

ASSEMBLY, No. 4886

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JANUARY 17, 2019

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblyman ANTHONY M. BUCCO

District 25 (Morris and Somerset)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

Assemblyman Benson

SYNOPSIS

Establishes transporting for slaughter, selling or otherwise providing for slaughter, or slaughtering gestating cow as crime of fourth degree; establishes criminal and civil penalties therefor; designated as Brianna's Law.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/1/2019)

1 AN ACT concerning slaughter of gestating cows and designated as
2 Brianna's Law, and amending and supplementing Title 4 of the
3 Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) Notwithstanding the provisions of section 1
9 of P.L.1995, c.311 (C.4:22-16.1) or any standard, rule, or regulation
10 adopted pursuant thereto, it shall be unlawful to transport for
11 slaughter, sell or otherwise provide for slaughter, or slaughter a
12 gestating cow. A person who violates this section shall be guilty of
13 a crime of the fourth degree. Notwithstanding the provisions of
14 N.J.S.2C:43-3 to the contrary, for every conviction of an offense
15 pursuant to this section a person shall be fined not less than \$3,000
16 nor more than \$10,000.

17
18 2. R.S.4:22-26 is amended to read as follows:

19 4:22-26. A person who shall:

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

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

30 (3) Cause the death of, or serious bodily injury to, a living
31 animal or creature from commission of any act described in
32 paragraph (2), (4), or (5) of this subsection, by any direct or indirect
33 means, including but not limited to through the use of another living
34 animal or creature, or otherwise cause or procure any such acts to
35 be done;

36 (4) Fail, as the owner or a person otherwise charged with the
37 care of a living animal or creature, to provide the living animal or
38 creature with necessary care, or otherwise cause or procure such an
39 act to be done; or

40 (5) Cause bodily injury to a living animal or creature from
41 commission of the act described in paragraph (4) of this subsection;

42 b. (Deleted by amendment, P.L.2003, c.232)

43 c. Inflict unnecessary cruelty upon a living animal or creature,
44 by any direct or indirect means, including but not limited to through
45 the use of another living animal or creature; or leave the living

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 animal or creature unattended in a vehicle under inhumane
2 conditions adverse to the health or welfare of the living animal or
3 creature;
- 4 d. Receive or offer for sale a horse that is suffering from abuse
5 or neglect, or which by reason of disability, disease, abuse or
6 lameness, or any other cause, could not be worked, ridden or
7 otherwise used for show, exhibition or recreational purposes, or
8 kept as a domestic pet without violating the provisions of article 2
9 of chapter 22 of Title 4 of the Revised Statutes;
- 10 e. Keep, use, be connected with or interested in the
11 management of, or receive money or other consideration for the
12 admission of a person to, a place kept or used for the purpose of
13 fighting or baiting a living animal or creature;
- 14 f. Be present and witness, pay admission to, encourage, aid or
15 assist in an activity enumerated in subsection e. of this section;
- 16 g. Permit or suffer a place owned or controlled by him to be
17 used as provided in subsection e. of this section;
- 18 h. Carry, or cause to be carried, a living animal or creature in
19 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 20 i. Use a dog or dogs for the purpose of drawing or helping to
21 draw a vehicle for business purposes;
- 22 j. Impound or confine or cause to be impounded or confined in
23 a pound or other place a living animal or creature, and shall fail to
24 supply the living animal or creature during such confinement with a
25 sufficient quantity of good and wholesome food and water;
- 26 k. Abandon a maimed, sick, infirm or disabled animal or
27 creature to die in a public place;
- 28 l. Willfully sell, or offer to sell, use, expose, or cause or permit
29 to be sold or offered for sale, used or exposed, a horse or other
30 animal having the disease known as glanders or farcy, or other
31 contagious or infectious disease dangerous to the health or life of
32 human beings or animals, or who shall, when any such disease is
33 beyond recovery, refuse, upon demand, to deprive the animal of
34 life;
- 35 m. Own, operate, manage or conduct a roadside stand or market
36 for the sale of merchandise along a public street or highway; or a
37 shopping mall, or a part of the premises thereof; and keep a living
38 animal or creature confined, or allowed to roam in an area whether
39 or not the area is enclosed, on these premises as an exhibit; except
40 that this subsection shall not be applicable to: a pet shop licensed
41 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who
42 keeps an animal, in a humane manner, for the purpose of the
43 protection of the premises; or a recognized breeders' association, a
44 4-H club, an educational agricultural program, an equestrian team, a
45 humane society or other similar charitable or nonprofit organization
46 conducting an exhibition, show or performance;

- 1 n. Keep or exhibit a wild animal at a roadside stand or market
2 located along a public street or highway of this State; a gasoline
3 station; or a shopping mall, or a part of the premises thereof;
- 4 o. Sell, offer for sale, barter or give away or display live baby
5 chicks, ducklings or other fowl or rabbits, turtles or chameleons
6 which have been dyed or artificially colored or otherwise treated so
7 as to impart to them an artificial color;
- 8 p. Use any animal, reptile, or fowl for the purpose of soliciting
9 any alms, collections, contributions, subscriptions, donations, or
10 payment of money except in connection with exhibitions, shows or
11 performances conducted in a bona fide manner by recognized
12 breeders' associations, 4-H clubs or other similar bona fide
13 organizations;
- 14 q. Sell or offer for sale, barter, or give away living rabbits,
15 turtles, baby chicks, ducklings or other fowl under two months of
16 age, for use as household or domestic pets;
- 17 r. Sell, offer for sale, barter or give away living baby chicks,
18 ducklings or other fowl, or rabbits, turtles or chameleons under two
19 months of age for any purpose not prohibited by subsection q. of
20 this section and who shall fail to provide proper facilities for the
21 care of such animals;
- 22 s. Artificially mark sheep or cattle, or cause them to be
23 marked, by cropping or cutting off both ears, cropping or cutting
24 either ear more than one inch from the tip end thereof, or half
25 cropping or cutting both ears or either ear more than one inch from
26 the tip end thereof, or who shall have or keep in the person's
27 possession sheep or cattle, which the person claims to own, marked
28 contrary to this subsection unless they were bought in market or of
29 a stranger;
- 30 t. Abandon a domesticated animal;
- 31 u. For amusement or gain, cause, allow, or permit the fighting
32 or baiting of a living animal or creature;
- 33 v. Own, possess, keep, train, promote, purchase, or knowingly
34 sell a living animal or creature for the purpose of fighting or baiting
35 that animal or creature;
- 36 w. Gamble on the outcome of a fight involving a living animal
37 or creature;
- 38 x. Knowingly sell or barter or offer for sale or barter, at
39 wholesale or retail, the fur or hair of a domestic dog or cat or any
40 product made in whole or in part from the fur or hair of a domestic
41 dog or cat, unless such fur or hair for sale or barter is from a
42 commercial grooming establishment or a veterinary office or clinic
43 or is for use for scientific research;
- 44 y. (1) Knowingly sell or barter, or offer for sale or barter, at
45 wholesale or retail, for human consumption, the flesh of a domestic
46 dog or cat, or any product made in whole or in part from the flesh of
47 a domestic dog or cat;
- 48 (2) Knowingly slaughter a horse for human consumption;

1 (3) Knowingly sell or barter, or offer for sale or barter, at
2 wholesale or retail, for human consumption, the flesh of a horse, or
3 any product made in whole or in part from the flesh of a horse, or
4 knowingly accept or publish newspaper advertising that includes the
5 offering for sale, trade, or distribution of any such item for human
6 consumption;

7 (4) Knowingly transport a horse for the purpose of slaughter for
8 human consumption;

9 (5) Knowingly transport horsemeat, or any product made in
10 whole or in part from the flesh of a horse, for the purpose of human
11 consumption;

12 z. Surgically debark or silence a dog in violation of section 1
13 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);

14 aa. Use a live pigeon, fowl or other bird for the purpose of a
15 target, or to be shot at either for amusement or as a test of skill in
16 marksmanship, except that this subsection and subsections bb. and
17 cc. shall not apply to the shooting of game;

18 bb. Shoot at a bird used as described in subsection aa. of this
19 section, or is a party to such shooting; **[or]**

20 cc. Lease a building, room, field or premises, or knowingly
21 permit the use thereof for the purposes of subsection aa. or bb. of
22 this section; or

23 dd. Knowingly transport for slaughter, sell or otherwise provide
24 for slaughter, or slaughter a gestating cow --

25 Shall forfeit and pay a sum according to the following schedule,
26 to be sued for and recovered, with costs, in a civil action by any
27 person in the name of the municipality or county wherein the
28 defendant resides or where the offense was committed:

29 For a violation of subsection e., f., g., u., v., w., or z. of this
30 section or of paragraph (3) of subsection a. of this section, or for a
31 second or subsequent violation of paragraph (2) or (5) of subsection
32 a. of this section, a sum of not less than \$3,000 nor more than
33 \$5,000;

34 For a violation of subsection dd. of this section, a sum of not less
35 than \$3,000 nor more than \$5,000 for each gestating cow
36 transported for slaughter, sold, or otherwise provided for slaughter,
37 or each carcass of a slaughtered gestating cow;

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

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

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

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

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

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

13 For a violation of subsection i., m., n., o., p., q., r., or s. of this
14 section, a sum of not less than \$250 nor more than \$500.
15 (cf: P.L.2017, c.331, s.13)

16

17 3. This act shall take effect immediately.

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STATEMENT

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22 This bill establishes under the State animal cruelty statutes that
23 transporting for slaughter, selling or otherwise providing for
24 slaughter, or slaughtering a gestating cow is a crime of the fourth
25 degree, and provides for the imposition of a minimum fine of
26 \$3,000 to a maximum of \$10,000 for each conviction. A crime of
27 the fourth degree is punishable by a term of imprisonment of up to
28 18 months, an ordinary fine of up to \$10,000, or both. It also
29 establishes a civil penalty for a violation of \$3,000 to \$5,000 for
30 each gestating cow or carcass of a slaughtered gestating cow.

31 This bill is designated as Brianna's Law in honor of the pregnant
32 cow that gave birth to her calf two days after escaping a truck
33 transporting her to a slaughterhouse and being found trotting down
34 Route 80 on December 27, 2018. The cow was named Brianna and
35 her calf, Winter.