

ASSEMBLY, No. 2591

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 8, 2016

Sponsored by:

Assemblyman REED GUSCIORA

District 15 (Hunterdon and Mercer)

SYNOPSIS

Imposes civil penalty for exhibition or use in performance of a living bear, elephant, lion, or tiger.

CURRENT VERSION OF TEXT

As introduced.



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1 AN ACT concerning certain treatment of certain wild animals and
2 amending R.S.4:22-26.

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

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7 1. R.S.4:22-26 is amended to read as follows:

8 4:22-26. A person who shall:

9 a. (1) Overdrive, overload, drive when overloaded, overwork,
10 abuse, or needlessly kill a living animal or creature, or cause or
11 procure, by any direct or indirect means, including but not limited
12 to through the use of another living animal or creature, any such
13 acts to be done;

14 (2) Torment, torture, maim, hang, poison, unnecessarily or
15 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or
16 creature, or cause or procure, by any direct or indirect means,
17 including but not limited to through the use of another living animal
18 or creature, any such acts to be done;

19 (3) Cause the death of, or serious bodily injury to, a living
20 animal or creature from commission of any act described in
21 paragraph (2), (4), (5), or (6) of this subsection, by any direct or
22 indirect means, including but not limited to through the use of
23 another living animal or creature, or otherwise cause or procure any
24 such acts to be done;

25 (4) Fail, as the owner or a person otherwise charged with the
26 care of a living animal or creature, to provide the living animal or
27 creature with necessary care, or otherwise cause or procure such an
28 act to be done; or

29 (5) Cause bodily injury to a living animal or creature from
30 commission of the act described in paragraph (4) of this subsection;

31 b. (Deleted by amendment, P.L.2003, c.232)

32 c. Inflict unnecessary cruelty upon a living animal or creature,
33 by any direct or indirect means, including but not limited to through
34 the use of another living animal or creature; or leave the living
35 animal or creature unattended in a vehicle under inhumane
36 conditions adverse to the health or welfare of the living animal or
37 creature;

38 d. Receive or offer for sale a horse that is suffering from abuse
39 or neglect, or which by reason of disability, disease, abuse or
40 lameness, or any other cause, could not be worked, ridden or
41 otherwise used for show, exhibition or recreational purposes, or
42 kept as a domestic pet without violating the provisions of this
43 article;

44 e. Keep, use, be connected with or interested in the
45 management of, or receive money or other consideration for the

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.

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- 1 admission of a person to, a place kept or used for the purpose of
2 fighting or baiting a living animal or creature;
- 3 f. Be present and witness, pay admission to, encourage, aid or
4 assist in an activity enumerated in subsection e. of this section;
- 5 g. Permit or suffer a place owned or controlled by him to be
6 used as provided in subsection e. of this section;
- 7 h. Carry, or cause to be carried, a living animal or creature in
8 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 9 i. Use a dog or dogs for the purpose of drawing or helping to
10 draw a vehicle for business purposes;
- 11 j. Impound or confine or cause to be impounded or confined in
12 a pound or other place a living animal or creature, and shall fail to
13 supply the living animal or creature during such confinement with a
14 sufficient quantity of good and wholesome food and water;
- 15 k. Abandon a maimed, sick, infirm or disabled animal or
16 creature to die in a public place;
- 17 l. Willfully sell, or offer to sell, use, expose, or cause or permit
18 to be sold or offered for sale, used or exposed, a horse or other
19 animal having the disease known as glanders or farcy, or other
20 contagious or infectious disease dangerous to the health or life of
21 human beings or animals, or who shall, when any such disease is
22 beyond recovery, refuse, upon demand, to deprive the animal of
23 life;
- 24 m. Own, operate, manage or conduct a roadside stand or market
25 for the sale of merchandise along a public street or highway; or a
26 shopping mall, or a part of the premises thereof; and keep a living
27 animal or creature confined, or allowed to roam in an area whether
28 or not the area is enclosed, on these premises as an exhibit; except
29 that this subsection shall not be applicable to: a pet shop licensed
30 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who
31 keeps an animal, in a humane manner, for the purpose of the
32 protection of the premises; or a recognized breeders' association, a
33 4-H club, an educational agricultural program, an equestrian team, a
34 humane society or other similar charitable or nonprofit organization
35 conducting an exhibition, show or performance;
- 36 n. Keep or exhibit a wild animal at a roadside stand or market
37 located along a public street or highway of this State; a gasoline
38 station; or a shopping mall, or a part of the premises thereof;
- 39 o. Sell, offer for sale, barter or give away or display live baby
40 chicks, ducklings or other fowl or rabbits, turtles or chameleons
41 which have been dyed or artificially colored or otherwise treated so
42 as to impart to them an artificial color;
- 43 p. Use any animal, reptile, or fowl for the purpose of soliciting
44 any alms, collections, contributions, subscriptions, donations, or
45 payment of money except in connection with exhibitions, shows or
46 performances conducted in a bona fide manner by recognized
47 breeders' associations, 4-H clubs or other similar bona fide
48 organizations;

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- 1 q. Sell or offer for sale, barter, or give away living rabbits,
2 turtles, baby chicks, ducklings or other fowl under two months of
3 age, for use as household or domestic pets;
- 4 r. Sell, offer for sale, barter or give away living baby chicks,
5 ducklings or other fowl, or rabbits, turtles or chameleons under two
6 months of age for any purpose not prohibited by subsection q. of
7 this section and who shall fail to provide proper facilities for the
8 care of such animals;
- 9 s. Artificially mark sheep or cattle, or cause them to be
10 marked, by cropping or cutting off both ears, cropping or cutting
11 either ear more than one inch from the tip end thereof, or half
12 cropping or cutting both ears or either ear more than one inch from
13 the tip end thereof, or who shall have or keep in the person's
14 possession sheep or cattle, which the person claims to own, marked
15 contrary to this subsection unless they were bought in market or of
16 a stranger;
- 17 t. Abandon a domesticated animal;
- 18 u. For amusement or gain, cause, allow, or permit the fighting
19 or baiting of a living animal or creature;
- 20 v. Own, possess, keep, train, promote, purchase, or knowingly
21 sell a living animal or creature for the purpose of fighting or baiting
22 that animal or creature;
- 23 w. Gamble on the outcome of a fight involving a living animal
24 or creature;
- 25 x. Knowingly sell or barter or offer for sale or barter, at
26 wholesale or retail, the fur or hair of a domestic dog or cat or any
27 product made in whole or in part from the fur or hair of a domestic
28 dog or cat, unless such fur or hair for sale or barter is from a
29 commercial grooming establishment or a veterinary office or clinic
30 or is for use for scientific research;
- 31 y. (1) Knowingly sell or barter, or offer for sale or barter, at
32 wholesale or retail, for human consumption, the flesh of a domestic
33 dog or cat, or any product made in whole or in part from the flesh of
34 a domestic dog or cat;
- 35 (2) Knowingly slaughter a horse for human consumption;
- 36 (3) Knowingly sell or barter, or offer for sale or barter, at
37 wholesale or retail, for human consumption, the flesh of a horse, or
38 any product made in whole or in part from the flesh of a horse, or
39 knowingly accept or publish newspaper advertising that includes the
40 offering for sale, trade, or distribution of any such item for human
41 consumption;
- 42 (4) Knowingly transport a horse for the purpose of slaughter for
43 human consumption;
- 44 (5) Knowingly transport horsemeat, or any product made in
45 whole or in part from the flesh of a horse, for the purpose of human
46 consumption;
- 47 z. Surgically debark or silence a dog in violation of section 1
48 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);

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1 aa. Use a live pigeon, fowl or other bird for the purpose of a
2 target, or to be shot at either for amusement or as a test of skill in
3 marksmanship, except that this subsection and subsections bb. and
4 cc. shall not apply to the shooting of game;

5 bb. Shoot at a bird used as described in subsection aa. of this
6 section, or is a party to such shooting; **【or】**

7 cc. Lease a building, room, field or premises, or knowingly
8 permit the use thereof for the purposes of subsection aa. or bb. of
9 this section; or

10 dd. Display or exhibit, or use in any performance, in any
11 manner, a living bear, elephant, lion, or tiger --

12 Shall forfeit and pay a sum according to the following schedule,
13 to be sued for and recovered, with costs, in a civil action by any
14 person in the name of the New Jersey Society for the Prevention of
15 Cruelty to Animals or a county society for the prevention of cruelty
16 to animals, as appropriate, or, in the name of the municipality if
17 brought by a certified animal control officer or animal cruelty
18 investigator:

19 For a violation of subsection e., f., g., u., v., w., or z. of this
20 section or of paragraph (3) of subsection a. of this section, or for a
21 second or subsequent violation of paragraph (2) or (5) of subsection
22 a. of this section, a sum of not less than \$3,000 nor more than
23 \$5,000;

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

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

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

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

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

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

47 For a violation of subsection dd. of this section, a sum of not less
48 than \$250 nor more than \$5,000; and

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1 For a violation of subsection i., m., n., o., p., q., r., or s. of this
2 section, a sum of not less than \$250 nor more than \$500.
3 (cf: P.L.2013, c.88, s.3)

4

5 2. This act shall take effect immediately.

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STATEMENT

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10 This bill would impose a civil penalty for the display, exhibition,
11 or use in any performance of a living bear, elephant, lion, or tiger.
12 Specifically this bill would amend the State animal cruelty law to
13 provide that any person who displays, exhibits or uses in any
14 performance, in any manner, a living bear, elephant, lion, or tiger
15 would be subject to a civil penalty of not less than of \$250 nor more
16 than \$5,000.