ASSEMBLY, No. 832
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STATE OF NEW JERSEY
214th LEGISLATURE
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PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

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Assemblywoman N. Munoz and Assemblyman A.M.Bucco

SYNOPSIS
Establishes new crimes concerning service dogs and upgrades crimes against certain other animals.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel

(Sponsorship Updated As Of: 1/25/2011)
AN ACT concerning certain animals, amending P.L.1983, c.261 and supplementing Title 2C of the New Jersey Statutes.

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

1. (New section) a. Any person who purposely kills a service dog shall be guilty of a crime of the second degree.
   b. Any person who purposely maims or otherwise inflicts harm upon a service dog shall be guilty of a crime of the third degree.
   c. Any person who interferes with a service dog in the performance of its duties commits a disorderly persons offense. As used in this section, "service dog" means any dog individually trained by a recognized training agency or school to the requirements of a person with a disability including, but not limited to, pulling a wheelchair or retrieving dropped items, guiding blind persons or assisting deaf persons. This term shall include a "seizure dog" trained to alert or otherwise assist persons subject to epilepsy or other seizure disorders.

2. Section 1 of P.L.1983, c.261 (C.2C:29-3.1) is amended to read as follows:
   1. 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] second degree. 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] third degree. 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 $1,000.00 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.
   (cf: P.L.2005, c.24, s.1)

3. This act shall take effect immediately.

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.
This bill would establish the following new crimes against service dogs: (1) purposely killing a service dog would be a crime of the second degree; (2) purposely maiming or otherwise inflicting harm upon a service dog would be a crime of the third degree; and (3) purposely interfering with a service dog in the performance of its duties would be a disorderly persons offense. This bill defines a "service dog" as any dog individually trained by a recognized training agency or school to the requirements of a person with a disability including, but not limited to, pulling a wheelchair or retrieving dropped items, guiding blind persons, assisting deaf persons. The term would include a "seizure dog" trained to alert or otherwise assist persons subject to epilepsy or other seizure disorders.

This bill would also amend N.J.S.A.2C:29-3.1 to upgrade the penalties for crimes committed against animals owned or used by law enforcement or search and rescue dogs. This bill would upgrade: (1) the crime of killing a dog, horse, or other animal owned or used by a law enforcement agency, or a search and rescue dog, from a third to a second degree crime, and (2) the crime of purposely maiming or otherwise inflicting harm upon a dog, horse or other animal owned or used by a law enforcement agency, or a search and rescue dog, from a fourth to a third degree crime.

A crime of the second degree is punishable by a term of imprisonment of five to ten years or a fine of up to $150,000, or both. A crime of the third degree is punishable by a term of imprisonment of three to five years or a fine of up to $15,000, or both. A disorderly persons offense is punishable by a term of imprisonment of up to six months or a fine of up to $1,000, or both.