

ASSEMBLY AGRICULTURE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2401

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2021

The Assembly Agriculture Committee reports favorably and with committee amendments Assembly Bill No. 2401.

As amended, this bill, to be known as the “Responsible Dog Ownership Act,” requires the establishment of leashing and fencing requirements by the Department of Health (DOH), to be implemented by municipalities throughout the State, that provide for the protection of the public, especially children, from unrestrained dogs. The bill also establishes penalties for violations of the act, and crimes of reckless homicide caused by a dog, assault by a dog, aggravated assault by a dog, and endangerment of a child by purposely, knowingly, or recklessly allowing a dog off leash or without other restraint in a residential neighborhood, park, or other open space accessible to the public in which a child may be present.

The bill requires the DOH, within 180 days after the date of enactment of the bill into law and in consultation with the New Jersey Certified Animal Control Officers Association, the League of Municipalities, and the New Jersey Veterinary Medical Association, to adopt regulations establishing:

(1) the size of dog that would constitute a large dog necessitating fencing for the protection and well being of the public at large;

(2) the appropriate height and dimensions of an enclosed fenced area for such large dogs so as to properly protect the public and ensure the well-being of the dog;

(3) standards for leashing, restraining, and otherwise restricting the free movement of a dog when it is off the property of its owner;

(4) permissible use of invisible fencing and other fencing compliance options for residents of condominiums, townhouses, and apartments and other rental properties; and

(5) the appropriate requirements for the control and regulation of the free movement of dogs of all sizes when off the property of the dog’s owner.

The bill also directs the DOH to develop and adopt model ordinances providing for the standards and requirements established in the regulations which a municipality may enact in order to comply with the adopted standards and requirements.

Further, the bill requires each municipality to adopt a responsible dog ownership ordinance, resolution, or regulation providing for, at a minimum, the standards and requirements established in the DOH rules and regulations. Each municipality is also required to establish a dedicate fund solely for the purpose of enforcing the requirements of the bill. The bill allows a municipality to allocate municipal funds from dog licenses toward this purpose and requires such an allocation to be deposited in the dedicated fund with any penalties collected under the bill. The bill requires each municipality to publicize a telephone number for reporting violations, forward the number to DOH, and update DOH immediately concerning any changes to the number. The bill further directs each municipality to:

- (1) post the number on its website and in the office of the municipal clerk;
- (2) provide the number to each dog owner licensing a dog; and
- (3) include the number in mailings of property tax bills or other appropriate notices from the municipality.

The bill requires the municipality to provide a person, when the person applies for a dog license, with a copy of the leashing and fencing requirements in effect in the municipality and notification of the provisions of the bill establishing criminal liability and the crimes of reckless homicide caused by a dog, assault and aggravated assault by a dog, and endangerment of a child caused by a dog. If the dog being licensed requires specific large dog fencing in the municipality, the municipality is required to issue a large dog registration number for the dog and an order to the owner with a schedule for compliance with the fencing requirements for the dog and the required specifications for the fencing to be installed. The license for the dog would be revoked if the owner of the dog does not comply in a timely manner with the schedule for compliance with the fencing requirements.

The bill establishes fines of not less than \$500 nor more than \$2,000 per day for a dog owner that violates the municipal fencing requirements pursuant to the bill and a fine of not less than \$500 nor more than \$2,000 for a violation of a leashing ordinance, resolution, or regulation, if the owner is found guilty by clear and convincing evidence. These fines would be paid to the municipality in which the violation occurred.

The bill establishes that the owner of a dog would be criminally liable for any injury or death caused by the dog if it inflicts bodily injury or serious bodily injury upon, or kills, a person, when the dog is not leashed or restrained in a residential neighborhood, park, or other open space accessible to the public or because the owner fails to comply with court-imposed requirements pursuant to the State vicious dog law, P.L.1989, c.307 (C.4:19-17 et seq.).

The bill establishes as a crime of the second degree reckless homicide caused by a dog when a person purposely, knowingly, or

recklessly allows a dog off leash or fails to restrain a dog in a residential neighborhood, park, or other open space accessible to the public, and the dog kills a person as a result in an unprovoked attack by the dog. The bill establishes as a crime of the third degree an assault by a dog when a person purposely, knowingly, or recklessly allows a dog off leash or fails to restrain a dog in a residential neighborhood, park, or other open space accessible to the public that results in serious bodily injury to a person. If the assault results in bodily injury that is not serious bodily injury, the bill establishes the crime as a crime of the fourth degree. The bill also amends the statute concerning child endangerment. If a dog kills a child when a person purposely, knowingly, or recklessly allows a dog off leash or fails to restrain the dog in a residential neighborhood, park, or other open space accessible to the public in which a child may be present, the person is guilty of a crime of the second degree. If the dog inflicts serious bodily injury upon a child, the person is guilty of a crime of the third degree. If the dog inflicts any other bodily injury upon a child, the person is guilty of a crime of the fourth degree. If the dog is discovered off leash or unrestrained or threatens a child, and does not inflict any bodily injury upon a child, the person is guilty of a disorderly persons offense.

These criminal provisions are established in addition to the provisions of the State vicious dog law. Under the bill, any fines from convictions of these crimes would be remitted to the municipality where the crime occurred and deposited in the municipality's dedicated account for enforcement of the bill.

COMMITTEE AMENDMENTS

The committee amendments to the bill:

1) add provisions concerning permissible use of invisible fencing and other fencing compliance options for residents of condominiums, townhouses, and apartments and other rental properties to the DOH regulations;

2) allow municipalities to allocate moneys from dog licenses for enforcement of the bill's provisions;

3) require municipalities establish a dedicated fund for enforcing the bill's requirements;

4) require allocated moneys from dog licenses and penalties collected pursuant to the bill to be deposited in the dedicated fund to be established by each municipality for the sole purpose of the municipality enforcing the bill;

5) require license revocation for dogs whose owners do not comply in a timely manner with large dog fencing requirements;

6) increase penalties to a range of \$500 to \$2,000 per day for violation of an ordinance, resolution, or regulation concerning fencing, leashing, or other restraint of a dog; and

7) expand criminal liability to dog owners whose dogs injure or kill a person;

8) establish as a crime of the second degree reckless homicide caused by a dog when a dog off leash kills a person;

9) establish criminal offenses of assault and aggravated assault by a dog off leash;

10) establish assault by a dog as a crime of the fourth degree if the dog off leash causes bodily injury other than serious bodily injury;

11) establish assault by a dog as a crime of the third degree if the dog off leash causes serious bodily injury and does not kill the person;

12) establish endangerment of a child by a dog off leash when the dog kills a child as a crime of the second degree;

13) establish endangerment of a child by a dog off leash when the dog causes serious bodily injury to a child as a crime of the third degree;

14) establish endangerment of a child by a dog off leash when the dog causes bodily injury to a child as a crime of the fourth degree; and

15) make other clarifying and technical corrections to the bill.