

[Passed Both Houses]

[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,
Gibson and Senator Matheussen

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 of¹ 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

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 age of [7] seven months or which possesses a set of permanent teeth.

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

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

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

18 "Pound" shall mean an establishment for the confinement of dogs
19 or other animals seized either under the provisions of this act or
20 otherwise.

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

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

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

27

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

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

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

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

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

45 (4) The law enforcement methods and techniques required for an
46 animal control officer to properly exercise the authority to investigate

1 and sign complaints and arrest without warrant pursuant to section 8
2 of P.L. , c. (C.) (now before the Legislature as this bill),
3 including, but not limited to, those methods and techniques which
4 relate to search, seizure and arrest. The training in law enforcement
5 methods and techniques described pursuant to this paragraph shall be
6 part of the course of study for an animal control officer only when
7 required by the governing body of a municipality pursuant to section
8 4 of P.L.1983, c.525 (C.4:19-15.16b).

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

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

29
30 3. Section 4 of P.L.1983, c.525 (C.4:19-15.16b) is amended to
31 read as follows:

32 4. The governing body of a municipality shall, within three years
33 of the effective date of [this amendatory and supplementary act]
34 P.L.1983, c.525 ¹[(C.4:19-15.1 et al.)]¹, appoint a certified animal
35 control officer who shall be responsible for animal control within the
36 jurisdiction of the municipality and who shall enforce and abide by the
37 provisions of section 16 of P.L.1941, c.151 (C.4:19-15.16). The
38 governing body may authorize the certified animal control officer to
39 investigate and sign complaints, arrest violators and otherwise act as
40 an officer for detection, apprehension and arrest of offenders against
41 the animal control, animal welfare and animal cruelty laws of the State
42 and ordinances of the municipality, if the officer has completed the
43 training required pursuant to paragraph 4 of subsection a. of section
44 3 of P.L.1983, c.525 (C.4:19-15.16a). Only certified animal control
45 officers who have completed the training may be authorized by the
46 governing body to so act as an officer for detection, apprehension and

1 arrest of offenders; however, officers who have completed the training
2 shall not have the authority to so act unless authorized by the
3 governing body which is employing the officer or contracting for the
4 officer's services.

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

6
7 4. R.S.4:22-44 is amended to read as follows:

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

13 a. Make arrests for violations of this article;

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

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

21
22 5. R.S.4:22-45 is amended to read as follows:

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

32 The provisions of this section shall not apply to certified animal
33 control officers who have been properly authorized pursuant to section
34 4 of P.L.1983, c.525 (C.4:19-15.16b) to make arrests.

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

36
37 6. R.S.4:22-47 is amended to read as follows:

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

1 there found and all implements or appliances used or to be used in
2 such exhibition.

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

4

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

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

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

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

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

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

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

31

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

37 a. Enforce all laws or ordinances enacted for the protection of
38 animals, including, but not limited to, animal control, animal welfare
39 and animal cruelty laws of the State and ordinances of the
40 municipality;

41 b. Investigate and sign complaints concerning any violation of an
42 animal control, animal welfare or animal cruelty law of the State or
43 ordinance of the municipality; and

44 c. Act, by virtue of the officer's appointment or employment and
45 in addition to any other power and authority, as an officer for the
46 detection, apprehension and arrest of offenders against the animal

1 control, animal welfare and animal cruelty laws of the State and
2 ordinances of the municipality.

3 Upon a request for assistance by a municipality or other entity that
4 does not employ, or contract for, the certified animal control officer,
5 a certified animal control officer may, within the jurisdiction of that
6 municipality or other entity making the request, exercise the powers
7 and authority granted pursuant to this section.

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

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

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

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

37
38 ¹[9.] 11.¹ This act shall take effect on the 90th day after the date
39 of enactment.

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44 Extends authority of, and requires additional training for, animal
45 control officers.