

[First Reprint]

SENATE, No. 2674

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JUNE 11, 2018

Sponsored by:

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman R. BRUCE LAND

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman MATTHEW W. MILAM

District 1 (Atlantic, Cape May and Cumberland)

Co-Sponsored by:

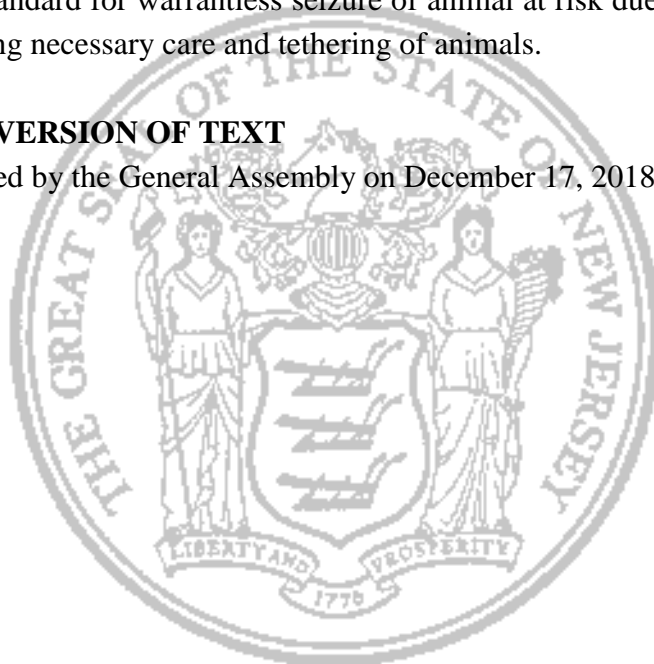
Senators Singleton, Turner, Greenstein and Assemblywoman Jones

SYNOPSIS

Revises standard for warrantless seizure of animal at risk due to violation of law concerning necessary care and tethering of animals.

CURRENT VERSION OF TEXT

As amended by the General Assembly on December 17, 2018.



(Sponsorship Updated As Of: 2/26/2019)

1 AN ACT concerning the seizure of animals under certain
2 circumstances and amending P.L.2017, c.189.

3

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

6

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

9 7. a. Upon a showing of probable cause that there has been a
10 violation of P.L.2017, c.189 (C.4:22-17.1 et seq.) and submission of
11 proof of issuance of a summons, a court of competent jurisdiction
12 may issue, upon request, **[an order]** a warrant to any municipal
13 humane law enforcement officer, humane law enforcement officer
14 of a county society for the prevention of cruelty to animals, or other
15 State or local law enforcement officer to enter onto the private
16 property where a dog, domestic companion animal, or service
17 animal is located and take physical custody of the animal.

18 b. Notwithstanding the provisions of subsection a. of this
19 section, or any other law, or any rule or regulation adopted pursuant
20 thereto, to the contrary, any municipal humane law enforcement
21 officer, humane law enforcement officer of a county society for the
22 prevention of cruelty to animals, or other State or local law
23 enforcement officer may immediately enter onto private property
24 where a dog, domestic companion animal, or service animal is
25 located and take physical custody of the animal, if the officer has a
26 reasonable **[suspicion]** basis to believe that ¹**[the animal is at risk**
27 **of imminent harm]** ¹ due to a violation of P.L.2017, c.189 (C.4:22-
28 17.1 et seq.) ¹**[and requires]** ¹ immediate assistance ¹is required
29 to protect or preserve the animal's life or prevent ¹**[serious]** ¹ injury
30 to the animal .

31 c. Upon taking physical custody of a dog, domestic companion
32 animal, or service animal pursuant to subsection a. or b. of this
33 section, the person taking physical custody of the animal shall: (1)
34 post immediately, in a conspicuous place at the location from which
35 the dog, domestic companion animal, or service animal was taken,
36 the notice required pursuant to subsection d. of this section to the
37 owner or person with custody or control of the dog, domestic
38 companion animal, or service animal; and (2) send by registered or
39 certified mail and by ordinary mail the notice described in
40 subsection d. of this section to the address of the location from
41 which the dog, domestic companion animal, or service animal was
42 taken into physical custody.

43 d. The notice required pursuant to subsection c. of this section
44 shall: (1) provide a description of the dog, domestic companion

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted December 17, 2018.

1 animal, or service animal; (2) state that the dog, domestic
2 companion animal, or service animal may be euthanized upon a
3 veterinarian's written determination of medical necessity as required
4 by subsection e. of this section; (3) state the statutory authority and
5 reason for taking custody of the dog, domestic companion animal,
6 or service animal; and (4) provide contact information, including at
7 least the name of any applicable office or entity, the name of a
8 person at that office or entity, and a telephone number for the owner
9 or person with custody or control of the dog, domestic companion
10 animal, or service animal to obtain information concerning the
11 animal, the alleged violation, and where the animal is impounded.

12 e. A dog, domestic companion animal, or service animal taken
13 into physical custody pursuant to subsection a. or b. of this section
14 shall be placed in a licensed shelter, pound, or kennel operating as a
15 shelter or pound to ensure the humane care and treatment of the
16 animal. If, after the dog, domestic companion animal, or service
17 animal has been taken into physical custody, a licensed veterinarian
18 makes a written determination that the animal is in intractable and
19 extreme pain and beyond any reasonable hope of recovery with
20 reasonable veterinary medical treatment, the animal may be
21 euthanized. At any time while the licensed shelter, pound, or
22 kennel operating as a shelter or pound has custody or control of the
23 dog, domestic companion animal, or service animal, it may place
24 the animal in an animal rescue organization facility or a foster home
25 if it determines the placement is in the best interest of the animal.

26 f. A person shall be issued a correction warning prior to being
27 cited for a violation of P.L.2017, c.189 (C.4:22-17.1 et seq.) unless
28 the dog, domestic companion animal, or service animal involved in
29 the violation was seized immediately pursuant to subsection b. of
30 this section. A summons shall be served on the alleged violator as
31 soon as practicable if:

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

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

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

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

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

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

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

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

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

10 (3) a demand for immediate compliance; and

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

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

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

37 (cf: P.L.2017, c.331, s.11)

38

39 2. This act shall take effect immediately.