

SENATE SENIOR CITIZENS, VETERANS' AFFAIRS AND
AGRICULTURE COMMITTEE

STATEMENT TO

SENATE, No. 118

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 30, 1996

The Senate Senior Citizens, Veterans' Affairs and Agriculture Committee favorably reports Senate Bill No. 118 with committee amendments.

As amended, this bill would revise the organization, administration, and powers of the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA), which was originally incorporated pursuant to an act of the Legislature in 1868. The bill would also revise those provisions of law relating to district (county) societies for the prevention of cruelty to animals.

The bill provides that the NJSPCA be continued as a parent corporation for the purposes of coordinating the various functions of local branches or district (county) societies, promoting the interests of, protecting and caring for, and doing any and all things to benefit animals. The bill directs that the corporation be governed by a board of trustees who would be annually elected by a majority of the members of the NJSPCA.

The board of trustees would be directed to prepare an annual report concerning the law enforcement activity of the organization.

The bill would provide that individuals with a conflict of interest may not qualify to become an agent, officer, enforcement officer or trustee.

The NJSPCA would be empowered to grant a charter for a district (county) society for the prevention of cruelty to animals in a county. The NJSPCA would also be able to revoke a charter of any district (county) society, regardless of when it was established, for cause. Cause includes the failure of the district (county) society to amend its charter or to conform to the procedures and guidelines established by the NJSPCA.

The NJSPCA would be empowered to establish membership criteria, and membership would be open to all those who qualify. The provisions of the bill would state the criteria for memberships in the district (county) societies. The members of the NJSPCA who reside within the county in which a district (county) society is located would

elect a board of trustees for the district (county) society, subject to NJSPCA approval. The board of trustees would then appoint officers to govern the daily operation of the society and enforcement personnel to carry out the enforcement duties of the society. The bill would stipulate grounds and procedures for denying membership and expelling members from the State society.

NJSPCA and district (county) society enforcement officers and agents would be required to complete training required by the NJSPCA and the appropriate district (county) society. A total of 12 enforcement officers of the NJSPCA and one from each district (county) society, subject to authorization by the NJSPCA, would be empowered to carry firearms for the enforcement of the animal cruelty statutes. A prerequisite for carrying firearms is the satisfactory completion of firearms training courses established by the NJSPCA and approved by the Police Training Commission.

The powers of the district (county) societies would be clearly defined by the bill. The powers of the NJSPCA to oversee and regulate the content of the bylaws concerning law enforcement activity, and the enforcement powers of the chartered district (county) societies for the prevention of cruelty to animals would be expanded.

The bill would impose a criminal penalty for the commission of an act of sexual penetration or other sexual behavior with an animal, and would make the carrying of an animal in an unsheltered vehicle or in a way otherwise exposed to the elements a disorderly persons offense. The commission of a sexual act with an animal would be a crime of the fourth degree, while the carrying of an animal in an unsheltered vehicle or in a way otherwise exposed to the elements would be a disorderly persons offense.

Additionally, the civil penalty for a violation of the animal cruelty laws would be increased. The amount of the civil penalty that the NJSPCA or a district (county) society could recover from a violator of the animal cruelty laws would be increased from the current maximum of \$250, with no mandatory minimum, to a maximum of \$1,000, with a mandatory minimum of \$50. However, the bill would impose a mandatory penalty of \$500 for abandoning an animal, and \$1000 if the animal is abandoned on or near a roadway. The bill would also revise the civil penalty for abandonment of an animal and the statutory provision regarding authority to enter onto property to provide an impounded or confined animal with food or water.

The bill would permit a court to confiscate any animals owned or possessed by a violator of the animal cruelty laws for disposition by the NJSPCA or the district (county) society. Upon a second conviction, the court could prohibit the violator from owning or possessing any animals.

The bill would expand the list of activities exempted from the animal cruelty laws to include: a) the killing or disposing of a Norway or brown rat, black rat, or house mouse, or any other animal deemed by the Department of Health, in consultation with the NJSPCA, to

pose a significant threat to the public health, and b) the regulation of any game animal or fish by the Division of Fish, Game and Wildlife in the Department of Environmental Protection and any veterinary hospital or facility.

The bill also makes a correction to R.S.4:22-29, which contains a reference to a repealed section of law (R.S.4:22-17).

Finally, the bill would repeal those provisions of chapter 22 of Title 4 of the Revised Statutes relating to the current powers, functions, and duties of the NJSPCA and its district (county) societies.

Committee amendments deleted a \$50,000 appropriation to the Division of Animal Health in the Department of Agriculture for the development of standards for the humane treatment of domestic livestock, and the enforcement of those standards. The Department of Agriculture was directed to develop standards for the humane treatment of domestic livestock pursuant to P.L.1995, c.311.

This bill was pre-filed for introduction in the 1996-1997 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.