

**KILLING AN ANIMAL USED BY A
LAW ENFORCEMENT AGENCY OR A SEARCH AND RESCUE DOG**
N.J.S.A. 2C:29-3.1(a)

Count _____ of this indictment charges the defendant with the crime of killing an animal who was owned or used by a law enforcement agency or an animal who was a search and rescue dog.

(READ INDICTMENT)

The applicable statute provides, in pertinent part, that:

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 . . .

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 killed a dog, horse or other animal;
2. that the dog, horse or other animal was **(CHOOSE AS APPROPRIATE)** owned or used by a law enforcement agency **(OR)** or a search and rescue dog; and
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.

The first element that the State must prove beyond a reasonable doubt is that the defendant purposely killed 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 believes or hopes that they exist. A person acts purposely if he/she acts with design, with a specific intent, with a particular object or purpose, or 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

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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.¹ 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.² 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.³

The third element that the State must prove beyond a reasonable doubt is that the defendant knew that the dog, horse or other animal that was killed 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 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

¹ N.J.S.A. 2C:25-19b.

² N.J.S.A. 2C:25-19c

³ N.J.S.A. 2C:29-3.1.

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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.

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 this offense beyond a reasonable doubt, then you must find the defendant not guilty.