

**THREATENING TO KILL, MAIM OR INFLICT HARM UPON AN ANIMAL USED BY  
A LAW ENFORCEMENT AGENCY OR A SEARCH AND RESCUE DOG**

**N.J.S.A. 2C:29-3.1(c)**

**(eff. 8/14/13)**

Count \_\_\_\_\_ of this indictment charges the defendant with the crime of threatening to kill, maim or inflict harm upon an animal owned or used by a law enforcement agency or an animal who is a search and rescue dog.

**(READ INDICTMENT)**

The applicable statute provides, in pertinent part, that:

Any person who purposely threatens to kill, maim or otherwise inflict harm upon a dog, horse or other animal owned or used by a law enforcement agency or a search and rescue dog, under circumstances reasonably causing the person to whom the threat is made to believe that it is likely to be carried out . . .

is guilty of a crime.

In order for you to find the defendant guilty, the State must prove the following elements beyond a reasonable doubt:

1. that the defendant purposely threatened to kill, maim or otherwise inflict harm upon an animal;
2. that the dog, horse or other animal was (**CHOOSE AS APPROPRIATE**) owned or used by a law enforcement agency (**OR**) a search and rescue dog;
3. that the defendant knew that the dog, horse or other animal was (**CHOOSE AS APPROPRIATE**) owned or used by a law enforcement agency (**OR**) a search and rescue dog; and
4. that the threat was made under circumstances causing the person to whom the threat was made to reasonably believe that the threat would likely be carried out.

The first element that the State must prove beyond a reasonable doubt is that the defendant purposely threatened to kill, maim, or otherwise inflict harm upon a dog, horse or other animal.

A person acts purposely with respect to the nature of his/her conduct or a result thereof if it is his/her conscious object to engage in conduct of that nature or to cause such a result. A person acts purposely with respect to attendant circumstances if he/she hopes that they exist. A

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person acts purposely if he/she acts with design, with a specific intent, with a particular object or purpose, if he/she means to do what he/she does.

Purpose is a condition of the mind that cannot be seen and that can be determined only by inferences from conduct, words, or acts. A state of mind is rarely susceptible of direct proof but must ordinarily be inferred from the facts. Therefore, it is not necessary that the State produce witnesses to testify that a defendant said that he/she had a certain state of mind when he/she engaged in a particular act. It is within your power to find that such proof has been furnished beyond a reasonable doubt by inference, which may arise from the nature of defendant's acts and conduct, from all that he/she said and did at the particular time and place, and from all surrounding circumstances.

The second element that the State must prove beyond a reasonable doubt is that the dog, horse or other animal was **(CHOOSE AS APPROPRIATE)** owned or used by a law enforcement agency **(OR)** a search and rescue dog. **(CHOOSE AS APPROPRIATE)**. A law enforcement agency is a department, division, bureau, commission, board or other authority of the State or of any political subdivision thereof which employs law enforcement officers.<sup>1</sup> A law enforcement officer is a person whose public duties include the power to act as an officer for the detection, apprehension, arrest and conviction of offenders against the laws of this State.<sup>2</sup> The term "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.<sup>3</sup>

The third element that the State must prove beyond a reasonable doubt is that the defendant knew that the dog, horse or other animal was **(CHOOSE AS APPROPRIATE)** owned or used by a law enforcement agency **(OR)** a search and rescue dog.

A person acts knowingly with respect to the nature of his/her conduct or the attendant circumstances if he/she is aware that his/her conduct is of that nature or that such circumstances exist or if he/she is aware of a high probability of their existence. A person acts knowingly with

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<sup>1</sup> N.J.S.A. 2C:25-19b.

<sup>2</sup> N.J.S.A. 2C:25-19c

<sup>3</sup> N.J.S.A. 2C:29-3.1.

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respect to the result of his/her conduct if he/she is aware that it is practically certain that his/her conduct will cause such a result. “Knowing,” “with knowledge,” or equivalent terms have the same meaning.

Like purpose, knowledge is a condition of the mind that cannot be seen and that can be determined only by inferences from conduct, words or acts. A state of mind is rarely susceptible of direct proof but must ordinarily be inferred from the facts. Therefore, it is not necessary that the State produce witnesses to testify that a defendant said that he/she had a certain state of mind when he/she engaged in a particular act. It is within your power to find that such proof has been furnished beyond a reasonable doubt by inference, which may arise from the nature of defendant’s acts and conduct, from all that he/she said and did at the particular time and place, and from all surrounding circumstances.

The fourth element that the State must prove beyond a reasonable doubt is that the threat was made under circumstances causing the person to whom the threat was made to reasonably believe that the threat would likely be carried out.<sup>4</sup>

If you find that the State has proven each element of this offense beyond a reasonable doubt, then you must find the defendant guilty. If, however, you find that the State has failed to prove any element of the offense beyond a reasonable doubt, then you must find the defendant not guilty.

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<sup>4</sup> Although no caselaw addresses the standard in connection with this statute, there is similarly-worded language contained in the Terroristic Threats (Threat to Kill) statute, N.J.S.A. 2C:12-3(b)). The language in that statute has been interpreted to mean that the threat must be such that it would reasonably convey a fear to an “ordinary person.”