

ASSEMBLY, No. 1698

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Creates rights of action for pecuniary damages against person committing certain harm to domestic companion animal.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning liability for harm to domestic companion
2 animals and supplementing Titles 4 and 45 of the Revised
3 Statutes.

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

7
8 1. A person who owns a domestic companion animal that has
9 been subjected to an act of animal cruelty, resulting in the death of
10 or injury to the animal, for which the person committing that act has
11 been found guilty of, or civilly liable for, violating an animal
12 cruelty law of the State, may bring a civil action in a court of
13 competent jurisdiction for pecuniary damages against the person
14 committing the act of cruelty. Pecuniary damages may include, but
15 need not be limited to, the economic value of the animal,
16 replacement value of the animal, breeding potential of the animal,
17 veterinary expenses incurred by the owner in treating the animal,
18 reasonable burial or cremation expenses, reimbursement of animal
19 training expenses, any unique or special value of the animal, such
20 as if the animal is a guide or service animal, and lost wages incurred
21 by the owner due to the loss of or injury to the animal. Any such
22 action may be brought only by the person who was the owner of the
23 animal at the time the act of animal cruelty was committed and shall
24 be commenced within one year after the date of conviction, or entry
25 of judgment, for the act of cruelty.

26 For the purposes of this section, “domestic companion animal”
27 means an animal commonly referred to as a pet that lives in the
28 household, and that has been bought, bred, raised, or otherwise
29 acquired in accordance with local ordinances and State and federal
30 law for the primary purpose of providing companionship to the
31 owner, rather than for business or agricultural purposes. “Domestic
32 companion animal,” for the purposes of this section, shall not
33 include domestic livestock as defined in section 1 of P.L.1995,
34 c.311 (C.4:22-16.1), animals used for biomedical research purposes,
35 or animals used in activities regulated by the federal “Animal
36 Welfare Act,” 7 U.S.C. s.2131 et seq.

37
38 2. A person who owns a domestic companion animal that the
39 person believes has been subjected to veterinary malpractice,
40 resulting in the death of or injury to the animal, may bring a civil
41 action in a court of competent jurisdiction for pecuniary damages
42 against the veterinarian allegedly committing the veterinary
43 malpractice. Pecuniary damages may include, but need not be
44 limited to, the economic value of the animal, replacement value of
45 the animal, breeding potential of the animal, veterinary expenses
46 incurred by the owner in treating the animal, reasonable burial or
47 cremation expenses, reimbursement of animal training expenses,
48 any unique or special value of the animal, such as if the animal is a

1 guide or service animal, and lost wages incurred by the owner due
2 to the loss or disability of the animal. Any such action may be
3 brought only by the person who was the owner of the animal at the
4 time the alleged veterinary malpractice took place, and shall be
5 commenced within two years after the cause of action for veterinary
6 malpractice has accrued.

7 For the purposes of this section, “domestic companion animal”
8 means an animal commonly referred to as a pet that lives in the
9 household, and that has been bought, bred, raised, or otherwise
10 acquired in accordance with local ordinances and State and federal
11 law for the primary purpose of providing companionship to the
12 owner, rather than for business or agricultural purposes. “Domestic
13 companion animal,” for the purposes of this section, shall not
14 include domestic livestock as defined in section 1 of P.L.1995,
15 c.311, (C.4:22-16.1), animals used for biomedical research
16 purposes, or animals used in activities regulated by the federal
17 “Animal Welfare Act,” 7 U.S.C. s.2131 et seq.

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19 3. This act shall take effect immediately.
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22 STATEMENT

23
24 This bill would create statutory rights of action for pecuniary
25 damages against persons committing certain acts of harm to
26 domestic companion animals.

27 Specifically, under the bill, a person who owns a domestic
28 companion animal that has been subjected to an act of animal
29 cruelty, resulting in the death of or injury to the animal, for which
30 the person committing the act has been found guilty of, or civilly
31 liable for, violating an animal cruelty law of the State, may bring a
32 civil action for pecuniary damages against the person committing
33 the act of cruelty. Additionally, the owner of a domestic companion
34 animal that the owner believes has been subjected to veterinary
35 malpractice, resulting in the death of or injury to the animal, may
36 bring a civil action for pecuniary damages against the veterinarian
37 allegedly committing the veterinary malpractice. In the case of
38 animal cruelty, the owner would have one year after the date of
39 conviction, or entry of judgment, for the act of cruelty to bring the
40 suit for pecuniary damages. In the case of alleged veterinary
41 malpractice, the owner would have two years after the cause of
42 action for veterinary malpractice has accrued.

43 Under the bill, pecuniary damages would include, but need not
44 be limited to: the economic value of the animal, replacement value
45 of the animal, breeding potential of the animal, veterinary expenses
46 incurred by the owner in treating the animal, reasonable burial or
47 cremation expenses, reimbursement of animal training expenses,
48 any unique or special value of the animal, such as a guide or service

1 animal, and lost wages incurred by the owner due to the loss or
2 disability of the animal. “Domestic companion animal is defined as
3 an animal commonly referred to as a pet that lives in the household,
4 and that has been bought, bred, raised, or otherwise acquired in
5 accordance with local ordinances and State and federal law for the
6 primary purpose of providing companionship to the owner, rather
7 than for business or agricultural purposes. “Domestic companion
8 animal” would not include domestic livestock, animals used for
9 biomedical research purposes, or animals used in activities
10 regulated by the federal “Animal Welfare Act.”