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## ***New Law Advisory***

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Advisory No. 2013-22

Issued: August 9, 2013

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To: Assignment Judges

Subject: P.L. 2013, c.88 - Revises penalties for animal cruelty offenses

Enacted: August 7, 2013

Effective: August 7, 2013

Area of Law: Municipal, Criminal, Family

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On August 7, 2013, Governor Christie signed S-1303 into law as P.L. 2013, c.88. The law, designated as “Patrick’s Law,” increases criminal and civil penalties for certain animal cruelty offenses. The new law took effect on August 7, 2013. A copy of the law is attached and is available on the Judiciary Infonet under Legal Reference/ Legislation Affecting Courts. Below is a summary of the law.

The law creates a new standard of “necessary care” defined as “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.” The law also defines the terms “bodily injury” and “serious bodily injury” as used in its provisions.

Under the law, a violation of any offense specified subsection a. of the amended N.J.S.A. 4:22-17 is graded as a disorderly persons offense, except that such a violation is a crime of the fourth degree if a defendant has a prior conviction for a subsection a. offense. The disorderly persons penalties for a conviction of an offense listed in subsection a.(1) or a.(2) remain unchanged. However, the law increases the disorderly persons penalties for a conviction of an offense listed in subsection a.(3), inflicting unnecessary cruelty upon a living animal or creature, and subsection a.(4), failing to provide a living animal or creature with necessary care. The enhanced penalties for the latter offenses are a fine of not less than \$500 nor more than \$2,000, or imprisonment for a term of not more than six months, or both, in the discretion of the court. As in the former law, a person who is convicted of a subsection a. offense is also subject to a term of community service and restitution, although the new law expands the restitution provision to include replacement cost of an animal and recovery of the cost of care for the animal by the owner or other entities.

The new law also revises the criminal penalties for a conviction of certain animal cruelty offenses now enumerated in subsection c. of the amended N.J.S.A. 4:22-17. Specifically, it is a crime to knowingly, or recklessly torment, torture, maim, hang, poison, unnecessarily or cruelly beat, cruelly abuse, or needlessly mutilate a living animal or creature; to cause bodily injury to a living animal or creature by failing to provide the living animal or creature with necessary care; or to cause or procure either of these acts. Subsection d. of the amended N.J.S.A. 4:22-17 grades a violation of these offenses as a crime of the fourth degree, except that such violation is a crime of the third degree if the animal or creature dies or suffers serious bodily injury as a result of the violation, or the person has a prior conviction for any offense in subsection c. of the amended N.J.S.A. 4:22-17. A person convicted of an offense in subsection c. is also subject to a term of community service and restitution as provided in the law.

The new law also revises and supplements N.J.S.A. 4:22-26 which establishes civil penalties for certain animal cruelty offenses. Two new offenses are added to subsection a. of the amended N.J.S.A. 4:22-26. Specifically, under subsection a.(4), to 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, and, under subsection a.(5), to cause bodily injury to a living animal or creature from the commission of an act described in subsection a.(4). Under the law, a violation of subsection a.(4), failure to provide necessary care, is subject to a civil penalty of not less than \$500 nor more than \$2,000. For a first violation of subsection a.(5), failure to provide necessary care resulting in bodily injury to an animal, the law provides for a civil penalty of not less than \$1,000 nor more than \$3,000. For a second or subsequent violation of subsection a.(5), the civil penalty is an amount not less than \$3,000 nor more than \$5,000.

Finally, the law increases the civil penalty for a violation of subsection c. of the amended N.J.S.A. 4:22-26. Under the new law, a person who is found guilty of inflicting unnecessary cruelty upon a living animal or creature as provided in subsection c. is subject to a civil penalty of not less than \$500 nor more than \$2,000.

Kindly advise appropriate staff of this new law. Please contact the appropriate AOC Assistant Director named above, if you have any questions regarding Chapter 88.

attachment

c: Glenn A. Grant, J.A.D.

Criminal Division Presiding Judges

Family Division Presiding Judges

Municipal Division Presiding Judges

Directors

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Clerks of the Court

Trial Court Administrators

Criminal Division Managers

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**P.L. 2013, c. 88**  
**Approved August 7, 2013**

[Fourth Reprint]  
**SENATE, No. 1303**  
**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

INTRODUCED JANUARY 30, 2012

**Sponsored by:**

**Senator THOMAS H. KEAN, JR., District 21 (Morris, Somerset and Union)**

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**SYNOPSIS**

Revises penalties for animal cruelty, increasing degree of certain offenses; designated as Patrick's Law.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on February 21, 2013.

**AN ACT** concerning animal cruelty and designated as "Patrick's Law," <sup>3</sup>[and]<sup>3</sup> <sup>4</sup>and<sup>4</sup> amending <sup>2</sup>R.S.4:22-15,<sup>2</sup> R.S.4:22-17<sup>2,2</sup> and R.S.4:22-26<sup>4</sup><sup>3</sup>, and supplementing chapter 22 of Title 4 of the Revised Statutes<sup>3</sup><sup>4</sup>.

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

<sup>2</sup>1. R.S.4:22-15 is amended to read as follows:

4:22-15. As used in this article:

"Animal" or "creature" includes the whole brute creation.

<sup>4</sup>~~<sup>3</sup>"Domestic companion animal" means any animal commonly referred to as a pet or one that has been 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.<sup>3</sup>~~

"Bodily injury" means physical pain, illness or any impairment of physical condition.<sup>4</sup>

"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.<sup>2</sup>

<sup>4</sup>"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.<sup>4</sup>

(cf: R.S.4:22-15)

~~<sup>4</sup>[<sup>3</sup>2. (New section) The provisions of R.S.4:22-17 and R.S.4:22-26 shall not apply to an animal which is domestic livestock subject to the provisions of P.L.1995, c.311 (C.4:22-16.1) or the standards, rules, or regulations developed and adopted pursuant thereto, except if the animal is a domestic companion animal.<sup>3</sup>]<sup>4</sup>~~

<sup>2</sup>[1.] <sup>3</sup>[2.] <sup>4</sup>[3.] ~~R.S.4:22-17 is amended to read as follows:~~

~~— 4:22-17. a. <sup>1</sup>[A person who shall] It shall be unlawful to<sup>1</sup> :~~

~~— (1) Overdrive, overload, drive when overloaded, or overwork [,] [deprive of necessary sustenance, 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 such acts to be done; or~~

~~— (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~~

~~<sup>2</sup>[unnecessarily fail to provide a living animal or creature of which the person has charge either as an owner or otherwise with proper food, drink, shelter or protection from the weather; or]<sup>2</sup> leave it unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature <sup>1</sup>[—].<sup>1</sup>~~

~~— <sup>1</sup>[Shall] b. (1) A person who violates subsection a. of this section shall<sup>1</sup> be guilty of a disorderly persons offense [, and notwithstanding] . Notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, for every [such] conviction of an offense pursuant to paragraph (1) or (2) of <sup>1</sup>[this]<sup>1</sup> subsection <sup>1</sup>a. of this section<sup>1</sup>, 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) of <sup>1</sup>[this]<sup>1</sup> subsection <sup>1</sup>a. of this section<sup>1</sup>, 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.~~

~~— <sup>1</sup>(2)<sup>1</sup> If an animal <sup>2</sup>[is needlessly killed or]<sup>2</sup> dies as a result of a violation of <sup>1</sup>[this]<sup>1</sup> subsection <sup>1</sup>a. of this section<sup>1</sup>, <sup>1</sup>[or the person has a prior conviction for a violation of this subsection,]<sup>1</sup> the person <sup>2</sup>who violates <sup>3</sup>[the] that<sup>3</sup> subsection <sup>2</sup> shall be guilty of a crime of the fourth degree.~~

~~— <sup>1</sup>(3) If the person <sup>2</sup>who violates subsection a. of this section<sup>2</sup> has a prior conviction for <sup>2</sup>an offense that would constitute <sup>2</sup>a violation of subsection a. of this section, the person shall be guilty of a crime of the fourth degree.~~

~~— (4)<sup>1</sup> A <sup>1</sup>[violator of this subsection] person who violates <sup>3</sup>[this subsection or<sup>2</sup>]<sup>3</sup> subsection a. <sup>2</sup>[or b.]<sup>2</sup> of this section<sup>1</sup> shall also be subject to the provisions of subsection <sup>1</sup>[c.] <sup>1</sup>d. <sup>1</sup>and, if appropriate, subsection <sup>1</sup>[d.] <sup>1</sup>e. <sup>1</sup>of this section.~~

~~—<sup>1</sup>[b. A person who shall] c. It shall be unlawful to<sup>1</sup> purposely, knowingly, or recklessly:~~  
~~— (1) Torment, torture, maim, hang, poison, unnecessarily or cruelly beat, [or] needlessly mutilate, deprive of necessary<sup>2</sup> [sustenance] care<sup>2</sup>, or abuse a living animal or creature;~~  
~~<sup>2</sup>[or]<sup>2</sup>~~  
~~— (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 such acts to be done<sup>1</sup> [ ]<sup>2</sup> [ ]<sup>1</sup>; or~~  
~~— (3) Needlessly kill a living animal or creature.<sup>2</sup>~~  
~~—<sup>1</sup>[Shall] A person who violates this subsection shall<sup>1</sup> be guilty of a crime of the fourth degree.~~  
~~— If the animal or creature is cruelly killed<sup>3</sup> as a result of a violation of this subsection,<sup>3</sup> or dies as a result of a violation of<sup>3</sup> paragraph (1) or (2) of<sup>3</sup> this subsection, or<sup>2</sup> if<sup>2</sup> the person<sup>2</sup> who violates this subsection<sup>2</sup> has a prior conviction for<sup>2</sup> an offense that would constitute<sup>2</sup> a violation of this subsection, the person shall be guilty of a crime of the third degree.~~  
~~—<sup>2</sup>[<sup>1</sup>(3)<sup>1</sup>]<sup>2</sup> A<sup>1</sup> [violator of] person who violates<sup>1</sup> this subsection shall also be subject to the provisions of subsection<sup>1</sup> [c.]<sup>1</sup> d.<sup>1</sup> and, if appropriate, subsection<sup>1</sup> [d.]<sup>1</sup> e.<sup>1</sup> of this section.~~  
~~—<sup>1</sup>[c.]<sup>1</sup> d.<sup>1</sup> For a violation of subsection a.<sup>1</sup> [or]<sup>3</sup> [<sup>1</sup>b.<sup>1</sup>]<sup>3</sup> or c.<sup>1</sup> 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 the New Jersey Society for the Prevention of Cruelty to Animals, a<sup>2</sup> [district (county)] county<sup>2</sup> 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. The court also [may] shall require the violator to pay restitution, including but not limited to, the monetary cost of replacing the animal if it died or had to be euthanized because of the extent of its 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, including but not limited to the New Jersey Society for the Prevention of Cruelty to Animals, a<sup>2</sup> [district (county)] county<sup>2</sup> 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, [or] 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.~~  
~~—<sup>1</sup>[d.]<sup>1</sup> e.<sup>1</sup> If a juvenile is adjudicated delinquent for an act which, if committed by an adult, would constitute a disorderly persons offense<sup>3</sup> [<sup>1</sup> or a crime of the fourth degree<sup>1</sup> pursuant to subsection a.<sup>2</sup> or b.<sup>2</sup> of this section or a crime of the third degree or]<sup>3</sup> <sup>2</sup>crime of the fourth degree<sup>3</sup>, or crime of the third degree<sup>3</sup> pursuant to<sup>3</sup> [subsection<sup>1</sup> [b.]<sup>1</sup> c.<sup>1</sup> of]<sup>3</sup> 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.~~  
~~(cf: P.L.2005, c.105, s.1)]<sup>4</sup>~~

<sup>2</sup>[2. R.S.4:22-26 is amended to read as follows:

— 4:22-26. A person who shall:

— a. (1) Overdrive, overload, drive when overloaded, or overwork [, deprive of necessary sustenance, 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, or needlessly mutilate, deprive of necessary sustenance, or abuse 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) Cruelly kill, or cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, the cruel killing of, a living animal or creature, or otherwise cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, the death of a living animal or creature from commission of any act described in paragraph (2) of this subsection;~~

~~— (4) 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, the death of a living animal or creature as a result of the commission of any act described in paragraph (1) of this subsection or subsection c. of this section;~~

~~— 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 unnecessarily fail to provide a living animal or creature of which the person has charge either as an owner or otherwise with proper food, drink, shelter or protection from the weather; or leave it 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 this article;~~

~~— 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;~~

~~— g. Permit or suffer a place owned or controlled by him 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 it 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 purpose of fighting or baiting that 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. — 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;

— 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 New Jersey Society for the Prevention of Cruelty to Animals or a county society for the prevention of cruelty to animals, as appropriate, or, in the name of the municipality if brought by a certified animal control officer or animal cruelty investigator:~~

~~—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) 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 [or] for a first violation of paragraph (2) of subsection a. of this section, or for a violation of paragraph (4) of subsection a. of this section, a sum of not less than \$1,000 nor more than \$3,000;~~

~~—For a violation of subsection c. of this section, a sum of not less than \$500 nor more than \$2,000;~~

~~—For a violation of subsection x. or 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;~~

~~—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 [c.] 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.~~

~~(cf: P.L.2005, c.372, s.16)]<sup>2</sup>~~

<sup>3</sup>[<sup>2</sup>3.] <sup>4</sup>[<sup>4</sup>.<sup>3</sup> R.S.4:22-26 is amended to read as follows:

~~—4:22-26. A person who shall:~~

~~—a. (1) Overdrive, overload, drive when overloaded, or overwork [, deprive of necessary sustenance, 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, [or] needlessly mutilate, deprive of necessary care, or abuse 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) Cruelly kill, or cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, the cruel killing of, a living animal or creature, or otherwise cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, the death of a living animal or creature from commission of any act described in paragraph (2) of this subsection;~~

~~—(4) Needlessly kill a living animal or creature;~~

~~—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 [unnecessarily fail to provide a living animal or creature of which the person has charge either as an owner or otherwise with proper food, drink, shelter or protection from the~~

~~weather; or] leave it 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 this article;~~

~~— 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;~~

~~— g. — Permit or suffer a place owned or controlled by him 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 it 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 purpose of fighting or baiting that 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 New Jersey Society for the Prevention of Cruelty to Animals or a county society for the prevention of cruelty to animals, as appropriate, or, in the name of the municipality if brought by a certified animal control officer or animal cruelty investigator:~~

~~— 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) 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 [or], for a first violation of paragraph (2) of subsection a. of this section, or for a violation of paragraph (4) of subsection a. of this section, a sum of not less than \$1,000 nor more than \$3,000;~~

~~— For a violation of 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 [c.,] 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.<sup>2</sup>~~

~~(cf: P.L.2012, c.52, s.2, Advance Law 9/19/2012)]<sup>4</sup>~~

<sup>4</sup>2. R.S.4:22-17 is amended to read as follows:

4:22-17. a. [A person who shall] It shall be unlawful to:

(1) Overdrive, overload, drive when overloaded, overwork [, deprive of necessary sustenance] , 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 [such] of the acts described in paragraph (1) of this subsection to be done; [or]

(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 [unnecessarily fail to provide a living animal or creature of which the person has charge either as an owner or otherwise with proper food, drink, shelter or protection from the weather; or] leave [it] the living animal or creature unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature [--

Shall]; 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 [, and notwithstanding] . Notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, for every [such] 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 [violator of this subsection] person who violates subsection a. of this section shall also be subject to the provisions of [subsection c.] subsections e. and f. and, if appropriate, subsection [d.] g., of this section.

[b. A person who shall] 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; [or]

(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; or

(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 [, any such acts to be done --

Shall] .

d. (1) A person who violates paragraph (1), (2), or (3) of subsection c. of this section shall be guilty of a crime of the fourth degree [.

If] , except that the person shall be guilty of a crime of the third degree if:

(a) the animal or creature [is cruelly killed or] dies as a result of [a] the violation [of this subsection, or] ;

(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 [this] paragraph (1), (2), or (3) of subsection [, the person shall be guilty of a crime of the third degree] c. of this section.

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

[c.] e. For a violation of [subsection a. or b. 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 the New Jersey Society for the Prevention of Cruelty to Animals, a [district (county)] 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 [may] shall require [the] 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, including but not limited to the New Jersey Society for the Prevention of Cruelty to Animals, a [district (county)] 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, [or] 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.

[d.] g. If a juvenile is adjudicated delinquent for an act which, if committed by an adult, would constitute a disorderly persons offense [pursuant to subsection a. of this section or a crime of the third degree or] , crime of the fourth degree , or crime of the third degree pursuant to [subsection b. of] 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.<sup>4</sup>  
(cf: P.L.2005, c.105, s.1)

<sup>4</sup>3. R.S.4:22-26 is amended to read as follows:

4:22-26. A person who shall:

a. (1) Overdrive, overload, drive when overloaded, overwork [, deprive of necessary sustenance,] 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, [or] 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) [Cruelly kill, or cause or procure,] 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, [the cruel killing of, a living animal or creature,] or otherwise cause or procure [, by any direct or indirect means, including but not limited to through the use of another living animal or creature, the death of a living animal or creature from commission of any act described in paragraph (2) of this subsection] 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 [unnecessarily fail to provide a living animal or creature of which the person has charge either as an owner or otherwise with proper food, drink, shelter or protection from the weather; or] leave [it] 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 this article;

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;

g. Permit or suffer a place owned or controlled by him 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 [it] 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 purpose of fighting or baiting that 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 New Jersey Society for the Prevention of Cruelty to Animals or a county society for the prevention of cruelty to animals, as appropriate, or, in the name of the municipality if brought by a certified animal control officer or animal cruelty investigator:

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 [or], 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 \$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 [c.] 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.<sup>4</sup>

(cf: P.L.2012, c.52, s.2)

<sup>2</sup>[3.] <sup>3</sup>[ 4.<sup>2</sup>] <sup>4</sup>[5.<sup>3</sup>] 4.<sup>4</sup> This act shall take effect immediately.