SENATE, No. 461

STATE OF NEW JERSEY
217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:
Senator NICHOLAS J. SACCO
District 32 (Bergen and Hudson)
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)

SYNOPSIS
Changes law governing certain certified animal control officers.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel.
AN ACT concerning certain certified animal control officers,
amending and supplementing P.L.1941, c.151, and amending
various other sections of law.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. Section 1 of P.L.1941, c.151 (C.4:19-15.1) is amended to
read as follows:

1. As used in P.L.1941, c.151 (C.4:19-15.1 et seq.):

"Animal rescue organization" means an individual or group of
individuals who, with or without salary or compensation, house and
care for homeless animals in the home of an individual or in other
facilities, with the intent of placing the animals in responsible, more
permanent homes as soon as possible.

"Animal rescue organization facility" means the home or other
facility in which an animal rescue organization houses and cares for
an animal.

"Certified animal control officer" means a person 
18 years of
age or older who has satisfactorily completed the course of study
approved who has been issued a certificate by the Commissioner
of Health and Senior Services and the Police Training Commission
as prescribed by paragraphs (1) through (3) of subsection a. pursuant to subsection b. of section 3 of P.L.1983, c.525 (C.4:19-
15.16a); or, and who has been employed in the State of New Jersey in the capacity of, and with similar responsibilities to those
required of, a certified animal control officer pursuant to the
provisions of P.L.1983, c.525 for a period of three years before
January 17, 1987], by virtue of municipal appointment granted
under subsection a. of section 4 of P.L.1983, c.525 (C.4:19-15.16b),
is empowered by a municipality to act as its certified animal control
officer.

"Dog" means any dog, bitch or spayed bitch.

"Dog of licensing age" means any dog which has attained the age
of seven months or which possesses a set of permanent teeth.

"Foster home" means placement of a cat or dog with an
individual or group that is not an animal rescue organization for the
purpose of temporarily caring for the cat or dog, without the
individual or group assuming ownership and with the intent of the
individual or group relinquishing the cat or dog to a suitable owner
when one is located.

"Kennel" means any establishment wherein or whereon the
business of boarding or selling dogs or breeding dogs for sale is
carried on, except a pet shop.

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.
“Municipal humane law enforcement officer” means a certified animal control officer who, by virtue of municipal authorizations granted under section 4 of P.L.1983, c.525 (C.4:19-15.16b), is empowered by a municipality to investigate and sign complaints, arrest violators, and otherwise act as a law enforcement officer for the detection, apprehension, and arrest of offenders against the animal control, animal welfare, and animal cruelty laws of the State and ordinances of the municipality.

"Owner" when applied to the proprietorship of a dog shall include every person having a right of property in that dog and every person who has that dog in his keeping, and when applied to the proprietorship of any other animal, including, but not limited to, a cat, shall include every person having a right of property in that animal and every person who has that animal in his keeping.

"Pet shop" means any place of business which is not part of a kennel, wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.

"Pound" means an establishment for the confinement of dogs or other animals seized either under the provisions of this act or otherwise.

"Shelter" means any establishment where dogs or other animals are received, housed and distributed.

"Sterilize" means to render an animal incapable of reproducing by either spaying or neutering.

(cf: P.L.2011, c.142, s.1)

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

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

1. The law as it affects animal control, animal welfare, and animal cruelty;
2. Animal behavior and the handling of stray or diseased animals;
3. Community safety as it relates to animal control; and
4. The law enforcement methods and techniques required for [an animal control] a municipal humane law enforcement officer to properly exercise the authority to investigate and sign complaints
and arrest without warrant pursuant to section 8 of P.L.1997, c.247 (C.4:19-15.16c), including, but not limited to, those methods and techniques which relate to search, seizure, and arrest. The training in law enforcement methods and techniques described pursuant to this paragraph shall be part of the course of study for an animal control officer only when required by the governing body of a municipality pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b) to act as a municipal humane law enforcement officer.

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

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

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

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

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

(cf: P.L.2012, c.17, s.8)
3. Section 4 of P.L.1983, c.525 (C.4:19-15.16b) is amended to read as follows:

4. a. The governing body of a municipality shall, within three years of the effective date of P.L.1983, c.525, appoint a certified animal control officer who shall be responsible for animal control within the jurisdiction of the municipality and who shall enforce and abide by the provisions of section 16 of P.L.1941, c.151 (C.4:19-15.16). The governing body shall not appoint a certified animal control officer, shall not contract for animal control services with any company that employs a certified animal control officer, and shall revoke the appointment of a certified animal control officer, who has been convicted of, or found civilly liable for, a violation of any provision of chapter 22 of Title 4 of the Revised Statutes or whose name is on the list or any revision thereto established and provided by the Commissioner of Health pursuant to subsection c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a).

The governing body shall, within 30 days after receipt thereof, review any such list or revision thereto received by the municipality and shall, within that 30-day period, take action accordingly as required pursuant to this section.

b. The governing body may authorize [the] a certified animal control officer to be the municipal humane law enforcement officer for the municipality, and thereby be empowered to investigate and sign complaints, arrest violators and otherwise act as an officer for detection, apprehension, and arrest of offenders against the animal control, animal welfare and animal cruelty laws of the State and ordinances of the municipality, if:

(1) the officer has completed the training required pursuant to paragraph 4 of subsection a. of section 3 of P.L.1983, c.525 (C.4:19-15.16a) to become a municipal humane law enforcement officer; and

(2) the officer has been approved and recommended pursuant to subsection d. of this section by the chief law enforcement officer of the municipality in which the officer shall serve as a municipal humane law enforcement officer.

c. Only authorized municipal humane law enforcement officers may investigate animal cruelty, sign complaints, and act as officers for detection, apprehension and arrest of offenders against the animal control, animal welfare and animal cruelty laws of the State and ordinances of the municipality. Only certified animal control officers who have completed the municipal humane law enforcement officer training may be authorized by the governing body to [so] act as [an officer for detection, apprehension and arrest of offenders] a municipal humane law enforcement officer; however, officers who have completed the training shall not have the authority to [so] act as a municipal humane law enforcement officer unless authorized by the governing body which is employing the officer or contracting for the officer's services.
d. A certified animal control officer who wishes to be authorized as a municipal humane law enforcement officer pursuant to subsection b. of this section shall apply to the chief law enforcement officer of the municipality for consideration and review. Upon receipt of the application, the chief law enforcement officer shall investigate the character, competency, integrity, and fitness of the applicant for the position, including initiating a criminal background check at the expense of the applicant.

If the chief law enforcement officer is satisfied with the examination of the applicant, the inquiry into the applicant, and the outcome of any background check, the chief law enforcement officer shall:

(1) determine if the applicant is appropriate for the position;
(2) recommend or reject the applicant for the position; and
(3) provide the decision in writing to the applicant and the governing body of the municipality, along with any reasons for rejecting the applicant, if applicable.

No applicant may be recommended for appointment as a municipal humane law enforcement officer pursuant to this subsection if the applicant has been convicted of any crime, or found liable for a civil penalty for a violation of any provision of chapter 22 of Title 4 of the Revised Statutes.

e. A municipal humane law enforcement officer for a specific municipality may also be authorized by the governing body of the municipality to possess, carry, and use a firearm while fulfilling the duties of the position, if the officer:
(1) has satisfactorily completed a firearms training course as provided for in subsection j. of N.J.S.2C:39-6;
(2) annually qualifies for the use of a revolver or similar weapon necessary for the execution of the officer’s duties; and
(3) has been approved to possess, carry, and use a firearm by the chief law enforcement officer of the municipality.

f. Any rule or regulation concerning animal cruelty investigators adopted pursuant to this section prior to the effective date of P.L.2012, c.17 (pending before the Legislature as this bill) shall apply to municipal humane law enforcement officers until otherwise revised or repealed by the Department of Health.
(cf: P.L.2012, c.17, s.9)

4. Section 8 of P.L.1997, c.247 (C.4:19-15.16c) is amended to read as follows:

8. A certified animal control officer authorized pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b) to act as a municipal humane law enforcement officer shall have the power and authority, within the jurisdiction of the municipality or other entity employing, or contracting for, the municipal humane law enforcement officer to:
SACCO, GREENSTEIN

a. Enforce all laws or ordinances enacted for the protection of animals, including, but not limited to, animal control, animal welfare and animal cruelty laws of the State and ordinances of the municipality;

b. Investigate and sign complaints concerning any violation of an animal control, animal welfare or animal cruelty law of the State or ordinance of the municipality; and

c. Act, by virtue of the officer’s appointment or employment and in addition to any other power and authority, as an officer for the detection, apprehension and arrest of offenders against the animal control, animal welfare and animal cruelty laws of the State and ordinances of the municipality.

Upon a request for assistance by a municipality or other entity that does not employ, or contract for, the certified animal control municipal humane law enforcement officer, a certified animal control municipal humane law enforcement officer may, within the jurisdiction of that municipality or other entity making the request, exercise the powers and authority granted pursuant to this section.

(cf: P.L.1997, c.247, s.8)

5. Section 9 of P.L.1997, c.247 (C.4:19-15.16d) is amended to read as follows:

9. A certified animal control municipal humane law enforcement officer who signs a complaint, issues a summons, makes an arrest, or otherwise acts pursuant to his authority conveyed pursuant to P.L.1983, c.525, R.S.4:22-44, or section 8 of P.L.1997, c.247 (C.4:19-15.16c) shall forward within five business days a copy of that complaint, summons, or arrest warrant or report to the New Jersey Society for the Prevention of Cruelty to Animals and shall forward a report of any related court action within thirty calendar days of final disposition report any such enforcement activities, as per agency standard operating procedures, directly to the chief law enforcement officer of the municipality.

(cf: P.L.1997, c.247, s.9)

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

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

(1) the law, procedures, and enforcement methods and techniques of investigation, arrest, and search and seizure, specifically in connection with violations of State and local animal cruelty laws and ordinances;
(2) information and procedures related to animals, including animal behavior and traits and evaluation of animals at a crime scene; (3) methods to identify and document animal abuse, neglect, and distress; and (4) investigation of animal fighting.

The course developed or approved pursuant to this subsection shall be the same or substantially similar to the course developed and approved for certified animal control officers who are authorized as municipal humane law enforcement officers pursuant to sections 3 and 4 of P.L.1983, c.525 (C.4:19-15.16a and C.4:19-15.16b) and P.L.1997, c.247 (C.4:19-15.16c, et al.).

b. Every agent and humane law enforcement officer appointed after the date of enactment of P.L.2005, c.372 (C.4:22-11.1 et al.) shall satisfactorily complete the animal protection law enforcement training course within one year after the date of the agent's or officer's appointment.

c. The Chief Humane Law Enforcement Officer of a county society for the prevention of cruelty to animals or the New Jersey Society for the Prevention of Cruelty to Animals may request from the Police Training Commission an exemption from applicable law enforcement parts of the animal protection law enforcement training course on behalf of a current or prospective agent or humane law enforcement officer who demonstrates successful completion of a police training course conducted by a federal, state, or other public or private agency, the requirements of which are substantially equivalent to or which exceed the corresponding requirements of the animal protection law enforcement training course curriculum established through the Police Training Commission.

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

7. R.S.4:22-26 is amended to read as follows:

4:22-26. A person who shall:

a. (1) Overdrive, overload, drive when overloaded, overwork, abuse, or needlessly kill a living animal or creature, or cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any such acts to be done; (2) Torment, torture, maim, hang, poison, unnecessarily or cruelly beat, cruelly abuse, or needlessly mutilate a living animal or creature, or cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any such acts to be done; (3) Cause the death of, or serious bodily injury to, a living animal or creature from commission of any act described in paragraph (2), (4), (5), or (6) of this subsection, by any direct or indirect means, including but not limited to through the use of
another living animal or creature, or otherwise cause or procure any
such acts to be done;

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

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

b. (Deleted by amendment, P.L.2003, c.232)
c. Inflict unnecessary cruelty upon a living animal or creature,
by any direct or indirect means, including but not limited to through
the use of another living animal or creature; or leave the living
animal or creature unattended in a vehicle under inhumane
conditions adverse to the health or welfare of the living animal or
creature;

d. Receive or offer for sale a horse that is suffering from abuse
or neglect, or which by reason of disability, disease, abuse or
lamesness, or any other cause, could not be worked, ridden or
otherwise used for show, exhibition or recreational purposes, or
kept as a domestic pet without violating the provisions of this
article;

e. Keep, use, be connected with or interested in the
management of, or receive money or other consideration for the
admission of a person to, a place kept or used for the purpose of
fighting or baiting a living animal or creature;

f. Be present and witness, pay admission to, encourage, aid or
assist in an activity enumerated in subsection e. of this section;

g. Permit or suffer a place owned or controlled by him to be
used as provided in subsection e. of this section;

h. Carry, or cause to be carried, a living animal or creature in
or upon a vehicle or otherwise, in a cruel or inhumane manner;

i. Use a dog or dogs for the purpose of drawing or helping to
draw a vehicle for business purposes;

j. Impound or confine or cause to be impounded or confined in
a pound or other place a living animal or creature, and shall fail to
supply the living animal or creature during such confinement with a
sufficient quantity of good and wholesome food and water;

k. Abandon a maimed, sick, infirm or disabled animal or
creature to die in a public place;

l. Willfully sell, or offer to sell, use, expose, or cause or permit
to be sold or offered for sale, used or exposed, a horse or other
animal having the disease known as glanders or farcy, or other
contagious or infectious disease dangerous to the health or life of
human beings or animals, or who shall, when any such disease is
beyond recovery, refuse, upon demand, to deprive the animal of
life;

m. Own, operate, manage or conduct a roadside stand or market
for the sale of merchandise along a public street or highway; or a
shopping mall, or a part of the premises thereof; and keep a living
animal or creature confined, or allowed to roam in an area whether
or not the area is enclosed, on these premises as an exhibit; except
that this subsection shall not be applicable to: a pet shop licensed
pursuant to P.L.1941, c.151 (C:4:19-15.1 et seq.); a person who
keeps an animal, in a humane manner, for the purpose of the
protection of the premises; or a recognized breeders’ association, a
4-H club, an educational agricultural program, an equestrian team, a
humane society or other similar charitable or nonprofit organization
conducting an exhibition, show or performance;
   n. Keep or exhibit a wild animal at a roadside stand or market
located along a public street or highway of this State; a gasoline
station; or a shopping mall, or a part of the premises thereof;
   o. Sell, offer for sale, barter or give away or display live baby
chicks, ducklings or other fowl or rabbits, turtles or chameleons
which have been dyed or artificially colored or otherwise treated so
as to impart to them an artificial color;
   p. Use any animal, reptile, or fowl for the purpose of soliciting
any alms, collections, contributions, subscriptions, donations, or
payment of money except in connection with exhibitions, shows or
performances conducted in a bona fide manner by recognized
breeders’ associations, 4-H clubs or other similar bona fide
organizations;
   q. Sell or offer for sale, barter, or give away living rabbits,
turtles, baby chicks, ducklings or other fowl under two months of
age, for use as household or domestic pets;
   r. Sell, offer for sale, barter or give away living baby chicks,
ducklings or other fowl, or rabbits, turtles or chameleons under two
months of age for any purpose not prohibited by subsection q. of
this section and who shall fail to provide proper facilities for the
care of such animals;
   s. Artificially mark sheep or cattle, or cause them to be
marked, by cropping or cutting off both ears, cropping or cutting
either ear more than one inch from the tip end thereof, or half
cropping or cutting both ears or either ear more than one inch from
the tip end thereof, or who shall have or keep in the person’s
possession sheep or cattle, which the person claims to own, marked
contrary to this subsection unless they were bought in market or of
a stranger;
   t. Abandon a domesticated animal;
   u. For amusement or gain, cause, allow, or permit the fighting
or baiting of a living animal or creature;
   v. Own, possess, keep, train, promote, purchase, or knowingly
sell a living animal or creature for the purpose of fighting or baiting
that animal or creature;
   w. Gamble on the outcome of a fight involving a living animal
or creature;
   x. Knowingly sell or barter or offer for sale or barter, at
wholesale or retail, the fur or hair of a domestic dog or cat or any
product made in whole or in part from the fur or hair of a domestic
dog or cat, unless such fur or hair for sale or barter is from a commercial grooming establishment or a veterinary office or clinic or is for use for scientific research;

y. (1) Knowingly sell or barter, or offer for sale or barter, at wholesale or retail, for human consumption, the flesh of a domestic dog or cat, or any product made in whole or in part from the flesh of a domestic dog or cat;

(2) Knowingly slaughter a horse for human consumption;

(3) Knowingly sell or barter, or offer for sale or barter, at wholesale or retail, for human consumption, the flesh of a horse, or any product made in whole or in part from the flesh of a horse, or knowingly accept or publish newspaper advertising that includes the offering for sale, trade, or distribution of any such item for human consumption;

(4) Knowingly transport a horse for the purpose of slaughter for human consumption;

(5) Knowingly transport horsemeat, or any product made in whole or in part from the flesh of a horse, for the purpose of human consumption;

z. Surgically debark or silence a dog in violation of section 1 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);

aa. Use a live pigeon, fowl or other bird for the purpose of a target, or to be shot at either for amusement or as a test of skill in marksmanship, except that this subsection and subsections bb. and cc. shall not apply to the shooting of game;

bb. Shoot at a bird used as described in subsection aa. of this section, or is a party to such shooting; or

cc. Lease a building, room, field or premises, or knowingly permit the use thereof for the purposes of subsection aa. or bb. of this section --

Shall forfeit and pay a sum according to the following schedule, to be sued for and recovered, with costs, in a civil action by any person in the name of the New Jersey Society for the Prevention of Cruelty to Animals or a county society for the prevention of cruelty to animals, as appropriate, or, in the name of the municipality if brought by a certified animal control officer or [animal cruelty investigator] municipal humane law enforcement officer:

For a violation of subsection e., f., g., u., v., w., or z. of this section or of paragraph (3) of subsection a. of this section, or for a second or subsequent violation of paragraph (2) or (5) of subsection a. of this section, a sum of not less than $3,000 nor more than $5,000;

For a violation of subsection l. of this section, for a first violation of paragraph (2) or (5) of subsection a. of this section, a sum of not less than $1,000 nor more than $3,000;

For a violation of paragraph (4) of subsection a. of this section, or subsection c. of this section, a sum of not less than $500 nor more than $2,000;
For a violation of subsection x. or paragraph (1) of subsection y. of this section, a sum of not less than $500 nor more than $1,000 for each domestic dog or cat fur or fur or hair product or domestic dog or cat carcass or meat product sold, bartered, or offered for sale or barter;

For a violation of paragraph (2), (3), (4), or (5) of subsection y. of this section, a sum of not less than $500 nor more than $1,000 for each horse slaughtered or transported for the purpose of slaughter for human consumption, or for each horse carcass or meat product transported, sold or bartered, or offered or advertised for sale or barter;

For a violation of subsection t. of this section, a sum of not less than $250 nor more than $1,000; and

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

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

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

4:22-55. a. Except as provided pursuant to subsection b. of this section, all fines, penalties and moneys imposed and collected under the provisions of this article, shall be paid by the court or by the clerk or court officer receiving the fines, penalties or moneys, within thirty days after the receipt thereof and without demand, to (1) the county society for the prevention of cruelty to animals of the county where the fines, penalties or moneys were imposed and collected, if the county society brought the action or it was brought on behalf of the county society, to be used by the county society in aid of the benevolent objects for which it was incorporated, or (2) in all other cases, the New Jersey Society for the Prevention of Cruelty to Animals, to be used by the State society in aid of the benevolent objects for which it was incorporated.

b. If an enforcement action for a violation of this article is brought primarily as a result of the discovery and investigation of the violation by a certified animal control officer, municipal humane law enforcement officer, all of the fines, penalties or moneys collected shall be paid to the municipality in which the violation occurred; and one half to the county society or to the New Jersey Society for the Prevention of Cruelty to Animals, as applicable to the particular enforcement action whose officer initiated the enforcement action against the person found in violation of this article.
c. Any fines, penalties or moneys paid to a municipality or other entity pursuant to subsection b. of this section shall be allocated by the municipality or other entity to defray the cost of:
   (1) enforcement of animal control, animal welfare and animal cruelty laws and ordinances within the municipality; and
   (2) the training therefor required of certified animal control officers or municipal humane law enforcement officers pursuant to law, or other animal enforcement related training authorized by law for municipal employees.
   (cf: P.L.2005, c.372, s.19)

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

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

   a. neither a municipality [or], a certified animal control officer, or a municipal humane law enforcement officer shall be liable for any civil damages as a result of any act or omission of the New Jersey Society for the Prevention of Cruelty to Animals, a county society or an officer thereof with regard to any investigation, arrest or prosecution of a violator with which the municipality [or], certified animal control officer, or municipal humane law enforcement officer was not involved; and

   b. neither the New Jersey Society for the Prevention of Cruelty to Animals, a county society or an officer thereof shall be liable for any civil damages as a result of any act or omission of a municipality [or], a certified animal control officer, or a municipal humane law enforcement officer with regard to any investigation, arrest or prosecution of a violator with which the New Jersey Society for the Prevention of Cruelty to Animals, a county society or an officer thereof was not involved.
   (cf: P.L.2005, c.372, s.20)

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

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

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

      (2) Federal law enforcement officers, and any other federal officers and employees required to carry firearms in the performance of their official duties;
(3) Members of the State Police and, under conditions prescribed by the superintendent, members of the Marine Law Enforcement Bureau of the Division of State Police;

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

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

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

(7) (a) A regularly employed member, including a detective, of the police department of any county or municipality, or of any State, interstate, municipal or county park police force or boulevard police force, at all times while in the State of New Jersey;

(b) A special law enforcement officer authorized to carry a weapon as provided in subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14);

(c) An airport security officer or a special law enforcement officer appointed by the governing body of any county or municipality, except as provided in subparagraph (b) of this paragraph, or by the commission, board or other body having control of a county park or airport or boulevard police force, while engaged in the actual performance of his official duties and when specifically authorized by the governing body to carry weapons;

(8) A full-time, paid member of a paid or part-paid fire department or force of any municipality who is assigned full-time or part-time to an arson investigation unit created pursuant to section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson investigation unit in the county prosecutor's office, while either engaged in the actual performance of arson investigation duties or while actually on call to perform arson investigation duties and
when specifically authorized by the governing body or the county
prosecutor, as the case may be, to carry weapons. Prior to being
permitted to carry a firearm, such a member shall take and
successfully complete a firearms training course administered by
the Police Training Commission pursuant to P.L.1961, c.56
(C.52:17B-66 et seq.), and shall annually qualify in the use of a
revolver or similar weapon prior to being permitted to carry a
firearm;

(9) A juvenile corrections officer in the employment of the
Juvenile Justice Commission established pursuant to section 2 of
P.L.1995, c.284 (C.52:17B-170) subject to the regulations
promulgated by the commission;

(10) A designated employee or designated licensed agent for a
nuclear power plant under license of the Nuclear Regulatory
Commission, while in the actual performance of his official duties,
if the federal licensee certifies that the designated employee or
designated licensed agent is assigned to perform site protection,
guard, armed response or armed escort duties and is appropriately
trained and qualified, as prescribed by federal regulation, to
perform those duties. Any firearm utilized by an employee or agent
for a nuclear power plant pursuant to this paragraph shall be
returned each day at the end of the employee's or agent's authorized
official duties to the employee's or agent's supervisor. All firearms
returned each day pursuant to this paragraph shall be stored in
locked containers located in a secure area;

(11) A county corrections officer at all times while in the State
of New Jersey, provided he annually passes an examination
approved by the superintendent testing his proficiency in the
handling of firearms.

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

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

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

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

(1) A special agent of the Division of Taxation who has passed
an examination in an approved police training program testing
proficiency in the handling of any firearm which he may be
required to carry, while in the actual performance of his official
duties and while going to or from his place of duty, or any other
police officer, while in the actual performance of his official duties;
(2) A State deputy conservation officer or a full-time employee
of the Division of Parks and Forestry having the power of arrest and
authorized to carry weapons, while in the actual performance of his
official duties;
(3) (Deleted by amendment, P.L.1986, c.150.)
(4) A court attendant serving as such under appointment by the
sheriff of the county or by the judge of any municipal court or other
court of this State, while in the actual performance of his official
duties;
(5) A guard in the employ of any railway express company,
banking or building and loan or savings and loan institution of this
State, while in the actual performance of his official duties;
(6) A member of a legally recognized military organization
while actually under orders or while going to or from the prescribed
place of meeting and carrying the weapons prescribed for drill,
exercise or parade;
(7) A humane law enforcement officer of the New Jersey
Society for the Prevention of Cruelty to Animals or of a county
society for the prevention of cruelty to animals, or a municipal
humane law enforcement officer as authorized pursuant to section 4
of P.L.1983, c.525 (C.4:19-15.16b), while in the actual performance
of [his] the officer’s duties;
(8) An employee of a public utilities corporation actually
engaged in the transportation of explosives;
(9) A railway policeman, except a transit police officer of the
New Jersey Transit Police Department, at all times while in the
State of New Jersey, provided that he has passed an approved police
academy training program consisting of at least 280 hours. The
training program shall include, but need not be limited to, the
handling of firearms, community relations, and juvenile relations;
(10) A campus police officer appointed under P.L.1970, c.211
(C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
a firearm, a campus police officer shall take and successfully
complete a firearms training course administered by the Police
Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
seq.), and shall annually qualify in the use of a revolver or similar
weapon prior to being permitted to carry a firearm;
(12) A transit police officer of the New Jersey Transit Police
Department, at all times while in the State of New Jersey, provided
the officer has satisfied the training requirements of the Police
Training Commission, pursuant to subsection c. of section 2 of
P.L.1989, c.291 (C.27:25-15.1);
(13) A parole officer employed by the State Parole Board at all
times. Prior to being permitted to carry a firearm, a parole officer
shall take and successfully complete a basic course for regular
police officer training administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm;

(14) A Human Services police officer at all times while in the State of New Jersey, as authorized by the Commissioner of Human Services;

(15) A person or employee of any person who, pursuant to and as required by a contract with a governmental entity, supervises or transports persons charged with or convicted of an offense;

(16) A housing authority police officer appointed under P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the State of New Jersey; or

(17) A probation officer assigned to the "Probation Officer Community Safety Unit" created by section 2 of P.L.2001, c.362 (C.2B:10A-2) while in the actual performance of the probation officer's official duties. Prior to being permitted to carry a firearm, a probation officer shall take and successfully complete a basic course for regular police officer training administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm.

d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to antique firearms, provided that such antique firearms are unloaded or are being fired for the purposes of exhibition or demonstration at an authorized target range or in such other manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent.

(2) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to an antique cannon that is capable of being fired but that is unloaded and immobile, provided that the antique cannon is possessed by (a) a scholastic institution, a museum, a municipality, a county or the State, or (b) a person who obtained a firearms purchaser identification card as specified in N.J.S.2C:58-3.

(3) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is being transported by one eligible to possess it, in compliance with regulations the superintendent may promulgate, between its permanent location and place of purchase or repair.

(4) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to antique cannons that are being loaded or fired by one eligible to possess an antique cannon, for purposes of exhibition or demonstration at an authorized target range or in the manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control.
of a particular municipality, the superintendent, provided that
performer has given at least 30 days' notice to the superintendent.

(5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
N.J.S.2C:39-5 do not apply to the transportation of unloaded
antique cannons directly to or from exhibitions or demonstrations
authorized under paragraph (4) of subsection d. of this section,
provided that the transportation is in compliance with safety
regulations the superintendent may promulgate. Nor do those
subsections apply to transportation directly to or from exhibitions or
demonstrations authorized under the law of another jurisdiction,
provided that the superintendent has been given 30 days' notice and
that the transportation is in compliance with safety regulations the
superintendent may promulgate.

e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
construed to prevent a person keeping or carrying about his place of
business, residence, premises or other land owned or possessed by
him, any firearm, or from carrying the same, in the manner
specified in subsection g. of this section, from any place of
purchase to his residence or place of business, between his dwelling
and his place of business, between one place of business or
residence and another when moving, or between his dwelling or
place of business and place where such firearms are repaired, for
the purpose of repair. For the purposes of this section, a place of
business shall be deemed to be a fixed location.

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

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

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

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

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

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

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

(4) A person from keeping or carrying about a private or
commercial aircraft or any boat, or from transporting to or from
such vessel for the purpose of installation or repair a visual distress
signaling device approved by the United States Coast Guard.

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

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

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

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

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

(2) Notwithstanding the provisions of paragraph (1) of this
subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
health inspector or investigator operating pursuant to the provisions
of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
inspector from possessing a device which is capable of releasing
more than three-quarters of an ounce of a chemical substance, as
described in paragraph (1), while in the actual performance of the
inspector’s or investigator’s duties, provided that the device does not
exceed the size of those used by law enforcement.

j. A person shall qualify for an exemption from the provisions
of N.J.S.2C:39-5, as specified under subsections a. and c. of this
section, if the person has satisfactorily completed a firearms
training course approved by the Police Training Commission.
Such exempt person shall not possess or carry a firearm until the
person has satisfactorily completed a firearms training course and
shall annually qualify in the use of a revolver or similar weapon.
For purposes of this subsection, a “firearms training course” means
a course of instruction in the safe use, maintenance and storage of
firearms which is approved by the Police Training Commission.
The commission shall approve a firearms training course if the
requirements of the course are substantially equivalent to the
requirements for firearms training provided by police training
courses which are certified under section 6 of P.L.1961, c.56
(C.52:17B-71). A person who is specified in paragraph (1), (2), (3)
or (6) of subsection a. of this section shall be exempt from the
requirements of this subsection.
k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
to prevent any financial institution, or any duly authorized
personnel of the institution, from possessing, carrying or using for
the protection of money or property, any device which projects,
releases or emits tear gas or other substances intended to produce
temporary physical discomfort or temporary identification.
l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
to prevent a law enforcement officer who retired in good standing,
including a retirement because of a disability pursuant to section 6
of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
(C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
substantially similar statute governing the disability retirement of
federal law enforcement officers, provided the officer was a
regularly employed, full-time law enforcement officer for an
aggregate of four or more years prior to his disability retirement and
further provided that the disability which constituted the basis for
the officer's retirement did not involve a certification that the officer
was mentally incapacitated for the performance of his usual law
duty and any other available duty in the department
which his employer was willing to assign to him or does not subject
that retired officer to any of the disabilities set forth in subsection c.
of N.J.S.2C:58-3 which would disqualify the retired officer from
possessing or carrying a firearm, who semi-annually qualifies in the
use of the handgun he is permitted to carry in accordance with the
requirements and procedures established by the Attorney General
pursuant to subsection j. of this section and pays the actual costs
associated with those semi-annual qualifications, who is 75 years of
age or younger, and who was regularly employed as a full-time
member of the State Police; a full-time member of an interstate
police force; a full-time member of a county or municipal police
department in this State; a full-time member of a State law
enforcement agency; a full-time sheriff, undersheriff or sheriff's
officer of a county of this State; a full-time State or county
corrections officer; a full-time county park police officer; a full-
time county prosecutor's detective or investigator; a full-time
federal law enforcement officer; or is a qualified retired law
enforcement officer, as used in the federal "Law Enforcement
State from carrying a handgun in the same manner as law
enforcement officers exempted under paragraph (7) of subsection a.
of this section under the conditions provided herein:

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

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

(a) The name and address of the retired officer;
(b) The date that the retired officer was hired and the date that
the officer retired;
(c) A list of all handguns known to be registered to that officer;
(d) A statement that, to the reasonable knowledge of the chief
law enforcement officer, the retired officer is not subject to any of
the restrictions set forth in subsection c. of N.J.S.2C:58-3; and
(e) A statement that the officer retired in good standing.

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

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

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

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

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

m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to prevent duly authorized personnel of the New Jersey Division of Fish and Wildlife, while in the actual performance of duties, from possessing, transporting or using any device that projects, releases or emits any substance specified as being non-injurious to wildlife by the Director of the Division of Animal Health in the Department of Agriculture, and which may immobilize wildlife and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the purpose of repelling bear or other animal attacks or for the aversive conditioning of wildlife.

n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be construed to prevent duly authorized personnel of the New Jersey Division of Fish and Wildlife, while in the actual performance of duties, from possessing, transporting or using hand
held pistol-like devices, rifles or shotguns that launch pyrotechnic
missiles for the sole purpose of frightening, hazing or aversive
conditioning of nuisance or depredating wildlife; from possessing,
transporting or using rifles, pistols or similar devices for the sole
purpose of chemically immobilizing wild or non-domestic animals;
or, provided the duly authorized person complies with the
requirements of subsection j. of this section, from possessing,
transporting or using rifles or shotguns, upon completion of a Police
Training Commission approved training course, in order to dispatch
injured or dangerous animals or for non-lethal use for the purpose
of frightening, hazing or aversive conditioning of nuisance or
depredating wildlife.
(cf: P.L.2013, c.219, s.1)

11. (New section) Within 180 days after the effective date of
this act, the Department of Health shall, pursuant to the
“Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations concerning the certification and
training of municipal humane law enforcement officers and
implementing the provisions of P.L. , c. (C. ) (pending
before the Legislature as this bill).

12. This act shall take effect immediately.

STATEMENT

This bill makes changes to the law governing certain certified
animal control officers.

Under current law, certified animal control officers can become
certified as animal cruelty investigators if they complete a course of
study on animal cruelty investigations approved by the
Commissioner of Health and the Police Training Commission, in
consultation with the New Jersey Animal Control Officers
Association.

Animal cruelty investigators currently are governed by
regulation rather than statute. This bill renames the position of
“animal cruelty investigator” as “municipal humane law
enforcement officer” and defines the position as “a certified animal
control officer who, by virtue of municipal authorizations granted
under section 4 of P.L.1983, c.525 (C:4:19-15.16b), is empowered
by a municipality to investigate and sign complaints, arrest
violators, and otherwise act as a law enforcement officer for the
detection, apprehension, and arrest of offenders against the animal
control, animal welfare, and animal cruelty laws of the State and
ordinances of the municipality.”

Under the bill, municipal humane law enforcement officers are
required to undergo the same training and authorization as required
for animal cruelty investigators under current regulations. All other
provisions of law, rule, and regulation concerning animal cruelty
investigators would be applicable to authorized municipal humane
law enforcement officers. The bill further clarifies in the law, as
provided for under current rules and regulations, that only
authorized municipal humane law enforcement officers may
investigate animal cruelty, sign complaints, and act as officers for
detection, apprehension and arrest of offenders against the animal
control, animal welfare and animal cruelty laws of the State and
ordinances of the municipality.

The bill requires applicants for a municipal humane law
enforcement officer position to apply to the chief law enforcement
officer of the municipality for consideration and review. The chief
is required to investigate the character, competency, integrity, and
fitness of the applicant for the position, including initiating a
criminal background check at the expense of the applicant. Based
on the investigation, the chief is to determine if the applicant is
appropriate for the position; recommend or reject the applicant for
the position; and provide a written decision supporting the
recommendation or rejection. Applicants are disqualified from the
position if they have a criminal record or have been fined for
violating the law governing cruelty to animals.

The bill also specifies that a municipal humane law enforcement
may be authorized by the governing body of a municipality to
possess, carry, and use a firearm while in performance of the
officer’s duties if so authorized by the governing body. The officer
is required to complete a firearms training course, annually qualify
in the use of a revolver, and be approved by the chief of police.
Current law similarly authorizes humane law enforcement officers
of the New Jersey Society for the Prevention of Cruelty to Animals
or of a county society for the prevention of cruelty to animals to
carry a firearm while in the actual performance of the officer’s
duties.

Under the bill, a municipal humane law enforcement officer
would directly report law enforcement activities to the chief of
police. Currently, animal cruelty investigators report their activities
to the New Jersey Society for the Prevention of Cruelty to Animals
(NJ SPCA). Fines resulting from enforcement actions by municipal
humane law enforcement officers would be paid to the municipality.
Currently, the fines are split between the municipality and the NJ
SPCA.