Sponsored by:
Assemblyman DANIEL R. BENSON
District 14 (Mercer and Middlesex)
Assemblyman RONALD S. DANCER
District 12 (Burlington, Middlesex, Monmouth and Ocean)
Assemblyman THOMAS P. GIBLIN
District 34 (Essex and Passaic)

Co-Sponsored by:
Assemblyman Verrelli, Assemblywomen Stanfield and Murphy

SYNOPSIS
Includes animal cruelty against victim’s animal within definition of domestic violence and other types of abuse; establishes immunity for reporting animal cruelty; mandates reporting of animal cruelty in certain circumstances.

CURRENT VERSION OF TEXT
As introduced.

(Sponsorship Updated As Of: 11/30/2020)
AN ACT concerning animal cruelty and the reporting thereof, and
supplementing and amending various parts of statutory law.

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

1. (New section) a. A veterinarian or veterinary technician
who, when examining or treating an animal, has reasonable cause to
believe the animal has been subjected to an act of animal cruelty, or
is domestic livestock being raised, kept, cared for, treated,
marketed, or sold in a manner that violates the standards or rules
and regulations adopted pursuant to section 1 of P.L.1995, c.311
(C.4:22-16.1), shall immediately report the suspected violation to
the county prosecutor, a county humane law enforcement officer, a
municipal humane law enforcement officer, a certified animal
control officer, the New Jersey Department of Agriculture, or other
appropriate authority or law enforcement officer.

b. A veterinarian or veterinary technician who reports in good
faith a suspected violation to any of the appropriate authorities
enumerated in subsection a. of this section shall be immune from:
(1) civil liability for the reporting of the suspected animal
cruelty violation; and
(2) criminal prosecution for disclosure of private or protected
information in the course of reporting the suspected animal cruelty
violation.

c. As used in this section:
“Animal cruelty” means an act that violates R.S.4:22-17,
R.S.4:22-18, R.S.4:22-19, R.S.4:22-20, R.S.4:22-23, R.S.4:22-24,
section 1 or 2 of P.L.1999, c.307 (C.4:22-25.3 or 4:22-25.4), or
section 1 of P.L.2012, c.52 (C.4:22-25.5); is enumerated under
R.S.4:22-26; or would constitute failure to provide necessary care
pursuant to P.L.2017, c.189 (C.4:22-17.1 et seq.).

“Veterinary technician” means a technician or assistant to a
veterinarian operating in the capacity of a veterinary technician,
regardless of whether the person is accredited as a veterinary
technician.

2. (New section) a. Any person who makes a report of
suspected animal cruelty, or who provides records or information
related to suspected animal cruelty, or who testifies in any judicial
proceeding arising from the report, records, or information, shall be
immune from any civil or criminal liability or administrative
penalty or sanction due to the provision of the report, records,
information, or testimony, unless the person is proved to have acted
in bad faith or with malicious purpose.

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.
b. As used in this section, “animal cruelty” means an act that violates R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20, R.S.4:22-23, R.S.4:22-24, section 1 or 2 of P.L.1999, c.307 (C.4:22-25.3 or 4:22-25.4), or section 1 of P.L.2012, c.52 (C.4:22-25.5); is enumerated under R.S.4:22-26; or would constitute failure to provide necessary care pursuant to P.L.2017, c.189 (C.4:22-17.1 et seq.).

3. (New section) a. An employee of the Department of Children and Families designated by the Commissioner of Children and Families to investigate child abuse or neglect, who, while acting within the scope of their employment, has reasonable cause to believe that an animal has been subjected to animal cruelty, shall report, as soon as possible, the suspected animal cruelty to the county prosecutor or chief county humane law enforcement officer and to:

   (1) the local humane law enforcement officer if the municipality has its own police department or is patrolled by a county police department; or
   (2) the State Police if the municipality does not have its own police department.

b. An employee of the Department of Children and Families designated by the Commissioner of Children and Families to investigate child abuse or neglect, who, while acting within the scope of their employment, has reasonable cause to believe that domestic livestock is being raised, kept, cared for, treated, marketed, or sold in a manner that violates the standards or the rules and regulations adopted pursuant to section 1 of P.L.1995, c.311 (C.4:22-16.1), shall report, as soon as possible, the suspected violation to the New Jersey Department of Agriculture and to the municipal or county humane law enforcement officer.

c. A person who reports in good faith to the appropriate authorities a suspected animal cruelty violation pursuant to subsection a. of this section or a suspected violation pursuant to subsection b. of this section shall be immune from:

   (1) civil liability for the reporting of the suspected animal cruelty violation; and
   (2) criminal prosecution for disclosure of private or protected information in the course of reporting the suspected animal cruelty violation.

d. As used in this section:

   “Animal cruelty” means an act that violates R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20, R.S.4:22-23, R.S.4:22-24, section 1 or 2 of P.L.1999, c.307 (C.4:22-25.3 or 4:22-25.4), or section 1 of P.L.2012, c.52 (C.4:22-25.5); is enumerated under R.S.4:22-26; or would constitute failure to provide necessary care pursuant to P.L.2017, c.189 (C.4:22-17.1 et seq.).
“Domestic livestock” means domestic livestock as the term is defined in section 1 of P.L.1995, c.311 (C.4:22-16.1).

4. (New section) a. An employee charged with management of, or care for the residents of, a residential health care facility, rooming house or boarding house, who, while acting within the scope of their employment, has reasonable cause to believe that an animal has been subjected to animal cruelty, shall report, as soon as possible, the suspected animal cruelty to the county prosecutor or chief county humane law enforcement officer and to:

   (1) the local humane law enforcement officer if the municipality has its own police department or is patrolled by a county police department; or

   (2) the State Police if the municipality does not have its own police department.

b. An employee charged with management of, or care for the residents of, a residential health care facility, rooming house or boarding house, who, while acting within the scope of their employment, has reasonable cause to believe that domestic livestock is being raised, kept, cared for, treated, marketed, or sold in a manner that violates the standards or the rules and regulations adopted pursuant to section 1 of P.L.1995, c.311 (C.4:22-16.1), shall report, as soon as possible, the suspected violation to the New Jersey Department of Agriculture and to the municipal or county humane law enforcement officer.

c. A person who reports in good faith a suspected animal cruelty violation pursuant to subsection a. of this section to the appropriate authorities enumerated in subsections a. and b. of this section shall be immune from:

   (1) civil liability for the reporting of the suspected animal cruelty violation; and

   (2) criminal prosecution for disclosure of private or protected information in the course of reporting the suspected animal cruelty violation.

d. As used in this section:

   “Animal cruelty” means an act that violates R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20, R.S.4:22-23, R.S.4:22-24, section 1 or 2 of P.L.1999, c.307 (C.4:22-25.3 or 4:22-25.4), or section 1 of P.L.2012, c.52 (C.4:22-25.5); is enumerated under R.S.4:22-26; or would constitute failure to provide necessary care pursuant to P.L.2017, c.189 (C.4:22-17.1 et seq.).

   “Domestic livestock” means domestic livestock as the term is defined in section 1 of P.L.1995, c.311 (C.4:22-16.1).

5. (New section) a. An employee of the Division of Developmental Disabilities designated to investigate abuse of persons with developmental disabilities, who, while acting within the scope of their employment, has reasonable cause to believe that
an animal has been subjected to animal cruelty, shall report, as soon as possible, the suspected animal cruelty to the county prosecutor or chief county humane law enforcement officer and to:

(1) the local humane law enforcement officer if the municipality has its own police department or is patrolled by a county police department; or

(2) the State Police if the municipality does not have its own police department.

b. An employee of the Division of Developmental Disabilities designated to investigate abuse of persons with developmental disabilities, who, while acting within the scope of their employment, has reasonable cause to believe that domestic livestock is being raised, kept, cared for, treated, marketed, or sold in a manner that violates the standards or the rules and regulations adopted pursuant to section 1 of P.L.1995, c.311 (C.4:22-16.1), shall report, as soon as possible, the suspected violation to the New Jersey Department of Agriculture and to the municipal or county humane law enforcement officer.

c. A person who reports in good faith to the appropriate authorities enumerated in subsections a. and b. of this section a suspected animal cruelty violation pursuant to subsection a. of this section or a suspected violation pursuant to subsection b. of this section to the appropriate authorities shall be immune from:

(1) civil liability for the reporting of the suspected animal cruelty violation; and

(2) criminal prosecution for disclosure of private or protected information in the course of reporting the suspected animal cruelty violation.

d. As used in this section:

“Animal cruelty” means an act that violates R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20, R.S.4:22-23, R.S.4:22-24, section 1 or 2 of P.L.1999, c.307 (C.4:22-25.3 or 4:22-25.4), or section 1 of P.L.2012, c.52 (C.4:22-25.5); is enumerated under R.S.4:22-26; or would constitute failure to provide necessary care pursuant to P.L.2017, c.189 (C.4:22-17.1 et seq.).

“Domestic livestock” means domestic livestock as the term is defined in section 1 of P.L.1995, c.311 (C.4:22-16.1).

6. (New section) a. An employee of the Department of Human Services Division of Aging, who is designated to investigate abuse in violation of the “Adult Protective Services Act,” P.L.1993, c.249 (C.52:27D-406 et seq.), while acting within the scope of their employment, who has reasonable cause to believe that an animal has been subjected to animal cruelty, shall report, as soon as possible, the suspected animal cruelty to the county prosecutor or chief county humane law enforcement officer and to:
(1) the local humane law enforcement officer if the municipality has its own police department or is patrolled by a county police department; or
(2) the State Police if the municipality does not have its own police department.

b. An employee of the Department of Human Services Division of Aging, while acting within the scope of their employment, who has reasonable cause to believe that domestic livestock is being raised, kept, cared for, treated, marketed, or sold in a manner that violates the standards or the rules and regulations adopted pursuant to section 1 of P.L.1995, c.311 (C.4:22-16.1), shall report, as soon as possible, the suspected violation to the New Jersey Department of Agriculture and to the municipal or county humane law enforcement officer.

c. An employee who reports in good faith to the appropriate authorities enumerated in subsections a and b. of this section a suspected animal cruelty violation pursuant to subsection a. of this section or a suspected violation pursuant to subsection b. of this section shall be immune from:

(1) civil liability for the reporting of the suspected animal cruelty violation; and
(2) criminal prosecution for disclosure of private or protected information in the course of reporting the suspected animal cruelty violation.

d. As used in this section:

“Animal cruelty” means an act that violates R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20, R.S.4:22-23, R.S.4:22-24, section 1 or 2 of P.L.1999, c.307 (C.4:22-25.3 or 4:22-25.4), or section 1 of P.L.2012, c.52 (C.4:22-25.5); is enumerated under R.S.4:22-26; or would constitute failure to provide necessary care pursuant to P.L.2017, c.189 (C.4:22-17.1 et seq.).

“Domestic livestock” means domestic livestock as the term is defined in section 1 of P.L.1995, c.311 (C.4:22-16.1).

7. (New section) a. A law enforcement officer investigating a complaint or suspected domestic violence, while acting within the scope of their employment, who has reasonable cause to believe that an animal has been subjected to animal cruelty, shall report, as soon as possible, the suspected animal cruelty to the county prosecutor or chief county humane law enforcement officer and to:

(1) the local humane law enforcement officer if the municipality has its own police department or is patrolled by a county police department; or
(2) the State Police if the municipality does not have its own police department.

b. A law enforcement officer investigating a complaint or suspected domestic violence, while acting within the scope of their employment, who has reasonable cause to believe that domestic
livestock is being raised, kept, cared for, treated, marketed, or sold in a manner that violates the standards or the rules and regulations adopted pursuant to section 1 of P.L.1995, c.311 (C.4:22-16.1), shall report, as soon as possible, the suspected violation to the New Jersey Department of Agriculture and to the municipal or county humane law enforcement officer.

c. An officer or employee who reports in good faith to the appropriate authorities enumerated in subsections a. and b. of this section a suspected animal cruelty violation pursuant to subsection a. of this section or a suspected violation of subsection b. of this section shall be immune from:

(1) civil liability for the reporting of the suspected animal cruelty violation; and

(2) criminal prosecution for disclosure of private or protected information in the course of reporting the suspected animal cruelty violation.

d. As used in this section:

“Animal cruelty” means an act that violates R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20, R.S.4:22-23, R.S.4:22-24, section 1 and 2 of P.L.1999, c.307 (C.4:22-25.3 and 4:22-25.4), or section 1 of P.L.2012, c.52 (C.4:22-25.5); is enumerated under R.S.4:22-26; or would constitute failure to provide necessary care pursuant to P.L.2017, c.189 (C.4:22-17.1 et seq.).

“Domestic livestock” means domestic livestock as the term is defined in section 1 of P.L.1995, c.311 (C.4:22-16.1).

8. Section 3 of P.L.1991, c.261 (C.2C:25-19) is amended to read as follows:


a. "Domestic violence" means the occurrence of one or more of the following acts inflicted upon a person protected under [this act] P.L.1991, c.261 (C.2C:25-17 et al.) by an adult or an emancipated minor:

(1) Homicide N.J.S.2C:11-1 et seq.
(2) Assault N.J.S.2C:12-1
(3) Terroristic threats N.J.S.2C:12-3
(4) Kidnapping N.J.S.2C:13-1
(6) False imprisonment N.J.S.2C:13-3
(7) Sexual assault N.J.S.2C:14-2
(8) Criminal sexual contact N.J.S.2C:14-3
(9) Lewdness N.J.S.2C:14-4
(10) Criminal mischief N.J.S.2C:17-3
(11) Burglary N.J.S.2C:18-2
(12) Criminal trespass N.J.S.2C:18-3
(13) Harassment N.J.S.2C:33-4
(14) Stalking P.L.1992, c.209 (C.2C:12-10)
(16) Robbery N.J.S.2C:15-1
(17) Contempt of a domestic violence order pursuant to subsection b. of N.J.S.2C:29-9 that constitutes a crime or disorderly persons offense
(19) Cyber-harassment P.L.2013, c.272 (C.2C:33-4.1)

When one or more of these acts is inflicted by an unemancipated minor upon a person protected under [this act] P.L.1991, c.261 (C.2C:25-17 et al.), the occurrence shall not constitute "domestic violence," but may be the basis for the filing of a petition or complaint pursuant to the provisions of section 11 of P.L.1982, c.77 (C.2A:4A-30).

b. "Law enforcement agency" means a department, division, bureau, commission, board or other authority of the State or of any political subdivision thereof which employs law enforcement officers.

c. "Law enforcement officer" means a person whose public duties include the power to act as an officer for the detection, apprehension, arrest and conviction of offenders against the laws of this State.

d. "Victim of domestic violence" means a person protected under [this act] P.L.1991, c.261 (C.2C:25-17 et al.) and shall include any person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. "Victim of domestic violence" also includes any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant. "Victim of domestic violence" also includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.

e. "Emancipated minor" means a person who is under 18 years of age but who has been married, has entered military service, has a
child or is pregnant or has been previously declared by a court or an
administrative agency to be emancipated.
(cf: P.L.2016, c.77, s.1)

9. Section 36 of P.L.1979, c.496 (C.30:1A-3) is amended to read
as follows:

36. a. As used in this section ["abuse"]:
“Abuse” means the willful infliction of physical pain, injury or
mental anguish; unreasonable confinement; or, the willful
depprivation of services which are necessary to maintain a person's
physical and mental health [; and "exploitation"] , including
subjecting, or threatening to subject, an animal belonging to the
person or in the person’s care to animal cruelty or a violation of the
standards or the rules and regulations adopted pursuant to section 1

“Animal cruelty” means an act that violates R.S.4:22-17,
R.S.4:22-18, R.S.4:22-19, R.S.4:22-20, R.S.4:22-23, R.S.4:22-24,
section 1 or 2 of P.L.1999, c.307 (C.4:22-25.3 or 4:22-25.4), or
section 1 of P.L.2012, c.52 (C.4:22-25.5); is enumerated under
R.S.4:22-26; or would constitute failure to provide necessary care
pursuant to P.L.2017, c.189 (C.4:22-17.1 et seq.).

“Exploitation” means the act or process of using a person or his
resources for another person's profit or advantage.

b. Any person who has reasonable cause to suspect that a
resident of a residential health care facility, rooming house or
boarding house is suffering or has suffered abuse or exploitation,
shall report such information in a timely manner to the
Commissioner of the Department of Human Services or to the
person or agency within the department designated by the
commissioner to receive such reports.

c. Such report shall contain the name and address of the
resident, information regarding the nature of the suspected abuse or
exploitation and any other information which might be helpful in
an investigation of the case and the protection of the resident.

d. The name of any person who reports suspected abuse or
exploitation pursuant to this section and the name of any person
mentioned in such report shall not be disclosed unless the person
who reported the abuse or exploitation specifically requests such
disclosure or a judicial proceeding results from such report.

e. Any person who reports suspected abuse or exploitation
pursuant to this section or who testifies in any administrative or
judicial proceeding arising from such report or testimony shall
have immunity from any civil or criminal liability on account of
such report or testimony, unless such person has acted in bad faith
or with malicious purpose.

f. Upon receiving a report that a resident of a residential health
care facility, rooming house or boarding house may be suffering or
may have suffered abuse or exploitation, the commissioner shall
promptly notify the Ombudsman for the Institutionalized Elderly when the report involves an elderly person as defined in section 2 of P.L.1977, c. 239 (C. 52:27G-2), and shall direct the appropriate county welfare board to make a prompt and thorough evaluation of the report, or refer the report for such an evaluation by another appropriate government agency.

g. The evaluation shall be based upon a visit with the resident and consultation with others who have knowledge of the particular case, and shall contain written findings and recommendations. The person who reported the suspected abuse or exploitation, the victim of the suspected abuse or exploitation, the owner of the residential health care facility, rooming house or boarding house wherein the suspected abuse or exploitation has occurred, the State agency having a regulatory responsibility for the facility, and the Ombudsman for the Institutionalized Elderly when the case involves an elderly person as defined in section 2 of P.L.1977, c. 239 (C. 52:27G-2), shall be promptly notified of such findings and recommended action.

h. If a determination is made that the resident may have suffered abuse or exploitation, the commissioner shall refer such findings, in writing, to the county prosecutor.

i. The commissioner shall maintain a central registry of all reports of suspected abuse or exploitation and all evaluations, findings and recommended action. No information received and compiled in such registries shall be construed to be a public record.

10. Section 2 of P.L.1971, c.437 (C.9:6-8.9) is amended to read as follows:

2. For purposes of [this act] P.L.1971, c.437 (C.9:6-8.8 et seq.):

"Abused child" means a child under the age of 18 years whose parent, guardian, or other person having [his] custody and control of the child:

a. Inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;

b. Creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ; or

c. Commits or allows to be committed an act of sexual abuse against the child;

d. Or a child whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired
as the result of the failure of his parent or guardian, or such other person having his custody and control, to exercise a minimum degree of care (1) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so, or (2) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including (a) the infliction of excessive corporal punishment or using excessive physical restraint under circumstances which do not indicate that the child's behavior is harmful to himself, others or property, (b) the infliction of, or threatening the infliction of, animal cruelty or a violation of the standards or the rules and regulations adopted pursuant to section 1 of P.L.1995, c.311 (4:22-16.1) upon an animal owned by, in the care of, or part of the household of, the child, or (c) by any other act of a similarly serious nature requiring the aid of the court;

e. Or a child who has been willfully abandoned by his parent or guardian, or such other person having his custody and control;

f. Or a child who is in an institution as defined in section 1 of P.L.1974, c.119 (C.9:6-8.21) and (1) has been so placed inappropriately for a continued period of time with the knowledge that the placement has resulted and may continue to result in harm to the child's mental or physical well-being or (2) has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation.

A child shall not be considered abused pursuant to subsection f. of this section if the acts or omissions described therein occur in a day school as defined in section 1 of P.L.1974, c.119 (C.9:6-8.21).

As used in this section, “animal cruelty” means an act that violates R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20, R.S.4:22-23, R.S.4:22-24, section 1 or 2 of P.L.1999, c.307 (C.4:22-25.3 or 4:22-25.4), or section 1 of P.L.2012, c.52 (C.4:22-25.5); is enumerated under R.S.4:22-26; or would constitute failure to provide necessary care pursuant to P.L.2017, c.189 (C.4:22-17.1 et seq.).

(cf: P.L.1987, c.341, s.3)

11. Section 2 of P.L.2010, c.5 (C.30:6D-74) is amended to read as follows:

2. As used in P.L.2010, c.5 (C.30:6D-73 et seq.),

"Abuse" means wrongfully inflicting or allowing to be inflicted physical abuse, sexual abuse, or verbal or psychological abuse or mistreatment by a caregiver upon an individual with a developmental disability or inflicting an act of animal cruelty or a violation of the standards or the rules and regulations adopted pursuant to section 1 of P.L.1995, c.311 (C.4:22-16.1) upon an
animal or domestic livestock owned or cared for by, or in the
service of, an individual with a developmental disability.

"Animal cruelty" means an act that violates R.S.4:22-17,
R.S.4:22-18, R.S.4:22-19, R.S.4:22-20, R.S.4:22-23, R.S.4:22-24,
section 1 or 2 of P.L.1999, c.307 (C.4:22-25.3 or 4:22-25.4), or
section 1 of P.L.2012, c.52 (C.4:22-25.5); is enumerated under
R.S.4:22-26; or would constitute failure to provide necessary care
pursuant to P.L.2017, c.189 (C.4:22-17.1 et seq.).

"Caregiver" means a person who receives State funding, directly
or indirectly, in whole or in part, to provide services or supports, or
both, to an individual with a developmental disability; except that
"caregiver" shall not include an immediate family member of an
individual with a developmental disability.

"Central registry" means the Central Registry of Offenders
Against Individuals with Developmental Disabilities established
pursuant to P.L.2010, c.5 (C.30:6D-73 et seq.).

"Children's System of Care" means the Division of Children's
System of Care in the Department of Children and Families.

"Commissioner" means the Commissioner of Human Services.

"Department" means the Department of Human Services.

"Developmental disability" means the same as that term is
defined by section 3 of P.L.1977, c.82 (C.30:6D-3).

"Exploitation" means the act or process of a caregiver using an
individual with a developmental disability or his resources for
another person's profit or advantage.

"Intimate parts" means the following body parts of a person:
sexual organs, genital area, anal area, inner thigh, groin, buttock, or
breast.

"Lewdness" means the exposing of the genitals for the purpose
of arousing or gratifying the sexual desire of a caregiver or an
individual with a developmental disability, or any flagrantly lewd
and offensive act which the caregiver knows or reasonably expects
is likely to be observed by an individual with a developmental
disability.

"Neglect" shall consist of any of the following acts by a
caregiver on an individual with a developmental disability: willfully
failing to provide proper and sufficient food, clothing, maintenance,
medical care, or a clean and proper home; or failing to do or permit
to be done any act necessary for the well-being of an individual
with a developmental disability.

"Physical abuse" means a physical act directed at an individual
with a developmental disability by a caregiver of a type that causes
one or more of the following: pain, injury, anguish, or suffering.
Such acts include, but are not limited to, the individual with a
developmental disability being kicked, pinched, bitten, punched,
slapped, hit, pushed, dragged, or struck with a thrown or held
object.
"Program" means any program that is licensed or funded by the department for the purpose of providing services to individuals with developmental disabilities. "Program" includes, but is not limited to, a day program or a community-based residential program, as those terms are defined by section 1 of P.L.2017, c.238 (C.30:6D-9.1).

"Sexual abuse" means an act or attempted act of lewdness, sexual contact, or sexual penetration between a caregiver and an individual with a developmental disability. Any form of sexual contact or activity between a caregiver and an individual with a developmental disability, absent marriage, domestic partnership, or civil union, is sexual abuse, regardless of whether the individual with a developmental disability gives consent or the caregiver is on or off duty.

"Sexual contact" means an intentional touching by a caregiver or individual with a developmental disability, either directly or through clothing, of the intimate parts of the individual with a developmental disability or the caregiver for the purpose of sexually arousing or sexually gratifying the caregiver. Sexual contact of the caregiver with himself must be in view of the individual with a developmental disability whom the caregiver knows to be present.

"Sexual penetration" means vaginal intercourse, cunnilingus, fellatio, or anal intercourse between a caregiver and an individual with a developmental disability or insertion of the hand, finger, or object into the anus or vagina, either by the caregiver or upon the caregiver's instruction.

"Verbal or psychological abuse or mistreatment" means any verbal or non-verbal act or omission by a caregiver that inflicts one or more of the following: emotional harm; mental distress; or invocation of fear, humiliation, intimidation, or degradation to an individual with a developmental disability. Examples include, but are not limited to: bullying; ignoring need; verbal assault; use of racial or ethnic slurs; [or] intimidating gestures, such as shaking a fist at an individual with a developmental disability; or subjecting, or threatening to subject, an animal belonging to the person or in the person's care to animal cruelty, whether the animal is a service animal, therapy animal, or domestic companion animal for the person with disabilities.

(cf: P.L.2017, c.238, s.8)

12. Section 2 of P.L.1993, c.249 (C.52:27D-407) is amended to read as follows:


"Abuse" means the willful infliction of physical pain, injury or mental anguish, unreasonable confinement, or the willful deprivation of services which are necessary to maintain a person's physical and mental health, including subjecting, or threatening to
subject, an animal belonging to the person or in the person’s care to
animal cruelty or a violation of the standards or the rules and
regulations adopted pursuant to section 1 of P.L.1995, c.311
(C.4:22-16.1).

“Animal cruelty” means an act that violates R.S.4:22-17,
R.S.4:22-18, R.S.4:22-19, R.S.4:22-20, R.S.4:22-23, R.S.4:22-24,
section 1 or 2 of P.L.1999, c.307 (C.4:22-25.3 or 4:22-25.4), or
section 1 of P.L.2012, c.52 (C.4:22-25.5); is enumerated under
R.S.4:22-26; or would constitute failure to provide necessary care
pursuant to P.L.2017, c.189 (C.4:22-17.1 et seq.).

"Caretaker" means a person who has assumed the responsibility
for the care of a vulnerable adult as a result of family relationship or
who has assumed responsibility for the care of a vulnerable adult
voluntarily, by contract, or by order of a court of competent
jurisdiction, whether or not they reside together.

"Commissioner" means the Commissioner of Human Services.

"Community setting" means a private residence or any
noninstitutional setting in which a person may reside alone or with
others, but shall not include residential health care facilities,
rooming houses or boarding homes or any other facility or living
arrangement subject to licensure by, operated by, or under contract
with, a State department or agency.

"County adult protective services provider" means a county
Board of Social Services or other public or nonprofit agency with
experience as a New Jersey provider of protective services for
adults, designated by the county and approved by the commissioner.
The county adult protective services provider receives reports made
pursuant to [this act] P.L.1993, c.249 (C.52:27D-406 et seq.),
maintains pertinent records and provides, arranges, or recommends
protective services.

"County director" means the director of a county adult protective
services provider.

"Department" means the Department of Human Services.

"Emergency medical technician" means a person trained in basic
life support services as defined in section 1 of P.L.1985, c.351
(C.26:2K-21) and who is certified by the Department of Health to
provide that level of care.

"Exploitation" means the act or process of illegally or improperly
using a person or his resources for another person’s profit or
advantage.

"Firefighter" means a paid or volunteer firefighter.

"Health care professional" means a health care professional who
is licensed or otherwise authorized, pursuant to Title 45 or Title 52
of the Revised Statutes, to practice a health care profession that is
regulated by one of the following boards or by the Director of the
Division of Consumer Affairs: the State Board of Medical
Examiners, the New Jersey Board of Nursing, the New Jersey State
Board of Dentistry, the New Jersey State Board of Optometrists, the
New Jersey State Board of Pharmacy, the State Board of Chiropractic Examiners, the Acupuncture Examining Board, the State Board of Physical Therapy, the State Board of Respiratory Care, the Orthotics and Prosthetics Board of Examiners, the State Board of Psychological Examiners, the State Board of Social Work Examiners, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Audiology and Speech-Language Pathology Advisory Committee, the State Board of Marriage and Family Therapy Examiners, the Occupational Therapy Advisory Council, the Certified Psychoanalysts Advisory Committee, and the State Board of Polysomnography. "Health care professional" also means a nurse aide or personal care assistant who is certified by the Department of Health.

"Neglect" means an act or failure to act by a vulnerable adult or his caretaker which results in the inadequate provision of care or services necessary to maintain the physical and mental health of the vulnerable adult, and which places the vulnerable adult in a situation which can result in serious injury or which is life-threatening.

"Protective services" means voluntary or court-ordered social, legal, financial, medical or psychiatric services necessary to safeguard a vulnerable adult's rights and resources, and to protect a vulnerable adult from abuse, neglect or exploitation. Protective services include, but are not limited to: evaluating the need for services, providing or arranging for appropriate services, obtaining financial benefits to which a person is entitled, and arranging for guardianship and other legal actions.

"Vulnerable adult" means a person 18 years of age or older who resides in a community setting and who, because of a physical or mental illness, disability or deficiency, lacks sufficient understanding or capacity to make, communicate, or carry out decisions concerning his well-being and is the subject of abuse, neglect or exploitation. A person shall not be deemed to be the subject of abuse, neglect or exploitation or in need of protective services for the sole reason that the person is being furnished nonmedical remedial treatment by spiritual means through prayer alone or in accordance with a recognized religious method of healing in lieu of medical treatment, and in accordance with the tenets and practices of the person's established religious tradition. (cf: P.L.2012, c.17, s.424)

13. Section 1 of P.L.1995, c.311 (C.4:22-16.1) is amended to read as follows:

1. a. The State Board of Agriculture and the Department of Agriculture, in consultation with the New Jersey Agricultural Experiment Station and within six months of the date of enactment of [this act] P.L.1995, c.311 (C.4:22-16.1), shall develop and adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410
(C.52:14B-1 et seq.): (1) standards for the humane raising, keeping, care, treatment, marketing, and sale of domestic livestock; and (2) rules and regulations governing the enforcement of those standards.

b. Notwithstanding any provision in this title to the contrary:

(1) there shall exist a presumption that the raising, keeping, care, treatment, marketing, and sale of domestic livestock in accordance with the standards developed and adopted therefor pursuant to subsection a. of this section shall not constitute a violation of any provision of this title involving alleged cruelty to, or inhumane care or treatment of, domestic livestock;

(2) no person may be cited or arrested for a first offense involving a minor or incidental violation, as defined by rules and regulations adopted pursuant to subsection a. of this section, of any provision of this title involving alleged cruelty to, or inhumane care or treatment of, domestic livestock, unless that person has first been issued a written warning;

(3) any person reporting in good faith a suspected violation of this section shall be immune from any civil or criminal liability in connection to the reporting of the suspected violation.

c. For the purposes of [this act] P.L.1995, c.311 (C.4:22-16.1), "domestic livestock" means cattle, horses, donkeys, swine, sheep, goats, rabbits, poultry, fowl, and any other domesticated animal deemed by the State Board of Agriculture and the Department of Agriculture, in consultation with the New Jersey Agricultural Experiment Station, to be domestic livestock for such purposes, according to rules and regulations adopted by the department and the board pursuant to the "Administrative Procedure Act."

(cf: P.L.1995, c.311, s.1)

14. This act shall take effect immediately.

STATEMENT

This bill would require a veterinarian, veterinary technician, or any person who has reasonable cause to believe an animal has been subjected to an act of animal cruelty to report the suspected violation to the appropriate law enforcement officer. The bill would also expand the statutory definitions of child and elder abuse, abuse of persons with a disability, and domestic violence to include acts of animal cruelty against animals owned or possessed by the persons affected by these types of abuse.

The bill requires any employee responsible to investigate domestic violence and abuse, including certain employees of the Department of Children and Families, caregivers at residential health care facilities, certain employees of the Department of Human Services, Division of Aging, and police officers, to report
any suspected animal cruelty to an appropriate law enforcement officer.

Finally, the bill provides civil and criminal immunity for a person who, in good faith, reports a suspected animal cruelty violation and a suspected violation of the standards or rules and regulations concerning domestic livestock established pursuant to P.L.1995, c.311 (C.4:22-16.1).