

# SENATE, No. 4058

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 8, 2021

**Sponsored by:**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Co-Sponsored by:**

**Senators Stack, Turner, Greenstein, Singleton, Holzapfel and O'Scanlon**

**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: 12/2/2021)**

S4058 DIEGNAN

2

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.

**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.

S4058 DIEGNAN

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

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

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

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

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

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

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

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

38

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

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

44 (1) It provides at all times (a) adequate ventilation to allow the  
45 dog, domestic companion animal, or service animal to remain dry  
46 and maintain a normal body temperature, (b) access to water in a  
47 sanitary and liquid state, (c) exposure to natural or artificial light  
48 according to a regular cycle of day and night, (d) sufficient space so

1 that the dog, domestic companion animal, or service animal can  
2 easily turn around in a full circle and lie down on the animal's side  
3 with limbs outstretched, and (e) when the animal is in a normal  
4 sitting position in the proper shelter, the top of the head of the  
5 animal cannot touch the ceiling of the proper shelter;

6 (2) It is maintained in a manner to minimize the accumulation of  
7 any waste, other debris, precipitation, or other moisture inside,  
8 surrounding, and underneath any area or structure providing proper  
9 shelter, and to provide reasonable protection from flooding;

10 (3) It is soundly constructed to prevent the sagging or collapse  
11 of any part of the structure or protection, and is maintained in good  
12 repair with no exposed sharp points or edges;

13 (4) It remains in an upright position at all times;

14 (5) In the event of adverse environmental conditions as set forth  
15 in paragraph (1) of the definition of that term in section 1 of **[this**  
16 **act]** P.L.2017, c.189 (C.4:22-17.1), it is an enclosed structure that  
17 has (a) a solid roof, solid walls with a single opening no larger than  
18 necessary to allow the dog, domestic companion animal, or service  
19 animal to comfortably enter and exit the structure, and a floor that is  
20 not the ground, and (b) insulation, dry bedding, and a windbreak at  
21 the entrance that are sufficient to keep the dog, domestic companion  
22 animal, or service animal dry and maintain the animal's normal  
23 body temperature; and

24 (6) In the event of adverse environmental conditions as set forth  
25 in paragraph (2) of the definition of that term in section 1 of **[this**  
26 **act]** P.L.2017, c.189 (C.4:22-17.1), it provides the dog, domestic  
27 companion animal, or service animal with adequate shade or other  
28 cooling area by natural or artificial means to allow the animal to  
29 maintain a normal body temperature , including, but not limited to,  
30 an open-air canopy, gazebo, tree, shallow pool, or mud wallow,  
31 either alone or in combination .

32 b. Any part of the residence of an owner, or other person with  
33 custody or control, of a dog, domestic companion animal, or service  
34 animal shall be proper shelter for a dog, domestic companion  
35 animal, or service animal, provided that the part of the residence,  
36 and the use thereof, are in compliance with the requirements for  
37 proper shelter set forth in this section.

38 c. Proper shelter for a dog, domestic companion animal, or  
39 service animal shall not include:

40 (1) a crawl space under a building or a part of a building, such  
41 as under steps, a deck, or a stoop;

42 (2) the space under a vehicle;

43 (3) the inside of a vehicle if the dog, domestic companion  
44 animal, or service animal is kept in the vehicle in a manner or for a  
45 length of time that a person should reasonably know poses an  
46 adverse risk to the health or safety of the animal; **[or]**

1 (4) any structure or protection (a) made from pressure-treated  
2 wood which contains the chemicals arsenic or chromium, (b) with a  
3 floor consisting of wire or chain-link or having openings through  
4 which the paw, hoof, or foot of a dog, domestic companion animal,  
5 or service animal, as applicable, can pass, or (c) that is located  
6 outdoors and is made from cardboard or other materials that are  
7 easily degraded by the elements; or

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

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

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

15  
16 3. Section 7 of P.L.2017, c.189 (C.4:22-17.7) is amended to  
17 read as follows:

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

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

44 c. Upon taking **【physical】** custody of a dog, domestic  
45 companion animal, or service animal pursuant to subsection a. or b.  
46 of this section, the person taking **【physical】** custody of the animal  
47 shall:

S4058 DIEGNAN

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

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

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

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

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

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

1 f. A person shall be issued a written correction warning prior  
2 to being cited for a violation of P.L.2017, c.189 (C.4:22-17.1 et  
3 seq.) unless the dog, domestic companion animal, or service animal  
4 involved in the violation was seized under an emergency warrant  
5 issued pursuant to subsection a. of this section or seized  
6 immediately pursuant to subsection b. of this section. A summons  
7 **[shall] may** be served on the alleged violator **[as soon as**  
8 **practicable]** if:

9 (1) after the seven days have elapsed from the date a written  
10 correction warning is issued, no correction has been made; **[or]**

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

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

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

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

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

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

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

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

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

38 (3) a demand for immediate compliance; and

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

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

1 companion animal, or service animal by the owner or other person  
2 authorized to have custody or control of the animal poses a threat to  
3 the health or safety of the animal, the court shall order that the  
4 animal be forfeited, placed in an animal rescue organization facility,  
5 shelter, pound, or kennel operating as a shelter or pound, and made  
6 available for adoption.

7 j. A person found guilty of, or liable for, a violation of any  
8 provision of P.L.2017, c.189 (C.4:22-17.1 et seq.) shall be  
9 responsible for, and pay, the reasonable costs of caring for the dog,  
10 domestic companion animal, or service animal from the date on  
11 which **[physical]** custody of the animal was taken pursuant to this  
12 section until the date the animal is surrendered, forfeited, returned,  
13 or euthanized, including, but not limited to, the cost of transporting,  
14 sheltering, and feeding the animal, the cost of providing the animal  
15 with necessary veterinary care, and if the animal is euthanized, the  
16 cost of the euthanasia.  
17 (cf: P.L.2019, c.83, s.1)

18

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

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

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

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

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

43

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



S4058 DIEGNAN

1 enforcement officer, humane law enforcement officer of a county  
2 society for the prevention of cruelty to animals, or other State or  
3 local law enforcement officer to enter onto the private property  
4 where an animal is located and take custody of the animal.

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

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

31

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

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

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

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

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

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

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

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

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

46 (1) If the court determines that the plaintiff has demonstrated by  
47 a preponderance of the evidence that the animal was taken into  
48 custody either for the animal's protection or for needed medical

1 attention and that the service and content of the complaint met the  
2 requirements of subsection a. of this section, the court shall award  
3 damages for the reasonable costs of care for the animal for the  
4 period the animal is in the custody and care of the animal care  
5 agency against the animal's owner or the person from whom the  
6 animal was taken, as appropriate. The costs shall be calculated  
7 from the date the animal was taken into custody by the enforcement  
8 agency or animal care agency, whichever is earlier.

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

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

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

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

39 (1) the owner voluntarily transfers ownership of the animal to the  
40 animal care agency;

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

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

45 (4) final disposition of the proceeding related to the alleged  
46 criminal offense that led to the seizure of the animal, including  
47 forfeiture of the animal pursuant to section 7 of P.L. ,

1 c. (C. ) (pending before the Legislature as this bill) or any  
2 other law.

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

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

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

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

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

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

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

46

47 7. (New section) a. Notwithstanding the provisions of any  
48 other law, or any rule or regulation adopted pursuant thereto, to the

1 contrary, an animal care agency or enforcement agency may, upon  
2 the conviction of a person for an animal cruelty violation, petition  
3 the court in the animal cruelty proceeding for an order requiring  
4 forfeiture of the animal that is the basis of the conviction.

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

10 (1) adjudge an animal that is the basis of the conviction for an  
11 animal cruelty violation forfeited to the animal care agency with  
12 custody of the animal, and invest all rights and privileges over the  
13 animal in the animal care agency; and

14 (2) order that the person convicted of an animal cruelty violation  
15 and any person who was convicted for conspiring, aiding, or  
16 abetting in the violation that was the basis of the conviction, shall  
17 not own, harbor, or have custody or control of any other animals for  
18 a period of time that the court deems appropriate.

19 c. Any animal found to be in intractable and extreme pain and  
20 that is beyond any reasonable hope of recovery, as certified to the  
21 court in writing by a licensed veterinarian, may be euthanized  
22 immediately and prior to the issuance of a court order.

23  
24 8. This act shall take effect immediately.

25  
26  
27 STATEMENT

28  
29 This bill would: (1) make various changes to P.L.2017, c.189  
30 (C.4:22-17.3 et seq.), which prohibits certain practices of tethering  
31 and confining dogs; (2) authorize certain law enforcement officials  
32 to take custody of animals in cases of suspected animal cruelty  
33 violations; and (3) establish various provisions related to the cost of  
34 care of animals taken into custody.

35 Specifically, concerning P.L.2017, c.189, the bill would:

36 (1) provide that it is unlawful to tether a dog on unoccupied or  
37 vacant property, or in any structure on such property, unless the dog  
38 is (a) accompanied by a person who can see the dog, or (b) is  
39 indoors along with a person;

40 (2) make it unlawful to tether a dog in a manner that exposes the  
41 dog to accumulated waste or other debris, precipitation, or flooding;

42 (3) clarify that proper shelter for a dog, domestic companion  
43 animal, or service animal does not include unoccupied or vacant  
44 property, or any structure thereon, in which the animal is regularly  
45 kept unattended;

46 (4) provide that a court of competent jurisdiction may issue a  
47 warrant concerning a violation of P.L.2017, c.189 after receiving  
48 proof of issuance of a written correction warning pursuant to

1 subsection f. of section 7 of P.L.2017, c.189 (C.4:22-17.7), rather  
2 than proof of issuance of a summons;

3 (5) provide that a court of competent jurisdiction may issue a  
4 warrant concerning a violation of P.L.2017, c.189 without receiving  
5 the proof of issuance described above, if immediate assistance is  
6 required to protect an animal;

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

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

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

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

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

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

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

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

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