

## CHAPTER 82

AN ACT concerning vicious dogs and potentially dangerous dogs, and amending P.L.1989, c.307.

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

1. Section 6 of P.L.1989, c.307 (C.4:19-22) is amended to read as follows:

C.4:19-22 Dog declared vicious by municipal court; conditions.

6. a. The municipal court shall declare the dog vicious if it finds by clear and convincing evidence that the dog:

- (1) killed a person or caused serious bodily injury to a person; or
- (2) (Deleted by amendment, P.L.2019, c.82).

b. A dog shall not be declared vicious for inflicting death or serious bodily injury upon a person if the dog was provoked. The municipality shall bear the burden of proof to demonstrate that the dog was not provoked.

c. If the municipal court declares a dog to be vicious, and no appeal is made of this ruling pursuant to section 9 of P.L.1989, c.307 (C.4:19-25), the court may order:

(1) the dog's owner to comply with certain restrictions to protect the public that are at least as stringent as the requirements for potentially dangerous dogs pursuant to section 8 of P.L.1989, c.307 (C.4:19-24) and section 12 of P.L.1989, c.307 (C.4:19-28); or

(2) the dog to be euthanized in a humane and expeditious manner, except that no dog may be euthanized during the pendency of an appeal.

d. As used in this section, "serious bodily injury" means serious bodily injury as defined in subsection b. of N.J.S.2C:11-1.

2. Section 7 of P.L.1989, c.307 (C.4:19-23) is amended to read as follows:

C.4:19-23 Dog declared potentially dangerous; conditions.

7. a. The municipal court shall declare a dog to be potentially dangerous if it finds by clear and convincing evidence that the dog:

(1) caused bodily injury to a person during an unprovoked attack, and poses a serious threat of serious bodily injury or death to a person;

(2) caused serious bodily injury to another domestic animal or killed another domestic animal, and

- (a) poses a serious threat of serious bodily injury or death to a person, or
- (b) poses a serious threat of death to another domestic animal; or
- (3) (Deleted by amendment, P.L.2019, c.82).

b. A dog shall not be declared potentially dangerous for:

(1) causing bodily injury to a person if the dog was provoked;

(2) causing serious bodily injury to, or killing, a domestic animal if the domestic animal was the aggressor;

(3) causing bodily injury to a person who was committing or attempting to commit a crime or offense upon the owner or person with custody or control of the dog or committing or attempting to commit a trespass or other criminal offense on the property of the owner or person with custody or control of the dog;

(4) causing bodily injury to a person or a domestic animal who was abusing, assaulting, or physically threatening the dog or the dog's offspring; or

(5) causing bodily injury to a person who was intervening between two or more dogs engaged in aggressive behavior or fighting.

For the purposes of paragraph (1) of this subsection, the municipality shall bear the burden of proof to demonstrate that the dog was not provoked.

c. As used in this section, “bodily injury” means bodily injury as defined in subsection a. of N.J.S.2C:11-1; and “serious bodily injury” means serious bodily injury as defined in subsection b. of N.J.S.2C:11-1.

3. This act shall take effect immediately.

Approved May 7, 2019.