

# SENATE, No. 119

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 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.



S119 HOLZAPFEL

2

1 AN ACT establishing the New Jersey Animal Abuser Registry,  
2 supplementing Title 4 of the Revised Statutes, and amending  
3 R.S.4:22-55.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. (New section) This act shall be known and may be cited as  
9 the "New Jersey Animal Abuser Registry Act."  
10

11 2. (New section) a. The Legislature finds and declares that:

12 (1) Reputable studies in the fields of psychology, sociology, and  
13 criminology have consistently demonstrated that violent offenders  
14 often have childhood or adolescent histories involving serious,  
15 intentional acts of animal cruelty, and one study indicates that  
16 animal abuse may be characteristic of the developmental histories  
17 of up to 66 percent of violent offenders.

18 (2) The Federal Bureau of Investigation has recognized the link  
19 between animal abuse and later acts of violence since the 1970s,  
20 when its analysis of serial killers revealed that most had killed or  
21 tortured animals during their lives.

22 (3) More recent studies have revealed consistent patterns of  
23 animal cruelty and abuse in the criminal histories of perpetrators of  
24 other forms of violence, including child abuse, spousal abuse, and  
25 elder abuse, and a groundbreaking study conducted in 1983 of 53  
26 New Jersey families being treated for child abuse found that, in 88  
27 percent of these families, animal abuse was also present.

28 (4) Studies in this area have additionally found a common  
29 history of documented animal abuse among sexually violent  
30 offenders, with one study showing that nearly one-half of rapists  
31 and almost one-third of pedophiles had also engaged in acts of  
32 cruelty towards animals.

33 (5) As reported by the Humane Society of the United States and  
34 the American Society for the Prevention of Cruelty to Animals,  
35 persons who participate in animal fighting - a lucrative business  
36 endeavor that centers around the ongoing and sadistic abuse,  
37 torture, and killing of innocent animals for profit - are also often  
38 participants in other crimes that are associated with violence,  
39 including drug and gun crimes, gambling offenses, and homicide  
40 offenses, and many such offenders will continue to participate in  
41 animal fighting endeavors and violence-related offenses even after  
42 raids, arrests, and jail time.

43 (6) The American Psychiatric Association has listed animal  
44 abuse in its diagnostic manual of major psychiatric disorders, as a  
45 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.**

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

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

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

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

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

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

41

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

43 "Animal abuse offense" means the commission of a criminal or  
44 civil offense constituting cruelty against an animal, and includes the  
45 commission of an act that constitutes a criminal offense under  
46 R.S.4:22-17, R.S.4:22-18, subsection (a) of R.S.4:22-19, R.S.4:22-  
47 20, R.S.4:22-21, R.S.4:22-23, or R.S.4:22-24; or the commission of  
48 an act that constitutes a civil offense under sections a., c., e., f., g.,

1 h., j., k., t., u., v., w., z., aa., bb., and cc. of R.S.4:22-26; or the  
2 commission of an act that constitutes a comparable offense in  
3 another state, country, or jurisdiction.

4 "Animal abuse offender" or "offender" means a person who has  
5 been convicted at any date in time of an animal abuse offense, as  
6 defined in this section.

7 "Animal Abuser Registry" means the centralized registry  
8 established by the Attorney General pursuant to subsection d. of  
9 section 8 of this act, which contains information pertaining to all  
10 registered animal abuse offenders.

11 "Conduct Disorder" means a psychiatric disorder that is  
12 characterized by a general and ongoing disregard for societal laws  
13 and the feelings of others, and for which animal abuse is a  
14 symptom.

15 "Convicted" or "conviction" refers to any decision resulting from  
16 a formal civil or criminal court action, and includes a conviction, an  
17 adjudication of delinquency, a finding of not guilty by reason of  
18 insanity, and a finding of civil liability.

19 "Form of registration" means the entirety of the registration  
20 package submitted by an animal abuse offender in accordance with  
21 the provisions of this act, and includes the form of registration  
22 statement and all other items required by subsection b. of section 8  
23 of this act.

24 "Form of registration statement" or "form" means the form  
25 statement developed by the Attorney General in accordance with  
26 the provisions of subsection a. of section 8 of this act, which  
27 contains information provided by the offender as required by  
28 paragraph (1) of subsection b. of section 8 of this act.

29 "Homeless resident" means a person who does not maintain a  
30 primary residence or secondary residence in this State or in any  
31 other state, country, or jurisdiction, but who is physically present  
32 within this State for more than 14 consecutive days or for an  
33 aggregate period exceeding 30 days in a calendar year.

34 "Non-resident" means a person who does not maintain either  
35 primary residence or secondary residence in this State but who  
36 maintains primary residence in another state, country, or  
37 jurisdiction, and who is physically present in this State for more  
38 than 14 consecutive days or for an aggregate period exceeding 30  
39 days in a calendar year.

40 "Primary residence" means a residentially-zoned property,  
41 including a house, apartment, or condo, where the offender abides,  
42 lodges, resides, or is accommodated for living purposes for more  
43 than 183 days in a calendar year.

44 "Registered animal abuse offender" means a person who has  
45 been convicted of an animal abuse offense, and who has registered  
46 with the State in accordance with the provisions of section 4 of this  
47 act.

1 "Registering authority" means the law enforcement agency or  
2 court with whom an animal abuse offender files initial registration  
3 in accordance with the provisions of section 4 of this act.

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

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

15

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

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

26 (1) An animal abuse offender who maintains primary residence  
27 or secondary residence in, or is a homeless resident of, this State,  
28 and who is convicted of an animal abuse offense in this State  
29 following the effective date of this act, shall register with the  
30 presiding court at the time of conviction. An animal abuse offender  
31 who maintains primary residence or secondary residence in, or is a  
32 homeless resident of, this State, and who is convicted of an animal  
33 abuse offense in another state or jurisdiction following the effective  
34 date of this act, shall register, within 10 days after the date of  
35 conviction or the date of the offender's release from incarceration,  
36 whichever is later, with the chief law enforcement officer of the  
37 municipality in which the offender's primary residence and  
38 secondary residence, if any, is located, or in which the offender is  
39 physically present, or if the municipality does not have a local  
40 police force, with the chief law enforcement officer of the county in  
41 which the offender's primary residence or secondary residence, if  
42 any, is located, or in which the offender is physically present;

43 (2) An animal abuse offender who maintains primary residence  
44 or secondary residence in, or is a homeless resident of, this State,  
45 and who was convicted of an animal abuse offense prior to the  
46 effective date of this act, shall register within 120 days after the  
47 effective date of this act with the chief law enforcement officer of  
48 the municipality in which the offender's primary residence or

1 secondary residence, if any, is located, or in which the offender is  
2 physically present, or, if the municipality does not have a local  
3 police force, with the chief law enforcement officer of the county in  
4 which the offender's primary residence or secondary residence, if  
5 any, is located, or in which the offender is physically present;

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

19 (4) An animal abuse offender who is enrolled on a full-time or  
20 part-time basis in any post-secondary public or private educational  
21 institution in this State, including any trade or professional  
22 institution or institution of higher education, shall register with the  
23 chief law enforcement officer of the municipality in which the  
24 educational institution is located or, if the municipality does not  
25 have a local police force, with the chief law enforcement officer of  
26 the county in which the educational institution is located, within  
27 120 days after the effective date of this act or within 10 days after  
28 commencing attendance at such educational institution, whichever  
29 is later;

30 (5) An animal abuse offender who does not maintain primary  
31 residence or secondary residence in, and is not a homeless resident  
32 of, the State, but who (a) engages in employment or carries on a  
33 vocation or business in this State, on either a full-time or part-time  
34 basis, with or without compensation, that requires the offender's  
35 physical presence in the State for more than 14 consecutive days or  
36 for an aggregate period exceeding 30 days in a calendar year, or (b)  
37 is otherwise physically present in the State for more than 14  
38 consecutive days or for an aggregate period exceeding 30 days in a  
39 calendar year, shall register with the chief law enforcement officer  
40 of the municipality in which the employer is located, the vocation  
41 or business is carried on, or the person is physically present, as the  
42 case may be, or, if the municipality does not have a local police  
43 force, with the chief law enforcement officer of the county in which  
44 the employer is located, the vocation or business is carried on, or  
45 the person is physically present, as the case may be, within 120  
46 days after the effective date of this act or within 10 days after  
47 commencing such employment, vocation, business or physical  
48 presence in the State, whichever is later;

1 c. An animal abuse offender who fails to register as required  
2 by subsection b. of this section, or who falsifies information when  
3 complying with the registration requirements set forth in that  
4 subsection, shall be guilty of a crime of the third degree, and shall,  
5 in addition to any other penalties provided by law, be subject to pay  
6 a fine of \$2,500, which shall be deposited into the Animal Abuser  
7 Registry Fund established in accordance with section 19 of this act.

8  
9 5. (New section) a. Upon a change of address, a registered  
10 animal abuse offender shall notify the law enforcement agency with  
11 which the offender is currently registered, and shall re-register with  
12 the appropriate law enforcement agency no less than 10 days before  
13 the offender intends to first reside at the new address. A registered  
14 animal abuse offender shall notify the appropriate law enforcement  
15 agencies no later than five days after a change of employment or  
16 school enrollment status.

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

23 c. A registered animal abuse offender who fails to notify the  
24 appropriate law enforcement agency of a change of address or status  
25 in accordance with subsection a. of this section, or who fails to  
26 verify his address as required by subsection b. of this section, or  
27 who falsifies information in complying with either subsection, shall  
28 be guilty of a crime of the fourth degree, and shall, in addition to  
29 any other penalties provided by law, be subject to pay a fine of  
30 \$1,500, which shall be deposited into the Animal Abuser Registry  
31 Fund established in accordance with section 19 of this act.

32  
33 6. (New section) a. Except as provided in subsection b. of this  
34 section, a registered animal abuse offender may make application to  
35 the Superior Court to terminate the obligation to register upon proof  
36 that the person has not committed an animal abuse offense or an  
37 offense constituting violence against humans within 15 years  
38 following conviction or release from a correctional facility for any  
39 term of imprisonment imposed, whichever is later, and is not likely  
40 to pose a threat to the safety of others.

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

47 c. The Attorney General shall terminate a registered animal  
48 abuse offender's obligation to register pursuant to this act upon the

1 offender's submission of evidence sufficient to prove, in the  
2 judgment of the Attorney General, that the offender no longer  
3 maintains primary residence or secondary residence in the State and  
4 will not, for any reason, be physically present in the State for more  
5 than 14 consecutive days or for an aggregate period of 30 days or  
6 more in a calendar year. If, following the termination of an  
7 offender's registration obligation pursuant to this subsection, there  
8 is a change in the offender's residential status or an increase in the  
9 amount of time the offender is present in the State, such that  
10 registration would again be required pursuant to section 4 of this  
11 act, the offender shall re-register with the appropriate registering  
12 agency in compliance with the provisions of section 4 of this act,  
13 and shall be subject to the penalties provided therein for  
14 noncompliance.

15

16 7. (New section) a. The Attorney General shall cause notice  
17 of the obligation to register under this act to be published in a  
18 manner reasonably calculated to reach the general public within 30  
19 days after the effective date of this act.

20 b. The Motor Vehicle Commission shall provide notice of the  
21 obligation to register under this act in connection with each  
22 application for a license to operate a motor vehicle and each  
23 application for an identification card issued pursuant to section 2 of  
24 P.L.1980, c.47 (C.39:3-29.3).

25 c. The registering authority shall provide notice to the  
26 offender, at the time of registration, of this act's address verification  
27 and community notification requirements, as well as the penalties  
28 that would be applicable in the case of the offender's non-  
29 compliance with any of the provisions of this act.

30

31 8. (New section) a. Within 60 days after the effective date of  
32 this act, the Attorney General shall prepare the form of registration  
33 statement as required in subsection b. of this section, and shall  
34 provide copies of this form to each local law enforcement agency in  
35 the State, and to the Administrative Office of the Courts. The  
36 Administrative Office of the Courts shall forward copies of the  
37 form of registration statement to each civil and criminal judge in the  
38 State.

39 b. The form of registration required by this act shall include:

40 (1) A statement in writing, signed by the animal abuse offender  
41 who is required to register, acknowledging that the offender has  
42 been advised of the duty to register as imposed by this act, and  
43 including the offender's name, social security number, age, race,  
44 sex, date of birth, height, weight, hair and eye color; description of  
45 any physical evidentiary markers, such as moles, birthmarks, scars,  
46 piercings, or tattoos; address of primary residence and secondary  
47 residence if any, or county and municipality of physical presence if  
48 a non-resident or homeless resident; address of any anticipated or



1 current places of employment; any anticipated or current school  
2 enrollment; the commission date and a brief description of the  
3 conviction offenses for which registration is required; and the  
4 indictment number or civil case number associated with each such  
5 conviction offense;

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

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

17 c. Within five days after receipt of an offender's form of  
18 registration submitted in accordance with the provisions of this act,  
19 the registering authority shall forward the contents of the form of  
20 registration to the Attorney General. In the event that the  
21 registering authority is a court, the Attorney General shall, upon  
22 receipt of the offender's form of registration, transmit the same to  
23 the law enforcement agencies responsible for the municipalities in  
24 which the offender's primary residence and secondary residence, if  
25 any, is or will be located, or in which the offender will be  
26 physically present, if a non-resident or a homeless resident. If the  
27 respective municipalities do not have a law enforcement agency, the  
28 Attorney General shall forward the form of registration to the  
29 appropriate law enforcement agencies responsible for the counties  
30 in which the offender's primary residence or secondary residence, if  
31 any, is or will be located, or in which the offender is physically  
32 present, if a non-resident or a homeless resident.

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

40

41 9. (New section) a. Records maintained pursuant to this act  
42 shall be open to any law enforcement agency in this State, any other  
43 state, or the United States government, and may be released to the  
44 Office of Animal Welfare in the Department of Health and Senior  
45 Services, or to the Division of Child Behavioral Health Services,  
46 the Division of Prevention and Community Partnerships, or the  
47 Division of Youth and Family Services in the Department of  
48 Children and Families, for use in carrying out the office's and the

1 divisions' respective responsibilities under law. Law enforcement  
2 agencies in this State shall be authorized to release relevant and  
3 necessary information regarding animal abuse offenders to the  
4 public when the release of the information is necessary for public  
5 protection in accordance with the provisions of this act.

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

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

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

20

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

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

46

47 11. (New section) a. After consultation with members of the  
48 advisory council established pursuant to section 12 of this act, and

1 within 30 days after the effective date of this act, the Attorney  
2 General shall adopt, pursuant to the "Administrative Procedure  
3 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), guidelines and  
4 procedures for the community notification required pursuant to this  
5 section. The guidelines shall identify factors relevant to the  
6 evaluation of the offender's risk of re-offense, and shall provide for  
7 two levels of community notification depending upon the degree of  
8 the offender's risk of re-offense.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46 c. The regulations shall provide for two levels of notification  
47 depending upon the animal abuse offender's risk of re-offense, as  
48 follows:

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

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

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

35 f. In order to promote uniform application of the notification  
36 guidelines required by this section, the Attorney General shall  
37 develop procedures for evaluating an offender's risk of re-offense  
38 and for notifying the community of an offender's presence therein.  
39 The procedures related to risk assessment shall provide (1) a  
40 method by which an offender will receive notice of the results of  
41 the risk assessment, and (2) a means by which an offender can  
42 obtain review of the risk assessment determination prior to the  
43 public release of any identifying information. The procedures  
44 related to community notification shall be reasonably calculated to  
45 allow the dissemination of relevant information to members of the  
46 public who have a particular need for it, while avoiding disclosure  
47 to those who have no similar need.

1 g. The Attorney General's guidelines shall provide for the  
2 manner in which records of notifications provided pursuant to this  
3 act shall be maintained and disclosed.

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

8  
9 12. (New section) There is created a community notification  
10 advisory council to consult with and provide recommendations to  
11 the Attorney General concerning the guidelines and procedures to  
12 be adopted pursuant to section 11 of this act. The council shall  
13 consist of 12 persons who, by experience or training, have  
14 professional expertise in law enforcement, crime prevention, animal  
15 welfare, animal advocacy, domestic violence prevention,  
16 criminology, psychology, public education, or community relations.  
17 The members of the council shall be appointed in the following  
18 manner: four shall be appointed by the Governor, of whom no more  
19 than two shall be of the same political party; four shall be appointed  
20 by the President of the Senate, of whom no more than two shall be  
21 of the same political party; and four shall be appointed by the  
22 Speaker of the General Assembly, of whom no more than two shall  
23 be of the same political party. Any vacancies occurring in the  
24 membership shall be filled in the same manner as the original  
25 appointments.

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

32  
33 13. (New section) a. The Attorney General shall develop and  
34 maintain a system for making certain information in the Animal  
35 Abuser Registry publicly available by means of electronic Internet  
36 technology.

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

44 c. The individual registration records of registered animal  
45 abuse offenders whose risk of re-offense is low shall not be made  
46 available to the public on the Internet registry unless such  
47 publication is ordered by a court of competent jurisdiction.

1 d. The information concerning a registered animal abuse  
2 offender to be made publicly available on the Internet shall include:  
3 the offender's name and any aliases the offender has used or under  
4 which the offender may be or may have been known; any animal  
5 abuse offense requiring registration for which the offender was  
6 convicted; the date and location of disposition; a brief description  
7 of any such offense; a general description of the offender's modus  
8 operandi, if any; the determination of whether the risk of re-offense  
9 by the offender is moderate or high; the offender's age, race, sex,  
10 date of birth, height, weight, hair, eye color and any distinguishing  
11 physical evidentiary markers, such as moles, birthmarks, scars,  
12 piercings, or tattoos; the photograph of the offender that was  
13 submitted as part of the offender's form of registration, and the date  
14 on which the photograph was taken; the make, model, color, year,  
15 and license plate number of any vehicle operated by the offender;  
16 and the neighborhood or block, zip code, municipality, and county  
17 of the offender's primary residence and secondary residence, if any,  
18 or the municipality and county in which the offender is or generally  
19 will be physically present if the offender is a non-resident or a  
20 homeless resident.

21  
22 14. (New section) The Attorney General shall:

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

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

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

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

45  
46 15. (New section) An Animal Abuse Offender Internet Registry  
47 Advisory Council is hereby established to consult with and provide  
48 recommendations to the Attorney General concerning the making of

1 animal abuse offender registration records available to the public on  
2 the Internet. The council shall consist of nine persons who, by  
3 experience or training, have professional expertise in law  
4 enforcement, crime prevention, animal advocacy, domestic violence  
5 prevention, criminology, psychology, public education, or  
6 community relations. The members of the council shall be  
7 appointed in the following manner: three shall be appointed by the  
8 Governor, of whom no more than two shall be of the same political  
9 party; three shall be appointed by the President of the Senate, of  
10 whom no more than two shall be of the same political party; and  
11 three shall be appointed by the Speaker of the General Assembly, of  
12 whom no more than two shall be of the same political party. Any  
13 vacancies occurring in the membership shall be filled in the same  
14 manner as the original appointments. The council shall hold at least  
15 two meetings per year to review the implementation and operations  
16 of the Internet registry.

17

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

27

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

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

41 c. Any person who uses information disclosed pursuant to this  
42 act to encourage, solicit, or assist a registered animal abuse offender  
43 or other person to engage in criminal activity or an animal abuse  
44 offense shall be guilty of a crime of the third degree and shall, in  
45 addition to any other penalties provided by law, be subject to pay a  
46 fine of \$2,500, which shall be deposited into the Animal Abuser  
47 Registry Fund established in accordance with section 19 of this act.

1 d. Except as authorized by section 18 of this act or by any other  
2 provision of law, use of any information disclosed pursuant to this  
3 act for the purpose of applying for, obtaining, or denying any of the  
4 following, is prohibited:

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

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

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

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

40  
41 18. (New section) Notwithstanding the provisions of section 17  
42 of this act to the contrary, any information disclosed in accordance  
43 with the provisions of this act may be used by an animal shelter, pet  
44 adoption society, humane society, Society for the Prevention of  
45 Cruelty to Animals, veterinarian's office, 4-H club, or any other  
46 private or government-sponsored animal welfare or animal control  
47 organization or group, in order to screen potential applicants for  
48 employment or for pet adoption.



1 19. (New section) The Animal Abuser Registry Fund is hereby  
2 established, separate and distinct from the General Fund, in order to  
3 provide a dedicated source of moneys by which to finance the  
4 ongoing administrative and maintenance costs associated with the  
5 Animal Abuser Registry and the expenses associated with the  
6 community notifications required by the act's provisions. The fund  
7 shall be credited with:

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

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

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

16 d. Any moneys gifted to the fund; and

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

19

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

21 4:22-55. a. Except as provided **[pursuant to]** by subsection b.  
22 of this section **[,]** and by section 19 of P.L. \_\_\_\_\_, c. \_\_\_\_\_  
23 (pending before the Legislature as this bill), all fines, penalties and  
24 moneys imposed and collected under the provisions of this article,  
25 shall be paid by the court or by the clerk or court officer receiving  
26 the fines, penalties or moneys, within thirty days and without  
27 demand, to (1) the county society for the prevention of cruelty to  
28 animals of the county where the fines, penalties or moneys were  
29 imposed and collected, if the county society brought the action or it  
30 was brought on behalf of the county society, to be used by the  
31 county society in aid of the benevolent objects for which it was  
32 incorporated, or (2) in all other cases, the New Jersey Society for  
33 the Prevention of Cruelty to Animals, to be used by the State  
34 society in aid of the benevolent objects for which it was  
35 incorporated.

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

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

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

1 (2) the training therefor required of certified animal control  
2 officers pursuant to law or other animal enforcement related  
3 training authorized by law for municipal employees.

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

5  
6 21. This act shall take effect on the 180th day after the date of  
7 its enactment, except for sections 11 and 12, which shall take effect  
8 immediately. The Attorney General may also take additional  
9 anticipatory action as is necessary for the implementation of this  
10 act.

11  
12  
13 STATEMENT

14  
15 This bill would provide for the establishment and  
16 implementation of an animal abuser registry system that would  
17 require the continuing registration of animal abuse offenders and  
18 allow for the public disclosure of certain information pertaining to  
19 those offenders.

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

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

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

46 (2) tormenting, torturing, maiming, hanging, poisoning,  
47 unnecessarily or cruelly beating, or needlessly mutilating a living  
48 animal by direct or indirect means, including through the use of

- 1 another living animal, whether or not such actions cause the death  
2 of the animal;
- 3 (3) cruelly killing, by direct or indirect means, a living animal,  
4 including through the use of another living animal;
- 5 (4) causing, allowing, or permitting the fighting or baiting of a  
6 living animal for amusement or gain;
- 7 (5) engaging in the management of, or receiving money or other  
8 consideration for the admission of a person to, a place that is kept  
9 or used for the purposes of fighting or baiting a living animal;
- 10 (6) owning, possessing, keeping, training, promoting,  
11 purchasing, or knowingly selling a living animal for the purposes of  
12 fighting or baiting that animal;
- 13 (7) allowing or suffering a place under a person's ownership or  
14 control to be used for the purposes of fighting or baiting a living  
15 animal;
- 16 (8) acting as a spectator, gambling on the outcome of a fight, or  
17 otherwise encouraging or assisting in activities occurring at a place  
18 that is kept or used for the purposes of fighting or baiting a living  
19 animal;
- 20 (9) carrying a living animal in or upon a vehicle or otherwise, in  
21 a cruel or inhumane manner;
- 22 (10) impounding or confining a living animal and failing to  
23 supply it during such confinement with a sufficient quantity of good  
24 and wholesome food and water;
- 25 (11) abandoning a maimed, sick, infirm, or disabled animal to  
26 die in a public place;
- 27 (12) abandoning a domestic animal;
- 28 (13) unlawfully debarking or silencing a dog;
- 29 (14) using a live pigeon, fowl, or other bird as a target or to be  
30 shot at for amusement or as a test of skill in marksmanship, or  
31 shooting such a bird, except where such use or shooting conforms  
32 with the rules pertaining to the shooting of game animals; and
- 33 (15) any comparable offense in another state, country, or  
34 jurisdiction.

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

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

- 45 (1) A statement in writing, signed by the animal abuse offender,  
46 acknowledging that the offender has been advised of the duty to  
47 register, and including the offender's name, social security number,  
48 age, race, sex, date of birth, height, weight, hair and eye color;

1 address of primary residence and secondary residence if any, or  
2 county and municipality of physical presence if a non-resident or  
3 homeless resident; address of anticipated or current places of  
4 employment; any anticipated or current school enrollment; the  
5 commission date and a brief description of the conviction offenses  
6 for which registration is required; and the indictment number  
7 associated with each such offense;

8 (2) A photograph of the defendant; and

9 (3) Any other information that the Attorney General deems  
10 necessary to properly inform the public about the identity of the  
11 offender and to assess the risk of re-offense.

12 The bill would require each offender to verify the address on the  
13 registration statement on an annual basis, and would additionally  
14 require each offender to notify law enforcement officials of any  
15 change in address.

16 Any person who fails to register as required by the bill's  
17 provisions would be guilty of a crime of the third degree and would  
18 be subject, in addition to any other penalties provided by law, to  
19 pay a fine of \$2,500. Any registered animal abuse offender who  
20 fails to comply, or who falsifies information in complying with the  
21 change of address requirements or address verification requirements  
22 provided by the bill, would be guilty of a crime of the fourth  
23 degree, and would be subject, in addition to any other penalties  
24 provided by law, to pay a fine of \$1,500.

25 The Attorney General would be required to maintain a central  
26 registry of all registrations submitted in accordance with this bill's  
27 provisions, and would additionally be required to develop a system  
28 for making certain offender information from the central registry  
29 available to the public on the Internet. The Attorney General would  
30 be responsible both for ensuring that the Internet registry contains  
31 appropriate warnings and notifications, and for maintaining the  
32 accuracy of, and for timely updating the information contained  
33 therein. An Animal Abuse Offender Internet Registry Advisory  
34 Council would be established to consult with and make  
35 recommendations to the Attorney General concerning the  
36 publication of registration records on the Internet.

37 All records maintained pursuant to the bill would be open to any  
38 law enforcement agency in the State, any other state, or the United  
39 States government, and would be able to be released to the Office of  
40 Animal Welfare in the Department of Health and Senior Services,  
41 or to the Division of Child Behavioral Health Services, the Division  
42 of Prevention and Community Partnerships, or the Division of  
43 Youth and Family Services in the Department of Children and  
44 Families for use in carrying out the office's and the divisions'  
45 respective responsibilities under law. Any official would be  
46 immune from civil liability for damages for any discretionary  
47 decision to release relevant records unless it is shown that the  
48 official acted with gross negligence or in bad faith.

1       Upon receipt of an offender’s registration or notification of an  
2 offender’s change in address, and pursuant to the procedures  
3 outlined in the bill’s provisions, the chief law enforcement officer  
4 of the municipality (or county) wherein the offender’s primary  
5 residence and secondary residence, if any, is located, or wherein the  
6 offender is generally present if a non-resident or a homeless  
7 resident of the State, would be required to provide notification to  
8 the community of the offender’s presence therein, in accordance  
9 with guidelines to be established by the Attorney General relating to  
10 the offender’s risk of re-offense.

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

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

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

46       The bill would require the Attorney General’s regulations to  
47 ensure that an offender will be provided with notice of the results of  
48 the risk assessment and will be afforded an opportunity to have that

1 determination reviewed prior to Internet publication or any  
2 notification of community members.

3 The bill would allow the disclosure of the offender's exact  
4 address only in very limited circumstances, since the courts have  
5 held that an offender may have some limited privacy interest in that  
6 information. Accordingly, the offender's exact address would be  
7 excluded from the Internet registry, and would be disclosed only to  
8 individuals within the offender's community who have a particular  
9 need for that information. Moreover, the offender's exact address  
10 would be disclosed to individuals in the community only in cases  
11 where the individuals have signed a receipt of notice form, which  
12 explicitly prohibits the disclosure of the offender's exact address to  
13 persons outside the individual's household, and which provides  
14 express notice that any harassment of the offender is punishable by  
15 law. Businesses within the offender's community would be entitled  
16 to know only the vicinity of the offender's address.

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

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

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

42 The bill would additionally prevent the use of information  
43 disclosed pursuant thereto for purposes of health or other insurance;  
44 loans; credit; education, scholarships, or fellowships; benefits,  
45 privileges, or services provided by a business establishment, unless  
46 consistent with enhancement of the public safety; or housing and  
47 accommodations. However, the bill would specifically allow a  
48 humane society, animal welfare organization, or other similar group

1 to use the information disclosed pursuant to its provisions in order  
2 to screen applicants for employment or for pet adoption services.  
3 The use of any information disclosed pursuant to the bill's  
4 provisions for any of the specifically prohibited purposes would  
5 make the user of the information liable for actual damages,  
6 attorney's fees, and any amount that may be determined by a jury or  
7 a court sitting without a jury, which is not less than \$250, and not  
8 more than three times the amount of actual damage, or for a civil  
9 penalty of not more than \$25,000. Furthermore, the bill would  
10 authorize civil action for injunctive or other preventative relief in  
11 the case that there is reasonable cause to believe that any person or  
12 group is engaged in a pattern of misuse of information disclosed  
13 pursuant to the bill's provisions.

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

21 (1) fifty percent of all civil and criminal fines collected by a  
22 court in relation to the animal abuse offenses for which registration  
23 is required;

24 (2) any excess fines collected by a court as a result of an  
25 offender's failure to register, failure to notify authorities of a  
26 change in address, failure to timely verify the offender's address, or  
27 falsification of any information in the course of complying with the  
28 bill's requirements in this regard;

29 (3) any excess fines collected by a court from the unlawful use  
30 of information disclosed pursuant to the act's provisions to  
31 encourage, solicit, or assist a registered animal abuse offender or  
32 other person to engage in criminal activity or commit an animal  
33 abuse offense;

34 (4) any interest or other investment income accrued on moneys  
35 deposited in the account;

36 (5) any moneys gifted to the fund; and

37 (6) any other moneys appropriated by the Legislature and  
38 allocated to the fund for its purposes.

39 Finally, the bill would provide that a registered animal abuse  
40 offender may make application to the Superior Court to terminate  
41 the obligation to register under this bill upon proof that the person  
42 has not committed an animal abuse offense or an offense  
43 constituting violence against humans within 15 years following  
44 conviction or release from a correctional facility for any term of  
45 imprisonment imposed, whichever is later, and is not likely to pose  
46 a threat to the safety of others. A registered animal abuse offender  
47 would also be able to make application to the Attorney General to  
48 terminate the obligation to register under this bill upon the

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1 submission of evidence, sufficient in the determination of the  
2 Attorney General, to establish that the offender no longer maintains  
3 primary residence or secondary residence in this State, and will not  
4 be present in the State for more than 14 consecutive days, or for an  
5 aggregate period of 30 days or more. However, such an offender  
6 would be required to re-register with the State in the event that he  
7 re-establishes primary residence or secondary residence in the State  
8 or re-establishes physical presence therein for the requisite period  
9 of time.