

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3558

STATE OF NEW JERSEY
217th LEGISLATURE

ADOPTED DECEMBER 14, 2017

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SYNOPSIS

Revises animal cruelty law enforcement in NJ.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Budget and Appropriations Committee.



(Sponsorship Updated As Of: 1/9/2018)

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

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

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

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

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

24

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

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

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

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

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

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

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

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

40 Dog fighting is a crime of the third degree.

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

43 (a) the seizure and forfeiture of any dogs or other animals used
44 for fighting or baiting, and may upon request of the prosecutor or
45 on its own motion, order any person convicted of a violation under

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

4 (b) restitution, concerning the dogs or other animals seized and
5 forfeited pursuant to subparagraph (a) of this paragraph, in the form
6 of reimbursing any costs for all the animals' food, drink, shelter, or
7 veterinary care or treatment, or other costs, incurred by any person,
8 agency, entity, or organization, including but not limited to **【the**
9 **New Jersey Society for the Prevention of Cruelty to Animals,】** a
10 county society for the prevention of cruelty to animals, any other
11 recognized organization concerned with the prevention of cruelty to
12 animals or the humane treatment and care of animals, a State or
13 local governmental entity, or a kennel, shelter, pound, or other
14 facility.

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

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

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

23

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

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

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

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

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

43 (b) restitution, concerning the dogs or other animals seized and
44 forfeited pursuant to subparagraph (a) of this paragraph, in the form
45 of reimbursing any costs for all the animals' food, drink, shelter, or
46 veterinary care or treatment, or other costs, incurred by any person,
47 agency, entity, or organization, including but not limited to **【the**
48 **New Jersey Society for the Prevention of Cruelty to Animals,】** a

1 county society for the prevention of cruelty to animals, any other
2 recognized organization concerned with the prevention of cruelty to
3 animals or the humane treatment and care of animals, a State or
4 local governmental entity, or a kennel, shelter, pound, or other
5 facility.

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

9 c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction
10 of leader of a dog fighting network shall not merge with the
11 conviction for any offense, nor shall such other conviction merge
12 with a conviction under this section, which is the object of the
13 conspiracy. Nothing contained in this section shall prohibit the
14 court from imposing an extended term pursuant to N.J.S.2C:43-7;
15 nor shall this section be construed in any way to preclude or limit
16 the prosecution or conviction of any person for conspiracy under
17 N.J.S.2C:5-2, or any prosecution or conviction under N.J.S.2C:41-1
18 et seq. (racketeering activities) or subsection g. of N.J.S.2C:5-2
19 (leader of organized crime) or any prosecution or conviction for any
20 such offense.

21 d. It shall not be necessary in any prosecution under this section
22 for the State to prove that any intended profit was actually realized.
23 The trier of fact may infer that a particular scheme or course of
24 conduct was undertaken for profit from all of the attendant
25 circumstances, including but not limited to the number of persons
26 involved in the scheme or course of conduct, the actor's net worth
27 and his expenditures in relation to his legitimate sources of income,
28 or the amount of cash or currency involved.

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

33 f. It shall not be a defense that the defendant was subject to the
34 supervision or management of another, nor that another person or
35 persons were also leaders of a dog fighting network.

36 (cf: P.L.2015, c.85, s.2)

37

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

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

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

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

- 1 (3) Members of the State Police and, under conditions
2 prescribed by the superintendent, members of the Marine Law
3 Enforcement Bureau of the Division of State Police;
- 4 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
5 assistant prosecutor, prosecutor's detective or investigator, deputy
6 attorney general or State investigator employed by the Division of
7 Criminal Justice of the Department of Law and Public Safety,
8 investigator employed by the State Commission of Investigation,
9 inspector of the Alcoholic Beverage Control Enforcement Bureau of
10 the Division of State Police in the Department of Law and Public
11 Safety authorized to carry weapons by the Superintendent of State
12 Police, State park police officer, or State conservation officer;
- 13 (5) Except as hereinafter provided, a prison or jail warden of
14 any penal institution in this State or his deputies, or an employee of
15 the Department of Corrections engaged in the interstate
16 transportation of convicted offenders, while in the performance of
17 his duties, and when required to possess the weapon by his superior
18 officer, or a corrections officer or keeper of a penal institution in
19 this State at all times while in the State of New Jersey, provided he
20 annually passes an examination approved by the superintendent
21 testing his proficiency in the handling of firearms;
- 22 (6) A civilian employee of the United States Government under
23 the supervision of the commanding officer of any post, camp,
24 station, base or other military or naval installation located in this
25 State who is required, in the performance of his official duties, to
26 carry firearms, and who is authorized to carry firearms by the
27 commanding officer, while in the actual performance of his official
28 duties;
- 29 (7) (a) A regularly employed member, including a detective, of
30 the police department of any county or municipality, or of any
31 State, interstate, municipal or county park police force or boulevard
32 police force, at all times while in the State of New Jersey;
- 33 (b) A special law enforcement officer authorized to carry a
34 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
35 (C.40A:14-146.14);
- 36 (c) An airport security officer or a special law enforcement
37 officer appointed by the governing body of any county or
38 municipality, except as provided in subsection (b) of this section, or
39 by the commission, board or other body having control of a county
40 park or airport or boulevard police force, while engaged in the
41 actual performance of his official duties and when specifically
42 authorized by the governing body to carry weapons;
- 43 (8) A full-time, paid member of a paid or part-paid fire
44 department or force of any municipality who is assigned full-time
45 or part-time to an arson investigation unit created pursuant to
46 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
47 investigation unit in the county prosecutor's office, while either
48 engaged in the actual performance of arson investigation duties or

1 while actually on call to perform arson investigation duties and
2 when specifically authorized by the governing body or the county
3 prosecutor, as the case may be, to carry weapons. Prior to being
4 permitted to carry a firearm, a member shall take and successfully
5 complete a firearms training course administered by the Police
6 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et
7 seq.), and shall annually qualify in the use of a revolver or similar
8 weapon prior to being permitted to carry a firearm;

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

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

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

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

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

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

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

46 (1) A special agent of the Division of Taxation who has passed
47 an examination in an approved police training program testing
48 proficiency in the handling of any firearm which he may be

- 1 required to carry, while in the actual performance of his official
2 duties and while going to or from his place of duty, or any other
3 police officer, while in the actual performance of his official duties;
- 4 (2) A State deputy conservation officer or a full-time employee
5 of the Division of Parks and Forestry having the power of arrest and
6 authorized to carry weapons, while in the actual performance of his
7 official duties;
- 8 (3) (Deleted by amendment, P.L.1986, c.150.)
- 9 (4) A court attendant appointed by the sheriff of the county or
10 by the judge of any municipal court or other court of this State,
11 while in the actual performance of his official duties;
- 12 (5) A guard employed by any railway express company, banking
13 or building and loan or savings and loan institution of this State,
14 while in the actual performance of his official duties;
- 15 (6) A member of a legally recognized military organization
16 while actually under orders or while going to or from the prescribed
17 place of meeting and carrying the weapons prescribed for drill,
18 exercise or parade;
- 19 (7) A municipal humane law enforcement officer [of the New
20 Jersey Society for the Prevention of Cruelty to Animals or of a
21 county society for the prevention of cruelty to animals] , authorized
22 pursuant to subsection d. of section 25 of P.L. , c. (C.)
23 (pending before the Legislature as this bill), or humane law
24 enforcement officer of a county society for the prevention of cruelty
25 to animals authorized pursuant to subsection c. of section 29 of
26 P.L. , c. (C.) (pending before the Legislature as this bill),
27 while in the actual performance of [his] the officer's duties;
- 28 (8) An employee of a public utilities corporation actually
29 engaged in the transportation of explosives;
- 30 (9) A railway policeman, except a transit police officer of the
31 New Jersey Transit Police Department, at all times while in the
32 State of New Jersey, provided that he has passed an approved police
33 academy training program consisting of at least 280 hours. The
34 training program shall include, but need not be limited to, the
35 handling of firearms, community relations, and juvenile relations;
- 36 (10) A campus police officer appointed under P.L.1970, c.211
37 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
38 a firearm, a campus police officer shall take and successfully
39 complete a firearms training course administered by the Police
40 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
41 seq.), and shall annually qualify in the use of a revolver or similar
42 weapon prior to being permitted to carry a firearm;
- 43 (11) (Deleted by amendment, P.L.2003, c.168).
- 44 (12) A transit police officer of the New Jersey Transit Police
45 Department, at all times while in the State of New Jersey, provided
46 the officer has satisfied the training requirements of the Police
47 Training Commission, pursuant to subsection c. of section 2 of
48 P.L.1989, c.291 (C.27:25-15.1);

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

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

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

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

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

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

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

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

45 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
46 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
47 or fired by one eligible to possess an antique cannon, for purposes
48 of exhibition or demonstration at an authorized target range or in

1 the manner as has been approved in writing by the chief law
2 enforcement officer of the municipality in which the exhibition or
3 demonstration is held, or if not held on property under the control
4 of a particular municipality, the superintendent, provided that
5 performer has given at least 30 days' notice to the superintendent.

6 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
7 N.J.S.2C:39-5 do not apply to the transportation of unloaded
8 antique cannons directly to or from exhibitions or demonstrations
9 authorized under paragraph (4) of subsection d. of this section,
10 provided that the transportation is in compliance with safety
11 regulations the superintendent may promulgate. Those subsections
12 shall not apply to transportation directly to or from exhibitions or
13 demonstrations authorized under the law of another jurisdiction,
14 provided that the superintendent has been given 30 days' notice and
15 that the transportation is in compliance with safety regulations the
16 superintendent may promulgate.

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

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

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

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

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

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

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

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

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

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

33 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
34 to prevent any employee of a public utility, as defined in R.S.48:2-
35 13, doing business in this State or any United States Postal Service
36 employee, while in the actual performance of duties which
37 specifically require regular and frequent visits to private premises,
38 from possessing, carrying or using any device which projects,
39 releases or emits any substance specified as being noninjurious to
40 canines or other animals by the Commissioner of Health and which
41 immobilizes only on a temporary basis and produces only
42 temporary physical discomfort through being vaporized or
43 otherwise dispensed in the air for the sole purpose of repelling
44 canine or other animal attacks.

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

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

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

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

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

29 The exempt person shall not possess or carry a firearm until the
30 person has satisfactorily completed a firearms training course and
31 shall annually qualify in the use of a revolver or similar weapon.
32 For purposes of this subsection, a "firearms training course" means
33 a course of instruction in the safe use, maintenance and storage of
34 firearms which is approved by the Police Training Commission.
35 The commission shall approve a firearms training course if the
36 requirements of the course are substantially equivalent to the
37 requirements for firearms training provided by police training
38 courses which are certified under section 6 of P.L.1961, c.56
39 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3),
40 or (6) of subsection a. of this section shall be exempt from the
41 requirements of this subsection.

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

1 1. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
2 to prevent a law enforcement officer who retired in good standing,
3 including a retirement because of a disability pursuant to section 6
4 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
5 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
6 substantially similar statute governing the disability retirement of
7 federal law enforcement officers, provided the officer was a
8 regularly employed, full-time law enforcement officer for an
9 aggregate of four or more years prior to his disability retirement and
10 further provided that the disability which constituted the basis for
11 the officer's retirement did not involve a certification that the officer
12 was mentally incapacitated for the performance of his usual law
13 enforcement duties and any other available duty in the department
14 which his employer was willing to assign to him or does not subject
15 that retired officer to any of the disabilities set forth in subsection c.
16 of N.J.S.2C:58-3 which would disqualify the retired officer from
17 possessing or carrying a firearm, who semi-annually qualifies in the
18 use of the handgun he is permitted to carry in accordance with the
19 requirements and procedures established by the Attorney General
20 pursuant to subsection j. of this section and pays the actual costs
21 associated with those semi-annual qualifications, who is 75 years of
22 age or younger, and who was regularly employed as a full-time
23 member of the State Police; a full-time member of an interstate
24 police force; a full-time member of a county or municipal police
25 department in this State; a full-time member of a State law
26 enforcement agency; a full-time sheriff, undersheriff or sheriff's
27 officer of a county of this State; a full-time State or county
28 corrections officer; a full-time State or county park police officer; a
29 full-time special agent of the Division of Taxation; a full-time
30 Human Services police officer; a full-time transit police officer of
31 the New Jersey Transit Police Department; a full-time campus
32 police officer exempted pursuant to paragraph (10) of subsection c.
33 of this section; a full-time State conservation officer exempted
34 pursuant to paragraph (4) of subsection a. of this section; a full-time
35 Palisades Interstate Park officer appointed pursuant to R.S.32:14-
36 21; a full-time Burlington County Bridge police officer appointed
37 pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time
38 housing authority police officer exempted pursuant to paragraph
39 (16) of subsection c. of this section; a full-time juvenile corrections
40 officer exempted pursuant to paragraph (9) of subsection a. of this
41 section; a full-time parole officer exempted pursuant to paragraph
42 (13) of subsection c. of this section; a full-time railway policeman
43 exempted pursuant to paragraph (9) of subsection c. of this section;
44 a full-time county prosecutor's detective or investigator; a full-time
45 federal law enforcement officer; or is a qualified retired law
46 enforcement officer, as used in the federal "Law Enforcement
47 Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this
48 State from carrying a handgun in the same manner as law

1 enforcement officers exempted under paragraph (7) of subsection a.
2 of this section under the conditions provided herein:

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

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

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

14 (b) The date that the retired officer was hired and the date that
15 the officer retired;

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

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

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

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

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

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

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

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

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

23 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be
24 construed to prevent duly authorized personnel of the New Jersey
25 Division of Fish and Wildlife, while in the actual performance of
26 duties, from possessing, transporting or using hand held pistol-like
27 devices, rifles or shotguns that launch pyrotechnic missiles for the
28 sole purpose of frightening, hazing or aversive conditioning of
29 nuisance or depredating wildlife; from possessing, transporting or
30 using rifles, pistols or similar devices for the sole purpose of
31 chemically immobilizing wild or non-domestic animals; or,
32 provided the duly authorized person complies with the requirements
33 of subsection j. of this section, from possessing, transporting or
34 using rifles or shotguns, upon completion of a Police Training
35 Commission approved training course, in order to dispatch injured
36 or dangerous animals or for non-lethal use for the purpose of
37 frightening, hazing or aversive conditioning of nuisance or
38 depredating wildlife.

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

40
41 5. Section 3 of P.L.1983, c.525 (C.4:19-15.16a) is amended to
42 read as follows:

43 3. a. The Commissioner of Health shall, within 120 days after
44 the effective date of P.L.1983, c.525, and pursuant to the
45 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
46 seq.), adopt rules and regulations concerning the training and
47 educational qualifications for the certification of animal control
48 officers, including, but not limited to, a course of study approved by

1 the commissioner and the Police Training Commission, in
2 consultation with the New Jersey Certified Animal Control Officers
3 Association, which acquaints a person with:

4 (1) The law as it affects animal control, animal welfare, and
5 animal cruelty;

6 (2) Animal behavior and the handling of stray or diseased
7 animals; and

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

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

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

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

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

43 c. (1) The commissioner shall establish a list of all persons
44 issued a certificate pursuant to subsection b. of this section (a) for
45 whom that certificate has been revoked, or (b) who have been
46 convicted of, or found civilly liable for, a violation of any provision
47 of chapter 22 of Title 4 of the Revised Statutes. The commissioner
48 shall provide each municipality in the State with a copy of this list

1 within 30 days after the list is established and not less often than
2 annually thereafter if no revised list required pursuant to paragraph
3 (2) of this subsection has been issued in the interim.

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

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

13
14 6. Section 4 of P.L.1983, c.525 (C.4:19-15.16b) is amended to
15 read as follows:

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

34 The governing body may authorize the certified animal control
35 officer to [investigate and sign complaints, arrest violators, and
36 otherwise act as an officer for detection, apprehension, and arrest of
37 offenders against the animal control, animal welfare and animal
38 cruelty laws of the State, and ordinances of the municipality, if the
39 officer has completed the training required pursuant to paragraph 4
40 of subsection a. of section 3 of P.L.1983, c.525 (C.4:19-15.16a).
41 Only certified animal control officers who have completed the
42 training may be authorized by the governing body to so act as an
43 officer for detection, apprehension, and arrest of offenders;
44 however, officers who have completed the training shall not have
45 the authority to so act unless authorized by the governing body
46 which is employing the officer or contracting for the officer's
47 services] serve concurrently as a municipal humane law
48 enforcement officer pursuant to subsection c. of section 25 or

1 subsection e. of section 26 of P.L. , c. (C.) (pending before
2 the Legislature as this bill) .
3 (cf: P.L.2012, c.17, s.9)
4

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

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

14 Each member shall be appointed by the Governor, with the
15 advice and consent of the Senate, as follows: two members shall be
16 appointed from persons recommended by the New Jersey
17 Veterinary Medical Association; one member shall be appointed
18 from persons recommended by the New Jersey Health Officers
19 Association; one member shall be appointed from persons
20 recommended by the New Jersey Certified Animal Control Officers
21 Association; one member shall be appointed from persons
22 recommended by the New Jersey Federation of Dog Clubs, Inc.;
23 one member shall be appointed from persons recommended by **the**
24 **Cat Fanciers' Association** **People for Animals, Inc.** ; one member
25 shall be appointed from persons recommended by the **the**
26 **Society for the Prevention of Cruelty to Animals**; one member shall
27 be appointed from persons recommended by the **Associated**
28 **Humane Societies** county societies for the prevention of cruelty to
29 animals in northern New Jersey; one member shall be appointed
30 from persons recommended by the county societies for the
31 prevention of cruelty to animals in southern New Jersey; one
32 member who shall be a volunteer at any county animal shelter
33 within the State; one member shall be a representative of a
34 volunteer animal rescue and welfare organization; and two members
35 shall be appointed from persons recommended by the Humane
36 Society of the United States. Each member shall be appointed for a
37 term of four years and until the member's successor is appointed
38 and qualified.

39 Any member of the Domestic Companion Animal Council shall
40 be eligible for reappointment, but may be removed from office by
41 the Governor for cause.

42 Any vacancy occurring in the membership of the council for any
43 cause shall be filled in the same manner as the original appointment
44 but for the unexpired term only , except that, upon expiration of the
45 term of the member recommended by the Cat Fanciers' Association,
46 a replacement shall be appointed from persons recommended by
47 People for Animals, Inc., upon expiration of the term of the member
48 recommended by the New Jersey Society for Prevention of Cruelty

1 to Animals, a replacement shall be appointed from persons
2 recommended by the county societies for the prevention of cruelty
3 to animals in northern New Jersey, and upon expiration of the term
4 of the member recommended by the Associated Humane Societies,
5 a replacement shall be appointed from persons recommended by the
6 county societies for the prevention of cruelty to animals in southern
7 New Jersey .

8 For the purposes of this section, “northern New Jersey” means
9 Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic,
10 Somerset, Sussex, Union, and Warren counties; and “southern New
11 Jersey” means Atlantic, Burlington, Camden, Cape May,
12 Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem
13 counties.

14 b. A majority of the membership of the council shall constitute a
15 quorum for the transaction of council business. Action may be
16 taken and motions and resolutions adopted by the council at any
17 meeting thereof by the affirmative vote of a majority of the full
18 membership of the council.

19 c. The Governor shall appoint a chairman and the council may
20 appoint other officers as may be necessary. The council may
21 appoint staff or hire experts as it may require within the limits of
22 appropriations made for these purposes.

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

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

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

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

36
37 8. Section 11 of P.L.2005, c.372 (C.4:22-11.11) is amended to
38 read as follows:

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

44 (1) the law, procedures, and enforcement methods and
45 techniques of investigation, arrest, and search and seizure,
46 specifically in connection with violations of State and local animal
47 cruelty laws and ordinances;

- 1 (2) information and procedures related to animals, including
2 animal behavior and traits and evaluation of animals at a crime
3 scene;
- 4 (3) methods to identify and document animal abuse, neglect, and
5 distress; and
- 6 (4) investigation of animal fighting.
- 7 **【The course developed or approved pursuant to this subsection**
8 **shall be the same or substantially similar to the course developed**
9 **and approved for certified animal control officers who are**
10 **authorized as animal cruelty investigators pursuant to sections 3 and**
11 **4 of P.L.1983, c.525 (C.4:19-15.16a and C.4:19-15.16b) and**
12 **P.L.1997, c.247 (C.4:19-15.16c. et al.).】**
- 13 b. Every **【agent and】** municipal humane law enforcement
14 officer **【appointed after the date of enactment of P.L.2005, c.372**
15 **(C.4:22-11.1 et al.)】** , humane law enforcement officer of a county
16 society for the prevention of cruelty to animals, and chief humane
17 law enforcement officer or other officer designated pursuant to
18 subparagraph (a) of paragraph (2) of subsection a. of section 28 of
19 P.L. , c. (C.) (pending before the Legislature as this bill)
20 shall satisfactorily complete the animal protection law enforcement
21 training course as soon as practicable, but no later than **【within】**
22 one year after the date of the **【agent's or】** officer's **【appointment】**
23 designation .
- 24 c. (1) **【The Chief Humane Law Enforcement Officer of a**
25 **county society for the prevention of cruelty to animals or the New**
26 **Jersey Society for the Prevention of Cruelty to Animals】** The chief
27 law enforcement officer of a municipality, or of a county, as
28 applicable, may request from the Police Training Commission an
29 exemption from applicable law enforcement parts of the animal
30 protection law enforcement training course on behalf of a current or
31 prospective **【agent or】** municipal humane law enforcement officer ,
32 humane law enforcement officer of a county society for the
33 prevention of cruelty to animals, or chief humane law enforcement
34 officer or other officer designated pursuant to subparagraph (a) of
35 paragraph (2) of subsection a. of section 28 of P.L. , c. (C.)
36 (pending before the Legislature as this bill) who demonstrates
37 successful completion of a police training course conducted by a
38 federal, state, or other public or private agency, the requirements of
39 which are substantially equivalent to or which exceed the
40 corresponding requirements of the animal protection law
41 enforcement training course curriculum established through the
42 Police Training Commission.
- 43 (2) The chief law enforcement officer of a municipality, or of a
44 county, as applicable, may request from the Police Training
45 Commission an exemption from applicable animal control parts of
46 the animal protection law enforcement training course on behalf of
47 a current or prospective municipal humane law enforcement officer,

1 humane law enforcement officer of a county society for the
2 prevention of cruelty to animals, or chief humane law enforcement
3 officer or other officer designated pursuant to subparagraph (a) of
4 paragraph (2) of subsection a. of section 28 of P.L. , c. (C.)
5 (pending before the Legislature as this bill) who demonstrates
6 successful completion of an animal control course pursuant to
7 section 3 of P.L.1983, c.525 (C.4:19-15.16a).

8 d. The Police Training Commission shall provide for the
9 issuance of a certificate to a person who possesses, or acquires, the
10 training and education required to qualify as a municipal humane
11 law enforcement officer, humane law enforcement officer of a
12 county society for the prevention of cruelty to animals, or chief
13 humane law enforcement officer or other officer designated
14 pursuant to subparagraph (a) of paragraph (2) of subsection a. of
15 section 28 of P.L. , c. (C.) (pending before the Legislature
16 as this bill) and shall provide a copy of the certificate to, as
17 applicable, the municipal humane law enforcement officer and the
18 chief law enforcement officer of the municipality or county, or to
19 the humane law enforcement officer and the county society for the
20 prevention of cruelty to animals, or to the chief humane law
21 enforcement officer or other officer designated pursuant to
22 subparagraph (a) of paragraph (2) of subsection a. of section 28 of
23 P.L. , c. (C.) (pending before the Legislature as this bill)
24 and the county prosecutor.

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

26
27 9. Section 12 of P.L.2005, c.372 (C.4:22-11.12) is amended to
28 read as follows:

29 12. All State, county, and municipal law enforcement agencies
30 and all county and municipal health agencies shall, upon request,
31 make every reasonable effort to assist **【the】** any municipal humane
32 law enforcement 【officers and agents of a county society for the
33 prevention of cruelty to animals or the New Jersey Society for the
34 Prevention of Cruelty to Animals】 officer or humane law
35 enforcement officer of a county society for the prevention of cruelty
36 to animals in the enforcement of all laws and ordinances enacted for
37 the protection of animals.

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

39
40 10. R.S.4:22-17 is amended to read as follows:

41 4:22-17. a. It shall be unlawful to:

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

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

1 (3) Inflict unnecessary cruelty upon a living animal or creature,
2 by any direct or indirect means, including but not limited to through
3 the use of another living animal or creature; or leave the living
4 animal or creature unattended in a vehicle under inhumane
5 conditions adverse to the health or welfare of the living animal or
6 creature; or

7 (4) Fail, as the owner or as a person otherwise charged with the
8 care of a living animal or creature, to provide the living animal or
9 creature with necessary care.

10 b. (1) A person who violates subsection a. of this section shall
11 be guilty of a disorderly persons offense. Notwithstanding the
12 provisions of N.J.S.2C:43-3 to the contrary, for every conviction of
13 an offense pursuant to paragraph (1) or (2) of subsection a. of this
14 section, the person shall be fined not less than \$250 nor more than
15 \$1,000, or be imprisoned for a term of not more than six months, or
16 both, in the discretion of the court; and for every conviction of an
17 offense pursuant to paragraph (3) or (4) of subsection a. of this
18 section, the person shall be fined not less than \$500 nor more than
19 \$2,000, or be imprisoned for a term of not more than six months, or
20 both, in the discretion of the court.

21 (2) If the person who violates subsection a. of this section has a
22 prior conviction for an offense that would constitute a violation of
23 subsection a. of this section, the person shall be guilty of a crime of
24 the fourth degree.

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

28 (4) The action for the penalty prescribed in this subsection shall
29 be brought in the municipal court of the municipality wherein the
30 defendant resides or where the offense was committed, except that
31 the municipality may elect to refer the offense to the county
32 prosecutor to determine if the offense should be handled in the
33 Superior Court or in municipal court.

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

35 (1) Torment, torture, maim, hang, poison, unnecessarily or
36 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or
37 creature;

38 (2) Cause bodily injury to a living animal or creature by failing
39 to provide the living animal or creature with necessary care,
40 whether as the owner or as a person otherwise charged with the care
41 of the living animal or creature;

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

46 (4) Use, or cause or procure the use of, an animal or creature in
47 any kind of sexual manner or initiate any kind of sexual contact
48 with the animal or creature, including, but not limited to,

1 sodomizing the animal or creature. As used in this paragraph,
2 "sexual contact" means any contact between a person and an animal
3 by penetration of the penis or a foreign object into the vagina or
4 anus, contact between the mouth and genitalia, or by contact
5 between the genitalia of one and the genitalia or anus of the other.
6 This term does not include any medical procedure performed by a
7 licensed veterinarian practicing veterinary medicine or an accepted
8 animal husbandry practice.

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

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

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

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

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

22 (3) The action for the penalty prescribed in this subsection shall
23 be brought in the Superior Court.

24 e. For a violation of this section, in addition to imposing any
25 other appropriate penalties established for a crime of the third
26 degree, crime of the fourth degree, or disorderly persons offense, as
27 the case may be, pursuant to Title 2C of the New Jersey Statutes,
28 the court shall impose a term of community service of up to 30
29 days, and may direct that the term of community service be served
30 in providing assistance to **【the New Jersey Society for the**
31 **Prevention of Cruelty to Animals,】** a county society for the
32 prevention of cruelty to animals **【,】** or any other recognized
33 organization concerned with the prevention of cruelty to animals or
34 the humane treatment and care of animals, or to a municipality's
35 animal control or animal population control program.

36 f. The court also shall require any violator of this section to pay
37 restitution, including but not limited to, the monetary cost of
38 replacing the animal if the animal died or had to be euthanized
39 because of the extent of the animal's injuries, or otherwise
40 reimburse any costs for food, drink, shelter, or veterinary care or
41 treatment, or other costs, incurred by the owner of the animal, if the
42 owner is not the person committing the act of cruelty, or incurred
43 by any agency, entity, or organization investigating the violation, or
44 providing shelter or care for the animal or animals, including but
45 not limited to **【the New Jersey Society for the Prevention of Cruelty**
46 **to Animals,】** a county society for the prevention of cruelty to
47 animals, any other recognized organization concerned with the

1 prevention of cruelty to animals or the humane treatment and care
2 of animals, a local or State governmental entity, or a kennel, shelter,
3 pound, or other facility providing for the shelter and care of the
4 animal or animals involved in the violation.

5 g. If a juvenile is adjudicated delinquent for an act which, if
6 committed by an adult, would constitute a disorderly persons
7 offense, crime of the fourth degree, or crime of the third degree
8 pursuant to this section, the court also shall order the juvenile to
9 receive mental health counseling by a licensed psychologist or
10 therapist named by the court for a period of time to be prescribed by
11 the licensed psychologist or therapist.

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

13

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

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

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

40 c. Upon taking physical custody of a dog, domestic companion
41 animal, or service animal pursuant to subsection a. or b. of this
42 section, the person taking physical custody of the animal shall: (1)
43 post immediately, in a conspicuous place at the location from which
44 the dog, domestic companion animal, or service animal was taken,
45 the notice required pursuant to subsection d. of this section to the
46 owner or person with custody or control of the dog, domestic
47 companion animal, or service animal; and (2) send by registered or

1 certified mail and by ordinary mail the notice described in
2 subsection d. of this section to the address of the location from
3 which the dog, domestic companion animal, or service animal was
4 taken into physical custody.

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

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

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

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

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

43 If the alleged violator is not the owner of the dog, domestic
44 companion animal, or service animal, the person issuing the
45 correction warning or summons, as applicable, shall also notify the
46 owner of the animal of the violation and provide the owner with a
47 copy of the issued correction warning or summons, as applicable.

- 1 g. Any summons issued for a violation of **【this act】** P.L.2017,
2 c.189 (C.4:22-17.1 et seq.) shall contain:
- 3 (1) a description of the violation and statutory authority; and
4 (2) contact information identifying, at a minimum (a) the name
5 of the investigating agency or office, and (b) the name of the officer
6 **【or agent】** issuing the summons or investigating the alleged
7 violation.
- 8 h. Any municipal humane law enforcement officer **【or agent of**
9 **the New Jersey Society for the Prevention of Cruelty to Animals or**
10 **county society for the prevention of cruelty to animals, certified**
11 **animal control officer,】** , humane law enforcement officer of a
12 county society for the prevention of cruelty to animals, or other
13 State or local law enforcement officer issuing a summons for a
14 violation of **【this act】** P.L.2017, c.189 (C.4:22-17.1 et seq.) shall
15 also serve on the alleged violator, with the summons, a written
16 notice of:
- 17 (1) the right to voluntarily forfeit ownership or custody of the
18 dog, domestic companion animal, or service animal;
19 (2) the action or actions required for compliance;
20 (3) a demand for immediate compliance; and
21 (4) a telephone number for the investigating agency or office
22 and the investigating officer or agent.
- 23 i. Any municipal humane law enforcement officer **【or agent of**
24 **the New Jersey Society for the Prevention of Cruelty to Animals**
25 **or】** , humane law enforcement officer of a county society for the
26 prevention of cruelty to animals, **【certified animal control officer,】**
27 or other State or local law enforcement officer may petition a court
28 of competent jurisdiction to have a dog, domestic companion
29 animal, or service animal confiscated, if not previously seized, and
30 forfeited upon the person being found guilty of, or liable for, a
31 violation of **【this act】** P.L.2017, c.189 (C.4:22-17.1 et seq.) . Upon
32 a finding that continued possession of the dog, domestic companion
33 animal, or service animal by the owner or other person authorized
34 to have custody or control of the animal poses a threat to the health
35 or safety of the animal, the court shall order that the animal be
36 forfeited, placed in an animal rescue organization facility, shelter,
37 pound, or kennel operating as a shelter or pound, and made
38 available for adoption.
- 39 j. A person found guilty of, or liable for, a violation of any
40 provision of **【this act】** P.L.2017, c.189 (C.4:22-17.1 et seq.) shall
41 be responsible for, and pay, the reasonable costs of caring for the
42 dog, domestic companion animal, or service animal from the date
43 on which physical custody of the animal was taken pursuant to this
44 section until the date the animal is surrendered, forfeited, returned,
45 or euthanized, including, but not limited to, the cost of transporting,
46 sheltering, and feeding the animal, the cost of providing the animal

1 with necessary veterinary care, and if the animal is euthanized, the
2 cost of the euthanasia.

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

4

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

7 1. Each person operating a motor vehicle who shall knowingly
8 hit, run over, or cause injury to a cat, dog, horse, or cattle shall stop
9 at once, ascertain the extent of injury, report to the nearest police
10 station, police officer, **or** notify the nearest Society for the
11 Prevention of Cruelty to Animals **or** municipal humane law
12 enforcement officer, chief humane law enforcement officer, or
13 humane law enforcement officer of a county society for the
14 prevention of cruelty to animals and give his name, address,
15 operator's license and registration number, and also give the
16 location of the injured animal.

17 (cf: P.L.1968, c.39, s. 1)

18

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

20 4:22-26. A person who shall:

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

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

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

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

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

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

44 c. Inflict unnecessary cruelty upon a living animal or creature,
45 by any direct or indirect means, including but not limited to through
46 the use of another living animal or creature; or leave the living
47 animal or creature unattended in a vehicle under inhumane

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

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

1 offering for sale, trade, or distribution of any such item for human
2 consumption;

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

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

8 z. Surgically debark or silence a dog in violation of section 1 or
9 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);

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

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

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

19 Shall forfeit and pay a sum according to the following schedule,
20 to be sued for and recovered, with costs, in a civil action by any
21 person [in the name of the New Jersey Society for the Prevention of
22 Cruelty to Animals or a county society for the prevention of cruelty
23 to animals, as appropriate, or,] in the name of the municipality [if
24 brought by a certified animal control officer or animal cruelty
25 investigator] or county wherein the defendant resides or where the
26 offense was committed :

27 For a violation of subsection e., f., g., u., v., w., or z. of this
28 section or of paragraph (3) of subsection a. of this section, or for a
29 second or subsequent violation of paragraph (2) or (5) of subsection
30 a. of this section, a sum of not less than \$3,000 nor more than
31 \$5,000;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4

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

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

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

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

27

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

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

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

44

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

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

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

13

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

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

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

39

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

41 4:22-53. An animal or creature abandoned in a maimed, sick,
42 infirm , or disabled condition, if fit for further use, may be
43 advertised and sold in the manner directed by a court of competent
44 jurisdiction or **agent of the New Jersey Society for the Prevention**
45 **of Cruelty to Animals** animal cruelty prosecutor designated
46 pursuant to paragraph (1) of subsection a. of section 28 of P.L. ,
47 c. (C.) (pending before the Legislature as this bill) .

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

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

7
8 21. R.S.4:22-54 is amended to read as follows:

9 4:22-54. When an animal or creature is found on the highway or
10 elsewhere, whether abandoned or not, in a maimed, sick, infirm ₂
11 disabled condition, a court of competent jurisdiction **【or】** ₂ sheriff
12 of the county **【,** or agent of the New Jersey Society for the
13 Prevention of Cruelty to Animals,**】** chief humane law enforcement
14 officer, humane law enforcement officer of a county society for the
15 prevention of cruelty to animals, or municipal humane law
16 enforcement officer may appoint a suitable person to examine and
17 destroy such animal or creature if unfit for further use.

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

19
20 22. R.S.4:22-55 is amended to read as follows:

21 4:22-55. a. Except as provided pursuant to subsection b. of this
22 section, all fines, penalties and moneys imposed and collected under
23 the provisions of **【this】** article 2 of chapter 22 of Title 4 of the
24 Revised Statutes , shall be paid by the court or by the clerk or court
25 officer receiving the fines, penalties or moneys, within **【thirty】** 30
26 days and without demand, to 【(1) the county society for the
27 prevention of cruelty to animals of the county where the fines,
28 penalties or moneys were imposed and collected, if the county
29 society brought the action or it was brought on behalf of the county
30 society, to be used by the county society in aid of the benevolent
31 objects for which it was incorporated, or (2) in all other cases, the
32 New Jersey Society for the Prevention of Cruelty to Animals, to be
33 used by the State society in aid of the benevolent objects for which
34 it was incorporated】 the county to be used for the purpose of
35 protecting animals in the county .

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

38 (1) in Superior Court primarily as a result of the **【discovery and**
39 **investigation】** reporting of the violation to the county prosecutor by
40 a certified animal control officer or a municipal humane law
41 enforcement officer , the fines, penalties ₂ or moneys collected shall
42 be paid as follows: one half to the municipality in which the
43 violation occurred; and one half to the county **【society or to the**
44 **New Jersey Society for the Prevention of Cruelty to Animals, as**
45 **applicable to the particular enforcement action】** to be used for the
46 purpose of protecting animals in the county .

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

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

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

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

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

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

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

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

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

45 b. **【**neither the New Jersey Society for the Prevention of Cruelty
 46 to Animals, a county society or an officer thereof**】** a county or any
 47 official or officer thereof, county prosecutor, county animal cruelty

1 prosecutor, chief humane law enforcement officer, or county society
2 for the prevention of cruelty to animals or any humane law
3 enforcement officer thereof shall not be liable for any civil damages
4 as a result of any act or omission of a municipality or any official or
5 officer thereof, municipal prosecutor, municipal humane law
6 enforcement officer, or [a] certified animal control officer with
7 regard to any investigation, arrest, or prosecution of a violator with
8 which the [New Jersey Society for the Prevention of Cruelty to
9 Animals, a county society or an officer thereof] county or any
10 official or officer thereof, county prosecutor, county animal cruelty
11 prosecutor, chief humane law enforcement officer, or county society
12 for the prevention of cruelty to animals or any humane law
13 enforcement officer thereof was not involved.
14 (cf: P.L.2005, c.372, s.20)
15

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

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

29 b. For the purposes of maintaining the list of persons not eligible
30 to be a certified animal control [officers] officer, municipal
31 humane law enforcement officer, humane law enforcement officer
32 of a county society for the prevention of cruelty to animals, or
33 designee pursuant to subsection a. of section 28 of P.L. _____, c. _____
34 (pending before the Legislature as this bill), as established pursuant
35 to subsections b. and c. of section 3 of P.L.1983, c.525 (C.4:19-
36 15.16a), the court or other official adjudging the guilt or liability for
37 a violation of any provision of article 2 of chapter 22 of Title 4 of
38 the Revised Statutes, shall charge the prosecutor [, officer of the
39 New Jersey Society for the Prevention of Cruelty to Animals or the
40 county society for the prevention of cruelty to animals,] or other
41 appropriate person, other than a certified animal control officer,
42 with the responsibility to notify within 30 days the commissioner,
43 in writing, of the full name of the person found guilty of, or liable
44 for, an applicable violation, and the violation for which or of which
45 that person was found guilty or liable, and the person charged with
46 the responsibility shall provide such notice.
47 (cf: P.L.2005, c.372, s.21)

- 1 25. (New section) a. Except as provided in subsection e. of this
2 section, each governing body of a municipality shall:
- 3 (1) submit at least one applicant for designation as a municipal
4 humane law enforcement officer pursuant to section 26 of P.L. ,
5 c. (C.) (pending before the Legislature as this bill) who shall
6 be responsible for animal welfare within the jurisdiction of the
7 municipality, and who shall enforce and abide by the provisions of
8 chapter 22 of Title 4 of the Revised Statutes and shall be authorized
9 to investigate and sign complaints, arrest violators, and otherwise
10 act as an officer for detection, apprehension, and arrest of offenders
11 against the animal welfare and animal cruelty laws of the State and
12 ordinances of the municipality; and
- 13 (2) publicize a telephone number for reporting violations of any
14 provision of article 2 of chapter 22 of Title 4 of the Revised
15 Statutes, which may be the same number publicized pursuant to
16 section 14 of P.L.1989, c.307 (C.4:19-30).
- 17 b. The governing body of a municipality shall not submit an
18 applicant for designation as, and shall terminate the designation of,
19 a municipal humane law enforcement officer who has been
20 convicted of, or found civilly liable for, a violation of any provision
21 of article 2 of chapter 22 of Title 4 of the Revised Statutes or whose
22 name is on the list or any revision thereto established and provided
23 by the Commissioner of Health pursuant to subsection c. of section
24 3 of P.L.1983, c.525 (C.4:19-15.16a).
- 25 c. The governing body of a municipality may designate as a
26 municipal humane law enforcement officer any qualified individual.
27 An animal control officer or a police officer may serve concurrently
28 as a municipal humane law enforcement officer, so long as the
29 officer is able to effectively carry out the duties and responsibilities
30 required of each position held.
- 31 d. (1) The governing body of a municipality with a full time
32 municipal police department may authorize a municipal humane
33 law enforcement officer to possess, carry, and use a firearm while
34 enforcing the laws and ordinances enacted for the protection of
35 animals, if the officer:
- 36 (a) has satisfactorily completed a firearms training course as
37 defined in subsection j. of N.J.S.2C:39-6 and approved by the
38 Police Training Commission; and
- 39 (b) twice annually qualifies in the use of a revolver or similar
40 weapon.
- 41 (2) A municipal humane law enforcement officer authorized to
42 possess, carry, and use a firearm pursuant to this subsection shall be
43 subject to the supervision of the chief law enforcement officer of
44 the municipality.
- 45 e. A municipality that does not have a municipal police
46 department shall not be required to comply with the provisions of
47 paragraph (1) of subsection a. of this section; however, the

1 municipality shall make every reasonable effort to designate a
2 municipal humane law enforcement officer pursuant to this section.

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

11

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

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

28 b. A municipal humane law enforcement officer shall have the
29 power and authority within the municipality in which the officer is
30 designated, or otherwise authorized to act, as a municipal humane
31 law enforcement officer to:

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

34 (2) investigate and sign complaints concerning any violation of
35 an animal welfare or animal cruelty law of the State or ordinance of
36 the municipality; and

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

40 c. A municipal humane law enforcement officer shall:

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

43 (2) satisfactorily complete the training course developed
44 pursuant to subsection a. of section 11 of P.L.2005, c.372 (C.4:22-
45 11.11), subject to the provisions of subsection c. of section 11 of
46 P.L.2005, c.372 (C.4:22-11.11) as applicable, as soon as
47 practicable, but no later than one year after the date on which the

- 1 officer's designation is approved by the chief law enforcement
2 officer in the municipality or the superintendent, as applicable;
- 3 (3) refer all complaints for violations of the provisions of
4 subsection c. of R.S.4:22-17 to the county prosecutor for
5 investigation and prosecution, or any other appropriate legal action,
6 except that a municipal humane law enforcement officer may take
7 any action necessary, within the authority granted pursuant to
8 chapter 22 of Title 4 of the Revised Statutes, to respond to an
9 emergency situation;
- 10 (4) provide notice to the county animal cruelty prosecutor
11 designated pursuant to paragraph (1) of subsection a. of section 28
12 of P.L. , c. (C.) (pending before the Legislature as this bill)
13 within five businesses days after the receipt of any complaint of a
14 violation of any provision of article 2 of chapter 22 of Title 4 of the
15 Revised Statutes, regardless of whether the violation is referred to
16 the county prosecutor pursuant to paragraph (3) of this subsection.
17 The notice shall contain, at minimum, a brief description of the
18 offense alleged; and
- 19 (5) submit, by October 1 of each year, a report to the animal
20 cruelty prosecutor designated pursuant to subsection a. of section 28
21 of P.L. , c. (C.) (pending before the Legislature as this
22 bill), which shall include, for the most recently concluded State
23 fiscal year, the number of complaints received for each offense
24 under article 2 of chapter 22 of Title 4 of the Revised Statutes and
25 the number of cases referred to the county prosecutor, and may
26 contain any policy recommendations or concerns of the municipal
27 humane law enforcement officer related to animal cruelty law
28 enforcement in the municipality. The animal cruelty prosecutor
29 shall compile these reports and submit them to the Attorney General
30 as part of the annual report required pursuant to subsection d. of
31 section 31 of P.L. , c. (C.) (pending before the Legislature
32 as this bill).
- 33 d. A municipal humane law enforcement officer may, upon
34 receipt of a request for assistance by a municipality, county, or
35 other entity that did not designate the municipal humane law
36 enforcement officer pursuant to this section, exercise the powers
37 and authority granted pursuant to this section within the jurisdiction
38 of the municipality, county, or other entity making the request.
- 39 e. A municipal humane law enforcement officer may be so
40 designated concurrently by more than one municipality, provided
41 the officer is able to effectively carry out the duties and
42 responsibilities required of each designation, except that a
43 municipal humane law enforcement officer who serves concurrently
44 as a police officer shall not be designated as a municipal humane
45 law enforcement officer in more than one municipality at any one
46 time.
- 47 f. Any rule or regulation concerning animal cruelty
48 investigators, in effect on the date of enactment of P.L. ,

1 c. (C.) (pending before the Legislature as this bill), shall be
2 applicable to municipal humane law enforcement officers until
3 otherwise revised or repealed by the Department of Health.
4

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

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

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

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

33 (b) enter into a memorandum of understanding with the county
34 society for the prevention of cruelty to animals designated pursuant
35 to section 32 of P.L. , c. (C.) (pending before the
36 Legislature as this bill), which authorizes the county society, under
37 the supervision of the county prosecutor, to assist with enforcement
38 of article 2 of chapter 22 of Title 4 of the Revised Statutes, and to
39 designate humane law enforcement officers, subject to the
40 provisions of section 29 of P.L. , c. (C.) (pending before
41 the Legislature as this bill), to assist with investigations, arrest
42 violators, and otherwise act as an officer for detection,
43 apprehension, and arrest of offenders against the provisions of
44 article 2 of chapter 22 of Title 4 of the Revised Statutes; and

45 (3) designate a county society for the prevention of cruelty to
46 animals pursuant to the provisions of section 32 of P.L. ,
47 c. (C.) (pending before the Legislature as this bill) with
48 which, to the extent practicable and as needed, the county

1 prosecutor and county sheriff shall coordinate shelter and care for
2 animals.

3 b. A person who has been convicted of, or found civilly liable
4 for, a violation of any provision of article 2 of chapter 22 of Title 4
5 of the Revised Statutes or whose name is on the list or any revision
6 thereto established and provided by the Commissioner of Health
7 pursuant to subsection c. of section 3 of P.L.1983, c.525 (C.4:19-
8 15.16a) shall not be designated by the county prosecutor for any
9 position provided in subsection a. of this section.

10

11 29. (New section) a. (1) An application for designation as a
12 humane law enforcement officer of a county society for the
13 prevention of cruelty to animals pursuant to subsection a. of section
14 28 of P.L. , c. (C.) (pending before the Legislature as this
15 bill) shall be submitted by the governing body of the county society
16 to the county prosecutor. Upon receipt of the application, the
17 county prosecutor shall examine the character, competency, and
18 fitness of the applicant for the position, including initiating a
19 criminal background check at the expense of the applicant.

20 (2) Upon completion of an examination of an applicant, the
21 county prosecutor shall approve or reject the applicant and provide
22 a written determination, to the applicant and to the county society
23 for the prevention of cruelty to animals, which, if applicable, shall
24 state any reasons for rejecting the applicant.

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

33 c. A county prosecutor may authorize a humane law
34 enforcement officer to possess, carry, and use a firearm while
35 enforcing the laws and ordinances enacted for the protection of
36 animals, if the officer:

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

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

42 d. A county society for the prevention of cruelty to animals that
43 has entered into a memorandum of agreement with the county
44 prosecutor pursuant to subparagraph (b) of paragraph (2) of
45 subsection a. of section 28 of P.L. , c. (C.) (pending before
46 the Legislature as this bill) shall submit by October 1 of each year,
47 a report to the animal cruelty prosecutor designated pursuant to
48 subsection a. of section 28 of P.L. , c. (C.) (pending before

1 the Legislature as this bill) which shall include, for the most
2 recently concluded State fiscal year, the number of complaints
3 received for each offense under article 2 of chapter 22 of Title 4 of
4 the Revised Statutes and the number of cases referred to the county
5 prosecutor, and may contain any policy recommendations or
6 concerns of the county society related to animal cruelty law
7 enforcement in the county. The animal cruelty prosecutor shall
8 compile these reports and submit them to the Attorney General as
9 part of the annual report required pursuant to subsection d. of
10 section 31 of P.L. , c. (C.) (pending before the Legislature
11 as this bill).

12

13 30. (New section) a. Any law enforcement officer designated
14 pursuant to paragraph (2) of subsection a. of section 28 of P.L. ,
15 c. (C.) (pending before the Legislature as this bill), or
16 humane law enforcement officer of a county society for the
17 prevention of cruelty to animals designated pursuant to section 29
18 of P.L. , c. (C.) (pending before the Legislature as this bill)
19 shall have the power and authority within the jurisdiction in which
20 the officer is designated, or otherwise authorized to act, to:

21 (1) enforce all animal welfare and animal cruelty laws of the
22 State;

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

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

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

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

36 (2) satisfactorily complete the training course developed
37 pursuant to subsection a. of section 11 of P.L.2005, c.372 (C.4:22-
38 11.11), subject to the provisions of subsection c. of section 11 of
39 P.L.2005, c.372 (C.4:22-11.11) as applicable, as soon as
40 practicable, but no later than one year after the date of the officer's
41 designation.

42 c. Upon request for assistance by a municipality, county, or
43 other entity that did not designate the humane law enforcement
44 officer of a county society for the prevention of cruelty to animals
45 pursuant to section 29 of P.L. , c. (C.) (pending before the
46 Legislature as this bill), or other law enforcement officer pursuant
47 to paragraph (2) of subsection a. of section 28 of P.L. , c. (C.)
48 (pending before the Legislature as this bill), the humane law

1 enforcement officer or other law enforcement officer may, within
2 the jurisdiction of the municipality, county, or other entity making
3 the request, exercise the powers and authority granted pursuant to
4 this section.

5

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

7 a. promote the interests of, and protect and care for, animals
8 within the county;

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

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

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

17 (1) the number of complaints received from each municipality
18 and from the county society for the prevention of cruelty of
19 animals, as applicable, for each violation of any provision of article
20 2 of chapter 22 of Title 4 of the Revised Statutes;

21 (2) the number of complaints investigated;

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

23 (4) the number of animals adjudged forfeited;

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

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

27 (7) as applicable, any policy recommendations or concerns
28 related to animal cruelty law enforcement in the county, or as
29 described by a municipal humane law enforcement officer in the
30 annual report required pursuant to paragraph (5) of subsection c. of
31 section 26 of P.L. , c. (C.) (pending before the Legislature
32 as this bill) or by a humane law enforcement officer of a county
33 society for the prevention of cruelty to animals in the annual report
34 required pursuant to subsection d. of section 29 of P.L. , c. (C.)
35 (pending before the Legislature as this bill).

36

37 32. (New section) A county society for the prevention of cruelty
38 to animals which is chartered as such as of the day prior to the date
39 of enactment of P.L. , c. (C.) (pending before the
40 Legislature as this bill) shall, if the county society so desires, be
41 designated as the county society for the prevention of cruelty to
42 animals upon enactment of P.L. , c. (C.) (pending before
43 the Legislature as this bill). If a chartered county society elects not
44 to be so designated, or no county society is chartered in the county,
45 the county prosecutor shall select a non-profit corporation that is
46 organized to promote the interests of, and protect and care for,
47 animals to be designated as the county society for the prevention of
48 cruelty to animals. The county society shall be responsible for

1 efficiently providing or locating humane shelter and care for any
2 animals at the request of the county prosecutor, the county sheriff,
3 or a municipal humane law enforcement officer.
4

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

9 b. Nothing in P.L. , c. (C.) (pending before the
10 Legislature as this bill) shall be construed so as to require a county
11 society for the prevention of cruelty to animals chartered as such as
12 of the day prior to the date of enactment of P.L. , c. (C.)
13 (pending before the Legislature as this bill) to surrender any assets
14 to the State, or any political subdivision or other entity thereof.
15

16 34. (New section) a. The Attorney General shall take any
17 action necessary to facilitate the reincorporation of the New Jersey
18 Society for the Prevention of Cruelty to Animals as a non-profit
19 corporation independent of the State. Notwithstanding any State
20 law, rule, or regulation to the contrary, the State shall not assume
21 responsibility for any debts, liabilities, or other obligations of the
22 New Jersey Society for the Prevention of Cruelty to Animals.

23 b. Any assets of a county society for the prevention of cruelty to
24 animals held in escrow by the New Jersey Society for the
25 Prevention of Cruelty to Animals pursuant to subsection j. of
26 section 4 of P.L.2005, c.372 (C.4:22-11.4) shall be transferred to
27 the Attorney General to hold in escrow until such time as the assets
28 may be transferred back to the county society from whom they were
29 originally transferred, the status of the county society's charter
30 notwithstanding. Should the Attorney General find the transfer to
31 be inappropriate or impossible, the assets shall be used for the
32 purpose of protecting animals in the county from which the assets
33 were originally transferred.
34

35 35. Sections 8 and 9 of P.L.1997, c.247 (C.4:19-15.16c and
36 C.4:19-15.16d), sections 1 through 10 and 13 of P.L.2005, c.372
37 (C.4:22-11.1 through C.4:22-11.10 and C.4:22-11.13), R.S.4:22-12,
38 and R.S.4:22-13 are repealed.
39

40 36. This act shall take effect on the first day of the seventh
41 month following the date of enactment, except that sections 25, 26,
42 27, and 28 of this act shall take effect on the first day of the fourth
43 month following the date of enactment, sections 33, 34, and 36 of
44 this act shall take effect immediately, and the Attorney General and
45 any county prosecutor or governing body of a municipality may
46 take any administrative action in advance thereof as shall be
47 necessary for the implementation of this act.