

ASSEMBLY, No. 2318

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

SYNOPSIS

Provides immunity from civil and criminal liability for rescue of animal from motor vehicle under inhumane conditions.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/18/2018)

1 AN ACT concerning the rescue of an animal from a vehicle under
2 certain circumstances and supplementing Title 2A of the New
3 Jersey Statutes.

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

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8 1. a. Whenever a domestic companion animal has been left
9 unattended in a motor vehicle under inhumane conditions adverse to
10 the health or welfare of the animal, including, but not limited to, heat,
11 cold, inadequate ventilation, or other circumstances likely to endanger
12 or cause bodily injury or death to the animal, any person who, without
13 license or privilege to otherwise enter the motor vehicle, may in good
14 faith enter the vehicle in order to remove, or render emergency care to,
15 the animal if the person reasonably believes that the health or welfare
16 of the animal may be at risk under such circumstances, provided that
17 prior to entering the motor vehicle the person contacted appropriate
18 rescue personnel to report the circumstances and made a reasonable
19 attempt to locate the owner or operator of the motor vehicle or other
20 person responsible for the animal unless exigent circumstances warrant
21 foregoing such actions.

22 b. After removing the animal from the vehicle, the person shall
23 immediately contact for assistance appropriate rescue personnel, if one
24 has not already been contacted.

25 c. Upon receipt of any such report from a person, the appropriate
26 rescue personnel shall dispatch assistance to the scene of the animal
27 recovery, and immediately seek proper veterinary care for the animal
28 as needed and cause to be commenced any investigation necessary for
29 a suspected violation of R.S.4:22-17 or R.S.4:22-26.

30 d. A person who acts in accordance with subsections a. and b. of
31 this section shall be immune from civil or criminal liability for any
32 acts or omissions related to breaking into and entering a vehicle and
33 rendering emergency care to a domestic companion animal. The
34 immunity provided under this section shall be in addition to any other
35 immunity that may apply under the "New Jersey Tort Claims Act,"
36 N.J.S.59:1-1 et seq., or any other law, rule, or regulation.

37 e. As used in this section, "appropriate rescue personnel" means a
38 law enforcement officer, a member of a paid, part paid, or volunteer
39 fire department or fire company, or ambulance, emergency, or rescue
40 squad, a certified animal control officer, a municipal humane law
41 enforcement officer, or a humane law enforcement officer of a county
42 society for the prevention of cruelty to animals.

43 2. This act shall take effect immediately.

STATEMENT

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In addition to any other immunity provided by the “New Jersey Tort Claims Act,” N.J.S.59:1-1 et seq., or any other law, rule, or regulation, this bill provides immunity from civil or criminal liability for any acts or omissions related to breaking into and entering a vehicle and rendering emergency care to a domestic companion animal when:

- 1) a domestic companion animal has been left unattended in a motor vehicle under inhumane conditions adverse to the health or welfare of the animal;
- 2) the person breaking into and entering the vehicle reasonably believes that the health or welfare of the animal may be at risk under such circumstances; and
- 3) prior to entering the motor vehicle the person contacted appropriate rescue personnel to report the circumstances and made a reasonable attempt to locate the owner or operator of the motor vehicle or other person responsible for the animal, unless exigent circumstances warrant foregoing such actions.

The bill requires the person to immediately contact appropriate rescue personnel after removing the animal from the vehicle, if none have already been contacted. The bill also requires the appropriate rescue personnel, upon being contacted, to dispatch assistance to the scene of the animal recovery, immediately seek proper veterinary care for the animal as needed, and cause to commence any investigation necessary for a suspected violation of R.S.4:22-17 or R.S.4:22-26.

The bill defines “appropriate rescue personnel” as a law enforcement officer, a member of a paid, part paid, or volunteer fire department or fire company, or ambulance, emergency, or rescue squad, a certified animal control officer, a municipal humane law enforcement officer, or a humane law enforcement officer of a county society for the prevention of cruelty to animals.