

[First Reprint]

SENATE, No. 4058

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED NOVEMBER 8, 2021

Sponsored by:

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

Co-Sponsored by:

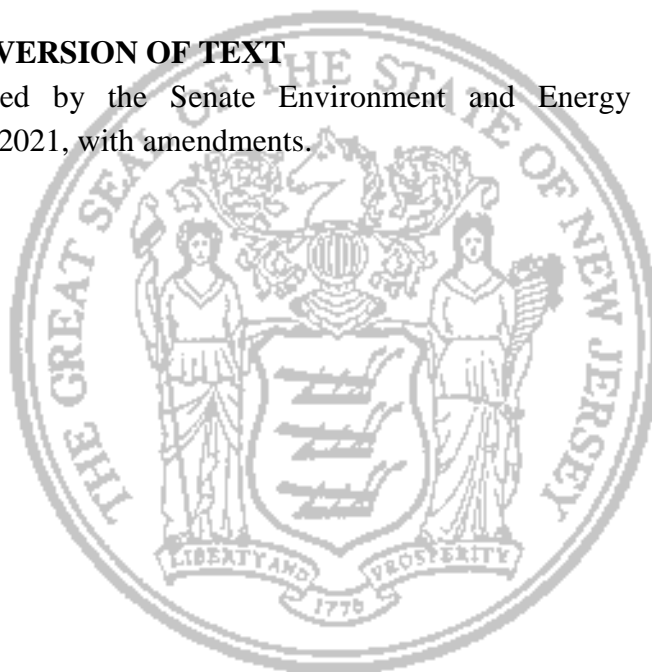
Senators Stack, Turner, Greenstein, Singleton, Holzapfel, O'Scanlon and Gopal

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 Senate Environment and Energy Committee on December 9, 2021, with amendments.



(Sponsorship Updated As Of: 1/10/2022)

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEN committee amendments adopted December 9, 2021.

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:

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

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

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

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

1 (3) a statement of the actual and estimated reasonable costs of care
2 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 reasonable
9 costs of care for the animal, as established by the court, when due,
10 ownership of the animal shall immediately transfer to the animal care
11 agency with custody of the animal; and

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

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

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

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

1 The costs shall be calculated from the date the animal was taken into
2 custody by the enforcement agency or animal care agency, whichever
3 is earlier.

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

11 (3) If the court determines that the service or content of the
12 complaint did not meet the requirements of subsection a. of this
13 section, the animal shall remain in the custody of the animal care
14 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. The plaintiff may petition the court for a thirty-
17 day extension to refile the complaint.

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

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

33 (1) the owner voluntarily transfers ownership of the animal to the
34 animal care agency;

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

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

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

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

47 ¹¶ f. ¹ If the person against whom a judgment pursuant to
48 subsection e. of this section was entered fails to make a payment for

1 the reasonable costs of care for an animal within seven days of the date
2 of issuance of the court order and every 30 days thereafter as required
3 pursuant to subsection e. of this section, ownership of the animal shall
4 immediately transfer, by operation of law, to the animal care agency
5 with custody of the animal, and the animal care agency shall obtain all
6 rights and privilege in and over the animal.

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

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

24 **1[i.] h.**¹ The result of any hearing held pursuant to this section,
25 and any statement made by a party in the course of such a hearing,
26 shall not be admissible in any criminal prosecution for an animal
27 cruelty violation.

28 **1[j.] i.**¹ If the owner or the person from whom an animal was
29 taken, as applicable, fails to appear for a hearing for the reasonable
30 costs of care for an animal pursuant to this section, the owner or other
31 person shall be liable for the costs, and all other provisions of this
32 section shall remain in force.

33 **1[k.] j.**¹ As used in this section, "animal" means any vertebrate
34 other than humans, except that, other than animals used in connection
35 with a violation of R.S.4:22-24 and equine animals, "animal" shall not
36 include "domestic livestock" as defined by section 1 of P.L.1995,
37 c.311 (C.4:22-16.1).

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

45 b. At the sentencing of a person convicted of an animal cruelty
46 violation, the court, upon its own initiative or in response to a
47 petition filed pursuant to subsection a. of this section, and in

1 addition to any other penalties that may be imposed on the
2 defendant, may:

3 (1) adjudge an animal that is the basis of the conviction for an
4 animal cruelty violation forfeited to the animal care agency with
5 custody of the animal, and invest all rights and privileges over the
6 animal in the animal care agency; and

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

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

16

17 8. This act shall take effect immediately.