

## **GUIDE TO PREVENTION OF ANIMAL CRUELTY LAWS**

Amendments to the Prevention of Cruelty to Animals Act (hereinafter "the Act"), N.J.S.A. 4:22-17 et seq., were recently signed into law. The new legal requirements set forth in the Act apply to any individual who owns or has custody or control (hereinafter "caretaker") of a dog, service animal or an animal that is a pet.

To ensure all dog, pet and service animal owners and caretakers have a basic understanding of these newly enacted legal requirements, a brief, general description of the requirements and prohibitions and a guide to compliance is provided below. The description below also includes a short synopsis of prohibited acts that apply to animals in general, which is provided to ensure that the general public is aware of these restrictions. This brief overview is intended to be a helpful guideline and is not intended to be a substitute for reading the law in its entirety.

### **Unlawful Treatment of Animals**

It is unlawful to expose a dog, pet, or service animal to harsh weather conditions, such as freezing temperatures (32 degrees Fahrenheit or below), excessive heat (90 degrees Fahrenheit or above), rain or snow, for more than thirty minutes when the owner or caretaker of the animal is not with the animal and exposed to same conditions. An owner or caretaker who violates this requirement could be subject to a fine, imprisonment, community service, ordered to pay restitution, and/or possibly have his or her animal seized.

To avoid a violation of this section of the Act, an owner or caretaker must provide his/her animal with appropriate shelter if the animal will be out in harsh weather for longer than thirty minutes. A proper shelter is a structure that is soundly built, in good repair and provides the animal with adequate ventilation, water, light, and space to move and sit. In addition to these standard requirements, the shelter must also be enclosed, have a solid roof, solid walls with a single opening, a floor that is not the ground, insulation, dry bedding, and a windbreak at the entrance that is sufficient to keep the animal dry and maintain the animal's normal body temperature when the animal is exposed to freezing temperatures and/or inclement weather. When the animal is exposed to excessive heat, the structure must also have adequate shade or a cooling area by natural or artificial means to allow the animal to maintain a normal body temperature.

See N.J.S.A. 4:22-17.2 and 17.5.

(6) a dog 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) a dog by using a chain with metal links that are more than one-quarter of an inch thick, or a tether, collar, or harness that is attached to a weight;

(8) a dog with another dog;

(9) a dog with a tether that is less than 15 feet in length or does not permit the dog to walk at least 15 feet in any one direction, except when the dog is indoors with its owner or caretaker; or

(10) a dog 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.

Please note that paragraphs 2, 9, and 10 above shall not apply if the dog's owner or caretaker is in the presence of the dog and can see the dog at all times while the dog is tethered.

Additionally, enforcement of paragraph 2 will begin in February 2019.

See N.J.S.A. 4:22-17.3.

### **Unlawful Confinement**

The Act prohibits an owner or caretaker of a dog, pet or service animal from confining the animal in any structure, room, area, or container that is not a proper shelter. An owner or caretaker who violates this requirement could be subject to a fine, imprisonment, community service, ordered to pay restitution, and/or possibly have his or her animal seized.

To avoid a violation of this requirement, an owner or caretaker must provide his or her animal with a shelter that is soundly built, in good repair and provides the animal with adequate ventilation, water, light, and space to move and sit.

- own, possess, keep, train, promote, purchase, or sell an animal for fighting or baiting purposes
- sell dog, cat or horse meat or the fur of a dog or cat (unless the fur is from a groomer or veterinary office or for scientific research);
- surgically debark a dog;
- use a live pigeon, fowl, or other bird for the purpose of a target or to be shot, except in the shooting of game;
- use a dog for drawing a vehicle for business purposes;
- abandon a domesticated animal or abandon a sick or disabled animal to die in a public place;
- confine an animal without providing the animal with food and water or fail to provide an animal with necessary care;
- sell an animal with a contagious or infectious disease;
- use an animal, reptile or bird for purposes of solicitation\*\*; or
- artificially mark sheep or cattle.

A person who violates this statute is subject to a fine ranging from \$250 to \$5000. To avoid a fine, individuals should not engage in the above-listed prohibited acts.

\* This section does not apply to pet shops, individuals who keep these animals for protection of the premises, breeder associations, 4-H clubs, educational agricultural programs, equestrian teams, or charitable organizations conducting exhibits.

\*\* This section does not apply to exhibits conducted by 4-H clubs or breeder associations.

See N.J.S.A. 4:22-26.

**Penalties for various acts constituting cruelty.**

4:22-26 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), or (5) 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;

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

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 \$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.

amended 1949, c.294; 1951, c.270; 1953, c.5, s.63; 1954, c.175; 1974, c.18; 1977, c.229, s.2; 1983, c.103; 1989, c.35, s.2; 1991, c.108, s.2; 1998, c.105, s.3; 1999, c.307, s.3; 2000, c.162, s.2; 2001, c.229, s.4; 2002, c.102, s.8; 2003, c.232, s.3; 2005, c.105, s.2; 2005, c.372, s.16; 2012, c.52, s.2; 2013, c.88, s.3; 2017, c.331, s.13.