

## CHAPTER 24

AN ACT concerning certain dogs, and amending P.L.1989, c.307.

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

1. Section 7 of P.L.1989, c.307 (C.4:19-23) is amended to read as follows:

C.4:19-23 Dog declared potentially dangerous; conditions.

7. a. The municipal court shall declare a dog to be potentially dangerous if it finds by clear and convincing evidence that the dog:

(1) caused bodily injury as defined in N.J.S.2C:11-1(a) to a person during an unprovoked attack, and poses a serious threat of bodily injury or death to a person, or

(2) severely injured or killed another domestic animal, and

(a) poses a threat of serious bodily injury or death to a person; or

(b) poses a threat of death to another domestic animal, or

(3) has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attacks upon persons or domestic animals.

b. A dog shall not be declared potentially dangerous for:

(1) causing bodily injury as defined in N.J.S.2C:11-1(a) to a person if the dog was provoked, or

(2) severely injuring or killing a domestic animal if the domestic animal was the aggressor.

For the purposes of paragraph (1) of this subsection, the municipality shall bear the burden of proof to demonstrate that the dog was not provoked.

2. This act shall take effect immediately.

Approved June 11, 2002.