

[First Reprint]
ASSEMBLY, No. 482

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman VANDERVALK, Assemblyman Rooney,
Assemblywoman Crecco, Assemblymen Dalton and Gibson

1 AN ACT concerning animal control officers, amending various parts of
2 the statutory law, and supplementing Title 4 of the Revised
3 Statutes.

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

7
8 1. Section 1 of P.L.1941, c.151 (C.4:19-15.1) is amended to read
9 as follows:

10 1. "Certified animal control officer" means a person 18 years of age
11 or older who has satisfactorily completed ¹[a] the ¹ course of study
12 approved by the Commissioner of Health ¹[on the control and welfare
13 of animals and the law concerning animal cruelty ,] and Senior
14 Services and the Police Training Commission¹ as prescribed by [this
15 amendatory and supplementary act or who has been employed in the
16 State of New Jersey in the capacity of, and with similar responsibilities
17 to those required of certified animal control officers pursuant to the
18 provisions of this act, for a period of three years] ¹paragraphs (1)
19 through (3) of subsection a. of section 3 of ¹ P.L.1983, c.525
20 ¹[(C.4:19-15.1 et al.)] (C.4:19-15.16a) ¹ ; or who has been employed
21 in the State of New Jersey in the capacity of, and with similar
22 responsibilities to those required of, a certified animal control officer
23 pursuant to the provisions of P.L.1983, c.525 for a period of three
24 years before January 17, 1987 .

25 "Dog" shall mean any dog, bitch or spayed bitch.

26 "Dog of licensing age" shall mean any dog which has attained the
27 age of [7] seven months or which possesses a set of permanent teeth.

28 "Kennel" shall mean any establishment wherein or whereon the
29 business of boarding or selling dogs or breeding dogs for sale is
30 carried on, except a pet shop.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SCO committee amendments adopted May 8, 1997.

1 "Owner" when applied to the proprietorship of a dog shall include
 2 every person having a right of property in that dog and every person
 3 who has that dog in his keeping, and when applied to the
 4 proprietorship of any other animal, including, but not limited to, a cat,
 5 shall include every person having a right of property in that animal and
 6 every person who has that animal in his keeping.

7 "Pet shop" shall mean any [room or group of rooms, cage or
 8 exhibition pen,] place of business which is not part of a kennel,
 9 wherein [dogs for sale are kept or displayed] animals, including, but
 10 not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or
 11 gerbils, are kept or displayed chiefly for the purpose of sale to
 12 individuals for personal appreciation and companionship rather than
 13 for business or research purposes .

14 "Pound" shall mean an establishment for the confinement of dogs
 15 or other animals seized either under the provisions of this act or
 16 otherwise.

17 "Shelter" shall mean any establishment where dogs or other animals
 18 are received, housed and distributed.

19 ["Owner" when applied to the proprietorship of a dog shall include
 20 every person having a right of property in that dog and every person
 21 who has that dog in his keeping.]

22 (cf: P.L.1983, c.525, s.1)

23

24 2. Section 3 of P.L.1983, c.525 (C.4:19-15.16a) is amended to
 25 read as follows:

26 3. a. The Commissioner of Health ¹ and Senior Services¹ shall,
 27 within 120 days after the effective date of [this amendatory and
 28 supplementary act] P.L.1983, c.525 ¹[(C.4:19-15.1 et al.)] ¹ and
 29 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
 30 (C.52:14B-1 et seq.), adopt rules and regulations concerning the
 31 training and educational qualifications for the certification of animal
 32 control officers, including, but not limited to, a course of study
 33 approved by the commissioner and the Police Training Commission,
 34 ¹ in consultation with the New Jersey Certified Animal Control
 35 Officers Association,¹ which acquaints a person with:

36 (1) The law as it affects animal control [and] , animal welfare , and
 37 animal cruelty ;

38 (2) Animal behavior and the handling of stray or diseased animals;
 39 [and]

40 (3) Community safety as it relates to animal control ; and

41 (4) The law enforcement methods and techniques required for an
 42 animal control officer to properly exercise the authority to investigate
 43 and sign complaints and arrest without warrant pursuant to section 8
 44 of P.L. , c. (C.) (now before the Legislature as this bill),
 45 including, but not limited to, those methods and techniques which
 46 relate to search, seizure and arrest. The training in law enforcement

1 methods and techniques described pursuant to this paragraph shall be
2 part of the course of study for an animal control officer only when
3 required by the governing body of a municipality pursuant to section
4 4 of P.L.1983, c.525 (C.4:19-15.16b).

5 ¹Any person 18 years of age or older may satisfy the courses of
6 study established pursuant to this subsection at that person's own time
7 and expense; however, nothing in this section shall be construed as
8 authorizing a person to exercise the powers and duties of an animal
9 control officer absent municipal appointment or authorization pursuant
10 to section 4 of P.L.1983, c.525 (C.4:19-15.16b).¹

11 b. The commissioner shall provide for the issuance of a certificate
12 to a person who possesses, or acquires, the training and education
13 required to qualify as a certified animal control officer pursuant to
14 ¹[the provisions of [this act and the issuance of a certificate to a
15 person who has been employed in the State of New Jersey in the
16 capacity of, and with similar responsibilities to those required of
17 certified animal control officers pursuant to the provisions of this act
18 for a period of three years] P.L.1983, c.525, and the issuance of a
19 certificate]paragraphs (1) through (3) of subsection a. of this section
20 and¹ to a person who has been employed in the State of New Jersey in
21 the capacity of, and with similar responsibilities to those required of,
22 a certified animal control officer pursuant to the provisions of
23 P.L.1983, c.525, for a period of three years before January 17, 1987.
24 (cf: P.L.1983, c.525, s.3)

25

26 3. Section 4 of P.L.1983, c.525 (C.4:19-15.16b) is amended to
27 read as follows:

28 4. The governing body of a municipality shall, within three years
29 of the effective date of [this amendatory and supplementary act]
30 P.L.1983, c.525 ¹[(C.4:19-15.1 et al.)]¹, appoint a certified animal
31 control officer who shall be responsible for animal control within the
32 jurisdiction of the municipality and who shall enforce and abide by the
33 provisions of section 16 of P.L.1941, c.151 (C.4:19-15.16). The
34 governing body may authorize the certified animal control officer to
35 investigate and sign complaints, arrest violators and otherwise act as
36 an officer for detection, apprehension and arrest of offenders against
37 the animal control, animal welfare and animal cruelty laws of the State
38 and ordinances of the municipality, if the officer has completed the
39 training required pursuant to paragraph 4 of subsection a. of section
40 3 of P.L.1983, c.525 (C.4:19-15.16a). Only certified animal control
41 officers who have completed the training may be authorized by the
42 governing body to so act as an officer for detection, apprehension and
43 arrest of offenders; however, officers who have completed the training
44 shall not have the authority to so act unless authorized by the
45 governing body which is employing the officer or contracting for the
46 officer's services.

1 (cf: P.L.1983, c.525, s.4)

2

3 4. R.S.4:22-44 is amended to read as follows:

4 4:22-44. Any member, officer or agent of the New Jersey Society
5 for the Prevention of Cruelty to Animals, or any sheriff, undersheriff,
6 constable , certified animal control officer who has been properly
7 authorized pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b)
8 or police officer may:

9 a. Make arrests for violations of this article;

10 b. Arrest without warrant any person found violating the provisions
11 of this article in the presence of such member, officer, agent, sheriff,
12 undersheriff, constable [or] , police officer or a certified animal control
13 officer who has been properly authorized pursuant to section 4 of
14 P.L.1983, c.525 (C.4:19-15.16b), and take such person before the
15 nearest judge or magistrate as provided in this article.

16 (cf: P.L.1953, c.5, s.80)

17

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

19 4:22-45. Where an arrest is made under the provisions of this
20 article by a constable [under the provisions of this article], sheriff,
21 undersheriff or police officer in a locality where the New Jersey
22 society, or a district (county) society, for the prevention of cruelty to
23 animals exists, he shall give notice to the state or district (county)
24 society at once, whereupon such state or district (county) society shall
25 take charge of the case and prosecute it under the provisions of this
26 article. No magistrate shall hear any such case until proof is made of
27 the service of such notice on the state or district (county) society.

28 The provisions of this section shall not apply to certified animal
29 control officers who have been properly authorized pursuant to section
30 4 of P.L.1983, c.525 (C.4:19-15.16b) to make arrests.

31 (cf: R.S.4:22-45)

32

33 6. R.S.4:22-47 is amended to read as follows:

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

45 (cf: P.L.1989, c.35, s.4)

46

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

2 4:22-55. [All] a. Except as provided pursuant to subsection b. of
3 this section, all fines, penalties and moneys imposed and collected
4 under the provisions of this article, shall be paid by the court or by the
5 clerk or court officer receiving the [same] fines, penalties or moneys,
6 within thirty days and without demand, to the district (county) society
7 for the prevention of cruelty to animals of the county where the [same]
8 fines, penalties or moneys were imposed and collected, if one is in
9 existence in that county, and if not, then to the New Jersey Society for
10 the Prevention of Cruelty to Animals, to be used by the society in aid
11 of the benevolent objects for which it was incorporated.

12 b. If an enforcement action for a violation of this article is brought
13 primarily as a result of the discovery and investigation of the violation
14 by a certified animal control officer, the fines, penalties or moneys
15 collected shall be paid ¹as follows: one half¹ to the municipality in
16 which the violation occurred ¹[, unless otherwise agreed upon by the
17 municipality and the prosecuting authority] and one half to the New
18 Jersey Society for the Prevention of Cruelty to Animals¹.

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

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

24 (2) the training therefor required of certified animal control officers
25 pursuant to law.

26 (cf: P.L.1953, c.5, s.86)

27

28 8. (New section) A certified animal control officer authorized
29 pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b) shall have
30 the power and authority, within the jurisdiction of the municipality or
31 other entity employing, or contracting for, the animal control officer
32 to:

33 a. Enforce all laws or ordinances enacted for the protection of
34 animals, including, but not limited to, animal control, animal welfare
35 and animal cruelty laws of the State and ordinances of the
36 municipality;

37 b. Investigate and sign complaints concerning any violation of an
38 animal control, animal welfare or animal cruelty law of the State or
39 ordinance of the municipality; and

40 c. Act, by virtue of the officer's appointment or employment and
41 in addition to any other power and authority, as an officer for the
42 detection, apprehension and arrest of offenders against the animal
43 control, animal welfare and animal cruelty laws of the State and
44 ordinances of the municipality.

45 Upon a request for assistance by a municipality or other entity that
46 does not employ, or contract for, the certified animal control officer,

1 a certified animal control officer may, within the jurisdiction of that
2 municipality or other entity making the request, exercise the powers
3 and authority granted pursuant to this section.

4
5 ¹9. (New section) A certified animal control officer who signs a
6 complaint, issues a summons, makes an arrest, or otherwise acts
7 pursuant to his authority pursuant to P.L.1983, c.525, R.S.4:22-44, or
8 section 8 of P.L. _____, c. _____ (C. _____) (now pending before the
9 Legislature as this bill) shall forward within five business days a copy
10 of that complaint, summons, or arrest warrant or report to the New
11 Jersey Society for the Prevention of Cruelty to Animals and shall
12 forward a report of any related court action within thirty calendar days
13 of final disposition.¹

14
15 ¹10. (New section) Although a municipality and the New Jersey
16 Society for the Prevention of Cruelty to Animals or a district (county)
17 society may share in the receipt of fines, penalties or moneys collected
18 with regard to violations occurring in the municipality pursuant to the
19 provisions of R.S.4:22-55:

20 a. neither a municipality or a certified animal control officer shall be
21 liable for any civil damages as a result of any act or omission of the
22 New Jersey Society for the Prevention of Cruelty to animals, a district
23 (county) society or an officer thereof with regard to any investigation,
24 arrest or prosecution of a violator with which the municipality or
25 certified animal control officer was not involved; and

26 b. neither the New Jersey Society for the Prevention of Cruelty to
27 animals, a district (county) society or an officer thereof shall be liable
28 for any civil damages as a result of any act or omission of a
29 municipality or a certified animal control officer with regard to any
30 investigation, arrest or prosecution of a violator with which the New
31 Jersey Society for the Prevention of Cruelty to animals, a district
32 (county) society or an officer thereof was not involved.¹

33
34 ¹[9.] 11.¹ This act shall take effect on the 90th day after the date
35 of enactment.

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40 Extends authority of, and requires additional training for, animal
41 control officers.