ASSEMBLY, No. 3699

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:
Assemblyman RONALD S. DANCER
District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Establishes procedures for registering equivalent of vicious or potentially dangerous dog relocated into State from out of State.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning aggressive, potentially dangerous, and vicious dogs, amending P.L.1989, c.307, and supplementing Title 4 of the Revised Statutes.

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

1. (New section) a. The owner of an aggressive dog, who establishes a residence in the State with the aggressive dog after moving to the State from out of State, shall immediately:

(1) post at least two signs no smaller than 11 inches by 17 inches, in separate and conspicuous locations on the dog owner's property, indicating to neighbors and the public to beware of the aggressive dog; and

(2) register the aggressive dog with the municipality, and provide the municipality with the specific reasons the dog is considered aggressive as specified in subsection e. of this section and the details of any court determinations regarding the dog and the dog's behavior.

The municipality may charge a reasonable fee for the registration of an aggressive dog pursuant to this subsection.

b. A municipality, upon receiving an application for registration of a dog considered to be aggressive pursuant to subsection e. of this section, may commence municipal court proceedings to determine whether the dog is potentially dangerous under P.L.1989, c.307 (C.4:19-17 et seq.). Regardless of the determination of the municipal court, the owner of the aggressive dog shall continue to comply with the provisions of subsection a. of this section.

c. The owner of an aggressive dog may be held liable for damages pursuant to R.S.4:19-16, regardless of the owner's compliance with the provisions of this section.

d. No provision of this section shall be construed to supersede, prohibit, or in any way restrict any action pursuant to P.L.1989, c.307 (C.4:19-17 et seq.) which may apply to an aggressive dog.

e. As used in this section, "aggressive dog" means any dog which previously was involved in an incident adjudicated by a court in a jurisdiction outside of New Jersey that resulted in a determination, order, or other action by the court that in New Jersey would have been tantamount to a determination that the dog is vicious pursuant to section 6 of P.L.1989, c.307 (C.4:19-22) or potentially dangerous pursuant to section 7 of P.L.1989, c.307 (C.4:19-23).

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 <u>thus</u> is new matter.

2. Section 4 of P.L.1989, c.307 (C.4:19-20) is amended to read as follows:

4. a. The animal control officer shall immediately notify the municipal court and the municipal health officer [immediately] that [he] a dog has been seized and impounded [a dog] pursuant to section 3 of P.L.1989, c.307 (C.4:19-19), [or that he has reasonable cause to believe that a dog has killed another domestic animal] and that a hearing is required for disposition of the dog. The animal control officer shall through a reasonable effort attempt to determine the identity of the owner of any dog seized and impounded pursuant to section 3 of P.L.1989, c.307. If its owner cannot be identified within seven days, that dog may be humanely destroyed.

b. The animal control officer shall, within three working days of the determination of the identity of the owner of a dog seized and impounded pursuant to section 3 of P.L.1989, c.307 (C.4:19-19), notify by certified mail, return receipt requested, the owner concerning the seizure and impoundment, and that, if the owner wishes, a hearing will be held to determine whether the impounded dog is vicious or potentially dangerous. This notice shall also require that the owner return within seven days, by certified mail or hand delivery, a signed statement indicating whether he wishes the hearing to be conducted or, if not, to relinquish ownership of the dog, in which case the dog may be humanely destroyed. If the owner cannot be notified by certified mail, return receipt requested, or refuses to sign for the certified letter, or does not reply to the certified letter with a signed statement within seven days of receipt, the dog may be humanely destroyed.

(cf: P.L.1994, c.187, s.2)

3. This act shall take effect immediately.

STATEMENT

Under current law, there is no procedure or requirement to register a dog that has been adjudicated to be the equivalent of a vicious or potentially dangerous dog in New Jersey, when the dog is relocated into New Jersey from out of State. This bill defines such a dog as an “aggressive dog” and requires the owner of an aggressive dog, establishing residence in the State with the aggressive dog, to immediately:

1) post at least two signs no smaller than 11 inches by 17 inches, in separate and conspicuous locations on the dog owner’s property, indicating to neighbors and the public to beware of the aggressive dog; and

2) register the aggressive dog with the municipality, and provide the municipality with the specific reasons the dog is

considered aggressive and the details of any court determinations regarding the dog and the dog's behavior.

The bill authorizes the municipality to charge a reasonable fee for this registration.

As mentioned above, the bill specifically defines "aggressive dog" as any dog which previously was involved in an incident adjudicated by a court in a jurisdiction outside of New Jersey, and resulting in a determination, order, or other action by the court that in New Jersey would have been a determination that the dog is vicious or potentially dangerous.

The bill further authorizes a municipality to begin proceedings with regard to whether the dog is potentially dangerous under the vicious dog law, when it receives an application for the registration of an aggressive dog involved in an incident that was adjudicated by a court a jurisdiction outside of New Jersey, resulting in a determination, order, or other action by the court that in New Jersey would have been a determination that the dog is vicious or potentially dangerous. Regardless of the outcome of these proceedings, the bill specifies that the owner of the aggressive dog would be required to continue to comply with the provisions of subsection a. of section 1 of this bill.

Finally, the bill makes clarifying amendments to the vicious dog law concerning notification to the municipal court and municipal health officer when a dog is seized pursuant to that law.