

ASSEMBLY, No. 2379

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 7, 2022

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

SYNOPSIS

“Responsible Dog Ownership Act.”

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the control of dogs, supplementing Title 2C of
2 the New Jersey Statutes and Title 4 of the Revised Statutes, and
3 amending various sections of statutory law.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. (New section) Sections 1 through 7 of P.L. , c. (C.)
9 (pending before the Legislature as this bill) shall be known and may be
10 cited as the “Responsible Dog Ownership Act.”
11

12 2. (New section) The Legislature finds and declares: that there is
13 a need to focus attention on the behavior of, and safe interaction with,
14 all dogs in the communities of the State; that children are at particular
15 risk from confrontations with unrestrained dogs, due to the size of
16 children in relation to many dogs, but also because of their innocence,
17 inexperience, and emotional perceptions; that dog owners embrace
18 their role as caretakers and trainers of their dogs and are likely to be
19 the first to wish to curtail any negative interactions between
20 themselves, their dogs, children, and any other members of the
21 communities in which they live; and that any regulation of dog
22 behavior must be implemented with consideration, forethought, and
23 reasonableness for the good of both the public and dog owners in the
24 State.

25 The Legislature therefore determines that it is in the public interest
26 and for the well-being of the State’s children, other citizens, and dogs
27 that the State: require leashing of a dog when the dog is off the
28 property of its owner; impose fencing requirements for dogs that are
29 repeatedly found outside the control of an owner; hold dog owners
30 liable for serious injury caused by their dogs; and establish penalties
31 for certain violations that threaten the safety of our children and all
32 members of our communities. The Legislature also determines that
33 these requirements are in keeping with accepted responsible dog
34 ownership practices to which so many, if not all, dog owners in the
35 State are committed and subscribe.
36

37 3. (New section) a. Within 180 days after the date of enactment of
38 P.L. , c. (C.) (pending before the Legislature as this bill), the
39 Department of Health, after consulting with the New Jersey Certified
40 Animal Control Officers Association, the League of Municipalities,
41 and the New Jersey Veterinary Medical Association, shall adopt,
42 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
43 (C.52:14B-1 et seq.), rules and regulations establishing:
44

45 (1) standards for leashing, restraining, and otherwise restricting the
free movement of a dog when it is off the property of its owner;

**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.

1 (2) standards and requirements for fencing when fencing of a dog
2 is required pursuant to section 5 of P.L. , c. (C.) (pending
3 before the Legislature as this bill), including (a) the appropriate height,
4 dimensions, and other requirements for an enclosed fenced area to
5 properly protect the public and ensure the well-being of the dog, and
6 (b) exemptions or fencing compliance options for residents of
7 condominiums, townhouses, and apartments and other rental
8 properties;

9 (3) circumstances or areas warranting exemption from the leashing
10 requirement established in subsection a. of section 5 of P.L. , c.
11 (C.) (pending before the Legislature as this bill), including, but
12 not limited to, exercising dogs in dog parks; and

13 (4) any other requirements for the control and regulation of the
14 free movement of dogs, which are determined by the department to be
15 appropriate, reasonable, and necessary for public safety.

16 b. The department shall develop and adopt model ordinances
17 providing for the standards and requirements established in the rules
18 and regulations, which a municipality may enact in order to comply
19 with the adopted standards and requirements.

20
21 4. (New section) a. Each municipality shall adopt a responsible
22 dog ownership ordinance, resolution, or regulation that, at a minimum,
23 shall include the standards and requirements established in the rules
24 and regulations adopted by the department pursuant to section 3 of
25 P.L. , c. (C.) (pending before the Legislature as this bill), and
26 provide for the enforcement of the provisions of section 5 of P.L. , c.
27 (C.) (pending before the Legislature as this bill).

28 b. Each municipality shall establish a dedicated fund solely for
29 the purpose of enforcement of the requirements of P.L. , c.
30 (C.) (pending before the Legislature as this bill), which shall be
31 separate from the other funds of the municipality. Each municipality
32 may allocate a portion of the moneys forwarded to the treasurer of the
33 municipality pursuant to section 11 of P.L.1941, c.151 (C.4:19-15.11)
34 and shall deposit the allocated moneys and any penalties collected
35 pursuant to P.L. , c. (C.) (pending before the Legislature as
36 this bill) in the dedicated fund to pay for the enforcement of any
37 standard or requirement, ordinance, resolution, or regulation, the
38 posting of signs, or any other municipal expense incurred pursuant to
39 P.L. , c. (C.) (pending before the Legislature as this bill).

40
41 5. (New section) a. Whenever a dog is off the property of the
42 dog's owner, the dog shall be on a leash or controlled with another
43 appropriate restraint, except under circumstances established by rules
44 and regulations or by ordinance, resolution, or regulation adopted
45 pursuant to sections 3 and 4 of P.L. , c. (C.) (pending before the
46 Legislature as this bill).

47 b. If a dog is found off the property of the dog's owner without a
48 leash or other appropriate restraint and attacks a person without

1 causing bodily injury to the person, the owner of the dog shall be
2 issued a warning notice that fencing requirements may be imposed to
3 control the dog at the discretion of the enforcing authority if the dog is
4 found off the property of the dog's owner without a leash or other
5 appropriate restraint after the issuance of the warning notice.

6 c. Upon the third occurrence of the dog being found off the
7 property of the dog's owner without a leash or other appropriate
8 restraint, provided that the dog has not attacked or caused bodily injury
9 to a person, the owner of the dog shall be ordered to comply with the
10 fencing requirements established in rules and regulations or by
11 ordinance, resolution, or regulation adopted pursuant to sections 3 and
12 4 of P.L. , c. (C.) (pending before the Legislature as this bill).
13 The municipality shall issue an order to the owner of the dog with a
14 schedule for compliance with the fencing requirements for the dog and
15 the required specifications for the fencing to be installed. If the owner
16 of the dog does not comply in a timely manner with the schedule for
17 compliance with the fencing requirements, the dog's registration shall
18 be revoked and the owner shall be fined pursuant to subsection g. of
19 this section.

20 d. The municipality shall not order compliance with fencing
21 requirements pursuant to subsection c. of this section and shall impose
22 fines pursuant to paragraph (2) of subsection g. of this section for a
23 violation of subsection a. of this section when:

24 (1) the owner of the dog is a resident of a condominium,
25 townhouse, apartment, or other rental property or otherwise exempt
26 from fencing requirements established by rules and regulations or by
27 ordinance, resolution, or regulation adopted pursuant to sections 3 and
28 4 of P.L. , c. (C.) (pending before the Legislature as this bill);
29 or

30 (2) a person intentionally has the dog off the property of the dog's
31 owner, the dog is off leash or unrestrained, and the dog attacks a
32 person without causing bodily injury, including, but not limited to,
33 when (a) the dog is being walked in locations off the dog owner's
34 property, (b) the dog is in a park or other public open space, or (c) the
35 dog is taken to the property of another person other than the owner of
36 the dog and is found off the property.

37 In addition to the imposition of fines, the municipality may order
38 the owner of a dog to which paragraph (1) of this subsection applies to
39 comply with fencing compliance options established by rules and
40 regulations or by ordinance, resolution, or regulation adopted pursuant
41 to sections 3 and 4 of P.L. , c. (C.) (pending before the
42 Legislature as this bill).

43 e. Subsections b., c., and d. of this section shall not apply
44 whenever a dog kills a person, causes serious bodily injury to a person,
45 or causes bodily injury to a person during an unprovoked attack and
46 poses a serious threat of harm to persons or domestic animals. If a dog
47 is found off the property of the dog's owner or any property without a
48 leash or other appropriate restraint under such circumstances, the dog

1 and the dog's owner shall be subject to the applicable provisions of
2 P.L.1989, c.307 (C.4:19-17 et seq.), N.J.S.2C:11-2, N.J.S.2C:12-1,
3 N.J.S.2C:24-4, and sections 6 and 7 of P.L. , c. (C.) (pending
4 before the Legislature as this bill).

5 f. Whenever a person registers or licenses a dog with a
6 municipality pursuant to section 2, 3, 4, 5, or 6 of P.L.1941,
7 c.151 (C.4:19-15.2, C.4:19-15.3, C.4:19-15.4, C.4:19-15.5, or C.4:19-
8 15.6), or section 14 or 15 of P.L.1989, c.307 (C.4:19-30 or C.4:19-31),
9 the municipal clerk or other official issuing the license shall provide
10 the person with a copy of the leashing requirements in effect in the
11 municipality, and notice of the provisions of N.J.S.2C:11-2,
12 N.J.S.2C:12-1, N.J.S.2C:24-4, P.L.1989, c.307 (C.4:19-17 et seq.),
13 sections 6 and 7 of P.L. , c. (C.) (pending before the Legislature as this bill), and any
14 ordinance, resolution, or regulation concerning the movement of dogs
15 in the municipality.
16

17 g. (1) The owner of a dog, upon whom specific fencing
18 requirements are imposed pursuant to subsection c. of this section,
19 who is found by clear and convincing evidence to have violated a
20 municipal order issued pursuant to the authority established in
21 subsection c. of this section, shall be subject to a fine of not less than
22 \$250 nor more than \$750 per day of the violation, and each day's
23 continuance of the violation shall constitute a separate and distinct
24 violation.

25 (2) The owner of a dog who is found by clear and convincing
26 evidence to have violated an ordinance, resolution, or regulation
27 concerning the leashing or other restraint of a dog shall be subject to a
28 fine of \$250 for the first violation, \$500 for the second violation, and
29 \$750 for the third and subsequent violations.

30 (3) Fines collected pursuant to this subsection shall be paid to the
31 municipality in which the violation occurred.

32 (4) The municipal court shall have jurisdiction to enforce this
33 subsection.

34 h. As used in this section, "bodily injury" means bodily injury as
35 defined in subsection a. of N.J.S.2C:11-1; and "serious bodily injury"
36 means serious bodily injury as defined in subsection b. of N.J.S.2C:11-
37 1.
38

39 6. (New section) a. An owner whose dog inflicts bodily injury or
40 serious bodily injury upon, or kills, a person, when the dog is not
41 leashed or restrained in a residential neighborhood, park, or other open
42 space accessible to the public, or the owner of the dog fails to comply
43 with court-imposed requirements pursuant to P.L.1989, c.307 (C.4:19-
44 17 et seq.), shall be criminally liable for the injury or death of the
45 person caused by the dog and subject to the applicable provisions of
46 N.J.S.2C:11-2, N.J.S.2C:12-1, N.J.S.2C:24-4, section 7 of P.L. , c. (C.) (pending before the Legislature as this bill), and any other
47 State law. Notwithstanding any provision of section 3 of P.L.1979,
48

1 c.396 (C.2C:46-4) to the contrary, any fines collected from a person
2 convicted pursuant to subsection g. of N.J.S.2C:12-1, paragraph (3) of
3 subsection a. of N.J.S.2C:24-4, or section 7 of P.L. , c. (C.)
4 (pending before the Legislature as this bill) shall be paid to the
5 municipality in which the injury or death occurred.

6 b. As used in subsection a. of this section, “bodily injury” means
7 bodily injury as defined in subsection a. of N.J.S.2C:11-1; and “serious
8 bodily injury” means serious bodily injury as defined in subsection b.
9 of N.J.S.2C:11-1.

10
11 7. (New section) a. Death caused as a result of injuries sustained
12 from a dog attack constitutes criminal homicide when: (1) a person
13 purposely, knowingly, or recklessly allows a dog off leash or fails to
14 restrain a dog in a residential neighborhood, park, or other open space
15 accessible to the public; (2) the dog kills a person in an unprovoked
16 attack; (3) the dog was not defending itself, its offspring, or its owner
17 from injury or an attack; and (4) if the dog was defending its owner,
18 the owner of the dog was not engaged in the commission of a criminal
19 offense.

20 b. Death caused as a result of injuries sustained from a dog attack
21 is a crime of the second degree.

22 c. The provisions of this section are in addition to any provision
23 of P.L.1989, c.307 (C.4:19-17 et seq.) that may apply.

24 d. Notwithstanding any other provision of section 3 of P.L.1979,
25 c.396 (C.2C:46-4) to the contrary, any fines collected pursuant to a
26 conviction shall be paid to the municipality in which the attack
27 occurred.

28
29 8. N.J.S.2C:11-2 is amended to read as follows:

30 2C:11-2. Criminal homicide.

31 a. A person is guilty of criminal homicide if he purposely,
32 knowingly, recklessly or, under the circumstances set forth in
33 N.J.S.2C:11-5 or section 1 of P.L.2017, c.165 (C.2C:11-5.3), causes
34 the death of another human being.

35 b. Criminal homicide is murder, manslaughter **[or]**, death by auto
36 or vessel , or death caused as a result of injuries sustained from a dog
37 attack.

38 (cf: P.L.2017, c.165, s.2)

39
40 9. N.J.S.2C:12-1 is amended to read as follows:

41 2C:12-1. Assault. a. Simple assault. A person is guilty of assault if
42 the person:

43 (1) Attempts to cause or purposely, knowingly or recklessly causes
44 bodily injury to another; or

45 (2) Negligently causes bodily injury to another with a deadly
46 weapon; or

47 (3) Attempts by physical menace to put another in fear of
48 imminent serious bodily injury.

1 Simple assault is a disorderly persons offense unless committed in
2 a fight or scuffle entered into by mutual consent, in which case it is a
3 petty disorderly persons offense.

4 b. Aggravated assault. A person is guilty of aggravated assault if
5 the person:

6 (1) Attempts to cause serious bodily injury to another, or causes
7 injury purposely or knowingly or under circumstances manifesting
8 extreme indifference to the value of human life recklessly causes such
9 injury; or

10 (2) Attempts to cause or purposely or knowingly causes bodily
11 injury to another with a deadly weapon; or

12 (3) Recklessly causes bodily injury to another with a deadly
13 weapon; or

14 (4) Knowingly under circumstances manifesting extreme
15 indifference to the value of human life points a firearm, as defined in
16 subsection f. of N.J.S.2C:39-1, at or in the direction of another,
17 whether or not the actor believes it to be loaded; or

18 (5) Commits a simple assault as defined in paragraph (1), (2), or
19 (3) of subsection a. of this section upon:

20 (a) Any law enforcement officer acting in the performance of the
21 officer's duties while in uniform or exhibiting evidence of authority or
22 because of the officer's status as a law enforcement officer; or

23 (b) Any paid or volunteer firefighter acting in the performance of
24 the firefighter's duties while in uniform or otherwise clearly
25 identifiable as being engaged in the performance of the duties of a
26 firefighter; or

27 (c) Any person engaged in emergency first-aid or medical services
28 acting in the performance of the person's duties while in uniform or
29 otherwise clearly identifiable as being engaged in the performance of
30 emergency first-aid or medical services; or

31 (d) Any school board member, school administrator, teacher,
32 school bus driver, or other employee of a public or nonpublic school or
33 school board while clearly identifiable as being engaged in the
34 performance of the person's duties or because of the person's status as
35 a member or employee of a public or nonpublic school or school board
36 or any school bus driver employed by an operator under contract to a
37 public or nonpublic school or school board while clearly identifiable as
38 being engaged in the performance of the person's duties or because of
39 the person's status as a school bus driver; or

40 (e) Any employee of the Division of Child Protection and
41 Permanency while clearly identifiable as being engaged in the
42 performance of the employee's duties or because of the status as an
43 employee of the division; or

44 (f) Any justice of the Supreme Court, judge of the Superior Court,
45 judge of the Tax Court or municipal judge while clearly identifiable as
46 being engaged in the performance of judicial duties or because of the
47 status as a member of the judiciary; or

- 1 (g) Any operator of a motorbus or the operator's supervisor or any
2 employee of a rail passenger service while clearly identifiable as being
3 engaged in the performance of the person's duties or because of the
4 status as an operator of a motorbus or as the operator's supervisor or as
5 an employee of a rail passenger service; or
- 6 (h) Any Department of Corrections employee, county correctional
7 police officer, juvenile correctional police officer, State juvenile
8 facility employee, juvenile detention staff member, juvenile detention
9 officer, probation officer or any sheriff, undersheriff, or sheriff's
10 officer acting in the performance of the person's duties while in
11 uniform or exhibiting evidence of the person's authority or because of
12 the status as a Department of Corrections employee, county
13 correctional police officer, juvenile correctional police officer, State
14 juvenile facility employee, juvenile detention staff member, juvenile
15 detention officer, probation officer, sheriff, undersheriff, or sheriff's
16 officer; or
- 17 (i) Any employee, including any person employed under contract,
18 of a utility company as defined in section 2 of P.L.1971, c.224
19 (C.2A:42-86) or a cable television company subject to the provisions
20 of the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.)
21 while clearly identifiable as being engaged in the performance of the
22 employee's duties in regard to connecting, disconnecting, or repairing
23 or attempting to connect, disconnect, or repair any gas, electric, or
24 water utility, or cable television or telecommunication service; or
- 25 (j) Any health care worker employed by a licensed health care
26 facility to provide direct patient care, any health care professional
27 licensed or otherwise authorized pursuant to Title 26 or Title 45 of the
28 Revised Statutes to practice a health care profession, except a direct
29 care worker at a State or county psychiatric hospital or State
30 developmental center or veterans' memorial home, while clearly
31 identifiable as being engaged in the duties of providing direct patient
32 care or practicing the health care profession; or
- 33 (k) Any direct care worker at a State or county psychiatric hospital
34 or State developmental center or veterans' memorial home, while
35 clearly identifiable as being engaged in the duties of providing direct
36 patient care or practicing the health care profession, provided that the
37 actor is not a patient or resident at the facility who is classified by the
38 facility as having a mental illness or developmental disability; or
- 39 (6) Causes bodily injury to another person while fleeing or
40 attempting to elude a law enforcement officer in violation of
41 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
42 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any
43 other provision of law to the contrary, a person shall be strictly liable
44 for a violation of this paragraph upon proof of a violation of subsection
45 b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of
46 subsection c. of N.J.S.2C:20-10 which resulted in bodily injury to
47 another person; or

1 (7) Attempts to cause significant bodily injury to another or causes
2 significant bodily injury purposely or knowingly or, under
3 circumstances manifesting extreme indifference to the value of human
4 life recklessly causes such significant bodily injury; or

5 (8) Causes bodily injury by knowingly or purposely starting a fire
6 or causing an explosion in violation of N.J.S.2C:17-1 which results in
7 bodily injury to any emergency services personnel involved in fire
8 suppression activities, rendering emergency medical services resulting
9 from the fire or explosion or rescue operations, or rendering any
10 necessary assistance at the scene of the fire or explosion, including any
11 bodily injury sustained while responding to the scene of a reported fire
12 or explosion. For purposes of this paragraph, "emergency services
13 personnel" shall include, but not be limited to, any paid or volunteer
14 firefighter, any person engaged in emergency first-aid or medical
15 services and any law enforcement officer. Notwithstanding any other
16 provision of law to the contrary, a person shall be strictly liable for a
17 violation of this paragraph upon proof of a violation of N.J.S.2C:17-1
18 which resulted in bodily injury to any emergency services personnel;
19 or

20 (9) Knowingly, under circumstances manifesting extreme
21 indifference to the value of human life, points or displays a firearm, as
22 defined in subsection f. of N.J.S.2C:39-1, at or in the direction of a law
23 enforcement officer; or

24 (10) Knowingly points, displays or uses an imitation firearm, as
25 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a
26 law enforcement officer with the purpose to intimidate, threaten, or
27 attempt to put the officer in fear of bodily injury or for any unlawful
28 purpose; or

29 (11) Uses or activates a laser sighting system or device, or a
30 system or device which, in the manner used, would cause a reasonable
31 person to believe that it is a laser sighting system or device, against a
32 law enforcement officer acting in the performance of the officer's
33 duties while in uniform or exhibiting evidence of the officer's
34 authority. As used in this paragraph, "laser sighting system or device"
35 means any system or device that is integrated with or affixed to a
36 firearm and emits a laser light beam that is used to assist in the sight
37 alignment or aiming of the firearm; or

38 (12) Attempts to cause significant bodily injury or causes
39 significant bodily injury purposely or knowingly or, under
40 circumstances manifesting extreme indifference to the value of human
41 life, recklessly causes significant bodily injury to a person who, with
42 respect to the actor, meets the definition of a victim of domestic
43 violence, as defined in subsection d. of section 3 of P.L.1991, c.261
44 (C.2C:25-19); or

45 (13) Knowingly or, under circumstances manifesting extreme
46 indifference to the value of human life, recklessly obstructs the
47 breathing or blood circulation of a person who, with respect to the
48 actor, meets the definition of a victim of domestic violence, as defined

1 in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19), by
2 applying pressure on the throat or neck or blocking the nose or mouth
3 of such person, thereby causing or attempting to cause bodily injury.

4 Aggravated assault under paragraphs (1) and (6) of subsection b. of
5 this section is a crime of the second degree; under paragraphs (2), (7),
6 (9), and (10) of subsection b. of this section is a crime of the third
7 degree; under paragraphs (3) and (4) of subsection b. of this section is
8 a crime of the fourth degree; and under paragraph (5) of subsection b.
9 of this section is a crime of the third degree if the victim suffers bodily
10 injury, otherwise it is a crime of the fourth degree. Aggravated assault
11 under paragraph (8) of subsection b. of this section is a crime of the
12 third degree if the victim suffers bodily injury; if the victim suffers
13 significant bodily injury or serious bodily injury it is a crime of the
14 second degree. Aggravated assault under paragraph (11) of subsection
15 b. of this section is a crime of the third degree. Aggravated assault
16 under paragraph (12) of subsection b. of this section is a crime of the
17 third degree but the presumption of non-imprisonment set forth in
18 subsection e. of N.J.S.2C:44-1 for a first offense of a crime of the third
19 degree shall not apply. Aggravated assault under paragraph (13) of
20 subsection b. of this section is a crime of the second degree.

21 c. (1) A person is guilty of assault by auto or vessel when the
22 person drives a vehicle or vessel recklessly and causes either serious
23 bodily injury or bodily injury to another. Assault by auto or vessel is a
24 crime of the fourth degree if serious bodily injury results and is a
25 disorderly persons offense if bodily injury results. Proof that the
26 defendant was operating a hand-held wireless telephone while driving
27 a motor vehicle in violation of section 1 of P.L.2003, c.310 (C.39:4-
28 97.3) may give rise to an inference that the defendant was driving
29 recklessly.

30 (2) Assault by auto or vessel is a crime of the third degree if the
31 person drives the vehicle while in violation of R.S.39:4-50 or section 2
32 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily injury results and
33 is a crime of the fourth degree if the person drives the vehicle while in
34 violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a)
35 and bodily injury results.

36 (3) Assault by auto or vessel is a crime of the second degree if
37 serious bodily injury results from the defendant operating the auto or
38 vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,
39 c.512 (C.39:4-50.4a) while:

40 (a) on any school property used for school purposes which is
41 owned by or leased to any elementary or secondary school or school
42 board, or within 1,000 feet of such school property;

43 (b) driving through a school crossing as defined in R.S.39:1-1 if
44 the municipality, by ordinance or resolution, has designated the school
45 crossing as such; or

46 (c) driving through a school crossing as defined in R.S.39:1-1
47 knowing that juveniles are present if the municipality has not
48 designated the school crossing as such by ordinance or resolution.

1 Assault by auto or vessel is a crime of the third degree if bodily
2 injury results from the defendant operating the auto or vessel in
3 violation of this paragraph.

4 A map or true copy of a map depicting the location and boundaries
5 of the area on or within 1,000 feet of any property used for school
6 purposes which is owned by or leased to any elementary or secondary
7 school or school board produced pursuant to section 1 of P.L.1987,
8 c.101 (C.2C:35-7) may be used in a prosecution under subparagraph
9 (a) of paragraph (3) of this subsection.

10 It shall be no defense to a prosecution for a violation of
11 subparagraph (a) or (b) of paragraph (3) of this subsection that the
12 defendant was unaware that the prohibited conduct took place while on
13 or within 1,000 feet of any school property or while driving through a
14 school crossing. Nor shall it be a defense to a prosecution under
15 subparagraph (a) or (b) of paragraph (3) of this subsection that no
16 juveniles were present on the school property or crossing zone at the
17 time of the offense or that the school was not in session.

18 (4) Assault by auto or vessel is a crime of the third degree if the
19 person purposely drives a vehicle in an aggressive manner directed at
20 another vehicle and serious bodily injury results and is a crime of the
21 fourth degree if the person purposely drives a vehicle in an aggressive
22 manner directed at another vehicle and bodily injury results. For
23 purposes of this paragraph, "driving a vehicle in an aggressive
24 manner" shall include, but is not limited to, unexpectedly altering the
25 speed of the vehicle, making improper or erratic traffic lane changes,
26 disregarding traffic control devices, failing to yield the right of way, or
27 following another vehicle too closely.

28 As used in this subsection, "vessel" means a means of conveyance
29 for travel on water and propelled otherwise than by muscular power.

30 d. A person who is employed by a facility as defined in section 2
31 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
32 defined in paragraph (1) or (2) of subsection a. of this section upon an
33 institutionalized elderly person as defined in section 2 of P.L.1977,
34 c.239 (C.52:27G-2) is guilty of a crime of the fourth degree.

35 e. (Deleted by amendment, P.L.2001, c.443).

36 f. A person who commits a simple assault as defined in paragraph
37 (1), (2), or (3) of subsection a. of this section in the presence of a child
38 under 16 years of age at a school or community sponsored youth sports
39 event is guilty of a crime of the fourth degree. The defendant shall be
40 strictly liable upon proof that the offense occurred, in fact, in the
41 presence of a child under 16 years of age. It shall not be a defense that
42 the defendant did not know that the child was present or reasonably
43 believed that the child was 16 years of age or older. The provisions of
44 this subsection shall not be construed to create any liability on the part
45 of a participant in a youth sports event or to abrogate any immunity or
46 defense available to a participant in a youth sports event. As used in
47 this act, "school or community sponsored youth sports event" means a
48 competition, practice, or instructional event involving one or more

1 interscholastic sports teams or youth sports teams organized pursuant
2 to a nonprofit or similar charter or which are member teams in a youth
3 league organized by or affiliated with a county or municipal recreation
4 department and shall not include collegiate, semi-professional or
5 professional sporting events.

6 g. (1) The owner of a dog is guilty of assault when the owner
7 purposely, knowingly, or recklessly allows the owner's dog off leash
8 or fails to restrain the dog in a residential neighborhood, park, or other
9 open space accessible to the public, or fails to comply with court-
10 imposed requirements pursuant to P.L.1989, c.307 (C.4:19-17 et seq.),
11 and the dog causes either serious bodily injury or bodily injury to a
12 person.

13 (2) The owner of a dog is guilty of assault as a crime of the fourth
14 degree, pursuant to this subsection, if the owner purposely, knowingly,
15 or recklessly allows the owner's dog off leash or fails to restrain the
16 dog in a residential neighborhood, park, or other open space accessible
17 to the public, or fails to comply with court-imposed requirements
18 pursuant to P.L.1989, c.307 (C.4:19-17 et seq.), and the dog inflicts
19 any bodily injury, other than serious bodily injury, upon a person.

20 (3) The owner of a dog is guilty of aggravated assault as a crime
21 of the third degree, pursuant to this subsection, if the owner purposely,
22 knowingly, or recklessly allows the owner's dog off leash or fails to
23 restrain the dog in a residential neighborhood, park, or other open
24 space accessible to the public, or fails to comply with court-imposed
25 requirements pursuant to P.L.1989, c.307 (C.4:19-17 et seq.), and the
26 dog inflicts serious bodily injury upon a person.

27 (4) The provisions of this subsection shall not apply to the owner
28 of a dog whose dog inflicts bodily injury or serious bodily injury to a
29 person when: (a) the dog is provoked, or (b) the dog is defending
30 itself, its offspring, or its owner from injury or an attack, provided that,
31 if the dog is defending its owner, the owner is not engaged in the
32 commission of a criminal offense.

33 (5) Notwithstanding any other provision of section 3 of P.L.1979,
34 c.396 (C.2C:46-4) to the contrary, any fines collected pursuant to a
35 conviction under this subsection shall be paid to the municipality in
36 which the attack occurred.

37 (cf: P.L.2021, c.172, s.1)

38
39 10. N.J.S.2C:24-4 is amended to read as follows:

40 2C:24-4. Endangering Welfare of Children.

41 a. (1) Any person having a legal duty for the care of a child or
42 who has assumed responsibility for the care of a child who engages in
43 sexual conduct which would impair or debauch the morals of the child
44 is guilty of a crime of the second degree. Any other person who
45 engages in conduct or who causes harm as described in this paragraph
46 to a child is guilty of a crime of the third degree.

47 (2) Any person having a legal duty for the care of a child or who
48 has assumed responsibility for the care of a child who causes the child

1 harm that would make the child an abused or neglected child as
2 defined in R.S.9:6-1, R.S.9:6-3, and section 1 of P.L.1974, c.119
3 (C.9:6-8.21) is guilty of a crime of the second degree. Any other
4 person who engages in conduct or who causes harm as described in
5 this paragraph to a child is guilty of a crime of the third degree.

6 (3) Any person who purposely, knowingly, or recklessly allows a
7 dog off leash or fails to restrain the dog in a residential neighborhood,
8 park, or other open space accessible to the public, in which a child
9 may be present, and the dog kills a child, the person is guilty of a
10 crime of the second degree. If the dog inflicts serious bodily injury
11 upon a child, the person is guilty of a crime of the third degree. If the
12 dog inflicts any other bodily injury upon a child, the person is guilty of
13 a crime of the fourth degree. If the dog is discovered off leash or
14 unrestrained and attacks a child, and does not inflict any bodily injury
15 upon the child, the person is guilty of a disorderly persons offense.
16 The provisions of this paragraph are in addition to any provisions of
17 P.L.1989, c.307 (C.4:19-17 et seq.) that may apply. Notwithstanding
18 any provision of section 3 of P.L.1979, c.396 (C.2C:46-4) to the
19 contrary, any fines collected pursuant to a conviction under this
20 section shall be paid to the municipality in which the violation
21 occurred.

22 (4) The relevant offenses established pursuant to paragraph (3) of
23 this subsection shall not apply to the owner of a dog whose dog attacks
24 a child if: (a) the dog is provoked; or (b) the dog is defending itself, its
25 offspring, or its owner from injury or an attack, provided that, if the
26 dog is defending its owner, the owner is not engaged in the
27 commission of a criminal offense.

28 b. (1) As used in this subsection:

29 "Child" means any person under 18 years of age.

30 "Distribute" means to sell, or to manufacture, give, provide, lend,
31 trade, mail, deliver, publish, circulate, disseminate, present, exhibit,
32 display, share, advertise, offer, or make available via the Internet or by
33 any other means, whether for pecuniary gain or not. The term also
34 includes an agreement or attempt to distribute.

35 "File-sharing program" means a computer program, application,
36 software or operating system that allows the user of a computer on
37 which such program, application, software or operating system is
38 installed to designate files as available for searching by and copying to
39 one or more other computers, to transmit such designated files directly
40 to one or more other computers, and to request the transmission of
41 such designated files directly from one or more other computers. The
42 term "file-sharing program" includes but is not limited to a computer
43 program, application or software that enables a computer user to
44 participate in a peer-to-peer network.

45 "Internet" means the international computer network of both
46 federal and non-federal interoperable packet switched data networks.

47 "Item depicting the sexual exploitation or abuse of a child" means
48 a photograph, film, video, an electronic, electromagnetic or digital

1 recording, an image stored or maintained in a computer program or file
2 or in a portion of a file, or any other reproduction or reconstruction
3 which:

4 (a) depicts a child engaging in a prohibited sexual act or in the
5 simulation of such an act; or

6 (b) portrays a child in a sexually suggestive manner.

7 "Peer-to-peer network" means a connection of computer systems
8 through which files are shared directly between the systems on a
9 network without the need of a central server.

10 "Portray a child in a sexually suggestive manner" means:

11 (a) to depict a child's less than completely and opaquely covered
12 intimate parts, as defined in N.J.S.2C:14-1, in a manner that, by means
13 of the posing, composition, format, or animated sensual details, emits
14 sensuality with sufficient impact to concentrate prurient interest on the
15 child; or

16 (b) to depict any form of contact with a child's intimate parts, as
17 defined in N.J.S.2C:14-1, in a manner that, by means of the posing,
18 composition, format, or animated sensual details, emits sensuality with
19 sufficient impact to concentrate prurient interest on the child; or

20 (c) to otherwise depict a child for the purpose of sexual stimulation
21 or gratification of any person who may view the depiction where the
22 depiction does not have serious literary, artistic, political, or scientific
23 value.

24 "Prohibited sexual act" means

25 (a) Sexual intercourse; or

26 (b) Anal intercourse; or

27 (c) Masturbation; or

28 (d) Bestiality; or

29 (e) Sadism; or

30 (f) Masochism; or

31 (g) Fellatio; or

32 (h) Cunnilingus; or

33 (i) Nudity, if depicted for the purpose of sexual stimulation or
34 gratification of any person who may view such depiction; or

35 (j) Any act of sexual penetration or sexual contact as defined in
36 N.J.S.2C:14-1.

37 "Reproduction" means, but is not limited to, computer generated
38 images.

39 (2) (Deleted by amendment, P.L.2001, c.291).

40 (3) A person commits a crime of the first degree if he causes or
41 permits a child to engage in a prohibited sexual act or in the simulation
42 of such an act or to be portrayed in a sexually suggestive manner if the
43 person knows, has reason to know or intends that the prohibited act or
44 portrayal may be photographed, filmed, reproduced, or reconstructed
45 in any manner, including on the Internet, or may be part of an
46 exhibition or performance.

47 (4) A person commits a crime of the second degree if he
48 photographs or films a child in a prohibited sexual act or in the

1 simulation of such an act or for portrayal in a sexually suggestive
2 manner or who uses any device, including a computer, to reproduce or
3 reconstruct the image of a child in a prohibited sexual act or in the
4 simulation of such an act or for portrayal in a sexually suggestive
5 manner.

6 (5) (a) A person commits a crime if, by any means, including but
7 not limited to the Internet, he:

8 (i) knowingly distributes an item depicting the sexual exploitation
9 or abuse of a child;

10 (ii) knowingly possesses an item depicting the sexual exploitation
11 or abuse of a child with the intent to distribute that item; or

12 (iii) knowingly stores or maintains an item depicting the sexual
13 exploitation or abuse of a child using a file-sharing program which is
14 designated as available for searching by or copying to one or more
15 other computers.

16 In a prosecution under sub-subparagraph (iii) of this subparagraph,
17 the State shall not be required to offer proof that an item depicting the
18 sexual exploitation or abuse of a child had actually been searched,
19 copied, transmitted or viewed by another user of the file-sharing
20 program, or by any other person, and it shall be no defense that the
21 defendant did not intend to distribute the item to another user of the
22 file-sharing program or to any other person. Nor shall the State be
23 required to prove that the defendant was aware that the item depicting
24 the sexual exploitation or abuse of a child was available for searching
25 or copying to one or more other computers, and the defendant shall be
26 strictly liable for failing to designate the item as not available for
27 searching or copying by one or more other computers.

28 A violation of this subparagraph that involves 1,000 or more items
29 depicting the sexual exploitation or abuse of a child is a crime of the
30 first degree; otherwise it is a crime of the second degree.

31 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6,
32 a person whose offense under this subparagraph involved at least 25
33 but less than 1,000 items depicting the sexual exploitation or abuse of
34 a child shall be sentenced to a mandatory minimum term of
35 imprisonment, which shall be fixed at, or between, one-third and one-
36 half of the sentence imposed by the court or five years, whichever is
37 greater, during which the defendant shall be ineligible for parole.

38 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6,
39 a person whose offense under this subparagraph involved 1,000 or
40 more items depicting the sexual exploitation or abuse of a child shall
41 be sentenced to a mandatory minimum term of imprisonment, which
42 shall be fixed at, or between, one-third and one-half of the sentence
43 imposed by the court or 10 years, whichever is greater, during which
44 the defendant shall be ineligible for parole.

45 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6,
46 a person convicted of a second or subsequent offense under this
47 subparagraph shall be sentenced to an extended term of imprisonment
48 as set forth in N.J.S.2C:43-7. For the purposes of this subparagraph, an

1 offense is considered a second or subsequent offense if the actor has at
2 any time been convicted pursuant to paragraph (3), (4), or (5) of this
3 subsection, or under any similar statute of the United States, this State,
4 or any other state for an offense that is substantially equivalent to
5 paragraph (3), (4), or (5) of this subsection.

6 For purposes of this subparagraph, the term "possess" includes
7 receiving, viewing, or having under one's control, through any means,
8 including the Internet.

9 (b) (i) A person commits a crime of the first degree if he
10 knowingly possesses, knowingly views, or knowingly has under his
11 control, through any means, including the Internet, 100,000 or more
12 items depicting the sexual exploitation or abuse of a child.

13 (ii) A person commits a crime of the second degree if he
14 knowingly possesses, knowingly views, or knowingly has under his
15 control, through any means, including the Internet, at least 1,000 but
16 less than 100,000 items depicting the sexual exploitation or abuse of a
17 child.

18 (iii) A person commits a crime of the third degree if he knowingly
19 possesses, knowingly views, or knowingly has under his control,
20 through any means, including the Internet, less than 1,000 items
21 depicting the sexual exploitation or abuse of a child.

22 Notwithstanding the provisions of subsection e. of N.J.S.2C:44-1,
23 in any instance where a person was convicted of an offense under this
24 subparagraph that involved 100 or more items depicting the sexual
25 exploitation or abuse of a child, the court shall impose a sentence of
26 imprisonment unless, having regard to the character and condition of
27 the defendant, it is of the opinion that imprisonment would be a
28 serious injustice which overrides the need to deter such conduct by
29 others.

30 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6,
31 a person convicted of a second or subsequent offense under this
32 subparagraph shall be sentenced to an extended term of imprisonment
33 as set forth in N.J.S.2C:43-7. For the purposes of this subparagraph, an
34 offense is considered a second or subsequent offense if the actor has at
35 any time been convicted pursuant to paragraph (3), (4), or (5) of this
36 subsection, or under any similar statute of the United States, this State,
37 or any other state for an offense that is substantially equivalent to
38 paragraph (3), (4), or (5) of this subsection.

39 Nothing in this subparagraph shall be construed to preclude or
40 limit any prosecution or conviction for the offense set forth in
41 subparagraph (a) of this paragraph.

42 (6) For purposes of this subsection, a person who is depicted as or
43 presents the appearance of being under the age of 18 in any
44 photograph, film, videotape, computer program or file, video game, or
45 any other reproduction or reconstruction shall be rebuttably presumed
46 to be under the age of 18. If the child who is depicted as engaging in,
47 or who is caused to engage in, a prohibited sexual act or simulation of
48 a prohibited sexual act or portrayed in a sexually suggestive manner is

1 under the age of 18, the actor shall be strictly liable and it shall not be
2 a defense that the actor did not know that the child was under the age
3 of 18, nor shall it be a defense that the actor believed that the child was
4 18 years of age or older, even if such a mistaken belief was reasonable.

5 (7) For aggregation purposes, each depiction of the sexual
6 exploitation or abuse of a child shall be considered a separate item,
7 provided that each depiction that is in the form of a photograph,
8 picture, image, or visual depiction of a similar nature shall be
9 considered to be one item and each depiction that is in the form of a
10 film, video, video-clip, movie, or visual depiction of a similar nature
11 shall be considered to be 10 separate items, and each individual act of
12 distribution of an item depicting the sexual exploitation or abuse of a
13 child shall be considered a separate item. For purposes of determining
14 the number of items depicting the sexual exploitation or abuse of a
15 child for purposes of sentencing pursuant to subparagraph (a) of
16 paragraph (5) of this subsection, the court shall aggregate all items
17 involved, whether the act or acts constituting the violation occurred at
18 the same time or at different times and, with respect to distribution,
19 whether the act or acts of distribution were to the same person or
20 several persons or occurred at different times, provided that each
21 individual act was committed within the applicable statute of
22 limitations. For purposes of determining the number of items
23 depicting the sexual exploitation or abuse of a child for purposes of
24 sentencing pursuant to subparagraph (b) of paragraph (5) of this
25 subsection, the court shall aggregate all items involved, whether the
26 possession of such items occurred at the same time or at different
27 times, provided that each individual act was committed within the
28 applicable statute of limitations.

29 (cf: P.L.2017, c.141, s.1)

30
31 11. Section 11 of P.L.1941, c.151 (C.4:19-15.11) is amended to
32 read as follows:

33 11. License fees and other moneys collected or received under the
34 provisions of sections 3, 8, 9 and 16 of P.L.1941, c.151 (C.4:19-15.3,
35 C.4:19-15.8, C.4:19-15.9, and C.4:19-15.16), except registration tag
36 fees, shall be forwarded to the treasurer of the municipality within 30
37 days after collection or receipt and shall be placed in a special account
38 separate from any of the other accounts of the municipality and shall
39 be used for the following purposes only: for collecting, keeping, and
40 disposing of dogs liable to seizure under P.L.1941, c.151 (C.4:19-15.1
41 et seq.) or under local dog control ordinances; for the enforcement of
42 the dog control requirements established pursuant to
43 P.L. , c. (C.) (pending before the Legislature as this bill); for
44 local prevention and control of rabies; for providing antirabic
45 treatment under the direction of the local board of health for any
46 person known or suspected to have been exposed to rabies; for
47 payment of damage to or losses of poultry and domestic animals,
48 except dogs and cats, caused by a dog or dogs; for compliance with the

requirements of subsection b. of section 6 of P.L.2017, c.189 (C.4:22-17.6); and for administering the provisions of P.L.1941, c.151 (C.4:19-15.1 et seq.). A portion in the special account allocated by the municipality for enforcement of the dog control requirements established pursuant to P.L. , c. (C.) (pending before the Legislature as this bill) may be transferred and deposited, for these purposes, into the dedicated fund established pursuant to subsection b. of section 4 of P.L. , c. (C.) (pending before the Legislature as this bill). Any unexpended balance remaining in the special account shall be retained therein until the end of the third fiscal year following and may be used for any of the purposes set forth in this section. At the end of the third fiscal year following, and at the end of each fiscal year thereafter, there shall be transferred from the special account to the general funds of the municipality any amount then in the account which is in excess of the total amount paid into the special account during the last two fiscal years next preceding.

The registration tag fee for each dog shall be forwarded within 30 days after collection by the clerk or other official designated to license dogs to the State Department of Health which department shall forward the sum to the State Treasurer who shall place all such moneys in a special account for use only by the State Department of Health in administering P.L.1941, c.151 (C.4:19-15.1 et seq.) and for the prevention and control of rabies throughout the State, and such account is hereby declared to be a trust fund not subject to legislative appropriation. At the end of the third fiscal year following the adoption of P.L.1941, c.151 (C.4:19-15.1 et seq.) and at the end of each fiscal year thereafter, there shall be withdrawn from this trust fund and transferred to the general funds of the State any amount then in the trust fund which is in excess of the total amount paid into the trust fund during the last two fiscal years next preceding.

(cf: P.L.2017, c.189, s.10)

12. Section 6 of P.L.1989, c.307 (C.4:19-22) is amended to read as follows:

6. a. The municipal court shall declare the dog vicious if it finds by clear and convincing evidence that the dog:

(1) killed a person or caused serious bodily injury to a person;
or

(2) (Deleted by amendment, P.L.2019, c.82).

b. A dog shall not be declared vicious for inflicting death or serious bodily injury upon a person if the dog was provoked. The municipality shall bear the burden of proof to demonstrate that the dog was not provoked.

c. If the municipal court declares a dog to be vicious, and no appeal is made of this ruling pursuant to section 9 of P.L.1989, c.307 (C.4:19-25), the court may order:

(1) the dog's owner to comply with certain restrictions to protect the public that are at least as stringent as the requirements for

1 potentially dangerous dogs pursuant to section 8 of P.L.1989, c.307
2 (C.4:19-24) and section 12 of P.L.1989, c.307 (C.4:19-28); or

3 (2) the dog to be euthanized in a humane and expeditious
4 manner, except that no dog may be euthanized during the pendency
5 of an appeal.

6 If the municipal court does not order the vicious dog to be
7 euthanized, the court shall order compliance with section 8 of
8 P.L.1989, c.307 (C.4:19-24) and section 12 of P.L.1989, c.307
9 (C.4:19-28), as provided by paragraph (1) of this subsection.

10 d. As used in this section, "serious bodily injury" means
11 serious bodily injury as defined in subsection b. of N.J.S.2C:11-1.
12 (cf: P.L.2019, c.82, s.1)

13

14 13. Section 8 of P.L.1989, c.307 (C.4:19-24) is amended to read
15 as follows:

16 8. a. If the municipal court either declares the dog to be
17 potentially dangerous **[, it]** or declares the dog to be vicious and
18 does not order the dog to be euthanized, the municipal court shall
19 issue an order and a schedule for compliance, which, in part **['**:

20 a. **['** , shall require the owner to comply with the following
21 conditions:

22 (1) to apply, at **[his own]** the owner's expense, to the municipal
23 clerk or other official designated to license dogs pursuant to section
24 2 of P.L.1941, c.151 (C.4:19-15.2), for a special municipal
25 potentially dangerous dog or vicious dog license, as applicable,
26 with municipal registration number **[']** and red identification tag
27 issued pursuant to section 14 of **[this act]** P.L.1989, c.307 (C.4:19-
28 30). The owner shall, at **[his own]** the owner's expense, have the
29 registration number tattooed upon the dog in a prominent location.
30 A potentially dangerous dog or vicious dog shall be impounded
31 until the owner obtains a municipal potentially dangerous dog
32 license or municipal vicious dog license, as applicable, with
33 municipal registration number **[']** and red identification tag;

34 (2) to display, in a conspicuous manner, a sign on **[his]** the
35 owner's premises warning that a potentially dangerous dog or
36 vicious dog, as applicable, is on the premises. The sign shall be
37 visible and legible from 50 feet of the enclosure required pursuant
38 to paragraph (3) of this subsection;

39 (3) to immediately erect and maintain an enclosure for the
40 potentially dangerous dog or vicious dog, as applicable, on the
41 property where the potentially dangerous dog or vicious dog will be
42 kept and maintained, which **[has]** enclosure shall have sound sides,
43 top, and bottom to prevent the potentially dangerous dog or vicious
44 dog from escaping by climbing, jumping, or digging and shall be
45 within a fence that is at least six feet **[in height]** high and
46 separated, by at least three feet, from the confined area. The owner
47 of a potentially dangerous dog or vicious dog shall securely lock the

1 enclosure to prevent the entry of the general public and to preclude
2 any release or escape of a potentially dangerous dog or vicious dog
3 by an unknowing child or other person. All potentially dangerous
4 dogs or vicious dogs shall be confined in the enclosure or, if taken
5 out of the enclosure, securely muzzled and restrained with a tether
6 approved by the animal control officer and having a minimum
7 tensile strength sufficiently in excess of that required to restrict the
8 **【potentially dangerous】** dog's movements to a radius of no more
9 than three feet from the owner and under the direct supervision of
10 the owner;

11 **【b. may】** and (4) require the owner to maintain liability
12 insurance in an amount determined by the municipal court to cover
13 any damage or injury caused by the potentially dangerous dog or
14 vicious dog, as the case may be. The liability insurance, which may
15 be separate from any other homeowner policy, shall contain a
16 provision requiring the municipality in which the owner resides to
17 be named as an additional insured for the sole purpose of being
18 notified by the insurance company of any cancellation, termination,
19 or expiration of the liability insurance policy.

20 b. The municipal court may order any additional requirements
21 for compliance by an owner of a vicious dog that the court
22 determines to be necessary for a vicious dog but not necessary for a
23 potentially dangerous dog.

24 (cf: P.L.1994, c.187, s.5)

25

26 14. Section 12 of P.L.1989, c.307 (C.4:19-28) is amended to
27 read as follows:

28 12. The owner of a potentially dangerous dog or a vicious dog
29 that is not ordered to be euthanized shall:

30 a. comply with the provisions of P.L.1989, c.307 (C.4:19-17 et
31 seq.) in accordance with a schedule established by the municipal
32 court, but in no case more than 60 days subsequent to the date of
33 determination;

34 b. notify the licensing authority, local police department or
35 force, and the animal control officer if a potentially dangerous dog
36 or vicious dog is at large, or has attacked a human being or killed a
37 domestic animal;

38 c. notify the licensing authority, local police department or
39 force, and the animal control officer within 24 hours of the death,
40 sale or donation of a potentially dangerous dog or vicious dog;

41 d. prior to selling or donating the dog, inform the prospective
42 owner that the dog has been declared potentially dangerous or
43 vicious, as applicable;

44 e. upon the sale or donation of the dog to a person residing in a
45 different municipality, notify the department and the licensing
46 authority, police department or force, and animal control officer of
47 that municipality of the transfer of ownership and the name,
48 address, and telephone of the new owner; and

1 f. in addition to any license fee required pursuant to section 3 of
2 P.L.1941, c.151 (C.4:19-15.3), pay a potentially dangerous dog
3 license fee or vicious dog license fee, as applicable to the
4 municipality, as provided by section 15 of P.L.1989, c.307 (C.4:19-
5 31).

6 (cf: P.L.1994, c.187, s.9)

7
8 15. Section 13 of P.L.1989, c.307 (C.4:19-29) is amended to
9 read as follows:

10 13. The owner of a potentially dangerous dog or a vicious dog
11 who is found, by clear and convincing evidence, to have violated
12 **[this act,]** P.L.1989, c.307 (C.4:19-17 et seq.) or any rule or
13 regulation adopted pursuant thereto, or to have failed to comply
14 with a court's order, shall be subject to a fine of not more than
15 \$1,000 per day of the violation, and each day's continuance of the
16 violation shall constitute a separate and distinct violation. The
17 municipal court shall have jurisdiction to enforce this section. An
18 animal control officer is authorized to seize and impound any
19 potentially dangerous dog or vicious dog whose owner fails to
20 comply with the provisions of P.L.1989, c.307 (C.4:19-17 et seq.),
21 **[or]** any rule or regulation adopted pursuant thereto, or a court's
22 order. The municipal court may order that the dog so seized and
23 impounded be destroyed in an expeditious and humane manner.

24 (cf: P.L.1994, c.187, s.10)

25
26 16. Section 14 of P.L.1989, c.307 (C.4:19-30) is amended to
27 read as follows:

28 14. **[Each]** a. For a dog declared potentially dangerous, each
29 municipality shall**[:]**

30 a.] issue a potentially dangerous dog registration number and red
31 identification tag along with a municipal potentially dangerous dog
32 license upon a demonstration of sufficient evidence by the owner to
33 the animal control officer that **[he]** the owner has complied with
34 the court's orders. The last three digits of each potentially
35 dangerous dog registration number issued by a municipality will be
36 the three number code assigned to that municipality in the
37 regulations promulgated pursuant to section 17 of P.L.1989, c.307
38 (C.4:19-33). **[The animal control officer shall verify, in writing,**
39 **compliance to the municipal clerk or other official designated to**
40 **license dogs in the municipality;]** The animal control officer shall
41 verify an owner's compliance with the provisions of this subsection
42 by submitting a verification statement, in writing, to the municipal
43 clerk or other official designated to license dogs in the municipality.

44 b. Each municipality shall issue a vicious dog registration
45 number and red identification tag, together with a municipal vicious
46 dog license, upon a demonstration of sufficient evidence by the
47 owner, to the animal control officer, indicating that the owner has

1 complied with the court's orders in association with the court's
2 declaration of viciousness. The last digits of each vicious dog
3 registration number issued by a municipality will be the code
4 assigned to that municipality in the regulations promulgated
5 pursuant to section 17 of P.L.1989, c.307 (C.4:19-33). The animal
6 control officer shall verify an owner's compliance with the
7 provisions of this subsection by submitting a verification statement,
8 in writing, to the municipal clerk or other official designated to
9 license dogs in the municipality.

10 c. Each municipality shall publicize a telephone number for
11 reporting violations of [this act] P.L.1989, c.307 (C.4:19-17 et
12 seq.). This telephone number shall be forwarded to the department
13 and any changes in this number shall be reported immediately to the
14 department.

15 (cf: P.L.1994, c.187, s.11)

16
17 17. Section 15 of P.L.1989, c.307 (C.4:19-31) is amended to
18 read as follows:

19 15. Every municipality may, by ordinance, fix the sum to be
20 paid annually for a potentially dangerous dog license or a vicious
21 dog license and each renewal thereof, which sum shall not be less
22 than \$150 nor more than \$700. In the absence of any local
23 ordinance, the fee for all potentially dangerous dog licenses and
24 vicious dog licenses shall be \$150.

25 (cf: P.L.1989, c.307, s.15)

26
27 18. Section 16 of P.L.1989, c.307 (C.4:19-32) is amended to
28 read as follows:

29 16. The animal control officer shall inspect the enclosure and
30 the owner's property at least monthly to determine continuing
31 compliance with [paragraphs (2) and (3) of subsection a. of]
32 section 8 of [this act] P.L.1989, c.307 (C.4:19-24).

33 (cf: P.L.1989, c.307, s.16)

34
35 19. Section 17 of P.L.1989, c.307 (C.4:19-33) is amended to
36 read as follows:

37 17. a. The department shall promulgate regulations establishing
38 a uniform Statewide system for municipal registration of potentially
39 dangerous dogs. The regulations shall assign each municipality or
40 other authority registering potentially dangerous dogs a three
41 number code. This three number code shall comprise the last three
42 digits of each registration number issued by that municipality or
43 authority for potentially dangerous dogs and shall be preceded on
44 each dog's identification by a number sequentially issued by the
45 municipality.

46 b. The department shall promulgate regulations establishing a
47 uniform Statewide system for municipal registration of dogs that are
48 declared vicious, but are not euthanized. The regulations shall

1 assign each municipality or other authority registering vicious dogs
2 an appropriate code to distinguish the dogs from potentially
3 dangerous dogs and other dogs registered in the municipality. The
4 assigned code shall comprise the last three digits of each
5 registration number issued by that municipality or authority for
6 vicious dogs and shall be preceded on each dog's identification by a
7 number sequentially issued by the municipality.

8 (cf: P.L.1989, c.307, s.17)

9
10 20. This act shall take effect immediately.

11
12
13 STATEMENT

14
15 This bill, to be known as the “Responsible Dog Ownership Act,”
16 provides for the protection of the public, especially children, from
17 unrestrained dogs. It requires the establishment of leashing and
18 fencing requirements to be implemented by municipalities
19 throughout the State; amends the State vicious dog law to clarify
20 enforcement of that law in conjunction with the provisions of the
21 bill; and establishes new criminal offenses involving dog attacks
22 and criminal liability for owners of the dogs involved.

23 Specifically, the bill requires the Department of Health (DOH) to
24 adopt, within 180 days after the date of enactment and after
25 consulting with the New Jersey Certified Animal Control Officers
26 Association, the League of Municipalities, and the New Jersey
27 Veterinary Medical Association, rules and regulations establishing:

28 (1) standards for leashing, restraining, and otherwise restricting
29 the free movement of a dog when it is off the property of its owner;

30 (2) standards and requirements for fencing when fencing of a
31 dog may be required pursuant to section 6 of the bill, including (a)
32 the appropriate height, dimensions, and other requirements for an
33 enclosed fenced area to properly protect the public and ensure the
34 well-being of the dog, and (b) exemptions or fencing compliance
35 options for residents of condominiums, townhouses, and apartments
36 and other rental properties;

37 (3) circumstances warranting exemption from the leashing
38 requirement established in section 6 of the bill, including, but not
39 limited to, exercising dogs in dog parks; and

40 (4) any other requirements for the control and regulation of the
41 free movement of dogs of all sizes, which are determined by the
42 DOH to be appropriate, reasonable, and necessary for public safety.

43 The bill further directs the DOH to develop and adopt municipal
44 model ordinances providing for the standards and requirements
45 established in the rules and regulations, and requires each
46 municipality in the State to adopt a responsible dog ownership
47 ordinance, resolution, or regulation that, at a minimum, incorporates
48 the DOH standards and requirements and provides for their

1 enforcement. The municipality is required to establish a separate
2 dedicated fund for the sole purpose of enforcement and to deposit in
3 that fund any penalties from violations of the bill's provisions and
4 any money allocated from dog licenses for this purpose.

5 In section 5, the bill requires that whenever a dog is off the
6 property of the dog's owner, the dog must be on a leash or
7 controlled with another appropriate restraint, except under
8 circumstances that the DOH exempts by regulation. Furthermore,
9 the bill provides that:

10 (1) If a dog is found off the property of the dog's owner without
11 a leash or other appropriate restraint and attacks a person without
12 causing bodily injury to the person, the owner of the dog would be
13 issued a warning notice that fencing requirements may be imposed
14 to control the dog if the dog is found off the property of the dog's
15 owner without a leash or other appropriate restraint; and

16 (2) Upon the third occurrence, the owner would be ordered to
17 comply with the fencing requirements established in DOH rules and
18 regulations or by municipal ordinance, resolution, or regulation.

19 The municipality is required to issue an order to the owner of the
20 dog with a schedule for compliance with the fencing requirements
21 with required specifications for the fencing to be installed. If the
22 owner does not comply in a timely manner, the dog's registration
23 would be revoked and the owner would be fined.

24 The bill provides that the municipality will not order compliance
25 with fencing requirements and, instead, impose fines established in
26 the bill when:

27 (1) the owner of the dog is a resident of a condominium,
28 townhouse, apartment, or other rental property or otherwise exempt
29 from fencing requirements established by rules and regulations or
30 by municipal ordinance, resolution, or regulation; or

31 (2) a person intentionally has the dog off the property of the
32 dog's owner, the dog is off leash or unrestrained, and the dog
33 attacks a person without causing bodily injury, including, but not
34 limited to, when (a) the dog is being walked in locations off the dog
35 owner's property, (b) the dog is in a park or other public open
36 space, or (c) the dog is taken to the property of another person other
37 than the owner of the dog and is found off the property.

38 An owner found by clear and convincing evidence to have
39 violated:

40 (1) a municipal order issued concerning fencing would be
41 subject to a fine of not less than \$250 nor more than \$750 per day
42 of the violation, and each day's continuance of the violation would
43 constitute a separate and distinct violation; and

44 (2) an ordinance, resolution, or regulation concerning the
45 leashing or other restraint of a dog would be subject to a fine of
46 \$250 for the first violation, \$500 for the second violation, and \$750
47 for the third and subsequent violations.

1 The fines would be paid to the municipality in which the
2 violation occurred and deposited in the dedicated fund for
3 enforcement of the law.

4 The bill specifies that the provisions of subsections b., c., and d.
5 of section 5 would not apply whenever a dog kills a person, causes
6 serious bodily injury to a person, or causes bodily injury to a person
7 and poses a serious threat of serious bodily injury or death to a
8 person or another domestic animal. Under those circumstances, the
9 applicable provisions of the State vicious dog law, P.L.1989, c.307
10 (C.4:19-17 et seq.), N.J.S.2C:11-2, N.J.S.2C:12-1, N.J.S.2C:24-4,
11 and sections 6 and 7 of the bill would apply.

12 The bill requires that whenever a person registers or licenses a
13 dog with a municipality, that the municipality is required to provide
14 the person with a copy of the leashing requirements in effect in the
15 municipality, and notice of the crimes concerning dog attacks and
16 the owner's criminal liability established in State law under the bill,
17 and the provisions of any ordinance, resolution, or regulation
18 concerning the free movement of dogs in the municipality.

19 The bill also establishes criminal liability for the owner of a dog
20 whose dog causes any injury or death when the dog is not leashed
21 or restrained in a residential neighborhood, park, or other open
22 space accessible to the public, or if the owner of the dog fails to
23 comply with court-imposed requirements pursuant to the State
24 vicious dog law. Any fines collected from a criminal conviction
25 would be deposited in the dedicated fund for enforcement of the
26 municipality in which the injury or death occurred.

27 In addition to any provisions of the State vicious dog law that
28 may apply, the bill establishes, new criminal offenses: death caused
29 as a result of injuries sustained from a dog attack; assault involving
30 a dog; aggravated assault involving a dog; and endangerment of a
31 child by a dog. Any fines collected from a criminal conviction for
32 these offenses would be deposited in the dedicated fund for
33 enforcement of the municipality in which the injury or death
34 occurred.

35 The bill establishes the crime of death caused as a result of
36 injuries sustained from a dog attack as criminal homicide when: (1)
37 a person purposely, knowingly, or recklessly allows a dog off leash
38 or fails to restrain a dog in a residential neighborhood, park, or
39 other open space accessible to the public; and (2) the dog kills a
40 person in an unprovoked attack. Death caused as a result of injuries
41 sustained from a dog attack is a crime of the second degree.

42 The bill establishes that the owner of a dog is guilty of assault as
43 a crime of the fourth degree, if the owner purposely, knowingly, or
44 recklessly allows the owner's dog off leash or fails to restrain the
45 dog in a residential neighborhood, park, or other open space
46 accessible to the public, or fails to comply with court-imposed
47 requirements pursuant to the State vicious dog law, and the dog

1 inflicts any bodily injury, other than serious bodily injury, upon a
2 person.

3 The bill establishes that the owner of a dog is guilty of
4 aggravated assault as a crime of the third degree, if the owner
5 purposely, knowingly, or recklessly allows the owner's dog off
6 leash or fails to restrain the dog in a residential neighborhood, park,
7 or other open space accessible to the public, or fails to comply with
8 court-imposed requirements pursuant to the State vicious dog law,
9 and the dog inflicts serious bodily injury upon a person.

10 The offenses involving the endangerment of a child are as
11 follows:

12 (1) Any person who purposely, knowingly, or recklessly allows
13 a dog off leash or fails to restrain the dog in a residential
14 neighborhood, park, or other open space accessible to the public in
15 which a child may be present is guilty of a crime of the second
16 degree if the dog kills a child while off-leash or unrestrained;

17 (2) If the dog inflicts serious bodily injury upon a child, the
18 person is guilty of a crime of the third degree;

19 (3) If the dog inflicts any other bodily injury upon a child, the
20 person is guilty of a crime of the fourth degree; and

21 (4) If the dog is discovered off leash or unrestrained, attacks a
22 child, and does not inflict any bodily injury upon a child, the person
23 is guilty of a disorderly persons offense.

24 A crime of the second degree is ordinarily punishable by a term
25 of imprisonment of five to ten years or a fine of up to \$150,000, or
26 both.

27 A crime of the third degree is ordinarily punishable by a term of
28 imprisonment of three to five years or a fine of up to \$15,000, or
29 both, but a first offense carries a presumption of nonimprisonment.

30 A crime of the fourth degree is ordinarily punishable by a term of
31 imprisonment of up to 18 months or a fine of up to \$10,000, or
32 both. A disorderly persons offense is ordinarily punishable by a
33 term of imprisonment of up to six months or a fine of up to \$1,000,
34 or both.

35 The bill provides that these criminal offenses would not apply to
36 the owner of the dog if: (1) the dog was provoked; (2) the dog was
37 defending itself, its offspring, or its owner from injury or an attack;
38 and (3) if the dog was defending its owner, the owner of the dog
39 was not engaged in the commission of a criminal offense.

40 Finally, the bill amends the State vicious dog law to provide for
41 special licensure and dog control of dogs declared vicious that are
42 not euthanized by the municipality. The bill also amends that law
43 to require liability insurance for owners of potentially dangerous
44 dogs and vicious dogs. Current law is permissive about requiring
45 the insurance and the insurance provision currently only refers to
46 potentially dangerous dogs.