

# ASSEMBLY, No. 6099

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED DECEMBER 2, 2021

**Sponsored by:**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblywoman ANNETTE CHAPARRO**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Assemblyman Calabrese**

**SYNOPSIS**

Revises law prohibiting cruel tethering and confinement of dogs; establishes procedures for seizure, care, and forfeiture of animals involved in animal cruelty violations.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/20/2021)**

1 AN ACT concerning certain animals involved in animal cruelty  
2 violations, supplementing Title 4 of the Revised Statutes, and  
3 amending P.L.2017, c.189.

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

7  
8 1. Section 3 of P.L.2017, c.189 (C.4:22-17.3) is amended to  
9 read as follows:

10 3. a. It is unlawful for any person to cruelly restrain a dog.

11 b. A person cruelly restrains a dog if the person tethers a dog:

12 (1) which is a nursing female, or which is less than four months  
13 old;

14 (2) outdoors between the hours of 11 p.m. and 5 a.m., but this  
15 paragraph shall not take effect until 18 months after the date on  
16 which **[this act]** P.L.2017, c.189 (C.4:22-17.1 et seq.) takes effect;

17 (3) **[in an]** on unoccupied **[building]** or **[upon]** vacant  
18 property, or in any structure thereon;

19 (4) in a manner that does not permit the dog continuous access  
20 to water in a sanitary and liquid state whenever the dog is tethered  
21 for more than 30 minutes;

22 (5) in a manner that exposes the dog to adverse environmental  
23 conditions for more than 30 minutes;

24 (6) by means of a choke collar, prong collar, head harness, or  
25 any other type of collar, harness, or similar device other than a  
26 properly fitted body harness or buckle-type collar;

27 (7) by using a chain with metal links that are more than one-  
28 quarter of an inch thick, or a tether, collar, or harness to which a  
29 weight is attached;

30 (8) with a tether on which more than one dog is restrained;

31 (9) with a tether that is less than 15 feet in length or which does  
32 not permit the dog to walk at least 15 feet in any one direction; **[or]**

33 (10) with a tether that permits the dog to reach another dog or an  
34 object or location that poses a risk of entanglement, strangulation,  
35 drowning, or other harm to the health or safety of the dog,  
36 including, but not limited to, another dog's tether or a window sill,  
37 fence, wall, porch, terrace railing, vehicle, tree, pole, pool, or public  
38 road or highway ; or

39 (11) in a manner that exposes the dog to accumulated waste or  
40 other debris, precipitation, or flooding.

41 As used in this subsection, “unoccupied or vacant property”  
42 means property that is devoid of human inhabitants or occupants, or  
43 on which people do not regularly reside or operate a business.

44 c. Paragraphs (2), (3), (9), and (10) of subsection b. of this  
45 section shall not apply if any person, including the dog's owner or  
46 the person with custody or control of the dog:

**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 (1) is in the presence of the dog at all times while the dog is  
2 tethered, whether indoors or outdoors; and

3 (2) can see the dog at all times while the dog is tethered, unless  
4 the person is blind or visually impaired so that the person cannot  
5 see the dog due to the blindness or visual impairment, in which case  
6 the person shall remain immediately adjacent to the dog at all times  
7 while the dog is tethered.

8 As used in this subsection, "blind" means a person whose vision  
9 in the person's better eye with proper correction does not exceed  
10 20/200 or who has a field defect in the person's better eye with  
11 proper correction which contracts the peripheral field so that the  
12 diameter of the visual field subtends an angle no greater than 20  
13 degrees; and "visually impaired" means having a condition in which  
14 a person has a corrected visual acuity not exceeding 20/70, but not  
15 less than 20/200, in the person's better eye, or in which the  
16 peripheral field of the person's vision has contracted so that the  
17 diameter of the visual field subtends an angle no greater than 40  
18 degrees but no less than 20 degrees.

19 d. (1) The owner of a dog shall be liable for a violation of  
20 subsections a. and b. of this section that occurs on any property  
21 belonging to the owner or on which the owner resides at the time of  
22 the violation, regardless of whether the owner is present when the  
23 violation occurs.

24 (2) The person with custody or control of a dog who is not the  
25 owner of the dog shall be liable for a violation of subsections a. and  
26 b. of this section that occurs on any property belonging to the  
27 person with custody or control of the dog or on which the person  
28 with custody or control of the dog resides at the time of the  
29 violation, regardless of whether the person is present when the  
30 violation occurs.

31 (3) **【Paragraph】** Paragraphs (3) and (9) of subsection b. of this  
32 section shall not apply if the dog is indoors and a person is indoors  
33 with the dog.

34 (cf: P.L.2017, c.189, s.3)

35

36 2. Section 5 of P.L.2017, c.189 (C.4:22-17.5) is amended to  
37 read as follows:

38 5. a. Proper shelter for a dog, domestic companion animal, or  
39 service animal shall be a structure or other type of protection that  
40 meets, at a minimum, the following standards and requirements:

41 (1) It provides at all times (a) adequate ventilation to allow the  
42 dog, domestic companion animal, or service animal to remain dry  
43 and maintain a normal body temperature, (b) access to water in a  
44 sanitary and liquid state, (c) exposure to natural or artificial light  
45 according to a regular cycle of day and night, (d) sufficient space so  
46 that the dog, domestic companion animal, or service animal can  
47 easily turn around in a full circle and lie down on the animal's side  
48 with limbs outstretched, and (e) when the animal is in a normal

- 1 sitting position in the proper shelter, the top of the head of the  
2 animal cannot touch the ceiling of the proper shelter;
- 3 (2) It is maintained in a manner to minimize the accumulation of  
4 any waste, other debris, precipitation, or other moisture inside,  
5 surrounding, and underneath any area or structure providing proper  
6 shelter, and to provide reasonable protection from flooding;
- 7 (3) It is soundly constructed to prevent the sagging or collapse  
8 of any part of the structure or protection, and is maintained in good  
9 repair with no exposed sharp points or edges;
- 10 (4) It remains in an upright position at all times;
- 11 (5) In the event of adverse environmental conditions as set forth  
12 in paragraph (1) of the definition of that term in section 1 of **[this**  
13 **act]** P.L.2017, c.189 (C.4:22-17.1), it is an enclosed structure that  
14 has (a) a solid roof, solid walls with a single opening no larger than  
15 necessary to allow the dog, domestic companion animal, or service  
16 animal to comfortably enter and exit the structure, and a floor that is  
17 not the ground, and (b) insulation, dry bedding, and a windbreak at  
18 the entrance that are sufficient to keep the dog, domestic companion  
19 animal, or service animal dry and maintain the animal's normal  
20 body temperature; and
- 21 (6) In the event of adverse environmental conditions as set forth  
22 in paragraph (2) of the definition of that term in section 1 of **[this**  
23 **act]** P.L.2017, c.189 (C.4:22-17.1), it provides the dog, domestic  
24 companion animal, or service animal with adequate shade or other  
25 cooling area by natural or artificial means to allow the animal to  
26 maintain a normal body temperature , including, but not limited to,  
27 an open-air canopy, gazebo, tree, shallow pool, or mud wallow,  
28 either alone or in combination .
- 29 b. Any part of the residence of an owner, or other person with  
30 custody or control, of a dog, domestic companion animal, or service  
31 animal shall be proper shelter for a dog, domestic companion  
32 animal, or service animal, provided that the part of the residence,  
33 and the use thereof, are in compliance with the requirements for  
34 proper shelter set forth in this section.
- 35 c. Proper shelter for a dog, domestic companion animal, or  
36 service animal shall not include:
- 37 (1) a crawl space under a building or a part of a building, such  
38 as under steps, a deck, or a stoop;
- 39 (2) the space under a vehicle;
- 40 (3) the inside of a vehicle if the dog, domestic companion  
41 animal, or service animal is kept in the vehicle in a manner or for a  
42 length of time that a person should reasonably know poses an  
43 adverse risk to the health or safety of the animal; **[or]**
- 44 (4) any structure or protection (a) made from pressure-treated  
45 wood which contains the chemicals arsenic or chromium, (b) with a  
46 floor consisting of wire or chain-link or having openings through  
47 which the paw, hoof, or foot of a dog, domestic companion animal,

1 or service animal, as applicable, can pass, or (c) that is located  
2 outdoors and is made from cardboard or other materials that are  
3 easily degraded by the elements; or

4 (5) unoccupied or vacant property, or any structure thereon, in  
5 which the animal is regularly kept unattended, as "unattended" is  
6 defined in section 1 of P.L.2017, c.189 (C.4:22-17.1).

7 As used in this subsection, "unoccupied or vacant property"  
8 means property that is devoid of human inhabitants or occupants, or  
9 on which people do not regularly reside or operate a business.  
10 (cf: P.L.2017, c.189, s.5)

11

12 3. Section 7 of P.L.2017, c.189 (C.4:22-17.7) is amended to  
13 read as follows:

14 7. a. Upon a showing of probable cause that there has been a  
15 violation of P.L.2017, c.189 (C.4:22-17.1 et seq.) and submission of  
16 proof of issuance of a **【summons】** written correction warning  
17 pursuant to subsection f. of this section, a court of competent  
18 jurisdiction may issue, upon request, a warrant to any municipal  
19 humane law enforcement officer, humane law enforcement officer  
20 of a county society for the prevention of cruelty to animals, or other  
21 State or local law enforcement officer to enter onto the private  
22 property where a dog, domestic companion animal, or service  
23 animal is located and take **【physical】** custody of the animal, except  
24 that if immediate assistance is required to protect or preserve the  
25 animal's life or prevent injury to the animal, no proof of issuance of  
26 a written correction warning shall be required for the warrant to be  
27 issued.

28 b. Notwithstanding the provisions of subsection a. of this  
29 section, or any other law, or any rule or regulation adopted pursuant  
30 thereto, to the contrary, any municipal humane law enforcement  
31 officer, humane law enforcement officer of a county society for the  
32 prevention of cruelty to animals, or other State or local law  
33 enforcement officer may immediately enter onto private property  
34 where a dog, domestic companion animal, or service animal is  
35 located and take **【physical】** custody of the animal **【,】** if the officer  
36 has a reasonable basis to believe that, due to a violation of  
37 P.L.2017, c.189 (C.4:22-17.1 et seq.), immediate assistance is  
38 required to protect or preserve the animal's life or prevent injury to  
39 the animal.

40 c. Upon taking **【physical】** custody of a dog, domestic  
41 companion animal, or service animal pursuant to subsection a. or b.  
42 of this section, the person taking **【physical】** custody of the animal  
43 shall:

44 (1) post immediately, in a conspicuous place at the location  
45 from which the dog, domestic companion animal, or service animal  
46 was taken into custody , the notice required pursuant to subsection

- 1 d. of this section to the owner or person with custody or control of  
2 the dog, domestic companion animal, or service animal; and
- 3 (2) no later than seven days after the dog, domestic companion  
4 animal, or service animal has been taken into custody, send by  
5 registered or certified mail **【and by ordinary mail】**, or by personal  
6 service, the notice described in subsection d. of this section to :  
7 (a) the address of the location from which the dog, domestic  
8 companion animal, or service animal was taken into **【physical】**  
9 custody ; and
- 10 (b) the owner of record, if the address for the owner of record is  
11 different from the location from which the dog, domestic  
12 companion animal, or service animal was taken.
- 13 d. The notice required pursuant to subsection c. of this section  
14 shall: (1) provide a description of the dog, domestic companion  
15 animal, or service animal; (2) state that the dog, domestic  
16 companion animal, or service animal may be euthanized upon a  
17 veterinarian's written determination of medical necessity as required  
18 by subsection e. of this section; (3) state the statutory authority and  
19 reason for taking custody of the dog, domestic companion animal,  
20 or service animal; and (4) provide contact information, including at  
21 least the name of any applicable office or entity, the name of a  
22 person at that office or entity, and a telephone number for the owner  
23 or person with custody or control of the dog, domestic companion  
24 animal, or service animal to obtain information concerning the  
25 animal **【, the alleged violation, and】** including where the animal is  
26 **【impounded】** in custody .
- 27 e. A dog, domestic companion animal, or service animal taken  
28 into **【physical】** custody pursuant to subsection a. or b. of this  
29 section shall be placed in the care of a licensed shelter, pound, or  
30 kennel operating as a shelter or pound to ensure the humane care  
31 and treatment of the animal. If, after the dog, domestic companion  
32 animal, or service animal has been taken into **【physical】** custody, a  
33 licensed veterinarian makes a written determination that the animal  
34 is in intractable and extreme pain and beyond any reasonable hope  
35 of recovery with reasonable veterinary medical treatment, the  
36 animal may be euthanized. At any time while the licensed shelter,  
37 pound, or kennel operating as a shelter or pound has custody or  
38 control of the dog, domestic companion animal, or service animal, it  
39 may place the animal in an animal rescue organization facility or a  
40 foster home , or otherwise provide care to improve the animal's  
41 physical or psychological well-being, if it determines the placement  
42 or care is in the best interest of the animal , except that euthanasia  
43 shall be permitted only under the limited circumstances specified in  
44 this subsection .
- 45 f. A person shall be issued a written correction warning prior  
46 to being cited for a violation of P.L.2017, c.189 (C.4:22-17.1 et  
47 seq.) unless the dog, domestic companion animal, or service animal

1 involved in the violation was seized under an emergency warrant  
2 issued pursuant to subsection a. of this section or seized  
3 immediately pursuant to subsection b. of this section. A summons  
4 **【shall】** may be served on the alleged violator **【as soon as**  
5 **practicable】** if:

6 (1) after the seven days have elapsed from the date a written  
7 correction warning is issued, no correction has been made; **【or】**

8 (2) the dog, domestic companion animal, or service animal  
9 involved in the violation was seized immediately pursuant to  
10 subsection b. of this section; or

11 (3) the dog, domestic companion animal, or service animal  
12 involved in the violation was seized under an emergency warrant  
13 issued pursuant to subsection a. of this section.

14 If the alleged violator is not the owner of the dog, domestic  
15 companion animal, or service animal, the person issuing the written  
16 correction warning or summons, as applicable, shall also notify the  
17 owner of the animal of the violation and provide the owner with a  
18 copy of the issued written correction warning or summons, as  
19 applicable.

20 g. Any summons issued for a violation of P.L.2017, c.189  
21 (C.4:22-17.1 et seq.) shall contain:

22 (1) a description of the violation and statutory authority; and

23 (2) contact information identifying, at a minimum (a) the name  
24 of the investigating agency or office, and (b) the name of the officer  
25 issuing the summons or investigating the alleged violation.

26 h. Any municipal humane law enforcement officer, humane  
27 law enforcement officer of a county society for the prevention of  
28 cruelty to animals, or other State or local law enforcement officer  
29 issuing a summons for a violation of P.L.2017, c.189 (C.4:22-17.1  
30 et seq.) shall also serve on the alleged violator, with the summons, a  
31 written notice of:

32 (1) the right to voluntarily forfeit ownership or custody of the  
33 dog, domestic companion animal, or service animal;

34 (2) the action or actions required for compliance;

35 (3) a demand for immediate compliance; and

36 (4) a telephone number for the investigating agency or office  
37 and the investigating officer or agent.

38 i. Any municipal humane law enforcement officer, humane  
39 law enforcement officer of a county society for the prevention of  
40 cruelty to animals, or other State or local law enforcement officer  
41 may petition a court of competent jurisdiction to have a dog,  
42 domestic companion animal, or service animal confiscated, if not  
43 previously seized, and forfeited upon the person being found guilty  
44 of, or liable for, a violation of P.L.2017, c.189 (C.4:22-17.1 et seq.).  
45 Upon a finding that continued possession of the dog, domestic  
46 companion animal, or service animal by the owner or other person  
47 authorized to have custody or control of the animal poses a threat to  
48 the health or safety of the animal, the court shall order that the

1 animal be forfeited, placed in an animal rescue organization facility,  
2 shelter, pound, or kennel operating as a shelter or pound, and made  
3 available for adoption.

4 j. A person found guilty of, or liable for, a violation of any  
5 provision of P.L.2017, c.189 (C.4:22-17.1 et seq.) shall be  
6 responsible for, and pay, the reasonable costs of caring for the dog,  
7 domestic companion animal, or service animal from the date on  
8 which **【physical】** custody of the animal was taken pursuant to this  
9 section until the date the animal is surrendered, forfeited, returned,  
10 or euthanized, including, but not limited to, the cost of transporting,  
11 sheltering, and feeding the animal, the cost of providing the animal  
12 with necessary veterinary care, and if the animal is euthanized, the  
13 cost of the euthanasia.

14 (cf: P.L.2019, c.83, s.1)

15

16 4. (New section) As used in sections 4 through 7 of P.L. ,  
17 c. (C. ) (pending before the Legislature as this bill):

18 "Animal care agency" means a shelter, pound, kennel, or animal  
19 rescue organization, as those terms are defined in section 1 of  
20 P.L.1941, c.151 (C.4:19-15.1), or a humane society or other  
21 organization that has temporary custody of an animal.

22 "Animal cruelty violation" means a civil or criminal violation of  
23 chapter 19 or 22 of Title 4 of the Revised Statutes, Title 2C of the  
24 New Jersey Statutes, or any other State law concerning animal  
25 cruelty.

26 "Enforcement agency" means any agency, department,  
27 organization, or count society for the prevention of cruelty to  
28 animals, or any agent, humane law enforcement officer, or  
29 representative thereof, involved in law enforcement or animal  
30 control, or the monitoring of animal welfare and animal cruelty  
31 violations.

32 "Reasonable costs of care" means (1) the costs of shelter, food,  
33 water, and bedding necessary to house an animal, (2) the costs of  
34 necessary care to improve an animal's psychological well-being,  
35 including, but not limited to, training and enrichments designed to  
36 provide mental and physical stimulation, and (3) the costs of  
37 necessary veterinary care for an animal, including, but not limited  
38 to, surgical intervention, medicine, vaccinations, and euthanasia and  
39 disposal costs, as determined necessary by a licensed veterinarian.

40

41 5. (New section) a. Notwithstanding the provisions of any  
42 other law, or any rule or regulation adopted pursuant thereto, to the  
43 contrary, upon a showing of probable cause that there has been an  
44 animal cruelty violation, a court of competent jurisdiction may  
45 issue, upon request, a warrant to any municipal humane law  
46 enforcement officer, humane law enforcement officer of a county  
47 society for the prevention of cruelty to animals, or other State or



1 local law enforcement officer to enter onto the private property  
2 where an animal is located and take custody of the animal.

3 b. Notwithstanding the provisions of subsection a. of this  
4 section, or any other law, or any rule or regulation adopted pursuant  
5 thereto, to the contrary, a municipal humane law enforcement  
6 officer, humane law enforcement officer of a county society for the  
7 prevention of cruelty to animals, or other State or local law  
8 enforcement officer may immediately enter onto private property  
9 where an animal is located and take custody of an animal if the  
10 officer has a reasonable basis to believe that, due to an animal  
11 cruelty violation, immediate assistance is required to protect or  
12 preserve the animal's life or prevent injury to the animal.

13 c. An animal taken into custody pursuant to subsection a. or b.  
14 of this section shall be placed in the care of a licensed shelter,  
15 pound, or kennel operating as a shelter or pound to ensure the  
16 humane care and treatment of the animal. If, after the animal has  
17 been taken into custody, a licensed veterinarian makes a written  
18 determination that the animal is in intractable and extreme pain and  
19 beyond any reasonable hope of recovery with reasonable veterinary  
20 medical treatment, the animal may be euthanized. At any time  
21 while the licensed shelter, pound, or kennel operating as a shelter or  
22 pound has custody or control of the animal, it may place the animal  
23 in an animal rescue organization facility or a foster home, or  
24 otherwise provide care to improve the animal's physical or  
25 psychological well-being, if it determines that such placement or  
26 care is in the best interests of the animal, except that euthanasia will  
27 be permitted only under the limited circumstances specified in this  
28 subsection.

29  
30 6. (New section) a. An animal care agency that takes custody  
31 of an animal pursuant to section 5 of P.L. , c. (C. )  
32 (pending before the Legislature as this bill), or an authorized agent  
33 of the animal care agency, including an attorney prosecuting an  
34 animal cruelty violation on behalf of a municipality or county, may,  
35 no later than 20 days after the animal is taken into custody, file an  
36 action in the Superior Court seeking the reasonable costs of care for  
37 the animal from the animal's owner, or, if the owner is not known  
38 to the plaintiff, the person from whom the animal was taken. A  
39 copy of the complaint shall be served upon the animal's owner, or,  
40 if the owner is not known to the plaintiff, to the person from whom  
41 the animal was taken in accordance with the rules of the court. The  
42 complaint shall include:

43 (1) the name, business address, and telephone number of the  
44 animal care agency that has custody of the animal;

45 (2) a description of the animal taken into custody, including a  
46 licensed veterinarian's assessment of the animal's condition and  
47 needs;

1 (3) a statement of the actual and estimated reasonable costs of  
2 care for the animal;

3 (4) a statement that, at any time after the animal has been taken  
4 into custody, the animal's owner may relinquish ownership of the  
5 animal to the enforcement agency that seized the animal or to the  
6 animal care agency with custody of the animal;

7 (5) a statement that, if the animal's owner or the person from  
8 whom the animal was taken fails to pay any portion of the  
9 reasonable costs of care for the animal, as established by the court,  
10 when due, ownership of the animal shall immediately transfer to the  
11 animal care agency with custody of the animal; and

12 (6) a plain language summary of the provisions of P.L. ,  
13 c. (C. ) (pending before the Legislature as this bill), to be  
14 prepared by the Attorney General's Office and distributed to animal  
15 care agencies in the State.

16 b. Upon receipt of a complaint filed pursuant to subsection a.  
17 of this section, the court shall schedule a hearing on the complaint  
18 to be conducted no later than 30 days after the date on which the  
19 complaint is filed with the court. Failure by the court to hold a  
20 timely hearing pursuant to this subsection shall not affect the  
21 disposition of the animal under the provisions of P.L. ,  
22 c. (C. ) (pending before the Legislature as this bill) or the  
23 disposition of any pending animal cruelty case against the person  
24 from whom an animal was seized.

25 c. At the hearing on a complaint filed pursuant to subsection a.  
26 of this section, the plaintiff shall establish by a preponderance of  
27 the evidence that the animal was taken into custody either for the  
28 animal's protection from harm or for needed medical attention. The  
29 court may consider testimony from the agent or officer who seized  
30 the animal and other witnesses as to the condition of the animal  
31 when seized and as to the conditions under which the animal or  
32 other animals in the household were kept, testimony and evidence  
33 as to the veterinary care provided to the animal, expert testimony as  
34 to the community standards for proper and reasonable care of the  
35 same type of animal, testimony from any witnesses as to the prior  
36 treatment or condition of this or other animals in the custody of the  
37 owner or person from whom the animal was taken, or any other  
38 evidence the court considers to be material or relevant. The  
39 plaintiff shall also demonstrate that the animal's owner, or, if the  
40 animal's owner is not known, the person from whom the animal  
41 was taken, was served with a copy of the complaint as required  
42 pursuant to subsection a. of this section.

43 (1) If the court determines that the plaintiff has demonstrated by  
44 a preponderance of the evidence that the animal was taken into  
45 custody either for the animal's protection or for needed medical  
46 attention and that the service and content of the complaint met the  
47 requirements of subsection a. of this section, the court shall award  
48 damages for the reasonable costs of care for the animal for the

1 period the animal is in the custody and care of the animal care  
2 agency against the animal's owner or the person from whom the  
3 animal was taken, as appropriate. The costs shall be calculated  
4 from the date the animal was taken into custody by the enforcement  
5 agency or animal care agency, whichever is earlier.

6 (2) If the court determines that the plaintiff has not shown by a  
7 preponderance of the evidence that an animal was taken into  
8 custody either for the animal's protection or for needed medical  
9 attention, the court shall not award damages for the reasonable costs  
10 of care, but the animal shall remain in the custody of the animal  
11 care agency during the pendency of the criminal investigation and  
12 proceeding related to the alleged criminal offense that led to the  
13 seizure of the animal.

14 (3) If the court determines that the service or content of the  
15 complaint did not meet the requirements of subsection a. of this  
16 section, the animal shall remain in the custody of the animal care  
17 agency during the pendency of the criminal investigation and  
18 proceeding related to the alleged criminal offense that led to the  
19 seizure of the animal. The plaintiff may petition the court for a  
20 thirty-day extension to refile the complaint.

21 d. If a person found liable for the reasonable costs of care of an  
22 animal pursuant to this section demonstrates, and the court finds,  
23 that the person is unable to pay the full amounts required pursuant  
24 to subsection c. of this section, the court shall require, at minimum,  
25 payment of that portion of the required amounts attributable to the  
26 necessary veterinary care for the animal, including, but not limited  
27 to, the costs of surgical intervention, medicine, vaccinations, and  
28 euthanasia and disposal costs, as determined necessary by a  
29 licensed veterinarian.

30 e. Unless otherwise ordered by the court, no later than seven  
31 days after the issuance of a court order pursuant to subsection c. of  
32 this section, the person found liable for the reasonable costs of care  
33 shall pay the animal care agency the full amount, as required by the  
34 court, for the respective 30-day period. The person shall make a  
35 new payment in the same amount every 30 days until:

36 (1) the owner voluntarily transfers ownership of the animal to  
37 the animal care agency;

38 (2) ownership of the animal is transferred to the animal care  
39 agency pursuant to subsection f. of this section;

40 (3) the animal is euthanized pursuant to subsection g. of this  
41 section; or

42 (4) final disposition of the proceeding related to the alleged  
43 criminal offense that led to the seizure of the animal, including  
44 forfeiture of the animal pursuant to section 7 of P.L. ,  
45 c. (C. ) (pending before the Legislature as this bill) or any  
46 other law.

47 Upon a change in the animal's ownership status pursuant to  
48 paragraphs (1) through (4) of this subsection, any unexpended

1 amounts paid by the person to the animal care agency shall be  
2 returned to the person.

3 f. If the person against whom a judgment pursuant to  
4 subsection e. of this section was entered fails to make a payment for  
5 the reasonable costs of care for an animal within seven days of the  
6 date of issuance of the court order and every 30 days thereafter as  
7 required pursuant to subsection e. of this section, ownership of the  
8 animal shall immediately transfer, by operation of law, to the  
9 animal care agency with custody of the animal, and the animal care  
10 agency shall obtain all rights and privilege in and over the animal.

11 g. An animal care agency shall not sell, euthanize, offer for  
12 adoption, or otherwise dispose of an animal if the person liable for  
13 the reasonable costs of care for the animal makes timely payments  
14 of such costs to the animal care agency as required by the court;  
15 provided, however, that an animal care agency may euthanize an  
16 animal at any time if a licensed veterinarian makes a written  
17 determination that the animal is experiencing intractable and  
18 extreme pain and is beyond any reasonable hope of recovery.

19 h. If a person liable for the reasonable costs of care pursuant to  
20 this section is found not guilty of the alleged criminal animal  
21 cruelty offense that led to the seizure of the animal, and if the  
22 person has made timely payments of the reasonable costs of care  
23 pursuant to this section, the person shall have the right to  
24 immediately repossess the person's animal and to be reimbursed by  
25 the animal care agency for all of the reasonable costs of care, except  
26 those related to necessary veterinary care, that were paid by the  
27 person to the animal care agency.

28 i. The result of any hearing held pursuant to this section, and  
29 any statement made by a party in the course of such a hearing, shall  
30 not be admissible in any criminal prosecution for an animal cruelty  
31 violation.

32 j. If the owner or the person from whom an animal was taken,  
33 as applicable, fails to appear for a hearing for the reasonable costs  
34 of care for an animal pursuant to this section, the owner or other  
35 person shall be liable for the costs, and all other provisions of this  
36 section shall remain in force.

37 k. As used in this section, "animal" means any vertebrate other  
38 than humans, except that, other than animals used in connection  
39 with a violation of R.S.4:22-24 and equine animals, "animal" shall  
40 not include "domestic livestock" as defined by section 1 of  
41 P.L.1995, c.311 (C.4:22-16.1).

42

43 7. (New section) a. Notwithstanding the provisions of any  
44 other law, or any rule or regulation adopted pursuant thereto, to the  
45 contrary, an animal care agency or enforcement agency may, upon  
46 the conviction of a person for an animal cruelty violation, petition  
47 the court in the animal cruelty proceeding for an order requiring  
48 forfeiture of the animal that is the basis of the conviction.



1 the proof of issuance described above, if immediate assistance is  
2 required to protect an animal;

3 (6) specify that the notice required pursuant to subsection c. of  
4 section 7 of P.L.2017, c.189 (C.4:22-17.7): (a) must be sent no  
5 later than seven days after an animal has been taken into custody;  
6 (b) must be sent to the owner as well as the address from which the  
7 animal was taken; and (c) need not contain information concerning  
8 the alleged violation that led to the seizure; and

9 (7) provide that a licensed shelter, pound, or kennel operating as  
10 a shelter or pound that has custody or control of a dog, domestic  
11 companion animal, or service animal, because of an alleged  
12 violation of P.L.2017, c.189 may provide care to improve the  
13 animal's physical or psychological well-being.

14 In addition, the bill would authorize a court of competent  
15 jurisdiction to issue a warrant to any municipal humane law  
16 enforcement officer, humane law enforcement officer of a county  
17 society for the prevention of cruelty to animals, or other State or  
18 local law enforcement officer to enter onto the private property  
19 where an animal is located and take custody of the animal, upon a  
20 showing of probable cause that there has been an animal cruelty  
21 violation. In cases where an officer has a reasonable basis to  
22 believe that, due to an animal cruelty violation, immediate  
23 assistance is required, the officer would be authorized to enter a  
24 private property and take custody of an animal without a warrant.

25 The bill would require animals taken into custody in the manner  
26 described above to be placed in the care of a licensed shelter,  
27 pound, or kennel operating as a shelter or pound. The bill would  
28 authorize these facilities to provide care to improve the animal's  
29 physical or psychological well-being, or to transfer the animal in an  
30 animal rescue organization facility or a foster home, if it determines  
31 that such placement or care is in the best interests of the animal.  
32 Euthanasia would only be permitted, under the bill, when a licensed  
33 veterinarian makes a written determination that the animal is in  
34 intractable and extreme pain and beyond any reasonable hope of  
35 recovery with reasonable veterinary medical treatment.

36 The bill would authorize an animal care agency (as defined by  
37 the bill) that receives and cares for an animal taken into custody in  
38 the manner described above to file a complaint in the Superior  
39 Court seeking the the reasonable costs of care for the animal. The  
40 bill would establish various requirements for the form and content  
41 of the complaint, as enumerated in subsection a. of section 6 of the  
42 bill. If an animal care agency demonstrates by a preponderance of  
43 evidence that an animal was taken into custody either for the  
44 animal's protection from harm or for needed medical attention and  
45 that the complaint was served in the correct manner, the bill would  
46 direct the court to award damages for the reasonable costs of care  
47 for the animal for the period that the animal is in the custody of the  
48 animal care agency. If the court determines that the animal care

1 agency has not shown by a preponderance of evidence that the  
2 animal was taken into custody either for the animal's protection or  
3 for needed medical attention, no damages would be awarded but the  
4 animal would be retained by the animal care agency until the  
5 outcome of the animal cruelty proceeding that led to the animal's  
6 seizure. If the court determines that complaint was not filed in the  
7 correct manner, the animal would be retained by the animal care  
8 agency, which could petition the court for a 30-day extension to  
9 refile the complaint.

10 The bill establishes various requirements concerning the way in  
11 which damages for the reasonable costs of care for an animal are to  
12 be paid, as enumerated in subsections c. through e. of section 6 of  
13 the bill. If a person fails to make a payment as required by the bill,  
14 ownership of the animal would transfer to the animal care agency.

15 The bill would provide that, if a person liable for the reasonable  
16 costs of care under the bill were found not guilty of the alleged  
17 criminal animal cruelty offense that led to the seizure of the animal,  
18 and if the person had made timely payments of the reasonable costs  
19 of care, the person would be authorized to immediately repossess  
20 the person's animal and to be reimbursed by the animal care agency  
21 for all of the reasonable costs of care, except those related to  
22 necessary veterinary care, that were paid by the person to the  
23 animal care agency.

24 Finally, the bill would authorize animal care agencies and  
25 enforcement agencies (as defined by the bill) to petition a court  
26 presiding over an animal cruelty proceeding for an order requiring  
27 the forfeiture of the animal involved in animal cruelty offense to an  
28 animal care agency. The court would also be authorized to order  
29 that the person convicted of an animal cruelty violation and any  
30 person who was convicted for conspiring, aiding, or abetting in the  
31 violation that was the basis of the conviction, be prohibited from  
32 owning, harboring, or having custody or control of any other  
33 animals for a period of time that the court deems appropriate. The  
34 bill would also authorize the court to issue an order as described  
35 above upon its own initiative.