition, and thickness of the
6 dog's hair or fur;

7 (4) The floor of the primary structure shall not be the ground
8 under the structure or made of coated or uncoated wire, and shall:
9 (a) be soundly constructed to prevent sagging or collapse of the
10 floor, (b) be raised at least six inches from the ground and affixed to
11 a foundation, including, but not limited to, a plastic or wooden
12 pallet or concrete blocks, to permit air flow beneath the structure,
13 prevent rain, snow, ice, sleet, hail, and other precipitation from
14 entering the structure, and prevent the structure from being easily
15 tipped or moved, and (c) have no openings through which the paws
16 of the dog could pass when the dog is inside the primary structure;

17 (5) Between November 1 and April 30, the primary structure
18 shall have a windbreak at its entrance;

19 (6) A proper outdoor shelter shall be maintained in a manner
20 that minimizes any accumulation of rain, snow, ice, sleet, hail, and
21 other precipitation inside, underneath, and surrounding the primary
22 structure;

23 (7) A proper outdoor shelter shall provide a reasonably sanitary,
24 obstruction-free environment so that there is minimal accumulation
25 of excreta and other waste and debris inside, underneath, and
26 surrounding the primary structure; and

27 (8) When the dog is in a proper outdoor shelter, the dog shall
28 have easy access to water that is sanitary and in a liquid state.

29 c. The failure of an outdoor shelter to meet the standards of a
30 proper outdoor shelter shall be indicated by:

31 (1) the unhealthy appearance or physical condition of the dog;
32 or

33 (2) the appearance of the outdoor shelter, including, but not
34 limited to (a) the small size of the primary structure, (b) evidence of
35 unsound construction, (c) the absence of dry bedding or insulation
36 sufficient to protect the dog from outdoor environmental conditions,
37 (d) evidence of crowding or unsanitary conditions within or outside
38 the outdoor shelter, (e) the absence of water that is sanitary and in a
39 liquid state, or no easy access for the dog to such water; or (f) any
40 other observed condition or circumstance indicating the poor care or
41 health of the dog.

42

43 4. (New section) The Department of Health shall provide in
44 writing to each municipality information concerning the provisions
45 of, and compliance with, sections 1, 2, 3, and 8 of P.L. _____,
46 c. (C. _____) (pending before the Legislature as this bill) and
47 paragraph (6) of subsection a. of R.S.4:22-26, to be distributed by
48 the municipality at the time of licensing to each person licensing a

1 dog, along with any other information provided by the municipality
2 to a dog owner at the time of licensing a dog.

3
4 5. (New section) a. Notwithstanding the provisions of any
5 other law, or rule or regulation adopted pursuant thereto, to the
6 contrary, any humane law enforcement officer or agent of the New
7 Jersey Society for the Prevention of Cruelty to Animals or county
8 society for the prevention of cruelty to animals, certified animal
9 control officer, or other State or local law enforcement officer may,
10 upon issuance of a warrant finding probable cause that a dog is
11 tethered or allowed outdoors without proper outdoor shelter in
12 violation of section 2 or 3 of P.L. , c. (C.) (pending before
13 the Legislature as this bill) or paragraph (6) of subsection a. of
14 R.S.4:22-26, enter onto the private property where the dog is
15 located and take physical custody of the dog.

16 b. Notwithstanding the provisions of any other law, or rule or
17 regulation adopted pursuant thereto, to the contrary, any humane
18 law enforcement officer or agent of the New Jersey Society for the
19 Prevention of Cruelty to Animals or county society for the
20 prevention of cruelty to animals, certified animal control officer, or
21 other State or local law enforcement officer who has reasonable
22 cause to believe that a dog, due to a violation of the tethering or
23 proper outdoor shelter provisions of section 2 or 3 of P.L. ,
24 c. (C.) (pending before the Legislature as this bill) or
25 paragraph (6) of subsection a. of R.S.4:22-26, is at risk of imminent
26 harm, may immediately enter onto the private property where the
27 dog is located, and take physical custody of the dog.

28 c. Upon a dog being taken into physical custody pursuant to
29 subsection a. or b. of this section, the dog shall be placed in an
30 appropriate animal care facility to ensure the humane care and
31 treatment of the dog. If, after the dog has been taken into physical
32 custody, a licensed veterinarian makes a written determination that
33 the dog is in intractable and extreme pain and beyond any
34 reasonable hope of recovery with reasonable medical treatment, the
35 dog may be euthanized immediately.

36 d. Upon taking physical custody of a dog pursuant to
37 subsection a. or b. of this section, the person taking physical
38 custody of the dog shall post immediately in a conspicuous place at
39 the location where the dog was taken, a notice to the dog's owner or
40 to the person with custody or control of the dog that provides: (1) a
41 description of the dog; (2) the statutory authority and reason for
42 taking custody of the dog; and (3) contact information, including at
43 least a person's name, the name of any applicable office or
44 entity, and a telephone number for the dog's owner or the person with
45 custody or control of the dog to obtain information concerning the dog
46 and the alleged violation;

47 e. As soon as practicable after taking physical custody of a
48 dog, the person shall issue, or have issued, a summons to the

1 alleged violator. If the alleged violator is not the owner of the dog,
2 the person issuing the summons shall also notify the owner of the
3 dog of the violation and provide the owner with a copy of the issued
4 summons.

5 f. Any summons issued for a violation of section 2 or 3 of
6 P.L. , c. (C.) (pending before the Legislature as this bill) or
7 paragraph (6) of subsection a. of R.S.4:22-26, shall contain:

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

9 (2) the penalty for the violation;

10 (3) contact information identifying at a minimum (a) the name
11 of the investigating agency or office; (b) the name of the officer or
12 agent issuing the summons or investigating the alleged violation;
13 and (c) a telephone number for the investigating agency or office
14 and the investigating officer or agent;

15 (4) notice of the right to voluntarily forfeit ownership or custody
16 of the dog;

17 (5) notice of the violation of the provisions of P.L. , c.
18 (C.) (pending before the Legislature as this bill) and the action
19 or actions required for compliance; and

20 (6) a written demand for immediate compliance with the
21 violated provisions of P.L. , c. (C.) (pending before the
22 Legislature as this bill).

23 g. If a dog has not been euthanized pursuant to subsection c. of
24 this section or voluntarily surrendered by the owner, any humane
25 law enforcement officer or agent of the New Jersey Society for the
26 Prevention of Cruelty to Animals or county society for the
27 prevention of cruelty to animals, certified animal control officer, or
28 other State or local law enforcement officer may petition a court of
29 competent jurisdiction to have the dog confiscated, if not previously
30 seized, and forfeited upon the conviction of a person for tethering
31 the dog or failing to provide the dog with proper outdoor shelter in
32 violation of section 2 or 3 of P.L. , c. (C.) (pending before
33 the Legislature as this bill) or paragraph (6) of subsection a. of
34 R.S.4:22-26. Upon a finding that continued possession of the dog
35 by the dog's owner or custodian poses a threat to the dog's health or
36 safety, the court shall order that the dog be forfeited, placed in an
37 animal care facility, and made available for adoption.

38 h. A dog taken into physical custody pursuant to subsection a.
39 or b. of this section, but not euthanized, surrendered, or confiscated
40 and forfeited pursuant to a court order shall be returned to the
41 owner or other person with custody or control of the dog only upon
42 proof to the court that the owner or other person with custody or
43 control of the dog is in compliance with P.L. , c. (C.)
44 (pending before the Legislature as this bill) and paragraph (6) of
45 subsection a. of R.S.4:22-26.

46 i. A person found guilty of violating any provision of P.L. ,
47 c. (C.) (pending before the Legislature as this bill) or
48 paragraph (6) of subsection a. of R.S.4:22-26 shall be responsible

1 for, and pay, the reasonable costs of caring for the dog from the
2 date on which physical custody of the dog was taken pursuant to
3 this section until the date the dog is surrendered, forfeited, or
4 returned, including, but not limited to, the costs associated with
5 taking the dog into physical custody, including, but not limited to,
6 the cost of transporting, sheltering, and feeding the dog, the cost of
7 providing the dog with necessary veterinary care, and if the dog is
8 euthanized, the cost of the euthanasia.

9
10 6. (New section) a. In addition to any penalties which may
11 apply under Title 2C of the New Jersey Statutes or chapter 19 or 22
12 of Title 4 of the Revised Statutes, any person who violates
13 P.L. , c. (C.) (pending before this Legislature as this bill)
14 shall be guilty of a petty disorderly persons offense and:

15 (1) for a first offense, shall be fined, at the discretion of the
16 court, \$100, or be imprisoned for a term of not more than 30 days,
17 or both; and

18 (2) for a second offense, shall be fined, at the discretion of the
19 court, \$200, or be imprisoned for a term of not more than 30 days,
20 or both.

21 For a third or subsequent offense, the person shall be guilty of a
22 disorderly persons offense and, at the discretion of the court, shall
23 be fined not less than \$250 nor more than \$500, or be imprisoned
24 for a term of not more than three months, or both.

25 b. Beginning 72 hours after receipt of a summons and notice of
26 violation, each day that the owner or other person with custody or
27 control of the dog is still in possession of the dog but fails to
28 comply with the requirements of P.L. , c. (C.) (pending
29 before the Legislature as this bill) or paragraph (6) of subsection a.
30 of R.S.4:22-26 shall constitute a separate offense by the owner or
31 custodian.

32 c. The court may, in its discretion, reduce the amount of any
33 fine imposed for a violation of P.L. , c. (C.) (pending
34 before the Legislature as this bill) or paragraph (6) of subsection a.
35 of R.S.4:22-26 by the amount the owner or other person with
36 custody or control of the dog spends on bringing the dog's outdoor
37 shelter into compliance with P.L. , c. (C.) (pending before
38 the Legislature as this bill) or paragraph (6) of subsection a. of
39 R.S.4:22-26. The owner or other person with custody or control of
40 the dog, as applicable, shall provide documentation of the costs in a
41 form prescribed by the court.

42
43 7. Section 1 of P.L.1995, c.255 (C.4:22-26.1) is amended to
44 read as follows:

45 1. **[An]** a. A humane law enforcement officer or agent of the
46 New Jersey Society for the Prevention of Cruelty to Animals or
47 county society for the prevention of cruelty to animals, **[or]** a
48 certified animal control officer, or other State or local law

1 enforcement officer, may petition a court of competent jurisdiction
2 to have any animal confiscated **【and forfeited that is owned or**
3 **possessed by a person】** at the time the humane law enforcement
4 officer or agent, certified animal control officer, or other State or
5 local law enforcement officer has probable cause to believe the
6 person is 【found to be guilty of violating】 in violation of R.S.4:22-
7 17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20 or R.S.4:22-23. Upon
8 confiscation, the animal shall be placed in an appropriate animal
9 care facility for the humane care and treatment of the animal.

10 Upon a finding that the continued possession by that person
11 poses a threat to the animal's **【welfare】 health or safety, or upon a**
12 **finding that the person is guilty of violating R.S.4:22-17, R.S.4:22-**
13 **18, R.S.4:22-19, R.S.4:22-20 or R.S.4:22-23,** the court may, in
14 addition to any other penalty that may be imposed for a violation of
15 R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20 or R.S.4:22-23,
16 adjudge **【an】 the** animal forfeited for such disposition as the court
17 deems appropriate.

18 b. In addition to the provisions of subsection a. of this section,
19 for tethering or proper outdoor shelter violations pursuant to section
20 2 or 3 of P.L. _____, c. _____ (C. _____) (pending before the Legislature as
21 this bill), sections 5 and 6 of that act shall also apply.

22 (cf: P.L.1995, c.255)

23

24 8. (New section) No provision of P.L. _____,
25 c. _____ (C. _____) (pending before the Legislature as this bill) shall be
26 construed to limit any protection afforded to any dog pursuant to
27 any other State law, any rule or regulation adopted pursuant thereto,
28 or any local ordinance, resolution, or regulation.

29

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

31 4:22-26. A person who shall:

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

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

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

- 1 (4) Fail, as the owner or a person otherwise charged with the
2 care of a living animal or creature, to provide the living animal or
3 creature with necessary care, or otherwise cause or procure such an
4 act to be done; **【or】**
- 5 (5) Cause bodily injury to a living animal or creature from
6 commission of the act described in paragraph (4) of this subsection;
7 or
- 8 (6) Improperly tether a dog or fail to provide proper outdoor
9 shelter for a dog, as described in sections 1, 2, and 3 of
10 P.L. , c. (C.) (pending before the Legislature as this bill);
- 11 b. (Deleted by amendment, P.L.2003, c.232)
- 12 c. Inflict unnecessary cruelty upon a living animal or creature,
13 by any direct or indirect means, including but not limited to through
14 the use of another living animal or creature; or leave the living
15 animal or creature unattended in a vehicle under inhumane
16 conditions adverse to the health or welfare of the living animal or
17 creature;
- 18 d. Receive or offer for sale a horse that is suffering from abuse
19 or neglect, or which by reason of disability, disease, abuse or
20 lameness, or any other cause, could not be worked, ridden or
21 otherwise used for show, exhibition or recreational purposes, or
22 kept as a domestic pet without violating the provisions of this
23 article;
- 24 e. Keep, use, be connected with or interested in the
25 management of, or receive money or other consideration for the
26 admission of a person to, a place kept or used for the purpose of
27 fighting or baiting a living animal or creature;
- 28 f. Be present and witness, pay admission to, encourage, aid or
29 assist in an activity enumerated in subsection e. of this section;
- 30 g. Permit or suffer a place owned or controlled by him to be
31 used as provided in subsection e. of this section;
- 32 h. Carry, or cause to be carried, a living animal or creature in
33 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 34 i. Use a dog or dogs for the purpose of drawing or helping to
35 draw a vehicle for business purposes;
- 36 j. Impound or confine or cause to be impounded or confined in
37 a pound or other place a living animal or creature, and shall fail to
38 supply the living animal or creature during such confinement with a
39 sufficient quantity of good and wholesome food and water;
- 40 k. Abandon a maimed, sick, infirm or disabled animal or
41 creature to die in a public place;
- 42 l. Willfully sell, or offer to sell, use, expose, or cause or permit
43 to be sold or offered for sale, used or exposed, a horse or other
44 animal having the disease known as glanders or farcy, or other
45 contagious or infectious disease dangerous to the health or life of
46 human beings or animals, or who shall, when any such disease is
47 beyond recovery, refuse, upon demand, to deprive the animal of
48 life;

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

- 1 w. Gamble on the outcome of a fight involving a living animal
2 or creature;
- 3 x. Knowingly sell or barter or offer for sale or barter, at
4 wholesale or retail, the fur or hair of a domestic dog or cat or any
5 product made in whole or in part from the fur or hair of a domestic
6 dog or cat, unless such fur or hair for sale or barter is from a
7 commercial grooming establishment or a veterinary office or clinic
8 or is for use for scientific research;
- 9 y. (1) Knowingly sell or barter, or offer for sale or barter, at
10 wholesale or retail, for human consumption, the flesh of a domestic
11 dog or cat, or any product made in whole or in part from the flesh of
12 a domestic dog or cat;
- 13 (2) Knowingly slaughter a horse for human consumption;
- 14 (3) Knowingly sell or barter, or offer for sale or barter, at
15 wholesale or retail, for human consumption, the flesh of a horse, or
16 any product made in whole or in part from the flesh of a horse, or
17 knowingly accept or publish newspaper advertising that includes the
18 offering for sale, trade, or distribution of any such item for human
19 consumption;
- 20 (4) Knowingly transport a horse for the purpose of slaughter for
21 human consumption;
- 22 (5) Knowingly transport horsemeat, or any product made in
23 whole or in part from the flesh of a horse, for the purpose of human
24 consumption;
- 25 z. Surgically debark or silence a dog in violation of section 1
26 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 27 aa. Use a live pigeon, fowl or other bird for the purpose of a
28 target, or to be shot at either for amusement or as a test of skill in
29 marksmanship, except that this subsection and subsections bb. and
30 cc. shall not apply to the shooting of game;
- 31 bb. Shoot at a bird used as described in subsection aa. of this
32 section, or is a party to such shooting; or
- 33 cc. Lease a building, room, field or premises, or knowingly
34 permit the use thereof for the purposes of subsection aa. or bb. of
35 this section --
- 36 Shall forfeit and pay a sum according to the following schedule,
37 to be sued for and recovered, with costs, in a civil action by any
38 person in the name of the New Jersey Society for the Prevention of
39 Cruelty to Animals or a county society for the prevention of cruelty
40 to animals, as appropriate, or, in the name of the municipality if
41 brought by a certified animal control officer or animal cruelty
42 investigator:
- 43 For a violation of subsection e., f., g., u., v., w., or z. of this
44 section or of paragraph (3) of subsection a. of this section, or for a
45 second or subsequent violation of paragraph (2) or (5) of subsection
46 a. of this section, a sum of not less than \$3,000 nor more than
47 \$5,000;

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

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

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

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

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

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

24 For a violation of subsection i., m., n., o., p., q., r., or s. of this
25 section, or paragraph (6) of subsection a. of this section, a sum of
26 not less than \$250 nor more than \$500.

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

28

29 10. This act shall take effect immediately.

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31

32

STATEMENT

33

34 This bill would:

- 35 1) prohibit tethering of dogs under certain circumstances;
36 2) require proper outdoor shelter to be provided for dogs being
37 left outdoors unattended for more than 30 minutes in certain
38 weather conditions;
39 3) authorize the seizure of dogs in certain circumstances; and
40 4) establish penalties for violations of the tethering and outdoor
41 shelter provisions.