

[Third Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
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STATE OF NEW JERSEY
217th LEGISLATURE

ADOPTED DECEMBER 12, 2016

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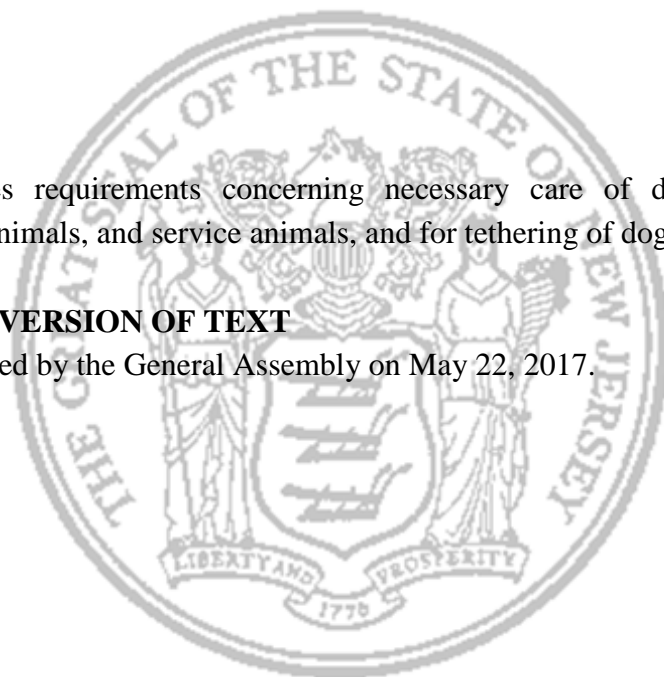
**Senators Addiego, Bateman, Kyrillos, A.R.Bucco, Greenstein, Lesniak,
Allen and Beach**

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 General Assembly on May 22, 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, or
14 hail ²**[, such]**² that a person should reasonably know would pose an
15 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 ¹or any other hot surfaces¹
22 ²**[, such]**² that a person should reasonably know would pose an
23 adverse risk to the health or safety of the animal, based on the animal’s
24 size, age, physical condition, or thickness of the animal’s hair or fur.

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

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

30 “Domestic companion animal” means any animal commonly
31 referred to as a pet that was bought, bred, raised, or otherwise
32 acquired, in accordance with local ordinances and State and federal
33 law, for the primary purpose of providing companionship to the owner,
34 rather than for business or agricultural purposes. ³“Domestic
35 companion animal” shall not include livestock as defined and
36 designated pursuant to rules and regulations adopted by the
37 Department of Agriculture.³

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

41 “Pet shop” means a pet shop as defined in section 1 of P.L.1941,
42 c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941,
43 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:

¹ Senate SBA committee amendments adopted January 30, 2017.

² Senate floor amendments adopted February 13, 2017.

³ Assembly floor amendments adopted May 22, 2017.

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

4 “Proper shelter” means a structure or other type of protection that
5 conforms to the standards and requirements set forth in section 5 of
6 this act, but shall not mean a shelter ¹~~“or”~~ as¹ defined elsewhere in this
7 section.

8 “Service animal” means a service animal or a guide dog as defined
9 in subsection e. of section 1 of P.L.2013, c.205 (C.2C:29-3.2), or an
10 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 mobile
17 including, but not limited to, a trolley or pulley, in order to restrict the
18 dog’s movement. “Tether” also means the cable, chain, rope, or other
19 similar object used to fasten a dog, as applicable.

20 “Unattended” means ¹~~“a person is not outdoors in the immediate~~
21 ~~presence of”~~ that¹ the dog, domestic companion animal, or service
22 animal ¹~~“that”~~ is outdoors ¹~~“[, or that”~~ and¹ a person is not ¹~~“in the~~
23 ~~immediate presence of”~~ also outdoors with the animal, or that¹ the
24 dog, domestic companion animal, or service animal ¹~~“that”~~ is indoors
25 ¹and a person is not also indoors with the animal¹.
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'¹ 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 **'[dog's owner or the person with custody or control of the dog]**
37 person¹ 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 **'[owner or person with custody or control of the animal]** person¹
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 ¹["], domestic companion animal, or
6 service animal¹ 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 ¹["], domestic
12 companion animal, or service animal¹ who is not the owner of the
13 ¹["animal"] dog¹ 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 ¹["animal"] dog¹ or on which
16 the person with custody or control of the ¹["animal"] dog¹ resides at
17 the time of the violation, regardless of whether the person is present
18 when the violation occurs.

19 ¹(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.¹

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, or
24 container that does not comply with the standards and requirements of
25 proper shelter as set forth in section 5 of this act, except as provided in
26 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) of
31 this subsection, provided that (a) during transport, the animal is at all
32 times inside the vehicle being used for transport; and (b) during
33 confinement in the animal carrier or crate, the ¹top of the¹ head of the
34 dog, domestic companion animal, or service animal cannot touch the
35 ceiling of the animal carrier or crate when the animal is in a normal
36 ³["sitting"]³ standing³ ¹["or standing"]¹ position in the animal carrier or
37 crate, and the dog, domestic companion animal, or service animal can
38 easily turn around in a full circle and lie down on its side ²["with limbs
39 outstretched"]² 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 purpose
42 of (a) transport; (b) any exhibition, show, contest, or other temporary
43 event at which the skill, breeding, or stamina of the animal is judged or
44 examined; or (c) in the case of a dog, any exhibition, class, training
45 session, or other temporary event at which the dog is used, or is being
46 trained, to hunt wildlife in a lawful manner.

¹(3) Notwithstanding the requirements of paragraph (1) of subsection a. of section 5 of this act with regard to access to water, a person may confine a dog, domestic companion animal, or service animal without providing access to water at all times if the animal is confined indoors and in the primary living space of the residence of the owner or other person with custody ²[and] or² control of the animal.¹

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

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

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

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

(1) It provides at all times (a) adequate ventilation to allow the dog, domestic companion animal, or service animal to remain dry and maintain a normal body temperature, (b) access to water in a sanitary and liquid state, (c) exposure to natural or artificial light according to a regular cycle of day and night, (d) sufficient space so that the dog, domestic companion animal, or service animal can easily turn around in a full circle and lie down on the animal's side with limbs outstretched, and (e) ¹[at least three inches of empty space above the head of the dog, domestic companion animal, or service animal]¹ when the animal is in a normal sitting ¹[or standing]¹ position in the proper shelter ¹, the top of the head of the animal cannot touch the ceiling of the proper shelter¹ ;

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

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

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

(5) In the event of adverse environmental conditions as set forth in paragraph (1) of the definition of that term in section 1 of this act, it is an enclosed structure that has (a) a solid roof, solid walls with a single opening no larger than necessary to allow the dog, domestic companion animal, or service animal to comfortably enter and exit the structure, and a floor that is not the ground, and (b) 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 ¹or other cooling area¹ 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 ¹which contains the chemicals arsenic or chromium¹, (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 ¹‘[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 summons¹,
9 a court of competent jurisdiction ¹‘[shall] may¹ issue, upon request,
10 ¹‘[a warrant] an order¹ 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 ¹‘[.] or¹ certified ¹‘[., or] mail and by¹ 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

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, the alleged violation, and where the animal is impounded.

e. A dog, domestic companion animal, or service animal taken into physical custody pursuant to subsection a. or b. of this section shall be placed in 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 physical 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 ²~~and~~ or² 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 if it determines the placement is in the best interest of the animal.

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

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

¹~~【(2) a correction warning for the violation was previously issued but has not been complied with; or~~

~~(3)】 ; or~~

(2)¹ the dog, domestic companion animal, or service animal involved in the violation was seized immediately pursuant to subsection b. of this section.

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

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; ¹and¹

5 (2) ¹the penalty for the violation;

6 (3) ¹contact information identifying, at a minimum (a) the name
7 of the investigating agency or office ¹[:]¹ and¹ (b) the name of the
8 officer or agent issuing the summons or investigating the alleged
9 violation ¹[: and (c) a telephone number for the investigating
10 agency or office and the investigating officer or agent;

11 (4) ¹.

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 written¹ notice of ¹:

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

20 ¹[(5)] (2)¹ the action or actions required for compliance; ¹[and

21 (6) a written] (3) a¹ demand for immediate compliance ¹].

22 h.]: and

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

25 i.¹ 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 ¹[i.] j.¹ 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.