

SENATE, No. 3558

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED NOVEMBER 30, 2017

Sponsored by:

Senator RAYMOND J. LESNIAK

District 20 (Union)

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

SYNOPSIS

Revises animal cruelty law enforcement in NJ.

CURRENT VERSION OF TEXT

As introduced.



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 county prosecutor **[**, officer of the New Jersey
14 Society for the Prevention of Cruelty to Animals or the district
15 (county) society for the prevention of cruelty to animals, or other
16 appropriate person, other than a certified animal control officer,**]**
17 animal cruelty task force, established pursuant to section 28 of P.L.,
18 c. (C.) (pending before the Legislature as this bill), with the
19 responsibility to notify within 30 days the Commissioner of Health
20 **[and Senior Services]** , in writing, of the full name of the person
21 found guilty of, or liable for, an applicable violation, and the
22 violation for which or of which that person was found guilty or
23 liable, and the person charged with the responsibility shall provide
24 such notice.

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

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

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

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

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

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

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

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

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

42 Dog fighting is a crime of the third degree.

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

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

7 (b) restitution, concerning the dogs or other animals seized and
8 forfeited pursuant to subparagraph (a) of this paragraph, in the form
9 of reimbursing any costs for all the animals' food, drink, shelter, or
10 veterinary care or treatment, or other costs, incurred by any person,
11 agency, entity, or organization, including but not limited to **[the**
12 **New Jersey Society for the Prevention of Cruelty to Animals,]** a
13 county society for the prevention of cruelty to animals, any other
14 recognized organization concerned with the prevention of cruelty to
15 animals or the humane treatment and care of animals, a State or
16 local governmental entity, including, but not limited to, a county
17 prosecutor animal cruelty task force, established pursuant to section
18 29 of P.L. , c. (C.) (pending before the Legislature as this
19 bill), and a municipal humane law enforcement officer appointed
20 pursuant to section 27 of P.L. , c. (C.) (pending before the
21 Legislature as this bill), or a kennel, shelter, pound, or other
22 facility.

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

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

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

31

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

34 2. a. A person is a leader of a dog fighting network if he
35 conspires with others in a scheme or course of conduct to
36 unlawfully engage in dog fighting, as defined in section 1 of
37 P.L.2015, c.85 (C.2C:33-31), as an organizer, supervisor, financier
38 or manager of at least one other person. Leader of a dog fighting
39 network is a crime of the second degree.

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

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

45 (a) The seizure and forfeiture of any dogs or other animals used
46 for fighting or baiting, and may upon request of the prosecutor or
47 on its own motion, order any person convicted of a violation under
48 this section to forfeit possession of: (i) any other dogs or other

1 animals in the person's custody or possession; and (ii) any other
2 property involved in or related to a violation of this section; and

3 (b) restitution, concerning the dogs or other animals seized and
4 forfeited pursuant to subparagraph (a) of this paragraph, in the form
5 of reimbursing any costs for all the animals' food, drink, shelter, or
6 veterinary care or treatment, or other costs, incurred by any person,
7 agency, entity, or organization, including but not limited to [the
8 New Jersey Society for the Prevention of Cruelty to Animals,] a
9 county society for the prevention of cruelty to animals, any other
10 recognized organization concerned with the prevention of cruelty to
11 animals or the humane treatment and care of animals, a State or
12 local governmental entity, including but not limited to a county
13 prosecutor animal cruelty task force, established pursuant to section
14 28 of P.L. , c. (C.) (pending before the Legislature as this
15 bill), and municipal humane law enforcement officer appointed
16 pursuant to section 27 of P.L. , c. (C.) (pending before the
17 Legislature as this bill), or a kennel, shelter, pound, or other
18 facility.

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

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

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

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

46 f. It shall not be a defense that the defendant was subject to the
47 supervision or management of another, nor that another person or

1 persons were also leaders of a dog fighting network.
2 (cf: P.L.2015, c.85, s.2)

3

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

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

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

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

14 (3) Members of the State Police and, under conditions
15 prescribed by the superintendent, members of the Marine Law
16 Enforcement Bureau of the Division of State Police;

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

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

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

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

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

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

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

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

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

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

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

44 (1) A law enforcement officer employed by a governmental
45 agency outside of the State of New Jersey while actually engaged in
46 his official duties, provided, however, that he has first notified the
47 superintendent or the chief law enforcement officer of the

1 municipality or the prosecutor of the county in which he is engaged;
2 or

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

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

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

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

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

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

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

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

33 (7) A municipal humane law enforcement officer **【**of the New
34 Jersey Society for the Prevention of Cruelty to Animals or of a
35 county society for the prevention of cruelty to animals**】**, authorized
36 pursuant to subsection c. of section 26 of P.L. , c. (C.)
37 (pending before the Legislature as this bill), or a chief humane law
38 enforcement officer or other law enforcement officer assigned or
39 appointed to a county prosecutor animal cruelty task force pursuant
40 to section 29 of P.L. , c. (C.) (pending before the
41 Legislature as this bill) , while in the actual performance of **【his】**
42 the officer's duties;

43 (8) An employee of a public utilities corporation actually
44 engaged in the transportation of explosives;

45 (9) A railway policeman, except a transit police officer of the
46 New Jersey Transit Police Department, at all times while in the
47 State of New Jersey, provided that he has passed an approved police
48 academy training program consisting of at least 280 hours. The

1 training program shall include, but need not be limited to, the
2 handling of firearms, community relations, and juvenile relations;

3 (10) A campus police officer appointed under P.L.1970, c.211
4 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
5 a firearm, a campus police officer shall take and successfully
6 complete a firearms training course administered by the Police
7 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
8 seq.), and shall annually qualify in the use of a revolver or similar
9 weapon prior to being permitted to carry a firearm;

10 (11) (Deleted by amendment, P.L.2003, c.168).

11 (12) A transit police officer of the New Jersey Transit Police
12 Department, at all times while in the State of New Jersey, provided
13 the officer has satisfied the training requirements of the Police
14 Training Commission, pursuant to subsection c. of section 2 of
15 P.L.1989, c.291 (C.27:25-15.1);

16 (13) A parole officer employed by the State Parole Board at all
17 times. Prior to being permitted to carry a firearm, a parole officer
18 shall take and successfully complete a basic course for regular
19 police officer training administered by the Police Training
20 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
21 shall annually qualify in the use of a revolver or similar weapon
22 prior to being permitted to carry a firearm;

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

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

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

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

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

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

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

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

22 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
23 N.J.S.2C:39-5 do not apply to the transportation of unloaded
24 antique cannons directly to or from exhibitions or demonstrations
25 authorized under paragraph (4) of subsection d. of this section,
26 provided that the transportation is in compliance with safety
27 regulations the superintendent may promulgate. Those subsections
28 shall not apply to transportation directly to or from exhibitions or
29 demonstrations authorized under the law of another jurisdiction,
30 provided that the superintendent has been given 30 days' notice and
31 that the transportation is in compliance with safety regulations the
32 superintendent may promulgate.

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

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

46 (1) A member of any rifle or pistol club organized in accordance
47 with the rules prescribed by the National Board for the Promotion
48 of Rifle Practice, in going to or from a place of target practice,

1 carrying firearms necessary for target practice, provided that the
2 club has filed a copy of its charter with the superintendent and
3 annually submits a list of its members to the superintendent and
4 provided further that the firearms are carried in the manner
5 specified in subsection g. of this section;

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

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

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

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

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

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

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

1 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
2 to prevent any employee of a public utility, as defined in R.S.48:2-
3 13, doing business in this State or any United States Postal Service
4 employee, while in the actual performance of duties which
5 specifically require regular and frequent visits to private premises,
6 from possessing, carrying or using any device which projects,
7 releases or emits any substance specified as being noninjurious to
8 canines or other animals by the Commissioner of Health and which
9 immobilizes only on a temporary basis and produces only
10 temporary physical discomfort through being vaporized or
11 otherwise dispensed in the air for the sole purpose of repelling
12 canine or other animal attacks.

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

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

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

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

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

45 The exempt person shall not possess or carry a firearm until the
46 person has satisfactorily completed a firearms training course and
47 shall annually qualify in the use of a revolver or similar weapon.
48 For purposes of this subsection, a "firearms training course" means

1 a course of instruction in the safe use, maintenance and storage of
2 firearms which is approved by the Police Training Commission.
3 The commission shall approve a firearms training course if the
4 requirements of the course are substantially equivalent to the
5 requirements for firearms training provided by police training
6 courses which are certified under section 6 of P.L.1961, c.56
7 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3),
8 or (6) of subsection a. of this section shall be exempt from the
9 requirements of this subsection.

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

16 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
17 to prevent a law enforcement officer who retired in good standing,
18 including a retirement because of a disability pursuant to section 6
19 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
20 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
21 substantially similar statute governing the disability retirement of
22 federal law enforcement officers, provided the officer was a
23 regularly employed, full-time law enforcement officer for an
24 aggregate of four or more years prior to his disability retirement and
25 further provided that the disability which constituted the basis for
26 the officer's retirement did not involve a certification that the officer
27 was mentally incapacitated for the performance of his usual law
28 enforcement duties and any other available duty in the department
29 which his employer was willing to assign to him or does not subject
30 that retired officer to any of the disabilities set forth in subsection c.
31 of N.J.S.2C:58-3 which would disqualify the retired officer from
32 possessing or carrying a firearm, who semi-annually qualifies in the
33 use of the handgun he is permitted to carry in accordance with the
34 requirements and procedures established by the Attorney General
35 pursuant to subsection j. of this section and pays the actual costs
36 associated with those semi-annual qualifications, who is 75 years of
37 age or younger, and who was regularly employed as a full-time
38 member of the State Police; a full-time member of an interstate
39 police force; a full-time member of a county or municipal police
40 department in this State; a full-time member of a State law
41 enforcement agency; a full-time sheriff, undersheriff or sheriff's
42 officer of a county of this State; a full-time State or county
43 corrections officer; a full-time State or county park police officer; a
44 full-time special agent of the Division of Taxation; a full-time
45 Human Services police officer; a full-time transit police officer of
46 the New Jersey Transit Police Department; a full-time campus
47 police officer exempted pursuant to paragraph (10) of subsection c.
48 of this section; a full-time State conservation officer exempted

1 pursuant to paragraph (4) of subsection a. of this section; a full-time
2 Palisades Interstate Park officer appointed pursuant to R.S.32:14-
3 21; a full-time Burlington County Bridge police officer appointed
4 pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time
5 housing authority police officer exempted pursuant to paragraph
6 (16) of subsection c. of this section; a full-time juvenile corrections
7 officer exempted pursuant to paragraph (9) of subsection a. of this
8 section; a full-time parole officer exempted pursuant to paragraph
9 (13) of subsection c. of this section; a full-time railway policeman
10 exempted pursuant to paragraph (9) of subsection c. of this section;
11 a full-time county prosecutor's detective or investigator; a full-time
12 federal law enforcement officer; or is a qualified retired law
13 enforcement officer, as used in the federal "Law Enforcement
14 Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this
15 State from carrying a handgun in the same manner as law
16 enforcement officers exempted under paragraph (7) of subsection a.
17 of this section under the conditions provided herein:

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

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

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

29 (b) The date that the retired officer was hired and the date that
30 the officer retired;

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

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

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

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

44 (4) The superintendent shall issue to an approved retired officer
45 an identification card permitting the retired officer to carry a
46 handgun pursuant to this subsection. This identification card shall
47 be valid for one year from the date of issuance and shall be valid
48 throughout the State. The identification card shall not be

1 transferable to any other person. The identification card shall be
2 carried at all times on the person of the retired officer while the
3 retired officer is carrying a handgun. The retired officer shall
4 produce the identification card for review on the demand of any law
5 enforcement officer or authority.

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

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

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

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

38 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be
39 construed to prevent duly authorized personnel of the New Jersey
40 Division of Fish and Wildlife, while in the actual performance of
41 duties, from possessing, transporting or using hand held pistol-like
42 devices, rifles or shotguns that launch pyrotechnic missiles for the
43 sole purpose of frightening, hazing or aversive conditioning of
44 nuisance or depredating wildlife; from possessing, transporting or
45 using rifles, pistols or similar devices for the sole purpose of
46 chemically immobilizing wild or non-domestic animals; or,
47 provided the duly authorized person complies with the requirements
48 of subsection j. of this section, from possessing, transporting or

1 using rifles or shotguns, upon completion of a Police Training
2 Commission approved training course, in order to dispatch injured
3 or dangerous animals or for non-lethal use for the purpose of
4 frightening, hazing or aversive conditioning of nuisance or
5 depredating wildlife.

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

7

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

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

19 (1) The law as it affects animal control, animal welfare, and
20 animal cruelty;

21 (2) Animal behavior and the handling of stray or diseased
22 animals; and

23 (3) Community safety as it relates to animal control **]; and** .

24 (4) **【**The law enforcement methods and techniques required for
25 an animal control officer to properly exercise the authority to
26 investigate and sign complaints and arrest without warrant pursuant
27 to section 8 of P.L.1997, c.247 (C.4:19-15.16c), including, but not
28 limited to, those methods and techniques which relate to search,
29 seizure, and arrest. The training in law enforcement methods and
30 techniques described pursuant to this paragraph shall be part of the
31 course of study for an animal control officer only when required by
32 the governing body of a municipality pursuant to section 4 of
33 P.L.1983, c.525 (C.4:19-15.16b).**】** (Deleted by amendment, P.L. __, c. __)
34 (pending before the Legislature as this bill)

35 Any person 18 years of age or older may satisfy the courses of
36 study established pursuant to this subsection at that person's own
37 time and expense; however, nothing in this section shall be
38 construed as authorizing a person to exercise the powers and duties
39 of an animal control officer absent municipal appointment or
40 authorization pursuant to section 4 of P.L.1983, c.525 (C.4:19-
41 15.16b).

42 b. (1) The commissioner shall provide for the issuance of a
43 certificate to a person who possesses, or acquires, the training and
44 education required to qualify as a certified animal control officer
45 pursuant to paragraphs (1) through (3) of subsection a. of this
46 section and to a person who has been employed in the State of New
47 Jersey in the capacity of, and with similar responsibilities to those
48 required of, a certified animal control officer pursuant to the

1 provisions of P.L.1983, c.525, for a period of three years before
2 January 17, 1987. The commissioner shall not issue a certificate to
3 any person convicted of, or found civilly liable for, a violation of
4 any provision of chapter 22 of Title 4 of the Revised Statutes.

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

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

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

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

28
29 6. Section 4 of P.L.1983, c.525 (C.4:19-15.16b) is amended to
30 read as follows:

31 4. The governing body of a municipality shall, within three
32 years of the effective date of P.L.1983, c.525, appoint a certified
33 animal control officer who shall be responsible for animal control
34 within the jurisdiction of the municipality and who shall enforce
35 and abide by the provisions of section 16 of P.L.1941, c.151
36 (C.4:19-15.16). The governing body shall not appoint a certified
37 animal control officer, shall not contract for animal control services
38 with any company that employs a certified animal control officer,
39 and shall revoke the appointment of a certified animal control
40 officer, who has been convicted of, or found civilly liable for, a
41 violation of any provision of chapter 22 of Title 4 of the Revised
42 Statutes or whose name is on the list or any revision thereto
43 established and provided by the Commissioner of Health pursuant
44 to subsection c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a).
45 The governing body shall, within 30 days after receipt thereof,
46 review any such list or revision thereto received by the municipality
47 and shall, within that 30-day period, take action accordingly as
48 required pursuant to this section.

1 The governing body may authorize the certified animal control
2 officer to [investigate and sign complaints, arrest violators, and
3 otherwise act as an officer for detection, apprehension, and arrest of
4 offenders against the animal control, animal welfare and animal
5 cruelty laws of the State, and ordinances of the municipality, if the
6 officer has completed the training required pursuant to paragraph 4
7 of subsection a. of section 3 of P.L.1983, c.525 (C.4:19-15.16a).
8 Only certified animal control officers who have completed the
9 training may be authorized by the governing body to so act as an
10 officer for detection, apprehension, and arrest of offenders;
11 however, officers who have completed the training shall not have
12 the authority to so act unless authorized by the governing body
13 which is employing the officer or contracting for the officer's
14 services] serve concurrently as a municipal humane law
15 enforcement officer pursuant to section 27 of P.L. , c. (C.)
16 (pending before the Legislature as this bill) .
17 (cf: P.L.2012, c.17, s.9)

18

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

21 1. a. There shall be established in, but not of, the Department of
22 Health, a Domestic Companion Animal Council, which shall consist
23 of 12 members, each of whom shall be chosen with due regard to
24 the individual's knowledge of and interest in animal welfare, animal
25 population control and the public health and well-being as they
26 relate to the breeding, raising and nurturing of animals as domestic
27 companion animals.

28 Each member shall be appointed by the Governor, with the
29 advice and consent of the Senate, as follows: two members shall be
30 appointed from persons recommended by the New Jersey
31 Veterinary Medical Association; one member shall be appointed
32 from persons recommended by the New Jersey Health Officers
33 Association; one member shall be appointed from persons
34 recommended by the New Jersey Certified Animal Control Officers
35 Association; one member shall be appointed from persons
36 recommended by the New Jersey Federation of Dog Clubs, Inc.;
37 one member shall be appointed from persons recommended by [the
38 Cat Fanciers' Association] People for Animals, Inc. ; one member
39 shall be appointed from persons recommended by the [New Jersey
40 Society for the Prevention of Cruelty to Animals; one member shall
41 be appointed from persons recommended by the Associated
42 Humane Societies] county societies for the prevention of cruelty to
43 animals in northern New Jersey; one member shall be appointed
44 from persons recommended by the county societies for the
45 prevention of cruelty to animals in southern New Jersey; one
46 member who shall be a volunteer at any county animal shelter
47 within the State; one member shall be a representative of a

1 volunteer animal rescue and welfare organization; and two members
2 shall be appointed from persons recommended by the Humane
3 Society of the United States. Each member shall be appointed for a
4 term of four years and until the member's successor is appointed
5 and qualified.

6 Any member of the Domestic Companion Animal Council shall
7 be eligible for reappointment, but may be removed from office by
8 the Governor for cause.

9 Any vacancy occurring in the membership of the council for any
10 cause shall be filled in the same manner as the original appointment
11 but for the unexpired term only , except that, upon expiration of the
12 term of the member recommended by the Cat Fanciers' Association,
13 a replacement shall be appointed from persons recommended by
14 People for Animals, Inc., upon expiration of the term of the member
15 recommended by the New Jersey Society for Prevention of Cruelty
16 to Animals, a replacement shall be appointed from persons
17 recommended by the county societies for the prevention of cruelty
18 to animals in northern New Jersey, and upon expiration of the term
19 of the member recommended by the Associated Humane Societies,
20 a replacement shall be appointed from persons recommended by the
21 county societies for the prevention of cruelty to animals in southern
22 New Jersey .

23 For the purposes of this section, "northern New Jersey" means
24 Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic,
25 Somerset, Sussex, Union, and Warren counties; and "southern New
26 Jersey" means Atlantic, Burlington, Camden, Cape May,
27 Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem
28 counties

29 b. A majority of the membership of the council shall constitute a
30 quorum for the transaction of council business. Action may be
31 taken and motions and resolutions adopted by the council at any
32 meeting thereof by the affirmative vote of a majority of the full
33 membership of the council.

34 c. The Governor shall appoint a chairman and the council may
35 appoint other officers as may be necessary. The council may
36 appoint staff or hire experts as it may require within the limits of
37 appropriations made for these purposes.

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

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

44 f. For the purposes of this act, "domestic companion animal"
45 means any animal commonly referred to as a pet or one that has
46 been bought, bred, raised or otherwise acquired, in accordance with
47 local ordinances and State and federal law, for the primary purpose

1 of providing companionship to the owner, rather than for business
2 or agricultural purposes.

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

4

5 8. Section 1 of P.L.2005, c.372 (C.4:22-11.1) is amended to read
6 as follows:

7 1. As used in this chapter:

8 **["Agent"** means a member duly appointed as an agent by the
9 board of trustees of a county society for the prevention of cruelty to
10 animals or of the New Jersey Society for the Prevention of Cruelty
11 to Animals, who, upon recommendation of the Chief Humane Law
12 Enforcement Officer of a county society for the prevention of
13 cruelty to animals or the New Jersey Society for the Prevention of
14 Cruelty to Animals, is empowered to issue summons and direct
15 humane law enforcement officers to make arrests and enforce all
16 laws and ordinances enacted for the protection of animals, and to
17 investigate alleged acts of cruelty to animals;

18 "Humane law enforcement officer" means an agent authorized
19 and appointed by the board of trustees of a county society for the
20 prevention of cruelty to animals or of the New Jersey Society for
21 the Prevention of Cruelty to Animals, and duly commissioned by
22 the Superintendent of State Police in accordance with the provisions
23 of sections 9 and 10 of P.L.2005, c.372 (C.4:22-11.9 and C.4:22-
24 11.10), to possess, carry, or use a firearm while enforcing any law
25 or ordinance for the protection of animals while on duty or on call,
26 and who has satisfactorily completed the firearms training course
27 approved by the Police Training Commission and other
28 qualifications and training courses required pursuant to P.L.2005,
29 c.372 (C.4:22-11.1 et al.); and

30 "Member" means a person who has been granted membership in
31 a county society for the prevention of cruelty to animals or the New
32 Jersey Society for the Prevention of Cruelty to Animals. **】**

33 "Chief humane law enforcement officer" means a county law
34 enforcement officer assigned or appointed by the county prosecutor,
35 pursuant to section 29 of P.L. , c. (C.) (pending before the
36 Legislature as this bill), to act as an officer for detection,
37 apprehension, and arrest of offenders against the animal welfare and
38 animal cruelty laws of the State, and who has satisfactorily
39 completed the training and retraining courses required pursuant to
40 section 30 of P.L. , c. (C.) (pending before the Legislature
41 as this bill);

42 "County prosecutor animal cruelty task force" means a task force
43 established pursuant to section 29 of P.L. , c. (C.) (pending
44 before the Legislature as this bill) and includes any prosecutor or
45 law enforcement officer assigned or appointed to a county
46 prosecutor animal cruelty task force pursuant to section 29 of P.L. ,
47 c. (C.) (pending before the Legislature as this bill); and

1 “Municipal humane law enforcement officer” means an
2 individual appointed by the governing body of a municipality,
3 pursuant to section 27 of P.L. , c. (C.) (pending before the
4 Legislature as this bill), to act as an officer for detection,
5 apprehension, and arrest of offenders against the animal welfare and
6 animal cruelty laws of the State and ordinances of the municipality,
7 and who has satisfactorily completed the animal protection law
8 enforcement training and retraining courses required pursuant to
9 section 27 of P.L. , c. (C.) (pending before the Legislature
10 as this bill).

11 (cf: P.L.2005, c.372, s.1)

12

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

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

20 (1) the law, procedures, and enforcement methods and
21 techniques of investigation, arrest, and search and seizure,
22 specifically in connection with violations of State and local animal
23 cruelty laws and ordinances;

24 (2) information and procedures related to animals, including
25 animal behavior and traits and evaluation of animals at a crime
26 scene;

27 (3) methods to identify and document animal abuse, neglect, and
28 distress; and

29 (4) investigation of animal fighting.

30 **【The course developed or approved pursuant to this subsection**
31 **shall be the same or substantially similar to the course developed**
32 **and approved for certified animal control officers who are**
33 **authorized as animal cruelty investigators pursuant to sections 3 and**
34 **4 of P.L.1983, c.525 (C.4:19-15.16a and C.4:19-15.16b) and**
35 **P.L.1997, c.247 (C.4:19-15.16c. et al.).】**

36 The Police Training Commission, in collaboration with the
37 Attorney General, shall also develop or approve an abbreviated
38 retraining course in animal protection law enforcement, for the
39 purpose of retraining a chief humane law enforcement officer, or
40 other law enforcement officer assigned or appointed to a county
41 prosecutor animal cruelty task force pursuant to paragraph (3) of
42 subsection b. of section 30 of P.L. , c. (C.) (pending before
43 the Legislature as this bill), or a municipal humane law enforcement
44 officer pursuant to paragraph (3) of subsection c. of section 27,
45 which shall include, but need not be limited to, instruction
46 regarding any changes to animal cruelty law enforcement policy or
47 law in the previous two-year period.

1 b. Every **agent and** chief humane law enforcement officer, or
2 other law enforcement officer, assigned or appointed to a county
3 prosecutor animal cruelty task force and municipal humane law
4 enforcement officer [appointed after the date of enactment of
5 P.L.2005, c.372 (C.4:22-11.1 et al.)] shall satisfactorily complete
6 the animal protection law enforcement training course as soon as
7 practicable, but no later than [within] one year after the date of the
8 **agent's or** officer's **[appointment]** assignment or appointment,
9 and shall satisfactorily complete the animal protection law
10 enforcement retraining course no less than one time in every two
11 year period, the first two-year period beginning on the day on which
12 the officer satisfactorily completes the animal protection law
13 enforcement training course .

14 c. **[The Chief Humane Law Enforcement Officer of a county**
15 **society for the prevention of cruelty to animals or the New Jersey**
16 **Society for the Prevention of Cruelty to Animals]** The chief law
17 enforcement officer of a municipality, or chief humane law
18 enforcement officer of the county prosecutor animal cruelty task
19 force, may request from the Police Training Commission an
20 exemption from applicable law enforcement parts of the animal
21 protection law enforcement training course , or retraining course, on
22 behalf of a current or prospective [agent or] chief humane law
23 enforcement officer, other law enforcement officer assigned or
24 appointed to a county prosecutor animal cruelty task force, or
25 municipal humane law enforcement officer who demonstrates
26 successful completion of a police training course conducted by a
27 federal, state, or other public or private agency, the requirements of
28 which are substantially equivalent to or which exceed the
29 corresponding requirements of the animal protection law
30 enforcement training course curriculum established through the
31 Police Training Commission.

32 d. The Police Training Commission shall provide for the
33 issuance of a certificate to a person who possesses, or acquires, the
34 training and education required to qualify as a chief humane law
35 enforcement officer, other law enforcement officer assigned or
36 appointed to a county prosecutor animal cruelty task force, or
37 municipal humane law enforcement officer. If the person is a
38 municipal humane law enforcement officer, the Police Training
39 Commission shall provide a copy of the certificate to the municipal
40 humane law enforcement officer and to the chief law enforcement
41 officer of the municipality, or, if the municipality does not have a
42 chief law enforcement officer, to the chief humane law enforcement
43 officer in the county. If the person is a law enforcement officer
44 assigned or appointed to a county prosecutor animal cruelty task
45 force, the Police Training Commission shall provide a copy of the
46 certificate to the law enforcement officer and to the chief humane

1 law enforcement officer of the county prosecutor animal cruelty
2 task force.

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

4

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

7 12. All State, county, and municipal law enforcement agencies
8 and all county and municipal health agencies shall, upon request,
9 make every reasonable effort to assist **the** any chief humane law
10 enforcement officer, other law enforcement officer assigned or
11 appointed to a county prosecutor animal cruelty task force, or
12 municipal humane law enforcement **officers and agents of a county**
13 **society for the prevention of cruelty to animals or the New Jersey**
14 **Society for the Prevention of Cruelty to Animals** **officer** in the
15 enforcement of all laws and ordinances enacted for the protection of
16 animals.

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

18

19 11. R.S.4:22-17 is amended to read as follows:

20 4:22-17. a. It shall be unlawful to:

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

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

27 (3) Inflict unnecessary cruelty upon a living animal or creature,
28 by any direct or indirect means, including but not limited to through
29 the use of another living animal or creature; or leave the living
30 animal or creature unattended in a vehicle under inhumane
31 conditions adverse to the health or welfare of the living animal or
32 creature; or

33 (4) Fail, as the owner or as a person otherwise charged with the
34 care of a living animal or creature, to provide the living animal or
35 creature with necessary care.

36 b. (1) A person who violates subsection a. of this section shall
37 be guilty of a disorderly persons offense. Notwithstanding the
38 provisions of N.J.S.2C:43-3 to the contrary, for every conviction of
39 an offense pursuant to paragraph (1) or (2) of subsection a. of this
40 section, the person shall be fined not less than \$250 nor more than
41 \$1,000, or be imprisoned for a term of not more than six months, or
42 both, in the discretion of the court; and for every conviction of an
43 offense pursuant to paragraph (3) or (4) of subsection a. of this
44 section, the person shall be fined not less than \$500 nor more than
45 \$2,000, or be imprisoned for a term of not more than six months, or
46 both, in the discretion of the court.

47 (2) If the person who violates subsection a. of this section has a
48 prior conviction for an offense that would constitute a violation of

1 subsection a. of this section, the person shall be guilty of a crime of
2 the fourth degree.

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

6 (4) The action for the penalty prescribed in this subsection shall
7 be brought:

8 (a) In the Superior Court; or

9 (b) In a municipal court of the municipality wherein the
10 defendant resides or where the offense was committed.

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

12 (1) Torment, torture, maim, hang, poison, unnecessarily or
13 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or
14 creature;

15 (2) Cause bodily injury to a living animal or creature by failing
16 to provide the living animal or creature with necessary care,
17 whether as the owner or as a person otherwise charged with the care
18 of the living animal or creature;

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

23 (4) Use, or cause or procure the use of, an animal or creature in
24 any kind of sexual manner or initiate any kind of sexual contact
25 with the animal or creature, including, but not limited to,
26 sodomizing the animal or creature. As used in this paragraph,
27 "sexual contact" means any contact between a person and an animal
28 by penetration of the penis or a foreign object into the vagina or
29 anus, contact between the mouth and genitalia, or by contact
30 between the genitalia of one and the genitalia or anus of the other.
31 This term does not include any medical procedure performed by a
32 licensed veterinarian practicing veterinary medicine or an accepted
33 animal husbandry practice.

34 d. (1) A person who violates paragraph (1), (2), (3) or (4) of
35 subsection c. of this section shall be guilty of a crime of the fourth
36 degree, except that the person shall be guilty of a crime of the third
37 degree if:

38 (a) the animal or creature dies as a result of the violation;

39 (b) the animal or creature suffers serious bodily injury as a
40 result of the violation; or

41 (c) the person has a prior conviction for an offense that would
42 constitute a violation of paragraph (1), (2), (3) or (4) of subsection
43 c. of this section.

44 (2) A person who violates any provision of subsection c. of this
45 section shall also be subject to the provisions of subsections e. and
46 f. and, if appropriate, subsection g., of this section.

47 (3) The action for the penalty prescribed in subsection c. of this
48 section shall be brought in the Superior Court.

1 e. For a violation of this section, in addition to imposing any
2 other appropriate penalties established for a crime of the third
3 degree, crime of the fourth degree, or disorderly persons offense, as
4 the case may be, pursuant to Title 2C of the New Jersey Statutes,
5 the court shall impose a term of community service of up to 30
6 days, and may direct that the term of community service be served
7 in providing assistance to **【the New Jersey Society for the**
8 **Prevention of Cruelty to Animals,】** a county society for the
9 prevention of cruelty to animals **【,】** or any other recognized
10 organization concerned with the prevention of cruelty to animals or
11 the humane treatment and care of animals, or to a municipality's
12 animal control or animal population control program.

13 f. The court also shall require any violator of this section to pay
14 restitution, including but not limited to, the monetary cost of
15 replacing the animal if the animal died or had to be euthanized
16 because of the extent of the animal's injuries, or otherwise
17 reimburse any costs for food, drink, shelter, or veterinary care or
18 treatment, or other costs, incurred by the owner of the animal, if the
19 owner is not the person committing the act of cruelty, or incurred
20 by any agency, entity, or organization investigating the violation, or
21 providing shelter or care for the animal or animals, including but
22 not limited to **【the New Jersey Society for the Prevention of Cruelty**
23 **to Animals,】** a county society for the prevention of cruelty to
24 animals, any other recognized organization concerned with the
25 prevention of cruelty to animals or the humane treatment and care
26 of animals, a local or State governmental entity, including but not
27 limited to a county prosecutor animal cruelty task force, or a
28 municipal humane law enforcement officer, or a kennel, shelter,
29 pound, or other facility providing for the shelter and care of the
30 animal or animals involved in the violation.

31 g. If a juvenile is adjudicated delinquent for an act which, if
32 committed by an adult, would constitute a disorderly persons
33 offense, crime of the fourth degree, or crime of the third degree
34 pursuant to this section, the court also shall order the juvenile to
35 receive mental health counseling by a licensed psychologist or
36 therapist named by the court for a period of time to be prescribed by
37 the licensed psychologist or therapist.

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

39

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

42 7. a. Upon a showing of probable cause that there has been a
43 violation of **【this act】** P.L.2017, c.189 (C.4:22-17.7) and
44 submission of proof of issuance of a summons, a court of competent
45 jurisdiction may issue, upon request, an order to **【any】** the chief
46 humane law enforcement officer **【or agent of the New Jersey**
47 **Society for the Prevention of Cruelty to Animals or county society**

1 for the prevention of cruelty to animals, certified animal control
2 officer**】**, any other law enforcement officer assigned or appointed
3 to a county prosecutor animal cruelty task force, a municipal
4 humane law enforcement officer , or other State or local law
5 enforcement officer to enter onto the private property where a dog,
6 domestic companion animal, or service animal is located and take
7 physical custody of the animal.

8 b. Notwithstanding the provisions of subsection a. of this
9 section, or any other law, or any rule or regulation adopted pursuant
10 thereto, to the contrary, any chief humane law enforcement officer,
11 other law enforcement officer assigned or appointed to a county
12 prosecutor animal cruelty task force, municipal humane law
13 enforcement officer **【**or agent of the New Jersey Society for the
14 Prevention of Cruelty to Animals or county society for the
15 prevention of cruelty to animals, certified animal control officer**】** ,
16 or other State or local law enforcement officer may immediately
17 enter onto private property where a dog, domestic companion
18 animal, or service animal is located and take physical custody of the
19 animal, if the officer **【**or agent**】** has reasonable suspicion to believe
20 that the animal is at risk of imminent harm due to a violation of
21 **【this act】** P.L.2017, c.189 (C.4:22-17.7) .

22 c. Upon taking physical custody of a dog, domestic companion
23 animal, or service animal pursuant to subsection a. or b. of this
24 section, the person taking physical custody of the animal shall: (1)
25 post immediately, in a conspicuous place at the location from which
26 the dog, domestic companion animal, or service animal was taken,
27 the notice required pursuant to subsection d. of this section to the
28 owner or person with custody or control of the dog, domestic
29 companion animal, or service animal; and (2) send by registered or
30 certified mail and by ordinary mail the notice described in
31 subsection d. of this section to the address of the location from
32 which the dog, domestic companion animal, or service animal was
33 taken into physical custody.

34 d. The notice required pursuant to subsection c. of this section
35 shall: (1) provide a description of the dog, domestic companion
36 animal, or service animal; (2) state that the dog, domestic
37 companion animal, or service animal may be euthanized upon a
38 veterinarian's written determination of medical necessity as required
39 by subsection e. of this section; (3) state the statutory authority and
40 reason for taking custody of the dog, domestic companion animal,
41 or service animal; and (4) provide contact information, including at
42 least the name of any applicable office or entity, the name of a
43 person at that office or entity, and a telephone number for the owner
44 or person with custody or control of the dog, domestic companion
45 animal, or service animal to obtain information concerning the
46 animal, the alleged violation, and where the animal is impounded.

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

15 f. A person shall be issued a correction warning prior to being
16 cited for a violation of **【this act】** P.L.2017, c.189 (C.4:22-17.7)
17 unless the dog, domestic companion animal, or service animal
18 involved in the violation was seized immediately pursuant to
19 subsection b. of this section. A summons shall be served on the
20 alleged violator as soon as practicable if:

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

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

26 If the alleged violator is not the owner of the dog, domestic
27 companion animal, or service animal, the person issuing the
28 correction warning or summons, as applicable, shall also notify the
29 owner of the animal of the violation and provide the owner with a
30 copy of the issued correction warning or summons, as applicable.

31 g. Any summons issued for a violation of **【this act】** P.L.2017,
32 c.189 (C.4:22-17.7) shall contain:

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

34 (2) contact information identifying, at a minimum (a) the name
35 of the investigating agency or office, and (b) the name of the officer
36 **【or agent】** issuing the summons or investigating the alleged
37 violation.

38 h. Any chief humane law enforcement officer, other law
39 enforcement officer assigned or appointed to a county prosecutor
40 animal cruelty task force, municipal humane law enforcement
41 officer **【or agent of the New Jersey Society for the Prevention of**
42 **Cruelty to Animals or county society for the prevention of cruelty**
43 **to animals, certified animal control officer】**, or other State or local
44 law enforcement officer issuing a summons for a violation of **【this**
45 **act】** P.L.2017, c.189 (C.4:22-17.7) shall also serve on the alleged
46 violator, with the summons, a written notice of:

- 1 (1) the right to voluntarily forfeit ownership or custody of the
2 dog, domestic companion animal, or service animal;
- 3 (2) the action or actions required for compliance;
- 4 (3) a demand for immediate compliance; and
- 5 (4) a telephone number for the investigating agency or office
6 and the investigating officer or agent.
- 7 i. Any chief humane law enforcement officer, other law
8 enforcement officer assigned or appointed to a county prosecutor
9 animal cruelty task force, municipal humane law enforcement
10 officer **【**or agent of the New Jersey Society for the Prevention of
11 Cruelty to Animals or county society for the prevention of cruelty
12 to animals, certified animal control officer**】**, or other State or local
13 law enforcement officer may petition a court of competent
14 jurisdiction to have a dog, domestic companion animal, or service
15 animal confiscated, if not previously seized, and forfeited upon the
16 person being found guilty of, or liable for, a violation of **【this act】**
17 P.L.2017, c.189 (C.4:22-17.7) . Upon a finding that continued
18 possession of the dog, domestic companion animal, or service
19 animal by the owner or other person authorized to have custody or
20 control of the animal poses a threat to the health or safety of the
21 animal, the court shall order that the animal be forfeited, placed in
22 an animal rescue organization facility, shelter, pound, or kennel
23 operating as a shelter or pound, and made available for adoption.
- 24 j. A person found guilty of, or liable for, a violation of any
25 provision of **【this act】** P.L.2017, c.189 (C.4:22-17.7) shall be
26 responsible for, and pay, the reasonable costs of caring for the dog,
27 domestic companion animal, or service animal from the date on
28 which physical custody of the animal was taken pursuant to this
29 section until the date the animal is surrendered, forfeited, returned,
30 or euthanized, including, but not limited to, the cost of transporting,
31 sheltering, and feeding the animal, the cost of providing the animal
32 with necessary veterinary care, and if the animal is euthanized, the
33 cost of the euthanasia.
- 34 (cf: P.L.2017, c.189, s.7)
- 35
- 36 13. Section 1 of P.L.1939, c.315 (C.4:22-25.1) is amended to
37 read as follows:
- 38 1. Each person operating a motor vehicle who shall knowingly
39 hit, run over, or cause injury to a cat, dog, horse , or cattle shall stop
40 at once, ascertain the extent of injury, report to the nearest police
41 station, police officer, **【**or notify the nearest Society for the
42 Prevention of Cruelty to Animals**】** municipal humane law
43 enforcement officer, or county prosecutor animal cruelty task force
44 and give his name, address, operator's license and registration
45 number, and also give the location of the injured animal.
- 46 (cf: P.L.1968, c.39, s. 1)

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

2 4:22-26. A person who shall:

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

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

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

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

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

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

26 c. Inflict unnecessary cruelty upon a living animal or creature,
27 by any direct or indirect means, including but not limited to through
28 the use of another living animal or creature; or leave the living
29 animal or creature unattended in a vehicle under inhumane
30 conditions adverse to the health or welfare of the living animal or
31 creature;

32 d. Receive or offer for sale a horse that is suffering from abuse
33 or neglect, or which by reason of disability, disease, abuse or
34 lameness, or any other cause, could not be worked, ridden or
35 otherwise used for show, exhibition or recreational purposes, or
36 kept as a domestic pet without violating the provisions of **[this]**
37 article 2 of chapter 22 of Title 4 of the Revised Statutes ;

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

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

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

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

- 1 i. Use a dog or dogs for the purpose of drawing or helping to
2 draw a vehicle for business purposes;
- 3 j. Impound or confine or cause to be impounded or confined in a
4 pound or other place a living animal or creature, and shall fail to
5 supply the living animal or creature during such confinement with a
6 sufficient quantity of good and wholesome food and water;
- 7 k. Abandon a maimed, sick, infirm or disabled animal or
8 creature to die in a public place;
- 9 l. Willfully sell, or offer to sell, use, expose, or cause or permit
10 to be sold or offered for sale, used or exposed, a horse or other
11 animal having the disease known as glanders or farcy, or other
12 contagious or infectious disease dangerous to the health or life of
13 human beings or animals, or who shall, when any such disease is
14 beyond recovery, refuse, upon demand, to deprive the animal of
15 life;
- 16 m. Own, operate, manage or conduct a roadside stand or market
17 for the sale of merchandise along a public street or highway; or a
18 shopping mall, or a part of the premises thereof; and keep a living
19 animal or creature confined, or allowed to roam in an area whether
20 or not the area is enclosed, on these premises as an exhibit; except
21 that this subsection shall not be applicable to: a pet shop licensed
22 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who
23 keeps an animal, in a humane manner, for the purpose of the
24 protection of the premises; or a recognized breeders' association, a
25 4-H club, an educational agricultural program, an equestrian team, a
26 humane society or other similar charitable or nonprofit organization
27 conducting an exhibition, show or performance;
- 28 n. Keep or exhibit a wild animal at a roadside stand or market
29 located along a public street or highway of this State; a gasoline
30 station; or a shopping mall, or a part of the premises thereof;
- 31 o. Sell, offer for sale, barter or give away or display live baby
32 chicks, ducklings or other fowl or rabbits, turtles or chameleons
33 which have been dyed or artificially colored or otherwise treated so
34 as to impart to them an artificial color;
- 35 p. Use any animal, reptile, or fowl for the purpose of soliciting
36 any alms, collections, contributions, subscriptions, donations, or
37 payment of money except in connection with exhibitions, shows or
38 performances conducted in a bona fide manner by recognized
39 breeders' associations, 4-H clubs or other similar bona fide
40 organizations;
- 41 q. Sell or offer for sale, barter, or give away living rabbits,
42 turtles, baby chicks, ducklings or other fowl under two months of
43 age, for use as household or domestic pets;
- 44 r. Sell, offer for sale, barter or give away living baby chicks,
45 ducklings or other fowl, or rabbits, turtles or chameleons under two
46 months of age for any purpose not prohibited by subsection q. of
47 this section and who shall fail to provide proper facilities for the
48 care of such animals;

- 1 s. Artificially mark sheep or cattle, or cause them to be marked,
2 by cropping or cutting off both ears, cropping or cutting either ear
3 more than one inch from the tip end thereof, or half cropping or
4 cutting both ears or either ear more than one inch from the tip end
5 thereof, or who shall have or keep in the person's possession sheep
6 or cattle, which the person claims to own, marked contrary to this
7 subsection unless they were bought in market or of a stranger;
- 8 t. Abandon a domesticated animal;
- 9 u. For amusement or gain, cause, allow, or permit the fighting or
10 baiting of a living animal or creature;
- 11 v. Own, possess, keep, train, promote, purchase, or knowingly
12 sell a living animal or creature for the purpose of fighting or baiting
13 that animal or creature;
- 14 w. Gamble on the outcome of a fight involving a living animal
15 or creature;
- 16 x. Knowingly sell or barter or offer for sale or barter, at
17 wholesale or retail, the fur or hair of a domestic dog or cat or any
18 product made in whole or in part from the fur or hair of a domestic
19 dog or cat, unless such fur or hair for sale or barter is from a
20 commercial grooming establishment or a veterinary office or clinic
21 or is for use for scientific research;
- 22 y. (1) Knowingly sell or barter, or offer for sale or barter, at
23 wholesale or retail, for human consumption, the flesh of a domestic
24 dog or cat, or any product made in whole or in part from the flesh of
25 a domestic dog or cat;
- 26 (2) Knowingly slaughter a horse for human consumption;
- 27 (3) Knowingly sell or barter, or offer for sale or barter, at
28 wholesale or retail, for human consumption, the flesh of a horse, or
29 any product made in whole or in part from the flesh of a horse, or
30 knowingly accept or publish newspaper advertising that includes the
31 offering for sale, trade, or distribution of any such item for human
32 consumption;
- 33 (4) Knowingly transport a horse for the purpose of slaughter for
34 human consumption;
- 35 (5) Knowingly transport horsemeat, or any product made in
36 whole or in part from the flesh of a horse, for the purpose of human
37 consumption;
- 38 z. Surgically debark or silence a dog in violation of section 1 or
39 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 40 aa. Use a live pigeon, fowl or other bird for the purpose of a
41 target, or to be shot at either for amusement or as a test of skill in
42 marksmanship, except that this subsection and subsections bb. and
43 cc. shall not apply to the shooting of game;
- 44 bb. Shoot at a bird used as described in subsection aa. of this
45 section, or is a party to such shooting; or
- 46 cc. Lease a building, room, field or premises, or knowingly
47 permit the use thereof for the purposes of subsection aa. or bb. of
48 this section --

1 Shall forfeit and pay a sum according to the following schedule,
2 to be sued for and recovered, with costs, in a civil action by any
3 person **【**in the name of the New Jersey Society for the Prevention of
4 Cruelty to Animals or a county society for the prevention of cruelty
5 to animals, as appropriate, or,**】** in the name of the municipality **【**if
6 brought by a certified animal control officer or animal cruelty
7 investigator**】** , or in the name of the county prosecutor animal
8 cruelty task force of the county, wherein the defendant resides or
9 where the offense was committed :

10 For a violation of subsection e., f., g., u., v., w., or z. of this
11 section or of paragraph (3) of subsection a. of this section, or for a
12 second or subsequent violation of paragraph (2) or (5) of subsection
13 a. of this section, a sum of not less than \$3,000 nor more than
14 \$5,000;

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

18 For a violation of paragraph (4) of subsection a. of this section,
19 or subsection c. of this section, a sum of not less than \$500 nor
20 more than \$2,000;

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

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

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

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

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

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

41

42 15. Section 1 of P.L.1995, c.255 (C.4:22-26.1) is amended to
43 read as follows:

44 1. **【**An officer or agent of the New Jersey Society for the
45 Prevention of Cruelty to Animals, or a certified animal control
46 officer,**】** A municipal humane law enforcement officer or a county
47 prosecutor animal cruelty task force may petition a court of

1 competent jurisdiction to have any animal confiscated and forfeited
2 that is owned or possessed by a person at the time the person is
3 found to be guilty of violating R.S.4:22-17, R.S.4:22-18, R.S.4:22-
4 19, R.S.4:22-20 or R.S.4:22-23. Upon a finding that the continued
5 possession by that person poses a threat to the animal's welfare, the
6 court may, in addition to any other penalty that may be imposed for
7 a violation of R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20
8 or R.S.4:22-23, adjudge an animal forfeited for such disposition as
9 the court deems appropriate.
10 (cf: P.L.1995, c.255, s.1)

11

12 16. R.S.4:22-44 is amended to read as follows:

13 4:22-44. Any chief humane law enforcement officer, other law
14 enforcement officer assigned or appointed to a county prosecutor
15 animal cruelty task force, municipal humane law enforcement
16 officer **【of the New Jersey Society for the Prevention of Cruelty to**
17 **Animals or of a county society for the prevention of cruelty to**
18 **animals, or any】**, sheriff, undersheriff, constable, **【certified animal**
19 **control officer who has been properly authorized pursuant to section**
20 **4 of P.L.1983, c.525 (C.4:19-15.16b),】** or police officer may:

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

23 b. Arrest without warrant any person found violating the
24 provisions of **【this article】** article 2 of chapter 22 of Title 4 of the
25 Revised Statutes in the presence of such chief humane law
26 enforcement officer, other law enforcement officer assigned or
27 appointed to a county prosecutor animal cruelty task force,
28 municipal humane law enforcement officer, sheriff, undersheriff,
29 constable, or police officer **【or a certified animal control officer**
30 **who has been properly authorized pursuant to section 4 of P.L.1983,**
31 **c.525 (C.4:19-15.16b) , and take such person before the nearest**
32 **judge or magistrate as provided in this article】** .

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

34

35 17. R.S.4:22-45 is amended to read as follows:

36 4:22-45. Where an arrest is made **【under the provisions of this**
37 **article】** for a violation of subsection c. of R.S.4:22-17 by a
38 constable, sheriff, undersheriff **【or】**, police officer **【in a locality**
39 **where the New Jersey society, or a district (county) society, for the**
40 **prevention of cruelty to animals exists, he】**, chief humane law
41 enforcement officer, other law enforcement officer assigned or
42 appointed to a county prosecutor animal cruelty task force, or
43 municipal humane law enforcement officer, the officer shall give
44 notice to the **【State or district (county) society】** county prosecutor
45 animal cruelty task force at once, whereupon **【such State or district**
46 **(county) society】** the county prosecutor animal cruelty task force
47 shall take charge of the case and prosecute it under the provisions of

1 **【this article】** chapter 22 of Title 4 of the Revised Statutes . **【No**
2 magistrate shall hear any such case until proof is made of the
3 service of such notice on the State or district (county) society.

4 The provisions of this section shall not apply to certified animal
5 control officers who have been properly authorized pursuant to
6 section 4 of P.L.1983, c.525 (C.4:19-15.16b) to make arrests.**】**
7 (cf: P.L.1997, c.247, s.5)

8

9 18. R.S.4:22-47 is amended to read as follows:

10 4:22-47. A sheriff, undersheriff, constable, police officer,
11 **【certified animal control officer who has been properly authorized**
12 pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b),**】** chief
13 humane law enforcement officer, other law enforcement officer
14 assigned or appointed to a county prosecutor animal cruelty task
15 force, or municipal humane law enforcement officer **【of the New**
16 Jersey Society for the Prevention of Cruelty to Animals or of a
17 county society for the prevention of cruelty to animals,**】** may enter
18 any building or place where there is an exhibition of the fighting or
19 baiting of a living animal or creature, where preparations are being
20 made for such an exhibition, or where a violation otherwise of
21 R.S.4:22-24 is occurring, arrest without warrant all persons there
22 present, and take possession of all living animals or creatures
23 engaged in fighting or there found and all implements or appliances
24 used or to be used in such exhibition.

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

26

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

29 1. The costs of sheltering, caring for, or treating any animal that
30 has been confiscated from a person arrested pursuant to the
31 provisions of R.S.4:22-47 by **【an agent of the New Jersey Society**
32 for the Prevention of Cruelty to Animals,**】** a chief humane law
33 enforcement officer, other law enforcement officer assigned or
34 appointed to a county prosecutor animal cruelty task force,
35 municipal humane law enforcement officer, or any other person
36 authorized to make an arrest pursuant to article 2 of chapter 22 of
37 Title 4 of the Revised Statutes, until the animal is adjudged
38 forfeited or until the animal is returned to the owner, shall be borne
39 by the owner of the animal.

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

41

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

44 1. When the owner or operator of an animal pound or shelter is
45 arrested pursuant to the provisions of article 2 of chapter 22 of Title
46 4 of the Revised Statutes by **【an agent of the New Jersey Society**
47 for the Prevention of Cruelty to Animals**】** a chief humane law

1 enforcement officer, other law enforcement officer assigned or
2 appointed to a county prosecutor animal cruelty task force,
3 municipal humane law enforcement officer, or any other person
4 authorized to make the arrest under that article, or when the warrant
5 is issued for the arrest, the person making the arrest **【**or any other
6 officer or agent of the New Jersey Society for the Prevention of
7 Cruelty to Animals**】** or the county prosecutor animal cruelty task
8 force may petition the Chancery Division of Superior Court to
9 remove the owner or operator as custodian of the animals and
10 appoint a receiver to operate the pound or shelter. The petitioner
11 shall serve a copy of the petition on the Department of Health, the
12 local board of health, and the owner or operator. If a county society
13 for the prevention of cruelty to animals has been designated by the
14 county prosecutor animal cruelty task force pursuant to subsection
15 c. of section 31 of P.L. , c. (C.) (pending before the
16 Legislature as this bill), the county society shall, to the extent
17 practicable, be appointed as receiver to operate the pound or shelter
18 unless the county society is the owner or operator of the pound or
19 shelter subject to arrest pursuant to this section.

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

21

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

23 4:22-53. An animal or creature abandoned in a maimed, sick,
24 infirm , or disabled condition, if fit for further use, may be
25 advertised and sold in the manner directed by a court of competent
26 jurisdiction or **【**agent of the New Jersey Society for the Prevention
27 of Cruelty to Animals**】** county prosecutor animal cruelty task force .

28 The proceeds, after deducting expenses, shall be paid to the
29 **【**district (county) society for the prevention of cruelty to animals, if
30 one is in existence in the county; if not, then to the New Jersey
31 society**】** county prosecutor animal cruelty task force .

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

33

34 22. R.S.4:22-54 is amended to read as follows:

35 4:22-54. When an animal or creature is found on the highway or
36 elsewhere, whether abandoned or not, in a maimed, sick, infirm , or
37 disabled condition, a court of competent jurisdiction **【**or**】** , a sheriff
38 of the county **【**, or agent of the New Jersey Society for the
39 Prevention of Cruelty to Animals**】** , a county prosecutor animal
40 cruelty task force, or a municipal humane law enforcement officer ,
41 may appoint a suitable person to examine and destroy such animal
42 or creature if unfit for further use.

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

44

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

46 4:22-55. a. Except as provided pursuant to subsection b. of this
47 section, all fines, penalties and moneys imposed and collected under

1 the provisions of **[this]** article 2 of chapter 22 of Title 4 of the
2 Revised Statutes , shall be paid by the court or by the clerk or court
3 officer receiving the fines, penalties or moneys, within **[thirty]** 30
4 days and without demand, to **[(1) the county society for the**
5 **prevention of cruelty to animals of the county where the fines,**
6 **penalties or moneys were imposed and collected, if the county**
7 **society brought the action or it was brought on behalf of the county**
8 **society, to be used by the county society in aid of the benevolent**
9 **objects for which it was incorporated, or (2) in all other cases, the**
10 **New Jersey Society for the Prevention of Cruelty to Animals, to be**
11 **used by the State society in aid of the benevolent objects for which**
12 **it was incorporated]** the county prosecutor to be used for the
13 purpose of protecting animals in the county .

14 b. If an enforcement action for a violation of **[this]** article 2 of
15 chapter 22 of Title 4 of the Revised Statutes is brought :

16 (1) primarily as a result of the **[discovery and investigation]**
17 reporting of the violation to the county prosecutor animal cruelty
18 task force by a certified animal control officer or a municipal
19 humane law enforcement officer , the fines, penalties , or moneys
20 collected shall be paid as follows: one half to the municipality in
21 which the violation occurred; and one half to the county **[society or**
22 **to the New Jersey Society for the Prevention of Cruelty to Animals,**
23 **as applicable to the particular enforcement action]** prosecutor to be
24 used for the purpose of protecting animals in the county .

25 (2) in a municipal court, the fines, penalties, or moneys
26 collected shall be paid to the municipality wherein the offender
27 resides, or where the offense was committed.

28 c. Any fines, penalties , or moneys paid to a municipality **[or**
29 **other entity]** pursuant to subsection b. of this section shall be
30 allocated by the municipality **[or other entity]** to defray the cost of:

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

33 (2) the training therefor required of certified animal control
34 officers and municipal humane law enforcement officers pursuant to
35 law or other animal enforcement related training authorized by law
36 for municipal employees.

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

38

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

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

46 a. **[neither]** a municipality , municipal humane law enforcement
47 officer, or a certified animal control officer shall not be liable for

1 any civil damages as a result of any act or omission of **the New**
2 **Jersey Society for the Prevention of Cruelty to Animals, a county**
3 **society or an officer thereof** a county prosecutor with regard to any
4 investigation, arrest, or prosecution of a violator with which the
5 municipality, municipal humane law enforcement officer, or
6 certified animal control officer was not involved; and

7 b. **neither the New Jersey Society for the Prevention of Cruelty**
8 **to Animals, a county society or an officer thereof** a county
9 prosecutor shall not be liable for any civil damages as a result of
10 any act or omission of a municipality, a municipal humane law
11 enforcement officer, or a certified animal control officer with regard
12 to any investigation, arrest, or prosecution of a violator with which
13 the **New Jersey Society for the Prevention of Cruelty to Animals, a**
14 **county society or an officer thereof** county prosecutor was not
15 involved.

16 (cf: P.L.2005, c.372, s.20)

17
18 25. Section 3 of P.L.2003, c.67 (C.4:22-57) is amended to read
19 as follows:

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

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

1 liable, and the person charged with the responsibility shall provide
2 such notice.

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

4

5 26. (New section) a. Each governing body of a municipality
6 shall:

7 (1) appoint at least one municipal humane law enforcement
8 officer pursuant to section 27 of P.L. , c. (C.) (pending
9 before the Legislature as this bill) who shall be responsible for
10 animal welfare within the jurisdiction of the municipality, and who
11 shall enforce and abide by the provisions of chapter 22 of Title 4 of
12 the Revised Statutes and shall be authorized to investigate and sign
13 complaints, arrest violators, and otherwise act as an officer for
14 detection, apprehension, and arrest of offenders against the animal
15 welfare and animal cruelty laws of the State and ordinances of the
16 municipality; and

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

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

29 c. (1) The governing body of a municipality may authorize a
30 municipal humane law enforcement officer to possess, carry, and
31 use a firearm while enforcing the laws and ordinances enacted for
32 the protection of animals, if the officer:

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

36 (b) annually qualifies in the use of a revolver or similar weapon.

37 (2) A municipal humane law enforcement officer authorized to
38 possess, carry, and use a firearm pursuant to this subsection shall be
39 subject to the supervision of the chief law enforcement officer in
40 the municipality, or, if the municipality does not have a chief law
41 enforcement officer, the chief humane law enforcement officer of
42 the county prosecutor animal cruelty task force.

43 d. The governing body of a municipality may appoint as a
44 municipal humane law enforcement officer any qualified individual.
45 An animal control officer or a police officer may be appointed to
46 serve concurrently as a municipal humane law enforcement officer,
47 so long as the officer is able to effectively carry out the duties and
48 responsibilities required of each position held.

1 27. (New section) a. (1) An application for appointment as a
2 municipal humane law enforcement officer shall be submitted by
3 the governing body of a municipality to the chief law enforcement
4 officer of the municipality, or, if the municipality does not have a
5 chief law enforcement officer, to the chief humane law enforcement
6 officer of the county prosecutor animal cruelty task force. Upon
7 receipt of the application, the chief law enforcement officer, or
8 chief humane law enforcement officer, as applicable, shall examine
9 the character, competency, and fitness of the applicant for the
10 position, including initiating a criminal background check at the
11 expense of the applicant.

12 (2) Upon completion of an examination of an applicant, the
13 chief law enforcement officer, or chief humane law enforcement
14 officer, as applicable, shall approve or reject the applicant and
15 provide a written determination, to the applicant and to the
16 governing body of the municipality, which, if applicable, shall state
17 any reasons for rejecting the applicant.

18 b. A municipal humane law enforcement officer shall have the
19 power and authority within the jurisdiction in which the officer is
20 appointed, or otherwise authorized to act, as a municipal humane
21 law enforcement officer to:

22 (1) enforce all animal welfare or animal cruelty laws of the State
23 and ordinances of the municipality;

24 (2) investigate and sign complaints concerning any violation of
25 an animal welfare or animal cruelty law of the State or ordinance of
26 the municipality; and

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

30 c. A municipal humane law enforcement officer shall:

31 (1) abide by the provisions of chapter 22 of Title 4 of the
32 Revised Statutes;

33 (2) satisfactorily complete the training course developed
34 pursuant to subsection a. of section 11 of P.L.2005, c.372 (C.4:22-
35 11.11), or similar course developed pursuant to subsection c. of
36 section 11 of P.L.2005, c.372 (C.4:22-11.11), as soon as
37 practicable, but no later than one year after the date of the officer's
38 appointment;

39 (3) satisfactorily complete the retraining course developed
40 pursuant to subsection a. of section 11 of P.L.2005, c.372 (C.4:22-
41 11.11), or similar course developed pursuant to subsection c. of
42 section 11 of P.L.2005, c.372 (C.4:22-11.11), no less than one time
43 in every two-year period, the first two-year period beginning on the
44 day on which the officer satisfactorily completes the animal
45 protection law enforcement training course developed pursuant to
46 section 11 of P.L.2005, c.372 (C.4:22-11.11) and required pursuant
47 to paragraph (2) of this subsection;

1 (4) refer all complaints for violations of the provisions of
2 subsection c. of R.S.4:22-17 to the county prosecutor animal cruelty
3 task force for investigation and prosecution, or any other
4 appropriate legal action, except that, a municipal humane law
5 enforcement officer may take any action necessary, within the
6 authority granted pursuant to chapter 22 of Title 4 of the Revised
7 Statutes, to respond to an emergency situation;

8 (5) provide notice to the county prosecutor animal cruelty task
9 force within five businesses days of the receipt of any complaint of
10 a violation of any provision of article 2 of chapter 22 of Title 4 of
11 the Revised Statutes, regardless of whether the violation is referred
12 to the county prosecutor animal cruelty task force pursuant to
13 paragraph (4) of this subsection. The notice shall contain, at
14 minimum, a brief description of the offense alleged; and

15 (6) submit, by October 1 of each year, a report to the county
16 prosecutor animal cruelty task force, which shall include, for the
17 most recently concluded State fiscal year, the number of complaints
18 received for each offense under article 2 of chapter 22 Title 4 of the
19 Revised Statutes and the number of cases referred to the county
20 prosecutor animal cruelty task force. Each county prosecutor
21 animal cruelty task force shall compile these reports and submit
22 them to the Attorney General as part of the annual report required
23 pursuant to subsection e. of section 31 of P.L. , c. (C.)
24 (pending before the Legislature as this bill).

25 d. Upon receipt of a request for assistance by a municipality,
26 county, or other entity that did not appoint the municipal humane
27 law enforcement officer pursuant to this section, a municipal
28 humane law enforcement officer may, within the jurisdiction of the
29 municipality, county, or other entity making the request, exercise
30 the powers and authority granted pursuant to this section.

31 e. A municipal humane law enforcement officer may be
32 appointed concurrently by more than one municipality, so long as
33 the officer is able to effectively carry out the duties and
34 responsibilities required of each appointment.

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

40
41 28. (New section) Any humane law enforcement officer or
42 agent appointed by a county society for the prevention of cruelty to
43 animals or the New Jersey Society for the Prevention of Cruelty to
44 Animals shall be eligible to be appointed as a municipal humane
45 law enforcement officer pursuant to section 27 of P.L. , c. (C.)
46 (pending before the Legislature as this bill), or assigned or
47 appointed as a chief humane law enforcement officer or other law
48 enforcement officer to a county prosecutor animal cruelty task force

1 pursuant to subsection c. of section 29 of P.L. , c. (C.)
2 (pending before the Legislature as this bill).

3

4 29. (New section) Each county prosecutor:

5 a. shall establish, within the office of the prosecutor, a county
6 prosecutor animal cruelty task force which shall be responsible for
7 animal welfare within the jurisdiction of the county and enforce and
8 abide by the provisions of chapter 22 of Title 4 of the Revised
9 Statutes;

10 b. shall assign or appoint to the county prosecutor animal cruelty
11 task force an animal cruelty prosecutor, and may assign or appoint
12 any assistant animal cruelty prosecutor, who shall investigate,
13 prosecute, and take other legal action as appropriate for violations
14 of article 2 of chapter 22 of Title 4 of the Revised Statutes;

15 c. shall assign or appoint to the county prosecutor animal cruelty
16 task force, in consultation with the county sheriff, a county law
17 enforcement officer to serve as the chief humane law enforcement
18 officer of the county, and may assign or appoint to the county
19 prosecutor animal cruelty task force any other law enforcement
20 officer under the supervision of the chief humane law enforcement
21 officer, who shall assist with investigations, arrest violators, and
22 otherwise act as an officer for detection, apprehension, and arrest of
23 offenders against the provisions of article 2 of chapter 22 of Title 4
24 of the Revised Statutes;

25 d. may employ any other staff necessary to carry out the duties
26 of the county prosecutor animal cruelty task force; and

27 e. shall not assign or appoint to the county prosecutor animal
28 cruelty task force, and shall terminate the assignment or
29 appointment of, any prosecutor or law enforcement officer who has
30 been convicted of, or found civilly liable for, a violation of any
31 provision of article 2 of chapter 22 of Title 4 of the Revised Statutes
32 or whose name is on the list or any revision thereto established and
33 provided by the Commissioner of Health pursuant to subsection c.
34 of section 3 of P.L.1983, c.525 (C.4:19-15.16a).

35

36 30. (New section) a. A chief humane law enforcement officer
37 and any other law enforcement officer assigned or appointed to the
38 county prosecutor animal cruelty task force shall have the power
39 and authority within the jurisdiction in which the officer is assigned
40 or appointed, or otherwise authorized to act, to:

41 (1) enforce all animal welfare and animal cruelty laws of the
42 State;

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

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

1 b. Every chief humane law enforcement officer and other law
2 enforcement officer assigned or appointed to a county prosecutor
3 animal cruelty task force shall:

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

6 (2) satisfactorily complete the training course developed
7 pursuant to subsection a. of section 11 of P.L.2005, c.372 (C.4:22-
8 11.11), or similar course developed pursuant to subsection c. of
9 section 11 of P.L.2005, c.372 (C.4:22-11.11), as soon as
10 practicable, but no later than one year after the date of the officer's
11 assignment or appointment; and

12 (3) satisfactorily complete the retraining course developed
13 pursuant to subsection a. of section 11 of P.L.2005, c.372 (C.4:22-
14 11.11), or similar course developed pursuant to subsection c. of
15 section 11 of P.L.2005, c.372 (C.4:22-11.11), no less than one time
16 in every two-year period, the first two-year period beginning on the
17 day on which the officer satisfactorily completes the animal
18 protection law enforcement training course developed pursuant to
19 section 11 of P.L.2005, c.372 (C.4:22-11.11) and required pursuant
20 to paragraph (2) of this subsection.

21 c. Upon request for assistance by a municipality, county, or
22 other entity that did not assign or appoint the chief humane law
23 enforcement officer or other law enforcement officer pursuant to
24 subsection c. of section 29 of P.L. , c. (C.) (pending before
25 the Legislature as this bill), the chief humane law enforcement
26 officer or other law enforcement officer may, within the jurisdiction
27 of the municipality, county, or other entity making the request,
28 exercise the powers and authority granted pursuant to this section.

29
30 31. (New section) A county prosecutor animal cruelty task force
31 shall:

32 a. promote the interests of, and protect and care for, animals
33 within the county;

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

36 c. designate a county society for the prevention of cruelty to
37 animals pursuant to the provisions of section 32 of P.L. , c. (C.)
38 (pending before the Legislature as this bill) with which, to the
39 extent practicable and as needed, the county prosecutor animal
40 cruelty task force shall coordinate shelter and care for animals;

41 d. request the assistance of the Department of Agriculture in the
42 investigation of any violation concerning livestock; and

43 e. submit, by January 1 of each year, a report to the Attorney
44 General which shall include the following information pertaining to
45 the activities of the county prosecutor animal cruelty task force in
46 the most recently concluded State fiscal year:

1 (1) the number of complaints received from each municipality
2 for each violation of article 2 of chapter 22 of Title 4 of the Revised
3 Statutes;

4 (2) the number of complaints investigated;

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

6 (4) the number of animals adjudged forfeited;

7 (5) the number of animals returned to the owner; and

8 (6) proceeds from fines collected for violations of article 2 of
9 chapter 22 of Title 4 of the Revised Statutes.

10
11 32. (New section) A county society for the prevention of cruelty
12 to animals which is chartered as such as of the day prior to the date
13 of enactment of P.L. , c. (C.) (pending before the
14 Legislature as this bill) shall, if the county society so desires, be
15 designated as the county society for the prevention of cruelty to
16 animals upon enactment of P.L. , c. (C.) (pending before
17 the Legislature as this bill). If a chartered county society elects not
18 to be so designated, or no county society is chartered in the county,
19 the county prosecutor animal cruelty task force shall select a non-
20 profit corporation operating within the county that is organized to
21 promote the interests of, and protect and care for, animals to be
22 designated as the county society for the prevention of cruelty to
23 animals. As requested, the county society shall be responsible for
24 efficiently providing or locating humane shelter and care for any
25 animals in the possession of a municipal humane law enforcement
26 officer or county prosecutor animal cruelty task force.

27
28 33. (New section) a. The New Jersey Society for the
29 Prevention of Cruelty to Animals shall not grant, revoke, cancel, or
30 suspend any charter for a county society for the prevention of
31 cruelty to animals.

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

38
39 34. (New section) a. The Attorney General shall take any
40 action necessary to facilitate the reincorporation of the New Jersey
41 Society for the Prevention of Cruelty to Animals as a non-profit
42 corporation independent of the State. Notwithstanding any State
43 law, rule, or regulation to the contrary, the State shall not assume
44 responsibility for any debts, liabilities, or other obligations of the
45 New Jersey Society for the Prevention of Cruelty to Animals.

46 b. Any assets of a county society held in escrow by the New
47 Jersey Society for the Prevention of Cruelty to Animals pursuant to
48 subsection j. of section 4 of P.L.2005, c.372 (C.4:22-11.4) shall be

1 transferred to the Attorney General to hold in escrow until such
2 time as the assets may be transferred back to the county society
3 from whom they were originally transferred, the status of the county
4 society's charter notwithstanding. Should the Attorney General
5 find the transfer to be inappropriate or impossible, the assets shall
6 be used for the purpose of protecting animals in the county.

7
8 35. Sections 8 and 9 of P.L.1997, c.247 (C.4:19-15.16c and
9 C.4:19-15.16d), sections 2 through 10 and 13 of P.L.2005, c.372
10 (C.4:22-11.2 through C.4:22-11.10 and C.4:22-11.13), R.S.4:22-12,
11 and R.S.4:22-13 are repealed.

12
13 36. This act shall take effect on the first day of the 13th month
14 following the date of enactment, except that sections 26 and 29 of
15 this act shall take effect on the first day of the seventh month
16 following the date of enactment, sections 33 and 34 of this act shall
17 take effect immediately, and the Attorney General and any county
18 prosecutor or governing body of a municipality may take any
19 administrative action in advance thereof as shall be necessary for
20 the implementation of this act.

21
22
23 STATEMENT
24

25 This bill would revise the way in which animal cruelty law is
26 enforced in the State by transferring the power of humane law
27 enforcement from the New Jersey Society for the Prevention of
28 Cruelty to Animals (NJSPCA) and county societies for the
29 prevention of cruelty to animals (county societies) to a county
30 prosecutor animal cruelty task force in each county, and a
31 municipal humane law enforcement officer appointed in each
32 municipality.

33 This bill would require the county prosecutor of each county to
34 establish, within the office of the prosecutor, a county prosecutor
35 animal cruelty task force which would be responsible for animal
36 welfare within the jurisdiction of the county, and enforce and abide
37 by the animal cruelty laws of the State. The county prosecutor
38 would be required to assign or appoint an animal cruelty
39 prosecutor, and would be permitted to assign or appoint any
40 assistant prosecutor, to the task force to investigate, prosecute, and
41 take other legal action as appropriate for violations of the animal
42 cruelty laws of the State. The county prosecutor would also be
43 required to assign or appoint a county law enforcement officer to
44 serve as the chief humane law enforcement officer in the county,
45 and would be permitted to assign or appoint any other law
46 enforcement officer under the supervision of the chief humane law
47 enforcement officer, who would assist with investigations, arrest
48 violators, and otherwise act as an officer for detection,

1 apprehension, and arrest of offenders against the animal welfare
2 and animal cruelty laws of the State. The county prosecutor may
3 not assign or appoint to the task force any prosecutor or law
4 enforcement officer who has been convicted of, or found civilly
5 liable for, a violation of an animal cruelty law of the State.

6 A county prosecutor animal cruelty task force would also be
7 responsible for designating a county society for the prevention of
8 cruelty to animals. The charter system applicable to county
9 societies under current law would be abolished by this bill. A
10 county society chartered by the NJSPCA at the time of enactment
11 of this bill would then become the county society designated by the
12 county prosecutor animal cruelty task force. If a county society
13 chartered prior to the enactment of this bill does not wish to be
14 designated by the task force as the county society, or if there is no
15 chartered county society in the county, the county prosecutor
16 animal cruelty task force would be required to select a non-profit
17 corporation operating within the county that is organized to
18 promote the interests of, and protect and care for, animals to be
19 designated as the county society for the prevention of cruelty to
20 animals. Following abolishment of the charter system, the bill
21 would not require a chartered county society to surrender any
22 assets to the State or any political subdivision or other entity
23 thereof. A county society so designated by a county prosecutor
24 animal cruelty task force would be responsible for efficiently
25 providing or locating humane shelter and care for any animals in
26 the possession of a municipal humane law enforcement officer, or
27 a county prosecutor animal cruelty task force.

28 This bill would require the governing body of each municipality
29 to appoint at least one municipal humane law enforcement officer,
30 approved by the chief law enforcement officer of the municipality,
31 who would be responsible for animal welfare within the jurisdiction
32 of the municipality, and who would enforce and abide by the animal
33 cruelty laws of the State and ordinances of the municipality. An
34 animal control officer or police officer may be appointed to serve
35 concurrently as a municipal humane law enforcement officer, and a
36 municipal humane law enforcement officer may be appointed
37 concurrently by more than one municipality, so long as the officer
38 would be able to effectively carry out the duties and responsibilities
39 required of each position held. Under current law, animal control
40 officers may be empowered by a municipality to enforce,
41 investigate, and sign complaints concerning any violation of the
42 animal cruelty laws of the State or ordinances of the municipality,
43 and to act as an officer for the detection, apprehension, and arrest of
44 offenders against the animal welfare and animal cruelty laws of the
45 State and ordinances of the municipality. This bill would instead
46 grant those powers to the municipal humane law enforcement
47 officer. A municipal humane law enforcement officer may be
48 authorized by a municipality to use a firearm in the furtherance of

1 the officer's duties, if the officer has completed a firearms training
2 course approved by the Police Training Commission and annually
3 qualifies in the use of a revolver or similar weapon.

4 All third and fourth degree criminal offenses under the animal
5 cruelty laws of the State received by a municipal humane law
6 enforcement officer would be referred to the county prosecutor
7 animal cruelty task force for investigation and prosecution, as
8 appropriate. Civil and disorderly persons offenses under the animal
9 cruelty laws of the State may be handled by the municipality in
10 which the violation occurred or in which the offender resides, or
11 may be referred to the county prosecutor animal cruelty task force.

12 This bill would require a municipal humane law enforcement
13 officer to report annually to the county prosecutor animal cruelty
14 task force on the number of complaints received for each offense
15 under chapter 22 Title 4 of the Revised Statutes, and the number of
16 cases referred to the county prosecutor animal cruelty task force in
17 the previous year. The county prosecutor animal cruelty task force
18 would be required to report annually, to the Attorney General, the
19 information provided by municipal humane law enforcement
20 officers in the county, as well as the number of complaints
21 investigated by the task force, the number of complaints prosecuted
22 or otherwise litigated, the number of animals adjudged forfeited, the
23 number of animals returned to the owner, and the amount of
24 proceeds collected from fines for violations of chapter 22 of Title 4
25 of the Revised Statutes.

26 The bill provides that the Attorney General would be required to
27 take any action necessary to facilitate the reincorporation of the
28 NJSPCA as a non-profit corporation independent of the State. The
29 State would not assume responsibility for any debts, liabilities, or
30 other obligations of the NJSPCA.

31 Finally, the bill would repeal the provisions of Title 4 of the
32 Revised Statutes which relate to the administration, authority, and
33 duties of the NJSPCA and county societies, as well as the
34 provisions relating to the authority and duties of an animal control
35 officer with respect to animal cruelty law enforcement which would
36 be transferred to the municipal humane law enforcement officer
37 under this bill.