

[First Reprint]

ASSEMBLY, No. 6099

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED DECEMBER 2, 2021

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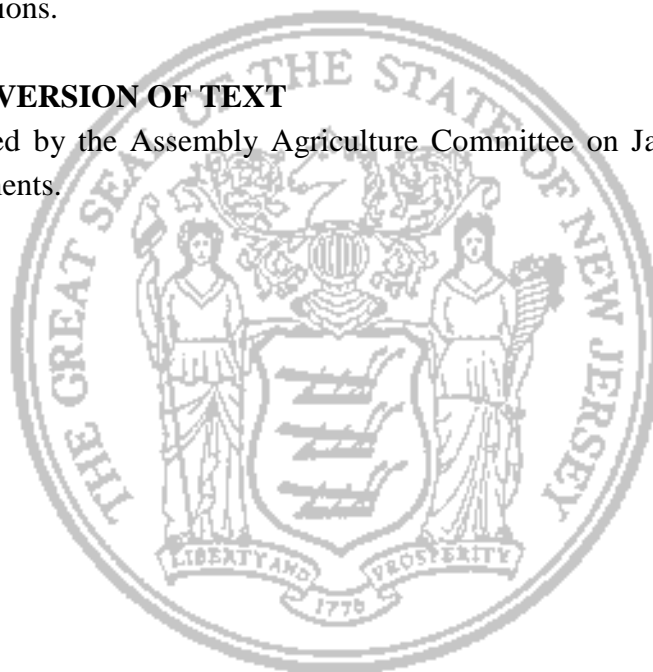
Assemblyman Calabrese

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 reported by the Assembly Agriculture Committee on January 3, 2022, with amendments.



(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

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAN committee amendments adopted January 3, 2022.

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,
48 or service animal, as applicable, can pass, or (c) that is located

1 outdoors and is made from cardboard or other materials that are
2 easily degraded by the elements; or

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

6 As used in this subsection, "unoccupied or vacant property"
7 means property that is devoid of human inhabitants or occupants, or
8 on which people do not regularly reside or operate a business.

9 (cf: P.L.2017, c.189, s.5)

10

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

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

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

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

43 (1) post immediately, in a conspicuous place at the location
44 from which the dog, domestic companion animal, or service animal
45 was taken into custody, the notice required pursuant to subsection
46 d. of this section to the owner or person with custody or control of
47 the dog, domestic companion animal, or service animal; and

1 (2) no later than seven days after the dog, domestic companion
2 animal, or service animal has been taken into custody, send by
3 registered or certified mail **【and by ordinary mail】**, or by personal
4 service, the notice described in subsection d. of this section to :

5 (a) the address of the location from which the dog, domestic
6 companion animal, or service animal was taken into **【physical】**
7 custody ; and

8 (b) the owner of record, if the address for the owner of record is
9 different from the location from which the dog, domestic
10 companion animal, or service animal was taken.

11 d. The notice required pursuant to subsection c. of this section
12 shall: (1) provide a description of the dog, domestic companion
13 animal, or service animal; (2) state that the dog, domestic
14 companion animal, or service animal may be euthanized upon a
15 veterinarian's written determination of medical necessity as required
16 by subsection e. of this section; (3) state the statutory authority and
17 reason for taking custody of the dog, domestic companion animal,
18 or service animal; and (4) provide contact information, including at
19 least the name of any applicable office or entity, the name of a
20 person at that office or entity, and a telephone number for the owner
21 or person with custody or control of the dog, domestic companion
22 animal, or service animal to obtain information concerning the
23 animal **【, the alleged violation, and】** including where the animal is
24 **【impounded】** in custody .

25 e. A dog, domestic companion animal, or service animal taken
26 into **【physical】** custody pursuant to subsection a. or b. of this
27 section shall be placed in the care of a licensed shelter, pound, or
28 kennel operating as a shelter or pound to ensure the humane care
29 and treatment of the animal. If, after the dog, domestic companion
30 animal, or service animal has been taken into **【physical】** custody, a
31 licensed veterinarian makes a written determination that the animal
32 is in intractable and extreme pain and beyond any reasonable hope
33 of recovery with reasonable veterinary medical treatment, the
34 animal may be euthanized. At any time while the licensed shelter,
35 pound, or kennel operating as a shelter or pound has custody or
36 control of the dog, domestic companion animal, or service animal, it
37 may place the animal in an animal rescue organization facility or a
38 foster home , or otherwise provide care to improve the animal's
39 physical or psychological well-being, if it determines the placement
40 or care is in the best interest of the animal , except that euthanasia
41 shall be permitted only under the limited circumstances specified in
42 this subsection .

43 f. A person shall be issued a written correction warning prior
44 to being cited for a violation of P.L.2017, c.189 (C.4:22-17.1 et
45 seq.) unless the dog, domestic companion animal, or service animal
46 involved in the violation was seized under an emergency warrant
47 issued pursuant to subsection a. of this section or seized
48 immediately pursuant to subsection b. of this section. A summons

1 **【shall】** may be served on the alleged violator **【as soon as**
2 **practicable】** if:

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

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

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

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

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

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

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

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

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

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

32 (3) a demand for immediate compliance; and

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

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

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

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

12

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

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

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

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

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

37

38 5. (New section) a. Notwithstanding the provisions of any
39 other law, or any rule or regulation adopted pursuant thereto, to the
40 contrary, upon a showing of probable cause that there has been an
41 animal cruelty violation, a court of competent jurisdiction may
42 issue, upon request, a warrant to any municipal humane law
43 enforcement officer, humane law enforcement officer of a county
44 society for the prevention of cruelty to animals, or other State or
45 local law enforcement officer to enter onto the private property
46 where an animal is located and take custody of the animal.

47 b. Notwithstanding the provisions of subsection a. of this
48 section, or any other law, or any rule or regulation adopted pursuant

1 thereto, to the contrary, a municipal humane law enforcement
2 officer, humane law enforcement officer of a county society for the
3 prevention of cruelty to animals, or other State or local law
4 enforcement officer may immediately enter onto private property
5 where an animal is located and take custody of an animal if the
6 officer has a reasonable basis to believe that, due to an animal
7 cruelty violation, immediate assistance is required to protect or
8 preserve the animal's life or prevent injury to the animal.

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

25
26 6. (New section) a. An animal care agency that takes custody of
27 an animal pursuant to section 5 of P.L. , c. (C.) (pending
28 before the Legislature as this bill), or an authorized agent of the animal
29 care agency, including an attorney prosecuting an animal cruelty
30 violation on behalf of a municipality or county, may, no later than 20
31 days after the animal is taken into custody, file an action in the
32 Superior Court seeking the reasonable costs of care for the animal
33 from the animal's owner, or, if the owner is not known to the plaintiff,
34 the person from whom the animal was taken. A copy of the complaint
35 shall be served upon the animal's owner, or, if the owner is not known
36 to the plaintiff, to the person from whom the animal was taken in
37 accordance with the rules of the court. The complaint shall include:

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

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

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

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

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

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

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

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

35 (1) If the court determines that the plaintiff has demonstrated by a
36 preponderance of the evidence that the animal was taken into custody
37 either for the animal's protection or for needed medical attention and
38 that the service and content of the complaint met the requirements of
39 subsection a. of this section, the court shall award damages for the
40 reasonable costs of care for the animal for the period the animal is in
41 the custody and care of the animal care agency against the animal's
42 owner or the person from whom the animal was taken, as appropriate.
43 The costs shall be calculated from the date the animal was taken into
44 custody by the enforcement agency or animal care agency, whichever
45 is earlier.

46 (2) If the court determines that the plaintiff has not shown by a
47 preponderance of the evidence that an animal was taken into custody
48 either for the animal's protection or for needed medical attention, the

1 court shall not award damages for the reasonable costs of care, but the
2 animal shall remain in the custody of the animal care agency during
3 the pendency of the criminal investigation and proceeding related to
4 the alleged criminal offense that led to the seizure of the animal.

5 (3) If the court determines that the service or content of the
6 complaint did not meet the requirements of subsection a. of this
7 section, the animal shall remain in the custody of the animal care
8 agency during the pendency of the criminal investigation and
9 proceeding related to the alleged criminal offense that led to the
10 seizure of the animal. The plaintiff may petition the court for a thirty-
11 day extension to refile the complaint.

12 d. ¹¶ If a person found liable for the reasonable costs of care of an
13 animal pursuant to this section demonstrates, and the court finds, that
14 the person is unable to pay the full amounts required pursuant to
15 subsection c. of this section, the court shall require, at minimum,
16 payment of that portion of the required amounts attributable to the
17 necessary veterinary care for the animal, including, but not limited to,
18 the costs of surgical intervention, medicine, vaccinations, and
19 euthanasia and disposal costs, as determined necessary by a licensed
20 veterinarian.

21 e. ¹¶ Unless otherwise ordered by the court, no later than seven
22 days after the issuance of a court order pursuant to subsection c. of this
23 section, the person found liable for the reasonable costs of care shall
24 pay the animal care agency the full amount, as required by the court,
25 for the respective 30-day period. The person shall make a new
26 payment in the same amount every 30 days until:

27 (1) the owner voluntarily transfers ownership of the animal to the
28 animal care agency;

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

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

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

37 Upon a change in the animal's ownership status pursuant to
38 paragraphs (1) through (4) of this subsection, any unexpended amounts
39 paid by the person to the animal care agency shall be returned to the
40 person.

41 ¹¶ f. ¹ If the person against whom a judgment pursuant to
42 subsection e. of this section was entered fails to make a payment for
43 the reasonable costs of care for an animal within seven days of the date
44 of issuance of the court order and every 30 days thereafter as required
45 pursuant to subsection e. of this section, ownership of the animal shall
46 immediately transfer, by operation of law, to the animal care agency
47 with custody of the animal, and the animal care agency shall obtain all
48 rights and privilege in and over the animal.

1 ¹**[g.] f.**¹ An animal care agency shall not sell, euthanize, offer for
2 adoption, or otherwise dispose of an animal if the person liable for the
3 reasonable costs of care for the animal makes timely payments of such
4 costs to the animal care agency as required by the court; provided,
5 however, that an animal care agency may euthanize an animal at any
6 time if a licensed veterinarian makes a written determination that the
7 animal is experiencing intractable and extreme pain and is beyond any
8 reasonable hope of recovery.

9 ¹**[h.] g.**¹ If a person liable for the reasonable costs of care
10 pursuant to this section is found not guilty of the alleged criminal
11 animal cruelty offense that led to the seizure of the animal, and if the
12 person has made timely payments of the reasonable costs of care
13 pursuant to this section, the person shall have the right to immediately
14 repossess the person's animal and to be reimbursed by the animal care
15 agency for all of the reasonable costs of care, except those related to
16 necessary veterinary care, that were paid by the person to the animal
17 care agency.

18 ¹**[i.] h.**¹ The result of any hearing held pursuant to this section,
19 and any statement made by a party in the course of such a hearing,
20 shall not be admissible in any criminal prosecution for an animal
21 cruelty violation.

22 ¹**[j.] i.**¹ If the owner or the person from whom an animal was
23 taken, as applicable, fails to appear for a hearing for the reasonable
24 costs of care for an animal pursuant to this section, the owner or other
25 person shall be liable for the costs, and all other provisions of this
26 section shall remain in force.

27 ¹**[k.] j.**¹ As used in this section, "animal" means any vertebrate
28 other than humans, except that, other than animals used in connection
29 with a violation of R.S.4:22-24 and equine animals, "animal" shall not
30 include "domestic livestock" as defined by section 1 of P.L.1995,
31 c.311 (C.4:22-16.1).

32

33 7. (New section) a. Notwithstanding the provisions of any
34 other law, or any rule or regulation adopted pursuant thereto, to the
35 contrary, an animal care agency or enforcement agency may, upon
36 the conviction of a person for an animal cruelty violation, petition
37 the court in the animal cruelty proceeding for an order requiring
38 forfeiture of the animal that is the basis of the conviction.

39 b. At the sentencing of a person convicted of an animal cruelty
40 violation, the court, upon its own initiative or in response to a
41 petition filed pursuant to subsection a. of this section, and in
42 addition to any other penalties that may be imposed on the
43 defendant, may:

44 (1) adjudge an animal that is the basis of the conviction for an
45 animal cruelty violation forfeited to the animal care agency with
46 custody of the animal, and invest all rights and privileges over the
47 animal in the animal care agency; and

- 1 (2) order that the person convicted of an animal cruelty violation
2 and any person who was convicted for conspiring, aiding, or
3 abetting in the violation that was the basis of the conviction, shall
4 not own, harbor, or have custody or control of any other animals for
5 a period of time that the court deems appropriate.
- 6 c. Any animal found to be in intractable and extreme pain and
7 that is beyond any reasonable hope of recovery, as certified to the
8 court in writing by a licensed veterinarian, may be euthanized
9 immediately and prior to the issuance of a court order.
- 10
- 11 8. This act shall take effect immediately.