

ASSEMBLY, No. 482

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman VANDERVALK

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 a course of study approved  
12 by the Commissioner of Health on the control and welfare of animals  
13 and the law concerning animal cruelty , as prescribed by [this  
14 amendatory and supplementary act or who has been employed in the  
15 State of New Jersey in the capacity of, and with similar responsibilities  
16 to those required of certified animal control officers pursuant to the  
17 provisions of this act, for a period of three years] P.L.1983, c.525  
18 (C.4:19-15.1 et al.); or who has been employed in the State of New  
19 Jersey in the capacity of, and with similar responsibilities to those  
20 required of, a certified animal control officer pursuant to the  
21 provisions of P.L.1983, c.525 for a period of three years before  
22 January 17, 1987 .

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

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

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

29 "Owner" when applied to the proprietorship of a dog shall include  
30 every person having a right of property in that dog and every person  
31 who has that dog in his keeping, and when applied to the  
32 proprietorship of any other animal, including, but not limited to, a cat,  
33 shall include every person having a right of property in that animal and  
34 every person who has that animal in his keeping.

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.

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

8 "Pound" shall mean an establishment for the confinement of dogs  
9 or other animals seized either under the provisions of this act or  
10 otherwise.

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

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

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

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

20 3. a. The Commissioner of Health shall, within 120 days after the  
21 effective date of [this amendatory and supplementary act] P.L.1983,  
22 c.525 (C.4:19-15.1 et al.), and pursuant to the "Administrative  
23 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and  
24 regulations concerning the training and educational qualifications for  
25 the certification of animal control officers, including, but not limited  
26 to, a course of study approved by the commissioner and the Police  
27 Training Commission , which acquaints a person with:

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

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

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

33 (4) The law enforcement methods and techniques required for an  
34 animal control officer to properly exercise the authority to investigate  
35 and sign complaints and arrest without warrant pursuant to section 8  
36 of P.L. , c. (C. ) (now before the Legislature as this bill),  
37 including, but not limited to, those methods and techniques which  
38 relate to search, seizure and arrest. The training in law enforcement  
39 methods and techniques described pursuant to this paragraph shall be  
40 part of the course of study for an animal control officer only when  
41 required by the governing body of a municipality pursuant to section  
42 4 of P.L.1983, c.525 (C.4:19-15.16b) .

43 b. The commissioner shall provide for the issuance of a certificate  
44 to a person who possesses, or acquires, the training and education  
45 required to qualify as a certified animal control officer pursuant to the  
46 provisions of [this act and the issuance of a certificate to a person who

1 has been employed in the State of New Jersey in the capacity of, and  
2 with similar responsibilities to those required of certified animal  
3 control officers pursuant to the provisions of this act for a period of  
4 three years] P.L.1983, c.525, and the issuance of a certificate to a  
5 person who has been employed in the State of New Jersey in the  
6 capacity of, and with similar responsibilities to those required of, a  
7 certified animal control officer pursuant to the provisions of P.L.1983,  
8 c.525 , for a period of three years before January 17, 1987 .

9 (cf: P.L.1983, c.525, s.3)

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

13 4. The governing body of a municipality shall, within three years  
14 of the effective date of [this amendatory and supplementary act]  
15 P.L.1983, c.525 (C.4:19-15.1 et al.), appoint a certified animal  
16 control officer who shall be responsible for animal control within the  
17 jurisdiction of the municipality and who shall enforce and abide by the  
18 provisions of section 16 of P.L.1941, c.151 (C.4:19-15.16). The  
19 governing body may authorize the certified animal control officer to  
20 investigate and sign complaints, arrest violators and otherwise act as  
21 an officer for detection, apprehension and arrest of offenders against  
22 the animal control, animal welfare and animal cruelty laws of the State  
23 and ordinances of the municipality, if the officer has completed the  
24 training required pursuant to paragraph 4 of subsection a. of section  
25 3 of P.L.1983, c.525 (C.4:19-15.16a). Only certified animal control  
26 officers who have completed the training may be authorized by the  
27 governing body to so act as an officer for detection, apprehension and  
28 arrest of offenders; however, officers who have completed the training  
29 shall not have the authority to so act unless authorized by the  
30 governing body which is employing the officer or contracting for the  
31 officer's services.

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

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

35 4:22-44. Any member, officer or agent of the New Jersey Society  
36 for the Prevention of Cruelty to Animals, or any sheriff, undersheriff,  
37 constable , certified animal control officer who has been properly  
38 authorized pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b)  
39 or police officer may:

40 a. Make arrests for violations of this article;

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

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

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

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

13 The provisions of this section shall not apply to certified animal  
14 control officers who have been properly authorized pursuant to section  
15 4 of P.L.1983, c.525 (C.4:19-15.16b) to make arrests.

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

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

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

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

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

33 4:22-55. [All] a. Except as provided pursuant to subsection b. of  
34 this section, all fines, penalties and moneys imposed and collected  
35 under the provisions of this article, shall be paid by the court or by the  
36 clerk or court officer receiving the [same] fines, penalties or moneys,  
37 within thirty days and without demand, to the district (county) society  
38 for the prevention of cruelty to animals of the county where the [same]  
39 fines, penalties or moneys were imposed and collected, if one is in  
40 existence in that county, and if not, then to the New Jersey Society for  
41 the Prevention of Cruelty to Animals, to be used by the society in aid  
42 of the benevolent objects for which it was incorporated.

43 b. If an enforcement action for a violation of this article is brought  
44 primarily as a result of the discovery and investigation of the violation  
45 by a certified animal control officer, the fines, penalties or moneys  
46 collected shall be paid to the municipality in which the violation

1 occurred, unless otherwise agreed upon by the municipality and the  
2 prosecuting authority.

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

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

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

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

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

17 a. Enforce all laws or ordinances enacted for the protection of  
18 animals, including, but not limited to, animal control, animal welfare  
19 and animal cruelty laws of the State and ordinances of the  
20 municipality;

21 b. Investigate and sign complaints concerning any violation of an  
22 animal control, animal welfare or animal cruelty law of the State or  
23 ordinance of the municipality; and

24 c. Act, by virtue of the officer's appointment or employment and  
25 in addition to any other power and authority, as an officer for the  
26 detection, apprehension and arrest of offenders against the animal  
27 control, animal welfare and animal cruelty laws of the State and  
28 ordinances of the municipality.

29 Upon a request for assistance by a municipality or other entity that  
30 does not employ, or contract for, the certified animal control officer,  
31 a certified animal control officer may, within the jurisdiction of that  
32 municipality or other entity making the request, exercise the powers  
33 and authority granted pursuant to this section.

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35 9. This act shall take effect on the 90th day after the date of  
36 enactment.

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42 Authorizes municipalities to extend authority of, and require training  
for, animal control officers concerning animal cruelty.