

SENATE, No. 2179

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:
Senator JOSEPH F. VITALE
District 19 (Middlesex)

SYNOPSIS

Requires mental health evaluation for all animal cruelty offenders; designated as “Shyanne’s Law.”

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning mental health evaluations for animal cruelty
2 offenders, designated as Shyanne’s Law, and amending R.S.4:22-
3 17.

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

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8 1. R.S.4:22-17 is amended to read as follows:

9 4:22-17. a. It shall be unlawful to:

10 (1) Overdrive, overload, drive when overloaded, overwork,
11 abuse, or needlessly kill a living animal or creature;

12 (2) Cause or procure, by any direct or indirect means, including
13 but not limited to through the use of another living animal or
14 creature, any of the acts described in paragraph (1) of this
15 subsection to be done;

16 (3) Inflict unnecessary cruelty upon a living animal or creature,
17 by any direct or indirect means, including but not limited to through
18 the use of another living animal or creature; or leave the living
19 animal or creature unattended in a vehicle under inhumane
20 conditions adverse to the health or welfare of the living animal or
21 creature; or

22 (4) Fail, as the owner or as a person otherwise charged with the
23 care of a living animal or creature, to provide the living animal or
24 creature with necessary care.

25 b. (1) A person who violates subsection a. of this section shall
26 be guilty of a disorderly persons offense. Notwithstanding the
27 provisions of N.J.S.2C:43-3 to the contrary, for every conviction of
28 an offense pursuant to paragraph (1) or (2) of subsection a. of this
29 section, the person shall be fined not less than \$250 nor more than
30 \$1,000, or be imprisoned for a term of not more than six months, or
31 both, in the discretion of the court; and for every conviction of an
32 offense pursuant to paragraph (3) or (4) of subsection a. of this
33 section, the person shall be fined not less than \$500 nor more than
34 \$2,000, or be imprisoned for a term of not more than six months, or
35 both, in the discretion of the court.

36 (2) If the person who violates subsection a. of this section has a
37 prior conviction for an offense that would constitute a violation of
38 subsection a. of this section, the person shall be guilty of a crime of
39 the fourth degree.

40 (3) A person who violates subsection a. of this section shall also
41 be subject to the provisions of subsections e. and f. and, if
42 appropriate, subsection g., of this section.

43 (4) The action for the penalty prescribed in this subsection shall
44 be brought in the municipal court of the municipality wherein the
45 defendant resides or where the offense was committed, except that
46 the municipality may elect to refer the offense to the county
47 prosecutor to determine if the offense should be handled in the
48 Superior Court or in municipal court.

1 c. It shall be unlawful to purposely, knowingly, or recklessly:

2 (1) Torment, torture, maim, hang, poison, unnecessarily or
3 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or
4 creature;

5 (2) Cause bodily injury to a living animal or creature by failing
6 to provide the living animal or creature with necessary care,
7 whether as the owner or as a person otherwise charged with the care
8 of the living animal or creature;

9 (3) Cause or procure an act described in paragraph (1) or (2) of
10 this subsection to be done, by any direct or indirect means,
11 including but not limited to through the use of another living animal
12 or creature; or

13 (4) Use, or cause or procure the use of, an animal or creature in
14 any kind of sexual manner or initiate any kind of sexual contact
15 with the animal or creature, including, but not limited to,
16 sodomizing the animal or creature. As used in this paragraph,
17 "sexual contact" means any contact between a person and an animal
18 by penetration of the penis or a foreign object into the vagina or
19 anus, contact between the mouth and genitalia, or by contact
20 between the genitalia of one and the genitalia or anus of the other.
21 This term does not include any medical procedure performed by a
22 licensed veterinarian practicing veterinary medicine or an accepted
23 animal husbandry practice.

24 d. (1) A person who violates paragraph (1), (2), (3) or (4) of
25 subsection c. of this section shall be guilty of a crime of the fourth
26 degree, except that the person shall be guilty of a crime of the third
27 degree if:

28 (a) the animal or creature dies as a result of the violation;

29 (b) the animal or creature suffers serious bodily injury as a
30 result of the violation; or

31 (c) the person has a prior conviction for an offense that would
32 constitute a violation of paragraph (1), (2), (3) or (4) of subsection
33 c. of this section.

34 (2) A person who violates any provision of subsection c. of this
35 section shall also be subject to the provisions of subsections e. and
36 f. and, if appropriate, subsection g., of this section.

37 (3) The action for the penalty prescribed in this subsection shall
38 be brought in the Superior Court.

39 e. For a violation of this section, in addition to imposing any
40 other appropriate penalties established for a crime of the third
41 degree, crime of the fourth degree, or disorderly persons offense, as
42 the case may be, pursuant to Title 2C of the New Jersey Statutes,
43 the court shall:

44 (1) impose a term of community service of up to 30 days, and
45 may direct that the term of community service be served in
46 providing assistance to a county society for the prevention of
47 cruelty to animals or any other recognized organization concerned
48 with the prevention of cruelty to animals or the humane treatment

1 and care of animals, or to a municipality's animal control or animal
2 population control program; and

3 (2) order the violator to receive a mental health evaluation by a
4 licensed psychologist or therapist named by the court, and
5 subsequent mental health counseling, if warranted by the
6 evaluation, for a period of time to be prescribed by the licensed
7 psychologist or therapist. The cost of the mental health evaluation
8 and any required mental health counseling shall be paid by the
9 violator. The court shall order the violator to submit the results of
10 the mental health evaluation to the court, and if subsequent
11 counseling is ordered, the court may order the violator to provide
12 documentation of attendance to the court.

13 f. The court also shall require any violator of this section to
14 pay restitution, including but not limited to, the monetary cost of
15 replacing the animal if the animal died or had to be euthanized
16 because of the extent of the animal's injuries, or otherwise
17 reimburse any costs for food, drink, shelter, or veterinary care or
18 treatment, or other costs, incurred by the owner of the animal, if the
19 owner is not the person committing the act of cruelty, or incurred
20 by any agency, entity, or organization investigating the violation, or
21 providing shelter or care for the animal or animals, including but
22 not limited to a county society for the prevention of cruelty to
23 animals, any other recognized organization concerned with the
24 prevention of cruelty to animals or the humane treatment and care
25 of animals, a local or State governmental entity, or a kennel, shelter,
26 pound, or other facility providing for the shelter and care of the
27 animal or animals involved in the violation.

28 g. If a juvenile is adjudicated delinquent for an act which, if
29 committed by an adult, would constitute a disorderly persons
30 offense, crime of the fourth degree, or crime of the third degree
31 pursuant to this section, the court also shall order the juvenile to
32 receive a mental health evaluation by a licensed psychologist or
33 therapist named by the court, and subsequent mental health
34 counseling 【by a licensed psychologist or therapist named by the
35 court】, if warranted by the evaluation, for a period of time to be
36 prescribed by the licensed psychologist or therapist. The cost of the
37 mental health evaluation and any required mental health counseling
38 shall be paid by the parents or legal guardian of the juvenile. The
39 court shall order the parents or legal guardian to submit the results
40 of the mental health evaluation to the court, and if counseling is
41 ordered subsequently, the court may order the parents or legal
42 guardian to provide documentation of attendance to the court.

43 h. The Administrative Office of the Courts shall, with the
44 assistance of the Attorney General, municipal prosecutors, and
45 county prosecutors, maintain a record of any requirements or
46 conditions imposed pursuant to this section or as a result of any
47 conviction pursuant to this section, including, but not limited to

1 mental health evaluations and documentation of mental health
2 counseling attendance.

3 (cf: P.L.2017, c.331 s.10)

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5 2. This act shall take effect immediately.

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STATEMENT

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10 This bill amends current law to require a mental health
11 evaluation for any animal cruelty offender, whether an adult or a
12 juvenile, to be followed by mental health counseling if warranted by
13 the evaluation. It is designated “Shyanne’s Law” in recognition of
14 Shyanne, a dog that died in the care of an animal behaviorist who
15 had been previously observed abusing an animal.