

November 11, 2002

Honorable Albio Sires, Speaker of the NJ Assembly  
303 58th Street  
West New York, NJ 07093

The National Animal Interest Alliance is a coalition of animal owners and organizations dedicated to animal welfare, responsible animal ownership, and maintaining the rights of owners to keep and enjoy pets and livestock. Members who reside in New Jersey have asked that we review A2906, the proposed animal control law pending before the New Jersey Assembly, and offer comments about its provisions.

The following remarks are made in full recognition of the critical function of government to protect the citizens from animal attacks. It is our opinion that this proposed ordinance can lead to problems of interpretation, continued misunderstanding of the nature of dogs, and an erosion of the rights of responsible animal owners.

First and foremost, New Jersey already has a workable dangerous and vicious dog law that places responsibility on the owner to comply with certain provisions if a dog is declared dangerous or vicious. This law appropriately targets dog and owner behavior, not dog breed or type.

In addition, breed-specific laws:

- are notoriously difficult and expensive to enforce. There is no scientific test that can differentiate dog breeds or mixes, so identification is purely subjective.

- do not take into account that the majority of dogs of any breed or mix are not dangers to the community.

- do not address the problems, i.e., that the majority of incidents result from violation of other animal control laws (dogs running loose or improperly controlled or confined) or from failure to properly supervise children and dogs.

- give people a false sense of security by categorizing certain dogs as vicious and thereby implying that dogs of other breeds and mixes are safe.

- are unfair to the thousands of responsible owners of the targeted breeds and mixes and to the

- dogs that are treasured family pets, valued show and performance dogs, and working partners in search and rescue, as therapy dogs, or in other aspects of canine-human interaction.

In particular, A2906 treats responsible dog owners as criminals based not on behavior but on the physical appearance of their dogs. For example:

- It requires owners to prove a negative, i.e., that a dog is *not* a particular breed, unless they have pedigrees or other records that attest to the dog's lineage. Since a vast number of pets do not have pedigrees, these owners are at a distinct disadvantage if someone claims the dog is a pit bull and that claim is upheld by authorities using breed standards and pictures as guidelines.

- It subjects law-abiding dog owners to home inspections as if they are criminals.

- It has the potential to cause the death of many well-behaved pets, show dogs, and working dogs if the owner fails to comply with a complex set of restrictions or buy an expensive license.

- It has the potential to overwhelm shelters that may not have the budget or space to house the dogs, the personnel to make sure they get sufficient exercise and continued socialization, or the desire to fill available space with dogs that are unlikely to be placed in new homes.

It charges owners with the cost of impoundment and housing based on shelter policies that determine whether a dog can be placed in a new home or will be killed. This provision could easily result in costs far beyond the scope of the violation, i.e., failure to buy a license, build an approved enclosure, or allow an inspector into the home.

NAIA strongly believes that simple, straightforward laws intended to protect the public while considering the nature of dogs and the rights of dog owners will serve a community well. We urge you to vote against A2906 and encourage communities to strictly enforce animal control laws on all dogs and dog owners based on their behavior not their breed or mix.

Sincerely,

Patti L. Strand, president