

Title 4.
Chapter 22.
Article 1.
Part F.
Humane Law
Enforcement
§§25-34 -
C.4:22-14.1 to
4:22-14.10
§35 - Repealer
§36 - Note

P.L. 2017, CHAPTER 331, *approved January 16, 2018*
Senate Committee Substitute for
Senate, No. 3558

1 AN ACT concerning the enforcement of animal cruelty laws, and
2 amending, supplementing, and repealing various parts of the
3 statutory law.

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

7
8 1. Section 4 of P.L.2003, c.67 (C.2B:12-17.1) is amended to
9 read as follows:

10 4. As required pursuant to section 3 of P.L.2003, c.67 (C.4:22-
11 57), a **【municipal】** court adjudging guilt or liability for a violation
12 of any provision of chapter 22 of Title 4 of the Revised Statutes,
13 shall charge the prosecutor **【**, officer of the New Jersey Society for
14 the Prevention of Cruelty to Animals or the district (county) society
15 for the prevention of cruelty to animals,**】** or other appropriate
16 person, other than a certified animal control officer, with the
17 responsibility to notify within 30 days the Commissioner of Health
18 **【and Senior Services】** , in writing, of the full name of the person
19 found guilty of, or liable for, an applicable violation, and the
20 violation for which or of which that person was found guilty or
21 liable, and the person charged with the responsibility shall provide
22 such notice.

23 (cf: P.L.2003, c.67, s.4)

24
25 2. Section 1 of P.L.2015, c.85 (C.2C:33-31) is amended to read
26 as follows:

27 1. a. A person is guilty of dog fighting if that person
28 knowingly:

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 (1) keeps, uses, is connected with or interested in the
2 management of, or receives money for the admission of a person to,
3 a place kept or used for the purpose of fighting or baiting a dog;

4 (2) owns, possesses, keeps, trains, promotes, purchases, breeds
5 or sells a dog for the purpose of fighting or baiting that dog;

6 (3) for amusement or gain, causes, allows, or permits the
7 fighting or baiting of a dog;

8 (4) permits or suffers a place owned or controlled by that person
9 to be used for the purpose of fighting or baiting a dog;

10 (5) is present and witnesses, pays admission to, encourages or
11 assists in the fighting or baiting of a dog; or

12 (6) gambles on the outcome of a fight involving a dog.

13 Dog fighting is a crime of the third degree.

14 b. (1) In addition to any other penalty imposed, the court shall
15 order:

16 (a) the seizure and forfeiture of any dogs or other animals used
17 for fighting or baiting, and may upon request of the prosecutor or
18 on its own motion, order any person convicted of a violation under
19 this section to forfeit possession of: (i) any other dogs or other
20 animals in the person's custody or possession; and (ii) any other
21 property involved in or related to a violation of this section; and

22 (b) restitution, concerning the dogs or other animals seized and
23 forfeited pursuant to subparagraph (a) of this paragraph, in the form
24 of reimbursing any costs for all the animals' food, drink, shelter, or
25 veterinary care or treatment, or other costs, incurred by any person,
26 agency, entity, or organization, including but not limited to [the
27 New Jersey Society for the Prevention of Cruelty to Animals,] a
28 county society for the prevention of cruelty to animals, any other
29 recognized organization concerned with the prevention of cruelty to
30 animals or the humane treatment and care of animals, a State or
31 local governmental entity, or a kennel, shelter, pound, or other
32 facility.

33 (2) The court may prohibit any convicted person from having
34 future possession or custody of any animal for any period of time
35 the court deems reasonable, including a permanent prohibition.

36 c. For the purposes of this section "bait" means to attack with
37 violence, to provoke, or to harass a dog with one or more animals
38 for the purpose of training the dog for, or to cause a dog to engage
39 in, a fight with or among other dogs.

40 (cf: P.L.2015, c.85, s.1)

41

42 3. Section 2 of P.L.2015, c.85 (C.2C:33-32) is amended to read
43 as follows:

44 2. a. A person is a leader of a dog fighting network if he
45 conspires with others in a scheme or course of conduct to
46 unlawfully engage in dog fighting, as defined in section 1 of
47 P.L.2015, c.85 (C.2C:33-31), as an organizer, supervisor, financier

1 or manager of at least one other person. Leader of a dog fighting
2 network is a crime of the second degree.

3 "Financier" means a person who, with the intent to derive a
4 profit, provides money or credit or other thing of value in order to
5 finance the operations of dog fighting.

6 b. (1) In addition to any other penalty imposed, the court shall
7 order:

8 (a) The seizure and forfeiture of any dogs or other animals used
9 for fighting or baiting, and may upon request of the prosecutor or
10 on its own motion, order any person convicted of a violation under
11 this section to forfeit possession of: (i) any other dogs or other
12 animals in the person's custody or possession; and (ii) any other
13 property involved in or related to a violation of this section; and

14 (b) restitution, concerning the dogs or other animals seized and
15 forfeited pursuant to subparagraph (a) of this paragraph, in the form
16 of reimbursing any costs for all the animals' food, drink, shelter, or
17 veterinary care or treatment, or other costs, incurred by any person,
18 agency, entity, or organization, including but not limited to [the
19 New Jersey Society for the Prevention of Cruelty to Animals,] a
20 county society for the prevention of cruelty to animals, any other
21 recognized organization concerned with the prevention of cruelty to
22 animals or the humane treatment and care of animals, a State or
23 local governmental entity, or a kennel, shelter, pound, or other
24 facility.

25 (2) The court may prohibit any convicted person from having
26 future possession or custody of any animal for any period of time
27 the court deems reasonable, including a permanent prohibition.

28 c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction
29 of leader of a dog fighting network shall not merge with the
30 conviction for any offense, nor shall such other conviction merge
31 with a conviction under this section, which is the object of the
32 conspiracy. Nothing contained in this section shall prohibit the
33 court from imposing an extended term pursuant to N.J.S.2C:43-7;
34 nor shall this section be construed in any way to preclude or limit
35 the prosecution or conviction of any person for conspiracy under
36 N.J.S.2C:5-2, or any prosecution or conviction under N.J.S.2C:41-1
37 et seq. (racketeering activities) or subsection g. of N.J.S.2C:5-2
38 (leader of organized crime) or any prosecution or conviction for any
39 such offense.

40 d. It shall not be necessary in any prosecution under this
41 section for the State to prove that any intended profit was actually
42 realized. The trier of fact may infer that a particular scheme or
43 course of conduct was undertaken for profit from all of the
44 attendant circumstances, including but not limited to the number of
45 persons involved in the scheme or course of conduct, the actor's net
46 worth and his expenditures in relation to his legitimate sources of
47 income, or the amount of cash or currency involved.

1 e. It shall not be a defense to a prosecution under this section
2 that the dog intended to be used for fighting was brought into or
3 transported in this State solely for ultimate distribution or sale in
4 another jurisdiction.

5 f. It shall not be a defense that the defendant was subject to the
6 supervision or management of another, nor that another person or
7 persons were also leaders of a dog fighting network.
8 (cf: P.L.2015, c.85, s.2)

9

10 4. N.J.S.2C:39-6 is amended to read as follows:

11 2C:39-6. a. Provided a person complies with the requirements
12 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

13 (1) Members of the Armed Forces of the United States or of the
14 National Guard while actually on duty, or while traveling between
15 places of duty and carrying authorized weapons in the manner
16 prescribed by the appropriate military authorities;

17 (2) Federal law enforcement officers, and any other federal
18 officers and employees required to carry firearms in the
19 performance of their official duties;

20 (3) Members of the State Police and, under conditions
21 prescribed by the superintendent, members of the Marine Law
22 Enforcement Bureau of the Division of State Police;

23 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
24 assistant prosecutor, prosecutor's detective or investigator, deputy
25 attorney general or State investigator employed by the Division of
26 Criminal Justice of the Department of Law and Public Safety,
27 investigator employed by the State Commission of Investigation,
28 inspector of the Alcoholic Beverage Control Enforcement Bureau of
29 the Division of State Police in the Department of Law and Public
30 Safety authorized to carry weapons by the Superintendent of State
31 Police, State park police officer, or State conservation officer;

32 (5) Except as hereinafter provided, a prison or jail warden of
33 any penal institution in this State or his deputies, or an employee of
34 the Department of Corrections engaged in the interstate
35 transportation of convicted offenders, while in the performance of
36 his duties, and when required to possess the weapon by his superior
37 officer, or a corrections officer or keeper of a penal institution in
38 this State at all times while in the State of New Jersey, provided he
39 annually passes an examination approved by the superintendent
40 testing his proficiency in the handling of firearms;

41 (6) A civilian employee of the United States Government under
42 the supervision of the commanding officer of any post, camp,
43 station, base or other military or naval installation located in this
44 State who is required, in the performance of his official duties, to
45 carry firearms, and who is authorized to carry firearms by the
46 commanding officer, while in the actual performance of his official
47 duties;

- 1 (7) (a) A regularly employed member, including a detective, of
2 the police department of any county or municipality, or of any
3 State, interstate, municipal or county park police force or boulevard
4 police force, at all times while in the State of New Jersey;
- 5 (b) A special law enforcement officer authorized to carry a
6 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
7 (C.40A:14-146.14);
- 8 (c) An airport security officer or a special law enforcement
9 officer appointed by the governing body of any county or
10 municipality, except as provided in subsection (b) of this section, or
11 by the commission, board or other body having control of a county
12 park or airport or boulevard police force, while engaged in the
13 actual performance of his official duties and when specifically
14 authorized by the governing body to carry weapons;
- 15 (8) A full-time, paid member of a paid or part-paid fire
16 department or force of any municipality who is assigned full-time
17 or part-time to an arson investigation unit created pursuant to
18 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
19 investigation unit in the county prosecutor's office, while either
20 engaged in the actual performance of arson investigation duties or
21 while actually on call to perform arson investigation duties and
22 when specifically authorized by the governing body or the county
23 prosecutor, as the case may be, to carry weapons. Prior to being
24 permitted to carry a firearm, a member shall take and successfully
25 complete a firearms training course administered by the Police
26 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et
27 seq.), and shall annually qualify in the use of a revolver or similar
28 weapon prior to being permitted to carry a firearm;
- 29 (9) A juvenile corrections officer in the employment of the
30 Juvenile Justice Commission established pursuant to section 2 of
31 P.L.1995, c.284 (C.52:17B-170) subject to the regulations
32 promulgated by the commission;
- 33 (10) A designated employee or designated licensed agent for a
34 nuclear power plant under license of the Nuclear Regulatory
35 Commission, while in the actual performance of his official duties,
36 if the federal licensee certifies that the designated employee or
37 designated licensed agent is assigned to perform site protection,
38 guard, armed response or armed escort duties and is appropriately
39 trained and qualified, as prescribed by federal regulation, to
40 perform those duties. Any firearm utilized by an employee or agent
41 for a nuclear power plant pursuant to this paragraph shall be
42 returned each day at the end of the employee's or agent's authorized
43 official duties to the employee's or agent's supervisor. All firearms
44 returned each day pursuant to this paragraph shall be stored in
45 locked containers located in a secure area;
- 46 (11) A county corrections officer at all times while in the State
47 of New Jersey, provided he annually passes an examination

1 approved by the superintendent testing his proficiency in the
2 handling of firearms.

3 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

4 (1) A law enforcement officer employed by a governmental
5 agency outside of the State of New Jersey while actually engaged in
6 his official duties, provided, however, that he has first notified the
7 superintendent or the chief law enforcement officer of the
8 municipality or the prosecutor of the county in which he is engaged;
9 or

10 (2) A licensed dealer in firearms and his registered employees
11 during the course of their normal business while traveling to and
12 from their place of business and other places for the purpose of
13 demonstration, exhibition or delivery in connection with a sale,
14 provided, however, that the weapon is carried in the manner
15 specified in subsection g. of this section.

16 c. Provided a person complies with the requirements of
17 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5
18 do not apply to:

19 (1) A special agent of the Division of Taxation who has passed
20 an examination in an approved police training program testing
21 proficiency in the handling of any firearm which he may be
22 required to carry, while in the actual performance of his official
23 duties and while going to or from his place of duty, or any other
24 police officer, while in the actual performance of his official duties;

25 (2) A State deputy conservation officer or a full-time employee
26 of the Division of Parks and Forestry having the power of arrest and
27 authorized to carry weapons, while in the actual performance of his
28 official duties;

29 (3) (Deleted by amendment, P.L.1986, c.150.)

30 (4) A court attendant appointed by the sheriff of the county or
31 by the judge of any municipal court or other court of this State,
32 while in the actual performance of his official duties;

33 (5) A guard employed by any railway express company, banking
34 or building and loan or savings and loan institution of this State,
35 while in the actual performance of his official duties;

36 (6) A member of a legally recognized military organization
37 while actually under orders or while going to or from the prescribed
38 place of meeting and carrying the weapons prescribed for drill,
39 exercise or parade;

40 (7) A municipal humane law enforcement officer **【**of the New
41 Jersey Society for the Prevention of Cruelty to Animals or of a
42 county society for the prevention of cruelty to animals**】**, authorized
43 pursuant to subsection d. of section 25 of P.L. , c. (C.)
44 (pending before the Legislature as this bill), or humane law
45 enforcement officer of a county society for the prevention of cruelty
46 to animals authorized pursuant to subsection c. of section 29 of

- 1 P.L. , c. (C.) (pending before the Legislature as this bill),
2 while in the actual performance of **【his】** the officer's duties;
- 3 (8) An employee of a public utilities corporation actually
4 engaged in the transportation of explosives;
- 5 (9) A railway policeman, except a transit police officer of the
6 New Jersey Transit Police Department, at all times while in the
7 State of New Jersey, provided that he has passed an approved police
8 academy training program consisting of at least 280 hours. The
9 training program shall include, but need not be limited to, the
10 handling of firearms, community relations, and juvenile relations;
- 11 (10) A campus police officer appointed under P.L.1970, c.211
12 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
13 a firearm, a campus police officer shall take and successfully
14 complete a firearms training course administered by the Police
15 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
16 seq.), and shall annually qualify in the use of a revolver or similar
17 weapon prior to being permitted to carry a firearm;
- 18 (11) (Deleted by amendment, P.L.2003, c.168).
- 19 (12) A transit police officer of the New Jersey Transit Police
20 Department, at all times while in the State of New Jersey, provided
21 the officer has satisfied the training requirements of the Police
22 Training Commission, pursuant to subsection c. of section 2 of
23 P.L.1989, c.291 (C.27:25-15.1);
- 24 (13) A parole officer employed by the State Parole Board at all
25 times. Prior to being permitted to carry a firearm, a parole officer
26 shall take and successfully complete a basic course for regular
27 police officer training administered by the Police Training
28 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
29 shall annually qualify in the use of a revolver or similar weapon
30 prior to being permitted to carry a firearm;
- 31 (14) A Human Services police officer at all times while in the
32 State of New Jersey, as authorized by the Commissioner of Human
33 Services;
- 34 (15) A person or employee of any person who, pursuant to and
35 as required by a contract with a governmental entity, supervises or
36 transports persons charged with or convicted of an offense;
- 37 (16) A housing authority police officer appointed under
38 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
39 State of New Jersey; or
- 40 (17) A probation officer assigned to the "Probation Officer
41 Community Safety Unit" created by section 2 of P.L.2001, c.362
42 (C.2B:10A-2) while in the actual performance of the probation
43 officer's official duties. Prior to being permitted to carry a firearm,
44 a probation officer shall take and successfully complete a basic
45 course for regular police officer training administered by the Police
46 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et

- 1 seq.), and shall annually qualify in the use of a revolver or similar
2 weapon prior to being permitted to carry a firearm.
- 3 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
4 antique firearms, provided that the antique firearms are unloaded or
5 are being fired for the purposes of exhibition or demonstration at an
6 authorized target range or in another manner approved in writing by
7 the chief law enforcement officer of the municipality in which the
8 exhibition or demonstration is held, or if not held on property under
9 the control of a particular municipality, the superintendent.
- 10 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
11 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
12 being fired but that is unloaded and immobile, provided that the
13 antique cannon is possessed by (a) a scholastic institution, a
14 museum, a municipality, a county or the State, or (b) a person who
15 obtained a firearms purchaser identification card as specified in
16 N.J.S.2C:58-3.
- 17 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
18 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
19 being transported by one eligible to possess it, in compliance with
20 regulations the superintendent may promulgate, between its
21 permanent location and place of purchase or repair.
- 22 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
23 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
24 or fired by one eligible to possess an antique cannon, for purposes
25 of exhibition or demonstration at an authorized target range or in
26 the manner as has been approved in writing by the chief law
27 enforcement officer of the municipality in which the exhibition or
28 demonstration is held, or if not held on property under the control
29 of a particular municipality, the superintendent, provided that
30 performer has given at least 30 days' notice to the superintendent.
- 31 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
32 N.J.S.2C:39-5 do not apply to the transportation of unloaded
33 antique cannons directly to or from exhibitions or demonstrations
34 authorized under paragraph (4) of subsection d. of this section,
35 provided that the transportation is in compliance with safety
36 regulations the superintendent may promulgate. Those subsections
37 shall not apply to transportation directly to or from exhibitions or
38 demonstrations authorized under the law of another jurisdiction,
39 provided that the superintendent has been given 30 days' notice and
40 that the transportation is in compliance with safety regulations the
41 superintendent may promulgate.
- 42 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
43 be construed to prevent a person keeping or carrying about his place
44 of business, residence, premises or other land owned or possessed
45 by him, any firearm, or from carrying the same, in the manner
46 specified in subsection g. of this section, from any place of
47 purchase to his residence or place of business, between his dwelling

1 and his place of business, between one place of business or
2 residence and another when moving, or between his dwelling or
3 place of business and place where the firearms are repaired, for the
4 purpose of repair. For the purposes of this section, a place of
5 business shall be deemed to be a fixed location.

6 f. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
7 be construed to prevent:

8 (1) A member of any rifle or pistol club organized in accordance
9 with the rules prescribed by the National Board for the Promotion
10 of Rifle Practice, in going to or from a place of target practice,
11 carrying firearms necessary for target practice, provided that the
12 club has filed a copy of its charter with the superintendent and
13 annually submits a list of its members to the superintendent and
14 provided further that the firearms are carried in the manner
15 specified in subsection g. of this section;

16 (2) A person carrying a firearm or knife in the woods or fields or
17 upon the waters of this State for the purpose of hunting, target
18 practice or fishing, provided that the firearm or knife is legal and
19 appropriate for hunting or fishing purposes in this State and he has
20 in his possession a valid hunting license, or, with respect to fresh
21 water fishing, a valid fishing license;

22 (3) A person transporting any firearm or knife while traveling:

23 (a) Directly to or from any place for the purpose of hunting or
24 fishing, provided the person has in his possession a valid hunting or
25 fishing license; or

26 (b) Directly to or from any target range, or other authorized
27 place for the purpose of practice, match, target, trap or skeet
28 shooting exhibitions, provided in all cases that during the course of
29 the travel all firearms are carried in the manner specified in
30 subsection g. of this section and the person has complied with all
31 the provisions and requirements of Title 23 of the Revised Statutes
32 and any amendments thereto and all rules and regulations
33 promulgated thereunder; or

34 (c) In the case of a firearm, directly to or from any exhibition or
35 display of firearms which is sponsored by any law enforcement
36 agency, any rifle or pistol club, or any firearms collectors club, for
37 the purpose of displaying the firearms to the public or to the
38 members of the organization or club, provided, however, that not
39 less than 30 days prior to the exhibition or display, notice of the
40 exhibition or display shall be given to the Superintendent of the
41 State Police by the sponsoring organization or club, and the sponsor
42 has complied with any reasonable safety regulations the
43 superintendent may promulgate. Any firearms transported pursuant
44 to this section shall be transported in the manner specified in
45 subsection g. of this section;

46 (4) A person from keeping or carrying about a private or
47 commercial aircraft or any boat, or from transporting to or from the

1 aircraft or boat for the purpose of installation or repair of a visual
2 distress signaling device approved by the United States Coast
3 Guard.

4 g. Any weapon being transported under paragraph (2) of
5 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
6 of this section shall be carried unloaded and contained in a closed
7 and fastened case, gunbox, securely tied package, or locked in the
8 trunk of the automobile in which it is being transported, and in the
9 course of travel shall include only deviations as are reasonably
10 necessary under the circumstances.

11 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
12 to prevent any employee of a public utility, as defined in R.S.48:2-
13 13, doing business in this State or any United States Postal Service
14 employee, while in the actual performance of duties which
15 specifically require regular and frequent visits to private premises,
16 from possessing, carrying or using any device which projects,
17 releases or emits any substance specified as being noninjurious to
18 canines or other animals by the Commissioner of Health and which
19 immobilizes only on a temporary basis and produces only
20 temporary physical discomfort through being vaporized or
21 otherwise dispensed in the air for the sole purpose of repelling
22 canine or other animal attacks.

23 The device shall be used solely to repel only those canine or
24 other animal attacks when the canines or other animals are not
25 restrained in a fashion sufficient to allow the employee to properly
26 perform his duties.

27 Any device used pursuant to this act shall be selected from a list
28 of products, which consist of active and inert ingredients, permitted
29 by the Commissioner of Health.

30 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent
31 any person who is 18 years of age or older and who has not been
32 convicted of a crime, from possession for the purpose of personal
33 self-defense of one pocket-sized device which contains and releases
34 not more than three-quarters of an ounce of chemical substance not
35 ordinarily capable of lethal use or of inflicting serious bodily injury,
36 but rather, is intended to produce temporary physical discomfort or
37 disability through being vaporized or otherwise dispensed in the air.
38 Any person in possession of any device in violation of this
39 subsection shall be deemed and adjudged to be a disorderly person,
40 and upon conviction thereof, shall be punished by a fine of not less
41 than \$100.

42 (2) Notwithstanding the provisions of paragraph (1) of this
43 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
44 health inspector or investigator operating pursuant to the provisions
45 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
46 inspector from possessing a device which is capable of releasing
47 more than three-quarters of an ounce of a chemical substance, as

1 described in paragraph (1), while in the actual performance of the
2 inspector's or investigator's duties, provided that the device does not
3 exceed the size of those used by law enforcement.

4 j. A person shall qualify for an exemption from the provisions
5 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
6 section, if the person has satisfactorily completed a firearms
7 training course approved by the Police Training Commission.

8 The exempt person shall not possess or carry a firearm until the
9 person has satisfactorily completed a firearms training course and
10 shall annually qualify in the use of a revolver or similar weapon.
11 For purposes of this subsection, a "firearms training course" means
12 a course of instruction in the safe use, maintenance and storage of
13 firearms which is approved by the Police Training Commission.
14 The commission shall approve a firearms training course if the
15 requirements of the course are substantially equivalent to the
16 requirements for firearms training provided by police training
17 courses which are certified under section 6 of P.L.1961, c.56
18 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3),
19 or (6) of subsection a. of this section shall be exempt from the
20 requirements of this subsection.

21 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
22 to prevent any financial institution, or any duly authorized
23 personnel of the institution, from possessing, carrying or using for
24 the protection of money or property, any device which projects,
25 releases or emits tear gas or other substances intended to produce
26 temporary physical discomfort or temporary identification.

27 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
28 to prevent a law enforcement officer who retired in good standing,
29 including a retirement because of a disability pursuant to section 6
30 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
31 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
32 substantially similar statute governing the disability retirement of
33 federal law enforcement officers, provided the officer was a
34 regularly employed, full-time law enforcement officer for an
35 aggregate of four or more years prior to his disability retirement and
36 further provided that the disability which constituted the basis for
37 the officer's retirement did not involve a certification that the officer
38 was mentally incapacitated for the performance of his usual law
39 enforcement duties and any other available duty in the department
40 which his employer was willing to assign to him or does not subject
41 that retired officer to any of the disabilities set forth in subsection c.
42 of N.J.S.2C:58-3 which would disqualify the retired officer from
43 possessing or carrying a firearm, who semi-annually qualifies in the
44 use of the handgun he is permitted to carry in accordance with the
45 requirements and procedures established by the Attorney General
46 pursuant to subsection j. of this section and pays the actual costs
47 associated with those semi-annual qualifications, who is 75 years of

1 age or younger, and who was regularly employed as a full-time
2 member of the State Police; a full-time member of an interstate
3 police force; a full-time member of a county or municipal police
4 department in this State; a full-time member of a State law
5 enforcement agency; a full-time sheriff, undersheriff or sheriff's
6 officer of a county of this State; a full-time State or county
7 corrections officer; a full-time State or county park police officer; a
8 full-time special agent of the Division of Taxation; a full-time
9 Human Services police officer; a full-time transit police officer of
10 the New Jersey Transit Police Department; a full-time campus
11 police officer exempted pursuant to paragraph (10) of subsection c.
12 of this section; a full-time State conservation officer exempted
13 pursuant to paragraph (4) of subsection a. of this section; a full-time
14 Palisades Interstate Park officer appointed pursuant to R.S.32:14-
15 21; a full-time Burlington County Bridge police officer appointed
16 pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time
17 housing authority police officer exempted pursuant to paragraph
18 (16) of subsection c. of this section; a full-time juvenile corrections
19 officer exempted pursuant to paragraph (9) of subsection a. of this
20 section; a full-time parole officer exempted pursuant to paragraph
21 (13) of subsection c. of this section; a full-time railway policeman
22 exempted pursuant to paragraph (9) of subsection c. of this section;
23 a full-time county prosecutor's detective or investigator; a full-time
24 federal law enforcement officer; or is a qualified retired law
25 enforcement officer, as used in the federal "Law Enforcement
26 Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this
27 State from carrying a handgun in the same manner as law
28 enforcement officers exempted under paragraph (7) of subsection a.
29 of this section under the conditions provided herein:

30 (1) The retired law enforcement officer shall make application
31 in writing to the Superintendent of State Police for approval to carry
32 a handgun for one year. An application for annual renewal shall be
33 submitted in the same manner.

34 (2) Upon receipt of the written application of the retired law
35 enforcement officer, the superintendent shall request a verification
36 of service from the chief law enforcement officer of the
37 organization in which the retired officer was last regularly
38 employed as a full-time law enforcement officer prior to retiring.
39 The verification of service shall include:

40 (a) The name and address of the retired officer;

41 (b) The date that the retired officer was hired and the date that
42 the officer retired;

43 (c) A list of all handguns known to be registered to that officer;

44 (d) A statement that, to the reasonable knowledge of the chief
45 law enforcement officer, the retired officer is not subject to any of
46 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

47 (e) A statement that the officer retired in good standing.

1 (3) If the superintendent approves a retired officer's application
2 or reapplication to carry a handgun pursuant to the provisions of
3 this subsection, the superintendent shall notify in writing the chief
4 law enforcement officer of the municipality wherein that retired
5 officer resides. In the event the retired officer resides in a
6 municipality which has no chief law enforcement officer or law
7 enforcement agency, the superintendent shall maintain a record of
8 the approval.

9 (4) The superintendent shall issue to an approved retired officer
10 an identification card permitting the retired officer to carry a
11 handgun pursuant to this subsection. This identification card shall
12 be valid for one year from the date of issuance and shall be valid
13 throughout the State. The identification card shall not be
14 transferable to any other person. The identification card shall be
15 carried at all times on the person of the retired officer while the
16 retired officer is carrying a handgun. The retired officer shall
17 produce the identification card for review on the demand of any law
18 enforcement officer or authority.

19 (5) Any person aggrieved by the denial of the superintendent of
20 approval for a permit to carry a handgun pursuant to this subsection
21 may request a hearing in the Superior Court of New Jersey in the
22 county in which he resides by filing a written request for a hearing
23 within 30 days of the denial. Copies of the request shall be served
24 upon the superintendent and the county prosecutor. The hearing
25 shall be held within 30 days of the filing of the request, and no
26 formal pleading or filing fee shall be required. Appeals from the
27 determination of the hearing shall be in accordance with law and the
28 rules governing the courts of this State.

29 (6) A judge of the Superior Court may revoke a retired officer's
30 privilege to carry a handgun pursuant to this subsection for good
31 cause shown on the application of any interested person. A person
32 who becomes subject to any of the disabilities set forth in
33 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
34 superintendent, his identification card issued under paragraph (4) of
35 this subsection to the chief law enforcement officer of the
36 municipality wherein he resides or the superintendent, and shall be
37 permanently disqualified to carry a handgun under this subsection.

38 (7) The superintendent may charge a reasonable application fee
39 to retired officers to offset any costs associated with administering
40 the application process set forth in this subsection.

41 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
42 to prevent duly authorized personnel of the New Jersey Division of
43 Fish and Wildlife, while in the actual performance of duties, from
44 possessing, transporting or using any device that projects, releases
45 or emits any substance specified as being non-injurious to wildlife
46 by the Director of the Division of Animal Health in the Department
47 of Agriculture, and which may immobilize wildlife and produces

1 only temporary physical discomfort through being vaporized or
2 otherwise dispensed in the air for the purpose of repelling bear or
3 other animal attacks or for the aversive conditioning of wildlife.

4 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
5 be construed to prevent duly authorized personnel of the New
6 Jersey Division of Fish and Wildlife, while in the actual
7 performance of duties, from possessing, transporting or using hand
8 held pistol-like devices, rifles or shotguns that launch pyrotechnic
9 missiles for the sole purpose of frightening, hazing or aversive
10 conditioning of nuisance or depredating wildlife; from possessing,
11 transporting or using rifles, pistols or similar devices for the sole
12 purpose of chemically immobilizing wild or non-domestic animals;
13 or, provided the duly authorized person complies with the
14 requirements of subsection j. of this section, from possessing,
15 transporting or using rifles or shotguns, upon completion of a Police
16 Training Commission approved training course, in order to dispatch
17 injured or dangerous animals or for non-lethal use for the purpose
18 of frightening, hazing or aversive conditioning of nuisance or
19 depredating wildlife.

20 (cf: P.L.2017, c.110, s.1)

21

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

24 3. a. The Commissioner of Health shall, within 120 days after
25 the effective date of P.L.1983, c.525, and pursuant to the
26 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
27 seq.), adopt rules and regulations concerning the training and
28 educational qualifications for the certification of animal control
29 officers, including, but not limited to, a course of study approved by
30 the commissioner and the Police Training Commission, in
31 consultation with the New Jersey Certified Animal Control Officers
32 Association, which acquaints a person with:

33 (1) The law as it affects animal control, animal welfare, and
34 animal cruelty;

35 (2) Animal behavior and the handling of stray or diseased
36 animals; and

37 (3) Community safety as it relates to animal control **【; and】** .

38 (4) **【**The law enforcement methods and techniques required for
39 an animal control officer to properly exercise the authority to
40 investigate and sign complaints and arrest without warrant pursuant
41 to section 8 of P.L.1997, c.247 (C.4:19-15.16c), including, but not
42 limited to, those methods and techniques which relate to search,
43 seizure, and arrest. The training in law enforcement methods and
44 techniques described pursuant to this paragraph shall be part of the
45 course of study for an animal control officer only when required by
46 the governing body of a municipality pursuant to section 4 of

1 P.L.1983, c.525 (C.4:19-15.16b).**】** (Deleted by amendment, P.L. ,
2 c.) (pending before the Legislature as this bill)

3 Any person 18 years of age or older may satisfy the courses of
4 study established pursuant to this subsection at that person's own
5 time and expense; however, nothing in this section shall be
6 construed as authorizing a person to exercise the powers and duties
7 of an animal control officer absent municipal appointment or
8 authorization pursuant to section 4 of P.L.1983, c.525 (C.4:19-
9 15.16b).

10 b. (1) The commissioner shall provide for the issuance of a
11 certificate to a person who possesses, or acquires, the training and
12 education required to qualify as a certified animal control officer
13 pursuant to paragraphs (1) through (3) of subsection a. of this
14 section and to a person who has been employed in the State of New
15 Jersey in the capacity of, and with similar responsibilities to those
16 required of, a certified animal control officer pursuant to the
17 provisions of P.L.1983, c.525, for a period of three years before
18 January 17, 1987. The commissioner shall not issue a certificate to
19 any person convicted of, or found civilly liable for, a violation of
20 any provision of chapter 22 of Title 4 of the Revised Statutes.

21 (2) The commissioner shall revoke the certificate of any person
22 convicted of, or found civilly liable for, a violation of any provision
23 of chapter 22 of Title 4 of the Revised Statutes, and shall place the
24 name of the person on the list established pursuant to subsection c.
25 of this section.

26 c. (1) The commissioner shall establish a list of all persons
27 issued a certificate pursuant to subsection b. of this section (a) for
28 whom that certificate has been revoked, or (b) who have been
29 convicted of, or found civilly liable for, a violation of any provision
30 of chapter 22 of Title 4 of the Revised Statutes. The commissioner
31 shall provide each municipality in the State with a copy of this list
32 within 30 days after the list is established and not less often than
33 annually thereafter if no revised list required pursuant to paragraph
34 (2) of this subsection has been issued in the interim.

35 (2) Upon receipt of a notice required pursuant to section 3 or 4
36 of P.L.2003, c.67 (C.4:22-57 or C.2B:12-17.1) involving a person
37 who has been issued a certificate pursuant to subsection b. of this
38 section, the commissioner shall add to the list the name of the
39 person convicted of, or found civilly liable for, a violation of any
40 provision of chapter 22 of Title 4 of the Revised Statutes according
41 to the notice, and shall issue a copy of the revised list to each
42 municipality within 30 days after receipt of any notice.

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

44

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

1 4. The governing body of a municipality shall, within three
2 years of the effective date of P.L.1983, c.525, appoint a certified
3 animal control officer who shall be responsible for animal control
4 within the jurisdiction of the municipality and who shall enforce
5 and abide by the provisions of section 16 of P.L.1941, c.151
6 (C.4:19-15.16). The governing body shall not appoint a certified
7 animal control officer, shall not contract for animal control services
8 with any company that employs a certified animal control officer,
9 and shall revoke the appointment of a certified animal control
10 officer, who has been convicted of, or found civilly liable for, a
11 violation of any provision of chapter 22 of Title 4 of the Revised
12 Statutes or whose name is on the list or any revision thereto
13 established and provided by the Commissioner of Health pursuant
14 to subsection c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a).
15 The governing body shall, within 30 days after receipt thereof,
16 review any such list or revision thereto received by the municipality
17 and shall, within that 30-day period, take action accordingly as
18 required pursuant to this section.

19 The governing body may authorize the certified animal control
20 officer to [investigate and sign complaints, arrest violators, and
21 otherwise act as an officer for detection, apprehension, and arrest of
22 offenders against the animal control, animal welfare and animal
23 cruelty laws of the State, and ordinances of the municipality, if the
24 officer has completed the training required pursuant to paragraph 4
25 of subsection a. of section 3 of P.L.1983, c.525 (C.4:19-15.16a).
26 Only certified animal control officers who have completed the
27 training may be authorized by the governing body to so act as an
28 officer for detection, apprehension, and arrest of offenders;
29 however, officers who have completed the training shall not have
30 the authority to so act unless authorized by the governing body
31 which is employing the officer or contracting for the officer's
32 services] serve concurrently as a municipal humane law
33 enforcement officer pursuant to subsection c. of section 25 or
34 subsection e. of section 26 of P.L. , c. (C.) (pending before
35 the Legislature as this bill) .
36 (cf: P.L.2012, c.17, s.9)

37
38 7. Section 1 of P.L.1995, c.145 (C.4:19A-16) is amended to
39 read as follows:

40 1. a. There shall be established in, but not of, the Department
41 of Health, a Domestic Companion Animal Council, which shall
42 consist of 12 members, each of whom shall be chosen with due
43 regard to the individual's knowledge of and interest in animal
44 welfare, animal population control and the public health and well-
45 being as they relate to the breeding, raising and nurturing of animals
46 as domestic companion animals.

1 Each member shall be appointed by the Governor, with the
2 advice and consent of the Senate, as follows: two members shall be
3 appointed from persons recommended by the New Jersey
4 Veterinary Medical Association; one member shall be appointed
5 from persons recommended by the New Jersey Health Officers
6 Association; one member shall be appointed from persons
7 recommended by the New Jersey Certified Animal Control Officers
8 Association; one member shall be appointed from persons
9 recommended by the New Jersey Federation of Dog Clubs, Inc.;
10 one member shall be appointed from persons recommended by [the
11 Cat Fanciers' Association] People for Animals, Inc. ; one member
12 shall be appointed from persons recommended by the [New Jersey
13 Society for the Prevention of Cruelty to Animals; one member shall
14 be appointed from persons recommended by the Associated
15 Humane Societies] county societies for the prevention of cruelty to
16 animals in northern New Jersey; one member shall be appointed
17 from persons recommended by the county societies for the
18 prevention of cruelty to animals in southern New Jersey; one
19 member who shall be a volunteer at any county animal shelter
20 within the State; one member shall be a representative of a
21 volunteer animal rescue and welfare organization; and two members
22 shall be appointed from persons recommended by the Humane
23 Society of the United States. Each member shall be appointed for a
24 term of four years and until the member's successor is appointed
25 and qualified.

26 Any member of the Domestic Companion Animal Council shall
27 be eligible for reappointment, but may be removed from office by
28 the Governor for cause.

29 Any vacancy occurring in the membership of the council for any
30 cause shall be filled in the same manner as the original appointment
31 but for the unexpired term only , except that, upon expiration of the
32 term of the member recommended by the Cat Fanciers' Association,
33 a replacement shall be appointed from persons recommended by
34 People for Animals, Inc., upon expiration of the term of the member
35 recommended by the New Jersey Society for Prevention of Cruelty
36 to Animals, a replacement shall be appointed from persons
37 recommended by the county societies for the prevention of cruelty
38 to animals in northern New Jersey, and upon expiration of the term
39 of the member recommended by the Associated Humane Societies,
40 a replacement shall be appointed from persons recommended by the
41 county societies for the prevention of cruelty to animals in southern
42 New Jersey .

43 For the purposes of this section, "northern New Jersey" means
44 Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic,
45 Somerset, Sussex, Union, and Warren counties; and "southern New
46 Jersey" means Atlantic, Burlington, Camden, Cape May,

1 Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem
2 counties.

3 b. A majority of the membership of the council shall constitute
4 a quorum for the transaction of council business. Action may be
5 taken and motions and resolutions adopted by the council at any
6 meeting thereof by the affirmative vote of a majority of the full
7 membership of the council.

8 c. The Governor shall appoint a chairman and the council may
9 appoint other officers as may be necessary. The council may
10 appoint staff or hire experts as it may require within the limits of
11 appropriations made for these purposes.

12 d. Members of the council shall serve without compensation,
13 but may be reimbursed for expenses necessarily incurred in the
14 discharge of their official duties.

15 e. The council may call to its assistance any employees as are
16 necessary and made available to it from any agency or department
17 of the State or its political subdivisions.

18 f. For the purposes of this act, "domestic companion animal"
19 means any animal commonly referred to as a pet or one that has
20 been bought, bred, raised or otherwise acquired, in accordance with
21 local ordinances and State and federal law, for the primary purpose
22 of providing companionship to the owner, rather than for business
23 or agricultural purposes.

24 (cf: P.L.1995, c.145, s.1)

25

26 8. Section 11 of P.L.2005, c.372 (C.4:22-11.11) is amended to
27 read as follows:

28 11. a. The Police Training Commission, in collaboration with
29 the **【New Jersey Society for the Prevention of Cruelty to Animals】**
30 Attorney General , shall develop or approve a training course for
31 animal protection law enforcement, which shall include but need
32 not be limited to instruction in:

33 (1) the law, procedures, and enforcement methods and
34 techniques of investigation, arrest, and search and seizure,
35 specifically in connection with violations of State and local animal
36 cruelty laws and ordinances;

37 (2) information and procedures related to animals, including
38 animal behavior and traits and evaluation of animals at a crime
39 scene;

40 (3) methods to identify and document animal abuse, neglect, and
41 distress; and

42 (4) investigation of animal fighting.

43 **【The course developed or approved pursuant to this subsection**
44 **shall be the same or substantially similar to the course developed**
45 **and approved for certified animal control officers who are**
46 **authorized as animal cruelty investigators pursuant to sections 3 and**

1 4 of P.L.1983, c.525 (C.4:19-15.16a and C.4:19-15.16b) and
2 P.L.1997, c.247 (C.4:19-15.16c. et al.).】

3 B Every **【agent and】** municipal humane law enforcement
4 officer **【appointed after the date of enactment of P.L.2005, c.372**
5 **(C.4:22-11.1 et al.)】** , humane law enforcement officer of a county
6 society for the prevention of cruelty to animals, and chief humane
7 law enforcement officer or other officer designated pursuant to
8 subparagraph (a) of paragraph (2) of subsection a. of section 28 of
9 P.L. , c. (C.) (pending before the Legislature as this bill)
10 shall satisfactorily complete the animal protection law enforcement
11 training course as soon as practicable, but no later than 【within】
12 one year after the date of the 【agent's or】 officer's 【appointment】
13 designation .

14 c. (1) **【The Chief Humane Law Enforcement Officer of a**
15 **county society for the prevention of cruelty to animals or the New**
16 **Jersey Society for the Prevention of Cruelty to Animals】** The chief
17 law enforcement officer of a municipality, or of a county, as
18 applicable, may request from the Police Training Commission an
19 exemption from applicable law enforcement parts of the animal
20 protection law enforcement training course on behalf of a current or
21 prospective 【agent or】 municipal humane law enforcement officer ,
22 humane law enforcement officer of a county society for the
23 prevention of cruelty to animals, or chief humane law enforcement
24 officer or other officer designated pursuant to subparagraph (a) of
25 paragraph (2) of subsection a. of section 28 of P.L. , c. (C.)
26 (pending before the Legislature as this bill) who demonstrates
27 successful completion of a police training course conducted by a
28 federal, state, or other public or private agency, the requirements of
29 which are substantially equivalent to or which exceed the
30 corresponding requirements of the animal protection law
31 enforcement training course curriculum established through the
32 Police Training Commission.

33 (2) The chief law enforcement officer of a municipality, or of a
34 county, as applicable, may request from the Police Training
35 Commission an exemption from applicable animal control parts of
36 the animal protection law enforcement training course on behalf of
37 a current or prospective municipal humane law enforcement officer,
38 humane law enforcement officer of a county society for the
39 prevention of cruelty to animals, or chief humane law enforcement
40 officer or other officer designated pursuant to subparagraph (a) of
41 paragraph (2) of subsection a. of section 28 of P.L. , c. (C.)
42 (pending before the Legislature as this bill) who demonstrates
43 successful completion of an animal control course pursuant to
44 section 3 of P.L.1983, c.525 (C.4:19-15.16a).

45 d. The Police Training Commission shall provide for the
46 issuance of a certificate to a person who possesses, or acquires, the

1 training and education required to qualify as a municipal humane
2 law enforcement officer, humane law enforcement officer of a
3 county society for the prevention of cruelty to animals, or chief
4 humane law enforcement officer or other officer designated
5 pursuant to subparagraph (a) of paragraph (2) of subsection a. of
6 section 28 of P.L. , c. (C.) (pending before the Legislature
7 as this bill) and shall provide a copy of the certificate to, as
8 applicable, the municipal humane law enforcement officer and the
9 chief law enforcement officer of the municipality or county, or to
10 the humane law enforcement officer and the county society for the
11 prevention of cruelty to animals, or to the chief humane law
12 enforcement officer or other officer designated pursuant to
13 subparagraph (a) of paragraph (2) of subsection a. of section 28 of
14 P.L. , c. (C.) (pending before the Legislature as this bill)
15 and the county prosecutor.

16 (cf: P.L.2005, c.372, s.11)

17

18 9. Section 12 of P.L.2005, c.372 (C.4:22-11.12) is amended to
19 read as follows:

20 12. All State, county, and municipal law enforcement agencies
21 and all county and municipal health agencies shall, upon request,
22 make every reasonable effort to assist **【the】** any municipal humane
23 law enforcement 【officers and agents of a county society for the
24 prevention of cruelty to animals or the New Jersey Society for the
25 Prevention of Cruelty to Animals】 officer or humane law
26 enforcement officer of a county society for the prevention of cruelty
27 to animals in the enforcement of all laws and ordinances enacted for
28 the protection of animals.

29 (cf: P.L.2005, c.372, s.12)

30

31 10. R.S.4:22-17 is amended to read as follows:

32 4:22-17. a. It shall be unlawful to:

33 (1) Overdrive, overload, drive when overloaded, overwork,
34 abuse, or needlessly kill a living animal or creature;

35 (2) Cause or procure, by any direct or indirect means, including
36 but not limited to through the use of another living animal or
37 creature, any of the acts described in paragraph (1) of this
38 subsection to be done;

39 (3) Inflict unnecessary cruelty upon a living animal or creature,
40 by any direct or indirect means, including but not limited to through
41 the use of another living animal or creature; or leave the living
42 animal or creature unattended in a vehicle under inhumane
43 conditions adverse to the health or welfare of the living animal or
44 creature; or

45 (4) Fail, as the owner or as a person otherwise charged with the
46 care of a living animal or creature, to provide the living animal or
47 creature with necessary care.

1 b. (1) A person who violates subsection a. of this section shall
2 be guilty of a disorderly persons offense. Notwithstanding the
3 provisions of N.J.S.2C:43-3 to the contrary, for every conviction of
4 an offense pursuant to paragraph (1) or (2) of subsection a. of this
5 section, the person shall be fined not less than \$250 nor more than
6 \$1,000, or be imprisoned for a term of not more than six months, or
7 both, in the discretion of the court; and for every conviction of an
8 offense pursuant to paragraph (3) or (4) of subsection a. of this
9 section, the person shall be fined not less than \$500 nor more than
10 \$2,000, or be imprisoned for a term of not more than six months, or
11 both, in the discretion of the court.

12 (2) If the person who violates subsection a. of this section has a
13 prior conviction for an offense that would constitute a violation of
14 subsection a. of this section, the person shall be guilty of a crime of
15 the fourth degree.

16 (3) A person who violates subsection a. of this section shall also
17 be subject to the provisions of subsections e. and f. and, if
18 appropriate, subsection g., of this section.

19 (4) The action for the penalty prescribed in this subsection shall
20 be brought in the municipal court of the municipality wherein the
21 defendant resides or where the offense was committed, except that
22 the municipality may elect to refer the offense to the county
23 prosecutor to determine if the offense should be handled in the
24 Superior Court or in municipal court.

25 c. It shall be unlawful to purposely, knowingly, or recklessly:

26 (1) Torment, torture, maim, hang, poison, unnecessarily or
27 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or
28 creature;

29 (2) Cause bodily injury to a living animal or creature by failing
30 to provide the living animal or creature with necessary care,
31 whether as the owner or as a person otherwise charged with the care
32 of the living animal or creature;

33 (3) Cause or procure an act described in paragraph (1) or (2) of
34 this subsection to be done, by any direct or indirect means,
35 including but not limited to through the use of another living animal
36 or creature; or

37 (4) Use, or cause or procure the use of, an animal or creature in
38 any kind of sexual manner or initiate any kind of sexual contact
39 with the animal or creature, including, but not limited to,
40 sodomizing the animal or creature. As used in this paragraph,
41 "sexual contact" means any contact between a person and an animal
42 by penetration of the penis or a foreign object into the vagina or
43 anus, contact between the mouth and genitalia, or by contact
44 between the genitalia of one and the genitalia or anus of the other.
45 This term does not include any medical procedure performed by a
46 licensed veterinarian practicing veterinary medicine or an accepted
47 animal husbandry practice.

- 1 d. (1) A person who violates paragraph (1), (2), (3) or (4) of
2 subsection c. of this section shall be guilty of a crime of the fourth
3 degree, except that the person shall be guilty of a crime of the third
4 degree if:
- 5 (a) the animal or creature dies as a result of the violation;
6 (b) the animal or creature suffers serious bodily injury as a
7 result of the violation; or
8 (c) the person has a prior conviction for an offense that would
9 constitute a violation of paragraph (1), (2), (3) or (4) of subsection
10 c. of this section.
- 11 (2) A person who violates any provision of subsection c. of this
12 section shall also be subject to the provisions of subsections e. and
13 f. and, if appropriate, subsection g., of this section.
- 14 (3) The action for the penalty prescribed in this subsection shall
15 be brought in the Superior Court.
- 16 e. For a violation of this section, in addition to imposing any
17 other appropriate penalties established for a crime of the third
18 degree, crime of the fourth degree, or disorderly persons offense, as
19 the case may be, pursuant to Title 2C of the New Jersey Statutes,
20 the court shall impose a term of community service of up to 30
21 days, and may direct that the term of community service be served
22 in providing assistance to **【the New Jersey Society for the**
23 **Prevention of Cruelty to Animals,】** a county society for the
24 prevention of cruelty to animals **【,】** or any other recognized
25 organization concerned with the prevention of cruelty to animals or
26 the humane treatment and care of animals, or to a municipality's
27 animal control or animal population control program.
- 28 f. The court also shall require any violator of this section to pay
29 restitution, including but not limited to, the monetary cost of
30 replacing the animal if the animal died or had to be euthanized
31 because of the extent of the animal's injuries, or otherwise
32 reimburse any costs for food, drink, shelter, or veterinary care or
33 treatment, or other costs, incurred by the owner of the animal, if the
34 owner is not the person committing the act of cruelty, or incurred
35 by any agency, entity, or organization investigating the violation, or
36 providing shelter or care for the animal or animals, including but
37 not limited to **【the New Jersey Society for the Prevention of Cruelty**
38 **to Animals,】** a county society for the prevention of cruelty to
39 animals, any other recognized organization concerned with the
40 prevention of cruelty to animals or the humane treatment and care
41 of animals, a local or State governmental entity, or a kennel, shelter,
42 pound, or other facility providing for the shelter and care of the
43 animal or animals involved in the violation.
- 44 g. If a juvenile is adjudicated delinquent for an act which, if
45 committed by an adult, would constitute a disorderly persons
46 offense, crime of the fourth degree, or crime of the third degree
47 pursuant to this section, the court also shall order the juvenile to

1 receive mental health counseling by a licensed psychologist or
2 therapist named by the court for a period of time to be prescribed by
3 the licensed psychologist or therapist.

4 (cf: P.L.2015, c.133, s.1)

5

6 11. Section 7 of P.L.2017, c.189 (C.4:22-17.7) is amended to
7 read as follows:

8 7. a. Upon a showing of probable cause that there has been a
9 violation of **【this act】** P.L.2017, c.189 (C.4:22-17.1 et seq.) and
10 submission of proof of issuance of a summons, a court of competent
11 jurisdiction may issue, upon request, an order to any municipal
12 humane law enforcement officer **【or agent of the New Jersey**
13 **Society for the Prevention of Cruelty to Animals or】** , humane law
14 enforcement officer of a county society for the prevention of cruelty
15 to animals, **【certified animal control officer,】** or other State or local
16 law enforcement officer to enter onto the private property where a
17 dog, domestic companion animal, or service animal is located and
18 take physical custody of the animal.

19 b. Notwithstanding the provisions of subsection a. of this
20 section, or any other law, or any rule or regulation adopted pursuant
21 thereto, to the contrary, any municipal humane law enforcement
22 officer **【or agent of the New Jersey Society for the Prevention of**
23 **Cruelty to Animals or】** , humane law enforcement officer of a
24 county society for the prevention of cruelty to animals, **【certified**
25 **animal control officer,】** or other State or local law enforcement
26 officer may immediately enter onto private property where a dog,
27 domestic companion animal, or service animal is located and take
28 physical custody of the animal, if the officer **【or agent】** has
29 reasonable suspicion to believe that the animal is at risk of
30 imminent harm due to a violation of **【this act】** P.L.2017, c.189
31 (C.4:22-17.1 et seq.) .

32 c. Upon taking physical custody of a dog, domestic companion
33 animal, or service animal pursuant to subsection a. or b. of this
34 section, the person taking physical custody of the animal shall: (1)
35 post immediately, in a conspicuous place at the location from which
36 the dog, domestic companion animal, or service animal was taken,
37 the notice required pursuant to subsection d. of this section to the
38 owner or person with custody or control of the dog, domestic
39 companion animal, or service animal; and (2) send by registered or
40 certified mail and by ordinary mail the notice described in
41 subsection d. of this section to the address of the location from
42 which the dog, domestic companion animal, or service animal was
43 taken into physical custody.

44 d. The notice required pursuant to subsection c. of this section
45 shall: (1) provide a description of the dog, domestic companion
46 animal, or service animal; (2) state that the dog, domestic

1 companion animal, or service animal may be euthanized upon a
2 veterinarian's written determination of medical necessity as required
3 by subsection e. of this section; (3) state the statutory authority and
4 reason for taking custody of the dog, domestic companion animal,
5 or service animal; and (4) provide contact information, including at
6 least the name of any applicable office or entity, the name of a
7 person at that office or entity, and a telephone number for the owner
8 or person with custody or control of the dog, domestic companion
9 animal, or service animal to obtain information concerning the
10 animal, the alleged violation, and where the animal is impounded.

11 e. A dog, domestic companion animal, or service animal taken
12 into physical custody pursuant to subsection a. or b. of this section
13 shall be placed in a licensed shelter, pound, or kennel operating as a
14 shelter or pound to ensure the humane care and treatment of the
15 animal. If, after the dog, domestic companion animal, or service
16 animal has been taken into physical custody, a licensed veterinarian
17 makes a written determination that the animal is in intractable and
18 extreme pain and beyond any reasonable hope of recovery with
19 reasonable veterinary medical treatment, the animal may be
20 euthanized. At any time while the licensed shelter, pound, or
21 kennel operating as a shelter or pound has custody or control of the
22 dog, domestic companion animal, or service animal, it may place
23 the animal in an animal rescue organization facility or a foster home
24 if it determines the placement is in the best interest of the animal.

25 f. A person shall be issued a correction warning prior to being
26 cited for a violation of **[this act]** P.L.2017, c.189 (C.4:22-17.1 et
27 seq.) unless the dog, domestic companion animal, or service animal
28 involved in the violation was seized immediately pursuant to
29 subsection b. of this section. A summons shall be served on the
30 alleged violator as soon as practicable if:

31 (1) after the seven days have elapsed from the date a correction
32 warning is issued, no correction has been made; or

33 (2) the dog, domestic companion animal, or service animal
34 involved in the violation was seized immediately pursuant to
35 subsection b. of this section.

36 If the alleged violator is not the owner of the dog, domestic
37 companion animal, or service animal, the person issuing the
38 correction warning or summons, as applicable, shall also notify the
39 owner of the animal of the violation and provide the owner with a
40 copy of the issued correction warning or summons, as applicable.

41 g. Any summons issued for a violation of **[this act]** P.L.2017,
42 c.189 (C.4:22-17.1 et seq.) shall contain:

43 (1) a description of the violation and statutory authority; and

44 (2) contact information identifying, at a minimum (a) the name
45 of the investigating agency or office, and (b) the name of the officer
46 **[or agent]** issuing the summons or investigating the alleged
47 violation.

1 h. Any municipal humane law enforcement officer **【**or agent of
2 the New Jersey Society for the Prevention of Cruelty to Animals or
3 county society for the prevention of cruelty to animals, certified
4 animal control officer,**】** , humane law enforcement officer of a
5 county society for the prevention of cruelty to animals, or other
6 State or local law enforcement officer issuing a summons for a
7 violation of **【this act】** P.L.2017, c.189 (C.4:22-17.1 et seq.) shall
8 also serve on the alleged violator, with the summons, a written
9 notice of:

10 (1) the right to voluntarily forfeit ownership or custody of the
11 dog, domestic companion animal, or service animal;

12 (2) the action or actions required for compliance;

13 (3) a demand for immediate compliance; and

14 (4) a telephone number for the investigating agency or office
15 and the investigating officer or agent.

16 i. Any municipal humane law enforcement officer **【**or agent of
17 the New Jersey Society for the Prevention of Cruelty to Animals
18 or**】** , humane law enforcement officer of a county society for the
19 prevention of cruelty to animals, **【certified animal control officer,**】****
20 or other State or local law enforcement officer may petition a court
21 of competent jurisdiction to have a dog, domestic companion
22 animal, or service animal confiscated, if not previously seized, and
23 forfeited upon the person being found guilty of, or liable for, a
24 violation of **【this act】** P.L.2017, c.189 (C.4:22-17.1 et seq.) . Upon
25 a finding that continued possession of the dog, domestic companion
26 animal, or service animal by the owner or other person authorized
27 to have custody or control of the animal poses a threat to the health
28 or safety of the animal, the court shall order that the animal be
29 forfeited, placed in an animal rescue organization facility, shelter,
30 pound, or kennel operating as a shelter or pound, and made
31 available for adoption.

32 j. A person found guilty of, or liable for, a violation of any
33 provision of **【this act】** P.L.2017, c.189 (C.4:22-17.1 et seq.) shall
34 be responsible for, and pay, the reasonable costs of caring for the
35 dog, domestic companion animal, or service animal from the date
36 on which physical custody of the animal was taken pursuant to this
37 section until the date the animal is surrendered, forfeited, returned,
38 or euthanized, including, but not limited to, the cost of transporting,
39 sheltering, and feeding the animal, the cost of providing the animal
40 with necessary veterinary care, and if the animal is euthanized, the
41 cost of the euthanasia.

42 (cf: P.L.2017, c.189, s.7)

43
44 12. Section 1 of P.L.1939, c.315 (C.4:22-25.1) is amended to
45 read as follows:

1 1. Each person operating a motor vehicle who shall knowingly
2 hit, run over, or cause injury to a cat, dog, horse, or cattle shall stop
3 at once, ascertain the extent of injury, report to the nearest police
4 station, police officer, [or notify the nearest Society for the
5 Prevention of Cruelty to Animals] municipal humane law
6 enforcement officer, chief humane law enforcement officer, or
7 humane law enforcement officer of a county society for the
8 prevention of cruelty to animals and give his name, address,
9 operator's license and registration number, and also give the
10 location of the injured animal.
11 (cf: P.L.1968, c.39, s. 1)

12
13 13. R.S.4:22-26 is amended to read as follows:
14 4:22-26. A person who shall:

15 a. (1) Overdrive, overload, drive when overloaded, overwork,
16 abuse, or needlessly kill a living animal or creature, or cause or
17 procure, by any direct or indirect means, including but not limited
18 to through the use of another living animal or creature, any such
19 acts to be done;

20 (2) Torment, torture, maim, hang, poison, unnecessarily or
21 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or
22 creature, or cause or procure, by any direct or indirect means,
23 including but not limited to through the use of another living animal
24 or creature, any such acts to be done;

25 (3) Cause the death of, or serious bodily injury to, a living
26 animal or creature from commission of any act described in
27 paragraph (2), (4), (5), or (6) of this subsection, by any direct or
28 indirect means, including but not limited to through the use of
29 another living animal or creature, or otherwise cause or procure any
30 such acts to be done;

31 (4) Fail, as the owner or a person otherwise charged with the
32 care of a living animal or creature, to provide the living animal or
33 creature with necessary care, or otherwise cause or procure such an
34 act to be done; or

35 (5) Cause bodily injury to a living animal or creature from
36 commission of the act described in paragraph (4) of this subsection;

37 b. (Deleted by amendment, P.L.2003, c.232)

38 c. Inflict unnecessary cruelty upon a living animal or creature,
39 by any direct or indirect means, including but not limited to through
40 the use of another living animal or creature; or leave the living
41 animal or creature unattended in a vehicle under inhumane
42 conditions adverse to the health or welfare of the living animal or
43 creature;

44 d. Receive or offer for sale a horse that is suffering from abuse
45 or neglect, or which by reason of disability, disease, abuse or
46 lameness, or any other cause, could not be worked, ridden or
47 otherwise used for show, exhibition or recreational purposes, or

- 1 kept as a domestic pet without violating the provisions of **[this]**
2 article 2 of chapter 22 of Title 4 of the Revised Statutes ;
- 3 e. Keep, use, be connected with or interested in the management
4 of, or receive money or other consideration for the admission of a
5 person to, a place kept or used for the purpose of fighting or baiting
6 a living animal or creature;
- 7 f. Be present and witness, pay admission to, encourage, aid or
8 assist in an activity enumerated in subsection e. of this section;
- 9 g. Permit or suffer a place owned or controlled by him to be
10 used as provided in subsection e. of this section;
- 11 h. Carry, or cause to be carried, a living animal or creature in or
12 upon a vehicle or otherwise, in a cruel or inhumane manner;
- 13 i. Use a dog or dogs for the purpose of drawing or helping to
14 draw a vehicle for business purposes;
- 15 j. Impound or confine or cause to be impounded or confined in a
16 pound or other place a living animal or creature, and shall fail to
17 supply the living animal or creature during such confinement with a
18 sufficient quantity of good and wholesome food and water;
- 19 k. Abandon a maimed, sick, infirm or disabled animal or
20 creature to die in a public place;
- 21 l. Willfully sell, or offer to sell, use, expose, or cause or permit
22 to be sold or offered for sale, used or exposed, a horse or other
23 animal having the disease known as glanders or farcy, or other
24 contagious or infectious disease dangerous to the health or life of
25 human beings or animals, or who shall, when any such disease is
26 beyond recovery, refuse, upon demand, to deprive the animal of
27 life;
- 28 m. Own, operate, manage or conduct a roadside stand or market
29 for the sale of merchandise along a public street or highway; or a
30 shopping mall, or a part of the premises thereof; and keep a living
31 animal or creature confined, or allowed to roam in an area whether
32 or not the area is enclosed, on these premises as an exhibit; except
33 that this subsection shall not be applicable to: a pet shop licensed
34 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who
35 keeps an animal, in a humane manner, for the purpose of the
36 protection of the premises; or a recognized breeders' association, a
37 4-H club, an educational agricultural program, an equestrian team, a
38 humane society or other similar charitable or nonprofit organization
39 conducting an exhibition, show or performance;
- 40 n. Keep or exhibit a wild animal at a roadside stand or market
41 located along a public street or highway of this State; a gasoline
42 station; or a shopping mall, or a part of the premises thereof;
- 43 o. Sell, offer for sale, barter or give away or display live baby
44 chicks, ducklings or other fowl or rabbits, turtles or chameleons
45 which have been dyed or artificially colored or otherwise treated so
46 as to impart to them an artificial color;

- 1 p. Use any animal, reptile, or fowl for the purpose of soliciting
2 any alms, collections, contributions, subscriptions, donations, or
3 payment of money except in connection with exhibitions, shows or
4 performances conducted in a bona fide manner by recognized
5 breeders' associations, 4-H clubs or other similar bona fide
6 organizations;
- 7 q. Sell or offer for sale, barter, or give away living rabbits,
8 turtles, baby chicks, ducklings or other fowl under two months of
9 age, for use as household or domestic pets;
- 10 r. Sell, offer for sale, barter or give away living baby chicks,
11 ducklings or other fowl, or rabbits, turtles or chameleons under two
12 months of age for any purpose not prohibited by subsection q. of
13 this section and who shall fail to provide proper facilities for the
14 care of such animals;
- 15 s. Artificially mark sheep or cattle, or cause them to be marked,
16 by cropping or cutting off both ears, cropping or cutting either ear
17 more than one inch from the tip end thereof, or half cropping or
18 cutting both ears or either ear more than one inch from the tip end
19 thereof, or who shall have or keep in the person's possession sheep
20 or cattle, which the person claims to own, marked contrary to this
21 subsection unless they were bought in market or of a stranger;
- 22 t. Abandon a domesticated animal;
- 23 u. For amusement or gain, cause, allow, or permit the fighting or
24 baiting of a living animal or creature;
- 25 v. Own, possess, keep, train, promote, purchase, or knowingly
26 sell a living animal or creature for the purpose of fighting or baiting
27 that animal or creature;
- 28 w. Gamble on the outcome of a fight involving a living animal
29 or creature;
- 30 x. Knowingly sell or barter or offer for sale or barter, at
31 wholesale or retail, the fur or hair of a domestic dog or cat or any
32 product made in whole or in part from the fur or hair of a domestic
33 dog or cat, unless such fur or hair for sale or barter is from a
34 commercial grooming establishment or a veterinary office or clinic
35 or is for use for scientific research;
- 36 y. (1) Knowingly sell or barter, or offer for sale or barter, at
37 wholesale or retail, for human consumption, the flesh of a domestic
38 dog or cat, or any product made in whole or in part from the flesh of
39 a domestic dog or cat;
- 40 (2) Knowingly slaughter a horse for human consumption;
- 41 (3) Knowingly sell or barter, or offer for sale or barter, at
42 wholesale or retail, for human consumption, the flesh of a horse, or
43 any product made in whole or in part from the flesh of a horse, or
44 knowingly accept or publish newspaper advertising that includes the
45 offering for sale, trade, or distribution of any such item for human
46 consumption;

- 1 (4) Knowingly transport a horse for the purpose of slaughter for
2 human consumption;
- 3 (5) Knowingly transport horsemeat, or any product made in
4 whole or in part from the flesh of a horse, for the purpose of human
5 consumption;
- 6 z. Surgically debark or silence a dog in violation of section 1 or
7 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 8 aa. Use a live pigeon, fowl or other bird for the purpose of a
9 target, or to be shot at either for amusement or as a test of skill in
10 marksmanship, except that this subsection and subsections bb. and
11 cc. shall not apply to the shooting of game;
- 12 bb. Shoot at a bird used as described in subsection aa. of this
13 section, or is a party to such shooting; or
- 14 cc. Lease a building, room, field or premises, or knowingly
15 permit the use thereof for the purposes of subsection aa. or bb. of
16 this section --
- 17 Shall forfeit and pay a sum according to the following schedule,
18 to be sued for and recovered, with costs, in a civil action by any
19 person [in the name of the New Jersey Society for the Prevention of
20 Cruelty to Animals or a county society for the prevention of cruelty
21 to animals, as appropriate, or,] in the name of the municipality [if
22 brought by a certified animal control officer or animal cruelty
23 investigator] or county wherein the defendant resides or where the
24 offense was committed :
- 25 For a violation of subsection e., f., g., u., v., w., or z. of this
26 section or of paragraph (3) of subsection a. of this section, or for a
27 second or subsequent violation of paragraph (2) or (5) of subsection
28 a. of this section, a sum of not less than \$3,000 nor more than
29 \$5,000;
- 30 For a violation of subsection l. of this section, for a first violation
31 of paragraph (2) or (5) of subsection a. of this section, a sum of not
32 less than \$1,000 nor more than \$3,000;
- 33 For a violation of paragraph (4) of subsection a. of this section,
34 or subsection c. of this section, a sum of not less than \$500 nor
35 more than \$2,000;
- 36 For a violation of subsection x. or paragraph (1) of subsection y.
37 of this section, a sum of not less than \$500 nor more than \$1,000 for
38 each domestic dog or cat fur or fur or hair product or domestic dog
39 or cat carcass or meat product sold, bartered, or offered for sale or
40 barter;
- 41 For a violation of paragraph (2), (3), (4), or (5) of subsection y.
42 of this section, a sum of not less than \$500 nor more than \$1,000 for
43 each horse slaughtered or transported for the purpose of slaughter
44 for human consumption, or for each horse carcass or meat product
45 transported, sold or bartered, or offered or advertised for sale or
46 barter;

1 For a violation of subsection t. of this section, a sum of not less
2 than \$500 nor more than \$1,000, but if the violation occurs on or
3 near a highway, a mandatory sum of \$1,000;

4 For a violation of subsection d., h., j., k., aa., bb., or cc. of this
5 section or of paragraph (1) of subsection a. of this section, a sum of
6 not less than \$250 nor more than \$1,000; and

7 For a violation of subsection i., m., n., o., p., q., r., or s. of this
8 section, a sum of not less than \$250 nor more than \$500.

9 (cf: P.L.2013, c.88, s.3)

10
11 14. Section 1 of P.L.1995, c.255 (C.4:22-26.1) is amended to
12 read as follows:

13 1. **【An officer or agent of the New Jersey Society for the**
14 **Prevention of Cruelty to Animals, or a】** A certified animal control
15 officer, municipal humane law enforcement officer, humane law
16 enforcement officer of a county society for the prevention of cruelty
17 to animals, chief humane law enforcement officer, or animal cruelty
18 prosecutor designated pursuant to paragraph (1) of subsection a. of
19 section 28 of P.L. , c. (C.) (pending before the Legislature
20 as this bill) may petition a court of competent jurisdiction to have
21 any animal confiscated and forfeited that is owned or possessed by
22 a person at the time the person is found to be guilty of violating
23 R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20 or R.S.4:22-23.
24 Upon a finding that the continued possession by that person poses a
25 threat to the animal's welfare, the court may, in addition to any
26 other penalty that may be imposed for a violation of R.S.4:22-17,
27 R.S.4:22-18, R.S.4:22-19, R.S.4:22-20 or R.S.4:22-23, adjudge an
28 animal forfeited for such disposition as the court deems appropriate.
29 (cf: P.L.1995, c.255, s.1)

30
31 15. R.S.4:22-44 is amended to read as follows:

32 4:22-44. Any municipal humane law enforcement officer **【of the**
33 **New Jersey Society for the Prevention of Cruelty to Animals or】** ,
34 chief humane law enforcement officer, humane law enforcement
35 officer of a county society for the prevention of cruelty to animals,
36 **【or any】** sheriff, undersheriff, constable, **【certified animal control**
37 **officer who has been properly authorized pursuant to section 4 of**
38 **P.L.1983, c.525 (C.4:19-15.16b),】** or police officer may:

39 a. Make arrests for violations of **【this】** article 2 of chapter 22 of
40 Title 4 of the Revised Statutes ; and

41 b. Arrest without warrant any person found violating the
42 provisions of **【this article】** article 2 of chapter 22 of Title 4 of the
43 Revised Statutes in the presence of such humane law enforcement
44 officer, sheriff, undersheriff, constable, or police officer **【or a**
45 **certified animal control officer who has been properly authorized**
46 **pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b) , and take**

1 such person before the nearest judge or magistrate as provided in
2 this article】 .

3 (cf: P.L.2005, c.372, s.17)

4

5 16. R.S.4:22-45 is amended to read as follows:

6 4:22-45. Where an arrest is made 【under the provisions of this
7 article】 for a violation of subsection c. of R.S.4:22-17 by a
8 constable, sheriff, undersheriff , 【or】 police officer 【in a locality
9 where the New Jersey society, or a district (county) society, for the
10 prevention of cruelty to animals exists, he】 , municipal humane law
11 enforcement officer, chief humane law enforcement officer, or
12 humane law enforcement officer of a county society for the
13 prevention of cruelty to animals, the officer shall give notice to the
14 【State or district (county) society】 county prosecutor, or designee
15 of the county prosecutor, at once, whereupon 【such State or district
16 (county) society shall take charge of the case and prosecute it under
17 the provisions of this article. No magistrate shall hear any such
18 case until proof is made of the service of such notice on the State or
19 district (county) society.

20 The provisions of this section shall not apply to certified animal
21 control officers who have been properly authorized pursuant to
22 section 4 of P.L.1983, c.525 (C.4:19-15.16b) to make arrests】 the
23 county prosecutor, or designee of the county prosecutor, shall
24 determine whether the offense should be handled in the Superior
25 Court or in municipal court .

26 (cf: P.L.1997, c.247, s.5)

27

28 17. R.S.4:22-47 is amended to read as follows:

29 4:22-47. A sheriff, undersheriff, constable, police officer,
30 【certified animal control officer who has been properly authorized
31 pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b), or】
32 municipal humane law enforcement officer 【of the New Jersey
33 Society for the Prevention of Cruelty to Animals or】 , chief humane
34 law enforcement officer, or humane law enforcement officer of a
35 county society for the prevention of cruelty to animals 【,】 may
36 enter any building or place where there is an exhibition of the
37 fighting or baiting of a living animal or creature, where preparations
38 are being made for such an exhibition, or where a violation
39 otherwise of R.S.4:22-24 is occurring, arrest without warrant all
40 persons there present, and take possession of all living animals or
41 creatures engaged in fighting or there found and all implements or
42 appliances used or to be used in such exhibition.

43 (cf: P.L.2005, c.372, s.18)

44

45 18. Section 1 of P.L.1997, c.121 (C.4:22-48.2) is amended to
46 read as follows:

1 1. The costs of sheltering, caring for, or treating any animal that
2 has been confiscated from a person arrested pursuant to the
3 provisions of R.S.4:22-47 by **【an agent of the New Jersey Society**
4 **for the Prevention of Cruelty to Animals,】** a municipal humane law
5 enforcement officer, a chief humane law enforcement officer, a
6 humane law enforcement officer of a county society for the
7 prevention of cruelty to animals, or any other person authorized to
8 make an arrest pursuant to article 2 of chapter 22 of Title 4 of the
9 Revised Statutes, until the animal is adjudged forfeited or until the
10 animal is returned to the owner, shall be borne by the owner of the
11 animal.

12 (cf: P.L.1997, c.121, s.1)

13

14 19. Section 1 of P.L.1986, c.89 (C.4:22-50.1) is amended to read
15 as follows:

16 1. When the owner or operator of an animal pound or shelter is
17 arrested pursuant to the provisions of article 2 of chapter 22 of Title
18 4 of the Revised Statutes by **【an agent of the New Jersey Society**
19 **for the Prevention of Cruelty to Animals】** a municipal humane law
20 enforcement officer, a chief humane law enforcement officer, a
21 humane law enforcement officer of a county society for the
22 prevention of cruelty to animals, or any other person authorized to
23 make the arrest under that article, or when the warrant is issued for
24 the arrest, the person making the arrest **【or any other officer or**
25 **agent of the New Jersey Society for the Prevention of Cruelty to**
26 **Animals】** may petition the Chancery Division of Superior Court to
27 remove the owner or operator as custodian of the animals and
28 appoint a receiver to operate the pound or shelter. The petitioner
29 shall serve a copy of the petition on the Department of Health, the
30 local board of health, and the owner or operator. If a county society
31 for the prevention of cruelty to animals has been designated by the
32 county prosecutor pursuant to subsection a. of section 28 of P.L. ,
33 c. (C.) (pending before the Legislature as this bill), the
34 county society shall, to the extent practicable, be appointed as
35 receiver to operate the pound or shelter unless the county society is
36 the owner or operator of the pound or shelter subject to arrest
37 pursuant to this section.

38 (cf: P.L.1986, c.89, s.1)

39

40 20. R.S.4:22-53 is amended to read as follows:

41 4:22-53. An animal or creature abandoned in a maimed, sick,
42 infirm , or disabled condition, if fit for further use, may be
43 advertised and sold in the manner directed by a court of competent
44 jurisdiction or **【agent of the New Jersey Society for the Prevention**
45 **of Cruelty to Animals】** animal cruelty prosecutor designated

1 pursuant to paragraph (1) of subsection a. of section 28 of P.L. _____,
 2 c. (C. _____) (pending before the Legislature as this bill) .

3 The proceeds, after deducting expenses, shall be paid to the
 4 **【district (county) society for the prevention of cruelty to animals, if**
 5 **one is in existence in the county; if not, then to the New Jersey**
 6 **society】** county to be used for the purpose of protecting animals in
 7 the county.

8 (cf: P.L.1953, c.5, s.84)

9
 10 21. R.S.4:22-54 is amended to read as follows:

11 4:22-54. When an animal or creature is found on the highway or
 12 elsewhere, whether abandoned or not, in a maimed, sick, infirm, or
 13 disabled condition, a court of competent jurisdiction **【or】**, sheriff
 14 of the county **【,** or agent of the New Jersey Society for the
 15 Prevention of Cruelty to Animals, **】**, chief humane law enforcement
 16 officer, humane law enforcement officer of a county society for the
 17 prevention of cruelty to animals, or municipal humane law
 18 enforcement officer may appoint a suitable person to examine and
 19 destroy such animal or creature if unfit for further use.

20 (cf: P.L.1953, c.5, s.85)

21
 22 22. R.S.4:22-55 is amended to read as follows:

23 4:22-55. a. Except as provided pursuant to subsection b. of this
 24 section, all fines, penalties and moneys imposed and collected under
 25 the provisions of **【this】** article 2 of chapter 22 of Title 4 of the
 26 Revised Statutes, shall be paid by the court or by the clerk or court
 27 officer receiving the fines, penalties or moneys, within **【thirty】** 30
 28 days and without demand, to 【(1) the county society for the
 29 prevention of cruelty to animals of the county where the fines,
 30 penalties or moneys were imposed and collected, if the county
 31 society brought the action or it was brought on behalf of the county
 32 society, to be used by the county society in aid of the benevolent
 33 objects for which it was incorporated, or (2) in all other cases, the
 34 New Jersey Society for the Prevention of Cruelty to Animals, to be
 35 used by the State society in aid of the benevolent objects for which
 36 it was incorporated】 the county to be used for the purpose of
 37 protecting animals in the county .

38 b. If an enforcement action for a violation of **【this】** article 2 of
 39 chapter 22 of Title 4 of the Revised Statutes is brought :

40 (1) in Superior Court primarily as a result of the **【discovery and**
 41 **investigation】** reporting of the violation to the county prosecutor by
 42 a certified animal control officer or a municipal humane law
 43 enforcement officer, the fines, penalties, or moneys collected shall
 44 be paid as follows: one half to the municipality in which the
 45 violation occurred; and one half to the county **【society or to the**
 46 **New Jersey Society for the Prevention of Cruelty to Animals, as**

1 applicable to the particular enforcement action **】** to be used for the
 2 purpose of protecting animals in the county.

3 (2) in a municipal court of a municipality in which a municipal
 4 humane law enforcement officer has been designated pursuant to
 5 section 25 of P.L. , c. (C.) (pending before the Legislature
 6 as this bill), the fines, penalties, or moneys collected shall be paid
 7 without demand, to the municipality in which the violation
 8 occurred.

9 (3) in a municipal court of a municipality in which a municipal
 10 humane law enforcement officer has not been designated pursuant
 11 to section 25 of P.L. , c. (C.) (pending before the
 12 Legislature as this bill), the fines, penalties, or moneys collected
 13 shall be paid as follows: one half to the municipality in which the
 14 violation occurred; and one half to the county to be used for the
 15 purpose of protecting animals in the county.

16 c. Any fines, penalties , or moneys paid to a municipality **【**or
 17 other entity **】** pursuant to subsection b. of this section shall be
 18 allocated by the municipality **【**or other entity **】** to defray the cost of:

19 (1) enforcement of animal control, animal welfare , and animal
 20 cruelty laws and ordinances within the municipality; and

21 (2) the training therefor required of certified animal control
 22 officers and municipal humane law enforcement officers pursuant to
 23 law or other animal enforcement related training authorized by law
 24 for municipal employees.

25 (cf: P.L.2005, c.372, s.19)

26

27 23. Section 10 of P.L.1997, c.247 (C.4:22-56) is amended to
 28 read as follows:

29 10. Although a municipality and **【**the New Jersey Society for the
 30 Prevention of Cruelty to Animals or a county society **】** a county may
 31 share in the receipt of fines, penalties , or moneys collected with
 32 regard to violations occurring in the municipality pursuant to the
 33 provisions of R.S.4:22-55:

34 a. **【**neither **】** a municipality or any official or officer thereof,
 35 municipal prosecutor, municipal humane law enforcement officer,
 36 or **【**a **】** certified animal control officer shall not be liable for any
 37 civil damages as a result of any act or omission of **【**the New Jersey
 38 Society for the Prevention of Cruelty to Animals, a county society
 39 or an officer thereof **】** a county or any official or officer thereof,
 40 county prosecutor, county animal cruelty prosecutor, chief humane
 41 law enforcement officer, or county society for the prevention of
 42 cruelty to animals or any humane law enforcement officer thereof
 43 with regard to any investigation, arrest, or prosecution of a violator
 44 with which the municipality or any official or officer thereof,
 45 municipal prosecutor, municipal humane law enforcement officer,
 46 or certified animal control officer was not involved; and

1 b. **【neither the New Jersey Society for the Prevention of Cruelty**
 2 **to Animals, a county society or an officer thereof】** a county or any
 3 official or officer thereof, county prosecutor, county animal cruelty
 4 prosecutor, chief humane law enforcement officer, or county society
 5 for the prevention of cruelty to animals or any humane law
 6 enforcement officer thereof shall not be liable for any civil damages
 7 as a result of any act or omission of a municipality or any official or
 8 officer thereof, municipal prosecutor, municipal humane law
 9 enforcement officer, or 【a】 certified animal control officer with
 10 regard to any investigation, arrest, or prosecution of a violator with
 11 which the **【New Jersey Society for the Prevention of Cruelty to**
 12 **Animals, a county society or an officer thereof】** county or any
 13 official or officer thereof, county prosecutor, county animal cruelty
 14 prosecutor, chief humane law enforcement officer, or county society
 15 for the prevention of cruelty to animals or any humane law
 16 enforcement officer thereof was not involved.
 17 (cf: P.L.2005, c.372, s.20)

18

19 24. Section 3 of P.L.2003, c.67 (C.4:22-57) is amended to read
 20 as follows:

21 3. a. **【For the purposes of establishing the list of persons not**
 22 **eligible to be certified animal control officers as required pursuant**
 23 **to subsections b. and c. of section 3 of P.L.1983, c.525 (C.4:19-**
 24 **15.16a), notice shall be provided, within 90 days after the effective**
 25 **date of this section, to the Commissioner of Health and Senior**
 26 **Services of any person who has been convicted of, or found civilly**
 27 **liable for, a violation of any provision of chapter 22 of Title 4 of the**
 28 **Revised Statutes, by any court or other official administrative entity**
 29 **maintaining records of such violations adjudged on or before the**
 30 **effective date of this section.】** (Deleted by amendment, P.L. ,
 31 c.) (pending before the Legislature as this bill)

32 b. For the purposes of maintaining the list of persons not eligible
 33 to be a certified animal control **【officers】** officer, municipal
 34 humane law enforcement officer, humane law enforcement officer
 35 of a county society for the prevention of cruelty to animals, or
 36 designee pursuant to subsection a. of section 28 of P.L. , c.)
 37 (pending before the Legislature as this bill), as established pursuant
 38 to subsections b. and c. of section 3 of P.L.1983, c.525 (C.4:19-
 39 15.16a), the court or other official adjudging the guilt or liability for
 40 a violation of any provision of article 2 of chapter 22 of Title 4 of
 41 the Revised Statutes, shall charge the prosecutor **【,** officer of the
 42 New Jersey Society for the Prevention of Cruelty to Animals or the
 43 county society for the prevention of cruelty to animals,**】** or other
 44 appropriate person, other than a certified animal control officer,
 45 with the responsibility to notify within 30 days the commissioner,
 46 in writing, of the full name of the person found guilty of, or liable

1 for, an applicable violation, and the violation for which or of which
2 that person was found guilty or liable, and the person charged with
3 the responsibility shall provide such notice.

4 (cf: P.L.2005, c.372, s.21)

5

6 25. (New section) a. Except as provided in subsection e. of this
7 section, each governing body of a municipality shall:

8 (1) submit at least one applicant for designation as a municipal
9 humane law enforcement officer pursuant to section 26 of P.L. ,
10 c. (C.) (pending before the Legislature as this bill) who shall
11 be responsible for animal welfare within the jurisdiction of the
12 municipality, and who shall enforce and abide by the provisions of
13 chapter 22 of Title 4 of the Revised Statutes and shall be authorized
14 to investigate and sign complaints, arrest violators, and otherwise
15 act as an officer for detection, apprehension, and arrest of offenders
16 against the animal welfare and animal cruelty laws of the State and
17 ordinances of the municipality; and

18 (2) publicize a telephone number for reporting violations of any
19 provision of article 2 of chapter 22 of Title 4 of the Revised
20 Statutes, which may be the same number publicized pursuant to
21 section 14 of P.L.1989, c.307 (C.4:19-30).

22 b. The governing body of a municipality shall not submit an
23 applicant for designation as, and shall terminate the designation of,
24 a municipal humane law enforcement officer who has been
25 convicted of, or found civilly liable for, a violation of any provision
26 of article 2 of chapter 22 of Title 4 of the Revised Statutes or whose
27 name is on the list or any revision thereto established and provided
28 by the Commissioner of Health pursuant to subsection c. of section
29 3 of P.L.1983, c.525 (C.4:19-15.16a).

30 c. The governing body of a municipality may designate as a
31 municipal humane law enforcement officer any qualified individual.
32 An animal control officer or a police officer may serve concurrently
33 as a municipal humane law enforcement officer, so long as the
34 officer is able to effectively carry out the duties and responsibilities
35 required of each position held.

36 d. (1) The governing body of a municipality with a full time
37 municipal police department may authorize a municipal humane
38 law enforcement officer to possess, carry, and use a firearm while
39 enforcing the laws and ordinances enacted for the protection of
40 animals, if the officer:

41 (a) has satisfactorily completed a firearms training course as
42 defined in subsection j. of N.J.S.2C:39-6 and approved by the
43 Police Training Commission; and

44 (b) twice annually qualifies in the use of a revolver or similar
45 weapon.

46 (2) A municipal humane law enforcement officer authorized to
47 possess, carry, and use a firearm pursuant to this subsection shall be

1 subject to the supervision of the chief law enforcement officer of
2 the municipality.

3 e. A municipality that does not have a municipal police
4 department shall not be required to comply with the provisions of
5 paragraph (1) of subsection a. of this section; however, the
6 municipality shall make every reasonable effort to designate a
7 municipal humane law enforcement officer pursuant to this section.

8 f. In a municipality without a designated municipal humane law
9 enforcement officer pursuant to this section, animal cruelty law
10 enforcement shall be the responsibility of the chief humane law
11 enforcement officer of the county, or the county society for the
12 prevention of cruelty to animals if authorized to conduct law
13 enforcement activity pursuant to subparagraph (b) of paragraph (2)
14 of subsection a. of section 28 of P.L. , c. (C.) (pending
15 before the Legislature as this bill).

16

17 26. (New section) a. (1) An application for designation as a
18 municipal humane law enforcement officer shall be submitted by
19 the governing body of a municipality to the chief law enforcement
20 officer of the municipality, or, if the municipality does not have a
21 chief law enforcement officer, the Superintendent of State Police.
22 Upon receipt of the application, the chief law enforcement officer of
23 the municipality or the superintendent, as applicable, shall examine
24 the character, competency, and fitness of the applicant for the
25 position, including initiating a criminal background check at the
26 expense of the applicant.

27 (2) Upon completion of an examination of an applicant, the
28 chief law enforcement officer of the municipality or the
29 superintendent, as applicable, shall approve or reject the applicant
30 and provide a written determination to the applicant and to the
31 governing body of the municipality which, if applicable, shall state
32 any reasons for rejecting the applicant.

33 b. A municipal humane law enforcement officer shall have the
34 power and authority within the municipality in which the officer is
35 designated, or otherwise authorized to act, as a municipal humane
36 law enforcement officer to:

37 (1) enforce all animal welfare and animal cruelty laws of the
38 State and ordinances of the municipality;

39 (2) investigate and sign complaints concerning any violation of
40 an animal welfare or animal cruelty law of the State or ordinance of
41 the municipality; and

42 (3) act as an officer for the detection, apprehension, and arrest
43 of offenders against the animal welfare and animal cruelty laws of
44 the State and ordinances of the municipality.

45 c. A municipal humane law enforcement officer shall:

46 (1) abide by the provisions of chapter 22 of Title 4 of the
47 Revised Statutes;

1 (2) satisfactorily complete the training course developed
2 pursuant to subsection a. of section 11 of P.L.2005, c.372 (C.4:22-
3 11.11), subject to the provisions of subsection c. of section 11 of
4 P.L.2005, c.372 (C.4:22-11.11) as applicable, as soon as
5 practicable, but no later than one year after the date on which the
6 officer's designation is approved by the chief law enforcement
7 officer in the municipality or the superintendent, as applicable;

8 (3) refer all complaints for violations of the provisions of
9 subsection c. of R.S.4:22-17 to the county prosecutor for
10 investigation and prosecution, or any other appropriate legal action,
11 except that a municipal humane law enforcement officer may take
12 any action necessary, within the authority granted pursuant to
13 chapter 22 of Title 4 of the Revised Statutes, to respond to an
14 emergency situation;

15 (4) provide notice to the county animal cruelty prosecutor
16 designated pursuant to paragraph (1) of subsection a. of section 28
17 of P.L. , c. (C.) (pending before the Legislature as this bill)
18 within five businesses days after the receipt of any complaint of a
19 violation of any provision of article 2 of chapter 22 of Title 4 of the
20 Revised Statutes, regardless of whether the violation is referred to
21 the county prosecutor pursuant to paragraph (3) of this subsection.
22 The notice shall contain, at minimum, a brief description of the
23 offense alleged; and

24 (5) submit, by October 1 of each year, a report to the animal
25 cruelty prosecutor designated pursuant to subsection a. of section 28
26 of P.L. , c. (C.) (pending before the Legislature as this
27 bill), which shall include, for the most recently concluded State
28 fiscal year, the number of complaints received for each offense
29 under article 2 of chapter 22 of Title 4 of the Revised Statutes and
30 the number of cases referred to the county prosecutor, and may
31 contain any policy recommendations or concerns of the municipal
32 humane law enforcement officer related to animal cruelty law
33 enforcement in the municipality. The animal cruelty prosecutor
34 shall compile these reports and submit them to the Attorney General
35 as part of the annual report required pursuant to subsection d. of
36 section 31 of P.L. , c. (C.) (pending before the Legislature
37 as this bill).

38 d. A municipal humane law enforcement officer may, upon
39 receipt of a request for assistance by a municipality, county, or
40 other entity that did not designate the municipal humane law
41 enforcement officer pursuant to this section, exercise the powers
42 and authority granted pursuant to this section within the jurisdiction
43 of the municipality, county, or other entity making the request.

44 e. A municipal humane law enforcement officer may be so
45 designated concurrently by more than one municipality, provided
46 the officer is able to effectively carry out the duties and
47 responsibilities required of each designation, except that a

1 municipal humane law enforcement officer who serves concurrently
2 as a police officer shall not be designated as a municipal humane
3 law enforcement officer in more than one municipality at any one
4 time.

5 f. Any rule or regulation concerning animal cruelty
6 investigators, in effect on the date of enactment of P.L. ,
7 c. (C.) (pending before the Legislature as this bill), shall be
8 applicable to municipal humane law enforcement officers until
9 otherwise revised or repealed by the Department of Health.

10

11 27. (New section) Any humane law enforcement officer or
12 agent appointed by a county society for the prevention of cruelty to
13 animals, prior to the date of enactment of P.L. , c. (C.)
14 (pending before the Legislature as this bill), or the New Jersey
15 Society for the Prevention of Cruelty to Animals shall be eligible
16 for designation as a municipal humane law enforcement officer
17 pursuant to section 26 of P.L. , c. (C.) (pending before the
18 Legislature as this bill) or as a humane law enforcement officer of a
19 county society for the prevention of cruelty to animals pursuant to
20 section 29 of P.L. , c. (C.) (pending before the Legislature
21 as this bill).

22

23 28. (New section) a. Each county prosecutor shall:

24 (1) designate any municipal or county prosecutor as the animal
25 cruelty prosecutor of the county, and may designate any assistant
26 animal cruelty prosecutor as needed, who shall investigate,
27 prosecute, and take other legal action as appropriate for violations
28 of any provision of article 2 of chapter 22 of Title 4 of the Revised
29 Statutes, and who may serve in such capacity on a part-time basis if
30 the responsibilities of the position allow;

31 (2) (a) designate, in consultation with the county sheriff, a
32 county law enforcement officer to serve as the chief humane law
33 enforcement officer of the county, and may designate any other law
34 enforcement officer under the supervision of the chief humane law
35 enforcement officer, who shall assist with investigations, arrest
36 violators, and otherwise act as an officer for detection,
37 apprehension, and arrest of offenders against the provisions of
38 article 2 of chapter 22 of Title 4 of the Revised Statutes; or

39 (b) enter into a memorandum of understanding with the county
40 society for the prevention of cruelty to animals designated pursuant
41 to section 32 of P.L. , c. (C.) (pending before the
42 Legislature as this bill), which authorizes the county society, under
43 the supervision of the county prosecutor, to assist with enforcement
44 of article 2 of chapter 22 of Title 4 of the Revised Statutes, and to
45 designate humane law enforcement officers, subject to the
46 provisions of section 29 of P.L. , c. (C.) (pending before
47 the Legislature as this bill), to assist with investigations, arrest

1 violators, and otherwise act as an officer for detection,
2 apprehension, and arrest of offenders against the provisions of
3 article 2 of chapter 22 of Title 4 of the Revised Statutes; and

4 (3) designate a county society for the prevention of cruelty to
5 animals pursuant to the provisions of section 32 of P.L. ,
6 c. (C.) (pending before the Legislature as this bill) with
7 which, to the extent practicable and as needed, the county
8 prosecutor and county sheriff shall coordinate shelter and care for
9 animals.

10 b. A person who has been convicted of, or found civilly liable
11 for, a violation of any provision of article 2 of chapter 22 of Title 4
12 of the Revised Statutes or whose name is on the list or any revision
13 thereto established and provided by the Commissioner of Health
14 pursuant to subsection c. of section 3 of P.L.1983, c.525 (C.4:19-
15 15.16a) shall not be designated by the county prosecutor for any
16 position provided in subsection a. of this section.

17

18 29. (New section) a. (1) An application for designation as a
19 humane law enforcement officer of a county society for the
20 prevention of cruelty to animals pursuant to subsection a. of section
21 28 of P.L. , c. (C.) (pending before the Legislature as this
22 bill) shall be submitted by the governing body of the county society
23 to the county prosecutor. Upon receipt of the application, the
24 county prosecutor shall examine the character, competency, and
25 fitness of the applicant for the position, including initiating a
26 criminal background check at the expense of the applicant.

27 (2) Upon completion of an examination of an applicant, the
28 county prosecutor shall approve or reject the applicant and provide
29 a written determination, to the applicant and to the county society
30 for the prevention of cruelty to animals, which, if applicable, shall
31 state any reasons for rejecting the applicant.

32 b. The governing body of a county society for the prevention of
33 cruelty animals shall not submit an applicant for designation as, and
34 shall terminate the designation of, a humane law enforcement
35 officer who has been convicted of, or found civilly liable for, a
36 violation of any provision of article 2 of chapter 22 of Title 4 of the
37 Revised Statutes or whose name is on the list or any revision thereto
38 established and provided by the Commissioner of Health pursuant
39 to subsection c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a).

40 c. A county prosecutor may authorize a humane law
41 enforcement officer to possess, carry, and use a firearm while
42 enforcing the laws and ordinances enacted for the protection of
43 animals, if the officer:

44 (1) has satisfactorily completed a firearms training course as
45 defined in subsection j. of N.J.S.2C:39-6 and approved by the
46 Police Training Commission; and

1 (2) twice annually qualifies in the use of a revolver or similar
2 weapon.

3 d. A county society for the prevention of cruelty to animals that
4 has entered into a memorandum of agreement with the county
5 prosecutor pursuant to subparagraph (b) of paragraph (2) of
6 subsection a. of section 28 of P.L. , c. (C.) (pending before
7 the Legislature as this bill) shall submit by October 1 of each year,
8 a report to the animal cruelty prosecutor designated pursuant to
9 subsection a. of section 28 of P.L. , c. (C.) (pending before
10 the Legislature as this bill) which shall include, for the most
11 recently concluded State fiscal year, the number of complaints
12 received for each offense under article 2 of chapter 22 of Title 4 of
13 the Revised Statutes and the number of cases referred to the county
14 prosecutor, and may contain any policy recommendations or
15 concerns of the county society related to animal cruelty law
16 enforcement in the county. The animal cruelty prosecutor shall
17 compile these reports and submit them to the Attorney General as
18 part of the annual report required pursuant to subsection d. of
19 section 31 of P.L. , c. (C.) (pending before the Legislature
20 as this bill).

21

22 30. (New section) a. Any law enforcement officer designated
23 pursuant to paragraph (2) of subsection a. of section 28 of P.L. ,
24 c. (C.) (pending before the Legislature as this bill), or
25 humane law enforcement officer of a county society for the
26 prevention of cruelty to animals designated pursuant to section 29
27 of P.L. , c. (C.) (pending before the Legislature as this bill)
28 shall have the power and authority within the jurisdiction in which
29 the officer is designated, or otherwise authorized to act, to:

30 (1) enforce all animal welfare and animal cruelty laws of the
31 State;

32 (2) investigate and sign complaints concerning any violation of
33 an animal welfare or animal cruelty law of the State; and

34 (3) act as an officer for the detection, apprehension, and arrest
35 of offenders against the animal welfare and animal cruelty laws of
36 the State and ordinances of any municipality.

37 b. Every law enforcement officer designated pursuant to
38 paragraph (2) of subsection a. of section 28 of P.L. , c. (C.)
39 (pending before the Legislature as this bill), or humane law
40 enforcement officer of a county society for the prevention of cruelty
41 to animals designated pursuant to section 29 of P.L. , c. (C.)
42 (pending before the Legislature as this bill), shall:

43 (1) abide by the provisions of chapter 22 of Title 4 of the
44 Revised Statutes; and

45 (2) satisfactorily complete the training course developed
46 pursuant to subsection a. of section 11 of P.L.2005, c.372 (C.4:22-
47 11.11), subject to the provisions of subsection c. of section 11 of

1 P.L.2005, c.372 (C.4:22-11.11) as applicable, as soon as
2 practicable, but no later than one year after the date of the officer's
3 designation.

4 c. Upon request for assistance by a municipality, county, or
5 other entity that did not designate the humane law enforcement
6 officer of a county society for the prevention of cruelty to animals
7 pursuant to section 29 of P.L. , c. (C.) (pending before the
8 Legislature as this bill), or other law enforcement officer pursuant
9 to paragraph (2) of subsection a. of section 28 of P.L. , c. (C.)
10 (pending before the Legislature as this bill), the humane law
11 enforcement officer or other law enforcement officer may, within
12 the jurisdiction of the municipality, county, or other entity making
13 the request, exercise the powers and authority granted pursuant to
14 this section.

15

16 31. (New section) An animal cruelty prosecutor shall:

17 a. promote the interests of, and protect and care for, animals
18 within the county;

19 b. investigate and prosecute violations of article 2 of chapter 22
20 of Title 4 of the Revised Statutes;

21 c. request the assistance of the Department of Agriculture in the
22 investigation of any violation concerning livestock; and

23 d. submit, by January 1 of each year, a report to the Attorney
24 General which shall include the following information pertaining to
25 animal cruelty law enforcement in the county for the most recently
26 concluded State fiscal year:

27 (1) the number of complaints received from each municipality
28 and from the county society for the prevention of cruelty of
29 animals, as applicable, for each violation of any provision of article
30 2 of chapter 22 of Title 4 of the Revised Statutes;

31 (2) the number of complaints investigated;

32 (3) the number of complaints prosecuted or otherwise litigated;

33 (4) the number of animals adjudged forfeited;

34 (5) the number of animals returned to the owner;

35 (6) proceeds from fines collected for violations of any provision
36 of article 2 of chapter 22 of Title 4 of the Revised Statutes; and

37 (7) as applicable, any policy recommendations or concerns
38 related to animal cruelty law enforcement in the county, or as
39 described by a municipal humane law enforcement officer in the
40 annual report required pursuant to paragraph (5) of subsection c. of
41 section 26 of P.L. , c. (C.) (pending before the Legislature
42 as this bill) or by a humane law enforcement officer of a county
43 society for the prevention of cruelty to animals in the annual report
44 required pursuant to subsection d. of section 29 of P.L. , c. (C.)
45 (pending before the Legislature as this bill).

1 32. (New section) A county society for the prevention of cruelty
2 to animals which is chartered as such as of the day prior to the date
3 of enactment of P.L. , c. (C.) (pending before the
4 Legislature as this bill) shall, if the county society so desires, be
5 designated as the county society for the prevention of cruelty to
6 animals upon enactment of P.L. , c. (C.) (pending before
7 the Legislature as this bill). If a chartered county society elects not
8 to be so designated, or no county society is chartered in the county,
9 the county prosecutor shall select a non-profit corporation that is
10 organized to promote the interests of, and protect and care for,
11 animals to be designated as the county society for the prevention of
12 cruelty to animals. The county society shall be responsible for
13 efficiently providing or locating humane shelter and care for any
14 animals at the request of the county prosecutor, the county sheriff,
15 or a municipal humane law enforcement officer.

16

17 33. (New section) a. The New Jersey Society for the
18 Prevention of Cruelty to Animals shall not grant, revoke, cancel, or
19 suspend any charter for a county society for the prevention of
20 cruelty to animals.

21 b. Nothing in P.L. , c. (C.) (pending before the
22 Legislature as this bill) shall be construed so as to require a county
23 society for the prevention of cruelty to animals chartered as such as
24 of the day prior to the date of enactment of P.L. , c. (C.)
25 (pending before the Legislature as this bill) to surrender any assets
26 to the State, or any political subdivision or other entity thereof.

27

28 34. (New section) a. The Attorney General shall take any
29 action necessary to facilitate the reincorporation of the New Jersey
30 Society for the Prevention of Cruelty to Animals as a non-profit
31 corporation independent of the State. Notwithstanding any State
32 law, rule, or regulation to the contrary, the State shall not assume
33 responsibility for any debts, liabilities, or other obligations of the
34 New Jersey Society for the Prevention of Cruelty to Animals.

35 b. Any assets of a county society for the prevention of cruelty to
36 animals held in escrow by the New Jersey Society for the
37 Prevention of Cruelty to Animals pursuant to subsection j. of
38 section 4 of P.L.2005, c.372 (C.4:22-11.4) shall be transferred to
39 the Attorney General to hold in escrow until such time as the assets
40 may be transferred back to the county society from whom they were
41 originally transferred, the status of the county society's charter
42 notwithstanding. Should the Attorney General find the transfer to
43 be inappropriate or impossible, the assets shall be used for the
44 purpose of protecting animals in the county from which the assets
45 were originally transferred.

1 35. Sections 8 and 9 of P.L.1997, c.247 (C.4:19-15.16c and
2 C.4:19-15.16d), sections 1 through 10 and 13 of P.L.2005, c.372
3 (C.4:22-11.1 through C.4:22-11.10 and C.4:22-11.13), R.S.4:22-12,
4 and R.S.4:22-13 are repealed.

5
6 36. This act shall take effect on the first day of the seventh
7 month following the date of enactment, except that sections 25, 26,
8 27, and 28 of this act shall take effect on the first day of the fourth
9 month following the date of enactment, sections 33, 34, and 36 of
10 this act shall take effect immediately, and the Attorney General and
11 any county prosecutor or governing body of a municipality may
12 take any administrative action in advance thereof as shall be
13 necessary for the implementation of this act.

14

15

16

17

18

Revises animal cruelty law enforcement in NJ.