

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 366

STATE OF NEW JERSEY

ADOPTED MAY 8, 1997

Sponsored 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
11 age or older who has satisfactorily completed [a] the course of study
12 approved by the Commissioner of Health [on the control of animals,]
13 and Senior Services and the Police Training Commission as prescribed
14 by [this amendatory and supplementary act or who has been employed
15 in the State of New Jersey in the capacity of, and with similar
16 responsibilities to those required of certified animal control officers
17 pursuant to the provisions of this act, for a period of three years]
18 paragraphs (1) through (3) of subsection a. of section 3 of P.L.1983,
19 c.525 (C.4:19-15.16a); or who has been employed in the State of New
20 Jersey in the capacity of, and with similar responsibilities to those
21 required of, a certified animal control officer pursuant to the
22 provisions of P.L.1983, c.525 for a period of three years before
23 January 17, 1987 .

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

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

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

30 "Owner" when applied to the proprietorship of a dog shall include
31 every person having a right of property in that dog and every person
32 who has that dog in his keeping, and when applied to the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 proprietorship of any other animal, including, but not limited to, a cat,
2 shall include every person having a right of property in that animal and
3 every person who has that animal in his keeping.

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

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

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

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

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

20

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

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

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

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

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

38 (4) The law enforcement methods and techniques required for an
39 animal control officer to properly exercise the authority to investigate
40 and sign complaints and arrest without warrant pursuant to section 8
41 of P.L. , c. (C.) (now before the Legislature as this bill),
42 including, but not limited to, those methods and techniques which
43 relate to search, seizure and arrest. The training in law enforcement
44 methods and techniques described pursuant to this paragraph shall be
45 part of the course of study for an animal control officer only when

1 required by the governing body of a municipality pursuant to section
2 4 of P.L.1983, c.525 (C.4:19-15.16b).

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

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

22

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

25 4. The governing body of a municipality shall, within three years
26 of the effective date of [this amendatory and supplementary act]
27 P.L.1983, c.525, appoint a certified animal control officer who shall
28 be responsible for animal control within the jurisdiction of the
29 municipality and who shall enforce and abide by the provisions of
30 section 16 of P.L.1941, c.151 (C.4:19-15.16). The governing body
31 may authorize the certified animal control officer to investigate and
32 sign complaints, arrest violators and otherwise act as an officer for
33 detection, apprehension and arrest of offenders against the animal
34 control, animal welfare and animal cruelty laws of the State and
35 ordinances of the municipality, if the officer has completed the
36 training required pursuant to paragraph 4 of subsection a. of section
37 3 of P.L.1983, c.525 (C.4:19-15.16a). Only certified animal control
38 officers who have completed the training may be authorized by the
39 governing body to so act as an officer for detection, apprehension and
40 arrest of offenders; however, officers who have completed the training
41 shall not have the authority to so act unless authorized by the
42 governing body which is employing the officer or contracting for the
43 officer's services.

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

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

1 4:22-44. Any member, officer or agent of the New Jersey Society
2 for the Prevention of Cruelty to Animals, or any sheriff, undersheriff,
3 constable, certified animal control officer who has been properly
4 authorized pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b)
5 or police officer may:

6 a. Make arrests for violations of this article;

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

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

15
16 5. R.S.4:22-45 is amended to read as follows:

17 4:22-45. Where an arrest is made under the provisions of this
18 article by a constable [under the provisions of this article] , sheriff,
19 undersheriff or police officer in a locality where the New Jersey
20 society, or a district (county) society, for the prevention of cruelty to
21 animals exists, he shall give notice to the state or district (county)
22 society at once, whereupon such state or district (county) society shall
23 take charge of the case and prosecute it under the provisions of this
24 article. No magistrate shall hear any such case until proof is made of
25 the service of such notice on the state or district (county) society.

26 The provisions of this section shall not apply to certified animal
27 control officers who have been properly authorized pursuant to section
28 4 of P.L. 1983, c.525 (C.4:19-15.16b) to make arrests.

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

30
31 6. R.S.4:22-47 is amended to read as follows:

32 4:22-47. A sheriff, undersheriff, constable, police officer, certified
33 animal control officer who has been properly authorized pursuant to
34 section 4 of P.L.1983, c.525 (C.4:19-15.16b) or agent of the New
35 Jersey Society for the Prevention of Cruelty to Animals, may enter any
36 building or place where there is an exhibition of the fighting or baiting
37 of a living animal or creature, where preparations are being made for
38 such an exhibition, or where a violation otherwise of R.S.4:22-24 is
39 occurring, arrest without warrant all persons there present, and take
40 possession of all living animals or creatures engaged in fighting or
41 there found and all implements or appliances used or to be used in
42 such exhibition.

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

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

2 4:22-55. [All] a. Except as provided pursuant to subsection b. of
3 this section, all fines, penalties and moneys imposed and collected
4 under the provisions of this article, shall be paid by the court or by the
5 clerk or court officer receiving the [same] fines, penalties or moneys,
6 within thirty days and without demand, to the district (county) society
7 for the prevention of cruelty to animals of the county where the [same]
8 fines, penalties or moneys were imposed and collected, if one is in
9 existence in that county, and if not, then to the New Jersey Society for
10 the Prevention of Cruelty to Animals, to be used by the society in aid
11 of the benevolent objects for which it was incorporated.

12 b. If an enforcement action for a violation of this article is brought
13 primarily as a result of the discovery and investigation of the violation
14 by a certified animal control officer, the fines, penalties or moneys
15 collected shall be paid as follows: one half to the municipality in
16 which the violation occurred and one half to the New Jersey Society
17 for the Prevention of Cruelty to Animals.

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

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

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

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

26

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

32 a. Enforce all laws or ordinances enacted for the protection of
33 animals, including, but not limited to, animal control, animal welfare
34 and animal cruelty laws of the State and ordinances of the
35 municipality;

36 b. Investigate and sign complaints concerning any violation of an
37 animal control, animal welfare or animal cruelty law of the State or
38 ordinance of the municipality; and

39 c. Act, by virtue of the officer's appointment or employment and
40 in addition to any other power and authority, as an officer for the
41 detection, apprehension and arrest of offenders against the animal
42 control, animal welfare and animal cruelty laws of the State and
43 ordinances of the municipality.

44 Upon a request for assistance by a municipality or other entity that
45 does not employ, or contract for, the certified animal control officer,

1 a certified animal control officer may, within the jurisdiction of that
2 municipality or other entity making the request, exercise the powers
3 and authority granted pursuant to this section.

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

14
15 10. (New section) Although a municipality and the New Jersey
16 Society for the Prevention of Cruelty to Animals or a district (county)
17 society may share in the receipt of fines, penalties or moneys collected
18 with regard to violations occurring in the municipality pursuant to the
19 provisions of R.S.4:22-55:

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

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

33
34 11. This act shall take effect on the 90th day after the date of
35 enactment.

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39 Extends authority of, and requires additional training for, animal
40 control officers.