SENATE, No. 278

STATE OF NEW JERSEY
218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:
Senator JAMES W. HOLZAPFEL
District 10 (Ocean)

Co-Sponsored by:
Senator Bateman

SYNOPSIS
Establishes NJ Animal Abuser Registry.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel.
AN ACT establishing the New Jersey Animal Abuser Registry, supplementing Title 4 of the Revised Statutes, and amending R.S.4:22-55.

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

1. (New section) This act shall be known and may be cited as the "New Jersey Animal Abuser Registry Act."

2. (New section) a. The Legislature finds and declares that:
   (1) Reputable studies in the fields of psychology, sociology, and criminology have consistently demonstrated that violent offenders often have childhood or adolescent histories involving serious, intentional acts of animal cruelty, and one study indicates that animal abuse may be characteristic of the developmental histories of up to 66 percent of violent offenders.
   (2) The Federal Bureau of Investigation has recognized the link between animal abuse and later acts of violence since the 1970s, when its analysis of serial killers revealed that most had killed or tortured animals during their lives.
   (3) More recent studies have revealed consistent patterns of animal cruelty and abuse in the criminal histories of perpetrators of other forms of violence, including child abuse, spousal abuse, and elder abuse, and a groundbreaking study conducted in 1983 of 53 New Jersey families being treated for child abuse found that, in 88 percent of these families, animal abuse was also present.
   (4) Studies in this area have additionally found a common history of documented animal abuse among sexually violent offenders, with one study showing that nearly one-half of rapists and almost one-third of pedophiles had also engaged in acts of cruelty towards animals.
   (5) As reported by the Humane Society of the United States and the American Society for the Prevention of Cruelty to Animals, persons who participate in animal fighting - a lucrative business endeavor that centers around the ongoing and sadistic abuse, torture, and killing of innocent animals for profit - are also often participants in other crimes that are associated with violence, including drug and gun crimes, gambling offenses, and homicide offenses, and many such offenders will continue to participate in animal fighting endeavors and violence-related offenses even after raids, arrests, and jail time.
   (6) The American Psychiatric Association has listed animal abuse in its diagnostic manual of major psychiatric disorders, as a symptom of Conduct Disorder, which is a disorder that is

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.
characterized by a general and ongoing disregard for societal rules and the feelings of others.

(7) Because evidence shows that persons who commit animal abuse offenses are likely to engage in recidivist acts of violence against either or both animals or humans, such persons pose a clear and significant threat to public safety, and, as a result, have a reduced expectation of privacy upon being convicted of or found civilly liable for these offenses.

(8) Knowledge of an animal abuse offender’s presence in the community could be a significant factor in protecting oneself, one's family members, and one's companion animals or livestock, from recidivist acts of the offender, and the technology afforded by the Internet would make this information readily accessible to private persons and entities, and enable them to undertake appropriate remedial precautions to prevent or avoid placing potential victims at risk.

(9) A system requiring the registration of animal abuse offenders, which utilizes complete and accurate data, will provide law enforcement with additional information that may be critical to preventing and appropriately responding to incidents of violence in the community, and will allow law enforcement officials to alert the public as to the presence of these violent offenders within the community, when necessary to promote the public safety.

(10) The registration of animal abuse offenders and the public disclosure of information pertaining to these offenders is a necessary and appropriate means of assuring the protection of the public and at-risk animals, and such registration and disclosure of information is not intended to punish or additionally sanction the offender's behavior, or to allow or encourage members of the public to seek retribution against the offender, or to be used for any purposes other than the protection of the public and at-risk animals, and should not be construed to be punitive.

b. The Legislature therefore determines that, in order to further the Legislature’s primary interest of protecting vulnerable populations from potential harm, it is both necessary and proper to provide for the establishment and implementation of an animal abuser registry system that will require the continuing registration of animal abuse offenders, and allow for the public disclosure of certain information pertaining to these offenders in order to promote the public safety.

3. (New section) For the purposes of this act:

"Animal abuse offense" means the commission of a criminal or civil offense constituting cruelty against an animal, and includes the commission of an act that constitutes a criminal offense under R.S.4:22-17, R.S.4:22-18, subsection (a) of R.S.4:22-19, R.S.4:22-20, R.S.4:22-21, R.S.4:22-23, or R.S.4:22-24; or the commission of an act that constitutes a civil offense under sections a., c., e., f., g.,
h., j., k., t., u., v., w., z., aa., bb., and cc. of R.S.4:22-26; or the
commission of an act that constitutes a comparable offense in
another state, country, or jurisdiction.
"Animal abuse offender" or "offender" means a person who has
been convicted at any date in time of an animal abuse offense, as
defined in this section.
"Animal Abuser Registry" means the centralized registry
established by the Attorney General pursuant to subsection d. of
section 8 of this act, which contains information pertaining to all
registered animal abuse offenders.
"Conduct Disorder" means a psychiatric disorder that is
characterized by a general and ongoing disregard for societal laws
and the feelings of others, and for which animal abuse is a
symptom.
"Convicted" or "conviction" refers to any decision resulting from
a formal civil or criminal court action, and includes a conviction, an
adjudication of delinquency, a finding of not guilty by reason of
insanity, and a finding of civil liability.
"Form of registration" means the entirety of the registration
package submitted by an animal abuse offender in accordance with
the provisions of this act, and includes the form of registration
statement and all other items required by subsection b. of section 8
of this act.
"Form of registration statement" or “form” means the form
statement developed by the Attorney General in accordance with
the provisions of subsection a. of section 8 of this act, which
contains information provided by the offender as required by
paragraph (1) of subsection b. of section 8 of this act.
"Homeless resident" means a person who does not maintain a
primary residence or secondary residence in this State or in any
other state, country, or jurisdiction, but who is physically present
within this State for more than 14 consecutive days or for an
aggregate period exceeding 30 days in a calendar year.
"Non-resident" means a person who does not maintain either
primary residence or secondary residence in this State but who
maintains primary residence in another state, country, or
jurisdiction, and who is physically present in this State for more
than 14 consecutive days or for an aggregate period exceeding 30
days in a calendar year.
"Primary residence" means a residentially-zoned property,
including a house, apartment, or condo, where the offender abides,
lodges, resides, or is accommodated for living purposes for more
than 183 days in a calendar year.
"Registered animal abuse offender" means a person who has
been convicted of an animal abuse offense, and who has registered
with the State in accordance with the provisions of section 4 of this
act.
"Registering authority" means the law enforcement agency or court with whom an animal abuse offender files initial registration in accordance with the provisions of section 4 of this act.

"Risk of re-offense" means the likelihood, as determined in accordance with the provisions of section 11 of this act, that an animal abuse offender will, in the future, commit another animal abuse offense or a crime against humans.

"Secondary residence" means a residentially-zoned property, including a house, vacation home, trailer, apartment, condo, or time-share rental, which is not the offender's primary residence, and in which the offender abides, lodges, resides, or is accommodated for living purposes for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year, but for no more than 183 days in a calendar year.

4. (New section) a. An animal abuse offender who (1) maintains, establishes, or re-establishes a primary residence or secondary residence in this State, or (2) is otherwise physically present in this State for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year, shall register with the State in accordance with the provisions of this act.

b. An animal abuse offender who is required to register under the provisions of this act shall register on forms provided by the designated registering authority, and in compliance with the following registration requirements:

(1) An animal abuse offender who maintains primary residence or secondary residence in, or is a homeless resident of, this State, and who is convicted of an animal abuse offense in this State following the effective date of this act, shall register with the presiding court at the time of conviction. An animal abuse offender who maintains primary residence or secondary residence in, or is a homeless resident of, this State, and who is convicted of an animal abuse offense in another state or jurisdiction following the effective date of this act, shall register, within 10 days after the date of conviction or the date of the offender’s release from incarceration, whichever is later, with the chief law enforcement officer of the municipality in which the offender’s primary residence and secondary residence, if any, is located, or in which the offender is physically present, or if the municipality does not have a local police force, with the chief law enforcement officer of the county in which the offender’s primary residence or secondary residence, if any, is located, or in which the offender is physically present;

(2) An animal abuse offender who maintains primary residence or secondary residence in, or is a homeless resident of, this State, and who was convicted of an animal abuse offense prior to the effective date of this act, shall register within 120 days after the effective date of this act with the chief law enforcement officer of the municipality in which the offender’s primary residence or
secondary residence, if any, is located, or in which the offender is physically present, or, if the municipality does not have a local police force, with the chief law enforcement officer of the county in which the offender’s primary residence or secondary residence, if any, is located, or in which the offender is physically present;

(3) An animal abuse offender who (a) establishes or re-establishes a primary residence in this State after moving or returning to the State from another state, country, or jurisdiction, or (b) establishes or re-establishes a secondary residence in this State at any time, shall register with the chief law enforcement officer of the municipality in which the primary residence or secondary residence is located, as the case may be, or, if the municipality does not have a local police force, with the chief law enforcement officer of the county in which the primary residence or secondary residence is located, as the case may be, within 120 days after the effective date of this act or within 10 days after first establishing or re-establishing the primary residence or secondary residence, whichever is later;

(4) An animal abuse offender who is enrolled on a full-time or part-time basis in any post-secondary public or private educational institution in this State, including any trade or professional institution or institution of higher education, shall register with the chief law enforcement officer of the municipality in which the educational institution is located or, if the municipality does not have a local police force, with the chief law enforcement officer of the county in which the educational institution is located, within 120 days after the effective date of this act or within 10 days after commencing attendance at such educational institution, whichever is later;

(5) An animal abuse offender who does not maintain primary residence or secondary residence in, and is not a homeless resident of, the State, but who (a) engages in employment or carries on a vocation or business in this State, on either a full-time or part-time basis, with or without compensation, that requires the offender's physical presence in the State for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year, or (b) is otherwise physically present in the State for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year, shall register with the chief law enforcement officer of the municipality in which the employer is located, the vocation or business is carried on, or the person is physically present, as the case may be, or, if the municipality does not have a local police force, with the chief law enforcement officer of the county in which the employer is located, the vocation or business is carried on, or the person is physically present, as the case may be, within 120 days after the effective date of this act or within 10 days after commencing such employment, vocation, business or physical presence in the State, whichever is later;
c. An animal abuse offender who fails to register as required by subsection b. of this section, or who falsifies information when complying with the registration requirements set forth in that subsection, shall be guilty of a crime of the third degree, and shall, in addition to any other penalties provided by law, be subject to pay a fine of $2,500, which shall be deposited into the Animal Abuser Registry Fund established in accordance with section 19 of this act.

5. (New section) a. Upon a change of address, a registered animal abuse offender shall notify the law enforcement agency with which the offender is currently registered, and shall re-register with the appropriate law enforcement agency no less than 10 days before the offender intends to first reside at the new address. A registered animal abuse offender shall notify the appropriate law enforcement agencies no later than five days after a change of employment or school enrollment status.

b. A registered animal abuse offender shall verify the offender's address on an annual basis, in a manner prescribed by the Attorney General. One year after the effective date of this act, the Attorney General shall review, evaluate, and, if warranted, modify the address verification requirement pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

c. A registered animal abuse offender who fails to notify the appropriate law enforcement agency of a change of address or status in accordance with subsection a. of this section, or who fails to verify his address as required by subsection b. of this section, or who falsifies information in complying with either subsection, shall be guilty of a crime of the fourth degree, and shall, in addition to any other penalties provided by law, be subject to pay a fine of $1,500, which shall be deposited into the Animal Abuser Registry Fund established in accordance with section 19 of this act.

6. (New section) a. Except as provided in subsection b. of this section, a registered animal abuse offender may make application to the Superior Court to terminate the obligation to register upon proof that the person has not committed an animal abuse offense or an offense constituting violence against humans within 15 years following conviction or release from a correctional facility for any term of imprisonment imposed, whichever is later, and is not likely to pose a threat to the safety of others.

b. A registered animal abuse offender who has been convicted of more than one animal abuse offense as defined by this act, or who has been convicted of one animal abuse offense and one or more subsequent violent offenses against humans shall not be eligible under subsection a. of this section to make application to the Superior Court to terminate the registration obligation.

c. The Attorney General shall terminate a registered animal abuse offender’s obligation to register pursuant to this act upon the
offender’s submission of evidence sufficient to prove, in the
judgment of the Attorney General, that the offender no longer
maintains primary residence or secondary residence in the State and
will not, for any reason, be physically present in the State for more
than 14 consecutive days or for an aggregate period of 30 days or
more in a calendar year. If, following the termination of an
offender’s registration obligation pursuant to this subsection, there
is a change in the offender’s residential status or an increase in the
amount of time the offender is present in the State, such that
registration would again be required pursuant to section 4 of this
act, the offender shall re-register with the appropriate registering
agency in compliance with the provisions of section 4 of this act,
and shall be subject to the penalties provided therein for
noncompliance.

7. (New section) a. The Attorney General shall cause notice
of the obligation to register under this act to be published in a
manner reasonably calculated to reach the general public within 30
days after the effective date of this act.
b. The Motor Vehicle Commission shall provide notice of the
obligation to register under this act in connection with each
application for a license to operate a motor vehicle and each
application for an identification card issued pursuant to section 2 of
P.L.1980, c.47 (C.39:3-29.3).
c. The registering authority shall provide notice to the
offender, at the time of registration, of this act’s address verification
and community notification requirements, as well as the penalties
that would be applicable in the case of the offender’s non-
compliance with any of the provisions of this act.

8. (New section) a. Within 60 days after the effective date of
this act, the Attorney General shall prepare the form of registration
statement as required in subsection b. of this section, and shall
provide copies of this form to each local law enforcement agency in
the State, and to the Administrative Office of the Courts. The
Administrative Office of the Courts shall forward copies of the
form of registration statement to each civil and criminal judge in the
State.
b. The form of registration required by this act shall include:
(1) A statement in writing, signed by the animal abuse offender
who is required to register, acknowledging that the offender has
been advised of the duty to register as imposed by this act, and
including the offender's name, social security number, age, race,
sex, date of birth, height, weight, hair and eye color; description of
any physical evidentiary markers, such as moles, birthmarks, scars,
piercings, or tattoos; address of primary residence and secondary
residence if any, or county and municipality of physical presence if
a non-resident or homeless resident; address of any anticipated or
current places of employment; any anticipated or current school
enrollment; the commission date and a brief description of the
conviction offenses for which registration is required; and the
indictment number or civil case number associated with each such
conviction offense;

(2) A photograph showing the head and shoulders of the
offender, which may be a photograph taken at the time of the
offender’s registration, or a passport photograph paid for and
provided by the offender, or the photograph used on the offender’s
driver's license or State identification card; and

(3) Any other information that the Attorney General deems
necessary to properly inform the public about the identity of the
animal abuse offender and to assess the offender’s risk of re-
offense, including criminal and corrections records, and non-
privileged personnel, treatment, and abuse registry records, when
available.

c. Within five days after receipt of an offender’s form of
registration submitted in accordance with the provisions of this act,
the registering authority shall forward the contents of the form of
registration to the Attorney General. In the event that the
registering authority is a court, the Attorney General shall, upon
receipt of the offender’s form of registration, transmit the same to
the law enforcement agencies responsible for the municipalities in
which the offender’s primary residence and secondary residence, if
any, is or will be located, or in which the offender will be
physically present, if a non-resident or a homeless resident. If the
respective municipalities do not have a law enforcement agency, the
Attorney General shall forward the form of registration to the
appropriate law enforcement agencies responsible for the counties
in which the offender’s primary residence or secondary residence, if
any, is or will be located, or in which the offender is physically
present, if a non-resident or a homeless resident.

d. The Attorney General shall maintain a central registry of all
registrations provided pursuant to this act, which shall be known as
the New Jersey Animal Abuser Registry. The Attorney General
shall authorize the disclosure of information contained in the
Animal Abuser Registry only to the extent provided by, and in a
manner consistent with, the provisions of sections 9, 11, and 13 of
this act.

9. (New section) a. Records maintained pursuant to this act
shall be open to any law enforcement agency in this State, any other
state, or the United States government, and may be released to the
Office of Animal Welfare in the Department of Health and Senior
Services, or to the Division of Child Behavioral Health Services,
the Division of Prevention and Community Partnerships, or the
Division of Youth and Family Services in the Department of
Children and Families, for use in carrying out the office’s and the
divisions’ respective responsibilities under law. Law enforcement agencies in this State shall be authorized to release relevant and necessary information regarding animal abuse offenders to the public when the release of the information is necessary for public protection in accordance with the provisions of this act.

b. A public official, public employee, or public agency is immune from civil liability for damages for any discretionary decision to release relevant and necessary information to other employees or officials or to the general public, in accordance with this section, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith.

c. Nothing in this act shall be deemed to impose any liability upon or to give rise to a cause of action against any public official, public employee, or public agency for failing to release information as authorized in subsection d. of this section.

d. Nothing in this section shall be construed to prevent law enforcement officers from notifying members of the public exposed to danger by any registered animal abuse offender under circumstances that are not enumerated in this act.

10. (New section) a. After receiving an offender's form of registration, submitted by the offender in accordance with section 4 of this act, or forwarded by the Attorney General in accordance with subsection c. of section 8 of this act, the chief law enforcement officer of the municipality in which the offender’s primary residence is or will be located, and the chief law enforcement officer of the municipality in which the offender’s secondary residence, if any, is or will be located, shall provide notification to the community, in accordance with the guidelines and procedures established by the Attorney General pursuant to section 11 of this act, regarding the offender's presence therein. If the municipality does not have a police force, the chief law enforcement officer of the county in which the offender’s primary residence or secondary residence is located, as the case may be, shall provide such notification.

b. After receiving notification pursuant to section 5 of this act that a registered animal abuse offender intends to change his address, the chief law enforcement officer of the municipality to which the person is relocating shall provide notification to the community, in accordance with the guidelines and procedures established by the Attorney General pursuant to section 11 of this act, regarding the offender's relocation therein. If the municipality does not have a police force, the chief law enforcement officer of the county in which the new residence is located shall provide such notification.

11. (New section) a. After consultation with members of the advisory council established pursuant to section 12 of this act, and
within 30 days after the effective date of this act, the Attorney General shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), guidelines and procedures for the community notification required pursuant to this section. The guidelines shall identify factors relevant to the evaluation of the offender’s risk of re-offense, and shall provide for two levels of community notification depending upon the degree of the offender’s risk of re-offense.

b. Factors relevant to risk of re-offense shall include, but not be limited to, the following:

(1) Factors that are specific to the conviction offense requiring registration under this act, and which are indicative of a low risk of re-offense, including:

(a) Whether the offensive conduct was accidental or unintentional; and

(b) Whether the offender has evidenced regret for the offensive conduct;

(2) Factors that are specific to the conviction offense requiring registration under this act, and which are indicative of a high risk of re-offense, including:

(a) Whether the offensive conduct was premeditated, excessively sadistic, or shocking to the conscious;

(b) Whether the offensive conduct was of an ongoing nature in the character of a business practice, or was found to be characterized by repetitive or compulsive behavior;

(c) Whether the offender committed the animal abuse offense in the presence of a child or other impressionable person, or in a manner designed to intimidate, threaten, coerce, or emotionally harm another person; and

(d) Whether the abused animal was a domestic animal owned and cared for by the offender and treated as a member of the offender’s family; and

(3) Other criminal history factors indicative of the offender's risk of re-offense, including:

(a) The number, date, and nature of prior animal abuse offenses;

(b) The number, date, and nature of prior or contemporaneous criminal offenses not related to animal abuse;

(c) The existence of psychological or psychiatric profiles indicating a risk of recidivism;

(d) The offender's response to psychiatric or psychological treatment or therapy;

(e) Recent behavior, including behavior while confined or while under supervision in the community; and

(f) Recent threats against persons or animals, or expressions of intent to commit additional crimes.

c. The regulations shall provide for two levels of notification depending upon the animal abuse offender's risk of re-offense, as follows:
If the risk of re-offense is low, law enforcement agencies likely to encounter the person registered shall be notified; and

If the risk of re-offense is moderate or high, members of the public likely to encounter the person registered, as well as animal shelters, pet adoption societies, Societies for the Prevention of Cruelty to Animals, humane societies, veterinarian's offices, and any other private or government sponsored animal welfare or animal control groups in the offender's community, shall be notified in accordance with the Attorney General's guidelines, in addition to the notice required by paragraph (1) of this subsection.

d. The regulations shall prohibit categorization as a low-risk re-offender if the registered animal abuse offender (1) has more than one prior conviction for an animal abuse offense as defined in this act, (2) has one prior conviction for an animal abuse offense in addition to a conviction for a violent offense against a person, or (3) has been diagnosed with Conduct Disorder.

e. The regulations shall provide that: (1) a person who receives community notification in accordance with this section shall be entitled to be notified of the exact address of the offender’s primary residence or secondary residence, if any and as the case may be, only after the person signs a receipt of notice form, prepared by the Attorney General, which gives notice to the recipient that the sharing or copying of such identifying information, the posting of such information in a public place or to persons who are not a member of the household, and the harassment or unsolicited contact of the offender or the offender’s family, is prohibited and may be penalized in accordance with the provisions of this act; and (2) businesses receiving community notification in accordance with this section shall not be entitled to be notified of the exact address of the offender’s primary residence or secondary residence, if any, and shall only receive information that identifies the general vicinity of, the neighborhood in which, or the block on which the offender’s primary residence or secondary residence, as the case may be, is located.

f. In order to promote uniform application of the notification guidelines required by this section, the Attorney General shall develop procedures for evaluating an offender’s risk of re-offense and for notifying the community of an offender’s presence therein. The procedures related to risk assessment shall provide (1) a method by which an offender will receive notice of the results of the risk assessment, and (2) a means by which an offender can obtain review of the risk assessment determination prior to the public release of any identifying information. The procedures related to community notification shall be reasonably calculated to allow the dissemination of relevant information to members of the public who have a particular need for it, while avoiding disclosure to those who have no similar need.
The Attorney General's guidelines shall provide for the manner in which records of notifications provided pursuant to this act shall be maintained and disclosed.

Nothing in this section shall be construed to prevent law enforcement officers from providing community notification concerning any registered animal abuse offender who poses a danger under circumstances that are not provided for in this act.

There is created a community notification advisory council to consult with and provide recommendations to the Attorney General concerning the guidelines and procedures to be adopted pursuant to section 11 of this act. The council shall consist of 12 persons who, by experience or training, have professional expertise in law enforcement, crime prevention, animal welfare, animal advocacy, domestic violence prevention, criminology, psychology, public education, or community relations. The members of the council shall be appointed in the following manner: four shall be appointed by the Governor, of whom no more than two shall be of the same political party; four shall be appointed by the President of the Senate, of whom no more than two shall be of the same political party; and four shall be appointed by the Speaker of the General Assembly, of whom no more than two shall be of the same political party. Any vacancies occurring in the membership shall be filled in the same manner as the original appointments.

One year after the effective date of this act, the Attorney General and the council shall conduct a comprehensive review of the guidelines and procedures adopted pursuant to section 11 of this act to determine whether any changes or revisions should be made thereto. Upon completion of that review and the submission of any recommendations thereon, the council shall expire.

The Attorney General shall develop and maintain a system for making certain information in the Animal Abuser Registry publicly available by means of electronic Internet technology.

Members of the public may, without limitation, obtain access to the Internet registry to view an individual registration record, any part of, or the entire, Internet registry concerning all offenders whose risk of re-offense is moderate or high, or for whom a court has ordered notification in accordance with paragraph (2) of subsection c. of section 11 of this act, regardless of the age of the offender.

The individual registration records of registered animal abuse offenders whose risk of re-offense is low shall not be made available to the public on the Internet registry unless such publication is ordered by a court of competent jurisdiction.
d. The information concerning a registered animal abuse offender to be made publicly available on the Internet shall include: the offender's name and any aliases the offender has used or under which the offender may be or may have been known; any animal abuse offense requiring registration for which the offender was convicted; the date and location of disposition; a brief description of any such offense; a general description of the offender's modus operandi, if any; the determination of whether the risk of re-offense by the offender is moderate or high; the offender's age, race, sex, date of birth, height, weight, hair, eye color and any distinguishing physical evidentiary markers, such as moles, birthmarks, scars, piercings, or tattoos; the photograph of the offender that was submitted as part of the offender's form of registration, and the date on which the photograph was taken; the make, model, color, year, and license plate number of any vehicle operated by the offender; and the neighborhood or block, zip code, municipality, and county of the offender's primary residence and secondary residence, if any, or the municipality and county in which the offender is or generally will be physically present if the offender is a non-resident or a homeless resident.

14. (New section) The Attorney General shall:

a. Ensure that the Internet registry contains warnings that any person who uses the information contained therein to threaten, intimidate or harass another, or who otherwise misuses that information, may be criminally prosecuted;

b. Ensure that the Internet registry contains an explanation of its limitations, including statements advising that some information contained in the registry may be outdated or inaccurate; that the Internet registry lists only the general vicinity of the offender’s residence and that the offender’s exact address will be provided only to those persons deemed likely to encounter the offender in accordance with the provisions of section 11 of this act; and that the Internet registry is not a comprehensive listing of every person who has ever committed an animal abuse offense in New Jersey;

c. Strive to ensure that the information contained in the Internet registry is accurate, and that the data therein is revised and updated as appropriate, in a timely and efficient manner; and

d. Provide in the Internet registry, information designed to inform and educate the public about animal abuse, animal abuse offenders, and the operation of this act, as well as any pertinent and appropriate information concerning crime prevention, domestic violence awareness and prevention, and personal safety, with appropriate links to relevant web sites operated by the State.

15. (New section) An Animal Abuse Offender Internet Registry Advisory Council is hereby established to consult with and provide recommendations to the Attorney General concerning the making of
animal abuse offender registration records available to the public on
the Internet. The council shall consist of nine persons who, by
experience or training, have professional expertise in law
enforcement, crime prevention, animal advocacy, domestic violence
prevention, criminology, psychology, public education, or
community relations. The members of the council shall be
appointed in the following manner: three shall be appointed by the
Governor, of whom no more than two shall be of the same political
party; three shall be appointed by the President of the Senate, of
whom no more than two shall be of the same political party; and
three shall be appointed by the Speaker of the General Assembly, of
whom no more than two shall be of the same political party. Any
vacancies occurring in the membership shall be filled in the same
manner as the original appointments. The council shall hold at least
two meetings per year to review the implementation and operations
of the Internet registry.

16. (New section) Notwithstanding any other provision of law
to the contrary, any person who provides or fails to provide
information to the community in accordance with the procedures
established in accordance with section 11 of this act, or who
discloses or fails to disclose information on the Internet registry
established in accordance with section 13 of this act shall not be
liable in any civil or criminal action. Nothing herein shall be
deemed to grant any such immunity to any person for his willful or
wanton act or omission.

17. (New section) a. Any information disclosed pursuant to this
act may be used by any person or by any public, governmental, or
private entity, organization, or official, or any agent thereof, to
protect an animal at risk, or for any other lawful purpose consistent
with the enhancement of public safety.

b. Any person who uses information disclosed pursuant to this
act to commit a crime against a registered animal abuse offender
shall be guilty of a crime of the third degree. Any person who uses
information disclosed pursuant to this act to commit a disorderly
persons or petty disorderly persons offense against a registered
animal abuse offender shall be guilty of a disorderly persons
offense and shall be fined not less than $500 or more than $1,000,
in addition to any other penalty or fine imposed.

c. Any person who uses information disclosed pursuant to this
act to encourage, solicit, or assist a registered animal abuse offender
or other person to engage in criminal activity or an animal abuse
offense shall be guilty of a crime of the third degree and shall, in
addition to any other penalties provided by law, be subject to pay a
fine of $2,500, which shall be deposited into the Animal Abuser
Registry Fund established in accordance with section 19 of this act.
d. Except as authorized by section 18 of this act or by any other provision of law, use of any information disclosed pursuant to this act for the purpose of applying for, obtaining, or denying any of the following, is prohibited:

(1) Health insurance;
(2) Insurance;
(3) Loans;
(4) Credit;
(5) Education, scholarships, or fellowships;
(6) Benefits, privileges, or services provided by any business establishment, unless for a purpose consistent with the enhancement of public safety; or
(7) Housing or accommodations.

e. The use of information disclosed pursuant to this act for any purposes other than those provided by subsection a. of this section and in violation of subsection d. of this section shall make the user liable (1) for actual damages, attorney’s fees, and any amount that may be determined by a jury or a court sitting without a jury, which is not less than $250 nor more than three times the amount of actual damage, or (2) for a civil penalty of not more than $25,000, to be collected in accordance with the provisions of the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).

f. Whenever there is reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of misuse of the information disclosed pursuant to this act, the Attorney General, or any county or municipal prosecutor having jurisdiction, or any person aggrieved by the misuse of that information is authorized to bring a civil action in the appropriate court requesting preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or group of persons responsible for the pattern or practice of misuse. The foregoing remedies shall be independent of and in addition to any other remedies or procedures that may be available under other provisions of law.

g. Evidence that a person obtained information about an offender from law enforcement or from the Internet registry within one year prior to committing a criminal offense against that offender shall give rise to an inference that the person used information in violation of subsection b. of this section.

18. (New section) Notwithstanding the provisions of section 17 of this act to the contrary, any information disclosed in accordance with the provisions of this act may be used by an animal shelter, pet adoption society, humane society, Society for the Prevention of Cruelty to Animals, veterinarian’s office, 4-H club, or any other private or government-sponsored animal welfare or animal control organization or group, in order to screen potential applicants for employment or for pet adoption.
19. (New section) The Animal Abuser Registry Fund is hereby established, separate and distinct from the General Fund, in order to provide a dedicated source of moneys by which to finance the ongoing administrative and maintenance costs associated with the Animal Abuser Registry and the expenses associated with the community notifications required by the act's provisions. The fund shall be credited with:

a. Fifty percent of all civil and criminal fines collected by a court in relation to the animal abuse offenses for which registration is required pursuant to this act;

b. Any excess fines collected by a court as authorized by subsection c. of section 4, subsection c. of section 5 of this act, and subsection c. of section 17 of this act;

c. Any interest or other investment income accrued on moneys deposited in the account;

d. Any moneys gifted to the fund; and

e. Any other moneys appropriated by the Legislature and allocated to the fund for its purposes.

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

4:22-55. a. Except as provided [pursuant to] by subsection b. of this section [.] and by section 19 of P.L., c. (C.) (pending before the Legislature as this bill), all fines, penalties and moneys imposed and collected under the provisions of this article, shall be paid by the court or by the clerk or court officer receiving the fines, penalties or moneys, within thirty days and without demand, to (1) the county society for the prevention of cruelty to animals of the county where the fines, penalties or moneys were imposed and collected, if the county society brought the action or it was brought on behalf of the county society, to be used by the county society in aid of the benevolent objects for which it was incorporated, or (2) in all other cases, the New Jersey Society for the Prevention of Cruelty to Animals, to be used by the State society in aid of the benevolent objects for which it was incorporated.

b. If an enforcement action for a violation of this article is brought primarily as a result of the discovery and investigation of the violation by a certified animal control officer, the fines, penalties or moneys collected shall be paid as follows: one half to the municipality in which the violation occurred; and one half to the county society or to the New Jersey Society for the Prevention of Cruelty to Animals, as applicable to the particular enforcement action.

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

(1) enforcement of animal control, animal welfare and animal cruelty laws and ordinances within the municipality; and
(2) the training therefor required of certified animal control
officers pursuant to law or other animal enforcement related
training authorized by law for municipal employees.
(cf: P.L.2005, c.372, s.19)

21. This act shall take effect on the 180th day after the date of
its enactment, except for sections 11 and 12, which shall take effect
immediately. The Attorney General may also take additional
anticipatory action as is necessary for the implementation of this
act.

STATEMENT

This bill would provide for the establishment and
implementation of an animal abuser registry system that would
require the continuing registration of animal abuse offenders and
allow for the public disclosure of certain information pertaining to
those offenders.

Such a registry system for animal abusers is necessary because
the overwhelming evidence accumulated since 1970 shows that
persons who cruelly abuse or torture animals are likely to engage in
recidivist acts of violence against both animals and humans. In
particular, studies have shown that early incidents of animal abuse
are often part of the criminal histories of serial killers, child,
spouse, and elder abusers, and sexually violent predators, and may
be characteristic of the developmental histories of up to 66 percent
of violent offenders, in general. In addition, it has been shown that
those who abuse animals through participation in animal fighting
rings also often engage in other crimes associated with violence,
and will often continue to engage in animal abuse and other
violence-related offenses even after serving jail time.

The bill would require registration for any person convicted of
an enumerated animal abuse offense who maintains, establishes, or
re-establishes a primary residence or secondary residence in this
State or who is otherwise physically present in the State for more
than 14 consecutive days or a period exceeding 30 days in a
calendar year. In particular, a person would be required to register
if they have been convicted, adjudicated delinquent, found not
guilty by reason of insanity, or found civilly liable for any of the
following animal abuse offenses:

(1) overdriving, overloading, driving when overloaded,
overworking, depriving of necessary sustenance, abusing, or
needlessly killing a living animal by direct or indirect means,
including through the use of another living animal;

(2) tormenting, torturing, maiming, hanging, poisoning,
unnecessarily or cruelly beating, or needlessly mutilating a living
animal by direct or indirect means, including through the use of
another living animal, whether or not such actions cause the death
of the animal;

(3) cruelly killing, by direct or indirect means, a living animal,
including through the use of another living animal;

(4) causing, allowing, or permitting the fighting or baiting of a
living animal for amusement or gain;

(5) engaging in the management of, or receiving money or other
consideration for the admission of a person to, a place that is kept
or used for the purposes of fighting or baiting a living animal;

(6) owning, possessing, keeping, training, promoting,
purchasing, or knowingly selling a living animal for the purposes of
fighting or baiting that animal;

(7) allowing or suffering a place under a person’s ownership or
control to be used for the purposes of fighting or baiting a living
animal;

(8) acting as a spectator, gambling on the outcome of a fight, or
otherwise encouraging or assisting in activities occurring at a place
that is kept or used for the purposes of fighting or baiting a living
animal;

(9) carrying a living animal in or upon a vehicle or otherwise, in
a cruel or inhumane manner;

(10) impounding or confining a living animal and failing to
supply it during such confinement with a sufficient quantity of good
and wholesome food and water;

(11) abandoning a maimed, sick, infirm, or disabled animal to
die in a public place;

(12) abandoning a domestic animal;

(13) unlawfully debarking or silencing a dog;

(14) using a live pigeon, fowl, or other bird as a target or to be
shot at for amusement or as a test of skill in marksmanship, or
shooting such a bird, except where such use or shooting conforms
with the rules pertaining to the shooting of game animals; and

(15) any comparable offense in another state, country, or
jurisdiction.

The bill would require that notice of the duty to register be
provided by the Attorney General within 30 days after the bill’s
enactment, and by the Motor Vehicle Commission upon application
for a driver’s license or identification card. The court or local law
enforcement agency with which an offender is required to initially
register pursuant to this bill would be required to notify the offender
of the specific requirements of the bill, and the penalties for
noncompliance.

The information to be included in an offender’s registration
would consist of the following:

(1) A statement in writing, signed by the animal abuse offender,
acknowledging that the offender has been advised of the duty to
register, and including the offender’s name, social security number,
age, race, sex, date of birth, height, weight, hair and eye color;
address of primary residence and secondary residence if any, or
county and municipality of physical presence if a non-resident or
homeless resident; address of anticipated or current places of
employment; any anticipated or current school enrollment; the
commission date and a brief description of the conviction offenses
for which registration is required; and the indictment number
associated with each such offense;
(2) A photograph of the defendant; and
(3) Any other information that the Attorney General deems
necessary to properly inform the public about the identity of the
offender and to assess the risk of re-offense.
The bill would require each offender to verify the address on the
registration statement on an annual basis, and would additionally
require each offender to notify law enforcement officials of any
change in address.
Any person who fails to register as required by the bill’s
provisions would be guilty of a crime of the third degree and would
be subject, in addition to any other penalties provided by law, to
pay a fine of $2,500. Any registered animal abuse offender who
fails to comply, or who falsifies information in complying with the
change of address requirements or address verification requirements
provided by the bill, would be guilty of a crime of the fourth
degree, and would be subject, in addition to any other penalties
provided by law, to pay a fine of $1,500.
The Attorney General would be required to maintain a central
registry of all registrations submitted in accordance with this bill’s
provisions, and would additionally be required to develop a system
for making certain offender information from the central registry
available to the public on the Internet. The Attorney General would
be responsible both for ensuring that the Internet registry contains
appropriate warnings and notifications, and for maintaining the
accuracy of, and for timely updating the information contained
therein. An Animal Abuse Offender Internet Registry Advisory
Council would be established to consult with and make
recommendations to the Attorney General concerning the
publication of registration records on the Internet.
All records maintained pursuant to the bill would be open to any
law enforcement agency in the State, any other state, or the United
States government, and would be able to be released to the Office of
Animal Welfare in the Department of Health and Senior Services,
or to the Division of Child Behavioral Health Services, the Division
of Prevention and Community Partnerships, or the Division of
Youth and Family Services in the Department of Children and
Families for use in carrying out the office’s and the divisions’
respective responsibilities under law. Any official would be
immune from civil liability for damages for any discretionary
decision to release relevant records unless it is shown that the
official acted with gross negligence or in bad faith.
Upon receipt of an offender’s registration or notification of an offender’s change in address, and pursuant to the procedures outlined in the bill’s provisions, the chief law enforcement officer of the municipality (or county) wherein the offender’s primary residence and secondary residence, if any, is located, or wherein the offender is generally present if a non-resident or a homeless resident of the State, would be required to provide notification to the community of the offender’s presence therein, in accordance with guidelines to be established by the Attorney General relating to the offender’s risk of re-offense.

The bill would establish a temporary advisory council to assist the Attorney General in establishing these guidelines and procedures for risk assessment and community notification. The bill would require the Attorney General to consider various factors relevant to an offender’s risk of re-offense, and would require the regulations adopted by the Attorney General to provide for two tiers of community notification based on whether the offender is determined to have a low risk of re-offense, or whether the offender is determined to have a moderate or high risk of re-offense.

The bill would require the regulations adopted by the Attorney General to prohibit a “low risk” categorization in a case where the registered animal abuse offender (1) has more than one prior conviction for an animal abuse offense, as defined by the bill, (2) has one prior conviction for an animal abuse offense in addition to one or more convictions for a violent offense against a person, or (3) has been diagnosed with Conduct Disorder – a disorder characterized by a general and ongoing disregard for societal laws and the feelings of others, and for which animal abuse is a symptom.

In the case that an offender is determined to have a low risk of re-offense, notification of the offender’s presence in the community would be provided only to law enforcement agencies likely to encounter the person, and the person’s registration information would be prohibited from publication on the Internet unless such publication is ordered by a court of competent jurisdiction. In the case that an offender is determined to have a moderate or high risk of re-offense, notification of the offender’s presence in the community would be provided to law enforcement agencies likely to encounter the offender, as well as to members of the public likely to encounter the offender, and to animal shelters, pet adoption societies, humane societies, veterinarian’s offices, and other animal welfare or control groups in the offender’s community. Furthermore, registration information for offenders having a moderate to high risk of re-offense would be made available for public viewing, without limitation, on the Internet registry.

The bill would require the Attorney General’s regulations to ensure that an offender will be provided with notice of the results of the risk assessment and will be afforded an opportunity to have that
The bill would allow the disclosure of the offender’s exact address only in very limited circumstances, since the courts have held that an offender may have some limited privacy interest in that information. Accordingly, the offender’s exact address would be excluded from the Internet registry, and would be disclosed only to individuals within the offender’s community who have a particular need for that information. Moreover, the offender’s exact address would be disclosed to individuals in the community only in cases where the individuals have signed a receipt of notice form, which explicitly prohibits the disclosure of the offender’s exact address to persons outside the individual’s household, and which provides express notice that any harassment of the offender is punishable by law. Businesses within the offender’s community would be entitled to know only the vicinity of the offender’s address.

Any information disclosed pursuant to the bill’s provisions could be used by any person in any manner to protect an animal at risk, or for any other lawful purpose consistent with the enhancement of public safety. Except in the case of willful or wanton misconduct, any person who provides or fails to provide information to the community, or who discloses or fails to disclose information on the Internet registry in accordance with the bill’s provisions, would be immune from civil or criminal action.

The bill would provide, however, that any person using the information disclosed pursuant thereto to commit a crime would be guilty of a crime of the third degree, and that any person using the information disclosed to commit a disorderly persons or petty disorderly persons offense would be guilty of a disorderly persons offense and subject to pay a fine of $500 to $1,000, in addition to any other penalty imposed. Evidence that a person obtained information about an offender from law enforcement or from the Internet registry within one year prior to committing a criminal offense against that offender would give rise to an inference that the person used information in violation of the bill’s provisions.

The bill would also provide that any person who uses any information disclosed pursuant to the bill’s provisions to encourage, solicit, or assist a registered animal abuse offender or other person to engage in criminal activity or an animal abuse offense would be guilty of a crime of the third degree and, in addition to any other penalties provided by law, subject to pay a fine of $2,500.

The bill would additionally prevent the use of information disclosed pursuant thereto for purposes of health or other insurance; loans; credit; education, scholarships, or fellowships; benefits, privileges, or services provided by a business establishment, unless consistent with enhancement of the public safety; or housing and accommodations. However, the bill would specifically allow a humane society, animal welfare organization, or other similar group
to use the information disclosed pursuant to its provisions in order
to screen applicants for employment or for pet adoption services.
The use of any information disclosed pursuant to the bill’s
provisions for any of the specifically prohibited purposes would
make the user of the information liable for actual damages,
attorney’s fees, and any amount that may be determined by a jury or
a court sitting without a jury, which is not less than $250, and not
more than three times the amount of actual damage, or for a civil
penalty of not more than $25,000. Furthermore, the bill would
authorize civil action for injunctive or other preventative relief in
the case that there is reasonable cause to believe that any person or
group is engaged in a pattern of misuse of information disclosed
pursuant to the bill’s provisions.

The bill would establish the “Animal Abuser Registry Fund,”
separate and distinct from the General Fund, in order to provide a
dedicated source of moneys by which to finance the ongoing
administrative and maintenance costs associated with the Animal
Abuser Registry and the expenses associated with the community
notifications required under the bill. The fund would be credited
with:

(1) fifty percent of all civil and criminal fines collected by a
court in relation to the animal abuse offenses for which registration
is required;
(2) any excess fines collected by a court as a result of an
offender’s failure to register, failure to notify authorities of a
change in address, failure to timely verify the offender’s address, or
falsification of any information in the course of complying with the
bill’s requirements in this regard;
(3) any excess fines collected by a court from the unlawful use
of information disclosed pursuant to the act’s provisions to
encourage, solicit, or assist a registered animal abuse offender or
other person to engage in criminal activity or commit an animal
abuse offense;
(4) any interest or other investment income accrued on moneys
deposited in the account;
(5) any moneys gifted to the fund; and
(6) any other moneys appropriated by the Legislature and
allocated to the fund for its purposes.

Finally, the bill would provide that a registered animal abuse
offender may make application to the Superior Court to terminate
the obligation to register under this bill upon proof that the person
has not committed an animal abuse offense or an offense
constituting violence against humans within 15 years following
conviction or release from a correctional facility for any term of
imprisonment imposed, whichever is later, and is not likely to pose
a threat to the safety of others. A registered animal abuse offender
would also be able to make application to the Attorney General to
terminate the obligation to register under this bill upon the
submission of evidence, sufficient in the determination of the Attorney General, to establish that the offender no longer maintains primary residence or secondary residence in this State, and will not be present in the State for more than 14 consecutive days, or for an aggregate period of 30 days or more. However, such an offender would be required to re-register with the State in the event that he re-establishes primary residence or secondary residence in the State or re-establishes physical presence therein for the requisite period of time.