

# SENATE COMMUNITY AFFAIRS COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 366**

# **STATE OF NEW JERSEY**

DATED: MAY 8, 1997

The Senate Community Affairs Committee reports favorably a Senate Committee Substitute for Senate Bill No. 366.

This committee substitute would permit a certified animal control officer who has completed appropriate training and is so authorized by the municipal governing body employing or contracting for that certified animal control officer, to investigate, sign complaints, and arrest offenders for violations of local and State animal control, animal welfare and animal cruelty laws and ordinances. The substitute would clarify that the training received by certified animal control officers would include training in animal cruelty laws as well as animal control and animal welfare laws.

The committee substitute would change the bill in several areas concerning the applying of liability to animal control officers and the Society for the Prevention of Cruelty to Animals (SPCA), the training and course of study of animal control officers, and the reporting of summonses and dividing of fines by the animal control officers and the SPCA.

Section 1 of the substitute would change the definition of certified animal control officer to mean an individual who has also completed the course of study concerning: the law as it affects animal control, animal welfare and animal cruelty; animal behavior; and community safety as prescribed by the Commissioner of Health and Senior Services and the Police Training Commission.

Section 2 of the substitute would require that the Commissioner of Health and Senior Services' proposed rules and regulations concerning the course of study required of an animal control officer be approved by the Police Training Commission, and be developed in consultation with the New Jersey Certified Animal Control Officers Association. It is the committee's intent that pursuant to this section, a separate course of training in law enforcement methods and techniques would be developed and offered to individuals interested in attaining municipal authorization as an officer for deduction, apprehension and arrest of offenders against the animal control, welfare and cruelty laws.

The committee substitute would make it clear, in section 2, that nothing in this substitute would prohibit an individual from taking, on one's own time and at one's own expenses, the prescribed course of study. However, this would not permit an animal control officer to use law enforcement powers simply because one had completed the prescribed courses. One would still need to be appointed by a municipality to a position as an animal control officer, and additionally, one would still need municipal authorization to exercise the law enforcement powers.

Section 7 of the substitute would provide for the division of fines received because an individual violated the State's animal cruelty laws. The substitute would provide that if a certified animal control officer were responsible for the arrest and prosecution of a violator, one half of the amount of the fines, penalties, and moneys collected would be remitted by the court to the municipality that hired the officer, for the municipality's use in defraying enforcement and training costs. The New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA) would receive the other half. If a local Society for the Prevention of Cruelty to Animals or the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA or state society) were responsible for the arrest, the fines, penalties, and moneys collected would be remitted to that society, as currently provided by law.

The committee substitute added section 9 to the bill. This section would ensure that a certified animal control officer who signs a complaint, issues a summons, makes an arrest, or otherwise acts pursuant to his authority pursuant to P.L.1983, c.525, R.S.4:22-44, or section 8 of this substitute shall forward within five business days a copy of that complaint, summons, or arrest warrant or report to the New Jersey Society for the Prevention of Cruelty to Animals and shall forward a report of any related court action within thirty calendar days of final disposition.

The committee substitute also added section 10 which concerns the liability of the municipalities, the SPCA, and the certified animal control officers. This section would provide that municipalities, the SPCA, and animal control officers would not share legal liability simply because they share or divide fines they receive pursuant to this substitute or current law.

This committee substitute is identical to Assembly Bill No. 482 with committee amendments, which was also favorably reported by the committee on May 8, 1997.