

[Second Reprint]

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, Nos. 1640, 1642, and 1013**

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**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

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ADOPTED DECEMBER 12, 2016

**Sponsored by:**

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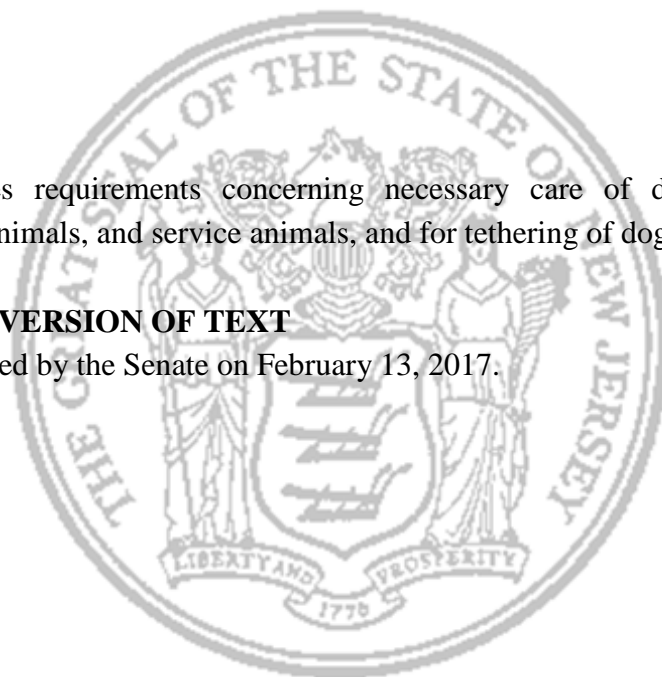
**Senators Addiego, Bateman, Kyrillos, A.R.Bucco, Greenstein, Lesniak,  
Allen and Beach**

**SYNOPSIS**

Establishes requirements concerning necessary care of dogs, domestic companion animals, and service animals, and for tethering of dogs.

**CURRENT VERSION OF TEXT**

As amended by the Senate on February 13, 2017.



**(Sponsorship Updated As Of: 3/15/2017)**

1 AN ACT concerning the necessary care and tethering of certain  
2 animals, and supplementing Title 4 of the Revised Statutes, and  
3 amending P.L.1941, c.151.  
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 this act:

9 “Adverse environmental conditions” means (1) when the ambient  
10 temperature is 32 degrees Fahrenheit or below in the immediate  
11 vicinity of a dog, domestic companion animal, or service animal, or  
12 there are other cold weather or precipitation-related environmental  
13 conditions, including, but not limited to, wind, rain, snow, ice, sleet,  
14 or hail <sup>2</sup>【, such】<sup>2</sup> that a person should reasonably know would pose  
15 an adverse risk to the health or safety of a dog, domestic companion  
16 animal, or service animal, based on the animal’s size, age, physical  
17 condition, or thickness of the animal’s hair or fur; or (2) when the  
18 ambient temperature is 90 degrees Fahrenheit or above in the  
19 immediate vicinity of a dog, domestic companion animal, or service  
20 animal, or a dog, domestic companion animal, or service animal is  
21 exposed to direct sunlight or hot pavement <sup>1</sup>or any other hot  
22 surfaces<sup>1</sup> <sup>2</sup>【, such】<sup>2</sup> that a person should reasonably know would  
23 pose an adverse risk to the health or safety of the animal, based on  
24 the animal’s size, age, physical condition, or thickness of the  
25 animal’s hair or fur.

26 “Animal rescue organization” means an animal rescue  
27 organization as defined in section 1 of P.L.1941, c.151 (C.4:19-  
28 15.1).

29 “Animal rescue organization facility” means an animal rescue  
30 organization facility as defined in section 1 of P.L.1941, c.151  
31 (C.4:19-15.1).

32 “Domestic companion animal” means any animal commonly  
33 referred to as a pet that was bought, bred, raised, or otherwise  
34 acquired, in accordance with local ordinances and State and federal  
35 law, for the primary purpose of providing companionship to the  
36 owner, rather than for business or agricultural purposes.

37 “Kennel” means a kennel as defined in section 1 of P.L.1941,  
38 c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941,  
39 c.151 (C.4:19-15.8).

40 “Pet shop” means a pet shop as defined in section 1 of P.L.1941,  
41 c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941,  
42 c.151 (C.4:19-15.8).

**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 SBA committee amendments adopted January 30, 2017.

<sup>2</sup> Senate floor amendments adopted February 13, 2017.

1 “Pound” means a pound as defined in section 1 of P.L.1941,  
2 c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941,  
3 c.151 (C.4:19-15.8).

4 “Proper shelter” means a structure or other type of protection  
5 that conforms to the standards and requirements set forth in section  
6 5 of this act, but shall not mean a shelter <sup>1</sup>~~or~~ as<sup>1</sup> defined  
7 elsewhere in this section.

8 “Service animal” means a service animal or a guide dog as  
9 defined in subsection e. of section 1 of P.L.2013, c.205 (C.2C:29-  
10 3.2), or an animal used for any therapeutic purpose.

11 “Shelter” means a shelter as defined in section 1 of P.L.1941,  
12 c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941,  
13 c.151 (C.4:19-15.8).

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

20 “Unattended” means <sup>1</sup>~~a person is not outdoors in the immediate~~  
21 ~~presence of] that<sup>1</sup> the dog, domestic companion animal, or service~~  
22 ~~animal <sup>1</sup>~~that~~<sup>1</sup> is outdoors <sup>1</sup>~~,~~ or that] and<sup>1</sup> a person is not <sup>1</sup>~~in the~~  
23 ~~immediate presence of] also outdoors with the animal, or that<sup>1</sup> the~~  
24 ~~dog, domestic companion animal, or service animal <sup>1</sup>~~that~~<sup>1</sup>~~  
25 ~~indoors <sup>1</sup>and a person is not also indoors with the animal<sup>1</sup>.~~~~

26  
27 2. (New section) a. Except as provided in subsections b. and  
28 c. of this section, it is unlawful to expose any dog, domestic  
29 companion animal, or service animal to adverse environmental  
30 conditions for more than 30 minutes, unless the animal has  
31 continuous access to proper shelter, as set forth in section 5 of this  
32 act.

33 b. When State or local officials issue an order of evacuation  
34 due to weather or other emergency conditions, an owner or other  
35 person with custody or control of a dog, domestic companion  
36 animal, or service animal shall make every effort to evacuate with  
37 the animal, and shall not leave the animal indoors or outdoors while  
38 unattended and tethered. If evacuation with the owner or other  
39 person with custody or control of the dog, domestic companion  
40 animal, or service animal is not an option, the owner or other person  
41 with custody or control of the animal shall make every effort to:

42 (1) deliver the animal to a safe haven not impacted by the  
43 emergency, which may include, but is not limited to, a licensed  
44 kennel, shelter, or pound, temporary animal shelter established for  
45 the purposes of the emergency, the residence of a friend, relative, or  
46 other caregiver, or other suitable facility capable of ensuring the  
47 animal’s safety; or

1 (2) secure the animal in an indoor area that is clear of hazards  
2 and is as protective of the dog, domestic companion animal, or  
3 service animal as possible under the circumstances, and alert local  
4 emergency responders to the animal's location.

5 c. The requirements of subsection a. of this section shall not  
6 apply to a dog, domestic companion animal, or service animal if  
7 'any person, including' the animal's owner or person with custody  
8 or control of the animal:

9 (1) is in the presence of the animal and exposed to the same  
10 adverse environmental conditions as the animal at all times that the  
11 animal is exposed to these adverse environmental conditions; and

12 (2) can see the animal at all times while the animal is exposed to  
13 the adverse environmental conditions, unless the '[animal's owner  
14 or person with custody or control of the animal] person' is blind or  
15 visually impaired so that the person cannot see the animal due to the  
16 blindness or visual impairment, in which case the '[owner or other  
17 person with custody or control of the animal] person' shall remain  
18 immediately adjacent to the animal at all times while the animal and  
19 the '[animal's owner or person with custody or control of the  
20 animal] person' are exposed to the adverse environmental  
21 conditions.

22 As used in this subsection, "blind" means a person whose vision  
23 in the person's better eye with proper correction does not exceed  
24 20/200 or who has a field defect in the person's better eye with  
25 proper correction which contracts the peripheral field so that the  
26 diameter of the visual field subtends an angle no greater than 20  
27 degrees; and "visually impaired" means having a condition in which  
28 a person has a corrected visual acuity not exceeding 20/70, but not  
29 less than 20/200, in the person's better eye, or in which the  
30 peripheral field of the person's vision has contracted so that the  
31 diameter of the visual field subtends an angle no greater than 40  
32 degrees but no less than 20 degrees.

33 d. The requirements of subsections a. and b. of this section  
34 shall not apply to any cat living outside with no apparent owner,  
35 commonly referred to as, or considered to be, a feral cat.

36 e. (1) The owner of a dog, domestic companion animal, or  
37 service animal shall be liable for a violation of subsection a. of this  
38 section that occurs on any property belonging to the owner or on  
39 which the owner resides at the time of the violation, regardless of  
40 whether the owner is present when the violation occurs.

41 (2) The person with custody or control of a dog, domestic  
42 companion animal, or service animal who is not the owner of the  
43 animal shall be liable for a violation of subsection a. of this section  
44 that occurs on any property belonging to the person with custody or  
45 control of the animal or on which the person with custody or control  
46 of the animal resides at the time of the violation, regardless of  
47 whether the person is present when the violation occurs.

- 1       3. (News section) a. It is unlawful for any person to cruelly  
2 restrain a dog.
- 3       b. A person cruelly restrains a dog if the person tethers a dog:  
4       (1) which is a nursing female, or which is less than four months  
5 old;  
6       (2) outdoors between the hours of 11 p.m. and 5 a.m., but this  
7 paragraph shall not take effect until 18 months after the date on  
8 which this act takes effect;  
9       (3) in an unoccupied building or upon vacant property;  
10       (4) in a manner that does not permit the dog continuous access to  
11 water in a sanitary and liquid state whenever the dog is tethered for  
12 more than 30 minutes;  
13       (5) in a manner that exposes the dog to adverse environmental  
14 conditions for more than 30 minutes;  
15       (6) by means of a choke collar, prong collar, head harness, or any  
16 other type of collar, harness, or similar device other than a properly  
17 fitted body harness or buckle-type collar;  
18       (7) by using a chain with metal links that are more than one-  
19 quarter of an inch thick, or a tether, collar, or harness to which a  
20 weight is attached;  
21       (8) with a tether on which more than one dog is restrained;  
22       (9) with a tether that is less than 15 feet in length or which does  
23 not permit the dog to walk at least 15 feet in any one direction; or  
24       (10) with a tether that permits the dog to reach another dog or an  
25 object or location that poses a risk of entanglement, strangulation,  
26 drowning, or other harm to the health or safety of the dog,  
27 including, but not limited to, another dog's tether or a window sill,  
28 fence, wall, porch, terrace railing, vehicle, tree, pole, pool, or public  
29 road or highway.
- 30       c. Paragraphs (2), (9), and (10) of subsection b. of this section  
31 shall not apply if any person, including<sup>1</sup> the dog's owner or the  
32 person with custody or control of the dog:  
33       (1) is in the presence of the dog at all times while the dog is  
34 tethered, whether indoors or outdoors; and  
35       (2) can see the dog at all times while the dog is tethered, unless  
36 the **1** **dog's owner or the person with custody or control of the dog**  
37 **person**<sup>1</sup> is blind or visually impaired so that the person cannot see  
38 the dog due to the blindness or visual impairment, in which case the  
39 **1** **owner or person with custody or control of the animal** **person**<sup>1</sup>  
40 shall remain immediately adjacent to the dog at all times while the  
41 dog is tethered.
- 42       As used in this subsection, "blind" means a person whose vision  
43 in the person's better eye with proper correction does not exceed  
44 20/200 or who has a field defect in the person's better eye with  
45 proper correction which contracts the peripheral field so that the  
46 diameter of the visual field subtends an angle no greater than 20  
47 degrees; and "visually impaired" means having a condition in which  
48 a person has a corrected visual acuity not exceeding 20/70, but not

1 less than 20/200, in the person's better eye, or in which the  
2 peripheral field of the person's vision has contracted so that the  
3 diameter of the visual field subtends an angle no greater than 40  
4 degrees but no less than 20 degrees.

5 d. (1) The owner of a dog <sup>1</sup>【, domestic companion animal, or  
6 service animal】<sup>1</sup> shall be liable for a violation of subsections a. and  
7 b. of this section that occurs on any property belonging to the owner  
8 or on which the owner resides at the time of the violation,  
9 regardless of whether the owner is present when the violation  
10 occurs.

11 (2) The person with custody or control of a dog <sup>1</sup>【, domestic  
12 companion animal, or service animal】<sup>1</sup> who is not the owner of the  
13 <sup>1</sup>【animal】 dog<sup>1</sup> shall be liable for a violation of subsections a. and  
14 b. of this section that occurs on any property belonging to the  
15 person with custody or control of the <sup>1</sup>【animal】 dog<sup>1</sup> or on which  
16 the person with custody or control of the <sup>1</sup>【animal】 dog<sup>1</sup> resides at  
17 the time of the violation, regardless of whether the person is present  
18 when the violation occurs.

19 <sup>1</sup>(3) Paragraph (9) of subsection b. of this section shall not apply  
20 if the dog is indoors and a person is indoors with the dog.<sup>1</sup>

21

22 4. (New section) a. It is unlawful to confine a dog, domestic  
23 companion animal, or service animal in any structure, room, area,  
24 or container that does not comply with the standards and  
25 requirements of proper shelter as set forth in section 5 of this act,  
26 except as provided in subsections b. and c. of this section.

27 b. (1) Notwithstanding the requirements of paragraph (1) of  
28 subsection a. of section 5 of this act, a person may confine a dog,  
29 domestic companion animal, or service animal temporarily in an  
30 animal carrier or crate for the purposes enumerated in paragraph (2)  
31 of this subsection, provided that (a) during transport, the animal is  
32 at all times inside the vehicle being used for transport; and (b)  
33 during confinement in the animal carrier or crate, the <sup>1</sup>top of the<sup>1</sup>  
34 head of the dog, domestic companion animal, or service animal  
35 cannot touch the ceiling of the animal carrier or crate when the  
36 animal is in a normal sitting <sup>1</sup>【or standing】<sup>1</sup> position in the animal  
37 carrier or crate, and the dog, domestic companion animal, or service  
38 animal can easily turn around in a full circle and lie down on its  
39 side <sup>2</sup>【with limbs outstretched】<sup>2</sup> in the animal carrier or crate.

40 (2) A person may confine a dog, domestic companion animal, or  
41 service animal temporarily in an animal carrier or crate for the  
42 purpose of (a) transport; (b) any exhibition, show, contest, or other  
43 temporary event at which the skill, breeding, or stamina of the  
44 animal is judged or examined; or (c) in the case of a dog, any  
45 exhibition, class, training session, or other temporary event at which  
46 the dog is used, or is being trained, to hunt wildlife in a lawful  
47 manner.

1 <sup>1</sup>(3) Notwithstanding the requirements of paragraph (1) of  
2 subsection a. of section 5 of this act with regard to access to water,  
3 a person may confine a dog, domestic companion animal, or service  
4 animal without providing access to water at all times if the animal is  
5 confined indoors and in the primary living space of the residence of  
6 the owner or other person with custody <sup>2</sup>[and] or<sup>2</sup> control of the  
7 animal.<sup>1</sup>

8 c. Subsection a. of this section shall not apply to:

9 (1) a facility maintained and used in connection with the  
10 practice of veterinary medicine pursuant to R.S.45:16-1 et seq.; or

11 (2) a licensed kennel, pet shop, shelter, or pound subject to the  
12 rules and regulations adopted pursuant to section 14 of P.L.1941,  
13 c.151 (C.4:19-15.14) pertaining to the sanitary conduct and  
14 operation of kennels, pet shops, shelters, and pounds, which is  
15 operating in compliance with those rules and regulations.

16

17 5. (New section) a. Proper shelter for a dog, domestic  
18 companion animal, or service animal shall be a structure or other  
19 type of protection that meets, at a minimum, the following  
20 standards and requirements:

21 (1) It provides at all times (a) adequate ventilation to allow the  
22 dog, domestic companion animal, or service animal to remain dry  
23 and maintain a normal body temperature, (b) access to water in a  
24 sanitary and liquid state, (c) exposure to natural or artificial light  
25 according to a regular cycle of day and night, (d) sufficient space so  
26 that the dog, domestic companion animal, or service animal can  
27 easily turn around in a full circle and lie down on the animal's side  
28 with limbs outstretched, and (e) <sup>1</sup>[at least three inches of empty  
29 space above the head of the dog, domestic companion animal, or  
30 service animal]<sup>1</sup> when the animal is in a normal sitting <sup>1</sup>[or  
31 standing]<sup>1</sup> position in the proper shelter <sup>1</sup>, the top of the head of the  
32 animal cannot touch the ceiling of the proper shelter<sup>1</sup> ;

33 (2) It is maintained in a manner to minimize the accumulation of  
34 any waste, other debris, precipitation, or other moisture inside,  
35 surrounding, and underneath any area or structure providing proper  
36 shelter, and to provide reasonable protection from flooding;

37 (3) It is soundly constructed to prevent the sagging or collapse  
38 of any part of the structure or protection, and is maintained in good  
39 repair with no exposed sharp points or edges;

40 (4) It remains in an upright position at all times;

41 (5) In the event of adverse environmental conditions as set forth  
42 in paragraph (1) of the definition of that term in section 1 of this  
43 act, it is an enclosed structure that has (a) a solid roof, solid walls  
44 with a single opening no larger than necessary to allow the dog,  
45 domestic companion animal, or service animal to comfortably enter  
46 and exit the structure, and a floor that is not the ground, and (b)  
47 insulation, dry bedding, and a windbreak at the entrance that are

1 sufficient to keep the dog, domestic companion animal, or service  
2 animal dry and maintain the animal's normal body temperature; and  
3 (6) In the event of adverse environmental conditions as set forth  
4 in paragraph (2) of the definition of that term in section 1 of this  
5 act, it provides the dog, domestic companion animal, or service  
6 animal with adequate shade <sup>1</sup>or other cooling area<sup>1</sup> by natural or  
7 artificial means to allow the animal to maintain a normal body  
8 temperature.

9 b. Any part of the residence of an owner, or other person with  
10 custody or control, of a dog, domestic companion animal, or service  
11 animal shall be proper shelter for a dog, domestic companion  
12 animal, or service animal, provided that the part of the residence,  
13 and the use thereof, are in compliance with the requirements for  
14 proper shelter set forth in this section.

15 c. Proper shelter for a dog, domestic companion animal, or  
16 service animal shall not include:

17 (1) a crawl space under a building or a part of a building, such  
18 as under steps, a deck, or a stoop;

19 (2) the space under a vehicle;

20 (3) the inside of a vehicle if the dog, domestic companion  
21 animal, or service animal is kept in the vehicle in a manner or for a  
22 length of time that a person should reasonably know poses an  
23 adverse risk to the health or safety of the animal; or

24 (4) any structure or protection (a) made from pressure-treated  
25 wood <sup>1</sup>which contains the chemicals arsenic or chromium<sup>1</sup>, (b) with  
26 a floor consisting of wire or chain-link or having openings through  
27 which the paw, hoof, or foot of a dog, domestic companion animal,  
28 or service animal, as applicable, can pass, or (c) that is located  
29 outdoors and is made from cardboard or other materials that are  
30 easily degraded by the elements.

31

32 6. (New section) a. The Department of Health, in consultation  
33 with the Attorney General, shall:

34 (1) provide to each municipality in writing sufficient copies of  
35 (a) this act, R.S.4:22-17, and R.S.4:22-26; (b) a plain language  
36 description of the provisions and requirements thereof; and (c) a  
37 plain language description of how to comply with those provisions  
38 and requirements; and

39 (2) post on its website the materials enumerated in paragraph (1)  
40 of this subsection.

41 b. Each municipality shall:

42 (1) provide the materials enumerated in and provided pursuant to  
43 subsection a. of this section, along with any other information  
44 deemed relevant by the municipality, to each person obtaining a  
45 license for a dog at the time of licensing; and

46 (2) post on its website the materials enumerated in and provided  
47 pursuant to subsection a. of this section.

48 The municipality may pay any cost incurred by complying with  
49 the requirements of this subsection with fees forwarded to the



1 treasurer of the municipality pursuant to section 11 of P.L.1941,  
2 c.151 (C.4:19-15.11).

3  
4 7. (New section) a. Upon a showing of probable cause that  
5 there has been a violation of this act and submission of <sup>1</sup>[a written  
6 attestation that, pursuant to subsection f. of this section, a correction  
7 warning was previously issued but not complied with or no  
8 correction warning was required] proof of issuance of a summons<sup>1</sup>,  
9 a court of competent jurisdiction <sup>1</sup>[shall] may<sup>1</sup> issue, upon request,  
10 <sup>1</sup>[a warrant] an order<sup>1</sup> to any humane law enforcement officer or  
11 agent of the New Jersey Society for the Prevention of Cruelty to  
12 Animals or county society for the prevention of cruelty to animals,  
13 certified animal control officer, or other State or local law  
14 enforcement officer to enter onto the private property where a dog,  
15 domestic companion animal, or service animal is located and take  
16 physical custody of the animal.

17 b. Notwithstanding the provisions of subsection a. of this  
18 section, or any other law, or any rule or regulation adopted pursuant  
19 thereto, to the contrary, any humane law enforcement officer or  
20 agent of the New Jersey Society for the Prevention of Cruelty to  
21 Animals or county society for the prevention of cruelty to animals,  
22 certified animal control officer, or other State or local law  
23 enforcement officer may immediately enter onto private property  
24 where a dog, domestic companion animal, or service animal is  
25 located and take physical custody of the animal, if the officer or  
26 agent has reasonable suspicion to believe that the animal is at risk  
27 of imminent harm due to a violation of this act.

28 c. Upon taking physical custody of a dog, domestic companion  
29 animal, or service animal pursuant to subsection a. or b. of this  
30 section, the person taking physical custody of the animal shall: (1)  
31 post immediately, in a conspicuous place at the location from which  
32 the dog, domestic companion animal, or service animal was taken,  
33 the notice required pursuant to subsection d. of this section to the  
34 owner or person with custody or control of the dog, domestic  
35 companion animal, or service animal; and (2) send by registered  
36 <sup>1</sup>[.] or<sup>1</sup> certified <sup>1</sup>[., or] mail and by<sup>1</sup> ordinary mail the notice  
37 described in subsection d. of this section to the address of the  
38 location from which the dog, domestic companion animal, or  
39 service animal was taken into physical custody.

40 d. The notice required pursuant to subsection c. of this section  
41 shall: (1) provide a description of the dog, domestic companion  
42 animal, or service animal; (2) state that the dog, domestic  
43 companion animal, or service animal may be euthanized upon a  
44 veterinarian's written determination of medical necessity as  
45 required by subsection e. of this section; (3) state the statutory  
46 authority and reason for taking custody of the dog, domestic  
47 companion animal, or service animal; and (4) provide contact  
48 information, including at least the name of any applicable office or

1 entity, the name of a person at that office or entity, and a telephone  
2 number for the owner or person with custody or control of the dog,  
3 domestic companion animal, or service animal to obtain  
4 information concerning the animal, the alleged violation, and where  
5 the animal is impounded.

6 e. A dog, domestic companion animal, or service animal taken  
7 into physical custody pursuant to subsection a. or b. of this section  
8 shall be placed in a licensed shelter, pound, or kennel operating as a  
9 shelter or pound to ensure the humane care and treatment of the  
10 animal. If, after the dog, domestic companion animal, or service  
11 animal has been taken into physical custody, a licensed veterinarian  
12 makes a written determination that the animal is in intractable and  
13 extreme pain and beyond any reasonable hope of recovery with  
14 reasonable veterinary medical treatment, the animal may be  
15 euthanized. At any time while the licensed shelter, pound, or  
16 kennel operating as a shelter or pound has custody <sup>2</sup>~~and~~ or<sup>2</sup>  
17 control of the dog, domestic companion animal, or service animal, it  
18 may place the animal in an animal rescue organization facility or a  
19 foster home if it determines the placement is in the best interest of  
20 the animal.

21 f. <sup>1</sup>~~【No person shall be cited for a violation of this act unless~~  
22 ~~that person has first been issued a correction warning. A correction~~  
23 ~~warning shall provide notice to the person that the person has seven~~  
24 ~~days to correct the violation and a description of the violation to be~~  
25 ~~corrected. No correction warning shall be required when a humane~~  
26 ~~law enforcement officer or agent of the New Jersey Society for the~~  
27 ~~Prevention of Cruelty to Animals or county society for the~~  
28 ~~prevention of cruelty to animals, certified animal control officer, or~~  
29 ~~other State or local law enforcement officer immediately seizes a~~  
30 ~~dog, domestic companion animal, or service animal pursuant to~~  
31 ~~subsection b. of this section.】 A person shall be issued a correction  
32 warning prior to being cited for a violation of this act unless the  
33 dog, domestic companion animal, or service animal involved in the  
34 violation was seized immediately pursuant to subsection b. of this  
35 section.<sup>1</sup> A summons shall be served on the alleged violator as  
36 soon as practicable if:~~

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

39 <sup>1</sup>~~【(2) a correction warning for the violation was previously~~  
40 ~~issued but has not been complied with; or~~

41 (3) ~~】~~ ; or

42 (2)<sup>1</sup> the dog, domestic companion animal, or service animal  
43 involved in the violation was seized immediately pursuant to  
44 subsection b. of this section.

45 If the alleged violator is not the owner of the dog, domestic  
46 companion animal, or service animal, the person issuing the  
47 correction warning or summons, as applicable, shall also notify the

1 owner of the animal of the violation and provide the owner with a  
2 copy of the issued correction warning or summons, as applicable.

3 g. Any summons issued for a violation of this act shall contain:

4 (1) a description of the violation and statutory authority; <sup>1</sup>and<sup>1</sup>

5 (2) <sup>1</sup>the penalty for the violation;

6 (3) <sup>1</sup> contact information identifying, at a minimum (a) the name  
7 of the investigating agency or office <sup>1</sup>and<sup>1</sup> (b) the name of the  
8 officer or agent issuing the summons or investigating the alleged  
9 violation <sup>1</sup>; and (c) a telephone number for the investigating  
10 agency or office and the investigating officer or agent;

11 (4) <sup>1</sup>.

12 h. Any humane law enforcement officer or agent of the New  
13 Jersey Society for the Prevention of Cruelty to Animals or county  
14 society for the prevention of cruelty to animals, certified animal  
15 control officer, or other State or local law enforcement officer  
16 issuing a summons for a violation of this act shall also serve on the  
17 alleged violator, with the summons, a written<sup>1</sup> notice of <sup>1</sup>:

18 (1)<sup>1</sup> the right to voluntarily forfeit ownership or custody of the  
19 dog, domestic companion animal, or service animal;

20 <sup>1</sup>(5) <sup>1</sup>(2)<sup>1</sup> the action or actions required for compliance; <sup>1</sup>and

21 (6) a written <sup>1</sup>(3) a<sup>1</sup> demand for immediate compliance <sup>1</sup>.

22 h. <sup>1</sup>; and

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

25 i.<sup>1</sup> Any humane law enforcement officer or agent of the New  
26 Jersey Society for the Prevention of Cruelty to Animals or county  
27 society for the prevention of cruelty to animals, certified animal  
28 control officer, or other State or local law enforcement officer may  
29 petition a court of competent jurisdiction to have a dog, domestic  
30 companion animal, or service animal confiscated, if not previously  
31 seized, and forfeited upon the person being found guilty of, or liable  
32 for, a violation of this act. Upon a finding that continued  
33 possession of the dog, domestic companion animal, or service  
34 animal by the owner or other person authorized to have custody or  
35 control of the animal poses a threat to the health or safety of the  
36 animal, the court shall order that the animal be forfeited, placed in  
37 an animal rescue organization facility, shelter, pound, or kennel  
38 operating as a shelter or pound, and made available for adoption.

39 <sup>1</sup>[i.] j.<sup>1</sup> A person found guilty of, or liable for, a violation of  
40 any provision of this act shall be responsible for, and pay, the  
41 reasonable costs of caring for the dog, domestic companion animal,  
42 or service animal from the date on which physical custody of the  
43 animal was taken pursuant to this section until the date the animal is  
44 surrendered, forfeited, returned, or euthanized, including, but not  
45 limited to, the cost of transporting, sheltering, and feeding the  
46 animal, the cost of providing the animal with necessary veterinary  
47 care, and if the animal is euthanized, the cost of the euthanasia.

1       8. (New section) a. A violation of section 2, 4, or 5 of this act  
2 shall constitute failure to provide necessary care pursuant to  
3 R.S.4:22-17 and R.S.4:22-26, and a violator shall be subject to the  
4 applicable penalties set forth in those sections.

5       b. A person who violates section 3 of this act shall be subject  
6 to:

7       (1) for a first offense, at the discretion of the court, a fine of  
8 \$100; and

9       (2) for a second offense, at the discretion of the court, a fine of  
10 \$200.

11       For a third or subsequent offense, the offense shall constitute  
12 failure to provide necessary care pursuant to R.S.4:22-17 and  
13 R.S.4:22-26, and a violator shall be subject to the applicable  
14 penalties set forth in those sections.

15       c. Beginning on the fourth day after the date of issuance of a  
16 summons for a violation pursuant to section 7 of this act, each 30-  
17 day period that the owner or other person with custody or control of  
18 the dog, domestic companion animal, or service animal is still in  
19 possession of the animal and fails to comply with the requirements  
20 of this act shall constitute a separate offense.

21       d. A court may, in its discretion, waive or reduce the amount of  
22 any fine imposed for any violation of this act upon the violator  
23 demonstrating compliance with this act in the manner as may be  
24 prescribed by the court.

25

26       9. (New section) No provision of this act, or any rule or  
27 regulation adopted pursuant thereto, shall be construed or applied to  
28 limit any protection afforded to any dog pursuant to Title 2C of the  
29 New Jersey Statutes or any other provisions of Title 4 of the  
30 Revised Statutes, any other federal or State law, or rule or  
31 regulation adopted pursuant thereto, or any local ordinance,  
32 resolution, rule, or regulation.

33

34       10. Section 11 of P.L.1941, c. 151 (C.4:19-15.11) is amended to  
35 read as follows:

36       11. License fees and other moneys collected or received under  
37 the provisions of sections 3, 8, 9 and 16 of **[this act] P.L.1941,**  
38 **c.151 (C.4:19-15.3, C.4:19-15.8, C.4:19-15.9, and C.4:19-15.16),**  
39 **except registration tag fees, shall be forwarded to the treasurer of**  
40 **the municipality within 30 days after collection or receipt and shall**  
41 **be placed in a special account separate from any of the other**  
42 **accounts of the municipality and shall be used for the following**  
43 **purposes only **[,];** for collecting, keeping and disposing of dogs**  
44 **liable to seizure under **[this act] P.L.1941, c.151 (C.4:19-15.1 et****  
45 **seq.) or under local dog control ordinances; for local prevention and**  
46 **control of rabies; for providing antirabic treatment under the**  
47 **direction of the local board of health for any person known or**  
48 **suspected to have been exposed to rabies **[,];** for payment of**

1 damage to or losses of poultry and domestic animals, except dogs  
2 and cats, caused by a dog or dogs; for compliance with the  
3 requirements of subsection b. of section 6 of P.L. , c. (C. )  
4 (pending before the Legislature as this bill); and for administering  
5 the provisions of **[this act]** P.L.1941, c.151 (C.4:19-15.1 et seq.).  
6 Any unexpended balance remaining in **[such]** the special account  
7 shall be retained therein until the end of the third fiscal year  
8 following and may be used for any of the purposes set forth in this  
9 section. At the end of the **[said]** third fiscal year following, and at  
10 the end of each fiscal year thereafter, there shall be transferred  
11 from **[such]** the special account to the general funds of the  
12 municipality any amount then in **[such]** the account which is in  
13 excess of the total amount paid into **[said]** the special account  
14 during the last **[2]** two fiscal years next preceding.

15 The registration tag fee for each dog shall be forwarded within  
16 30 days after collection by the clerk or other official designated to  
17 license dogs to the State Department of Health which department  
18 shall forward **[said]** the sum to the State Treasurer who shall place  
19 all such moneys in a special account for use only by the State  
20 Department of Health in administering of **[this act]** P.L.1941, c.151  
21 (C.4:19-15.1 et seq.) and for the prevention and control of rabies  
22 throughout the State, and such account is hereby declared to be a  
23 trust fund not subject to legislative appropriation. At the end of the  
24 third fiscal year following the adoption of **[this act]** P.L.1941,  
25 c.151 (C.4:19-15.1 et seq.) and at the end of each fiscal year  
26 thereafter, there shall be withdrawn from this trust fund and  
27 transferred to the general funds of the State any amount then in  
28 **[such]** the trust fund which is in excess of the total amount paid  
29 into **[such]** the trust fund during the last **[2]** two fiscal years next  
30 preceding.

31 (cf: P.L.1981, c.235, s.3)

32

33 11. This act shall take effect immediately.