

SENATE, No. 3168

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED NOVEMBER 9, 2020

Sponsored by:

Senator VIN GOPAL
District 11 (Monmouth)

Co-Sponsored by:

Senator Diegnan

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: 12/7/2020)

1 AN ACT concerning animal cruelty and the reporting thereof, and
2 supplementing and amending various parts of statutory law.

3

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

6

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

18 b. A veterinarian or veterinary technician who reports in good
19 faith a suspected violation to any of the appropriate authorities
20 enumerated in subsection a. of this section shall be immune from:

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

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

26 c. As used in this section:

27 “Animal cruelty” means an act that violates R.S.4:22-17,
28 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,
29 section 1 or 2 of P.L.1999, c.307 (C.4:22-25.3 or 4:22-25.4), or
30 section 1 of P.L.2012, c.52 (C.4:22-25.5); is enumerated under
31 R.S.4:22-26; or would constitute failure to provide necessary care
32 pursuant to P.L.2017, c.189 (C.4:22-17.1 et seq.).

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

37

38 2. (New section) a. Any person who makes a report of
39 suspected animal cruelty, or who provides records or information
40 related to suspected animal cruelty, or who testifies in any judicial
41 proceeding arising from the report, records, or information, shall be
42 immune from any civil or criminal liability or administrative
43 penalty or sanction due to the provision of the report, records,
44 information, or testimony, unless the person is proved to have acted
45 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.

1 b. As used in this section, “animal cruelty” means an act that
2 violates R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20,
3 R.S.4:22-23, R.S.4:22-24, section 1 or 2 of P.L.1999, c.307
4 (C.4:22-25.3 or 4:22-25.4), or section 1 of P.L.2012, c.52 (C.4:22-
5 25.5); is enumerated under R.S.4:22-26; or would constitute failure
6 to provide necessary care pursuant to P.L.2017, c.189 (C.4:22-17.1
7 et seq.).

8
9 3. (New section) a. An employee of the Department of
10 Children and Families designated by the Commissioner of Children
11 and Families to investigate child abuse or neglect, who, while
12 acting within the scope of their employment, has reasonable cause
13 to believe that an animal has been subjected to animal cruelty, shall
14 report, as soon as possible, the suspected animal cruelty to the
15 county prosecutor or chief county humane law enforcement officer
16 and to:

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

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

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

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

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

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

41 d. As used in this section:

42 “Animal cruelty” means an act that violates R.S.4:22-17,
43 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,
44 section 1 or 2 of P.L.1999, c.307 (C.4:22-25.3 or 4:22-25.4), or
45 section 1 of P.L.2012, c.52 (C.4:22-25.5); is enumerated under
46 R.S.4:22-26; or would constitute failure to provide necessary care

1 pursuant to P.L.2017, c.189 (C.4:22-17.1 et seq.).

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

4

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

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

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

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

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

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

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

36 d. As used in this section:

37 “Animal cruelty” means an act that violates R.S.4:22-17,
38 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,
39 section 1 or 2 of P.L.1999, c.307 (C.4:22-25.3 or 4:22-25.4), or
40 section 1 of P.L.2012, c.52 (C.4:22-25.5); is enumerated under
41 R.S.4:22-26; or would constitute failure to provide necessary care
42 pursuant to P.L.2017, c.189 (C.4:22-17.1 et seq.).

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

45

46 5. (New section) a. An employee of the Division of
47 Developmental Disabilities designated to investigate abuse of
48 persons with developmental disabilities, who, while acting within

1 the scope of their employment, has reasonable cause to believe that
2 an animal has been subjected to animal cruelty, shall report, as soon
3 as possible, the suspected animal cruelty to the county prosecutor or
4 chief county humane law enforcement officer and to:

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

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

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

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

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

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

30 d. As used in this section:

31 “Animal cruelty” means an act that violates R.S.4:22-17,
32 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,
33 section 1 or 2 of P.L.1999, c.307 (C.4:22-25.3 or 4:22-25.4), or
34 section 1 of P.L.2012, c.52 (C.4:22-25.5); is enumerated under
35 R.S.4:22-26; or would constitute failure to provide necessary care
36 pursuant to P.L.2017, c.189 (C.4:22-17.1 et seq.).

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

39

40 6. (New section) a. An employee of the Department of Human
41 Services Division of Aging, who is designated to investigate abuse
42 in violation of the “Adult Protective Services Act,” P.L.1993, c.249
43 (C.52:27D-406 et seq.), while acting within the scope of their
44 employment, who has reasonable cause to believe that an animal
45 has been subjected to animal cruelty, shall report, as soon as
46 possible, the suspected animal cruelty to the county prosecutor or
47 chief county humane law enforcement officer and to:

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

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

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

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

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

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

25 d. As used in this section:

26 "Animal cruelty" means an act that violates R.S.4:22-17,
27 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,
28 section 1 or 2 of P.L.1999, c.307 (C.4:22-25.3 or 4:22-25.4), or
29 section 1 of P.L.2012, c.52 (C.4:22-25.5); is enumerated under
30 R.S.4:22-26; or would constitute failure to provide necessary care
31 pursuant to P.L.2017, c.189 (C.4:22-17.1 et seq.).

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

34

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

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

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

46 b. A law enforcement officer investigating a complaint or
47 suspected domestic violence, while acting within the scope of their

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

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

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

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

18 d. As used in this section:

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

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

27
28 8. Section 3 of P.L.1991, c.261 (C.2C:25-19) is amended to
29 read as follows:

30 3. As used in **[this act]** P.L.1991, c.261 (C.2C:25-17 et al.):

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

35 (1) Homicide N.J.S.2C:11-1 et seq.

36 (2) Assault N.J.S.2C:12-1

37 (3) Terroristic threats N.J.S.2C:12-3

38 (4) Kidnapping N.J.S.2C:13-1

39 (5) Criminal restraint N.J.S.2C:13-2

40 (6) False imprisonment N.J.S.2C:13-3

41 (7) Sexual assault N.J.S.2C:14-2

42 (8) Criminal sexual contact N.J.S.2C:14-3

43 (9) Lewdness N.J.S.2C:14-4

44 (10) Criminal mischief N.J.S.2C:17-3

45 (11) Burglary N.J.S.2C:18-2

46 (12) Criminal trespass N.J.S.2C:18-3

47 (13) Harassment N.J.S.2C:33-4

1 (14) Stalking P.L.1992, c.209 (C.2C:12-10)

2 (15) Criminal coercion N.J.S.2C:13-5

3 (16) Robbery N.J.S.2C:15-1

4 (17) Contempt of a domestic violence order pursuant to
5 subsection b. of N.J.S.2C:29-9 that constitutes a crime or disorderly
6 persons offense

7 (18) Any other crime involving risk of death or serious bodily
8 injury to a person protected under the "Prevention of Domestic
9 Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.)

10 (19) Cyber-harassment P.L.2013, c.272 (C.2C:33-4.1)

11 (20) An act of animal cruelty inflicted on an animal owned or in
12 the care of a person protected under P.L.1991, c.261 (C.2C:25-17 et
13 al.) in violation of R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-
14 20, R.S.4:22-23, R.S.4:22-24, section 1 and 2 of P.L.1999, c.307
15 (C.4:22-25.3 and 4:22-25.4), or section 1 of P.L.2012, c.52 (C.4:22-
16 25.5); as enumerated under R.S.4:22-26; or constituting failure to
17 provide necessary care pursuant to P.L.2017, c.189 (C.4:22-17.1 et
18 seq.); or a violation of the standards or the rules and regulations
19 adopted pursuant to section 1 of P.L.1995, c.311 (C.4:22-16.1)
20 inflicted on domestic livestock owned or in the care of a person
21 protected under P.L.1991, c.261 (C.2C:25-17 et al.).

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

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

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

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

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

6
7 9. Section 36 of P.L.1979, c.496 (C.30:1A-3) is amended to read
8 as follows:

9 36. a. As used in this section **["abuse"]**:

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

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

24 "Exploitation" means the act or process of using a person or his
25 resources for another person's profit or advantage.

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

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

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

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

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

10 g. The evaluation shall be based upon a visit with the resident
11 and consultation with others who have knowledge of the particular
12 case, and shall contain written findings and recommendations. The
13 person who reported the suspected abuse or exploitation, the victim
14 of the suspected abuse or exploitation, the owner of the residential
15 health care facility, rooming house or boarding house wherein the
16 suspected abuse or exploitation has occurred, the State agency
17 having a regulatory responsibility for the facility, and the
18 Ombudsman for the Institutionalized Elderly when the case
19 involves an elderly person as defined in section 2 of P.L.1977, c.
20 239 (C. 52:27G-2), shall be promptly notified of such findings and
21 recommended action.

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

25 i. The commissioner shall maintain a central registry of all
26 reports of suspected abuse or exploitation and all evaluations,
27 findings and recommended action. No information received and
28 compiled in such registries shall be construed to be a public record.
29 (cf: P.L.1979, c.496, s.36)

30

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

33 2. For purposes of **【this act】** P.L.1971, c.437 (C.9:6-8.8 et
34 seq.):

35 "Abused child" means a child under the age of 18 years whose
36 parent, guardian, or other person having **【his】** custody and control
37 of the child:

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

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

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

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

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

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

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

34 As used in this section, "animal cruelty" means an act that
35 violates R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20,
36 R.S.4:22-23, R.S.4:22-24, section 1 or 2 of P.L.1999, c.307
37 (C.4:22-25.3 or 4:22-25.4), or section 1 of P.L.2012, c.52 (C.4:22-
38 25.5); is enumerated under R.S.4:22-26; or would constitute failure
39 to provide necessary care pursuant to P.L.2017, c.189 (C.4:22-17.1
40 et seq.).

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

42

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

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

46 "Abuse" means wrongfully inflicting or allowing to be inflicted
47 physical abuse, sexual abuse, or verbal or psychological abuse or

1 mistreatment by a caregiver upon an individual with a
2 developmental disability or inflicting an act of animal cruelty or a
3 violation of the standards or the rules and regulations adopted
4 pursuant to section 1 of P.L.1995, c.311 (C.4:22-16.1) upon an
5 animal or domestic livestock owned or cared for by, or in the
6 service of, an individual with a developmental disability.

7 "Animal cruelty" means an act that violates R.S.4:22-17,
8 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,
9 section 1 or 2 of P.L.1999, c.307 (C.4:22-25.3 or 4:22-25.4), or
10 section 1 of P.L.2012, c.52 (C.4:22-25.5); is enumerated under
11 R.S.4:22-26; or would constitute failure to provide necessary care
12 pursuant to P.L.2017, c.189 (C.4:22-17.1 et seq.).

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

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

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

23 "Commissioner" means the Commissioner of Human Services.

24 "Department" means the Department of Human Services.

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

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

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

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

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

45 "Physical abuse" means a physical act directed at an individual
46 with a developmental disability by a caregiver of a type that causes
47 one or more of the following: pain, injury, anguish, or suffering.

1 Such acts include, but are not limited to, the individual with a
2 developmental disability being kicked, pinched, bitten, punched,
3 slapped, hit, pushed, dragged, or struck with a thrown or held
4 object.

5 "Program" means any program that is licensed or funded by the
6 department for the purpose of providing services to individuals with
7 developmental disabilities. "Program" includes, but is not limited
8 to, a day program or a community-based residential program, as
9 those terms are defined by section 1 of P.L.2017, c.238 (C.30:6D-
10 9.1).

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

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

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

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

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

45

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

1 2. As used in **[this act]** P.L.1993, c.249 (C.52:27D-406 et
2 seq.):

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

11 "Animal cruelty" means an act that violates R.S.4:22-17,
12 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,
13 section 1 or 2 of P.L.1999, c.307 (C.4:22-25.3 or 4:22-25.4), or
14 section 1 of P.L.2012, c.52 (C.4:22-25.5); is enumerated under
15 R.S.4:22-26; or would constitute failure to provide necessary care
16 pursuant to P.L.2017, c.189 (C.4:22-17.1 et seq.).

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

22 "Commissioner" means the Commissioner of Human Services.

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

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

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

39 "Department" means the Department of Human Services.

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

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

47 "Firefighter" means a paid or volunteer firefighter.

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

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

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

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

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

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

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

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

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

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

27 c. For the purposes of **[this act]** P.L.1995, c.311 (C.4:22-16.1),
28 "domestic livestock" means cattle, horses, donkeys, swine, sheep,
29 goats, rabbits, poultry, fowl, and any other domesticated animal
30 deemed by the State Board of Agriculture and the Department of
31 Agriculture, in consultation with the New Jersey Agricultural
32 Experiment Station, to be domestic livestock for such purposes,
33 according to rules and regulations adopted by the department and
34 the board pursuant to the "Administrative Procedure Act."
35 (cf: P.L.1995, c.311, s.1)

36

37 14. This act shall take effect immediately.

38

39

40

STATEMENT

41

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

S3168 GOPAL

17

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

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