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# 2022 New Jersey Revised Statutes

## Title 4 - Agriculture and Domestic Animals

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

**Universal Citation:** NJ Rev Stat § 4:19-23 (2022)

#### **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 to a person during an unprovoked attack, and poses a serious threat of serious bodily injury or death to a person;

(2) caused serious bodily injury to another domestic animal or killed another domestic animal, and

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

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

(3) (Deleted by amendment, P.L.2019, c.82).

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

(1) causing bodily injury to a person if the dog was provoked;

(2) causing serious bodily injury to, or killing, a domestic animal if the domestic animal was the aggressor;

(3) causing bodily injury to a person who was committing or attempting to commit a crime or offense upon the owner or person with custody or control of the dog or committing or attempting to commit a trespass or other criminal offense on the property of the owner or person with custody or control of the dog;

(4) causing bodily injury to a person or a domestic animal who was abusing, assaulting, or physically threatening the dog or the dog's offspring; or

(5) causing bodily injury to a person who was intervening between two or more dogs engaged in aggressive behavior or fighting.

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.

c. As used in this section, "bodily injury" means bodily injury as defined in subsection a. of N.J.S.2C:11-1; and "serious bodily injury" means serious bodily injury as defined in subsection b. of N.J.S.2C:11-1.

L.1989, c.307, s.7; amended 1994, c.187, s.4; 2002, c.24; 2019, c.82, s.2.

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