

SENATE, No. 366

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By 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 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,

**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 shall include every person having a right of property in that animal and  
2 every person who has that animal in his keeping.

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

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

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

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

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

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

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

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

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

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

34 (4) The law enforcement methods and techniques required for an  
35 animal control officer to properly exercise the authority to investigate  
36 and sign complaints and arrest without warrant pursuant to section 8  
37 of P.L. , c. (C. ) (now before the Legislature as this bill),  
38 including, but not limited to, those methods and techniques which  
39 relate to search, seizure and arrest. The training in law enforcement  
40 methods and techniques described pursuant to this paragraph shall be  
41 part of the course of study for an animal control officer only when  
42 required by the governing body of a municipality pursuant to section  
43 4 of P.L.1983, c.525 (C.4:19-15.16b).

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

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

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

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

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

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

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

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

41 a. Make arrests for violations of this article;

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

1 nearest judge or magistrate as provided in this article.  
2 (cf: P.L.1953, c.5, s.80)

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

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

14 The provisions of this section shall not apply to certified animal  
15 control officers who have been properly authorized pursuant to section  
16 4 of P.L. 1983, c.525 (C.4:19-15.16b) to make arrests.

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

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

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

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

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

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

44 b. If an enforcement action for a violation of this article is brought  
45 primarily as a result of the discovery and investigation of the violation  
46 by a certified animal control officer, the fines, penalties or moneys

1 collected shall be paid to the municipality in which the violation  
2 occurred, unless otherwise agreed upon by the municipality and the  
3 prosecuting authority.

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

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

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

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

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

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

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

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

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

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

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40 STATEMENT

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42 The bill permits an animal control officer, who has completed  
43 appropriate training and is so authorized by the governing body  
44 employing or contracting for that animal control officer, to investigate  
45 and sign complaints and arrest offenders for violations of local and  
46 State animal control, animal welfare and animal cruelty laws and

1 ordinances committed in the animal control officer's presence. The bill  
2 also clarifies that all animal control officers are to be trained in animal  
3 cruelty laws as well as animal control and animal welfare laws.

4 Finally, the bill provides that if an animal control officer is  
5 responsible for the arrest and prosecution of the violator, the fines,  
6 penalties and moneys collected would be remitted by the court to the  
7 municipality that hired the officer, to be used by the municipality to  
8 defray enforcement and training costs. If a local Society for the  
9 Prevention of Cruelty to Animals or the New Jersey Society for the  
10 Prevention of Cruelty to Animals is responsible for the arrest, the  
11 fines, penalties and moneys collected would be remitted to that society  
12 as currently provided by law.

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17 Extends authority of, and requires additional training for, animal  
18 control officers.