

SENATE, No. 1175

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Senator DAWN MARIE ADDIEGO

District 8 (Atlantic, Burlington and Camden)

Co-Sponsored by:

Senator Singleton

SYNOPSIS

Provides immunity from civil and criminal liability for rescue of animal from motor vehicle under inhumane conditions.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/13/2020)

1 AN ACT concerning the rescue of an animal from a vehicle under
2 certain circumstances and supplementing Title 2A of the New
3 Jersey Statutes.

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

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8 1. a. Whenever a domestic companion animal has been left
9 unattended in a motor vehicle under inhumane conditions adverse to
10 the health or welfare of the animal, including, but not limited to,
11 heat, cold, inadequate ventilation, or other circumstances likely to
12 endanger or cause bodily injury or death to the animal, any person
13 who, without license or privilege to otherwise enter the motor
14 vehicle, may in good faith enter the vehicle in order to remove, or
15 render emergency care to, the animal if the person reasonably
16 believes that the animal is in immediate danger of bodily injury or
17 death from the circumstances, provided that prior to entering the
18 motor vehicle the person contacted appropriate rescue personnel to
19 report the circumstances and made a reasonable attempt to locate
20 the owner or operator of the motor vehicle or other person
21 responsible for the animal unless exigent circumstances warrant
22 foregoing such actions.

23 b. After removing the animal from the vehicle, the person shall
24 immediately contact for assistance appropriate rescue personnel, if
25 one has not already been contacted.

26 c. Upon receipt of any such report from a person, the
27 appropriate rescue personnel shall dispatch assistance to the scene
28 of the animal recovery, and immediately seek proper veterinary care
29 for the animal as needed and cause to be commenced any
30 investigation necessary for a suspected violation of R.S.4:22-17 or
31 R.S.4:22-26.

32 d. (1) A person who acts in accordance with subsections a. and
33 b. of this section shall be immune from civil or criminal liability
34 for:

35 (a) any property damage, or any injury to the animal, caused by
36 any acts or omissions related to breaking into and entering a vehicle
37 and rendering emergency care to a domestic companion animal,
38 unless the person engaged in reckless or willful misconduct; and

39 (b) any violation of the animal cruelty laws of the State unless
40 the person engaged in reckless or willful misconduct.

41 (2) The immunity provided under this section shall be in
42 addition to any other immunity that may apply under the “New
43 Jersey Tort Claims Act,” N.J.S.59:1-1 et seq., or any other law,
44 rule, or regulation.

45 e. As used in this section, “appropriate rescue personnel”
46 means a law enforcement officer, a member of a paid, part paid, or
47 volunteer fire department or fire company, or ambulance,
48 emergency, or rescue squad, a certified animal control officer, a

1 municipal humane law enforcement officer, or a humane law
2 enforcement officer of a county society for the prevention of cruelty
3 to animals.

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5 2. This act shall take effect immediately.

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STATEMENT

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10 This bill provides civil and criminal immunity to persons who in
11 good faith enter a motor vehicle to rescue an animal if the person
12 reasonably believes that the animal is in immediate danger of bodily
13 injury or death from the circumstances, and, prior to entering the
14 motor vehicle, the rescuer adheres to certain conditions, notice
15 requirements, and procedures.

16 The bill also specifies that that the immunity from liability for
17 property damage would attach only for any property damage caused in
18 or by the rescue and for any injuries caused to the animal (including
19 any allegations of animal cruelty) in or by the rescue, unless the
20 rescuer engaged in reckless or willful misconduct.