

[Fourth Reprint]

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

STATE OF NEW JERSEY
217th LEGISLATURE

ADOPTED DECEMBER 12, 2016

Sponsored by:

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

Assemblyman R. BRUCE LAND

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman DAVID W. WOLFE

District 10 (Ocean)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman ADAM J. TALIAFERRO

District 3 (Cumberland, Gloucester and Salem)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Co-Sponsored by:

**Senators Addiego, Bateman, Kyrillos, A.R.Bucco, Greenstein, Lesniak,
Allen, Beach, Assemblymen Johnson, DeAngelo, Singleton, Eustace and
Rooney**

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 June 8, 2017.

(Sponsorship Updated As Of: 6/30/2017)

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 ² **[, such]** ² 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 ¹ or any other hot
22 surfaces ¹ ² **[, such]** ² 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 ³ “Domestic companion animal” shall not include ⁴ **[livestock]**
38 “domestic livestock”⁴ as defined ⁴ **[and designated pursuant to rules**
39 and regulations adopted by the Department of Agriculture.³] in
40 subsection c. of section 1 of P.L.1995, c.311 (C.4:22-16.1).⁴

41 “Kennel” means a kennel as defined in section 1 of P.L.1941,

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.

⁴ Assembly floor amendments adopted June 8, 2017.

1 c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941,
2 c.151 (C.4:19-15.8).

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

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

9 “Proper shelter” means a structure or other type of protection
10 that conforms to the standards and requirements set forth in section
11 5 of this act, but shall not mean a shelter ¹**[or]** as¹ defined
12 elsewhere in this section.

13 “Service animal” means a service animal or a guide dog as
14 defined in subsection e. of section 1 of P.L.2013, c.205 (C.2C:29-
15 3.2), or an animal used for any therapeutic purpose.

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

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

25 “Unattended” means ¹**[a person is not outdoors in the immediate**
26 **presence of]** that¹ the dog, domestic companion animal, or service
27 animal ¹**[that]**¹ is outdoors ¹**[, or that]** and¹ a person is not ¹**[in the**
28 **immediate presence of]** also outdoors with the animal, or that¹ the
29 dog, domestic companion animal, or service animal ¹**[that]**¹ is
30 indoors ¹and a person is not also indoors with the animal¹.

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

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

47 (1) deliver the animal to a safe haven not impacted by the
48 emergency, which may include, but is not limited to, a licensed

1 kennel, shelter, or pound, temporary animal shelter established for
2 the purposes of the emergency, the residence of a friend, relative, or
3 other caregiver, or other suitable facility capable of ensuring the
4 animal's safety; or

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

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

13 (1) is in the presence of the animal and exposed to the same
14 adverse environmental conditions as the animal at all times that the
15 animal is exposed to these adverse environmental conditions; and

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

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

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

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

45 (2) The person with custody or control of a dog, domestic
46 companion animal, or service animal who is not the owner of the
47 animal shall be liable for a violation of subsection a. of this section
48 that occurs on any property belonging to the person with custody or

1 control of the animal or on which the person with custody or control
2 of the animal resides at the time of the violation, regardless of
3 whether the person is present when the violation occurs.

4

5 3. (News section) a. It is unlawful for any person to cruelly
6 restrain a dog.

7 b. A person cruelly restrains a dog if the person tethers a dog:

8 (1) which is a nursing female, or which is less than four months
9 old;

10 (2) outdoors between the hours of 11 p.m. and 5 a.m., but this
11 paragraph shall not take effect until 18 months after the date on
12 which this act takes effect;

13 (3) in an unoccupied building or upon vacant property;

14 (4) in a manner that does not permit the dog continuous access to
15 water in a sanitary and liquid state whenever the dog is tethered for
16 more than 30 minutes;

17 (5) in a manner that exposes the dog to adverse environmental
18 conditions for more than 30 minutes;

19 (6) by means of a choke collar, prong collar, head harness, or any
20 other type of collar, harness, or similar device other than a properly
21 fitted body harness or buckle-type collar;

22 (7) by using a chain with metal links that are more than one-
23 quarter of an inch thick, or a tether, collar, or harness to which a
24 weight is attached;

25 (8) with a tether on which more than one dog is restrained;

26 (9) with a tether that is less than 15 feet in length or which does
27 not permit the dog to walk at least 15 feet in any one direction; or

28 (10) with a tether that permits the dog to reach another dog or an
29 object or location that poses a risk of entanglement, strangulation,
30 drowning, or other harm to the health or safety of the dog,
31 including, but not limited to, another dog's tether or a window sill,
32 fence, wall, porch, terrace railing, vehicle, tree, pole, pool, or public
33 road or highway.

34 c. Paragraphs (2), (9), and (10) of subsection b. of this section
35 shall not apply if 'any person, including' the dog's owner or the
36 person with custody or control of the dog:

37 (1) is in the presence of the dog at all times while the dog is
38 tethered, whether indoors or outdoors; and

39 (2) can see the dog at all times while the dog is tethered, unless
40 the **'[dog's owner or the person with custody or control of the dog]**
41 person' is blind or visually impaired so that the person cannot see
42 the dog due to the blindness or visual impairment, in which case the
43 **'[owner or person with custody or control of the animal]** person'
44 shall remain immediately adjacent to the dog at all times while the
45 dog is tethered.

46 As used in this subsection, "blind" means a person whose vision
47 in the person's better eye with proper correction does not exceed
48 20/200 or who has a field defect in the person's better eye with

1 proper correction which contracts the peripheral field so that the
2 diameter of the visual field subtends an angle no greater than 20
3 degrees; and “visually impaired” means having a condition in which
4 a person has a corrected visual acuity not exceeding 20/70, but not
5 less than 20/200, in the person's better eye, or in which the
6 peripheral field of the person's vision has contracted so that the
7 diameter of the visual field subtends an angle no greater than 40
8 degrees but no less than 20 degrees.

9 d. (1) The owner of a dog ¹【, domestic companion animal, or
10 service animal】¹ shall be liable for a violation of subsections a. and
11 b. of this section that occurs on any property belonging to the owner
12 or on which the owner resides at the time of the violation,
13 regardless of whether the owner is present when the violation
14 occurs.

15 (2) The person with custody or control of a dog ¹【, domestic
16 companion animal, or service animal】¹ who is not the owner of the
17 ¹【animal】 dog¹ shall be liable for a violation of subsections a. and
18 b. of this section that occurs on any property belonging to the
19 person with custody or control of the ¹【animal】 dog¹ or on which
20 the person with custody or control of the ¹【animal】 dog¹ resides at
21 the time of the violation, regardless of whether the person is present
22 when the violation occurs.

23 ¹(3) Paragraph (9) of subsection b. of this section shall not apply
24 if the dog is indoors and a person is indoors with the dog.¹

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

31 b. (1) Notwithstanding the requirements of paragraph (1) of
32 subsection a. of section 5 of this act, a person may confine a dog,
33 domestic companion animal, or service animal temporarily in an
34 animal carrier or crate for the purposes enumerated in paragraph (2)
35 of this subsection, provided that (a) during transport, the animal is
36 at all times inside the vehicle being used for transport; and (b)
37 during confinement in the animal carrier or crate, the ¹top of the¹
38 head of the dog, domestic companion animal, or service animal
39 cannot touch the ceiling of the animal carrier or crate when the
40 animal is in a normal ³【sitting】 standing³ ¹【or standing】¹ position
41 in the animal carrier or crate, and the dog, domestic companion
42 animal, or service animal can easily turn around in a full circle and
43 lie down on its side ²【with limbs outstretched】² in the animal
44 carrier or crate.

45 (2) A person may confine a dog, domestic companion animal, or
46 service animal temporarily in an animal carrier or crate for the
47 purpose of (a) transport; (b) any exhibition, show, contest, or other
48 temporary event at which the skill, breeding, or stamina of the

1 animal is judged or examined; or (c) in the case of a dog, any
2 exhibition, class, training session, or other temporary event at which
3 the dog is used, or is being trained, to hunt wildlife in a lawful
4 manner.

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

12 c. ⁴(1) The owner of a dog, domestic companion animal, or
13 service animal shall be liable for a violation of subsection a. or b. of
14 this section, as the case may be, that occurs on or in any property
15 belonging to the owner or on which the owner resides or in any
16 vehicle belonging to the owner at the time of the violation,
17 regardless of whether the owner is present when the violation
18 occurs.

19 (2) The person with custody or control of a dog, domestic
20 companion animal, or service animal who is not the owner of the
21 animal shall be liable for a violation of subsection a. or b. of this
22 section, as the case may be, that occurs on or in any property
23 belonging to the person with custody or control of the animal or on
24 which the person with custody or control of the animal resides or in
25 any vehicle belonging to the person with custody or control of the
26 animal at the time of the violation, regardless of whether the person
27 is present when the violation occurs.

28 d.⁴ Subsection a. of this section shall not apply to:

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

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

36
37 5. (New section) a. Proper shelter for a dog, domestic
38 companion animal, or service animal shall be a structure or other
39 type of protection that meets, at a minimum, the following
40 standards and requirements:

41 (1) It provides at all times (a) adequate ventilation to allow the
42 dog, domestic companion animal, or service animal to remain dry
43 and maintain a normal body temperature, (b) access to water in a
44 sanitary and liquid state, (c) exposure to natural or artificial light
45 according to a regular cycle of day and night, (d) sufficient space so
46 that the dog, domestic companion animal, or service animal can
47 easily turn around in a full circle and lie down on the animal's side
48 with limbs outstretched, and (e) ¹[at least three inches of empty

1 space above the head of the dog, domestic companion animal, or
2 service animal¹ when the animal is in a normal sitting ¹【or
3 standing¹ position in the proper shelter ¹, the top of the head of the
4 animal cannot touch the ceiling of the proper shelter¹ ;

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

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

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

13 (5) In the event of adverse environmental conditions as set forth
14 in paragraph (1) of the definition of that term in section 1 of this
15 act, it is an enclosed structure that has (a) a solid roof, solid walls
16 with a single opening no larger than necessary to allow the dog,
17 domestic companion animal, or service animal to comfortably enter
18 and exit the structure, and a floor that is not the ground, and (b)
19 insulation, dry bedding, and a windbreak at the entrance that are
20 sufficient to keep the dog, domestic companion animal, or service
21 animal dry and maintain the animal's normal body temperature; and

22 (6) In the event of adverse environmental conditions as set forth
23 in paragraph (2) of the definition of that term in section 1 of this
24 act, it provides the dog, domestic companion animal, or service
25 animal with adequate shade ¹or other cooling area¹ by natural or
26 artificial means to allow the animal to maintain a normal body
27 temperature.

28 b. Any part of the residence of an owner, or other person with
29 custody or control, of a dog, domestic companion animal, or service
30 animal shall be proper shelter for a dog, domestic companion
31 animal, or service animal, provided that the part of the residence,
32 and the use thereof, are in compliance with the requirements for
33 proper shelter set forth in this section.

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

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

38 (2) the space under a vehicle;

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

43 (4) any structure or protection (a) made from pressure-treated
44 wood ¹which contains the chemicals arsenic or chromium¹, (b) with
45 a floor consisting of wire or chain-link or having openings through
46 which the paw, hoof, or foot of a dog, domestic companion animal,
47 or service animal, as applicable, can pass, or (c) that is located

1 outdoors and is made from cardboard or other materials that are
2 easily degraded by the elements.

3

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

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

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

13 b. Each municipality shall:

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

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

20 The municipality may pay any cost incurred by complying with
21 the requirements of this subsection with fees forwarded to the
22 treasurer of the municipality pursuant to section 11 of P.L.1941,
23 c.151 (C.4:19-15.11).

24

25 7. (New section) a. Upon a showing of probable cause that
26 there has been a violation of this act and submission of ¹【a written
27 attestation that, pursuant to subsection f. of this section, a correction
28 warning was previously issued but not complied with or no
29 correction warning was required】 proof of issuance of a summons¹,
30 a court of competent jurisdiction ¹【shall】 may¹ issue, upon request,
31 ¹【a warrant】 an order¹ to any humane law enforcement officer or
32 agent of the New Jersey Society for the Prevention of Cruelty to
33 Animals or county society for the prevention of cruelty to animals,
34 certified animal control officer, or other State or local law
35 enforcement officer to enter onto the private property where a dog,
36 domestic companion animal, or service animal is located and take
37 physical custody of the animal.

38 b. Notwithstanding the provisions of subsection a. of this
39 section, or any other law, or any rule or regulation adopted pursuant
40 thereto, to the contrary, any humane law enforcement officer or
41 agent of the New Jersey Society for the Prevention of Cruelty to
42 Animals or county society for the prevention of cruelty to animals,
43 certified animal control officer, or other State or local law
44 enforcement officer may immediately enter onto private property
45 where a dog, domestic companion animal, or service animal is
46 located and take physical custody of the animal, if the officer or
47 agent has reasonable suspicion to believe that the animal is at risk
48 of imminent harm due to a violation of this act.

1 c. Upon taking physical custody of a dog, domestic companion
2 animal, or service animal pursuant to subsection a. or b. of this
3 section, the person taking physical custody of the animal shall: (1)
4 post immediately, in a conspicuous place at the location from which
5 the dog, domestic companion animal, or service animal was taken,
6 the notice required pursuant to subsection d. of this section to the
7 owner or person with custody or control of the dog, domestic
8 companion animal, or service animal; and (2) send by registered
9 ¹~~['.]~~ ¹or¹ certified ¹~~['. or']~~ mail and by¹ ordinary mail the notice
10 described in subsection d. of this section to the address of the
11 location from which the dog, domestic companion animal, or
12 service animal was taken into physical custody.

13 d. The notice required pursuant to subsection c. of this section
14 shall: (1) provide a description of the dog, domestic companion
15 animal, or service animal; (2) state that the dog, domestic
16 companion animal, or service animal may be euthanized upon a
17 veterinarian's written determination of medical necessity as
18 required by subsection e. of this section; (3) state the statutory
19 authority and reason for taking custody of the dog, domestic
20 companion animal, or service animal; and (4) provide contact
21 information, including at least the name of any applicable office or
22 entity, the name of a person at that office or entity, and a telephone
23 number for the owner or person with custody or control of the dog,
24 domestic companion animal, or service animal to obtain
25 information concerning the animal, the alleged violation, and where
26 the animal is impounded.

27 e. A dog, domestic companion animal, or service animal taken
28 into physical custody pursuant to subsection a. or b. of this section
29 shall be placed in a licensed shelter, pound, or kennel operating as a
30 shelter or pound to ensure the humane care and treatment of the
31 animal. If, after the dog, domestic companion animal, or service
32 animal has been taken into physical custody, a licensed veterinarian
33 makes a written determination that the animal is in intractable and
34 extreme pain and beyond any reasonable hope of recovery with
35 reasonable veterinary medical treatment, the animal may be
36 euthanized. At any time while the licensed shelter, pound, or
37 kennel operating as a shelter or pound has custody ²~~['and']~~ ²or²
38 control of the dog, domestic companion animal, or service animal, it
39 may place the animal in an animal rescue organization facility or a
40 foster home if it determines the placement is in the best interest of
41 the animal.

42 f. ¹~~['No person shall be cited for a violation of this act unless~~
43 that person has first been issued a correction warning. A correction
44 warning shall provide notice to the person that the person has seven
45 days to correct the violation and a description of the violation to be
46 corrected. No correction warning shall be required when a humane
47 law enforcement officer or agent of the New Jersey Society for the
48 Prevention of Cruelty to Animals or county society for the

1 prevention of cruelty to animals, certified animal control officer, or
2 other State or local law enforcement officer immediately seizes a
3 dog, domestic companion animal, or service animal pursuant to
4 subsection b. of this section. 】 A person shall be issued a correction
5 warning prior to being cited for a violation of this act unless the
6 dog, domestic companion animal, or service animal involved in the
7 violation was seized immediately pursuant to subsection b. of this
8 section.¹ A summons shall be served on the alleged violator as
9 soon as practicable if:

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

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

14 (3)】; or

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

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

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

24 (1) a description of the violation and statutory authority; ¹and¹

25 (2) ¹【the penalty for the violation;

26 (3)】¹ contact information identifying, at a minimum (a) the name
27 of the investigating agency or office ¹【;】 and¹ (b) the name of the
28 officer or agent issuing the summons or investigating the alleged
29 violation ¹【; and (c) a telephone number for the investigating
30 agency or office and the investigating officer or agent;

31 (4)】 .

32 h. Any humane law enforcement officer or agent of the New
33 Jersey Society for the Prevention of Cruelty to Animals or county
34 society for the prevention of cruelty to animals, certified animal
35 control officer, or other State or local law enforcement officer
36 issuing a summons for a violation of this act shall also serve on the
37 alleged violator, with the summons, a written¹ notice of ¹:

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

40 ¹【(5)】 (2)¹ the action or actions required for compliance; ¹【and
41 (6) a written】 (3) a¹ demand for immediate compliance ¹【.

42 h.】; and

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

45 i.¹ Any humane law enforcement officer or agent of the New
46 Jersey Society for the Prevention of Cruelty to Animals or county
47 society for the prevention of cruelty to animals, certified animal

1 control officer, or other State or local law enforcement officer may
2 petition a court of competent jurisdiction to have a dog, domestic
3 companion animal, or service animal confiscated, if not previously
4 seized, and forfeited upon the person being found guilty of, or liable
5 for, a violation of this act. Upon a finding that continued
6 possession of the dog, domestic companion animal, or service
7 animal by the owner or other person authorized to have custody or
8 control of the animal poses a threat to the health or safety of the
9 animal, the court shall order that the animal be forfeited, placed in
10 an animal rescue organization facility, shelter, pound, or kennel
11 operating as a shelter or pound, and made available for adoption.

12 ¹[i.] j.¹ A person found guilty of, or liable for, a violation of
13 any provision of this act shall be responsible for, and pay, the
14 reasonable costs of caring for the dog, domestic companion animal,
15 or service animal from the date on which physical custody of the
16 animal was taken pursuant to this section until the date the animal is
17 surrendered, forfeited, returned, or euthanized, including, but not
18 limited to, the cost of transporting, sheltering, and feeding the
19 animal, the cost of providing the animal with necessary veterinary
20 care, and if the animal is euthanized, the cost of the euthanasia.

21

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

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

28 (1) for a first offense, at the discretion of the court, a fine of
29 \$100; and

30 (2) for a second offense, at the discretion of the court, a fine of
31 \$200.

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

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

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

46

47 9. (New section) No provision of this act, or any rule or
48 regulation adopted pursuant thereto, shall be construed or applied to
49 limit any protection afforded to any dog pursuant to Title 2C of the

1 New Jersey Statutes or any other provisions of Title 4 of the
2 Revised Statutes, any other federal or State law, or rule or
3 regulation adopted pursuant thereto, or any local ordinance,
4 resolution, rule, or regulation.

5

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

8 11. License fees and other moneys collected or received under
9 the provisions of sections 3, 8, 9 and 16 of **[this act]** P.L.1941,
10 c.151 (C.4:19-15.3, C.4:19-15.8, C.4:19-15.9, and C.4:19-15.16),
11 except registration tag fees, shall be forwarded to the treasurer of
12 the municipality within 30 days after collection or receipt and shall
13 be placed in a special account separate from any of the other
14 accounts of the municipality and shall be used for the following
15 purposes only **[,]**; for collecting, keeping and disposing of dogs
16 liable to seizure under **[this act]** P.L.1941, c.151 (C.4:19-15.1 et
17 seq.) or under local dog control ordinances; for local prevention and
18 control of rabies; for providing antirabic treatment under the
19 direction of the local board of health for any person known or
20 suspected to have been exposed to rabies **[,]**; for payment of
21 damage to or losses of poultry and domestic animals, except dogs
22 and cats, caused by a dog or dogs; for compliance with the
23 requirements of subsection b. of section 6 of P.L. , c. (C.)
24 (pending before the Legislature as this bill); and for administering
25 the provisions of **[this act]** P.L.1941, c.151 (C.4:19-15.1 et seq.).
26 Any unexpended balance remaining in **[such]** the special account
27 shall be retained therein until the end of the third fiscal year
28 following and may be used for any of the purposes set forth in this
29 section. At the end of the **[said]** third fiscal year following, and at
30 the end of each fiscal year thereafter, there shall be transferred
31 from **[such]** the special account to the general funds of the
32 municipality any amount then in **[such]** the account which is in
33 excess of the total amount paid into **[said]** the special account
34 during the last **[2]** two fiscal years next preceding.

35 The registration tag fee for each dog shall be forwarded within
36 30 days after collection by the clerk or other official designated to
37 license dogs to the State Department of Health which department
38 shall forward **[said]** the sum to the State Treasurer who shall place
39 all such moneys in a special account for use only by the State
40 Department of Health in administering of **[this act]** P.L.1941, c.151
41 (C.4:19-15.1 et seq.) and for the prevention and control of rabies
42 throughout the State, and such account is hereby declared to be a
43 trust fund not subject to legislative appropriation. At the end of the
44 third fiscal year following the adoption of **[this act]** P.L.1941,
45 c.151 (C.4:19-15.1 et seq.) and at the end of each fiscal year
46 thereafter, there shall be withdrawn from this trust fund and
47 transferred to the general funds of the State any amount then in

1 **【such】** the trust fund which is in excess of the total amount paid
2 into **【such】** the trust fund during the last **【2】** two fiscal years next
3 preceding.

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

5

6 11. This act shall take effect immediately.