



**ANIMAL LEGAL  
DEFENSE FUND** EST  
1979

## Compendium of U.S. Animal Protection Laws

### *New Jersey*



#### **SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS**

1. Definition of “animal”
2. General Cruelty
3. Animal Fighting
4. Sexual Assault
5. Cruelty to Working Animals
6. Laws Specific to Farmed Animals
7. Cruel Hunting, Trapping, and Fishing

#### **REPORTING LAWS**

8. Cross Reporting
9. Veterinary Reporting
10. “Ag-Gag” Laws

#### **CIVIL AND CIVILIAN INTERVENTION**

11. Emergency Rescue and Relief
12. Civil Enforcement
13. Domestic Violence and Protection Orders

#### **CRIMINAL JUSTICE INTERVENTION**

14. Maximum Penalties and Statute of Limitations
15. Law Enforcement Policies
16. Seizure
17. Courtroom Animal Advocate Program
18. Restitution
19. Forfeiture and Possession Bans
20. Rehabilitative Sentencing

*This chapter contains New Jersey’s general animal protection and related statutes with an effective date on or before September 1, 2023. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.*

*New Jersey may employ similar provisions within other non-animal-specific criminal and civil statutes, may have other more specific statutes in addition to those included, and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

## New Jersey Laws

## SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS

1. Definition of "Animal"	<p>"[T]he whole brute creation"</p> <p><b>N.J. STAT. § 4:22-15</b></p>
2. General Cruelty	<p>Debarking or silencing dog  <b>N.J. STAT. § 4:19-38</b>  <i>Crime of 3rd degree</i>  <b>Exemption:</b> health and safety of the animal</p> <p>Definitions  <b>N.J. STAT. § 4:22-15</b></p> <p>Overdrive, overload, abuse or needlessly kill a living animal  <b>N.J. STAT. § 4:22-17(a)(1),(2)</b>  <i>First offense: Disorderly persons offense</i>  <i>Subsequent offense: Crime of 4th degree</i></p> <p>Cruelty to animals, fail to provide necessary care  <b>N.J. STAT. § 4:22-17(a)(3),(4)</b>  <i>First offense: Disorderly persons offense, 6 months imprisonment and/or \$2,000 fine</i>  <i>Subsequent offense: Crime of 4th degree</i></p> <p>Purposely, knowingly or recklessly torture, poison, cruelty abuse; fail to provide necessary care, causing bodily injury; cause or procure such act  <b>N.J. STAT. § 4:22-17(c)</b>  <i>First offense: Crime of 4th degree</i>  <i>Subsequent offense/aggravating factors: Crime of 3rd degree</i></p> <p>Definitions  <b>N.J. STAT. § 4:22-17.1</b></p> <p>Exposing companion animal to severe weather  <b>N.J. STAT. § 4:22-17.2</b>  <i>First offense: Disorderly persons offense, 6 months imprisonment and/or \$2,000 fine</i>  <i>Subsequent offense: Crime of 4th degree</i>  <b>Note:</b> as stated in <b>N.J. STAT. § 4:22-17.8</b>, a violation of this section constitutes failure to provide necessary care under §§ 4:22-17 and 4:22-26, and therefore violators are subject to penalties under those sections.</p>

## ANIMAL PROTECTION LAWS OF NEW JERSEY

Cruel restraint of a dog

**N.J. STAT. § 4:22-17.3;**

*First offense: \$100 fine*

*Second offense: \$200 fine*

*Subsequent offenses: Disorderly persons offense*

**Note:** penalty specified in **N.J. STAT. § 4:22-17.8**

Cruel confinement of companion animal

**N.J. STAT. § 4:22-17.4**

*First offense: Disorderly persons offense, 6 months imprisonment and/or \$2,000 fine*

*Subsequent offense: Crime of 4th degree*

**Note:** as stated in **N.J. STAT. § 4:22-17.8**, a violation of this section constitutes failure to provide necessary care under §§ 4:22-17 and 4:22-26, and therefore violators are subject to penalties under those sections.

**Exemptions:** Veterinary practice, research animals, other

Proper shelter for a companion animal

**N.J. STAT. § 4:22-17.5**

*First offense: Disorderly persons offense, 6 months imprisonment and/or \$2,000 fine*

*Subsequent offense: Crime of 4th degree*

**Note:** as stated in **N.J. STAT. § 4:22-17.8**, a violation of this section constitutes failure to provide necessary care under §§ 4:22-17 and 4:22-26, and therefore violators are subject to penalties under those sections.

Carrying animals cruelly

**N.J. STAT. § 4:22-18**

*Disorderly persons offense*

Failure to care for impounded animals

**N.J. STAT. § 4:22-19**

*Disorderly persons offense*

Abandonment of disabled and domestic animals

**N.J. STAT. § 4:22-20**

*Disorderly persons offense*

Use of birds as live targets

**N.J. STAT. § 4:22-23**

*Disorderly persons offense*

*Additional penalty of \$25 for each bird shot at or killed*

**Exemption:** shooting of game

## ANIMAL PROTECTION LAWS OF NEW JERSEY

	<p>Acts constituting cruelty in general  <b>N.J. STAT. § 4:22-26</b>  <i>Civil offense, various fines depending on violation</i></p> <p><b>Exemptions Generally:</b>          Research animals, lawful hunting, accepted farm animal husbandry practices, pest control, other  <b>N.J. STAT. § 4:22-16</b></p>
<b>3. Animal Fighting</b>	<p><b>NOTE:</b> procedural statutes relating to seizure, restitution, and forfeiture of animals used in animal fighting may be found in those respective sections of this document.</p> <p>Various dog fighting activities  <b>N.J. STAT. § 2C:33-31</b>  <i>3rd degree crime</i></p> <p>Leader of a dogfighting network  <b>N.J. STAT. § 2C:33-32</b>  <i>2nd degree crime</i></p> <p>Dogfighting is a racketeering activity  <b>N.J. STAT. § 2C:41-1</b></p> <p>Various animal fighting activities, including spectatorship  <b>N.J. STAT. § 4:22-24</b>  <i>3rd degree crime</i></p> <p>“Trunk fighting” prohibited  <b>N.J. STAT. § 4:22-24.1</b>  <i>Crime of 3rd degree</i></p> <p>Civil fines are authorized for various animal fighting activities  <b>N.J. STAT. § 4:22-26</b></p>
<b>4. Sexual Assault</b>	<p>Unlawful to use, or cause or procure the use of, an animal or creature in any kind of sexual manner or initiate any kind of sexual contact with the animal or creature.  <b>N.J. STAT. § 4:22-17(c)(4)</b></p>
<b>5. Cruelty to Working Animals</b>	<p>Purposely killing, maiming, harming or threatening a law enforcement animal, or interfering with law enforcement animal  <b>N.J. STAT. § 2C:29-3.1</b></p>

## ANIMAL PROTECTION LAWS OF NEW JERSEY

	<p><i>Kills: Crime of 3<sup>rd</sup> degree</i>  <i>Mains, harms or threatens: Crime of 4<sup>th</sup> degree</i>  <i>Interferes with: Disorderly persons offense</i></p> <p>Recklessly killing, injuring, or interfering with a service dog  <b>N.J. STAT. § 2C:29-3.2</b>  <i>Kills: Crime of the 4<sup>th</sup> degree</i>  <i>Injures: Disorderly persons offense</i>  <i>Interferes with: petty disorderly persons offense</i></p>
<b>6. Laws Specific to Farmed Animals</b>	<p>Veal crates and gestation crates prohibited  <b>N.J. STAT. § 4:22-16.2</b></p>
<b>7. Cruel Hunting, Trapping, and Fishing</b>	<p>General prohibition on hunting except as permitted by regulation  <b>N.J. STAT. § 23:4-11</b></p> <p>Use of ferrets prohibited  <b>N.J. STAT. § 23:4-14</b></p> <p>“Pole traps” prohibited  <b>N.J. STAT. § 23:4-22</b></p> <p>Steel-jaw leghold type trap prohibition  <b>N.J. STAT. § 23:4-22.1; 23:4-22.2; 23:4-22.7</b></p> <p>Trap of conibear or killer type; restriction on use  <b>N.J. STAT. § 23:4-38.2</b></p> <p>Robbing nests or taking eggs prohibited  <b>N.J. STAT. § 23:4-51</b></p> <p>Possession of live coyote prohibited  <b>N.J. STAT. § 23:4-63.2</b></p> <p>Shooting squirrel's nest prohibited  <b>N.J. STAT. § 23:4-10</b></p> <p>Fines  <b>N.J. STAT. § 23:4-38.3</b></p> <p>Fishing, except angling, prohibited  <b>N.J. STAT. § 23:5-11</b></p>

## ANIMAL PROTECTION LAWS OF NEW JERSEY

REPORTING LAWS	
8. Cross Reporting	[None]
9. Veterinary Reporting	[None]
10. “Ag-Gag” Laws	[None]
CIVIL AND CIVILIAN INTERVENTION	
11. Emergency Rescue and Relief	Supplying necessary food to animals impounded by another <b>N.J. STAT. § 4:22-51</b>
12. Civil Enforcement	[None]
13. Domestic Violence and Protection Orders	The court may prohibit the defendant from having contact with an animal. If the animal has been threatened or abused possession shall presumptively be given to the non-abusive party. <b>N.J. STAT. §§ 2C:25-26(b), 2C:25-27(b), 2C:25-28(j), 2C:25-29(b)(19)</b>
CRIMINAL JUSTICE INTERVENTION	
14. Maximum Penalties and Statute of Limitations	<p><b>NOTE:</b> Penalties for violations of certain animal cruelty offenses are provided in the substantive statutes. Please see the notes in the “General Cruelty” section of this table for more detail.</p> <p>Penalty for failure to provide necessary care <b>N.J. STAT. § 4:22-17.8</b></p> <p>Petty disorderly persons offense <i>30 days imprisonment and/or \$500 fine</i> <b>N.J. STAT. §§ 2C:43-3; 2C:43-8</b></p> <p>Disorderly persons offense <i>6 months imprisonment and/or \$1,000 fine</i> <b>N.J. STAT. §§ 2C:43-3; 2C:43-8</b></p> <p>4<sup>th</sup> degree crime <i>18 months imprisonment and/or \$10,000 fine</i> <b>N.J. STAT. §§ 2C:43-3, 2C:43-6</b></p> <p>3<sup>rd</sup> degree crime <i>Five years imprisonment and/or \$15,000 fine</i></p>

## ANIMAL PROTECTION LAWS OF NEW JERSEY

	<p>N.J. STAT. §§ 2C:43-3, 2C:43-6</p> <p>Civil offense  <i>First offense: \$25</i>  <i>Subsequent offenses: \$50</i>  N.J. STAT. § 4:22-19.4</p> <p>Statute of Limitations  <i>Disorderly persons or petty offense: 1 year</i>  <i>Crime: 5 years</i>  N.J. STAT. § 2C:1-6</p>
15. Law Enforcement Policies	<p>Training for humane law enforcement officers  N.J. STAT. § 4:22-11.11</p> <p>Law enforcement and health agencies shall assist humane agents in enforcing cruelty laws.  N.J. STAT. § 4:22-11.12</p> <p>Municipalities must provide plain language descriptions of provisions and how to comply.  N.J. STAT. § 4:22-17.6</p> <p>With probable cause of violation of 4.22-17.1 et seq, humane law enforcement officers may enter private property to seize animal with court order, or may seize an animal who is at risk for imminent harm  N.J. STAT. § 4:22-17.7</p> <p>Humane agents, police officers and certified and authorized animal control officers may make arrests for animal cruelty.  N.J. STAT. § 4:22-44</p> <p>Certified animal control officer or county humane officer may enter any place where animal fighting or baiting is present and make arrests and seize animals without a warrant.  N.J. STAT. § 4:22-47</p>
16. Seizure	<p>With probable cause of violation of 4.22-17.1 et seq, officers may enter private property to seize animal with court order, or may seize an animal who is at risk for imminent harm due to a violation of 4.22-17.1 et seq.  N.J. STAT. § 4:22-17.7</p>

## ANIMAL PROTECTION LAWS OF NEW JERSEY

	<p>Humane agents may petition court for seizure upon conviction. N.J. STAT. § 4:22-26.1</p> <p>Any court with jurisdiction may issue search warrants for reasonable cause. N.J. STAT. § 4:22-46</p> <p>Officers may enter any place where animal fighting or baiting is present and make arrests and seize animals without a warrant. N.J. STAT. § 4:22-47</p> <p>Person making arrest may seize the animals if there is no one available to provide care. N.J. STAT. § 4:22-50</p>
<b>17. Courtroom Animal Advocate Program</b>	[None]
<b>18. Restitution</b>	<p>A person who harms or kills a service animal must pay restitution to owner. N.J. STAT. § 2C:29-3.2(d)</p> <p>Owner shall bear expenses for animals seized in animal fighting exhibitions. N.J. STAT. §§ 2C:33-31; 2C:33-32; 4:22-48; 4:22-48.1, 4:22-48.2</p> <p>Court shall order violator to pay restitution including but not limited to replacement value of the animal if animal died as a result, or costs of care. Restitution will be paid to owner or other agency/ entity/ organization responsible for animal's care. N.J. STAT. §§ 4:22-17; 4:22-17.7(j)</p> <p>Definition of reasonable costs of care N.J. Stat. § 4:22-46.1</p> <p>Animal care agency or prosecuting attorney may petition court for bond to cover costs of the seized animal's care within 20 days of seizure N.J. STAT. § 4:22-46.3</p>
<b>19. Forfeiture and Possession Bans</b>	<p>Procedures for forfeiture of animals seized in animal fighting exhibitions, court may order possession ban N.J. STAT. §§ 2C:33-31; 2C:33-32; 4:22-48</p> <p>Humane officers may petition court for forfeiture of companion animal or service animal upon conviction of animal cruelty. N.J. STAT. § 4:22-17.7(i)</p>



## ANIMAL PROTECTION LAWS OF NEW JERSEY

	<p>Humane officers may petition court for forfeiture of any animal in defendant's possession at time of conviction for animal cruelty  <b>N.J. STAT. § 4:22-26.1</b></p> <p>Animal care agency or enforcement agency may petition court after conviction for forfeiture of the cruelly treated animal, and petition for the court to impose a possession ban upon the offender  <b>N.J. STAT. § 4:22-26.2</b></p> <p>Definitions  <b>N.J. STAT. § 4:22-46.1</b></p> <p>If the defendant is ordered to post a bond for the seized animal's costs of care and fails to do so, the animal will be forfeited  <b>N.J. STAT. § 4:22-46.3</b></p>
<b>20. Rehabilitative Sentencing</b>	<p>A juvenile offender shall be ordered to receive mental health counseling.  <b>N.J. STAT. § 4:22-17(g)</b></p>

## ANIMAL PROTECTION LAWS OF NEW JERSEY

### 1. DEFINITION OF “ANIMAL”

#### **N.J. STAT. § 4:22-15. Definitions.**

*As used in this article:*

*“Animal” or “creature” includes the whole brute creation.*

*“Bodily injury” means physical pain, illness or any impairment of physical condition.*

*“Necessary care” means care sufficient to preserve the health and well-being of an animal, and includes, but is not limited to: food of sufficient quantity and quality to allow for normal growth or maintenance of body weight; adequate access to water in sufficient quantity and quality to satisfy the animal’s needs; access to adequate protection from the weather; and veterinary care to alleviate suffering and maintain health.*

*“Owner” or “person” includes a corporation, and the knowledge and acts of an agent or employee of a corporation in regard to animals transported, owned, employed, or in the custody of the corporation shall be imputed to the corporation.*

*“Serious bodily injury” means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

### 2. GENERAL CRUELTY

#### **N.J. STAT. § 4:19-38. Unauthorized debarking or silencing of a dog**

*A person who surgically debarks or silences a dog, or causes the surgical debarking or silencing of a dog, for reasons other than to protect the life or health of the dog as deemed necessary by a duly licensed veterinarian shall be guilty of a crime of the third degree.*

#### **N.J. STAT. § 4:22-15. Definitions.**

*As used in this article:*

*“Animal” or “creature” includes the whole brute creation.*

*“Bodily injury” means physical pain, illness or any impairment of physical condition.*

*“Necessary care” means care sufficient to preserve the health and well-being of an animal, and includes, but is not limited to: food of sufficient quantity and quality to allow for normal growth or maintenance of body weight; adequate access to water in sufficient quantity and quality to satisfy the animal’s needs; access to adequate protection from the weather; and veterinary care to alleviate suffering and maintain health.*

*“Owner” or “person” includes a corporation, and the knowledge and acts of an agent or employee of a corporation in regard to animals transported, owned, employed, or in the custody of the corporation shall be imputed to the corporation.*

*“Serious bodily injury” means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.*

#### **N.J. STAT. § 4:22-17. Cruelty; certain acts, crime; degrees**

a. *It shall be unlawful to:*

- (1) *Overdrive, overload, drive when overloaded, overwork, abuse, or needlessly kill a living animal or creature;*
- (2) *Cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any of the acts described in paragraph (1) of this subsection to be done;*
- (3) *Inflict unnecessary cruelty upon a living animal or creature, by any direct or indirect means, including but not limited to through the use of another living animal or creature; or leave the living animal or creature unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature; or*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

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

b.

- (1) A person who violates subsection a. of this section shall be guilty of a disorderly persons offense. Notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, for every conviction of an offense pursuant to paragraph (1) or (2) of subsection a. of this section, the person shall be fined not less than \$ 250 nor more than \$ 1,000, or be imprisoned for a term of not more than six months, or both, in the discretion of the court; and for every conviction of an offense pursuant to paragraph (3) or (4) of subsection a. of this section, the person shall be fined not less than \$ 500 nor more than \$ 2,000, or be imprisoned for a term of not more than six months, or both, in the discretion of the court.
- (2) If the person who violates subsection a. of this section has a prior conviction for an offense that would constitute a violation of subsection a. of this section, the person shall be guilty of a crime of the fourth degree.
- (3) A person who violates subsection a. of this section shall also be subject to the provisions of subsections e. and f. and, if appropriate, subsection g., of this section.
- (4) The action for the penalty prescribed in this subsection shall be brought in the municipal court of the municipality wherein the defendant resides or where the offense was committed, except that the municipality may elect to refer the offense to the county prosecutor to determine if the offense should be handled in the Superior or in municipal court.

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

- (1) *Torment, torture, maim, hang, poison, unnecessarily or cruelly beat, cruelly abuse, or needlessly mutilate a living animal or creature;*
- (2) *Cause bodily injury to a living animal or creature by failing to provide the living animal or creature with necessary care, whether as the owner or as a person otherwise charged with the care of the living animal or creature;*
- (3) *Cause or procure an act described in paragraph (1) or (2) of this subsection to be done, by any direct or indirect means, including but not limited to through the use of another living animal or creature; or*
- (4) *Use, or cause or procure the use of, an animal or creature in any kind of sexual manner or initiate any kind of sexual contact with the animal or creature, including, but not limited to, sodomizing the animal or creature. As used in this paragraph, "sexual contact" means any contact between a person and an animal by penetration of the penis or a foreign object into the vagina or anus, contact between the mouth and genitalia, or by contact between the genitalia of one and the genitalia or anus of the other. This term does not include any medical procedure performed by a licensed veterinarian practicing veterinary medicine or an accepted animal husbandry practice.*

d.

- (1) A person who violates paragraph (1), (2), (3) or (4) of subsection c. of this section shall be guilty of a crime of the fourth degree, except that the person shall be guilty of a crime of the third degree if:
  - (a) the animal or creature dies as a result of the violation;
  - (b) the animal or creature suffers serious bodily injury as a result of the violation; or

## ANIMAL PROTECTION LAWS OF NEW JERSEY

- (c) the person has a prior conviction for an offense that would constitute a violation of paragraph (1), (2), (3) or (4) of subsection c. of this section.
  - (2) A person who violates any provision of subsection c. of this section shall also be subject to the provisions of subsections e. and f. and, if appropriate, subsection g., of this section.
  - (3) The action for the penalty prescribed in this subsection shall be brought in the Superior Court.
- e. For a violation of this section, in addition to imposing any other appropriate penalties established for a crime of the third degree, crime of the fourth degree, or disorderly persons offense, as the case may be, pursuant to Title 2C of the New Jersey Statutes, the court shall impose a term of community service of up to 30 days, and may direct that the term of community service be served in providing assistance to a county society for the prevention of cruelty to animals or any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, or to a municipality's animal control or animal population control program.
- f. The court also shall require any violator of this section to pay restitution, including but not limited to, the monetary cost of replacing the animal if the animal died or had to be euthanized because of the extent of the animal's injuries, or otherwise reimburse any costs for food, drink, shelter, or veterinary care or treatment, or other costs, incurred by the owner of the animal, if the owner is not the person committing the act of cruelty, or incurred by any agency, entity, or organization investigating the violation, or providing shelter or care for the animal or animals including but not limited to the a county society for the prevention of cruelty to animals, any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, a local or State governmental entity, or a kennel, shelter, pound, or other facility providing for the shelter and care of the animal or animals involved in the violation.
- g. If a juvenile is adjudicated delinquent for an act which, if committed by an adult, would constitute a disorderly persons offense, crime of the fourth degree, or crime of the third degree pursuant to this section, the court also shall order the juvenile to receive mental health counseling by a licensed psychologist or therapist named by the court for a period of time to be prescribed by the licensed psychologist or therapist.

### N.J. STAT. § 4:22-17.1. Definitions.

As used in this act:

*“Adverse environmental conditions” means (1) when the ambient temperature is 32 degrees Fahrenheit or below in the immediate vicinity of a dog, domestic companion animal, or service animal, or there are other cold weather or precipitation-related environmental conditions, including, but not limited to, wind, rain, snow, ice, sleet, or hail that a person should reasonably know would pose an adverse risk to the health or safety of a dog, domestic companion animal, or service animal, based on the animal's size, age, physical condition, or thickness of the animal's hair or fur; or (2) when the ambient temperature is 90 degrees Fahrenheit or above in the immediate vicinity of a dog, domestic companion animal, or service animal, or a dog, domestic companion animal, or service animal is exposed to direct sunlight or hot pavement or any other hot surfaces that a person should reasonably know would pose an adverse risk to the health or safety of the animal, based on the*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

*animal's size, age, physical condition, or thickness of the animal's hair or fur.*

“Animal rescue organization” means an animal rescue organization as defined in section 1 of P.L.1941, c. 151 (C.4:19-15.1).

“Animal rescue organization facility” means an animal rescue organization facility as defined in section 1 of P.L.1941, c. 151 (C.4:19-15.1).

“Domestic companion animal” means any animal commonly referred to as a pet that was bought, bred, raised, or otherwise acquired, in accordance with local ordinances and State and federal law, for the primary purpose of providing companionship to the owner, rather than for business or agricultural purposes. “Domestic companion animal” shall not include “domestic livestock” as defined in subsection c. of section 1 of P.L.1995, c. 311 (C.4:22-16.1).

“Kennel” means a kennel as defined in section 1 of P.L.1941, c. 151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941, c. 151 (C.4:19-15.8).

“Pet shop” means a pet shop as defined in section 1 of P.L.1941, c. 151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941, c. 151 (C.4:19-15.8).

“Pound” means a pound as defined in section 1 of P.L.1941, c. 151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941, c. 151 (C.4:19-15.8).

“Proper shelter” means a structure or other type of protection that conforms to the standards and requirements set forth in section 5 of this act, but shall not mean a shelter as defined elsewhere in this section.

“Service animal” means a service animal or a guide dog as defined in subsection e. of section 1 of P.L.2013, c. 205 (C.2C:29-3.2), or an animal used for any therapeutic purpose.

*“Shelter” means a shelter as defined in section 1 of P.L.1941, c. 151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941, c. 151 (C.4:19-15.8).*

*“Tether” means to fasten a dog with a cable, chain, rope, or other similar object to a stationary object, including, but not limited to, a doghouse, tree, stake, pole, fence, or wall, or to a device that is mobile including, but not limited to, a trolley or pulley, in order to restrict the dog's movement. “Tether” also means the cable, chain, rope, or other similar object used to fasten a dog, as applicable.*

*“Unattended” means that the dog, domestic companion animal, or service animal is outdoors and a person is not also outdoors with the animal, or that the dog, domestic companion animal, or service animal is indoors and a person is not also indoors with the animal.*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

### N.J. STAT. § 4:22-17.2. Exposure of any dog, domestic companion animal, or service animal to adverse environmental conditions; order of evacuation; exceptions

- a. *Except as provided in subsections b. and c. of this section, it is unlawful to expose any dog, domestic companion animal, or service animal to adverse environmental conditions for more than 30 minutes, unless the animal has continuous access to proper shelter, as set forth in section 5 of this act.*
- b. *When State or local officials issue an order of evacuation due to weather or other emergency conditions, an owner or other person with custody or control of a dog, domestic companion animal, or service animal shall make every effort to evacuate with the animal, and shall not leave the animal indoors or outdoors while unattended and tethered. If evacuation with the owner or other person with custody or control of the dog, domestic companion animal, or service animal is not an option, the owner or other person with custody or control of the animal shall make every effort to:*
  - (1) *deliver the animal to a safe haven not impacted by the emergency, which may include, but is not limited to, a licensed kennel, shelter, or pound, temporary animal shelter established for the purposes of the emergency, the residence of a friend, relative, or other caregiver, or other suitable facility capable of ensuring the animal's safety; or*
  - (2) *secure the animal in an indoor area that is clear of hazards and is as protective of the dog, domestic companion animal, or service animal as possible under the circumstances, and alert local emergency responders to the animal's location.*
- c. The requirements of subsection a. of this section shall not apply to a dog, domestic companion animal, or service animal if any person, including the animal's owner or person with custody or control of the animal:
  - (1) is in the presence of the animal and exposed to the same adverse environmental conditions as the animal at all times that the animal is exposed to these adverse environmental conditions; and
  - (2) can see the animal at all times while the animal is exposed to the adverse environmental conditions, unless the person is blind or visually impaired so that the person cannot see the animal due to the blindness or visual impairment, in which case the person shall remain immediately adjacent to the animal at all times while the animal and the person are exposed to the adverse environmental conditions.

As used in this subsection, “blind” means a person whose vision in the person's better eye with proper correction does not exceed 20/200 or who has a field defect in the person's better eye with proper correction which contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than 20 degrees; and “visually impaired” means having a condition in which a person has a corrected visual acuity not exceeding 20/70, but not less than 20/200, in the person's better eye, or in which the peripheral field of the person's vision has contracted so that the diameter of the visual field subtends an angle no greater than 40 degrees but no less than 20 degrees.
- d. The requirements of subsections a. and b. of this section shall not apply to any cat living outside with no apparent owner, commonly referred to as, or considered to be, a feral cat.
- e.
  - (1) The owner of a dog, domestic companion animal, or service animal shall be liable for a violation



## ANIMAL PROTECTION LAWS OF NEW JERSEY

of subsection a. of this section that occurs on any property belonging to the owner or on which the owner resides at the time of the violation, regardless of whether the owner is present when the violation occurs.

- (2) The person with custody or control of a dog, domestic companion animal, or service animal who is not the owner of the animal shall be liable for a violation of subsection a. of this section that occurs on any property belonging to the person with custody or control of the animal or on which the person with custody or control of the animal resides at the time of the violation, regardless of whether the person is present when the violation occurs.

### **N.J. STAT. § 4:22-17.3. Cruel restraint of a dog deemed unlawful; exceptions; liability.**

- a. *It is unlawful for any person to cruelly restrain a dog.*
- b. *A person cruelly restrains a dog if the person tethers a dog:*
  - (1) *which is a nursing female, or which is less than four months old;*
  - (2) *outdoors between the hours of 11 p.m. and 5 a.m., but this paragraph shall not take effect until 18 months after the date on which this act takes effect;*
  - (3) *in an unoccupied building or upon vacant property;*
  - (4) *in a manner that does not permit the dog continuous access to water in a sanitary and liquid state whenever the dog is tethered for more than 30 minutes;*
  - (5) *in a manner that exposes the dog to adverse environmental conditions for more than 30 minutes;*
  - (6) *by means of a choke collar, prong collar, head harness, or any other type of collar, harness, or similar device other than a properly fitted body harness or buckle-type collar;*
  - (7) *by using a chain with metal links that are more than one-quarter of an inch thick, or a tether, collar, or harness to which a weight is attached;*
  - (8) *with a tether on which more than one dog is restrained;*
  - (9) *with a tether that is less than 15 feet in length or which does not permit the dog to walk at least 15 feet in any one direction; or*
  - (10) *with a tether that permits the dog to reach another dog or an object or location that poses a risk of entanglement, strangulation, drowning, or other harm to the health or safety of the dog, including, but not limited to, another dog's tether or a window sill, fence, wall, porch, terrace railing, vehicle, tree, pole, pool, or public road or highway.*
- c. Paragraphs (2), (9), and (10) of subsection b. of this section shall not apply if any person, including the dog's owner or the person with custody or control of the dog:
  - (1) *is in the presence of the dog at all times while the dog is tethered, whether indoors or outdoors; and*
  - (2) *can see the dog at all times while the dog is tethered, unless the person is blind or visually impaired so that the person cannot see the dog due to the blindness or visual impairment, in which case the person shall remain immediately adjacent to the dog at all times while the dog is tethered.*

As used in this subsection, "blind" means a person whose vision in the person's better eye with proper



## ANIMAL PROTECTION LAWS OF NEW JERSEY

correction does not exceed 20/200 or who has a field defect in the person's better eye with proper correction which contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than 20 degrees; and "visually impaired" means having a condition in which a person has a corrected visual acuity not exceeding 20/70, but not less than 20/200, in the person's better eye, or in which the peripheral field of the person's vision has contracted so that the diameter of the visual field subtends an angle no greater than 40 degrees but no less than 20 degrees.

d.

- (1) The owner of a dog shall be liable for a violation of subsections a. and b. of this section that occurs on any property belonging to the owner or on which the owner resides at the time of the violation, regardless of whether the owner is present when the violation occurs.
- (2) The person with custody or control of a dog who is not the owner of the dog shall be liable for a violation of subsections a. and b. of this section that occurs on any property belonging to the person with custody or control of the dog or on which the person with custody or control of the dog resides at the time of the violation, regardless of whether the person is present when the violation occurs.
- (3) Paragraph (9) of subsection b. of this section shall not apply if the dog is indoors and a person is indoors with the dog.

### **N.J. STAT. § 4:22-17.4. Confinement of a dog, domestic companion animal, or service animal deemed unlawful in certain circumstances; exceptions; liability.**

- a. *It is unlawful to confine a dog, domestic companion animal, or service animal in any structure, room, area, or container that does not comply with the standards and requirements of proper shelter as set forth in section 5 of this act, except as provided in subsections b. and c. of this section.*

b.

- (1) *Notwithstanding the requirements of paragraph (1) of subsection a. of section 5 of this act, a person may confine a dog, domestic companion animal, or service animal temporarily in an animal carrier or crate for the purposes enumerated in paragraph (2) of this subsection, provided that (a) during transport, the animal is at all times inside the vehicle being used for transport; and (b) during confinement in the animal carrier or crate, the top of the head of the dog, domestic companion animal, or service animal cannot touch the ceiling of the animal carrier or crate when the animal is in a normal standing position in the animal carrier or crate, and the dog, domestic companion animal, or service animal can easily turn around in a full circle and lie down on its side in the animal carrier or crate.*
- (2) *A person may confine a dog, domestic companion animal, or service animal temporarily in an animal carrier or crate for the purpose of (a) transport; (b) any exhibition, show, contest, or other temporary event at which the skill, breeding, or stamina of the animal is judged or examined; or (c) in the case of a dog, any exhibition, class, training session, or other temporary event at which the dog is used, or is being trained, to hunt wildlife in a lawful manner.*
- (3) *Notwithstanding the requirements of paragraph (1) of subsection a. of section 5 of this act with regard to access to water, a person may confine a dog, domestic companion animal, or service animal without providing access to water at all times if the animal is confined indoors and in the*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

*primary living space of the residence of the owner or other person with custody or control of the animal.*

c.

- (1) The owner of a dog, domestic companion animal, or service animal shall be liable for a violation of subsection a. or b. of this section, as the case may be, that occurs on or in any property belonging to the owner or on which the owner resides or in any vehicle belonging to the owner at the time of the violation, regardless of whether the owner is present when the violation occurs.
- (2) The person with custody or control of a dog, domestic companion animal, or service animal who is not the owner of the animal shall be liable for a violation of subsection a. or b. of this section, as the case may be, that occurs on or in any property belonging to the person with custody or control of the animal or on which the person with custody or control of the animal resides or in any vehicle belonging to the person with custody or control of the animal at the time of the violation, regardless of whether the person is present when the violation occurs.

d. *Subsection a. of this section shall not apply to:*

- (1) *a facility maintained and used in connection with the practice of veterinary medicine pursuant to R.S.45:16-1 et seq.; or*
- (2) *a licensed kennel, pet shop, shelter, or pound subject to the rules and regulations adopted pursuant to section 14 of P.L.1941, c. 151 (C.4:19-15.14) pertaining to the sanitary conduct and operation of kennels, pet shops, shelters, and pounds, which is operating in compliance with those rules and regulations.*

### **N.J. STAT. § 4:22-17.5. Proper shelter for a dog, domestic companion animal, or service animal; exceptions.**

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

- (1) *It provides at all times (a) adequate ventilation to allow the dog, domestic companion animal, or service animal to remain dry and maintain a normal body temperature, (b) access to water in a sanitary and liquid state, (c) exposure to natural or artificial light according to a regular cycle of day and night, (d) sufficient space so that the dog, domestic companion animal, or service animal can easily turn around in a full circle and lie down on the animal's side with limbs outstretched, and (e) when the animal is in a normal sitting position in the proper shelter, the top of the head of the animal cannot touch the ceiling of the proper shelter;*
- (2) *It is maintained in a manner to minimize the accumulation of any waste, other debris, precipitation, or other moisture inside, surrounding, and underneath any area or structure providing proper shelter, and to provide reasonable protection from flooding;*
- (3) *It is soundly constructed to prevent the sagging or collapse of any part of the structure or protection, and is maintained in good repair with no exposed sharp points or edges;*
- (4) *It remains in an upright position at all times;*
- (5) *In the event of adverse environmental conditions as set forth in paragraph (1) of the definition of that term in section 1 of this act, it is an enclosed structure that has (a) a solid roof, solid walls with a single opening no larger than necessary to allow the dog, domestic companion*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

*animal, or service animal to comfortably enter and exit the structure, and a floor that is not the ground, and (b) insulation, dry bedding, and a windbreak at the entrance that are sufficient to keep the dog, domestic companion animal, or service animal dry and maintain the animal's normal body temperature; and*

*(6) In the event of adverse environmental conditions as set forth in paragraph (2) of the definition of that term in section 1 of this act, it provides the dog, domestic companion animal, or service animal with adequate shade or other cooling area by natural or artificial means to allow the animal to maintain a normal body temperature.*

- b. *Any part of the residence of an owner, or other person with custody or control, of a dog, domestic companion animal, or service animal shall be proper shelter for a dog, domestic companion animal, or service animal, provided that the part of the residence, and the use thereof, are in compliance with the requirements for proper shelter set forth in this section.*
- c. *Proper shelter for a dog, domestic companion animal, or service animal shall not include:*
  - (1) a crawl space under a building or a part of a building, such as under steps, a deck, or a stoop;*
  - (2) the space under a vehicle;*
  - (3) the inside of a vehicle if the dog, domestic companion animal, or service animal is kept in the vehicle in a manner or for a length of time that a person should reasonably know poses an adverse risk to the health or safety of the animal; or*
  - (4) any structure or protection (a) made from pressure-treated wood which contains the chemicals arsenic or chromium, (b) with a floor consisting of wire or chain-link or having openings through which the paw, hoof, or foot of a dog, domestic companion animal, or service animal, as applicable, can pass, or (c) that is located outdoors and is made from cardboard or other materials that are easily degraded by the elements.*

### **N.J. STAT. § 4:22-17.8. Violations; failure to provide necessary care; penalties**

- a. *A violation of section 2, 4, or 5 of this act shall constitute failure to provide necessary care pursuant to R.S.4:22-17 and R.S.4:22-26, and a violator shall be subject to the applicable penalties set forth in those sections.*
- b. *A person who violates section 3 of this act shall be subject to:*
  - (1) for a first offense, at the discretion of the court, a fine of \$100; and*
  - (2) for a second offense, at the discretion of the court, a fine of \$200.*

*For a third or subsequent offense, the offense shall constitute failure to provide necessary care pursuant to R.S.4:22-17 and R.S.4:22-26, and a violator shall be subject to the applicable penalties set forth in those sections.*

- c. *Beginning on the fourth day after the date of issuance of a summons for a violation pursuant to section 7 of this act, each 30-day period that the owner or other person with custody or control of the dog, domestic companion animal, or service animal is still in possession of the animal and fails to comply with the requirements of this act shall constitute a separate offense.*
- d. *A court may, in its discretion, waive or reduce the amount of any fine imposed for any violation of this*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

act upon the violator demonstrating compliance with this act in the manner as may be prescribed by the court.

### **N.J. STAT. § 4:22-18. Carrying animal in cruel, inhumane manner; disorderly persons offense.**

*A person who shall carry, or cause to be carried, a living animal or creature in or upon a vehicle or otherwise, in a cruel or inhumane manner, shall be guilty of a disorderly persons offense and punished as provided in subsection a. of R.S.4:22-17.*

### **N.J. STAT. § 4:22-19. Failure to care for or destruction of impounded animals; penalties; collection.**

*A person who shall:*

- a. *Impound or confine, or cause to be impounded or confined, in a pound or other place, a living animal or creature, and shall fail to supply it during such confinement with a sufficient quantity of good and wholesome food and water; or*
- b. *Destroy or cause to be destroyed any such animal by hypoxia induced by decompression or in any other manner, by the administration of a lethal gas other than an inhalant anesthetic, or in any other manner except by a method of euthanasia generally accepted by the veterinary medical profession as being reliable, appropriate to the type of animal upon which it is to be employed, and capable of producing loss of consciousness and death as rapidly and painlessly as possible for such animal shall, in the case of a violation of subsection a., be guilty of a disorderly persons offense and shall be punished as provided in subsection a. of R.S.4:22-17; or, in the case of a violation of subsection b., be subject to a penalty of \$25 for the first offense and \$50 for each subsequent offense. Each animal destroyed in violation of subsection b. shall constitute a separate offense. The penalty shall be collected in accordance with the "Penalty Enforcement Law of 1999," P.L.1999, c. 274 (C.2A:58-10 et seq.) and all money collected shall be remitted to the State.*

This section shall apply to kennels, pet shops, shelters and pounds as defined and licensed pursuant to P.L.1941, c. 151 (C.4:19-15.1 et seq.); to pounds and places of confinement owned and operated by municipalities, counties or regional governmental authorities; and to every contractual warden or impounding service, any provision to the contrary in this title notwithstanding.

### **N.J. STAT. § 4:22-20. Abandoning disabled animal to die in public place; abandoning domesticated animal; disorderly persons offense.**

- a. *A person who shall abandon a maimed, sick, infirm or disabled animal or creature to die in a public place, shall be guilty of a disorderly persons offense.*
- b. *A person who shall abandon a domesticated animal shall be guilty of a disorderly persons offense. The violator shall be subject to the maximum \$1,000 penalty.*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

### N.J. STAT. § 4:22-23. Use of birds as live targets; disorderly persons offense.

A person who shall:

- a. *Use a live pigeon, fowl or other bird for the purpose of a target, or to be shot at either for amusement or as a test of skill in marksmanship;*
- b. *Shoot at a bird used as described in subsection a. of this section, or is a party to such shooting; or*
- c. *Lease a building, room, field or premises, or knowingly permit the use thereof for the purpose of such shooting--*

*Shall be guilty of a disorderly persons offense, and shall, in addition to any penalty assessed therefor, be fined \$25 for each bird shot at or killed in violation of this section.*

This section shall not apply to the shooting of game.

### N.J. STAT. § 4:22-26. Penalties for various acts constituting cruelty.

A person who shall:

- a.
  - (1) *Overdrive, overload, drive when overloaded, overwork, abuse, or needlessly kill a living animal or creature, or cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any such acts to be done;*
  - (2) *Torment, torture, maim, hang, poison, unnecessarily or cruelly beat, cruelly abuse, or needlessly mutilate a living animal or creature, or cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any such acts to be done;*
  - (3) *Cause the death of, or serious bodily injury to, a living animal or creature from commission of any act described in paragraph (2), (4), (5), or (6) of this subsection, by any direct or indirect means, including but not limited to through the use of another living animal or creature, or otherwise cause or procure any such acts to be done;*
  - (4) *Fail, as the owner or a person otherwise charged with the care of a living animal or creature, to provide the living animal or creature with necessary care, or otherwise cause or procure such an act to be done; or*
  - (5) *Cause bodily injury to a living animal or creature from commission of the act described in paragraph (4) of this subsection;*
- b. *(Deleted by amendment, P.L.2003, c.232)*
- c. *Inflict unnecessary cruelty upon a living animal or creature, by any direct or indirect means, including but not limited to through the use of another living animal or creature; or leave the living animal or creature unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature;*
- d. *Receive or offer for sale a horse that is suffering from abuse or neglect, or which by reason of disability, disease, abuse or lameness, or any other cause, could not be worked, ridden or otherwise used for show, exhibition or recreational purposes, or kept as a domestic pet without violating the provisions of article 2 of chapter 22 of Title 4 of the Revised Statutes;*
- e. *Keep, use, be connected with or interested in the management of, or receive money or other*



## ANIMAL PROTECTION LAWS OF NEW JERSEY

*consideration for the admission of a person to, a place kept or used for the purpose of fighting or baiting a living animal or creature;*

- f. *Be present and witness, pay admission to, encourage, aid or assist in an activity enumerated in subsection e. of this section;*
- g. *Permit or suffer a person's place owned or controlled by the person to be used as provided in subsection e. of this section;*
- h. *Carry, or cause to be carried, a living animal or creature in or upon a vehicle or otherwise, in a cruel or inhumane manner;*
- i. *Use a dog or dogs for the purpose of drawing or helping to draw a vehicle for business purposes;*
- j. *Impound or confine or cause to be impounded or confined in a pound or other place a living animal or creature, and shall fail to supply the living animal or creature during such confinement with a sufficient quantity of good and wholesome food and water;*
- k. *Abandon a maimed, sick, infirm or disabled animal or creature to die in a public place;*
- l. *Willfully sell, or offer to sell, use, expose, or cause or permit to be sold or offered for sale, used or exposed, a horse or other animal having the disease known as glanders or farcy, or other contagious or infectious disease dangerous to the health or life of human beings or animals, or who shall, when any such disease is beyond recovery, refuse, upon demand, to deprive the animal of life;*
- m. *Own, operate, manage or conduct a roadside stand or market for the sale of merchandise along a public street or highway; or a shopping mall, or a part of the premises thereof; and keep a living animal or creature confined, or allowed to roam in an area whether or not the area is enclosed, on these premises as an exhibit; except that this subsection shall not be applicable to: a pet shop licensed pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an animal, in a humane manner, for the purpose of the protection of the premises; or a recognized breeders' association, a 4-H club, an educational agricultural program, an equestrian team, a humane society or other similar charitable or nonprofit organization conducting an exhibition, show or performance;*
- n. *Keep or exhibit a wild animal at a roadside stand or market located along a public street or highway of this State; a gasoline station; or a shopping mall, or a part of the premises thereof;*
- o. *Sell, offer for sale, barter or give away or display live baby chicks, ducklings or other fowl or rabbits, turtles or chameleons which have been dyed or artificially colored or otherwise treated so as to impart to them an artificial color;*
- p. *Use any animal, reptile, or fowl for the purpose of soliciting any alms, collections, contributions, subscriptions, donations, or payment of money except in connection with exhibitions, shows or performances conducted in a bona fide manner by recognized breeders' associations, 4-H clubs or other similar bona fide organizations;*
- q. *Sell or offer for sale, barter, or give away living rabbits, turtles, baby chicks, ducklings or other fowl under two months of age, for use as household or domestic pets;*
- r. *Sell, offer for sale, barter or give away living baby chicks, ducklings or other fowl, or rabbits, turtles or chameleons under two months of age for any purpose not prohibited by subsection q. of this section and who shall fail to provide proper facilities for the care of such animals;*
- s. *Artificially mark sheep or cattle, or cause them to be marked, by cropping or cutting off both ears, cropping or cutting either ear more than one inch from the tip end thereof, or half cropping or cutting both ears or either ear more than one inch from the tip end thereof, or who shall have or keep in the person's possession sheep or cattle, which the person claims to own, marked contrary to this subsection*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

*unless they were bought in market or of a stranger;*

- t. *Abandon a domesticated animal;*
- u. *For amusement or gain, cause, allow, or permit the fighting or baiting of a living animal or creature;*
- v. *Own, possess, keep, train, promote, purchase, or knowingly sell a living animal or creature for the purpose of fighting or baiting that animal or creature; or own, possess, buy, sell, transfer, or manufacture animal fighting paraphernalia as defined pursuant to R.S.4:22-24 for the purpose of engaging in or otherwise promoting or facilitating the fighting or baiting of a living animal or creature;*
- w. *Gamble on the outcome of a fight involving a living animal or creature;*
- x. *Knowingly sell or barter or offer for sale or barter, at wholesale or retail, the fur or hair of a domestic dog or cat or any product made in whole or in part from the fur or hair of a domestic dog or cat, unless such fur or hair for sale or barter is from a commercial grooming establishment or a veterinary office or clinic or is for use for scientific research;*
- y.
  - (1) *Knowingly sell or barter, or offer for sale or barter, at wholesale or retail, for human consumption, the flesh of a domestic dog or cat, or any product made in whole or in part from the flesh of a domestic dog or cat;*
  - (2) *Knowingly slaughter a horse for human consumption;*
  - (3) *Knowingly sell or barter, or offer for sale or barter, at wholesale or retail, for human consumption, the flesh of a horse, or any product made in whole or in part from the flesh of a horse, or knowingly accept or publish newspaper advertising that includes the offering for sale, trade, or distribution of any such item for human consumption;*
  - (4) *Knowingly transport a horse for the purpose of slaughter for human consumption;*
  - (5) *Knowingly transport horsemeat, or any product made in whole or in part from the flesh of a horse, for the purpose of human consumption;*
- z. *Surgically debark or silence a dog in violation of section 1 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);*
- aa. *Use a live pigeon, fowl or other bird for the purpose of a target, or to be shot at either for amusement or as a test of skill in marksmanship, except that this subsection and subsections bb. and cc. shall not apply to the shooting of game;*
- bb. *Shoot at a bird used as described in subsection aa. of this section, or is a party to such shooting; or*
- cc. *Lease a building, room, field or premises, or knowingly permit the use thereof for the purposes of subsection aa. or bb. of this section –*

Shall forfeit and pay a sum according to the following schedule, to be sued for and recovered, with costs, in a civil action by any person in the name of the municipality or county wherein the defendant resides or where the offense was committed:

For a violation of subsection e., f., g., u., v., w., or z. of this section or of paragraph (3) of subsection a. of this section, or for a second or subsequent violation of paragraph (2) or (5) of subsection a. of this section, a sum of not less than \$ 3,000 nor more than \$ 5,000;

For a violation of subsection l. of this section, for a first violation of paragraph (2) or (5) of subsection a. of this section, a sum of not less than \$ 1,000 nor more than \$ 3,000;

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## ANIMAL PROTECTION LAWS OF NEW JERSEY

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For a violation of paragraph (4) of subsection a. of this section, or subsection c. of this section, a sum of not less than \$ 500 nor more than \$ 2,000;

For a violation of subsection x. or paragraph (1) of subsection y. of this section, a sum of not less than \$ 500 nor more than \$ 1,000 for each domestic dog or cat fur or fur or hair product or domestic dog or cat carcass or meat product sold, bartered, or offered for sale or barter;

For a violation of paragraph (2), (3), (4), or (5) of subsection y. of this section, a sum of not less than \$ 500 nor more than \$ 1,000 for each horse slaughtered or transported for the purpose of slaughter for human consumption, or for each horse carcass or meat product transported, sold or bartered, or offered or advertised for sale or barter;

For a violation of subsection t. of this section, a sum of not less than \$ 500 nor more than \$ 1,000, but if the violation occurs on or near a highway, a mandatory sum of \$ 1,000;

For a violation of subsection d., h., j., k., aa., bb., or cc. of this section or of paragraph (1) of subsection a. of this section, a sum of not less than \$ 250 nor more than \$ 1,000; and

For a violation of subsection i., m., n., o., p., q., r., or s. of this section, a sum of not less than \$ 250 nor more than \$ 500.



## ANIMAL PROTECTION LAWS OF NEW JERSEY

### 3. ANIMAL FIGHTING

**NOTE:** procedural statutes relating to seizure, restitution, and forfeiture of animals used in animal fighting may be found in those respective sections of this document.

#### **N.J. STAT. § 2C:33-31. Crime of dog fighting; penalties.**

- a. A person is guilty of dog fighting if that person knowingly:
  - (1) keeps, uses, is connected with or interested in the management of, or receives money for the admission of a person to, a place kept or used for the purpose of fighting or baiting a dog;
  - (2) owns, possesses, keeps, trains, promotes, purchases, breeds or sells a dog for the purpose of fighting or baiting that dog;
  - (3) for amusement or gain, causes, allows, or permits the fighting or baiting of a dog;
  - (4) permits or suffers a place owned or controlled by that person to be used for the purpose of fighting or baiting a dog;
  - (5) is present and witnesses, pays admission to, encourages or assists in the fighting or baiting of a dog;
  - (6) gambles on the outcome of a fight involving a dog; or
  - (7) owns, possesses, buys sells, transfers, or manufactures dog fighting paraphernalia for the purpose of engaging in or otherwise promoting or facilitating the fighting or baiting of a dog.

Dog fighting is a crime of the third degree.

- b.
  - (1) In addition to any other penalty imposed, the court shall order:
    - (a) the seizure and forfeiture of any dogs or other animals used for fighting or baiting, and may upon request of the prosecutor or on its own motion, order any person convicted of a violation under this section to forfeit possession of: (i) any other dogs or other animals in the person's custody or possession; and (ii) any other property involved in or related to a violation of this section; and
    - (b) restitution, concerning the dogs or other animals seized and forfeited pursuant to subparagraph (a) of this paragraph, in the form of reimbursing any costs for all the animals' food, drink, shelter, or veterinary care or treatment, or other costs, incurred by any person, agency, entity, or organization, including but not limited to a county society for the prevention of cruelty to animals, any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, a State or local governmental entity, or a kennel, shelter, pound, or other facility.
  - (2) The court may prohibit any convicted person from having future possession or custody of any animal for any period of time the court deems reasonable, including a permanent prohibition.

- c. For the purposes of this section:
 

"Dog fighting paraphernalia" means equipment, products, implements, and materials of any kind that are used, intended for use, or designed for use in the training, preparation, or conditioning of a dog for fighting, or in furtherance of dog fighting.

"Bait" means to attack with violence, to provoke, or to harass a dog with one or more animals for the

## ANIMAL PROTECTION LAWS OF NEW JERSEY

purpose of training the dog for, or to cause a dog to engage in, a fight with or among other dogs.

- d. In determining whether an object is dog fighting paraphernalia, a trier of fact may consider:
  - (1) the proximity of the object in time and space to any violation of this section;
  - (2) direct or circumstantial evidence of the intent of the person to deliver the object to any person whom the person in possession of the object knows, or should reasonably know, intends to use the object to violate this section;
  - (3) oral or written instructions concerning its use provided with, or found in the vicinity of, the object;
  - (4) descriptive materials accompanying the object which explain or depict its use; and
  - (5) any other relevant factors.

### **N.J. STAT. § 2C:33-32. Leader, financier of dog fighting network; penalties.**

- a. *A person is a leader of a dog fighting network if he conspires with others in a scheme or course of conduct to unlawfully engage in dog fighting, as defined in section 1 of P.L.2017, c.85 (C.2C:33-31), as an organizer, supervisor, financier or manager of at least one other person. Leader of a dog fighting network is a crime of the second degree.*

“Financier” means a person who, with the intent to derive a profit, provides money or credit or other thing of value in order to finance the operations of dog fighting.

- b.
  - (1) In addition to any other penalty imposed, the court shall order:
    - (a) The seizure and forfeiture of any dogs or other animals used for fighting or baiting, and may upon request of the prosecutor or on its own motion, order any person convicted of a violation under this section to forfeit possession of: (i) any other dogs or other animals in the person’s custody or possession; and (ii) any other property involved in or related to a violation of this section; and
    - (b) restitution, concerning the dogs or other animals seized and forfeited pursuant to subparagraph (a) of this paragraph, in the form of reimbursing any costs for all the animals’ food, drink, shelter, or veterinary care or treatment, or other costs, incurred by any person, agency, entity, or organization, including but not limited to a county society for the prevention of cruelty to animals, any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, a State or local governmental entity, or a kennel, shelter, pound, or other facility.
  - (2) The court may prohibit any convicted person from having future possession or custody of any animal for any period of time the court deems reasonable, including a permanent prohibition.
- c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction of leader of a dog fighting network shall not merge with the conviction for any offense, nor shall such other conviction merge with a conviction under this section, which is the object of the conspiracy. Nothing contained in this section shall prohibit the court from imposing an extended term pursuant to N.J.S.2C:43-7; nor shall this section be construed in any way to preclude or limit the prosecution or conviction of any person for conspiracy under N.J.S.2C:5-2, or any prosecution or conviction under N.J.S.2C:41-1 et seq. (racketeering activities) or subsection g. of N.J.S.2C:5-2 (leader of organized crime) or any prosecution or conviction

## ANIMAL PROTECTION LAWS OF NEW JERSEY

for any such offense.

- d. It shall not be necessary in any prosecution under this section for the State to prove that any intended profit was actually realized. The trier of fact may infer that a particular scheme or course of conduct was undertaken for profit from all of the attendant circumstances, including but not limited to the number of persons involved in the scheme or course of conduct, the actor's net worth and his expenditures in relation to his legitimate sources of income, or the amount of cash or currency involved.
- e. It shall not be a defense to a prosecution under this section that the dog intended to be used for fighting was brought into or transported in this State solely for ultimate distribution or sale in another jurisdiction.
- f. It shall not be a defense that the defendant was subject to the supervision or management of another, nor that another person or persons were also leaders of a dog fighting network.

### N.J. STAT. § 2C:41-1. Definitions.

For purposes of this section and N.J.S.2C:41-2 through N.J.S.2C:41-6:

- a. "Racketeering activity" means (1) any of the following crimes which are crimes under the laws of New Jersey or are equivalent crimes under the laws of any other jurisdiction:
  - (a) murder
  - (b) kidnapping
  - (c) gambling
  - (d) promoting prostitution
  - (e) obscenity
  - (f) robbery
  - (g) bribery
  - (h) extortion
  - (i) criminal usury
  - (j) violations of Title 33 of the Revised Statutes
  - (k) violations of Title 54A of the New Jersey Statutes and Title 54 of the Revised Statutes
  - (l) arson
  - (m) burglary
  - (n) theft and all crimes defined in chapter 20 of Title 2C of the New Jersey Statutes
  - (o) forgery and fraudulent practices and all crimes defined in chapter 21 of Title 2C of the New Jersey Statutes
  - (p) fraud in the offering, sale or purchase of securities
  - (q) alteration of motor vehicle identification numbers
  - (r) unlawful manufacture, purchase, use or transfer of firearms
  - (s) unlawful possession or use of destructive devices or explosives
  - (t) violation of sections 112 through 116 inclusive of the "Casino Control Act," P.L.1977, c.110 (C.5:12-112 through 5:12-116)
  - (u) violation of N.J.S.2C:35-4, N.J.S.2C:35-5 or N.J.S.2C:35-6 and all crimes involving illegal distribution of a controlled dangerous substance or controlled substance analog, except

## ANIMAL PROTECTION LAWS OF NEW JERSEY

- possession of less than one ounce of marijuana
- (v) violation of subsection b. of N.J.S.2C:24-4 except for subparagraph (b) of paragraph (5) of subsection b.
- (w) violation of section 1 of P.L.1995, c.405 (C.2C:39-16), leader of firearms trafficking network
- (x) violation of section 1 of P.L.1983, c.229 (C.2C:39-14), weapons training for illegal activities
- (y) violation of section 2 of P.L.2002, c.26 (C.2C:38-2), terrorism
- (z) violation of section 1 of P.L.2005, c.77 (C.2C:13-8), human trafficking
- (aa) violation of N.J.S.2C:12-1 requiring purposeful or knowing conduct
- (bb) violation of N.J.S.2C:12-3, terroristic threats
- (cc) violation of section 1 of P.L.2017, c.85 (C.2C:33-31), dog fighting.
- (2) any conduct defined as “racketeering activity” under Title 18, U.S.C. § 1961(1)(A), (B) and (D).
- b. “Person” includes any individual or entity or enterprise as defined herein holding or capable of holding a legal or beneficial interest in property.
- c. “Enterprise” includes any individual, sole proprietorship, partnership, corporation, business or charitable trust, association, or other legal entity, any union or group of individuals associated in fact although not a legal entity, and it includes illicit as well as licit enterprises and governmental as well as other entities.
- d. “Pattern of racketeering activity” requires:
  - (1) Engaging in at least two incidents of racketeering conduct one of which shall have occurred after the effective date of this act and the last of which shall have occurred within 10 years (excluding any period of imprisonment) after a prior incident of racketeering activity; and
  - (2) A showing that the incidents of racketeering activity embrace criminal conduct that has either the same or similar purposes, results, participants or victims or methods of commission or are otherwise interrelated by distinguishing characteristics and are not isolated incidents.
- e. “Unlawful debt” means a debt:
  - (1) Which was incurred or contracted in gambling activity which was in violation of the law of the United States, a state or political subdivision thereof; or
  - (2) Which is unenforceable under state or federal law in whole or in part as to principal or interest because of the laws relating to usury.
- f. “Documentary material” includes any book, paper, document, writing, drawing, graph, chart, photograph, phonorecord, magnetic or recording or video tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into useable form or other tangible item.
- g. “Attorney General” includes the Attorney General of New Jersey, his assistants and deputies. The term shall also include a county prosecutor or his designated assistant prosecutor if a county prosecutor is expressly authorized in writing by the Attorney General to carry out the powers conferred on the Attorney General by this chapter.
- h. “Trade or commerce” shall include all economic activity involving or relating to any commodity or service.

## ANIMAL PROTECTION LAWS OF NEW JERSEY

### N.J. STAT. § 4:22-24. Fighting or baiting animals or creatures and related offenses.

- a. A person who shall:
- (1) Keep, use, be connected with or interested in the management of, or receive money for the admission of a person to, a place kept or used for the purpose of fighting or baiting a living animal or creature;
  - (2) Be present and witness, pay admission to, encourage or assist therein;
  - (3) Permit or suffer a place owned or controlled by him to be so used;
  - (4) For amusement or gain, cause, allow, or permit the fighting or baiting of a living animal or creature;
  - (5) Own, possess, keep, train, promote, purchase, or knowingly sell a living animal or creature for the purpose of fighting or baiting that animal or creature; or
  - (6) Gamble on the outcome of a fight involving a living animal or creature; or
  - (7) Own possess, buy, sell, transfer, or manufacture animal fighting paraphernalia for the purpose of engaging in or otherwise promoting or facilitating the fighting or baiting of a living animal or creature—

*Shall be guilty of a crime of the third degree.*

- b. In determining whether an object is animal fighting paraphernalia, a trier of fact may consider:
- (1) the proximity of the object in time and space to any violation of this section;
  - (2) direct circumstantial evidence of intent of the person to deliver the object to any person whom the person in possession of the object knows, or should reasonably know, intends to use the object to violate this section;
  - (3) oral or written instructions concerning its use provided with, or found in the vicinity of, the object;
  - (4) descriptive materials accompanying the object which explain or depicts its use; and
  - (5) any other relevant factors.
- c. For the purposes of this section:
- “Animal fighting paraphernalia” means equipment, products, implements, and materials of any kind that are used, intended for use, or designed for use in the training, preparation, or conditioning of an animal for fighting, or in furtherance of animal fighting, and includes, but is not limited to, the following: breaking sticks, cat mills, treadmills, fighting pits, springpoles, veterinary medicine without a prescription therefor, treatment supplies, gaffs, slashers, heels, or any other sharp implement designed to be attached in place of the natural spur of a rooster, cock, or game fowl.*
- “Bait” means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training the animal for, or to cause an animal to engage in, a fight with or among other animals.*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

### N.J. STAT. § 4:22-24.1. Prohibition on trunk fighting.

- a. *In addition to the provisions of R.S.4:22-24, it shall be unlawful to engage in, facilitate, or provide the means to engage in, trunk fighting.* For the purposes of this section, “trunk fighting” means the practice of enclosing two or more animals in the trunk or any part of a motor vehicle for the purpose of the animals attacking each other, and possibly fighting until one or more of the animals are dead.
- b. *A violation of subsection a. of this section shall be a crime of the third degree.*

### N.J. STAT. § 4:22-26. Penalties for various acts constituting cruelty.

A person who shall:

- a.
  - (1) Overdrive, overload, drive when overloaded, overwork, abuse, or needlessly kill a living animal or creature, or cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any such acts to be done;
  - (2) Torment, torture, maim, hang, poison, unnecessarily or cruelly beat, cruelly abuse, or needlessly mutilate a living animal or creature, or cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any such acts to be done;
  - (3) Cause the death of, or serious bodily injury to, a living animal or creature from commission of any act described in paragraph (2), (4), (5), or (6) of this subsection, by any direct or indirect means, including but not limited to through the use of another living animal or creature, or otherwise cause or procure any such acts to be done;
  - (4) Fail, as the owner or a person otherwise charged with the care of a living animal or creature, to provide the living animal or creature with necessary care, or otherwise cause or procure such an act to be done; or
  - (5) Cause bodily injury to a living animal or creature from commission of the act described in paragraph (4) of this subsection;
- b. (Deleted by amendment, P.L.2003, c.232)
- c. Inflict unnecessary cruelty upon a living animal or creature, by any direct or indirect means, including but not limited to through the use of another living animal or creature; or leave the living animal or creature unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature;
- d. Receive or offer for sale a horse that is suffering from abuse or neglect, or which by reason of disability, disease, abuse or lameness, or any other cause, could not be worked, ridden or otherwise used for show, exhibition or recreational purposes, or kept as a domestic pet without violating the provisions of article 2 of chapter 22 of Title 4 of the Revised Statutes;
- e. *Keep, use, be connected with or interested in the management of, or receive money or other consideration for the admission of a person to, a place kept or used for the purpose of fighting or baiting a living animal or creature;*
- f. *Be present and witness, pay admission to, encourage, aid or assist in an activity enumerated in subsection e. of this section;*



## ANIMAL PROTECTION LAWS OF NEW JERSEY

- g. *Permit or suffer a person's place owned or controlled by the person to be used as provided in subsection e. of this section;*
- h. Carry, or cause to be carried, a living animal or creature in or upon a vehicle or otherwise, in a cruel or inhumane manner;
- i. Use a dog or dogs for the purpose of drawing or helping to draw a vehicle for business purposes;
- j. Impound or confine or cause to be impounded or confined in a pound or other place a living animal or creature, and shall fail to supply the living animal or creature during such confinement with a sufficient quantity of good and wholesome food and water;
- k. Abandon a maimed, sick, infirm or disabled animal or creature to die in a public place;
- l. Willfully sell, or offer to sell, use, expose, or cause or permit to be sold or offered for sale, used or exposed, a horse or other animal having the disease known as glanders or farcy, or other contagious or infectious disease dangerous to the health or life of human beings or animals, or who shall, when any such disease is beyond recovery, refuse, upon demand, to deprive the animal of life;
- m. Own, operate, manage or conduct a roadside stand or market for the sale of merchandise along a public street or highway; or a shopping mall, or a part of the premises thereof; and keep a living animal or creature confined, or allowed to roam in an area whether or not the area is enclosed, on these premises as an exhibit; except that this subsection shall not be applicable to: a pet shop licensed pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an animal, in a humane manner, for the purpose of the protection of the premises; or a recognized breeders' association, a 4-H club, an educational agricultural program, an equestrian team, a humane society or other similar charitable or nonprofit organization conducting an exhibition, show or performance;
- n. Keep or exhibit a wild animal at a roadside stand or market located along a public street or highway of this State; a gasoline station; or a shopping mall, or a part of the premises thereof;
- o. Sell, offer for sale, barter or give away or display live baby chicks, ducklings or other fowl or rabbits, turtles or chameleons which have been dyed or artificially colored or otherwise treated so as to impart to them an artificial color;
- p. Use any animal, reptile, or fowl for the purpose of soliciting any alms, collections, contributions, subscriptions, donations, or payment of money except in connection with exhibitions, shows or performances conducted in a bona fide manner by recognized breeders' associations, 4-H clubs or other similar bona fide organizations;
- q. Sell or offer for sale, barter, or give away living rabbits, turtles, baby chicks, ducklings or other fowl under two months of age, for use as household or domestic pets;
- r. Sell, offer for sale, barter or give away living baby chicks, ducklings or other fowl, or rabbits, turtles or chameleons under two months of age for any purpose not prohibited by subsection q. of this section and who shall fail to provide proper facilities for the care of such animals;
- s. Artificially mark sheep or cattle, or cause them to be marked, by cropping or cutting off both ears, cropping or cutting either ear more than one inch from the tip end thereof, or half cropping or cutting both ears or either ear more than one inch from the tip end thereof, or who shall have or keep in the person's possession sheep or cattle, which the person claims to own, marked contrary to this subsection unless they were bought in market or of a stranger;
- t. Abandon a domesticated animal;
- u. For amusement or gain, cause, allow, or permit the fighting or baiting of a living animal or creature;
- v. Own, possess, keep, train, promote, purchase, or knowingly sell a living animal or creature for the

## ANIMAL PROTECTION LAWS OF NEW JERSEY

- purpose of fighting or baiting that animal or creature; or own, possess, buy, sell, transfer, or manufacture animal fighting paraphernalia as defined pursuant to R.S.4:22–24 for the purpose of engaging in or otherwise promoting or facilitating the fighting or baiting of a living animal or creature;
- w. Gamble on the outcome of a fight involving a living animal or creature;
  - x. Knowingly sell or barter or offer for sale or barter, at wholesale or retail, the fur or hair of a domestic dog or cat or any product made in whole or in part from the fur or hair of a domestic dog or cat, unless such fur or hair for sale or barter is from a commercial grooming establishment or a veterinary office or clinic or is for use for scientific research;
  - y.
    - (1) Knowingly sell or barter, or offer for sale or barter, at wholesale or retail, for human consumption, the flesh of a domestic dog or cat, or any product made in whole or in part from the flesh of a domestic dog or cat;
    - (2) Knowingly slaughter a horse for human consumption;
    - (3) Knowingly sell or barter, or offer for sale or barter, at wholesale or retail, for human consumption, the flesh of a horse, or any product made in whole or in part from the flesh of a horse, or knowingly accept or publish newspaper advertising that includes the offering for sale, trade, or distribution of any such item for human consumption;
    - (4) Knowingly transport a horse for the purpose of slaughter for human consumption;
    - (5) Knowingly transport horsemeat, or any product made in whole or in part from the flesh of a horse, for the purpose of human consumption;
  - z. Surgically debark or silence a dog in violation of section 1 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
  - aa. Use a live pigeon, fowl or other bird for the purpose of a target, or to be shot at either for amusement or as a test of skill in marksmanship, except that this subsection and subsections bb. and cc. shall not apply to the shooting of game;
  - bb. Shoot at a bird used as described in subsection aa. of this section, or is a party to such shooting; or
  - cc. Lease a building, room, field or premises, or knowingly permit the use thereof for the purposes of subsection aa. or bb. of this section –

*Shall forfeit and pay a sum according to the following schedule, to be sued for and recovered, with costs, in a civil action by any person, in the name of the municipality or county wherein the defendant resides or where the offense was committed:*

*For a violation of subsection e., f., g., u., v., w., or z. of this section or of paragraph (3) of subsection a. of this section, or for a second or subsequent violation of paragraph (2) or (5) of subsection a. of this section, a sum of not less than \$ 3,000 nor more than \$ 5,000;*

For a violation of subsection l. of this section, for a first violation of paragraph (2) or (5) of subsection a. of this section, a sum of not less than \$ 1,000 nor more than \$ 3,000;

For a violation of paragraph (4) of subsection a. of this section, or subsection c. of this section, a sum of not less than \$ 500 nor more than \$ 2,000;

For a violation of subsection x. or paragraph (1) of subsection y. of this section, a sum of not less than \$



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## ANIMAL PROTECTION LAWS OF NEW JERSEY

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500 nor more than \$ 1,000 for each domestic dog or cat fur or fur or hair product or domestic dog or cat carcass or meat product sold, bartered, or offered for sale or barter;

For a violation of paragraph (2), (3), (4), or (5) of subsection y. of this section, a sum of not less than \$ 500 nor more than \$ 1,000 for each horse slaughtered or transported for the purpose of slaughter for human consumption, or for each horse carcass or meat product transported, sold or bartered, or offered or advertised for sale or barter;

For a violation of subsection t. of this section, a sum of not less than \$ 500 nor more than \$ 1,000, but if the violation occurs on or near a highway, a mandatory sum of \$ 1,000;

For a violation of subsection d., h., j., k., aa., bb., or cc. of this section or of paragraph (1) of subsection a. of this section, a sum of not less than \$ 250 nor more than \$ 1,000; and

For a violation of subsection i., m., n., o., p., q., r., or s. of this section, a sum of not less than \$ 250 nor more than \$ 500.

## ANIMAL PROTECTION LAWS OF NEW JERSEY

### 4. SEXUAL ASSAULT

#### N.J. STAT. § 4:22-17. Cruelty; certain acts, crime; degrees

- a. It shall be unlawful to:
  - (1) Overdrive, overload, drive when overloaded, overwork, abuse, or needlessly kill a living animal or creature;
  - (2) Cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any of the acts described in paragraph (1) of this subsection to be done;
  - (3) Inflict unnecessary cruelty upon a living animal or creature, by any direct or indirect means, including but not limited to through the use of another living animal or creature; or leave the living animal or creature unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature; or
  - (4) Fail, as the owner or as a person otherwise charged with the care of a living animal or creature, to provide the living animal or creature with necessary care.
- b.
  - (1) A person who violates subsection a. of this section shall be guilty of a disorderly persons offense. Notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, for every conviction of an offense pursuant to paragraph (1) or (2) of subsection a. of this section, the person shall be fined not less than \$ 250 nor more than \$ 1,000, or be imprisoned for a term of not more than six months, or both, in the discretion of the court; and for every conviction of an offense pursuant to paragraph (3) or (4) of subsection a. of this section, the person shall be fined not less than \$ 500 nor more than \$ 2,000, or be imprisoned for a term of not more than six months, or both, in the discretion of the court.
  - (2) If the person who violates subsection a. of this section has a prior conviction for an offense that would constitute a violation of subsection a. of this section, the person shall be guilty of a crime of the fourth degree.
  - (3) A person who violates subsection a. of this section shall also be subject to the provisions of subsections e. and f. and, if appropriate, subsection g., of this section.
  - (4) The action for the penalty prescribed in this subsection shall be brought in the municipal court of the municipality wherein the defendant resides or where the offense was committed, except that the municipality may elect to refer the offense to the county prosecutor to determine if the offense should be handled in the Superior Court or in municipal court.
- c. *It shall be unlawful to purposely, knowingly, or recklessly:*
  - (1) Torment, torture, maim, hang, poison, unnecessarily or cruelly beat, cruelly abuse, or needlessly mutilate a living animal or creature;
  - (2) Cause bodily injury to a living animal or creature by failing to provide the living animal or creature with necessary care, whether as the owner or as a person otherwise charged with the care of the living animal or creature;
  - (3) Cause or procure an act described in paragraph (1) or (2) of this subsection to be done, by any direct or indirect means, including but not limited to through the use of another living animal or

## ANIMAL PROTECTION LAWS OF NEW JERSEY

creature; or

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

d.

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

- (a) the animal or creature dies as a result of the violation;
- (b) the animal or creature suffers serious bodily injury as a result of the violation; or
- (c) the person has a prior conviction for an offense that would constitute a violation of paragraph (1), (2), (3) or (4) of subsection c. of this section.

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

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

- e. For a violation of this section, in addition to imposing any other appropriate penalties established for a crime of the third degree, crime of the fourth degree, or disorderly persons offense, as the case may be, pursuant to Title 2C of the New Jersey Statutes, the court shall impose a term of community service of up to 30 days, and may direct that the term of community service be served in providing assistance to a county society for the prevention of cruelty to animals or any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, or to a municipality's animal control or animal population control program.
- f. The court also shall require any violator of this section to pay restitution, including but not limited to, the monetary cost of replacing the animal if the animal died or had to be euthanized because of the extent of the animal's injuries, or otherwise reimburse any costs for food, drink, shelter, or veterinary care or treatment, or other costs, incurred by the owner of the animal, if the owner is not the person committing the act of cruelty, or incurred by any agency, entity, or organization investigating the violation, or providing shelter or care for the animal or animals including but not limited to a county society for the prevention of cruelty to animals, any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, a local or State governmental entity, or a kennel, shelter, pound, or other facility providing for the shelter and care of the animal or animals involved in the violation.
- g. If a juvenile is adjudicated delinquent for an act which, if committed by an adult, would constitute a disorderly persons offense, crime of the fourth degree, or crime of the third degree pursuant to this section, the court also shall order the juvenile to receive mental health counseling by a licensed psychologist or therapist named by the court for a period of time to be prescribed by the licensed psychologist or therapist.

## ANIMAL PROTECTION LAWS OF NEW JERSEY

### 5. CRUELTY TO WORKING ANIMALS

#### **N.J. STAT. § 2C:29-3.1. Purposeful infliction of harm on animal owned or used by law enforcement agency or interference with law enforcement officer using such animal; “search and rescue dog” defined.**

- a. *Any person who purposely kills a dog, horse or other animal owned or used by a law enforcement agency or a search and rescue dog shall be guilty of a crime of the third degree, and shall be sentenced by the court to a term of imprisonment. The term of imprisonment shall include the imposition of a minimum term. The minimum term shall be fixed at five years, during which the defendant shall be ineligible for parole. In addition, the court shall impose a fine of \$15,000.*
- b. *Any person who purposely maims or otherwise inflicts harm upon a dog, horse or other animal owned or used by a law enforcement agency or a search and rescue dog shall be guilty of a crime of the fourth degree.*
- c. *Any person who purposely threatens to kill, maim or otherwise inflict harm upon a dog, horse or other animal owned or used by a law enforcement agency or a search and rescue dog, under circumstances reasonably causing the person to whom the threat is made to believe that it is likely that it will be carried out, shall be guilty of a crime of the fourth degree.*
- d. *Any person who interferes with any law enforcement officer using an animal in the performance of his official duties commits a disorderly persons offense, subject to a sentence of six months' imprisonment, some or all of which may be community service, restitution and a \$1,000 fine.*

*As used in this section, “search and rescue dog” means any dog trained or being trained for the purpose of search and rescue that is owned by an independent handler or member of a search and rescue team, and used in conjunction with local law enforcement or emergency services organizations for the purpose of locating missing persons or evidence of arson.*

#### **N.J. STAT. § 2C:29-3.2. Service animals or guide dogs; reckless killing or interference with use; degree of crime; restitution.**

- a. *Any person who recklessly kills a service animal or guide dog, or who recklessly permits a dog that the person owns or over which the person has immediate control, to injure or kill a service animal or guide dog, is guilty of a crime of the fourth degree.*
- b. *Any person who recklessly injures a service animal or guide dog, or recklessly permits a dog that the person owns or over which the person has immediate control, to injure a service animal or guide dog, is guilty of a disorderly persons offense.*
- c. *Any person who recklessly interferes with the use of a service animal or guide dog, or who recklessly permits a dog that the person owns or over which that person has immediate control, to interfere with a service animal or guide dog, by obstructing, intimidating, or otherwise jeopardizing the safety of that service animal or guide dog or its handler, is guilty of a petty disorderly persons offense.*
- d. *A person who is convicted of a violation of this section, in addition to any other penalty, shall make full restitution for all damages that arise out of or are related to the offense, including incidental and*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

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consequential damages incurred by the handler of the service animal or guide dog. Restitution under this section shall include, but not be limited to:

- (1) the value of the service animal or guide dog;
- (2) replacement and training or retraining expenses for the service animal or guide dog and the handler;
- (3) veterinary and other medical and boarding expenses for the service animal or guide dog;
- (4) medical expenses for the handler; and
- (5) lost wages or income incurred by the handler during any period that the handler is without the services of the service animal or guide dog.

e. *As used in this section:*

*“Guide dog” shall mean a dog which has been or is being raised or trained to provide assistance to a blind or deaf person, including but not limited to a dog that has been or is being raised or trained by a volunteer puppy raiser or staff member of an organization generally recognized as being involved in the rehabilitation of the blind or deaf and reputable and competent to provide dogs with specialized training.*

*“Service animal” shall have the same meaning as set forth in the federal “Americans with Disabilities Act of 1990” (42 U.S.C. s.12101 et seq.) and any regulations under the act.*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

### 6. LAWS SPECIFIC TO FARMED ANIMALS

**Editor's Note:** This section does **not** contain all state or territorial laws regarding farmed animals. This section contains only criminal statutes with the primary purpose of preventing individual farmed animals from suffering unnecessary pain or suffering.

#### N.J. STAT. § 4:22-16.2. Rules and regulations

*a. As used in this section:*

*breeding pig* means any female pig of the porcine species kept for the purpose of commercial breeding who is six months or older or pregnant;

*calf raised for veal* means any calf of the bovine species kept for the purpose of producing the food product described as veal;

*enclosure* means a structure used to confine one or more breeding pigs or calves raised for veal;

*fully extending the animal's limbs* means fully extending all limbs without touching the side of an enclosure or another animal;

*turning around freely* means turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure or another animal;

*b. In addition to the standards adopted pursuant to subsection a. of section 4:22-16.1, the State Board of Agriculture and the Department of Agriculture shall, within 90 days after the date of enactment of this act, develop and adopt, pursuant to the Administrative Procedure Act, rules and regulations which:*

*â. prohibit the confinement in an enclosure of any breeding pig in a manner that prevents the animal from lying down, standing up, fully extending the animal's limbs, or turning around freely?*

*â. prohibit the confinement in an enclosure of any calf raised for veal in a manner that prevents the animal from lying down, standing up, fully extending the animal's limbs, or turning around freely?*

*â. require that calves raised for veal are confined in a manner such that each calf can groom itself naturally and have visual contact with other calves?* and

*â. establish penalties for violations of the provisions of paragraphs â through â of this subsection;*

*c. The rules and regulations adopted pursuant to subsection b. of this section may include exceptions to confinement standards for the following activities only:*

*â. medical research?*

*â. examination, testing, individual treatment, or operation for veterinary purposes, but only if performed by or under the supervision of a licensed veterinarian, either in person or via a telemedicine appointment?*

*â. transportation?*

*â. State or county fair exhibitions, fairs, programs, or similar temporary exhibitions?*

*â. humane slaughter in accordance with applicable laws and regulations?* and

*â. confinement of a breeding pig during the 30-day period prior to the expected date of the breeding pig giving birth or on any day when the breeding pig is nursing piglets;*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

### 7. CRUEL HUNTING, TRAPPING, AND FISHING

**Editor's Note:** *This section does **not** contain all state or territorial laws regarding hunting, trapping, and fishing. This section contains only criminal statutes with the primary purpose of preventing individual wild animals from suffering unnecessary pain or suffering.*

#### **N.J. STAT. § 23:4-11, except during seasons and in manner provided, prohibited**

*No person shall capture, kill, injure or destroy or pursue, with that intent, any of the game birds or animals enumerated in this chapter on his own property or on that of another person, except during the seasons, at the times and in the manner provided by the respective provisions of the State Fish and Game Code, or, in the absence of such provisions in said code, except during the seasons, at the times and in the manner provided in this chapter. A person who violates this section shall be liable to the penalties provided in this chapter for the violations thereof.*

#### **N.J. STAT. § 23:4-14. Use of ferrets prohibited; penalty**

*No person shall hunt, kill or destroy, or attempt to hunt, kill or destroy, a hare or rabbit with ferrets, or have a ferret in possession in the woods or fields, under a penalty of fifty dollars for each offense.*

#### **N.J. STAT. § 23:4-22. "Pole traps" prohibited; penalty**

*No person shall set or use any snare, snood, net, trap or other device for the catching or trapping of a bird or animal above the level of the surrounding ground and commonly known as "pole traps". Nothing contained herein shall prohibit the setting of traps or snares on the ground or prohibit trapping by the board or its employees on fish hatcheries or game farms. A person violating this section shall be liable to a penalty of twenty dollars for each snare, snood, net, trap or device so set or used.*

#### **N.J. STAT. § 23:4-22.1. Steel-jaw leghold type trap prohibition**

*No person shall manufacture, sell, offer for sale, possess, import or transport an animal trap of the steel-jaw leghold type.*

#### **N.J. STAT. § 23:4-22.2. Use banned**

*No person shall take or attempt to take any animal by means of a trap of the steel-jaw leghold type.*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

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### **N.J. STAT. § 23:4-22.7. Fines**

A person using a steel-jaw leghold type animal trap in violation of any rule or regulation under this amendatory and supplementary act shall, for each illegal trap involved, be fined not less than \$50.00 nor more than \$250.00 for a first offense; not less than \$250.00 nor more than \$500.00 for a second offense; not less than \$500.00 nor more than \$2,500.00 for a third or subsequent offense.

### **N.J. STAT. § 23:4-38.2. Trap of conibear or killer type; restriction on use**

*No trap of the conibear or killer type shall be used in trapping unless such trap is submerged under water in accordance with rules and regulations promulgated by the Department of Environmental Protection.*

### **N.J. STAT. § 23:4-51. Robbing nests or taking eggs prohibited; exception; penalty**

*No person shall rob the nests or take or destroy the eggs of any wild bird other than the English sparrow, under a penalty of twenty dollars for each nest robbed and each egg so removed or destroyed.*

### **N.J. STAT. § 23:4-63.2. Possession of live coyote prohibited; penalty**

*No person shall have a live coyote in possession in this State except by permission of the board, under a penalty of one hundred dollars (\$100.00) for each live coyote so had in possession.*

### **N.J. STAT. § 23:4-10. Shooting squirrel's nest prohibited; penalty**

*No person shall shoot into a squirrel's nest at any time of the year, under a penalty of twenty dollars for each offense.*

### **N.J. STAT. § 23:4-38.3. Fine; forfeiture of license**

Any person violating the provisions of section 3 of this act shall be subject to a fine of not more than \$50.00 for each offense and to the forfeiture of his license to trap.

### **N.J. STAT. § 23:5-11. Fishing, except angling, prohibited; penalty; exceptions**

*Except as otherwise provided in section 23:5-3 of this Title, no person shall take or attempt to take fish from any of the waters of this State by any means prohibited by the State Fish and Game Code, or, in the absence of*



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## ANIMAL PROTECTION LAWS OF NEW JERSEY

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*such provisions in said code, by means of any contrivance, except in the manner commonly known as angling with hand line or with rod and line, under a penalty of twenty dollars (\$20.00) for each offense.* Eels may be caught at any time by means of wicker eel baskets anchored on the bottom of streams and ponds, and minnows and other bait fish may be taken by such means, in such manner, in such waters, and under such circumstances prescribed by the State Fish and Game Code, or, in the absence of such provisions in said code with a seine not over fifty feet in length in all ponds and lakes which have an area of over one hundred acres, and in all other waters with a seine not over thirty feet in length, but in every such case, all trout, pickerel, bass, pike and pike perch captured therein shall be immediately released therefrom uninjured as far as practicable. Fish may also be taken in any manner under the direction of or by permission given by the Division of Fish and Game for stocking purposes.

## ANIMAL PROTECTION LAWS OF NEW JERSEY

### 8. CROSS REPORTING

[None]

## ANIMAL PROTECTION LAWS OF NEW JERSEY

### 9. VETERINARY REPORTING

[None]

## ANIMAL PROTECTION LAWS OF NEW JERSEY

### 10. "AG-GAG" LAWS

[None]

## ANIMAL PROTECTION LAWS OF NEW JERSEY

### 11. EMERGENCY RESCUE AND RELIEF

#### **N.J. STAT. § 4:22-51. Supplying necessary food to animals impounded by another**

*When a living animal or creature is impounded or confined as provided in section 4:22-19 of this title, and shall continue to be without necessary food and water for more than twelve successive hours, any person may, from time to time as often as is necessary, enter into or upon the pound in which the animal or creature is impounded or confined and supply it with necessary food and water so long as it shall remain impounded or confined. Such person shall not be liable to an action for such entry.*

The actual cost of the food, water and bedding, together with twenty per cent additional, may be collected by such person from the owner of the animal or creature in an action at law, together with costs, and the animal or creature shall not be exempt from levy and sale upon an execution issued upon a judgment therefor.

## ANIMAL PROTECTION LAWS OF NEW JERSEY

### 12. CIVIL ENFORCEMENT

[None]

## ANIMAL PROTECTION LAWS OF NEW JERSEY

## 13. DOMESTIC VIOLENCE AND PROTECTION ORDERS

**N.J. STAT. § 2C:25-26. Release from custody before trial; restraining orders; confidentiality of victim's location; bail.**

- a. When a defendant charged with a crime or offense involving domestic violence is released from custody before trial on bail or personal recognizance, the court authorizing the release may as a condition of release issue an order prohibiting the defendant from having any contact with the victim including, but not limited to, restraining the defendant from entering the victim's residence, place of employment or business, or school, and from harassing or stalking the victim or the victim's friends, co-workers, or relatives in any way. *The court may also enter an order prohibiting the defendant from having any contact with any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household. In addition, the court may enter an order directing the possession of the animal and providing that the animal shall not be disposed of prior to the disposition of the crime or offense.* The court may enter an order prohibiting the defendant from possessing any firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1 and ordering the search for and seizure of any such weapon at any location where the judge has reasonable cause to believe the weapon is located. The judge shall state with specificity the reasons for and scope of the search and seizure authorized by the order.
- b. *The written court order releasing the defendant shall contain the court's directives specifically restricting the defendant's ability to have contact with the victim, the victim's friends, co-workers, or relatives, or any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household. The clerk of the court or other person designated by the court shall provide a copy of this order to the victim forthwith.*
- c. The victim's location shall remain confidential and shall not appear on any documents or records to which the defendant has access.
- d. Before bail is set, the defendant's prior record shall be considered by the court. The court shall also conduct a search of the domestic violence central registry. Bail shall be set as soon as is feasible, but in all cases within 24 hours of arrest.
- e. Once bail is set it shall not be reduced without prior notice to the county prosecutor and the victim. Bail shall not be reduced by a judge other than the judge who originally ordered bail, unless the reasons for the amount of the original bail are available to the judge who reduces the bail and are set forth in the record.
- f. A victim shall not be prohibited from applying for, and a court shall not be prohibited from issuing, temporary restraints pursuant to this act because the victim has charged any person with commission of a criminal act.

**N.J. STAT. § 2C:25-27. Conditions of sentencing of defendant found guilty of domestic violence.**

- a. *When a defendant is found guilty of a crime or offense involving domestic violence and a condition of sentence restricts the defendant's ability to have contact with the victim, the victim's friends, co-*



## ANIMAL PROTECTION LAWS OF NEW JERSEY

*workers, or relatives, or an animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household, that condition shall be recorded in an order of the court and a written copy of that order shall be provided to the victim by the clerk of the court or other person designated by the court. In addition to restricting a defendant's ability to have contact with the victim, the victim's friends, co-workers, or relatives, or an animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household, the court may require the defendant to receive professional counseling from either a private source or a source appointed by the court, and if the court so orders, the court shall require the defendant to provide documentation of attendance at the professional counseling. In any case where the court order contains a requirement that the defendant receive professional counseling, no application by the defendant to dissolve the restraining order shall be granted unless, in addition to any other provisions required by law or conditions ordered by the court, the defendant has completed all required attendance at such counseling.*

- b. In addition the court may enter an order directing the possession of an animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household. Where a person has abused or threatened to abuse such animal, there shall be a presumption that possession of the animal shall be awarded to the non-abusive party.*

c.

- (1) When a defendant is found guilty of a crime or offense involving domestic violence, the court shall inform the defendant that the defendant is prohibited from purchasing, owning, possessing, or controlling a firearm pursuant to section 6 of P.L.1979, c. 179 (C.2C:39–7) and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun pursuant to N.J.S.2C:58–3. The court shall order the defendant to arrange for the immediate surrender to a law enforcement officer of any firearm that has not already been seized or surrendered and any firearms purchaser identification card or permit to purchase a handgun possessed by the defendant. No later than five business days after the order is entered, however, the defendant may arrange to sell any surrendered firearm to a licensed retail dealer of firearms who shall be authorized to take possession of that purchased firearm from the law enforcement agency to which it was surrendered no later than 10 business days after the order is entered. Any card or permit issued to the defendant shall be deemed immediately revoked. The court shall establish a process for notifying the appropriate authorities of the conviction requiring the revocation of the card or permit. A law enforcement officer accepting a surrendered firearm shall provide the defendant with a receipt listing the date of surrender, the name of the defendant, and any item that has been surrendered, including the serial number, manufacturer, and model of the surrendered firearm. The defendant shall provide a copy of this receipt to the prosecutor within 48 hours of service of the order, and shall attest under penalty that any firearms owned or possessed at the time of the order have been transferred in accordance with this section and that the defendant currently does not possess any firearms. The defendant alternatively may attest under penalty that he did not own or possess a firearm at the time of the order and currently does not possess a firearm. If the court, upon motion of the prosecutor, finds probable cause that the defendant has failed to surrender any firearm, card, or permit, the court may order a search for and removal of these items at any location where the judge has reasonable cause to believe these items are located. The judge shall state with specificity the reasons for and the scope of

## ANIMAL PROTECTION LAWS OF NEW JERSEY

the search and seizure authorized by the order.

- (2) A law enforcement officer who receives a firearm that is surrendered, but not purchased and taken possession of by a licensed retail dealer of firearms within 10 business days of when the order is entered pursuant to paragraph (1) of this subsection, may dispose of the surrendered firearm in accordance with the provisions of N.J.S.2C:64–6. A firearm purchased by a licensed retail dealer from a defendant shall become part of the inventory of the dealer.

### **N.J. STAT. § 2C:25-28. Filing complaint alleging domestic violence in Family Part; proceeding.**

- a. A victim may file a complaint alleging the commission of an act of domestic violence with the Family Part of the Chancery Division of the Superior Court in conformity with the Rules of Court. The court shall not dismiss any complaint or delay disposition of a case because the victim has left the residence to avoid further incidents of domestic violence. Filing a complaint pursuant to this section shall not prevent the filing of a criminal complaint for the same act.  
On weekends, holidays and other times when the court is closed, a victim may file a complaint before a judge of the Family Part of the Chancery Division of the Superior Court or a municipal court judge who shall be assigned to accept complaints and issue emergency, ex parte relief in the form of temporary restraining orders pursuant to this act.  
A plaintiff may apply for relief under this section in a court having jurisdiction over the place where the alleged act of domestic violence occurred, where the defendant resides, or where the plaintiff resides or is sheltered, and the court shall follow the same procedures applicable to other emergency applications. Criminal complaints filed pursuant to this act shall be investigated and prosecuted in the jurisdiction where the offense is alleged to have occurred. Contempt complaints filed pursuant to N.J.S.2C:29-9 shall be prosecuted in the county where the contempt is alleged to have been committed and a copy of the contempt complaint shall be forwarded to the court that issued the order alleged to have been violated.
- b. The court shall waive any requirement that the petitioner's place of residence appear on the complaint.
- c.
  - (1) The clerk of the court, or other person designated by the court, shall assist the parties in completing any forms necessary for the filing of a summons, complaint, answer or other pleading.
  - (2) The plaintiff may provide information concerning firearms to which the defendant has access, including the location of these firearms, if known, on a form to be prescribed by the Administrative Director of the Courts.
  - (3) Information provided by the plaintiff concerning firearms to which the defendant has access shall be kept confidential and shall not be disseminated or disclosed, provided that nothing in this subsection shall prohibit dissemination or disclosure of this information in a manner consistent with and in furtherance of the purpose for which the information was provided.
- d. Summons and complaint forms shall be readily available at the clerk's office, at the municipal courts and at municipal and State police stations.
- e. As soon as the domestic violence complaint is filed, both the victim and the abuser shall be advised of

## ANIMAL PROTECTION LAWS OF NEW JERSEY

any programs or services available for advice and counseling.

- f. A plaintiff may seek emergency, ex parte relief in the nature of a temporary restraining order. A municipal court judge or a judge of the Family Part of the Chancery Division of the Superior Court may enter an ex parte order when necessary to protect the life, health or well-being of a victim on whose behalf the relief is sought.
- g. If it appears that the plaintiff is in danger of domestic violence, the judge shall, upon consideration of the plaintiff's domestic violence complaint, order emergency ex parte relief, in the nature of a temporary restraining order. A decision shall be made by the judge regarding the emergency relief forthwith.
- h. A judge may issue a temporary restraining order upon sworn testimony or complaint of an applicant who is not physically present, pursuant to court rules, or by a person who represents a person who is physically or mentally incapable of filing personally. A temporary restraining order may be issued if the judge is satisfied that exigent circumstances exist sufficient to excuse the failure of the applicant to appear personally and that sufficient grounds for granting the application have been shown.
- i. An order for emergency, ex parte relief shall be granted upon good cause shown and shall remain in effect until a judge of the Family Part issues a further order. Any temporary order hereunder is immediately appealable for a plenary hearing de novo not on the record before any judge of the Family Part of the county in which the plaintiff resides or is sheltered if that judge issued the temporary order or has access to the reasons for the issuance of the temporary order and sets forth in the record the reasons for the modification or dissolution. The denial of a temporary restraining order by a municipal court judge and subsequent administrative dismissal of the complaint shall not bar the victim from refiling a complaint in the Family Part based on the same incident and receiving an emergency, ex parte hearing de novo not on the record before a Family Part judge, and every denial of relief by a municipal court judge shall so state.
- j. Emergency relief may include forbidding the defendant from returning to the scene of the domestic violence, forbidding the defendant from possessing any firearm or other weapon enumerated in subsection r. of N.J.S.2C:39–1, ordering the search for and seizure of any such firearm or other weapon at any location where the judge has reasonable cause to believe the weapon is located and the seizure of any firearms purchaser identification card or permit to purchase a handgun issued to the defendant and any other appropriate relief.

If the order requires the surrender of any firearm or other weapon, a law enforcement officer shall accompany the defendant, or may proceed without the defendant if necessary, to the scene of the domestic violence or any other location where the judge has reasonable cause to believe any firearm or other weapon belonging to the defendant is located, to ensure that the defendant does not gain access to any firearm or other weapon, and that the firearm or other weapon is appropriately surrendered in accordance with the order. If the order prohibits the defendant from returning to the scene of domestic violence or any other location where the judge has reasonable cause to believe any firearm or other weapon belonging to the defendant is located, any firearm or other weapon located there shall be seized by a law enforcement officer. The order shall include notice to the defendant of the penalties for a violation of any provision of the order, including but not limited to the penalties for contempt of court and unlawful possession of a firearm or other weapon pursuant to N.J.S.2C:39–5.

*Other appropriate relief may include but is not limited to an order directing the possession of any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

*household and providing that the animal shall not be disposed of prior to entry of a final order pursuant to section 13 of P.L.1991, c. 261 (C.2C:25-29).*

The judge shall state with specificity the reasons for and scope of any search and seizure authorized by the order. The provisions of this subsection prohibiting a defendant from possessing a firearm or other weapon shall not apply to any law enforcement officer while actually on duty, or to any member of the Armed Forces of the United States or member of the National Guard while actually on duty or traveling to or from an authorized place of duty.

- k. The judge may permit the defendant to return to the scene of the domestic violence to pick up personal belongings and effects but shall, in the order granting relief, restrict the time and duration of such permission and provide for police supervision of such visit.
- l. An order granting emergency relief, together with the complaint or complaints, shall immediately be forwarded to the appropriate law enforcement agency for service on the defendant, and to the police of the municipality in which the plaintiff resides or is sheltered, and shall immediately be served upon the defendant by the police, except that an order issued during regular court hours may be forwarded to the sheriff for immediate service upon the defendant in accordance with the Rules of Court. If personal service cannot be effected upon the defendant, the court may order other appropriate substituted service. At no time shall the plaintiff be asked or required to serve any order on the defendant.
- m. (Deleted by amendment, P.L.1994, c.94.)
- n. Notice of temporary restraining orders issued pursuant to this section shall be sent by the clerk of the court or other person designated by the court to the appropriate chiefs of police, members of the State Police and any other appropriate law enforcement agency or court.
- o. (Deleted by amendment, P.L.1994, c.94.)
- p. Any temporary or final restraining order issued pursuant to this act shall be in effect throughout the State, and shall be enforced by all law enforcement officers.
- q. Prior to the issuance of any temporary or final restraining order issued pursuant to this section, the court shall order that a search be made of the domestic violence central registry with regard to the defendant's record.

### **N.J. STAT. § 2C:25-29. Hearing Procedure; relief.**

- a. A hearing shall be held in the Family Part of the Chancery Division of the Superior Court within 10 days of the filing of a complaint pursuant to section 12 of P.L.1991, c.261 (C.2C:25-28) in the county where the ex parte restraints were ordered, unless good cause is shown for the hearing to be held elsewhere. A copy of the complaint shall be served on the defendant in conformity with the Rules of Court. If a criminal complaint arising out of the same incident which is the subject matter of a complaint brought under P.L.1981, c.426 (C.2C:25-1 et seq.) or P.L.1991, c.261 (C.2C:25-17 et seq.) has been filed, testimony given by the plaintiff or defendant in the domestic violence matter shall not be used in the simultaneous or subsequent criminal proceeding against the defendant, other than domestic violence contempt matters and where it would otherwise be admissible hearsay under the rules of evidence that govern where a party is unavailable. At the hearing the standard for proving the allegations in the complaint shall be by a preponderance of the evidence. The court shall consider but not be limited to

## ANIMAL PROTECTION LAWS OF NEW JERSEY

the following factors:

- (1) The previous history of domestic violence between the plaintiff and defendant, including threats, harassment and physical abuse;
- (2) The existence of immediate danger to person or property;
- (3) The financial circumstances of the plaintiff and defendant;
- (4) The best interests of the victim and any child;
- (5) In determining custody and parenting time the protection of the victim's safety; and
- (6) The existence of a verifiable order of protection from another jurisdiction.

An order issued under this act shall only restrain or provide damages payable from a person against whom a complaint has been filed under this act and only after a finding or an admission is made that an act of domestic violence was committed by that person. The issue of whether or not a violation of this act occurred, including an act of contempt under this act, shall not be subject to mediation or negotiation in any form. In addition, where a temporary or final order has been issued pursuant to this act, no party shall be ordered to participate in mediation on the issue of custody or parenting time.

- b. In proceedings in which complaints for restraining orders have been filed, the court shall grant any relief necessary to prevent further abuse. In addition to any other provisions, any restraining order issued by the court shall bar the defendant from purchasing, owning, possessing or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun pursuant to N.J.S.2C:58-3 during the period in which the restraining order is in effect or two years, whichever is greater, except that this provision. The order shall require the immediate surrender of any firearm or other weapon belonging to the defendant. The order shall include notice to the defendant of the penalties for a violation of any provision of the order, including but not limited to the penalties for contempt of court and unlawful possession of a firearm or other weapon pursuant to N.J.S.2C:39-5.

A law enforcement officer shall accompany the defendant, or may proceed without the defendant if necessary, to any place where any firearm or other weapon belonging to the defendant is located to ensure that the defendant does not gain access to any firearm or other weapon, and a law enforcement officer shall take custody of any firearm or other weapon belonging to the defendant. If the order prohibits the defendant from returning to the scene of domestic violence or other place where firearms or other weapons belonging to the defendant are located, any firearm or other weapon located there shall be seized by a law enforcement officer. The provisions of this subsection requiring the surrender or removal of a firearm, card, or permit shall not apply to any law enforcement officer while actually on duty, or to any member of the Armed Forces of the United States or member of the National Guard while actually on duty or traveling to or from an authorized place of duty. At the hearing the judge of the Family Part of the Chancery Division of the Superior Court may issue an order granting any or all of the following relief:

- (1) An order restraining the defendant from subjecting the victim to domestic violence, as defined in this act.
- (2) An order granting exclusive possession to the plaintiff of the residence or household regardless of whether the residence or household is jointly or solely owned by the parties or jointly or solely leased by the parties. This order shall not in any manner affect title or interest to any real property held by either party or both jointly. If it is not possible for the victim to remain in the residence, the court may order the defendant to pay the victim's rent at a residence other than

## ANIMAL PROTECTION LAWS OF NEW JERSEY

the one previously shared by the parties if the defendant is found to have a duty to support the victim and the victim requires alternative housing.

- (3) An order providing for parenting time. The order shall protect the safety and well-being of the plaintiff and minor children and shall specify the place and frequency of parenting time. Parenting time arrangements shall not compromise any other remedy provided by the court by requiring or encouraging contact between the plaintiff and defendant. Orders for parenting time may include a designation of a place of parenting time away from the plaintiff, the participation of a third party, or supervised parenting time.
  - (a) The court shall consider a request by a custodial parent who has been subjected to domestic violence by a person with parenting time rights to a child in the parent's custody for an investigation or evaluation by the appropriate agency to assess the risk of harm to the child prior to the entry of a parenting time order. Any denial of such a request must be on the record and shall only be made if the judge finds the request to be arbitrary or capricious.
  - (b) The court shall consider suspension of the parenting time order and hold an emergency hearing upon an application made by the plaintiff certifying under oath that the defendant's access to the child pursuant to the parenting time order has threatened the safety and well-being of the child.
- (4) An order requiring the defendant to pay to the victim monetary compensation for losses suffered as a direct result of the act of domestic violence. The order may require the defendant to pay the victim directly, to reimburse the Victims of Crime Compensation Office for any and all compensation paid by the Victims of Crime Compensation Office directly to or on behalf of the victim, and may require that the defendant reimburse any parties that may have compensated the victim, as the court may determine. Compensatory losses shall include, but not be limited to, loss of earnings or other support, including child or spousal support, out-of-pocket losses for injuries sustained, cost of repair or replacement of real or personal property damaged or destroyed or taken by the defendant, cost of counseling for the victim, moving or other travel expenses, reasonable attorney's fees, court costs, and compensation for pain and suffering. Where appropriate, punitive damages may be awarded in addition to compensatory damages.
- (5) An order requiring the defendant to receive professional domestic violence counseling from either a private source or a source appointed by the court and, in that event, requiring the defendant to provide the court at specified intervals with documentation of attendance at the professional counseling. The court may order the defendant to pay for the professional counseling. No application by the defendant to dissolve a final order which contains a requirement for attendance at professional counseling pursuant to this paragraph shall be granted by the court unless, in addition to any other provisions required by law or conditions ordered by the court, the defendant has completed all required attendance at such counseling.
- (6) An order restraining the defendant from entering the residence, property, school, or place of employment of the victim or of other family or household members of the victim and requiring the defendant to stay away from any specified place that is named in the order and is frequented regularly by the victim or other family or household members.
- (7) An order restraining the defendant from making contact with the plaintiff or others, including



## ANIMAL PROTECTION LAWS OF NEW JERSEY

an order forbidding the defendant from personally or through an agent initiating any communication likely to cause annoyance or alarm including, but not limited to, personal, written, or telephone contact with the victim or other family members, or their employers, employees, or fellow workers, or others with whom communication would be likely to cause annoyance or alarm to the victim.

- (8) An order requiring that the defendant make or continue to make rent or mortgage payments on the residence occupied by the victim if the defendant is found to have a duty to support the victim or other dependent household members; provided that this issue has not been resolved or is not being litigated between the parties in another action.
- (9) An order granting either party temporary possession of specified personal property, such as an automobile, checkbook, documentation of health insurance, an identification document, a key, and other personal effects.
- (10) An order awarding emergency monetary relief, including emergency support for minor children, to the victim and other dependents, if any. An ongoing obligation of support shall be determined at a later date pursuant to applicable law.
- (11) An order awarding temporary custody of a minor child. The court shall presume that the best interests of the child are served by an award of custody to the non-abusive parent.
- (12) An order requiring that a law enforcement officer accompany either party to the residence or any shared business premises to supervise the removal of personal belongings in order to ensure the personal safety of the plaintiff when a restraining order has been issued. This order shall be restricted in duration.
- (13) (Deleted by amendment, P.L.1995, c.242).
- (14) An order granting any other appropriate relief for the plaintiff and dependent children, provided that the plaintiff consents to such relief, including relief requested by the plaintiff at the final hearing, whether or not the plaintiff requested such relief at the time of the granting of the initial emergency order.
- (15) An order that requires that the defendant report to the intake unit of the Family Part of the Chancery Division of the Superior Court for monitoring of any other provision of the order.
- (16) In addition to the order required by this subsection prohibiting the defendant from possessing any firearm, the court may also issue an order prohibiting the defendant from possessing any other weapon enumerated in subsection r. of N.J.S.2C:39-1 and ordering the search for and seizure of any firearm or other weapon at any location where the judge has reasonable cause to believe the weapon is located. The judge shall state with specificity the reasons for and scope of the search and seizure authorized by the order.
- (17) An order prohibiting the defendant from stalking or following, or threatening to harm, to stalk or to follow, the complainant or any other person named in the order in a manner that, taken in the context of past actions of the defendant, would put the complainant in reasonable fear that the defendant would cause the death or injury of the complainant or any other person. Behavior prohibited under this act includes, but is not limited to, behavior prohibited under the provisions of P.L.1992, c.209 (C.2C:12-10).
- (18) An order requiring the defendant to undergo a psychiatric evaluation.
- (19) *An order directing the possession of any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household. Where a person has abused or*



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## ANIMAL PROTECTION LAWS OF NEW JERSEY

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*threatened to abuse such animal, there shall be a presumption that possession of the animal shall be awarded to the non-abusive party.*

- c. Notice of orders issued pursuant to this section shall be sent by the clerk of the Family Part of the Chancery Division of the Superior Court or other person designated by the court to the appropriate chiefs of police, members of the State Police and any other appropriate law enforcement agency.
- d. Upon good cause shown, any final order may be dissolved or modified upon application to the Family Part of the Chancery Division of the Superior Court, but only if the judge who dissolves or modifies the order is the same judge who entered the order, or has available a complete record of the hearing or hearings on which the order was based.
- e. Prior to the issuance of any order pursuant to this section, the court shall order that a search be made of the domestic violence central registry.

## ANIMAL PROTECTION LAWS OF NEW JERSEY

### 14. MAXIMUM PENALTIES AND STATUTE OF LIMITATIONS

**NOTE:** Penalties for violations of certain animal cruelty offenses are provided in the substantive statutes. Please see the notes in the “General Cruelty” section of the table at the beginning of this document for more detail, or see the full texts of the substantive statutes available in the Substantive Prohibitions sections of this document.

#### N.J. STAT. § 2C:1-6. Time limitations

- a.
  - (1) A prosecution for any offense set forth in N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:14-2 or sections 1 through 5 of P.L.2002, c. 26 (C.2C:38-1 through C.2C:38-5) may be commenced at any time.
  - (2) A prosecution for any offense set forth in N.J.S.2C:17-2, section 9 of P.L.1970, c. 39 (C.13:1E-9), section 20 of P.L.1989, c. 34 (C.13:1E-48.20), section 19 of P.L.1954, c. 212 (C.26:2C-19), section 10 of P.L.1984, c. 173 (C.34:5A-41), or section 10 of P.L.1977, c. 74 (C.58:10A-10) may be commenced at any time.
- b. *Except as otherwise provided in this section, prosecutions for other offenses are subject to the following periods of limitations:*
  - (1) *A prosecution for a crime must be commenced within five years after it is committed;*
  - (2) *A prosecution for a disorderly persons offense or petty disorderly persons offense must be commenced within one year after it is committed;*
  - (3) A prosecution for any offense set forth in N.J.S.2C:27-2, N.J.S.2C:27-4, N.J.S.2C:27-6, N.J.S.2C:27-7, N.J.S.2C:29-4, N.J.S.2C:30-2, N. J.S.2C:30-3, or any attempt or conspiracy to commit such an offense, must be commenced within seven years after the commission of the offense;
  - (4) A prosecution for an offense set forth in N.J.S.2C:14-3 or N.J.S.2C:24-4, when the victim at the time of the offense is below the age of 18 years, must be commenced within five years of the victim's attaining the age of 18 or within two years of the discovery of the offense by the victim, whichever is later;
  - (5) (Deleted by amendment, P.L.2007, c. 131).
- c. An offense is committed either when every element occurs or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed, except that when the prosecution is supported by physical evidence that identifies the actor by means of DNA testing or fingerprint analysis, time does not start to run until the State is in possession of both the physical evidence and the DNA or fingerprint evidence necessary to establish the identification of the actor by means of comparison to the physical evidence.
- d. A prosecution is commenced for a crime when an indictment is found and for a nonindictable offense when a warrant or other process is issued, provided that such warrant or process is executed without unreasonable delay. Nothing contained in this section, however, shall be deemed to prohibit the downgrading of an offense at any time if the prosecution of the greater offense was commenced within the statute of limitations applicable to the greater offense.

## ANIMAL PROTECTION LAWS OF NEW JERSEY

- e. The period of limitation does not run during any time when a prosecution against the accused for the same conduct is pending in this State.
- f. The limitations in this section shall not apply to any person fleeing from justice.
- g. Except as otherwise provided in this code, no civil action shall be brought pursuant to this code more than five years after such action accrues.

### **N.J. STAT. § 2C:43-3. Fines and Restitutions.**

*A person who has been convicted of an offense may be sentenced to pay a fine, to make restitution, or both, such fine not to exceed:*

- d.
  - (7) \$200,000.00 when the conviction is of a crime of the first degree;
  - (8) \$150,000.00 when the conviction is of a crime of the second degree;
- b.
  - (1) \$15,000.00 when the conviction is of a crime of the third degree;
  - (2) \$10,000.00 when the conviction is of a crime of the fourth degree;
- c. \$1,000.00, when the conviction is of a disorderly persons offense;
- d. \$500.00, when the conviction is of a petty disorderly persons offense;
- e. Any higher amount equal to double the pecuniary gain to the offender or loss to the victim caused by the conduct constituting the offense by the offender. In such case the court shall make a finding as to the amount of the gain or loss, and if the record does not contain sufficient evidence to support such a finding the court may conduct a hearing upon the issue. For purposes of this section the term “gain” means the amount of money or the value of property derived by the offender and “loss” means the amount of value separated from the victim or the amount of any payment owed to the victim and avoided or evaded and includes any reasonable and necessary expense incurred by the owner in recovering or replacing lost, stolen or damaged property or recovering any payment avoided or evaded, and, with respect to property of a research facility, includes the cost of repeating an interrupted or invalidated experiment or loss of profits. The term “victim” shall mean a person who suffers a personal physical or psychological injury or death or incurs loss of or injury to personal or real property as a result of a crime committed against that person, or in the case of a homicide, the nearest relative of the victim. The terms “gain” and “loss” shall also mean, where appropriate, the amount of any tax, fee, penalty and interest avoided, evaded, or otherwise unpaid or improperly retained or disposed of;
- f. Any higher amount specifically authorized by another section of this code or any other statute;
- g. Up to twice the amounts authorized in subsection a., b., c. or d. of this section, in the case of a second or subsequent conviction of any tax offense defined in Title 54 of the Revised Statutes or Title 54A of the New Jersey Statutes, as amended and supplemented, or of any offense defined in chapter 20 or 21 of this code;
- h. In the case of violations of chapter 35, any higher amount equal to three times the street value of the controlled dangerous substance or controlled substance analog. The street value for purposes of this section shall be determined pursuant to subsection e. of N.J.S.2C:44-2.

## ANIMAL PROTECTION LAWS OF NEW JERSEY

The restitution ordered paid to the victim shall not exceed the victim's loss, except that in any case involving the failure to pay any State tax, the amount of restitution to the State shall be the full amount of the tax avoided or evaded, including full civil penalties and interest as provided by law. In any case where the victim of the offense is any department or division of State government, the court shall order restitution to the victim. Any restitution imposed on a person shall be in addition to any fine which may be imposed pursuant to this section.

### **N.J. STAT. § 2C:43-6. Sentence of imprisonment for crime; ordinary terms; mandatory terms.**

- a. Except as otherwise provided, a person who has been convicted of a crime may be sentenced to imprisonment, as follows:
  - (1) In the case of a crime of the first degree, for a specific term of years which shall be fixed by the court and shall be between 10 years and 20 years;
  - (2) In the case of a crime of the second degree, for a specific term of years which shall be fixed by the court and shall be between five years and 10 years;
  - (3) *In the case of a crime of the third degree, for a specific term of years which shall be fixed by the court and shall be between three years and five years;*
  - (4) *In the case of a crime of the fourth degree, for a specific term which shall be fixed by the court and shall not exceed 18 months.*
- b. As part of a sentence for any crime, where the court is clearly convinced that the aggravating factors substantially outweigh the mitigating factors, as set forth in subsections a. and b. of 2C:44-1, or the court finds that the aggravating factor set forth in paragraph (5) of subsection a. of N.J.S.2C:44-1 applies, the court may fix a minimum term not to exceed one-half of the term set pursuant to subsection a., or one-half of the term set pursuant to a maximum period of incarceration for a crime set forth in any statute other than this code, during which the defendant shall not be eligible for parole; provided that no defendant shall be eligible for parole at a date earlier than otherwise provided by the law governing parole.
- c. A person who has been convicted under subsection b. or d. of N.J.S.2C:39-3, subsection a. of N.J.S.2C:39-4, subsection a. of section 1 of P.L.1998, c.26 (C.2C:39-4.1), subsection a., b., c., or f. of N.J.S.2C:39-5, subsection a. or paragraph (2) or (3) of subsection b. of section 6 of P.L.1979, c.179 (C.2C:39-7), or subsection a., b., e. or g. of N.J.S.2C:39-9, or of a crime under any of the following sections: 2C:11-3, 2C:11-4, 2C:12-1 b., 2C:13-1, 2C:14-2 a., 2C:14-3 a., 2C:15-1, 2C:18-2, 2C:29-5, who, while in the course of committing or attempting to commit the crime, including the immediate flight therefrom, used or was in possession of a firearm as defined in 2C:39-1 f., shall be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term. The minimum term shall be fixed at one-half of the sentence imposed by the court or 42 months, whichever is greater, or 18 months in the case of a fourth degree crime, during which the defendant shall be ineligible for parole.

The minimum terms established by this section shall not prevent the court from imposing presumptive terms of imprisonment pursuant to 2C:44-1 f.(1) except in cases of crimes of the fourth degree.

A person who has been convicted of an offense enumerated by this subsection and who used or possessed a firearm during its commission, attempted commission or flight therefrom and who has

## ANIMAL PROTECTION LAWS OF NEW JERSEY

been previously convicted of an offense involving the use or possession of a firearm as defined in 2C:44-3 d., shall be sentenced by the court to an extended term as authorized by 2C:43-7 c., notwithstanding that extended terms are ordinarily discretionary with the court.

d.

- (1) The court shall not impose a mandatory sentence pursuant to subsection c. of this section, 2C:43-7 c. or 2C:44-3 d., unless the ground therefor has been established at a hearing. At the hearing, which may occur at the time of sentencing, the prosecutor shall establish by a preponderance of the evidence that the weapon used or possessed was a firearm. In making its finding, the court shall take judicial notice of any evidence, testimony or information adduced at the trial, plea hearing, or other court proceedings and shall also consider the presentence report and any other relevant information.
- (2) The court shall not impose a mandatory sentence pursuant to subsection c. of this section for a violation of paragraph (2) of subsection b. of N.J.S.2C:39-5; a violation of paragraph (2) of subsection c. of N.J.S.2C:39-5, if that rifle or shotgun is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person; or a violation of paragraph (1) of subsection c. of N.J.S.2C:39-5.

- e. A person convicted of a third or subsequent offense involving State taxes under N.J.S.2C:20-9, N.J.S.2C:21-15, any other provision of this code, or under any of the provisions of Title 54 of the Revised Statutes, or Title 54A of the New Jersey Statutes, as amended and supplemented, shall be sentenced to a term of imprisonment by the court. This shall not preclude an application for and imposition of an extended term of imprisonment under N.J.S.2C:44-3 if the provisions of that section are applicable to the offender.
- f. A person convicted of manufacturing, distributing, dispensing or possessing with intent to distribute any dangerous substance or controlled substance analog under N.J.S.2C:35-5, of maintaining or operating a controlled dangerous substance production facility under N.J.S.2C:35-4, of employing a juvenile in a drug distribution scheme under N.J.S.2C:35-6, leader of a narcotics trafficking network under N.J.S.2C:35-3, or of distributing, dispensing or possessing with intent to distribute on or near school property or buses under section 1 of P.L.1987, c.101 (C.2C:35-7), who has been previously convicted of manufacturing, distributing, dispensing or possessing with intent to distribute a controlled dangerous substance or controlled substance analog, shall upon application of the prosecuting attorney be sentenced by the court to an extended term as authorized by subsection c. of N.J.S.2C:43-7, notwithstanding that extended terms are ordinarily discretionary with the court. The term of imprisonment shall, except as may be provided in N.J.S.2C:35-12, include the imposition of a minimum term. The minimum term shall be fixed at, or between, one-third and one-half of the sentence imposed by the court or three years, whichever is greater, not less than seven years if the person is convicted of a violation of N.J.S.2C:35-6, or 18 months in the case of a fourth degree crime, during which the defendant shall be ineligible for parole.

The court shall not impose an extended term pursuant to this subsection unless the ground therefor has been established at a hearing. At the hearing, which may occur at the time of sentencing, the

## ANIMAL PROTECTION LAWS OF NEW JERSEY

prosecutor shall establish the ground therefor by a preponderance of the evidence. In making its finding, the court shall take judicial notice of any evidence, testimony or information adduced at the trial, plea hearing, or other court proceedings and shall also consider the presentence report and any other relevant information.

For the purpose of this subsection, a previous conviction exists where the actor has at any time been convicted under chapter 35 of this title or Title 24 of the Revised Statutes or under any similar statute of the United States, this State, or any other state for an offense that is substantially equivalent to N.J.S.2C:35-3, N.J.S.2C:35-4, N.J.S.2C:35-5, N.J.S.2C:35-6 or section 1 of P.L.1987, c.101 (C.2C:35-7).

- g. Any person who has been convicted under subsection a. of N.J.S.2C:39-4 or of a crime under any of the following sections: N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:12-1 b., N.J.S.2C:13-1, N.J.S.2C:14-2 a., N.J.S.2C:14-3 a., N.J.S.2C:15-1, N.J.S.2C:18-2, N.J.S.2C:29-5, N.J.S.2C:35-5 who, while in the course of committing or attempting to commit the crime, including the immediate flight therefrom, used or was in possession of a machine gun or assault firearm shall be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term. The minimum term shall be fixed at 10 years for a crime of the first or second degree, five years for a crime of the third degree, or 18 months in the case of a fourth degree crime, during which the defendant shall be ineligible for parole.

The minimum terms established by this section shall not prevent the court from imposing presumptive terms of imprisonment pursuant to paragraph (1) of subsection f. of N.J.S.2C:44-1 for crimes of the first degree.

A person who has been convicted of an offense enumerated in this subsection and who used or possessed a machine gun or assault firearm during its commission, attempted commission or flight therefrom and who has been previously convicted of an offense involving the use or possession of any firearm as defined in subsection d. of N.J.S.2C:44-3, shall be sentenced by the court to an extended term as authorized by subsection d. of N.J.S.2C:43-7, notwithstanding that extended terms are ordinarily discretionary with the court.

- h. The court shall not impose a mandatory sentence pursuant to subsection g. of this section, subsection d. of N.J.S.2C:43-7 or N.J.S.2C:44-3, unless the ground therefor has been established at a hearing. At the hearing, which may occur at the time of sentencing, the prosecutor shall establish by a preponderance of the evidence that the weapon used or possessed was a machine gun or assault firearm. In making its finding, the court shall take judicial notice of any evidence, testimony or information adduced at the trial, plea hearing, or other court proceedings and shall also consider the presentence report and any other relevant information.
- i. A person who has been convicted under paragraph (6) of subsection b. of 2C:12-1 of causing bodily injury while eluding shall be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term. The minimum term shall be fixed at, or between one-third and one-half of the sentence imposed by the court. The minimum term established by this subsection shall not prevent the court from imposing a presumptive term of imprisonment pursuant to paragraph (1) of subsection f. of 2C:44-1.

## ANIMAL PROTECTION LAWS OF NEW JERSEY

### **N.J. STAT. § 2C:43-8. Sentence of imprisonment for disorderly persons offenses and petty disorderly persons offenses**

A person who has been convicted of a disorderly persons offense or a petty disorderly persons offense may be sentenced to imprisonment for a definite term which shall be fixed by the court and shall not exceed 6 months in the case of a disorderly persons offense or 30 days in the case of a petty disorderly persons offense.

### **N.J. STAT. § 4:22-17.8. Violations; failure to provide necessary care; penalties.**

- a. *A violation of section 2, 4, or 5 of this act shall constitute failure to provide necessary care pursuant to R.S.4:22-17 and R.S.4:22-26, and a violator shall be subject to the applicable penalties set forth in those sections.*
- b. *A person who violates section 3 of this act shall be subject to:*
  - (1) *for a first offense, at the discretion of the court, a fine of \$100; and*
  - (2) *for a second offense, at the discretion of the court, a fine of \$200.**For a third or subsequent offense, the offense shall constitute failure to provide necessary care pursuant to R.S.4:22-17 and R.S.4:22-26, and a violator shall be subject to the applicable penalties set forth in those sections.*
- c. *Beginning on the fourth day after the date of issuance of a summons for a violation pursuant to section 7 of this act, each 30-day period that the owner or other person with custody or control of the dog, domestic companion animal, or service animal is still in possession of the animal and fails to comply with the requirements of this act shall constitute a separate offense.*
- d. *A court may, in its discretion, waive or reduce the amount of any fine imposed for any violation of this act upon the violator demonstrating compliance with this act in the manner as may be prescribed by the court.*

### **N.J. STAT. § 4:22-19.4. Penalty.**

*A person who violates this act shall be subject to a penalty of \$25.00 for the first offense and \$50.00 for each subsequent offense, to be collected in a civil action by a summary proceeding under “the penalty enforcement law” (N.J. STAT. § 2A:58-1 et seq.). Each animal destroyed in violation of this act shall constitute a separate offense. The Superior Court shall have jurisdiction to enforce “the penalty enforcement law.”*



## ANIMAL PROTECTION LAWS OF NEW JERSEY

### 15. LAW ENFORCEMENT POLICIES

#### **N.J. STAT. § 4:22-11.11. Training course for animal protection law enforcement.**

- a. The Police Training Commission, in collaboration with the Attorney General, shall develop or approve a training course for animal protection law enforcement, which shall include but need not be limited to instruction in:
  - (1) the law, procedures, and enforcement methods and techniques of investigation, arrest, and search and seizure, specifically in connection with violations of State and local animal cruelty laws and ordinances;
  - (2) information and procedures related to animals, including animal behavior and traits and evaluation of animals at a crime scene;
  - (3) methods to identify and document animal abuse, neglect, and distress; and
  - (4) investigation of animal fighting.
- b. Every municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, and chief humane law enforcement officer or other officer designated pursuant to subparagraph (a) of paragraph (2) of subsection a. of section 28 of P.L.2017, c. 331 (C.4:22-14.4) shall satisfactorily complete the animal protection law enforcement training course as soon as practicable, but no later than one year after the date of the officer's designation.
- c.
  - (1) The chief law enforcement officer of a municipality, or of a county, as applicable, may request from the Police Training Commission an exemption from applicable law enforcement parts of the animal protection law enforcement training course on behalf of a current or prospective municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or chief humane law enforcement officer or other officer designated pursuant to subparagraph (a) of paragraph (2) of subsection a. of section 28 of P.L.2017, c. 331 (C.4:22-14.4) who demonstrates successful completion of a police training course conducted by a federal, state, or other public or private agency, the requirements of which are substantially equivalent to or which exceed the corresponding requirements of the animal protection law enforcement training course curriculum established through the Police Training Commission.
  - (2) The chief law enforcement officer of a municipality, or of a county, as applicable, may request from the Police Training Commission an exemption from applicable animal control parts of the animal protection law enforcement training course on behalf of a current or prospective municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or chief humane law enforcement officer or other officer designated pursuant to subparagraph (a) of paragraph (2) of subsection a. of section 28 of P.L.2017, c. 331 (C.4:22-14.4) who demonstrates successful completion of an animal control course pursuant to section 3 of P.L.1983, c. 525 (C.4:19-15.16a).
- d. The Police Training Commission shall provide for the issuance of a certificate to a person who possesses, or acquires, the training and education required to qualify as a municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty

## ANIMAL PROTECTION LAWS OF NEW JERSEY

to animals, or chief humane law enforcement officer or other officer designated pursuant to subparagraph (a) of paragraph (2) of subsection a. of section 28 of P.L.2017, c. 331 (C.4:22-14.4) and shall provide a copy of the certificate to, as applicable, the municipal humane law enforcement officer and the chief law enforcement officer of the municipality or county, or to the humane law enforcement officer and the county society for the prevention of cruelty to animals, or to the chief humane law enforcement officer or other officer designated pursuant to subparagraph (a) of paragraph (2) of subsection a. of section 28 of P.L.2017, c. 331 (C.4:22-14.4) and the county prosecutor.

### **N.J. STAT. § 4:22-11.12. Assistance by governmental entities to humane law enforcement officers and agents.**

*All State, county, and municipal law enforcement agencies and all county and municipal health agencies shall, upon request, make every reasonable effort to assist any municipal humane law enforcement officer or humane law enforcement officer of a county society for the prevention of cruelty to animals in the enforcement of all laws and ordinances enacted for the protection of animals.*

### **N.J. STAT. § 4:22-17.6. Department of Health and municipalities to provide information about provisions and requirements in writing and on websites; municipalities to pay costs incurred**

- a. *The Department of Health, in consultation with the Attorney General, shall:*
  - (1) *provide to each municipality in writing sufficient copies of (a) this act, R.S.4:22-17, and R.S.4:22-26; (b) a plain language description of the provisions and requirements thereof; and (c) a plain language description of how to comply with those provisions and requirements; and*
  - (2) *post on its website the materials enumerated in paragraph (1) of this subsection.*
- b. *Each municipality shall:*
  - (1) *provide the materials enumerated in and provided pursuant to subsection a. of this section, along with any other information deemed relevant by the municipality, to each person obtaining a license for a dog at the time of licensing; and*
  - (2) *post on its website the materials enumerated in and provided pursuant to subsection a. of this section.*

*The municipality may pay any cost incurred by complying with the requirements of this subsection with fees forwarded to the treasurer of the municipality pursuant to section 11 of P.L.1941, c. 151 (C.4:19-15.11).*

### **N.J. STAT. § 4:22-17.7. Violations; rights of officers to enter property; notice to owners or person with custody or control; dog, domestic companion animal, or service animal placed in shelter, pound, or kennel; correction warning; liability**

- a. *Upon a showing of probable cause that there has been a violation of P.L.2017, c. 189 (C.4:22-17.1 et*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

*seq.) and submission of proof of issuance of a summons, a court of competent jurisdiction may issue, upon request, a warrant to any municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or other State or local law enforcement officer to enter onto the private property where a dog, domestic companion animal, or service animal is located and take physical custody of the animal.*

- b. *Notwithstanding the provisions of subsection a. of this section, or any other law, or any rule or regulation adopted pursuant thereto, to the contrary, any municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or other State or local law enforcement officer may immediately enter onto private property where a dog, domestic companion animal, or service animal is located and take physical custody of the animal, if the officer has a reasonable basis to believe that, due to a violation of P.L.2017, c. 189 (C.4:22-17.1 et seq.), immediate assistance is required to protect or preserve the animal's life or prevent injury to the animal.*
- c. Upon taking physical custody of a dog, domestic companion animal, or service animal pursuant to subsection a. or b. of this section, the person taking physical custody of the animal shall: (1) post immediately, in a conspicuous place at the location from which the dog, domestic companion animal, or service animal was taken, the notice required pursuant to subsection d. of this section to the owner or person with custody or control of the dog, domestic companion animal, or service animal; and (2) send by registered or certified mail and by ordinary mail the notice described in subsection d. of this section to the address of the location from which the dog, domestic companion animal, or service animal was taken into physical custody.
- d. The notice required pursuant to subsection c. of this section shall: (1) provide a description of the dog, domestic companion animal, or service animal; (2) state that the dog, domestic companion animal, or service animal may be euthanized upon a veterinarian's written determination of medical necessity as required by subsection e. of this section; (3) state the statutory authority and reason for taking custody of the dog, domestic companion animal, or service animal; and (4) provide contact information, including at least the name of any applicable office or entity, the name of a person at that office or entity, and a telephone number for the owner or person with custody or control of the dog, domestic companion animal, or service animal to obtain information concerning the animal, the alleged violation, and where the animal is impounded.
- e. A dog, domestic companion animal, or service animal taken into physical custody pursuant to subsection a. or b. of this section shall be placed in a licensed shelter, pound, or kennel operating as a shelter or pound to ensure the humane care and treatment of the animal. If, after the dog, domestic companion animal, or service animal has been taken into physical custody, a licensed veterinarian makes a written determination that the animal is in intractable and extreme pain and beyond any reasonable hope of recovery with reasonable veterinary medical treatment, the animal may be euthanized. At any time while the licensed shelter, pound, or kennel operating as a shelter or pound has custody or control of the dog, domestic companion animal, or service animal, it may place the animal in an animal rescue organization facility or a foster home if it determines the placement is in the best interest of the animal.
- f. A person shall be issued a correction warning prior to being cited for a violation of P.L.2017, c. 189 (C.4:22-17.1 et seq.) unless the dog, domestic companion animal, or service animal involved in the violation was seized immediately pursuant to subsection b. of this section. A summons shall be served on the alleged violator as soon as practicable if:

## ANIMAL PROTECTION LAWS OF NEW JERSEY

(1) after the seven days have elapsed from the date a correction warning is issued, no correction has been made; or

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

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

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

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

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

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

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

(2) the action or actions required for compliance;

(3) a demand for immediate compliance; and

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

i. Any municipal humane law enforcement officer, humane law enforcement officer or a county society for the prevention of cruelty to animals, or other State or local law enforcement officer may petition a court of competent jurisdiction to have a dog, domestic companion animal, or service animal confiscated, if not previously seized, and forfeited upon the person being found guilty of, or liable for, a violation of P.L.2017, c. 189 (C.4:22-17.1 et seq.). Upon a finding that continued possession of the dog, domestic companion animal, or service animal by the owner or other person authorized to have custody or control of the animal poses a threat to the health or safety of the animal, the court shall order that the animal be forfeited, placed in an animal rescue organization facility, shelter, pound, or kennel operating as a shelter or pound, and made available for adoption.

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

### **N.J. STAT. § 4:22-44. Arrests with, without warrant.**

*Any municipal humane law enforcement officer, chief humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or any sheriff, undersheriff,*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

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*constable, or police officer may:*

- a. *Make arrests for violations of article 2 of chapter 22 of Title 4 of the Revised Statutes; and*
- b. *Arrest without warrant any person found violating the provisions of article 2 of chapter 22 of Title 4 of the Revised Statutes in the presence of such humane law enforcement officer, sheriff, undersheriff, constable, or police officer.*

### **N.J. STAT. § 4:22-47. Entry, arrests and seizures in building where violations of § 4:22-24 exist.**

*A sheriff, undersheriff, constable, police officer, municipal humane law enforcement officer chief humane law enforcement officer, or humane law enforcement officer of a county society for the prevention of cruelty to animals, may enter any building or place where there is an exhibition of the fighting or baiting of a living animal or creature, where preparations are being made for such an exhibition, or where a violation otherwise of R.S. 4:22-24 is occurring, arrest without warrant all persons there present, and take possession of all living animals or creatures engaged in fighting or there found and all implements or appliances used or to be used in such exhibition.*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

## 16. SEIZURE

**N.J. STAT. § 4:22-17.7. Violations; rights of officers to enter property; notice to owners or person with custody or control; dog, domestic companion animal, or service animal placed in shelter, pound, or kennel; correction warning; liability**

- a. *Upon a showing of probable cause that there has been a violation of P.L.2017, c. 189 (C.4:22-17.1 et seq.) and submission of proof of issuance of a summons, a court of competent jurisdiction may issue, upon request, a warrant to any municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals or other State or local law enforcement officer to enter onto the private property where a dog, domestic companion animal, or service animal is located and take physical custody of the animal.*
- b. *Notwithstanding the provisions of subsection a. of this section, or any other law, or any rule or regulation adopted pursuant thereto, to the contrary, any municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or other State or local law enforcement officer may immediately enter onto private property where a dog, domestic companion animal, or service animal is located and take physical custody of the animal, if the has a reasonable basis to believe that, due to a violation of P.L.2017, c. 189 (C.4:22-17.1 et seq) , immediate assistance is required to protect or preserve the animal's life or prevent injury to the animal.*
- c. *Upon taking physical custody of a dog, domestic companion animal, or service animal pursuant to subsection a. or b. of this section, the person taking physical custody of the animal shall: (1) post immediately, in a conspicuous place at the location from which the dog, domestic companion animal, or service animal was taken, the notice required pursuant to subsection d. of this section to the owner or person with custody or control of the dog, domestic companion animal, or service animal; and (2) send by registered or certified mail and by ordinary mail the notice described in subsection d. of this section to the address of the location from which the dog, domestic companion animal, or service animal was taken into physical custody.*
- d. *The notice required pursuant to subsection c. of this section shall: (1) provide a description of the dog, domestic companion animal, or service animal; (2) state that the dog, domestic companion animal, or service animal may be euthanized upon a veterinarian's written determination of medical necessity as required by subsection e. of this section; (3) state the statutory authority and reason for taking custody of the dog, domestic companion animal, or service animal; and (4) provide contact information, including at least the name of any applicable office or entity, the name of a person at that office or entity, and a telephone number for the owner or person with custody or control of the dog, domestic companion animal, or service animal to obtain information concerning the animal, the alleged violation, and where the animal is impounded.*
- e. *A dog, domestic companion animal, or service animal taken into physical custody pursuant to subsection a. or b. of this section shall be placed in a licensed shelter, pound, or kennel operating as a shelter or pound to ensure the humane care and treatment of the animal. If, after the dog, domestic companion animal, or service animal has been taken into physical custody, a licensed veterinarian makes a written determination that the animal is in intractable and extreme pain and beyond any reasonable hope of recovery with reasonable veterinary medical treatment, the animal may be*



## ANIMAL PROTECTION LAWS OF NEW JERSEY

*euthanized. At any time while the licensed shelter, pound, or kennel operating as a shelter or pound has custody or control of the dog, domestic companion animal, or service animal, it may place the animal in an animal rescue organization facility or a foster home if it determines the placement is in the best interest of the animal.*

- f. *A person shall be issued a correction warning prior to being cited for a violation of P.L.2017, c. 189 (C.4:22-17.1 et seq.) unless the dog, domestic companion animal, or service animal involved in the violation was seized immediately pursuant to subsection b. of this section. A summons shall be served on the alleged violator as soon as practicable if:*
  - (1) after the seven days have elapsed from the date a correction warning is issued, no correction has been made; or*
  - (2) the dog, domestic companion animal, or service animal involved in the violation was seized immediately pursuant to subsection b. of this section.*

*If the alleged violator is not the owner of the dog, domestic companion animal, or service animal, the person issuing the correction warning or summons, as applicable, shall also notify the owner of the animal of the violation and provide the owner with a copy of the issued correction warning or summons, as applicable.*
- g. *Any summons issued for a violation of P.L.2017, c. 189 (C.4:22-17.1 et seq.) shall contain:*
  - (1) a description of the violation and statutory authority; and*
  - (2) contact information identifying, at a minimum (a) the name of the investigating agency or office, and (b) the name of the officer issuing the summons or investigating the alleged violation.*
- h. *Any municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or other State or local law enforcement officer issuing a summons for a violation of P.L.2017, c. 189 (C.4:22-17.1 et seq.) shall also serve on the alleged violator, with the summons, a written notice of:*
  - (1) the right to voluntarily forfeit ownership or custody of the dog, domestic companion animal, or service animal;*
  - (2) the action or actions required for compliance;*
  - (3) a demand for immediate compliance; and*
  - (4) a telephone number for the investigating agency or office and the investigating officer or agent.*
- i. *Any municipal humane law enforcement officer, humane law enforcement officer or a county society for the prevention of cruelty to animals, or other State or local law enforcement officer may petition a court of competent jurisdiction to have a dog, domestic companion animal, or service animal confiscated, if not previously seized, and forfeited upon the person being found guilty of, or liable for, a violation of P.L.2017, c. 189 (C.4:22-17.1 et seq.). Upon a finding that continued possession of the dog, domestic companion animal, or service animal by the owner or other person authorized to have custody or control of the animal poses a threat to the health or safety of the animal, the court shall order that the animal be forfeited, placed in an animal rescue organization facility, shelter, pound, or kennel operating as a shelter or pound, and made available for adoption.*
- j. *A person found guilty of, or liable for, a violation of any provision of P.L.2017, c. 189 (C.4:22-17.1 et seq.) shall be responsible for, and pay, the reasonable costs of caring for the dog, domestic companion animal, or service animal from the date on which physical custody of the animal was taken pursuant to this section until the date the animal is surrendered, forfeited, returned, or euthanized, including, but*



## ANIMAL PROTECTION LAWS OF NEW JERSEY

not limited to, the cost of transporting, sheltering, and feeding the animal, the cost of providing the animal with necessary veterinary care, and if the animal is euthanized, the cost of the euthanasia.

### **N.J. STAT. § 4:22-26.1. Confiscation, forfeiture of animal.**

*A certified animal control officer, municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, chief humane law enforcement officer, or animal cruelty prosecutor designated pursuant to paragraph (1) of subsection a. of section 28 of P.L.2017, c. 331 (C.4:22-14.4) may petition a court of competent jurisdiction to have any animal confiscated and forfeited that is owned or possessed by a person at the time the person is found to be guilty of violating R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20 or R.S.4:22-23. Upon a finding that the continued possession by that person poses a threat to the animal's welfare, the court may, in addition to any other penalty that may be imposed for a violation of R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20 or R.S.4:22-23, adjudge an animal forfeited for such disposition as the court deems appropriate.*

### **N.J. STAT. § 4:22-46. Search warrants; issuance.**

*Any court having jurisdiction of violations of the law in relation to cruelty to animals may issue search warrants to enter and search buildings or places wherein it is reasonably believed that such law is being violated.*

### **N.J. STAT. § 4:22-46.1**

As used in sections 2 through 5 of P.L.2023, c. 129 (C.4:22-46.1 through 4:22-26.2):

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

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

*"Enforcement agency" means any agency, department, organization, or county society for the prevention of cruelty to animals, or any agent, humane law enforcement officer, or representative thereof, involved in law enforcement or animal control, or the monitoring of animal welfare and animal cruelty violations.*

*"Reasonable costs of care" means: the costs of shelter, food, water, and bedding necessary to house an animal; the costs of necessary care to improve an animal's psychological well-being, including, but not limited to, training and enrichments designed to provide mental and physical stimulation; and the costs of necessary veterinary care for an animal, including, but not limited to, surgical intervention, medicine, vaccinations, and euthanasia and disposal costs, as determined necessary by a licensed veterinarian. "Reasonable costs of care" does not include the costs of elective surgical procedures.*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

### N.J. STAT. § 4:22–46.2

- a. *Notwithstanding the provisions of any other law, or any rule or regulation adopted pursuant thereto, to the contrary, upon a showing of probable cause that there has been an animal cruelty violation, a court of competent jurisdiction may issue, upon request, a warrant to any municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or other State or local law enforcement officer to enter onto the private property where an animal is located and take custody of the animal.*
- b. *Notwithstanding the provisions of subsection a. of this section, or any other law, or any rule or regulation adopted pursuant thereto, to the contrary, a municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or other State or local law enforcement officer may immediately enter onto private property where an animal is located and take custody of an animal if the officer has a reasonable basis to believe that, due to an animal cruelty violation, immediate assistance is required to protect or preserve the animal's life or prevent injury to the animal.*
- c. *Upon taking custody of an animal pursuant to subsection a. or b. of this section, the person taking custody of the animal shall:*
  - (1) *post immediately, in a conspicuous place at the location from which the animal was taken into custody, the notice required pursuant to subsection d. of this section to the owner or person with custody or control of the animal;*
  - (2) *no later than seven days after the animal has been taken into custody, send by registered or certified mail, or by personal service, the notice described in subsection d. of this section, to:*
    - (a) *the address of the location from which the animal was taken into custody; and*
    - (b) *the owner of record, if the address for the owner of record is different from the address of the location from which the animal was taken.*
- d. *The notice required pursuant to subsection c. of this section shall:*
  - (1) *provide a description of the animal;*
  - (2) *state the statutory authority and reason for taking custody of the animal; and*
  - (3) *provide contact information, including at least the name of any applicable office or entity, the name of a person at that office or entity, and a telephone number for the owner or person having custody or control of the animal to obtain information concerning the animal, including where the animal is in custody.*
- e. *An animal taken into custody pursuant to subsection a. or b. of this section shall be placed in the care of a licensed shelter, pound, or kennel operating as a shelter or pound to ensure the humane care and treatment of the animal. If, after the animal has been taken into custody, a licensed veterinarian makes a written determination that the animal is in intractable and extreme pain and is beyond any reasonable hope of recovery with reasonable veterinary medical treatment, the animal may be euthanized. At any time while the licensed shelter, pound, or kennel operating as a shelter or pound has custody or control of the animal, it may place the animal in an animal rescue organization facility or a foster home, or may otherwise provide care to improve the animal's physical or psychological well-being, if it determines that such placement or care is in the best interests of the animal.*

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## ANIMAL PROTECTION LAWS OF NEW JERSEY

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### **N.J. STAT. § 4:22-47. Entry, arrests and seizures in building where violations of § 4:22-24 exist.**

*A sheriff, undersheriff, constable, police officer, municipal humane law enforcement officer, chief humane law enforcement officer, or humane law enforcement officer of a county society for the prevention of cruelty to animals, may enter any building or place where there is an exhibition of the fighting or baiting of a living animal or creature, where preparations are being made for such an exhibition, or where a violation otherwise of R.S. 4:22-24 is occurring, arrest without warrant all persons there present, and take possession of all living animals or creatures engaged in fighting or there found and all implements or appliances used or to be used in such exhibition.*

### **N.J. STAT. § 4:22-50. Care of animal when person in charge arrested.**

*When a person arrested under the provisions of this article, is in charge of an animal at the time of the arrest, with or without a vehicle attached, and there is no one then present, other than the person arrested, to take charge of the property as owner or employee, the person making the arrest may take charge thereof or request a proper person to do so.*

*The person making the arrest shall promptly notify the owner of the taking of the property and its place of custody, either in person, by telephone or by mailing a notice to his last known post-office address, and a person in charge of the property at the time of the arrest, with permission of the owner, shall be deemed the agent of the owner to receive such notice.*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

### 17. COURTROOM ANIMAL ADVOCATE PROGRAM

[None]

## ANIMAL PROTECTION LAWS OF NEW JERSEY

### 18. RESTITUTION

#### **N.J. STAT. § 2C:29-3.2. Service animals or guide dogs; reckless killing or interference with use; degree of crime; restitution.**

- a. Any person who recklessly kills a service animal or guide dog, or who recklessly permits a dog that the person owns or over which the person has immediate control, to injure or kill a service animal or guide dog, is guilty of a crime of the fourth degree.
- b. Any person who recklessly injures a service animal or guide dog, or recklessly permits a dog that the person owns or over which the person has immediate control, to injure a service animal or guide dog, is guilty of a disorderly persons offense.
- c. Any person who recklessly interferes with the use of a service animal or guide dog, or who recklessly permits a dog that the person owns or over which that person has immediate control, to interfere with a service animal or guide dog, by obstructing, intimidating, or otherwise jeopardizing the safety of that service animal or guide dog or its handler, is guilty of a petty disorderly persons offense.
- d. *A person who is convicted of a violation of this section, in addition to any other penalty, shall make full restitution for all damages that arise out of or are related to the offense, including incidental and consequential damages incurred by the handler of the service animal or guide dog. Restitution under this section shall include, but not be limited to:*
  - (1) *the value of the service animal or guide dog;*
  - (2) *replacement and training or retraining expenses for the service animal or guide dog and the handler;*
  - (3) *veterinary and other medical and boarding expenses for the service animal or guide dog;*
  - (4) *medical expenses for the handler; and*
  - (5) *lost wages or income incurred by the handler during any period that the handler is without the services of the service animal or guide dog.*
- e. As used in this section:
 

“Guide dog” shall mean a dog which has been or is being raised or trained to provide assistance to a blind or deaf person, including but not limited to a dog that has been or is being raised or trained by a volunteer puppy raiser or staff member of an organization generally recognized as being involved in the rehabilitation of the blind or deaf and reputable and competent to provide dogs with specialized training.

“Service animal” shall have the same meaning as set forth in the federal “Americans with Disabilities Act of 1990” (42 U.S.C. s.12101 et seq.) and any regulations under the act.

#### **N.J. STAT. § 2C:33-31. Crime of dog fighting; penalties.**

- a. A person is guilty of dog fighting if that person knowingly:
  - (1) keeps, uses, is connected with or interested in the management of, or receives money for the admission of a person to, a place kept or used for the purpose of fighting or baiting a dog;
  - (2) owns, possesses, keeps, trains, promotes, purchases, breeds or sells a dog for the purpose of

## ANIMAL PROTECTION LAWS OF NEW JERSEY

fighting or baiting that dog;

- (3) for amusement or gain, causes, allows, or permits the fighting or baiting of a dog;
- (4) permits or suffers a place owned or controlled by that person to be used for the purpose of fighting or baiting a dog;
- (5) is present and witnesses, pays admission to, encourages or assists in the fighting or baiting of a dog;
- (6) gambles on the outcome of a fight involving a dog; or
- (7) owns, possesses, buys, sells, transfers, or manufactures dog fighting paraphernalia for the purpose of engaging in or otherwise promoting or facilitating the fighting or baiting of a dog.

Dog fighting is a crime of the third degree.

b.

(1) *In addition to any other penalty imposed, the court shall order:*

- (a) the seizure and forfeiture of any dogs or other animals used for fighting or baiting, and may upon request of the prosecutor or on its own motion, order any person convicted of a violation under this section to forfeit possession of: (i) any other dogs or other animals in the person's custody or possession; and (ii) any other property involved in or related to a violation of this section; and
- (b) *restitution, concerning the dogs or other animals seized and forfeited pursuant to subparagraph (a) of this paragraph, in the form of reimbursing any costs for all the animals' food, drink, shelter, or veterinary care or treatment, or other costs, incurred by any person, agency, entity, or organization, including but not limited to, a county society for the prevention of cruelty to animals, any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, a State or local governmental entity, or a kennel, shelter, pound, or other facility.*

(2) The court may prohibit any convicted person from having future possession or custody of any animal for any period of time the court deems reasonable, including a permanent prohibition.

c. For the purposes of this section:

"Dog fighting paraphernalia" means equipment, products, implements, and materials of any kind that are used, intended for use, or designed for use in the training, preparation, or conditioning of a dog for fighting, or in furtherance of dog fighting.

"Bait" means to attack with violence, to provoke, or to harass a dog with one or more animals for the purpose of training the dog for, or to cause a dog to engage in, a fight with or among other dogs.

d. In determining whether an object is dog fighting paraphernalia, a trier of fact may consider:

- (1) the proximity of the object in time and space to any violation of this section;
- (2) direct or circumstantial evidence of the intent of the person to deliver the object to any person whom the person in possession of the object knows, or should reasonably know, intends to use the object to violate this section;
- (3) oral or written instructions concerning its use provided with, or found in the vicinity of, the object;
- (4) descriptive materials accompanying the object which explain or depict its use; and
- (5) any other relevant factors.

## ANIMAL PROTECTION LAWS OF NEW JERSEY

### N.J. STAT. § 2C:33-32. Leader, financier of dog fighting network; penalties.

- a. A person is a leader of a dog fighting network if he conspires with others in a scheme or course of conduct to unlawfully engage in dog fighting, as defined in section 1 of P.L.2017, c.85 (C.2C:33-31), as an organizer, supervisor, financier or manager of at least one other person. Leader of a dog fighting network is a crime of the second degree.

“Financier” means a person who, with the intent to derive a profit, provides money or credit or other thing of value in order to finance the operations of dog fighting.

b.

(1) *In addition to any other penalty imposed, the court shall order:*

(a) The seizure and forfeiture of any dogs or other animals used for fighting or baiting, and may upon request of the prosecutor or on its own motion, order any person convicted of a violation under this section to forfeit possession of: (i) any other dogs or other animals in the person’s custody or possession; and (ii) any other property involved in or related to a violation of this section; and

(b) *restitution, concerning the dogs or other animals seized and forfeited pursuant to subparagraph (a) of this paragraph, in the form of reimbursing any costs for all the animals’ food, drink, shelter, or veterinary care or treatment, or other costs, incurred by any person, agency, entity, or organization, including but not limited to, a county society for the prevention of cruelty to animals, any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, a State or local governmental entity, or a kennel, shelter, pound, or other facility.*

(2) The court may prohibit any convicted person from having future possession or custody of any animal for any period of time the court deems reasonable, including a permanent prohibition.

- c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction of leader of a dog fighting network shall not merge with the conviction for any offense, nor shall such other conviction merge with a conviction under this section, which is the object of the conspiracy. Nothing contained in this section shall prohibit the court from imposing an extended term pursuant to N.J.S.2C:43-7; nor shall this section be construed in any way to preclude or limit the prosecution or conviction of any person for conspiracy under N.J.S.2C:5-2, or any prosecution or conviction under N.J.S.2C:41-1 et seq. (racketeering activities) or subsection g. of N.J.S.2C:5-2 (leader of organized crime) or any prosecution or conviction for any such offense.
- d. It shall not be necessary in any prosecution under this section for the State to prove that any intended profit was actually realized. The trier of fact may infer that a particular scheme or course of conduct was undertaken for profit from all of the attendant circumstances, including but not limited to the number of persons involved in the scheme or course of conduct, the actor’s net worth and his expenditures in relation to his legitimate sources of income, or the amount of cash or currency involved.
- e. It shall not be a defense to a prosecution under this section that the dog intended to be used for fighting was brought into or transported in this State solely for ultimate distribution or sale in another jurisdiction.



## ANIMAL PROTECTION LAWS OF NEW JERSEY

- f. It shall not be a defense that the defendant was subject to the supervision or management of another, nor that another person or persons were also leaders of a dog fighting network.

### N.J. STAT. § 4:22-17. Cruelty; certain acts, crime; degrees.

- a. It shall be unlawful to:
- (1) Overdrive, overload, drive when overloaded, overwork, abuse, or needlessly kill a living animal or creature;
  - (2) Cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any of the acts described in paragraph (1) of this subsection to be done;
  - (3) Inflict unnecessary cruelty upon a living animal or creature, by any direct or indirect means, including but not limited to through the use of another living animal or creature; or leave the living animal or creature unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature; or
  - (4) Fail, as the owner or as a person otherwise charged with the care of a living animal or creature, to provide the living animal or creature with necessary care.
- b.
- (1) A person who violates subsection a. of this section shall be guilty of a disorderly persons offense. Notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, for every conviction of an offense pursuant to paragraph (1) or (2) of subsection a. of this section, the person shall be fined not less than \$ 250 nor more than \$ 1,000, or be imprisoned for a term of not more than six months, or both, in the discretion of the court; and for every conviction of an offense pursuant to paragraph (3) or (4) of subsection a. of this section, the person shall be fined not less than \$ 500 nor more than \$ 2,000, or be imprisoned for a term of not more than six months, or both, in the discretion of the court.
  - (2) If the person who violates subsection a. of this section has a prior conviction for an offense that would constitute a violation of subsection a. of this section, the person shall be guilty of a crime of the fourth degree.
  - (3) A person who violates subsection a. of this section shall also be subject to the provisions of subsections e. and f. and, if appropriate, subsection g., of this section.
  - (4) The action for the penalty prescribed in this subsection shall be brought in the municipal court of the municipality wherein the defendant resides or where the offense was committed, except that the municipality may elect to refer the offense to the county prosecutor to determine if the offense should be handled in the Superior Court or in municipal court.
- c. It shall be unlawful to purposely, knowingly, or recklessly:
- (1) Torment, torture, maim, hang, poison, unnecessarily or cruelly beat, cruelly abuse, or needlessly mutilate a living animal or creature;
  - (2) Cause bodily injury to a living animal or creature by failing to provide the living animal or creature with necessary care, whether as the owner or as a person otherwise charged with the care of the living animal or creature;
  - (3) Cause or procure an act described in paragraph (1) or (2) of this subsection to be done, by any



## ANIMAL PROTECTION LAWS OF NEW JERSEY

direct or indirect means, including but not limited to through the use of another living animal or creature; or

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

d.

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

- (a) the animal or creature dies as a result of the violation;
- (b) the animal or creature suffers serious bodily injury as a result of the violation; or
- (c) the person has a prior conviction for an offense that would constitute a violation of paragraph (1), (2), (3) or (4) of subsection c. of this section.

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

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

- e. For a violation of this section, in addition to imposing any other appropriate penalties established for a crime of the third degree, crime of the fourth degree, or disorderly persons offense, as the case may be, pursuant to Title 2C of the New Jersey Statutes, the court shall impose a term of community service of up to 30 days, and may direct that the term of community service be served in providing assistance to a county society for the prevention of cruelty to animals or any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, or to a municipality’s animal control or animal population control program.
- f. *The court also shall require any violator of this section to pay restitution, including but not limited to, the monetary cost of replacing the animal if the animal died or had to be euthanized because of the extent of the animal’s injuries, or otherwise reimburse any costs for food, drink, shelter, or veterinary care or treatment, or other costs, incurred by the owner of the animal, if the owner is not the person committing the act of cruelty, or incurred by any agency, entity, or organization investigating the violation or providing shelter or care for the animal or animals, including but not limited to a county society for the prevention of cruelty to animals, any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, a local or State governmental entity, or a kennel, shelter, pound, or other facility providing for the shelter and care of the animal or animals involved in the violation.*
- g. If a juvenile is adjudicated delinquent for an act which, if committed by an adult, would constitute a disorderly persons offense, crime of the fourth degree, or crime of the third degree pursuant to this section, the court also shall order the juvenile to receive mental health counseling by a licensed psychologist or therapist named by the court for a period of time to be prescribed by the licensed psychologist or therapist.

## ANIMAL PROTECTION LAWS OF NEW JERSEY

### **N.J. STAT. § 4:22-17.7. Violations; rights of officers to enter property; notice to owners or person with custody or control; dog, domestic companion animal, or service animal placed in shelter, pound, or kennel; correction warning; liability**

- a. Upon a showing of probable cause that there has been a violation of P.L.2017, c. 189 (C.4:22-17.1 et seq.) and submission of proof of issuance of a summons, a court of competent jurisdiction may issue, upon request, a warrant to any municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or other State or local law enforcement officer to enter onto the private property where a dog, domestic companion animal, or service animal is located and take physical custody of the animal.
- b. Notwithstanding the provisions of subsection a. of this section, or any other law, or any rule or regulation adopted pursuant thereto, to the contrary, any municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or other State or local law enforcement officer may immediately enter onto private property where a dog, domestic companion animal, or service animal is located and take physical custody of the animal, if the officer has a reasonable basis to believe that, due to a violation of P.L.2017, c. 189 (C.4:22-17.1 et seq.), immediate assistance is required to protect or preserve the animal's life or prevent injury to the animal.
- c. Upon taking physical custody of a dog, domestic companion animal, or service animal pursuant to subsection a. or b. of this section, the person taking physical custody of the animal shall: (1) post immediately, in a conspicuous place at the location from which the dog, domestic companion animal, or service animal was taken, the notice required pursuant to subsection d. of this section to the owner or person with custody or control of the dog, domestic companion animal, or service animal; and (2) send by registered or certified mail and by ordinary mail the notice described in subsection d. of this section to the address of the location from which the dog, domestic companion animal, or service animal was taken into physical custody.
- d. The notice required pursuant to subsection c. of this section shall: (1) provide a description of the dog, domestic companion animal, or service animal; (2) state that the dog, domestic companion animal, or service animal may be euthanized upon a veterinarian's written determination of medical necessity as required by subsection e. of this section; (3) state the statutory authority and reason for taking custody of the dog, domestic companion animal, or service animal; and (4) provide contact information, including at least the name of any applicable office or entity, the name of a person at that office or entity, and a telephone number for the owner or person with custody or control of the dog, domestic companion animal, or service animal to obtain information concerning the animal, the alleged violation, and where the animal is impounded.
- e. A dog, domestic companion animal, or service animal taken into physical custody pursuant to subsection a. or b. of this section shall be placed in a licensed shelter, pound, or kennel operating as a shelter or pound to ensure the humane care and treatment of the animal. If, after the dog, domestic companion animal, or service animal has been taken into physical custody, a licensed veterinarian makes a written determination that the animal is in intractable and extreme pain and beyond any reasonable hope of recovery with reasonable veterinary medical treatment, the animal may be

## ANIMAL PROTECTION LAWS OF NEW JERSEY

euthanized. At any time while the licensed shelter, pound, or kennel operating as a shelter or pound has custody or control of the dog, domestic companion animal, or service animal, it may place the animal in an animal rescue organization facility or a foster home if it determines the placement is in the best interest of the animal.

- f. A person shall be issued a correction warning prior to being cited for a violation of P.L.2017, c. 189 (C.4:22-17.1 et seq.) unless the dog, domestic companion animal, or service animal involved in the violation was seized immediately pursuant to subsection b. of this section. A summons shall be served on the alleged violator as soon as practicable if:
  - (1) after the seven days have elapsed from the date a correction warning is issued, no correction has been made; or
  - (2) the dog, domestic companion animal, or service animal involved in the violation was seized immediately pursuant to subsection b. of this section.

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

- g. Any summons issued for a violation of P.L.2017, c. 189 (C.4:22-17.1 et seq.) shall contain:
  - (1) a description of the violation and statutory authority; and
  - (2) contact information identifying, at a minimum (a) the name of the investigating agency or office, and (b) the name of the officer issuing the summons or investigating the alleged violation.
- h. Any municipal humane law enforcement officer humane law enforcement officer of a county society for the prevention of cruelty to animals, or other State or local law enforcement officer issuing a summons for a violation of P.L.2017, c. 189 (C.4:22-17.1 et seq.) shall also serve on the alleged violator, with the summons, a written notice of:
  - (1) the right to voluntarily forfeit ownership or custody of the dog, domestic companion animal, or service animal;
  - (2) the action or actions required for compliance;
  - (3) a demand for immediate compliance; and
  - (4) a telephone number for the investigating agency or office and the investigating officer or agent.
- i. Any municipal humane law enforcement officer, humane law enforcement officer or a county society for the prevention of cruelty to animals, or other State or local law enforcement officer may petition a court of competent jurisdiction to have a dog, domestic companion animal, or service animal confiscated, if not previously seized, and forfeited upon the person being found guilty of, or liable for, a violation of P.L.2017, c. 189 (C.4:22-17.1 et seq.). Upon a finding that continued possession of the dog, domestic companion animal, or service animal by the owner or other person authorized to have custody or control of the animal poses a threat to the health or safety of the animal, the court shall order that the animal be forfeited, placed in an animal rescue organization facility, shelter, pound, or kennel operating as a shelter or pound, and made available for adoption.
- j. *A person found guilty of, or liable for, a violation of any provision of P.L.2017, c. 189 (C.4:22-17.1 et seq.) shall be responsible for, and pay, the reasonable costs of caring for the dog, domestic companion animal, or service animal from the date on which physical custody of the animal was taken pursuant to this section until the date the animal is surrendered, forfeited, returned, or euthanized, including, but*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

*not limited to, the cost of transporting, sheltering, and feeding the animal, the cost of providing the animal with necessary veterinary care, and if the animal is euthanized, the cost of the euthanasia.*

### **N.J. Stat. § 4:22–46.1. Definitions relating to animals involved in animal cruelty violations.**

As used in sections 2 through 5 of P.L.2023, c. 129 (C.4:22–46.1 through 4:22–26.2):

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

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

“Enforcement agency” means any agency, department, organization, or county society for the prevention of cruelty to animals, or any agent, humane law enforcement officer, or representative thereof, involved in law enforcement or animal control, or the monitoring of animal welfare and animal cruelty violations.

“Reasonable costs of care” means: the costs of shelter, food, water, and bedding necessary to house an animal; the costs of necessary care to improve an animal's psychological well-being, including, but not limited to, training and enrichments designed to provide mental and physical stimulation; and the costs of necessary veterinary care for an animal, including, but not limited to, surgical intervention, medicine, vaccinations, and euthanasia and disposal costs, as determined necessary by a licensed veterinarian. “Reasonable costs of care” does not include the costs of elective surgical procedures.

### **N.J. STAT. § 4:22–46.3. Action for reasonable costs of care; taking custody of animal involved in animal cruelty violation; service of complaint; complaint contents.**

- a. *An animal care agency that takes custody of an animal pursuant to section 3 of P.L.2023, c. 129 (C.4:22–46.2), or an authorized agent of the animal care agency, including an attorney prosecuting an animal cruelty violation on behalf of a municipality or county, may, no later than 20 days after the animal is taken into custody, file an action in the Superior Court seeking the reasonable costs of care for the animal from the animal's owner, or, if the owner is not known to the plaintiff, the person from whom the animal was taken. A copy of the complaint shall be served upon the animal's owner, or, if the owner is not known to the plaintiff, to the person from whom the animal was taken in accordance with the rules of the court. The complaint shall include:*
  - (1) *the name, business address, and telephone number of the animal care agency that has custody of the animal;*
  - (2) *a description of the animal taken into custody, including a licensed veterinarian's assessment of the animal's condition and needs;*
  - (3) *a statement of the actual and estimated reasonable costs of care for the animal;*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

- (4) *a statement that, at any time after the animal has been taken into custody, the animal's owner may relinquish ownership of the animal to the enforcement agency that seized the animal or to the animal care agency with custody of the animal;*
- (5) *a statement that, if the animal's owner or the person from whom the animal was taken fails to pay any portion of the reasonable costs of care for the animal, as established by the court, when due, ownership of the animal shall immediately transfer to the animal care agency with custody of the animal; and*
- (6) *a plain language summary of the provisions of P.L.2023, c. 129 (C.4:22–46.1 et al.), to be prepared by the Attorney General's Office and distributed to animal care agencies in the State.*
- b. *Upon receipt of a complaint filed pursuant to subsection a. of this section, the court shall schedule a hearing on the complaint to be conducted no later than 30 days after the date on which the complaint is filed with the court. Failure by the court to hold a timely hearing pursuant to this subsection shall not affect the disposition of the animal under the provisions of P.L.2023, c. 129 (C.4:22–46.1 et al.) or the disposition of any pending animal cruelty case against the person from whom an animal was seized.*
- c. *At the hearing on a complaint filed pursuant to subsection a. of this section, the plaintiff shall establish by a preponderance of the evidence that the animal was taken into custody for the animal's protection from harm. The court may consider testimony from the agent or officer who seized the animal and other witnesses as to the condition of the animal when seized and as to the conditions under which the animal or other animals in the household were kept, testimony and evidence as to the veterinary care provided to the animal, expert testimony as to the proper and reasonable care of the same type of animal, testimony from any witnesses as to the prior treatment or condition of this or other animals in the custody of the owner or person from whom the animal was taken, or any other evidence the court considers to be material or relevant. The plaintiff shall also demonstrate that the animal's owner, or, if the animal's owner is not known, the person from whom the animal was taken, was served with a copy of the complaint as required pursuant to subsection a. of this section.*
  - (5) *If the court determines that the plaintiff has demonstrated by a preponderance of the evidence that the animal was taken into custody for the animal's protection and that the service and content of the complaint met the requirements of subsection a. of this section, the court shall award damages for the reasonable costs of care for the animal for the period the animal is in the custody and care of the animal care agency against the animal's owner or the person from whom the animal was taken, as appropriate. The costs shall be calculated from the date the animal was taken into custody by the enforcement agency or animal care agency, whichever is earlier.*
  - (6) *If the court determines that the plaintiff has not shown by a preponderance of the evidence that an animal was taken into custody for the animal's protection, the court shall not award damages for the reasonable costs of care, but the animal shall remain in the custody of the animal care agency during the pendency of the criminal investigation and proceeding related to the alleged criminal offense that led to the seizure of the animal.*
  - (7) *If the court determines that the service or content of the complaint did not meet the requirements of subsection a. of this section, the animal shall remain in the custody of the animal care agency during the pendency of the criminal investigation and proceeding related to the alleged criminal offense that led to the seizure of the animal. The plaintiff may petition the court for a thirty-day extension to refile the complaint.*



## ANIMAL PROTECTION LAWS OF NEW JERSEY

- d. Unless otherwise ordered by the court, no later than seven days after the issuance of a court order pursuant to subsection c. of this section, the person found liable for the reasonable costs of care shall pay the animal care agency the full amount, as required by the court, for the respective 30-day period. The person shall make a new payment in the same amount every 30 days until:
- (1) the owner voluntarily transfers ownership of the animal to the animal care agency;
  - (2) ownership of the animal is transferred to the animal care agency pursuant to subsection f. of this section;
  - (3) the animal is euthanized pursuant to subsection g. of this section; or
  - (4) final disposition of the proceeding related to the alleged criminal offense that led to the seizure of the animal, including forfeiture of the animal pursuant to section 5 of P.L.2023, c. 129 (C.4:22–26.2) or any other law.

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

- e. If the person against whom a judgment pursuant to subsection c. of this section was entered fails to make a payment for the reasonable costs of care for an animal within seven days of the date of issuance of the court order and every 30 days thereafter as required pursuant to subsection d. of this section, ownership of the animal shall immediately transfer, by operation of law, to the animal care agency with custody of the animal, and the animal care agency shall obtain all rights and privileges in and over the animal.
- f. An animal care agency shall not sell; permanently alter, unless medically necessary; euthanize; offer for adoption; or otherwise dispose of an animal if the person liable for the reasonable costs of care for the animal makes timely payments of such costs to the animal care agency as required by the court; provided, however, that an animal care agency may euthanize an animal at any time if a licensed veterinarian makes a written determination that the animal is experiencing intractable and extreme pain and is beyond any reasonable hope of recovery.
- g. If a person liable for the reasonable costs of care pursuant to this section is found not guilty of the alleged criminal animal cruelty offense that led to the seizure of the animal, and if the person has made timely payments of the reasonable costs of care pursuant to this section, the person shall have the right to immediately repossess the person's animal and to be reimbursed by the animal care agency for all of the reasonable costs of care that were paid by the person to the animal care agency.
- h. The result of any hearing held pursuant to this section, and any statement made by a party in the course of such a hearing, shall not be admissible in any criminal prosecution for an animal cruelty violation.
- i. If the owner or the person from whom an animal was taken, as applicable, fails to appear for a hearing for the reasonable costs of care for an animal pursuant to this section, the owner or other person shall be liable for the costs, and all other provisions of this section shall remain in force.
- j. As used in this section, “animal” means any vertebrate other than humans, except that, other than animals used in connection with a violation of R.S.4:22–24 and equine animals, “animal” shall not include “domestic livestock” as defined by section 1 of P.L.1995, c. 311 (C.4:22–16.1).

## ANIMAL PROTECTION LAWS OF NEW JERSEY

### **N.J. STAT. § 4:22-48. Forfeiture of creatures and articles seized under § 4:22-47; costs payable by owner.**

The person seizing animals, creatures, implements or appliances as authorized in section 4:22-47 of this Title, shall, within 24 hours thereafter, apply to a court of competent jurisdiction to have the same forfeited and sold.

If, upon the hearing of the application, it is found and adjudged that at the time of the seizure the animals, creatures, implements or appliances were engaged or used in violation of section 4:22-47 or paragraphs “e,” “f,” “g,” “u,” “v,” or “w” of section 4:22-26 of this Title, or were owned, possessed or kept with the intent that they should be so engaged or used, they shall be adjudged forfeited, and *the court shall order the same sold in such manner as it shall deem proper, and after deducting the costs and expenses, shall dispose of the proceeds as provided in section 4:22-55 of this Title.*

A bird or animal found or adjudged to be of no use or value may be liberated or disposed of as directed by the court.

*The costs of sheltering, caring for, treating, and if necessary, destroying an animal or creature, including veterinary expenses therefor, until the animal or creature is adjudged forfeited and sold, liberated, or disposed of pursuant to this section shall be borne by the owner of the animal or creature.*

*A creature or property which is adjudged not forfeited shall be returned to the owner, and the person making the seizure shall pay all costs and expenses thereof.*

#### **N.J. STAT. § 4:22-48.1. Owner to bear expenses.**

- a. *A person authorized to take possession of a living animal or creature pursuant to R.S. 4:22-47 may provide such shelter, care, and treatment therefor, including veterinary care and treatment, that is reasonably necessary, the costs of which shall be borne by the owner of the seized animal or creature.*
- b. *Notwithstanding the provisions of R.S. 4:22-48 to the contrary, a person seizing a living animal or creature pursuant to R.S. 4:22-47 may destroy it before it is adjudged forfeited if the animal or creature is thought to be beyond reasonable hope of recovery, the cost of which destruction shall be borne by the owner of the seized animal or creature. A person destroying an animal or creature pursuant to the authority of this subsection shall not be liable therefor to the owner of the animal or creature.*

#### **N.J. STAT. § 4:22-48.2. Confiscated animals; costs of care and treatment.**

*The costs of sheltering, caring for, or treating any animal that has been confiscated from a person arrested pursuant to the provisions of R.S. 4:22-47 by, a municipal humane law enforcement officer, a chief humane law enforcement officer, a humane law enforcement officer of a county society for the prevention of cruelty to animals or any other person authorized to make an arrest pursuant to article 2 of chapter 22 of Title 4 of the*



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## ANIMAL PROTECTION LAWS OF NEW JERSEY

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*Revised Statutes, until the animal is adjudged forfeited or until the animal is returned to the owner, shall be borne by the owner of the animal.*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

## 19. FORFEITURE AND POSSESSION BANS

## N.J. STAT. § 2C:33-31. Crime of dog fighting; penalties

- a. A person is guilty of dog fighting if that person knowingly:
  - (1) keeps, uses, is connected with or interested in the management of, or receives money for the admission of a person to, a place kept or used for the purpose of fighting or baiting a dog;
  - (2) owns, possesses, keeps, trains, promotes, purchases, breeds or sells a dog for the purpose of fighting or baiting that dog;
  - (3) for amusement or gain, causes, allows, or permits the fighting or baiting of a dog;
  - (4) permits or suffers a place owned or controlled by that person to be used for the purpose of fighting or baiting a dog;
  - (5) is present and witnesses, pays admission to, encourages or assists in the fighting or baiting of a dog;
  - (6) gambles on the outcome of a fight involving a dog; or
  - (7) owns, possesses, buys, sells, transfers, or manufactures dog fighting paraphernalia for the purpose of engaging in or otherwise promoting or facilitating the fighting or baiting of a dog.

Dog fighting is a crime of the third degree.
- b.
  - (1) *In addition to any other penalty imposed, the court shall order:*
    - (a) *the seizure and forfeiture of any dogs or other animals used for fighting or baiting, and may upon request of the prosecutor or on its own motion, order any person convicted of a violation under this section to forfeit possession of: (i) any other dogs or other animals in the person's custody or possession; and (ii) any other property involved in or related to a violation of this section; and*
    - (b) restitution, concerning the dogs or other animals seized and forfeited pursuant to subparagraph (a) of this paragraph, in the form of reimbursing any costs for all the animals' food, drink, shelter, or veterinary care or treatment, or other costs, incurred by any person, agency, entity, or organization, including but not limited to a county society for the prevention of cruelty to animals, any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, a State or local governmental entity, or a kennel, shelter, pound, or other facility.
  - (2) *The court may prohibit any convicted person from having future possession or custody of any animal for any period of time the court deems reasonable, including a permanent prohibition.*
- c. For the purposes of this section:
 

"Dog fighting paraphernalia" means equipment, products, implements, and materials of any kind that are used, intended for use, or designed for use in the training, preparation, or conditioning of a dog for fighting, or in furtherance of dog fighting.

"bait" means to attack with violence, to provoke, or to harass a dog with one or more animals for the purpose of training the dog for, or to cause a dog to engage in, a fight with or among other dogs.
- d. In determining whether an object is dog fighting paraphernalia, a trier of fact may consider:

## ANIMAL PROTECTION LAWS OF NEW JERSEY

- (1) the proximity of the object in time and space to any violation of this section;
- (2) direct or circumstantial evidence of the intent of the person to deliver the object to any person whom the person in possession of the object knows, or should reasonably know, intends to use the object to violate this section;
- (3) oral or written instructions concerning its use provided with, or found in the vicinity of, the object;
- (4) descriptive materials accompanying the object which explain or depict its use; and
- (5) any other relevant factors.

### N.J. STAT. § 2C:33-32. Leader, financier of dog fighting network; penalties.

- a. A person is a leader of a dog fighting network if he conspires with others in a scheme or course of conduct to unlawfully engage in dog fighting, as defined in section 1 of P.L.2017, c.85 (C.2C:33-31), as an organizer, supervisor, financier or manager of at least one other person. Leader of a dog fighting network is a crime of the second degree.  
 “Financier” means a person who, with the intent to derive a profit, provides money or credit or other thing of value in order to finance the operations of dog fighting.
- b.
  - (1) *In addition to any other penalty imposed, the court shall order:*
    - (a) *The seizure and forfeiture of any dogs or other animals used for fighting or baiting, and may upon request of the prosecutor or on its own motion, order any person convicted of a violation under this section to forfeit possession of: (i) any other dogs or other animals in the person’s custody or possession; and (ii) any other property involved in or related to a violation of this section; and*
    - (b) restitution, concerning the dogs or other animals seized and forfeited pursuant to subparagraph (a) of this paragraph, in the form of reimbursing any costs for all the animals’ food, drink, shelter, or veterinary care or treatment, or other costs, incurred by any person, agency, entity, or organization, including but not limited to a county society for the prevention of cruelty to animals, any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, a State or local governmental entity, or a kennel, shelter, pound, or other facility.
  - (2) *The court may prohibit any convicted person from having future possession or custody of any animal for any period of time the court deems reasonable, including a permanent prohibition.*
- c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction of leader of a dog fighting network shall not merge with the conviction for any offense, nor shall such other conviction merge with a conviction under this section, which is the object of the conspiracy. Nothing contained in this section shall prohibit the court from imposing an extended term pursuant to N.J.S.2C:43-7; nor shall this section be construed in any way to preclude or limit the prosecution or conviction of any person for conspiracy under N.J.S.2C:5-2, or any prosecution or conviction under N.J.S.2C:41-1 et seq. (racketeering activities) or subsection g. of N.J.S.2C:5-2 (leader of organized crime) or any prosecution or conviction for any such offense.
- d. It shall not be necessary in any prosecution under this section for the State to prove that any intended

## ANIMAL PROTECTION LAWS OF NEW JERSEY

profit was actually realized. The trier of fact may infer that a particular scheme or course of conduct was undertaken for profit from all of the attendant circumstances, including but not limited to the number of persons involved in the scheme or course of conduct, the actor's net worth and his expenditures in relation to his legitimate sources of income, or the amount of cash or currency involved.

- e. It shall not be a defense to a prosecution under this section that the dog intended to be used for fighting was brought into or transported in this State solely for ultimate distribution or sale in another jurisdiction.
- f. It shall not be a defense that the defendant was subject to the supervision or management of another, nor that another person or persons were also leaders of a dog fighting network.

### **N.J. STAT. § 4:22-17.7. Violations; rights of officers to enter property; notice to owners or person with custody or control; dog, domestic companion animal, or service animal placed in shelter, pound, or kennel; correction warning; liability**

- a. Upon a showing of probable cause that there has been a violation of P.L.2017, c. 189 (C.4:22-17.1 et seq.) and submission of proof of issuance of a summons, a court of competent jurisdiction may issue, upon request, a warrant to any municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or other State or local law enforcement officer to enter onto the private property where a dog, domestic companion animal, or service animal is located and take physical custody of the animal.
- b. Notwithstanding the provisions of subsection a. of this section, or any other law, or any rule or regulation adopted pursuant thereto, to the contrary, any municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or other State or local law enforcement officer may immediately enter onto private property where a dog, domestic companion animal, or service animal is located and take physical custody of the animal, if the officer has a reasonable basis to believe that, due to a violation of P.L.2017, c. 189 (C.4:22-17.1 et seq.), immediate assistance is required to protect or preserve the animal's life or prevent injury to the animal.
- c. Upon taking physical custody of a dog, domestic companion animal, or service animal pursuant to subsection a. or b. of this section, the person taking physical custody of the animal shall: (1) post immediately, in a conspicuous place at the location from which the dog, domestic companion animal, or service animal was taken, the notice required pursuant to subsection d. of this section to the owner or person with custody or control of the dog, domestic companion animal, or service animal; and (2) send by registered or certified mail and by ordinary mail the notice described in subsection d. of this section to the address of the location from which the dog, domestic companion animal, or service animal was taken into physical custody.
- d. The notice required pursuant to subsection c. of this section shall: (1) provide a description of the dog, domestic companion animal, or service animal; (2) state that the dog, domestic companion animal, or service animal may be euthanized upon a veterinarian's written determination of medical necessity as required by subsection e. of this section; (3) state the statutory authority and reason for taking custody of the dog, domestic companion animal, or service animal; and (4) provide contact

## ANIMAL PROTECTION LAWS OF NEW JERSEY

information, including at least the name of any applicable office or entity, the name of a person at that office or entity, and a telephone number for the owner or person with custody or control of the dog, domestic companion animal, or service animal to obtain information concerning the animal, the alleged violation, and where the animal is impounded.

- e. A dog, domestic companion animal, or service animal taken into physical custody pursuant to subsection a. or b. of this section shall be placed in a licensed shelter, pound, or kennel operating as a shelter or pound to ensure the humane care and treatment of the animal. If, after the dog, domestic companion animal, or service animal has been taken into physical custody, a licensed veterinarian makes a written determination that the animal is in intractable and extreme pain and beyond any reasonable hope of recovery with reasonable veterinary medical treatment, the animal may be euthanized. At any time while the licensed shelter, pound, or kennel operating as a shelter or pound has custody or control of the dog, domestic companion animal, or service animal, it may place the animal in an animal rescue organization facility or a foster home if it determines the placement is in the best interest of the animal.
- f. A person shall be issued a correction warning prior to being cited for a violation of P.L.2017, c. 189 (C.4:22-17.1 et seq.) unless the dog, domestic companion animal, or service animal involved in the violation was seized immediately pursuant to subsection b. of this section. A summons shall be served on the alleged violator as soon as practicable if:
  - (1) after the seven days have elapsed from the date a correction warning is issued, no correction has been made; or
  - (2) the dog, domestic companion animal, or service animal involved in the violation was seized immediately pursuant to subsection b. of this section.

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

- g. Any summons issued for a violation of P.L.2017, c. 189 (C.4:22-17.1 et seq.) shall contain:
  - (1) a description of the violation and statutory authority; and
  - (2) contact information identifying, at a minimum (a) the name of the investigating agency or office, and (b) the name of the officer issuing the summons or investigating the alleged violation.
- h. Any municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or other State or local law enforcement officer issuing a summons for a violation of P.L.2017, c. 189 (C.4:22-17.1 et seq.) shall also serve on the alleged violator, with the summons, a written notice of:
  - (1) the right to voluntarily forfeit ownership or custody of the dog, domestic companion animal, or service animal;
  - (2) the action or actions required for compliance;
  - (3) a demand for immediate compliance; and
  - (4) a telephone number for the investigating agency or office and the investigating officer or agent.
- i. *Any municipal humane law enforcement officer, humane law enforcement officer or a county society for the prevention of cruelty to animals, or other State or local law enforcement officer may petition a court of competent jurisdiction to have a dog, domestic companion animal, or service animal*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

*confiscated, if not previously seized, and forfeited upon the person being found guilty of, or liable for, a violation of P.L.2017, c. 189 (C.4:22-17.1 et seq.). Upon a finding that continued possession of the dog, domestic companion animal, or service animal by the owner or other person authorized to have custody or control of the animal poses a threat to the health or safety of the animal, the court shall order that the animal be forfeited, placed in an animal rescue organization facility, shelter, pound, or kennel operating as a shelter or pound, and made available for adoption.*

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

### **N.J. STAT. § 4:22-26.1. Confiscation, forfeiture of animal.**

*A certified animal control officer, municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, chief humane law enforcement officer, or animal cruelty prosecutor designated pursuant to paragraph (1) of subsection a. of section 28 of P.L.2017, c. 331 (C.4:22-14.4) may petition a court of competent jurisdiction to have any animal confiscated and forfeited that is owned or possessed by a person at the time the person is found to be guilty of violating R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20 or R.S.4:22-23. Upon a finding that the continued possession by that person poses a threat to the animal's welfare, the court may, in addition to any other penalty that may be imposed for a violation of R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20 or R.S.4:22-23, adjudge an animal forfeited for such disposition as the court deems appropriate.*

### **N.J. STAT. § 4:22-26.2. Petition for order requiring forfeiture of animal; conviction for animal cruelty violation; petition for transfer of animal; requirements.**

- a.
  - (1) *Notwithstanding the provisions of any other law, or any rule or regulation adopted pursuant thereto, to the contrary, an animal care agency or enforcement agency may, upon the conviction of a person for an animal cruelty violation, petition the court in the animal cruelty proceeding for an order requiring forfeiture of the animal that is the basis of the conviction and prohibiting the person convicted of an animal cruelty violation from owning, harboring, residing with, or having custody or control of any other animals for a period of time that the court deems appropriate.*
  - (2) *Notwithstanding the provisions of any other law, or any rule or regulation adopted pursuant thereto, to the contrary, a co-owner of the animal that is the basis of the conviction may, upon such conviction, petition the court to transfer the animal to the custody of the petitioner upon a demonstration that the petitioner: (a) is a co-owner of the animal as demonstrated by a written and executed contract showing co-ownership of the animal and dated prior to the date of the*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

*violation; (b) does not reside with the defendant; (c) has not been convicted of an animal cruelty violation; and (d) did not harbor or have custody of the animal at the time of the violation for which the defendant was convicted.*

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

- (1) (a) adjudge an animal that is the basis of the conviction for an animal cruelty violation forfeited to the animal care agency with custody of the animal, and invest all rights and privileges over the animal in the animal care agency; or (b) order the transfer of custody of the animal to the co-owner pursuant to a petition filed pursuant to paragraph (2) of subsection a. of this section, upon a determination that the co-owner has successfully demonstrated that the conditions in paragraph (2) of subsection a. of this section have been met, and the transfer is in the best interests of the animal's health, safety, and well-being, and will further the goal of protecting the animal from further harm; and*
- (2) order that the person convicted of an animal cruelty violation shall not own, harbor, reside with, or have custody or control of any other animals for a period of time that the court deems appropriate.*

### **N.J. STAT. § 4:22-48. Forfeiture of creatures and articles seized under § 4:22-47; costs payable by owner.**

The person seizing animals, creatures, implements or appliances as authorized in section 4:22-47 of this Title, shall, within 24 hours thereafter, apply to a court of competent jurisdiction to have the same forfeited and sold.

*If, upon the hearing of the application, it is found and adjudged that at the time of the seizure the animals, creatures, implements or appliances were engaged or used in violation of section 4:22-47 or paragraphs "e," "f," "g," "u," "v," or "w" of section 4:22-26 of this Title, or were owned, possessed or kept with the intent that they should be so engaged or used, they shall be adjudged forfeited, and the court shall order the same sold in such manner as it shall deem proper, and after deducting the costs and expenses, shall dispose of the proceeds as provided in section 4:22-55 of this Title.*

*A bird or animal found or adjudged to be of no use or value may be liberated or disposed of as directed by the court.*

The costs of sheltering, caring for, treating, and if necessary, destroying an animal or creature, including veterinary expenses therefor, until the animal or creature is adjudged forfeited and sold, liberated, or disposed of pursuant to this section shall be borne by the owner of the animal or creature.

A creature or property which is adjudged not forfeited shall be returned to the owner, and the person making the seizure shall pay all costs and expenses thereof.



## ANIMAL PROTECTION LAWS OF NEW JERSEY

### N.J. STAT. § 4:22–46.1. Definitions relating to animals involved in animal cruelty violations

As used in sections 2 through 5 of P.L.2023, c. 129 (C.4:22–46.1 through 4:22–26.2):

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

*“Animal cruelty violation” means a civil or criminal violation of chapter 19 or 22 of Title 4 of the Revised Statutes, Title 2C of the New Jersey Statutes, or any other State law concerning animal cruelty.*

*“Enforcement agency” means any agency, department, organization, or county society for the prevention of cruelty to animals, or any agent, humane law enforcement officer, or representative thereof, involved in law enforcement or animal control, or the monitoring of animal welfare and animal cruelty violations.*

*“Reasonable costs of care” means: the costs of shelter, food, water, and bedding necessary to house an animal; the costs of necessary care to improve an animal's psychological well-being, including, but not limited to, training and enrichments designed to provide mental and physical stimulation; and the costs of necessary veterinary care for an animal, including, but not limited to, surgical intervention, medicine, vaccinations, and euthanasia and disposal costs, as determined necessary by a licensed veterinarian. “Reasonable costs of care” does not include the costs of elective surgical procedures.*

### N.J. STAT. § 4:22–46.3. Action for reasonable costs of care; taking custody of animal involved in animal cruelty violation; service of complaint; complaint contents.

- a. *An animal care agency that takes custody of an animal pursuant to section 3 of P.L.2023, c. 129 (C.4:22–46.2), or an authorized agent of the animal care agency, including an attorney prosecuting an animal cruelty violation on behalf of a municipality or county, may, no later than 20 days after the animal is taken into custody, file an action in the Superior Court seeking the reasonable costs of care for the animal from the animal's owner, or, if the owner is not known to the plaintiff, the person from whom the animal was taken. A copy of the complaint shall be served upon the animal's owner, or, if the owner is not known to the plaintiff, to the person from whom the animal was taken in accordance with the rules of the court. The complaint shall include:*
  - (1) *the name, business address, and telephone number of the animal care agency that has custody of the animal;*
  - (2) *a description of the animal taken into custody, including a licensed veterinarian's assessment of the animal's condition and needs;*
  - (3) *a statement of the actual and estimated reasonable costs of care for the animal;*
  - (4) *a statement that, at any time after the animal has been taken into custody, the animal's owner may relinquish ownership of the animal to the enforcement agency that seized the animal or to the animal care agency with custody of the animal;*
  - (5) *a statement that, if the animal's owner or the person from whom the animal was taken fails to*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

*pay any portion of the reasonable costs of care for the animal, as established by the court, when due, ownership of the animal shall immediately transfer to the animal care agency with custody of the animal; and*

- (6) a plain language summary of the provisions of P.L.2023, c. 129 (C.4:22–46.1 et al.), to be prepared by the Attorney General's Office and distributed to animal care agencies in the State.*
- b. Upon receipt of a complaint filed pursuant to subsection a. of this section, the court shall schedule a hearing on the complaint to be conducted no later than 30 days after the date on which the complaint is filed with the court. Failure by the court to hold a timely hearing pursuant to this subsection shall not affect the disposition of the animal under the provisions of P.L.2023, c. 129 (C.4:22–46.1 et al.) or the disposition of any pending animal cruelty case against the person from whom an animal was seized.*
- c. At the hearing on a complaint filed pursuant to subsection a. of this section, the plaintiff shall establish by a preponderance of the evidence that the animal was taken into custody for the animal's protection from harm. The court may consider testimony from the agent or officer who seized the animal and other witnesses as to the condition of the animal when seized and as to the conditions under which the animal or other animals in the household were kept, testimony and evidence as to the veterinary care provided to the animal, expert testimony as to the proper and reasonable care of the same type of animal, testimony from any witnesses as to the prior treatment or condition of this or other animals in the custody of the owner or person from whom the animal was taken, or any other evidence the court considers to be material or relevant. The plaintiff shall also demonstrate that the animal's owner, or, if the animal's owner is not known, the person from whom the animal was taken, was served with a copy of the complaint as required pursuant to subsection a. of this section.*
  - (1) If the court determines that the plaintiff has demonstrated by a preponderance of the evidence that the animal was taken into custody for the animal's protection and that the service and content of the complaint met the requirements of subsection a. of this section, the court shall award damages for the reasonable costs of care for the animal for the period the animal is in the custody and care of the animal care agency against the animal's owner or the person from whom the animal was taken, as appropriate. The costs shall be calculated from the date the animal was taken into custody by the enforcement agency or animal care agency, whichever is earlier.*
  - (2) If the court determines that the plaintiff has not shown by a preponderance of the evidence that an animal was taken into custody for the animal's protection, the court shall not award damages for the reasonable costs of care, but the animal shall remain in the custody of the animal care agency during the pendency of the criminal investigation and proceeding related to the alleged criminal offense that led to the seizure of the animal.*
  - (3) If the court determines that the service or content of the complaint did not meet the requirements of subsection a. of this section, the animal shall remain in the custody of the animal care agency during the pendency of the criminal investigation and proceeding related to the alleged criminal offense that led to the seizure of the animal. The plaintiff may petition the court for a thirty-day extension to refile the complaint.*
- d. Unless otherwise ordered by the court, no later than seven days after the issuance of a court order pursuant to subsection c. of this section, the person found liable for the reasonable costs of care shall pay the animal care agency the full amount, as required by the court, for the respective 30-day period. The person shall make a new payment in the same amount every 30 days until:*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

- (1) *the owner voluntarily transfers ownership of the animal to the animal care agency;*
- (2) *ownership of the animal is transferred to the animal care agency pursuant to subsection f. of this section;*
- (3) *the animal is euthanized pursuant to subsection g. of this section; or*
- (4) *final disposition of the proceeding related to the alleged criminal offense that led to the seizure of the animal, including forfeiture of the animal pursuant to section 5 of P.L.2023, c. 129 (C.4:22–26.2) or any other law.*

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

- e. *If the person against whom a judgment pursuant to subsection c. of this section was entered fails to make a payment for the reasonable costs of care for an animal within seven days of the date of issuance of the court order and every 30 days thereafter as required pursuant to subsection d. of this section, ownership of the animal shall immediately transfer, by operation of law, to the animal care agency with custody of the animal, and the animal care agency shall obtain all rights and privileges in and over the animal.*
- f. *An animal care agency shall not sell; permanently alter, unless medically necessary; euthanize; offer for adoption; or otherwise dispose of an animal if the person liable for the reasonable costs of care for the animal makes timely payments of such costs to the animal care agency as required by the court; provided, however, that an animal care agency may euthanize an animal at any time if a licensed veterinarian makes a written determination that the animal is experiencing intractable and extreme pain and is beyond any reasonable hope of recovery.*
- g. *If a person liable for the reasonable costs of care pursuant to this section is found not guilty of the alleged criminal animal cruelty offense that led to the seizure of the animal, and if the person has made timely payments of the reasonable costs of care pursuant to this section, the person shall have the right to immediately repossess the person's animal and to be reimbursed by the animal care agency for all of the reasonable costs of care that were paid by the person to the animal care agency.*
- h. *The result of any hearing held pursuant to this section, and any statement made by a party in the course of such a hearing, shall not be admissible in any criminal prosecution for an animal cruelty violation.*
- i. *If the owner or the person from whom an animal was taken, as applicable, fails to appear for a hearing for the reasonable costs of care for an animal pursuant to this section, the owner or other person shall be liable for the costs, and all other provisions of this section shall remain in force.*
- j. *As used in this section, "animal" means any vertebrate other than humans, except that, other than animals used in connection with a violation of R.S.4:22–24 and equine animals, "animal" shall not include "domestic livestock" as defined by section 1 of P.L.1995, c. 311 (C.4:22–16.1).*

## ANIMAL PROTECTION LAWS OF NEW JERSEY

## 20. REHABILITATIVE SENTENCING

**N.J. STAT. § 4:22-17. Cruelty; certain acts, crime; degrees.**

- a. It shall be unlawful to:
  - (1) Overdrive, overload, drive when overloaded, overwork, abuse, or needlessly kill a living animal or creature;
  - (2) Cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any of the acts described in paragraph (1) of this subsection to be done;
  - (3) Inflict unnecessary cruelty upon a living animal or creature, by any direct or indirect means, including but not limited to through the use of another living animal or creature; or leave the living animal or creature unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature; or
  - (4) Fail, as the owner or as a person otherwise charged with the care of a living animal or creature, to provide the living animal or creature with necessary care.
- b.
  - (1) A person who violates subsection a. of this section shall be guilty of a disorderly persons offense. Notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, for every conviction of an offense pursuant to paragraph (1) or (2) of subsection a. of this section, the person shall be fined not less than \$ 250 nor more than \$ 1,000, or be imprisoned for a term of not more than six months, or both, in the discretion of the court; and for every conviction of an offense pursuant to paragraph (3) or (4) of subsection a. of this section, the person shall be fined not less than \$ 500 nor more than \$ 2,000, or be imprisoned for a term of not more than six months, or both, in the discretion of the court.
  - (2) If the person who violates subsection a. of this section has a prior conviction for an offense that would constitute a violation of subsection a. of this section, the person shall be guilty of a crime of the fourth degree.
  - (3) A person who violates subsection a. of this section shall also be subject to the provisions of subsections e. and f. and, if appropriate, subsection g., of this section.
  - (4) The action for the penalty prescribed in this subsection shall be brought in the municipal court of the municipality wherein the defendant resides or where the offense was committed, except that the municipality may elect to refer the offense to the county prosecutor to determine if the offense should be handled in the Superior Court or in municipal court.
- c. It shall be unlawful to purposely, knowingly, or recklessly:
  - (1) Torment, torture, maim, hang, poison, unnecessarily or cruelly beat, cruelly abuse, or needlessly mutilate a living animal or creature;
  - (2) Cause bodily injury to a living animal or creature by failing to provide the living animal or creature with necessary care, whether as the owner or as a person otherwise charged with the care of the living animal or creature;
  - (3) Cause or procure an act described in paragraph (1) or (2) of this subsection to be done, by any direct or indirect means, including but not limited to through the use of another living animal or

## ANIMAL PROTECTION LAWS OF NEW JERSEY

creature; or

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

d.

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

- (a) the animal or creature dies as a result of the violation;
- (b) the animal or creature suffers serious bodily injury as a result of the violation; or
- (c) the person has a prior conviction for an offense that would constitute a violation of paragraph (1), (2), (3) or (4) of subsection c. of this section.

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

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

- e. For a violation of this section, in addition to imposing any other appropriate penalties established for a crime of the third degree, crime of the fourth degree, or disorderly persons offense, as the case may be, pursuant to Title 2C of the New Jersey Statutes, the court shall impose a term of community service of up to 30 days, and may direct that the term of community service be served in providing assistance to a county society for the prevention of cruelty to animals, or any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, or to a municipality’s animal control or animal population control program.
- f. The court also shall require any violator of this section to pay restitution, including but not limited to, the monetary cost of replacing the animal if the animal died or had to be euthanized because of the extent of the animal’s injuries, or otherwise reimburse any costs for food, drink, shelter, or veterinary care or treatment, or other costs, incurred by the owner of the animal, if the owner is not the person committing the act of cruelty, or incurred by any agency, entity, or organization investigating the violation, or providing shelter or care for the animal or animals including but not limited to a county society for the prevention of cruelty to animals, any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, a local or State governmental entity, or a kennel, shelter, pound, or other facility providing for the shelter and care of the animal or animals involved in the violation.
- g. *If a juvenile is adjudicated delinquent for an act which, if committed by an adult, would constitute a disorderly persons offense, crime of the fourth degree, or crime of the third degree pursuant to this section, the court also shall order the juvenile to receive mental health counseling by a licensed psychologist or therapist named by the court for a period of time to be prescribed by the licensed psychologist or therapist.*