

SENATE, No. 2220

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED OCTOBER 1, 2012

Sponsored by:
Senator DIANE B. ALLEN
District 7 (Burlington)

SYNOPSIS

Prohibits animal cruelty violators from working at, or owning or operating, an animal-related enterprise; designated as “Moose’s Law.”

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning animal cruelty violators and animal-related
2 enterprises, designated as “Moose’s Law,” and supplementing
3 Title 4 of the Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. As used in this act:

9 “Animal cruelty offense” means, in New Jersey, any crime or
10 disorderly persons offense under chapter 22 of Title 4 of the
11 Revised Statutes, or any civil violation under R.S.4:22-26; or in any
12 other state or jurisdiction, conduct which, if committed in New
13 Jersey, would constitute a crime or disorderly persons offense under
14 chapter 22 of Title 4 of the Revised Statutes or a civil violation
15 under R.S.4:22-26.

16 “Animal-related enterprise” means any for-profit or non-profit
17 industry, business, enterprise, or endeavor that requires or involves
18 hands-on contact or other direct interaction with animals, including,
19 but not limited to: a zoo, aquarium, or other animal exhibition; an
20 animal care or veterinary operation; an animal training operation; an
21 animal breeding operation; an animal shelter or pound; an animal
22 kennel or boarding operation; a pet shop; an animal adoption or
23 sales service; or an animal transport service.

24 “Applicant” means an existing employee or provisional
25 employee who submits to an animal-related enterprise the
26 documentation required by subsection d. of section 3 of this act.

27 “Commissioner” means the Commissioner of Health.

28 “Employ” means to use the services of a person, or to hire a
29 person for paid or unpaid work.

30 “Existing employee” means a person who is employed by an
31 animal-related enterprise on the date of enactment of this act.

32 “Non-provisional employee” means an existing employee or
33 provisional employee who is authorized to engage in on-going, non-
34 provisional employment at an animal-related enterprise following
35 the receipt of written notice from the Superintendent of State Police
36 and Commissioner of Health, pursuant to section 5 of this act,
37 confirming an absence of disqualifying animal cruelty offense
38 violations.

39 “Provisional employee” means a person who is employed by an
40 animal-related enterprise on a provisional basis, in accordance with
41 the provisions of subsection b. of section 3 of this act.

42 “Superintendent” means the Superintendent of State Police.

43
44 2. a. No person who is convicted of, or found civilly liable for,
45 an animal cruelty offense shall commence, operate, apply for

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 employment at, or participate in any capacity in, an animal-related
2 enterprise subsequent to the date of the person's conviction or
3 finding of civil liability for such offense.

4 b. Any person who violates subsection a. of this section shall
5 be guilty of a disorderly persons offense.

6
7 3. a. The owner or operator of an animal-related enterprise
8 shall not employ any person at the enterprise unless: (1) the owner
9 or operator of the animal-related enterprise has first determined, in
10 accordance with the provisions of section 4 of this act, that the
11 person is not identified on the list, established and maintained by
12 the Commissioner of Health pursuant to section 3 of P.L.1983,
13 c.525 (C.4:19-15.16a), of persons who are ineligible to be certified
14 animal control officers; and (2) the Superintendent of State Police
15 has first determined, consistent with the requirements and standards
16 of this act, that no criminal history record information exists on file
17 in the Federal Bureau of Investigation, or in the Division of State
18 Police, which would disqualify that person from engaging in
19 employment at the animal-related enterprise.

20 b. Notwithstanding the provisions of this section to the
21 contrary, an animal-related enterprise may provisionally employ a
22 person for a period not exceeding 90 days, pending the results of
23 the investigations required by subsection a. of this section.
24 Continued, non-provisional employment shall be contingent upon
25 the completion of the investigations required by subsection a. of
26 this section, and shall be authorized only if the results of these
27 investigations confirm that the applicant has not been convicted of,
28 or found civilly liable for, an animal cruelty offense.

29 c. No existing employee or provisional employee at an animal-
30 related enterprise shall be left alone as the only person caring for an
31 animal until the investigations required by subsection a. of this
32 section are complete and the results confirm that such person is not
33 disqualified from employment on the basis of a conviction, or
34 finding of civil liability, for an animal cruelty offense.

35 d. (1) The owner or operator of an animal-related enterprise
36 shall require every existing employee and provisional employee to:

37 (a) provide their name, address, and fingerprints to the animal-
38 related enterprise; and

39 (b) sign a written consent form authorizing the Superintendent
40 of State Police to perform a criminal history record background
41 check in accordance with the provisions of this act.

42 (2) The owner or operator of an animal-related enterprise shall
43 obtain the documentation required by this subsection, and shall
44 submit copies of this documentation to the superintendent, within
45 two weeks after a person commences provisional employment
46 pursuant to subsection b. of this section, or, for existing employees,
47 within 90 days after the date of enactment of this act.

1 e. As is deemed to be necessary, for the purposes of
2 determining the continuing employment eligibility of non-
3 provisional employees in accordance with this act, the owner or
4 operator of an animal-related enterprise may: (a) request and
5 receive from the superintendent, periodic follow-up results of
6 criminal history record background checks for any non-provisional
7 employee at the enterprise; or (b) engage in periodic follow-up
8 reviews of the list established and maintained by the commissioner,
9 pursuant to section 3 of P.L.1983, c.525 (C.4:19-15.16a), in order to
10 determine the inclusion thereon of any non-provisional employee.

11 f. The cost of any criminal history record background check
12 required by this act, or of any follow-up criminal history record
13 background check authorized pursuant to subsection e. of this
14 section, including all administrative and processing charges, shall
15 be borne by either the applicant or the animal-related enterprise.

16 g. If an existing employee or provisional employee refuses to
17 submit the information required by subsection d. of this section, or
18 otherwise fails to consent to, or cooperate in, the investigations
19 required by subsection a. of this section; or if a non-provisional
20 employee fails to consent to, or cooperate in, any follow-up
21 investigation authorized by subsection e. of this section, the owner
22 or operator of the animal-related enterprise shall immediately
23 terminate the person's employment at the animal-related enterprise.

24 h. Any person who is disqualified from employment pursuant
25 to this act shall be entitled to reapply for employment at an animal-
26 related enterprise if the disqualifying conviction or finding of civil
27 liability is reversed.

28

29 4. a. Within two weeks after a person commences provisional
30 employment pursuant to subsection b. of this section, or, for
31 existing employees, within 90 days after the date of enactment of
32 this act, the owner or operator of an animal-related enterprise shall:
33 (1) review the list, which is posted on the Internet website of the
34 Department of Health, of persons who are ineligible to be certified
35 animal control officers; and (2) confirm that the name of the
36 existing employee or provisional employee is not included on that
37 list.

38 b. (1) The owner or operator of the animal-related enterprise
39 shall sign a certification verifying the owner or operator's
40 compliance with the provisions of subsection a. of this section. A
41 copy of the signed certification shall be maintained in the
42 employment file of the provisional employee or existing employee
43 for the duration of the person's employment, and for a period of one
44 year following the date of termination of the person's employment.

45 (2) Any person who violates the provisions of paragraph (1) of
46 this subsection, or who falsifies any information contained in a
47 certification that is completed or maintained pursuant to this
48 subsection, shall be guilty of a disorderly persons offense.

1 c. If the owner or operator of an animal-related enterprise
2 determines that the name of an existing employee or provisional
3 employee is included on the list of persons who are ineligible to be
4 certified animal control officers, the owner or operator of the
5 animal-related enterprise shall notify the existing employee or
6 provisional employee, in writing, of their disqualification from
7 employment on this basis. The written notice shall afford the
8 existing employee or provisional employee the opportunity to
9 request a hearing, in the manner provided for contested cases
10 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
11 (C.52:14B-1 et seq.), in order to contest the employee's inclusion
12 on the list, or to challenge the offense history that was used by the
13 Department of Health to support the employee's inclusion on the
14 list. The notice shall specify that any such hearing request shall be
15 submitted, in writing, to the Commissioner of Health.

16

17 5. a. The Superintendent of State Police is authorized to
18 exchange fingerprint data with, and receive criminal history record
19 information for use by animal-related enterprises from, the Federal
20 Bureau of Investigation; the Division of State Police; and any other
21 law enforcement agencies and jurisdictions as may be necessary for
22 the purposes of this act.

23 b. Consistent with applicable State and federal laws, rules, and
24 regulations, the superintendent shall compare fingerprints submitted
25 under subsection d. of section 3 of this act with fingerprints on file
26 in the Federal Bureau of Investigation, and in the Division of State
27 Police, in order to determine whether the applicant's criminal
28 history record reveals a disqualifying conviction for an animal
29 cruelty offense.

30 c. The superintendent shall complete the investigation required
31 by subsection a. of section 3 of this act, and shall notify the
32 applicant and the owner or operator of the animal-related enterprise
33 of the results of the investigation, in writing, within 60 days after
34 the receipt of documentation submitted in accordance with
35 subsection d. of section 3 of this act, or as soon thereafter as may be
36 reasonably practicable. The written notice shall: (1) expressly
37 identify any offenses which constitute the basis for disqualification;
38 and (2) afford the applicant the opportunity for a hearing, in the
39 manner provided for contested cases pursuant to the
40 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
41 seq.), in order to contest the criminal history record information or
42 other information that was used to support disqualification.

43

44 6. Section 3 of P.L.1983, c.525 (C.4:19-15.16a) is amended to
45 read as follows:

46 3. a. The Commissioner of Health shall, within 120 days after
47 the effective date of P.L.1983, c.525, and pursuant to the
48 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et

1 seq.), adopt rules and regulations concerning the training and
2 educational qualifications for the certification of animal control
3 officers, including, but not limited to, a course of study approved by
4 the commissioner and the Police Training Commission, in
5 consultation with the New Jersey Certified Animal Control Officers
6 Association, which acquaints a person with:

7 (1) The law as it affects animal control, animal welfare, and
8 animal cruelty;

9 (2) Animal behavior and the handling of stray or diseased
10 animals;

11 (3) Community safety as it relates to animal control; and

12 (4) The law enforcement methods and techniques required for
13 an animal control officer to properly exercise the authority to
14 investigate and sign complaints and arrest without warrant pursuant
15 to section 8 of P.L.1997, c.247 (C.4:19-15.16c), including, but not
16 limited to, those methods and techniques which relate to search,
17 seizure, and arrest. The training in law enforcement methods and
18 techniques described pursuant to this paragraph shall be part of the
19 course of study for an animal control officer only when required by
20 the governing body of a municipality pursuant to section 4 of
21 P.L.1983, c.525 (C.4:19-15.16b).

22 Any person 18 years of age or older may satisfy the courses of
23 study established pursuant to this subsection at that person's own
24 time and expense; however, nothing in this section shall be
25 construed as authorizing a person to exercise the powers and duties
26 of an animal control officer absent municipal appointment or
27 authorization pursuant to section 4 of P.L.1983, c.525 (C.4:19-
28 15.16b).

29 b. (1) The commissioner shall provide for the issuance of a
30 certificate to a person who possesses, or acquires, the training and
31 education required to qualify as a certified animal control officer
32 pursuant to paragraphs (1) through (3) of subsection a. of this
33 section and to a person who has been employed in the State of New
34 Jersey in the capacity of, and with similar responsibilities to those
35 required of, a certified animal control officer pursuant to the
36 provisions of P.L.1983, c.525, for a period of three years before
37 January 17, 1987. The commissioner shall not issue a certificate to
38 any person convicted of, or found civilly liable for, a violation of
39 any provision of chapter 22 of Title 4 of the Revised Statutes.

40 (2) The commissioner shall revoke the certificate of any person
41 convicted of, or found civilly liable for, a violation of any provision
42 of chapter 22 of Title 4 of the Revised Statutes **】, and shall place**
43 **the name of the person on the list established pursuant to subsection**
44 **c. of this section**】**.**

45 c. (1) The commissioner shall establish , and post on its
46 Internet website, a list of all persons **【issued a certificate pursuant**
47 **to subsection b. of this section**】**; (a) for whom **【that**】** a certificate ,**
48 issued pursuant to subsection b. of this section, has been revoked, or**

1 (b) who have been convicted of, or found civilly liable for, a
2 violation of any provision of chapter 22 of Title 4 of the Revised
3 Statutes. The commissioner shall provide each municipality in the
4 State with a copy of this list within 30 days after the list is
5 established and not less often than annually thereafter if no revised
6 list required pursuant to paragraph (2) of this subsection has been
7 issued in the interim.

8 (2) Upon receipt of a notice required pursuant to section 3 or 4
9 of P.L.2003, c.67 (C.4:22-57 or C.2B:12-17.1) **【**involving a person
10 who has been issued a certificate pursuant to subsection b. of this
11 section**】** , the commissioner shall add to the list the name of the
12 person convicted of, or found civilly liable for, a violation of any
13 provision of chapter 22 of Title 4 of the Revised Statutes according
14 to the notice, and shall issue a copy of the revised list to each
15 municipality within 30 days after receipt of any notice.

16 (cf: P.L.2012, c.17, s.8)

17

18 7. Section 6 of this act shall take effect immediately and the
19 remainder of this act shall take effect on the 45th day after the date
20 of enactment.

21

22

23 STATEMENT

24

25 This bill, designated as “Moose’s Law,” would prohibit a person
26 from commencing, operating, applying for employment at, or
27 participating in any capacity in, an animal-related enterprise if that
28 person has been convicted of, or found civilly liable for, an animal
29 cruelty offense in this State or in any other state or jurisdiction.

30 “Animal-related enterprise” would be defined by the bill to mean
31 any for-profit or non-profit industry, business, enterprise, or
32 endeavor that requires or involves hands-on contact or other direct
33 interaction with animals, including, but not limited to: a zoo,
34 aquarium, or other animal exhibition; an animal care or veterinary
35 operation; an animal training operation; an animal breeding
36 operation; an animal shelter or pound; an animal kennel or boarding
37 operation; a pet shop; an animal adoption or sales service; or an
38 animal transport service. Any person who violates the bill’s
39 prohibition would be guilty of a disorderly persons offense.

40 Pursuant to the bill’s provisions, the owner or operator of an
41 animal-related enterprise would be prohibited from employing any
42 person at the enterprise unless: (1) the owner or operator of the
43 animal-related enterprise has first determined that the person is not
44 identified on the list, established by the Commissioner of Health
45 pursuant to N.J.S.A.4:19-15.16a, of persons who are ineligible to be
46 certified animal control officers; and (2) the Superintendent of State
47 Police has first determined that no criminal history record
48 information exists, which would disqualify that person from

1 engaging in such employment. The bill would amend N.J.S.A.4:19-
2 15.16a to clarify that the Commissioner of Health must include on
3 the list of persons who are ineligible to be certified animal control
4 officers the name of any person who has been convicted of, or
5 found civilly liable for, an animal cruelty offense, whether or not
6 the person has been previously certified to act as an animal control
7 officer. The bill would also require the commissioner to post this
8 list on its Internet website.

9 The bill would authorize an animal-related enterprise to
10 provisionally employ a person for a period not exceeding 90 days,
11 pending the results of the investigations required by the bill.
12 Continued, non-provisional employment, however, would be
13 contingent upon the completion of the investigations, and would be
14 authorized only if the results of these investigations confirm that the
15 applicant has not been convicted of, or found civilly liable for, an
16 animal cruelty offense. No employee would be authorized to be left
17 alone with an animal until the investigations have been performed
18 and the absence of disqualifying convictions or civil violations has
19 been confirmed.

20 The bill would require any provisional employees and any
21 persons who are employed at an animal-related enterprise on the
22 date of this bill's enactment, to submit their name, address, and
23 fingerprints to the enterprise and sign a consent form authorizing
24 the undertaking of a criminal history record background check. The
25 owner or operator of an animal-related enterprise would be required
26 to submit this documentation to the Superintendent of State Police
27 within two weeks after a person commences provisional
28 employment, or, for persons employed at the enterprise on the date
29 of this bill's enactment, within 90 days after the date of enactment.
30 The superintendent would be required to complete the criminal
31 record history background check within 60 days after receipt of the
32 necessary documentation, or as soon thereafter as may be
33 reasonably practicable.

34 The bill would require the owner or operator of an animal-related
35 enterprise to review the list, which has been posted on the Internet
36 website of the Department of Health, of persons who are ineligible
37 to be certified animal control officers, and confirm that the name of
38 the existing employee or provisional employee is not included on
39 that list, within two weeks after a person commences provisional
40 employment, or, for existing employees, within 90 days after the
41 date of the bill's enactment. The owner or operator of the animal-
42 related enterprise would be required to sign a certification verifying
43 their compliance with this provision, and the bill would require a
44 copy of the signed certification to be maintained in the employee's
45 employment file for the duration of the person's employment, and
46 for a period of one year following the date of termination of the
47 person's employment. Any owner or operator who fails to review
48 the list maintained by the Department of Health, or who falsifies

1 any information contained in a certification, would be guilty of a
2 disorderly persons offense.

3 In order to determine the continuing employment eligibility of
4 non-provisional employees – i.e., employees who have already
5 undergone the investigations required by the bill and who have been
6 qualified for on-going employment due to a lack of disqualifying
7 animal cruelty offense violations – the bill would authorize the
8 owner or operator of an animal-related enterprise to: (1) request the
9 undertaking of periodic follow-up criminal history record
10 background checks for any non-provisional employee; and (2)
11 undertake periodic follow-up reviews of the list of persons who are
12 ineligible to be certified animal control officers, to determine the
13 inclusion thereon of any non-provisional employee. The costs of
14 any criminal history record background check, including any
15 follow-up check, would be borne either by the person who is the
16 subject of the check or by the animal-related enterprise.

17 This bill was drafted in response to an incident that took place in
18 the State. In July 2012, Moose the dog jumped a fence at his
19 Delran home and was missing for over a month before a woman – a
20 self-proclaimed dog trainer – returned his dead body to the owners,
21 claiming she had found him dead along the road. It has been
22 alleged, however, that the woman actually found the dog alive and
23 kidnapped the dog, giving it to another set of owners in
24 Pennsylvania and contracting with the new owners to train the dog.
25 The woman then allegedly left the dog in a hot car, causing his
26 death.

27 Various concerned citizens have indicated that, under the current
28 law, the woman in Moose's case could continue to work as a dog
29 trainer even if she is convicted of animal cruelty – thereby placing
30 other animals and animal owners at risk. The bill would address
31 this concern by: (1) prohibiting animal cruelty offenders from
32 becoming involved or continuing their involvement in animal-
33 related industries; (2) establishing a criminal offense for such
34 behavior; and (3) giving animal-related enterprises the tools and
35 authorizations necessary to investigate their employees' criminal
36 and civil offense histories, in order to ensure and verify that animal
37 cruelty offenders are not being employed at these businesses.