

SENATE, No. 1923

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 22, 2018

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator VIN GOPAL

District 11 (Monmouth)

SYNOPSIS

Revises criteria for determining whether dog is vicious or potentially dangerous.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/27/2018)

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

3

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

6

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

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

11 (1) killed a person or caused serious bodily injury as defined in
12 **[N.J.S.2C:11-1(b)]** subsection b. of N.J.S.2C:11-1 to a person; or

13 (2) **[has engaged in dog fighting activities as described in**
14 **R.S.4:22-24 and R.S.4:22-26, and poses a threat of serious bodily**
15 **injury or death to a person]** (Deleted by amendment,
16 P.L. , c.) (pending before the Legislature as this bill).

17 b. A dog shall not be declared vicious for inflicting death or
18 serious bodily injury as defined in **[N.J.S.2C:11-1(b)]** subsection b.
19 of N.J.S.2C:11-1 upon a person if the dog was provoked. The
20 municipality shall bear the burden of proof to demonstrate that the
21 dog was not provoked.

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

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

29 (2) the dog [shall] to be [destroyed] euthanized in a humane
30 and expeditious manner, except that no dog may be **[destroyed]**
31 euthanized during the pendency of an appeal.

32 (cf: P.L.1994, c.187, s.3)

33

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

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

38 (1) caused bodily injury as defined in **[N.J.S.2C:11-1(a)]**
39 subsection a. of N.J.S.2C:11-1 to a person during an unprovoked
40 attack, and poses a serious threat of bodily injury, serious bodily
41 injury, or death to a person **[,]**; or

42 (2) **[severely injured or killed another domestic animal, and**

43 (a) poses a threat of serious bodily injury or death to a person;
44 or

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 (b) poses a threat of death to another domestic animal, or]
2 (Deleted by amendment, P.L. , c.) (pending before the
3 Legislature as this bill)

4 (3) has been trained, tormented, badgered, baited, or encouraged
5 to engage in unprovoked attacks upon persons **[or domestic**
6 **animals]**.

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

8 (1) causing bodily injury as defined in **[N.J.S.2C:11-1(a)]**
9 subsection a. of N.J.S.2C:11-1 to a person if the dog was provoked
10 **[or,]** ;

11 (2) severely injuring or killing a domestic animal if the domestic
12 animal was the aggressor;

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

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

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

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

27 (cf: P.L.2002, c.24, s.1)

28

29 3. This act shall take effect immediately.

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STATEMENT

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34 This bill revises the current law concerning vicious and potentially
35 dangerous dogs.

36 Concerning vicious dogs, the bill removes the requirement that the
37 municipal court is required to declare a dog vicious if it finds by clear
38 and convincing evidence that the dog has engaged in dog fighting
39 activities as described in State law (R.S.4:22-24 and R.S.4:22-26),
40 and the dog poses a threat of serious bodily injury or death to a
41 person. Under the bill, the law would continue to require the
42 municipal court to declare a dog vicious if it finds by clear and
43 convincing evidence that the dog killed a person or caused a person
44 serious bodily injury as defined in the State Criminal Code
45 (N.J.S.2C:11-1(b)). The bill also authorizes the court to order:

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1 1) the dog's owner to comply with certain restrictions to protect
2 the public that are at least as stringent as those imposed on
3 potentially dangerous dogs; or

4 2) the dog to be euthanized in a humane and expeditious
5 manner.

6 Current law requires the humane and expeditious destruction of
7 any dog declared to be vicious. Under the bill and under current
8 law, a dog cannot be euthanized if there is an appeal pending.

9 Concerning potentially dangerous dogs, the bill deletes the
10 provision that the municipal court is required to declare a dog to be
11 potentially dangerous if it finds by clear and convincing evidence
12 that the dog both severely injured or killed another domestic animal
13 and poses a threat of serious bodily injury or death to a person or
14 poses a threat of death to another domestic animal. Under the bill,
15 the municipal court is still required to declare a dog to be
16 potentially dangerous if it finds by clear and convincing evidence
17 that the dog has been trained, tormented, badgered, baited, or
18 encouraged to engage in unprovoked attacks on people only. The
19 bill removes the current provision of law that a dog that has been
20 trained, tormented, badgered, baited, or encouraged to engage in
21 unprovoked attacks on domestic animals be declared potentially
22 dangerous.

23 Finally, current law provides that a dog cannot be declared
24 potentially dangerous if the dog is provoked and causes bodily
25 injury to a person, or if the dog severely injures or kills a domestic
26 animal if the domestic animal was the aggressor. The bill adds to
27 these provisions that a dog cannot be declared potentially dangerous
28 for:

29 1) causing bodily injury to a person who was committing or
30 attempting to commit a crime or offense upon the owner or or
31 person with custody or control of the dog or committing or
32 attempting to commit a trespass or other criminal offense on the
33 owner or person with custody or control of the dog;

34 2) causing bodily injury to a person or a domestic animal who
35 was abusing, assaulting, or physically threatening the dog or the
36 dog's offspring; or

37 3) causing bodily injury to a person who was intervening
38 between two or more dogs engaged in aggressive behavior or
39 fighting.