

SENATE, No. 1528

STATE OF NEW JERSEY

INTRODUCED OCTOBER 3, 1996

By Senator ZANE

1 AN ACT concerning the prevention of cruelty to animals, amending
2 and repealing various parts of the statutory law, and supplementing
3 chapter 22 of Title 4 of the Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. (New section) As used in this chapter:

9 "Agent" means a member duly appointed as an agent by the board
10 of trustees of a county Society for the Prevention of Cruelty to
11 Animals, who, upon recommendation of the Chief Law Enforcement
12 Officer of a county Society for the Prevention of Cruelty to Animals,
13 and upon completion of an appropriate course of training, other than
14 a firearms training course, approved by the Police Training
15 Commission, is empowered to make arrests and enforce all laws and
16 ordinances enacted for the protection of animals, and to investigate
17 alleged acts of cruelty to animals;

18 "Law enforcement officer" means an agent authorized by the board
19 of trustees of a county Society for the Prevention of Cruelty to
20 Animals to possess, carry, or use a firearm while enforcing any law or
21 ordinance for the protection of animals, and who has satisfactorily
22 completed the firearms training course approved by the Police Training
23 Commission and other qualifications required pursuant to section 8 of
24 P.L. , c. (C.) (now before the Legislature as this bill); and

25 "Member" means a person who has been granted membership in a
26 county Society for the Prevention of Cruelty to Animals.

27
28 2. (New section) a. The New Jersey Society for the Prevention of
29 Cruelty to Animals is continued as a parent corporation for the
30 purposes of coordinating the functions of county societies for the
31 prevention of cruelty to animals, promoting the interests of, protecting
32 and caring for, and doing any and all things to benefit or that tend to
33 benefit animals. The New Jersey Society for the Prevention of Cruelty
34 to Animals shall be governed by a board of trustees consisting of one

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 delegate, and one alternate delegate, elected from each chartered
2 county Society for the Prevention of Cruelty to Animals which was in
3 existence prior to January 1, 1996, and any that become chartered
4 following the effective date of this act. Each county Society for the
5 Prevention of Cruelty to Animals shall have one vote on the board of
6 trustees.

7 b. The board of trustees of the New Jersey Society for the
8 Prevention of Cruelty to Animals shall prepare an annual report
9 concerning the law enforcement activity of the organization, and shall
10 make the report available to members of the public.

11 c. No individual who has been convicted of a crime may be a
12 trustee, officer, or law enforcement officer or agent of, or hold any
13 other position of authority within, the New Jersey Society for the
14 Prevention of Cruelty to Animals or any county society.

15

16 3. (New section) Within 120 days of the effective date of P.L. ,
17 c. (C.) (now before the Legislature as this bill), the board of
18 trustees of the New Jersey Society for the Prevention of Cruelty to
19 Animals shall meet to establish bylaws and uniform standards and
20 guidelines that are consistent with the provisions of Title 15A of the
21 New Jersey Statutes as shall be necessary for the governance and
22 operation of the New Jersey Society for the Prevention of Cruelty to
23 Animals and the county societies for the prevention of cruelty to
24 animals. The New Jersey Society for the Prevention of Cruelty to
25 Animals shall not establish any bylaws, standards or practices that
26 interfere with the independence, operation or finances of any county
27 society.

28

29 4. (New section) The board of trustees of the New Jersey Society
30 for the Prevention of Cruelty to Animals shall:

31 a. Elect its own officers, to be known as the executive board, from
32 among those delegates to the board of trustees elected by the county
33 societies. The executive board shall consist of a president, vice-
34 president, secretary, and a treasurer. The term of office for each
35 executive board member shall be limited to no more than two years.
36 No two executive board members may be from the same county
37 society;

38 b. Establish any bylaws or regulations as may be deemed necessary
39 for governance and operation of the New Jersey Society for the
40 Prevention of Cruelty to Animals;

41 c. Promote the interests of, and protect and care for, animals
42 within the State;

43 d. Grant one county Society for the Prevention of Cruelty to
44 Animals charter for the formation of one county Society for the
45 Prevention of Cruelty to Animals in a county;

46 e. Revoke, cancel, or suspend for cause with a three-quarters vote

1 of the board of trustees, a county Society for the Prevention of Cruelty
2 to Animals charter;

3 f. Designate law enforcement officers and agents for enforcing all
4 laws and ordinances enacted for the protection of animals and for the
5 investigation of alleged acts of cruelty within counties where no
6 county society exists. These law enforcement officers or agents shall
7 operate in conjunction with the nearest county society as determined
8 by the New Jersey Society for the Prevention of Cruelty to Animals.

9 g. Make, alter, and use a common seal;

10 h. Sue and be sued in all courts, and all actions brought by or
11 against the New Jersey Society for the Prevention of Cruelty to
12 Animals shall be in its corporate name;

13 i. Purchase and hold any real estate as may be expedient for the
14 advancement of the purposes of the New Jersey Society for the
15 Prevention of Cruelty to Animals, and take by devise or gift all real
16 estate or personal property that is devised or given to it, or to a county
17 society in a county where a chartered county society does not exist,
18 without regard to value. The title to any real estate shall be taken in
19 the corporate name of the society. Any disbursements made by the
20 New Jersey Society for the Prevention of Cruelty to Animals
21 exceeding \$5,000 per year shall require a three-quarters vote of the
22 board of trustees;

23 j. Hold in escrow any assets, after payment of any outstanding
24 debts, of a county society that dissolves or has its charter revoked or
25 suspended for any reason until a new county society for that county is
26 formed and chartered or the suspended charter for the county is
27 restored, at which time the board of trustees shall transfer those assets
28 to the newly formed and chartered county society or the county
29 society whose charter was suspended and restored, as the case may be.
30 If no new county society is formed and chartered within five years of
31 the receipt of the assets, or the suspended charter is not restored
32 within five years of the revocation or suspension, as the case may be,
33 then the assets shall become the property of the New Jersey Society
34 for the Prevention of Cruelty to Animals and shall be distributed
35 equally among the existing chartered county societies; and

36 k. Assist individuals in counties without a chartered county Society
37 for the Prevention of Cruelty to Animals to obtain a charter.

38

39 5. (New section) The board of trustees of the New Jersey Society
40 for the Prevention of Cruelty to Animals may establish reasonable fees
41 for chartering county societies and renewal thereof.

42

43 6. (New section) a. Every county society for the prevention of
44 cruelty to animals that has been in existence prior to the effective date
45 of P.L. , c. (C.) (now before the Legislature as this bill) shall be
46 continued as a chartered county society.

1 b. A charter for a county society shall be granted by the board of
2 trustees of the New Jersey Society for the Prevention of Cruelty to
3 Animals if the county society can demonstrate that it consists of no
4 less than ten members.

5 c. Every county society for the Prevention of Cruelty to Animals
6 shall submit a law enforcement report to the board of trustees of the
7 New Jersey Society for the Prevention of Cruelty to Animals quarterly
8 on a form provided by the New Jersey Society for the Prevention of
9 Cruelty to Animals.

10
11 7. (New section) A county society for the prevention of cruelty to
12 animals continued or established in accordance with section 6 of
13 P.L. , c. (C.) (now before the Legislature as this bill) shall:

14 a. Elect its own board of trustees from the members of the county
15 society for the prevention of cruelty to animals who reside within the
16 county or who choose to be affiliated with that county society for the
17 prevention of cruelty to animals;

18 b. Establish bylaws or regulations necessary for the governance and
19 operation of the county society;

20 c. Enforce all laws and ordinances enacted for the protection of
21 animals;

22 d. Promote the interests of, and protect and care for, animals
23 within the State;

24 e. Appoint law enforcement officers and agents for the purpose of
25 enforcing all laws and ordinances enacted for the protection of
26 animals.

27 (1) A law enforcement officer shall not be authorized to possess,
28 carry, or use a firearm while enforcing the laws and ordinances enacted
29 for the protection of animals unless the enforcement officer shall have
30 satisfactorily completed a firearms training course established by the
31 New Jersey Society for the Prevention of Cruelty to Animals, as well
32 as a firearms training course as defined in subsection j. of
33 N.J.S.2C:39-6 and approved by the Police Training Commission.

34 (2) A person convicted of a crime shall not be eligible to become
35 a law enforcement officer or agent.

36 (3) A person shall not be appointed a law enforcement officer or
37 agent until the county Society for the Prevention of Cruelty to Animals
38 shall have determined that no criminal history record information
39 exists for that person on file at the Bureau of Identification in the
40 Division of State Police, Department of Law and Public Safety.

41 (4) All county societies are authorized to exchange fingerprint data
42 and receive criminal history record information from the Bureau of
43 Identification, Division of State Police, Department of Law and Public
44 Safety, for use in considering a person for appointment as a law
45 enforcement officer or agent of any county society.

46 f. Investigate alleged acts of cruelty to animals and, when

1 necessary, request legal assistance from the office of the appropriate
2 county or municipal prosecutor, which the county or municipal
3 prosecutor, as the case may be, shall make every reasonable effort to
4 provide;

5 g. Adopt a badge, which shall be authority for making arrests;

6 h. Sue and be sued in all courts, and all actions brought by or
7 against the county society shall be in its corporate name; and

8 i. Purchase and hold any real estate as may be expedient for the
9 advancement of the purposes of the county society, and take by devise
10 or gift all real estate or personal property that is devised or given to
11 it, without regard to value. The title to any real estate shall be taken
12 in the corporate name of the county society.

13

14 8. (New section) a. Each county society shall establish a training
15 program consistent with standards, guidelines, and procedures
16 established for enforcement officers and agents.

17 b. The board of trustees of a county society shall appoint officers
18 who shall be responsible for direction of the daily operation of the
19 county society.

20

21 9. (New section) All State, county, or municipal law enforcement
22 agencies, shall, upon request, aid the law enforcement officers or
23 agents of the county society in the enforcement of all laws and
24 ordinances enacted for the protection of animals.

25

26 10. N.J.S.2C:39-6 is amended to read as follows:

27 2C:39-6. a. Provided a person complies with the requirements of
28 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

29 (1) Members of the Armed Forces of the United States or of the
30 National Guard while actually on duty, or while traveling between
31 places of duty and carrying authorized weapons in the manner
32 prescribed by the appropriate military authorities;

33 (2) Federal law enforcement officers, and any other federal officers
34 and employees required to carry firearms in the performance of their
35 official duties;

36 (3) Members of the State Police and, under conditions prescribed
37 by the superintendent, members of the Marine Law Enforcement
38 Bureau of the Division of State Police;

39 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
40 assistant prosecutor, prosecutor's detective or investigator, deputy
41 attorney general or State investigator employed by the Division of
42 Criminal Justice of the Department of Law and Public Safety,
43 investigator employed by the State Commission of Investigation,
44 inspector of the Alcoholic Beverage Control Enforcement Bureau of
45 the Division of State Police in the Department of Law and Public
46 Safety authorized to carry such weapons by the Superintendent of

- 1 State Police, State park ranger, or State conservation officer;
- 2 (5) A prison or jail warden of any penal institution in this State or
3 his deputies, or an employee of the Department of Corrections
4 engaged in the interstate transportation of convicted offenders, while
5 in the performance of his duties, and when required to possess the
6 weapon by his superior officer, or a correction officer or keeper of a
7 penal institution in this State at all times while in the State of New
8 Jersey, provided he annually passes an examination approved by the
9 superintendent testing his proficiency in the handling of firearms;
- 10 (6) A civilian employee of the United States Government under the
11 supervision of the commanding officer of any post, camp, station, base
12 or other military or naval installation located in this State who is
13 required, in the performance of his official duties, to carry firearms,
14 and who is authorized to carry such firearms by said commanding
15 officer, while in the actual performance of his official duties;
- 16 (7) (a) A regularly employed member, including a detective, of the
17 police department of any county or municipality, or of any State,
18 interstate, municipal or county park police force or boulevard police
19 force, at all times while in the State of New Jersey;
- 20 (b) A special law enforcement officer authorized to carry a weapon
21 as provided in subsection b. of section 7 of P.L.1985, c.439
22 (C.40A:14-146.14);
- 23 (c) An airport security officer or a special law enforcement officer
24 appointed by the governing body of any county or municipality, except
25 as provided in subsection b. of this section, or by the commission,
26 board or other body having control of a county park or airport or
27 boulevard police force, while engaged in the actual performance of his
28 official duties and when specifically authorized by the governing body
29 to carry weapons;
- 30 (8) A full-time, paid member of a paid or part-paid fire department
31 or force of any municipality who is assigned full-time or part-time to
32 an arson investigation unit created pursuant to section 1 of P.L.1981,
33 c.409 (C.40A:14-7.1) or to the county arson investigation unit in the
34 county prosecutor's office, while either engaged in the actual
35 performance of arson investigation duties or while actually on call to
36 perform arson investigation duties and when specifically authorized by
37 the governing body or the county prosecutor, as the case may be, to
38 carry weapons. Prior to being permitted to carry a firearm, such a
39 member shall take and successfully complete a firearms training course
40 administered by the Police Training Commission pursuant to P.L.1961,
41 c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
42 revolver or similar weapon prior to being permitted to carry a firearm;
- 43 (9) A juvenile corrections officer in the employment of the Juvenile
44 Justice Commission established pursuant to section 2 of P.L.1995,
45 c.284 (C.52:17B-170) subject to the regulations promulgated by the
46 commission.

1 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

2 (1) A law enforcement officer employed by a governmental agency
3 outside of the State of New Jersey while actually engaged in his
4 official duties, provided, however, that he has first notified the
5 superintendent or the chief law enforcement officer of the municipality
6 or the prosecutor of the county in which he is engaged; or

7 (2) A licensed dealer in firearms and his registered employees
8 during the course of their normal business while traveling to and from
9 their place of business and other places for the purpose of
10 demonstration, exhibition or delivery in connection with a sale,
11 provided, however, that the weapon is carried in the manner specified
12 in subsection g. of this section.

13 c. Provided a person complies with the requirements of subsection
14 j. of this section, subsections b. and c. of N.J.S.2C:39-5 do not apply
15 to:

16 (1) A special agent of the Division of Taxation who has passed an
17 examination in an approved police training program testing proficiency
18 in the handling of any firearm which he may be required to carry, while
19 in the actual performance of his official duties and while going to or
20 from his place of duty, or any other police officer, while in the actual
21 performance of his official duties;

22 (2) A State deputy conservation officer or a full-time employee of
23 the Division of Parks and Forestry having the power of arrest and
24 authorized to carry weapons, while in the actual performance of his
25 official duties;

26 (3) (Deleted by amendment, P.L.1986, c.150.)

27 (4) A court attendant serving as such under appointment by the
28 sheriff of the county or by the judge of any municipal court or other
29 court of this State, while in the actual performance of his official
30 duties;

31 (5) A guard in the employ of any railway express company,
32 banking or building and loan or savings and loan institution of this
33 State, while in the actual performance of his official duties;

34 (6) A member of a legally recognized military organization while
35 actually under orders or while going to or from the prescribed place
36 of meeting and carrying the weapons prescribed for drill, exercise or
37 parade;

38 (7) [An] A law enforcement officer of the New Jersey Society for
39 the Prevention of Cruelty to Animals or a county society for the
40 prevention of cruelty to animals, while in the actual performance of his
41 duties;

42 (8) An employee of a public utilities corporation actually engaged
43 in the transportation of explosives;

44 (9) A railway policeman, except a transit police officer of the New
45 Jersey Transit Police Department, at all times while in the State of
46 New Jersey, provided that he has passed an approved police academy

1 training program consisting of at least 280 hours. The training
2 program shall include, but need not be limited to, the handling of
3 firearms, community relations, and juvenile relations;

4 (10) A campus police officer appointed under P.L.1970, c.211
5 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a
6 firearm, a campus police officer shall take and successfully complete
7 a firearms training course administered by the Police Training
8 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
9 shall annually qualify in the use of a revolver or similar weapon prior
10 to being permitted to carry a firearm;

11 (11) A person who has not been convicted of a crime under the
12 laws of this State or under the laws of another state or the United
13 States, and who is employed as a full-time security guard for a nuclear
14 power plant under the license of the Nuclear Regulatory Commission,
15 while in the actual performance of his official duties;

16 (12) A transit police officer of the New Jersey Transit Police
17 Department, at all times while in the State of New Jersey, provided the
18 officer has satisfied the training requirements of the Police Training
19 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291
20 (C.27:25-15.1);

21 (13) A parole officer employed by the Bureau of Parole in the
22 Department of Corrections at all times. Prior to being permitted to
23 carry a firearm, a parole officer shall take and successfully complete
24 a basic course for regular police officer training administered by the
25 Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66
26 et seq.), and shall annually qualify in the use of a revolver or similar
27 weapon prior to being permitted to carry a firearm;

28 (14) A Human Services police officer at all times while in the State
29 of New Jersey, as authorized by the Commissioner of Human Services;
30 or

31 (15) A person or employee of any person who, pursuant to and as
32 required by a contract with a governmental entity, supervises or
33 transports persons charged with or convicted of an offense.

34 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
35 antique firearms, provided that such antique firearms are unloaded or
36 are being fired for the purposes of exhibition or demonstration at an
37 authorized target range or in such other manner as has been approved
38 in writing by the chief law enforcement officer of the municipality in
39 which the exhibition or demonstration is held, or if not held on
40 property under the control of a particular municipality, the
41 superintendent.

42 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
43 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
44 being fired but that is unloaded and immobile, provided that the
45 antique cannon is possessed by (a) a scholastic institution, a museum,
46 a municipality, a county or the State, or (b) a person who obtained a

1 firearms purchaser identification card as specified in N.J.S.2C:58-3.

2 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
3 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
4 being transported by one eligible to possess it, in compliance with
5 regulations the superintendent may promulgate, between its permanent
6 location and place of purchase or repair.

7 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
8 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
9 or fired by one eligible to possess an antique cannon, for purposes of
10 exhibition or demonstration at an authorized target range or in the
11 manner as has been approved in writing by the chief law enforcement
12 officer of the municipality in which the exhibition or demonstration is
13 held, or if not held on property under the control of a particular
14 municipality, the superintendent, provided that performer has given at
15 least 30 days' notice to the superintendent.

16 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
17 N.J.S.2C:39-5 do not apply to the transportation of unloaded antique
18 cannons directly to or from exhibitions or demonstrations authorized
19 under paragraph (4) of subsection d. of this section, provided that the
20 transportation is in compliance with safety regulations the
21 superintendent may promulgate. Nor do those subsections apply to
22 transportation directly to or from exhibitions or demonstrations
23 authorized under the law of another jurisdiction, provided that the
24 superintendent has been given 30 days' notice and that the
25 transportation is in compliance with safety regulations the
26 superintendent may promulgate.

27 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
28 construed to prevent a person keeping or carrying about his place of
29 business, residence, premises or other land owned or possessed by
30 him, any firearm, or from carrying the same, in the manner specified
31 in subsection g. of this section, from any place of purchase to his
32 residence or place of business, between his dwelling and his place of
33 business, between one place of business or residence and another when
34 moving, or between his dwelling or place of business and place where
35 such firearms are repaired, for the purpose of repair. For the purposes
36 of this section, a place of business shall be deemed to be a fixed
37 location.

38 f. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
39 construed to prevent:

40 (1) A member of any rifle or pistol club organized in accordance
41 with the rules prescribed by the National Board for the Promotion of
42 Rifle Practice, in going to or from a place of target practice, carrying
43 such firearms as are necessary for said target practice, provided that
44 the club has filed a copy of its charter with the superintendent and
45 annually submits a list of its members to the superintendent and
46 provided further that the firearms are carried in the manner specified

1 in subsection g. of this section;

2 (2) A person carrying a firearm or knife in the woods or fields or
3 upon the waters of this State for the purpose of hunting, target
4 practice or fishing, provided that the firearm or knife is legal and
5 appropriate for hunting or fishing purposes in this State and he has in
6 his possession a valid hunting license, or, with respect to fresh water
7 fishing, a valid fishing license;

8 (3) A person transporting any firearm or knife while traveling:

9 (a) Directly to or from any place for the purpose of hunting or
10 fishing, provided the person has in his possession a valid hunting or
11 fishing license; or

12 (b) Directly to or from any target range, or other authorized place
13 for the purpose of practice, match, target, trap or skeet shooting
14 exhibitions, provided in all cases that during the course of the travel
15 all firearms are carried in the manner specified in subsection g. of this
16 section and the person has complied with all the provisions and
17 requirements of Title 23 of the Revised Statutes and any amendments
18 thereto and all rules and regulations promulgated thereunder; or

19 (c) In the case of a firearm, directly to or from any exhibition or
20 display of firearms which is sponsored by any law enforcement agency,
21 any rifle or pistol club, or any firearms collectors club, for the purpose
22 of displaying the firearms to the public or to the members of the
23 organization or club, provided, however, that not less than 30 days
24 prior to the exhibition or display, notice of the exhibition or display
25 shall be given to the Superintendent of the State Police by the
26 sponsoring organization or club, and the sponsor has complied with
27 such reasonable safety regulations as the superintendent may
28 promulgate. Any firearms transported pursuant to this section shall be
29 transported in the manner specified in subsection g. of this section;

30 (4) A person from keeping or carrying about a private or
31 commercial aircraft or any boat, or from transporting to or from such
32 vessel for the purpose of installation or repair a visual distress
33 signalling device approved by the United States Coast Guard.

34 g. All weapons being transported under paragraph (2) of
35 subsection b., subsection e., or paragraph (1) or (3) of subsection f. of
36 this section shall be carried unloaded and contained in a closed and
37 fastened case, gunbox, securely tied package, or locked in the trunk of
38 the automobile in which it is being transported, and in the course of
39 travel shall include only such deviations as are reasonably necessary
40 under the circumstances.

41 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
42 prevent any employee of a public utility, as defined in R.S.48:2-13,
43 doing business in this State or any United States Postal Service
44 employee, while in the actual performance of duties which specifically
45 require regular and frequent visits to private premises, from
46 possessing, carrying or using any device which projects, releases or

1 emits any substance specified as being noninjurious to canines or other
2 animals by the Commissioner of Health and which immobilizes only on
3 a temporary basis and produces only temporary physical discomfort
4 through being vaporized or otherwise dispensed in the air for the sole
5 purpose of repelling canine or other animal attacks.

6 The device shall be used solely to repel only those canine or other
7 animal attacks when the canines or other animals are not restrained in
8 a fashion sufficient to allow the employee to properly perform his
9 duties.

10 Any device used pursuant to this act shall be selected from a list of
11 products, which consist of active and inert ingredients, permitted by
12 the Commissioner of Health.

13 i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any
14 person who is 18 years of age or older and who has not been convicted
15 of a felony, from possession for the purpose of personal self-defense
16 of one pocket-sized device which contains and releases not more than
17 three-quarters of an ounce of chemical substance not ordinarily
18 capable of lethal use or of inflicting serious bodily injury, but rather,
19 is intended to produce temporary physical discomfort or disability
20 through being vaporized or otherwise dispensed in the air. Any person
21 in possession of any device in violation of this subsection shall be
22 deemed and adjudged to be a disorderly person, and upon conviction
23 thereof, shall be punished by a fine of not less than \$100.00.

24 j. A person shall qualify for an exemption from the provisions of
25 N.J.S.2C:39-5, as specified under subsections a. and c. of this section,
26 if the person has satisfactorily completed a firearms training course
27 approved by the Police Training Commission.

28 Such exempt person shall not possess or carry a firearm until the
29 person has satisfactorily completed a firearms training course and shall
30 annually qualify in the use of a revolver or similar weapon. For
31 purposes of this subsection, a "firearms training course" means a
32 course of instruction in the safe use, maintenance and storage of
33 firearms which is approved by the Police Training Commission. The
34 commission shall approve a firearms training course if the
35 requirements of the course are substantially equivalent to the
36 requirements for firearms training provided by police training courses
37 which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71).
38 A person who is specified in paragraph (1), (2), (3) or (6) of
39 subsection a. of this section shall be exempt from the requirements of
40 this subsection.

41 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
42 prevent any financial institution, or any duly authorized personnel of
43 the institution, from possessing, carrying or using for the protection of
44 money or property, any device which projects, releases or emits tear
45 gas or other substances intended to produce temporary physical

1 discomfort or temporary identification.

2 (cf: P.L.1995, c.280, s.21)

3

4 11. R.S.4:22-12 is amended to read as follows:

5 4:22-12. A person not a [member] law enforcement officer or
6 agent of a [duly organized or incorporated] county society for the
7 prevention of cruelty to animals, who shall use the badge adopted by
8 [such] that county society, which badge is made authority for making
9 arrests, shall be guilty of a [petty] disorderly persons offense.

10 (cf: P.L.1995, c.355, s.1)

11

12 12. R.S.4:22-13 is amended to read as follows:

13 4:22-13. A [corporation constituted or organized for the purpose
14 of the enforcement of laws enacted for the protection of dumb animals,
15 or for the purpose of promoting the welfare of dumb animals, whether
16 incorporated by special act of the legislature or under general laws,
17 may at any time, in the manner provided in section 4:22-14 of this
18 title,] county society for the prevention of cruelty to animals may
19 amend its charter or certificate of incorporation as originally enacted
20 or filed or as amended so that [such corporation] the county society,
21 in addition to its other powers and purposes, shall have the following
22 powers and purposes: [To] to promote the interests of and to
23 protect and care for [dumb] animals; to maintain and operate one or
24 more rest farms, kennels, pounds, shelters, or hospitals or any or all
25 of them, for animals in the custody of the county society by reason of
26 impoundment, seizure or relinquishment by the owner[,] ; and to do
27 any and all things which would benefit or tend to benefit [dumb]
28 animals.

29 (cf: R.S.4:22-13)

30

31 13. R.S.4:22-16 is amended to read as follows:

32 4:22-16. Nothing contained in this article shall be construed to
33 prohibit or interfere with:

34 a. Properly conducted scientific experiments performed under the
35 authority of the Department of Health or the United States
36 Department of Agriculture. Those departments may authorize the
37 conduct of such experiments or investigations by agricultural stations
38 and schools maintained by the State or federal government, or by
39 medical societies, universities, colleges and institutions incorporated
40 or authorized to do business in this State and having among their
41 corporate purposes investigation into the causes, nature, prevention
42 and cure of diseases in men and animals; and may for cause revoke
43 such authority;

44 b. The proper and humane killing or disposing of an animal or
45 creature by virtue of the order of a constituted authority of the State;

46 c. (1) The shooting or taking of game or game fish in such manner

1 and at such times as is allowed or provided by the laws of this State;

2 (2) The regulation, study, or control of any game animal or fish by
3 the Division of Fish, Game and Wildlife in the Department of
4 Environmental Protection in accordance with the laws of this State or
5 any rule or regulation adopted pursuant thereto;

6 d. The training or engaging of a dog to accomplish a task or
7 participate in an activity or exhibition designed to develop the physical
8 or mental characteristics of that dog. These activities shall be carried
9 out in accordance with the practices, guidelines or rules established by
10 an organization founded for the purpose of promoting and enhancing
11 working dog activities or exhibitions; in a manner which does not
12 adversely affect the health or safety of the dog; and may include
13 avalanche warning, guide work, obedience work, carting, dispatching,
14 freight racing, packing, sled dog racing, sledding, tracking, and weight
15 pull demonstrations;

16 e. The raising, keeping, care, treatment, marketing, and sale of
17 domestic livestock in accordance with the standards developed and
18 adopted therefor pursuant to subsection a. of section 1 of P.L.1995,
19 c.311 (C.4:22-16.1);

20 f. Any veterinary hospital or facility owned or operated by a
21 licensee of the State Board of Veterinary Medical Examiners; and

22 g. The killing or disposing of a Norway or brown rat (Rattus
23 norvegicus), black rat (Rattus rattus), or house mouse (Mus
24 musculus), or any other animal deemed by the Department of Health,
25 in consultation with the New Jersey Society for the Prevention of
26 Cruelty to Animals, to pose a significant threat to the public health and
27 identified as such in rules and regulations which shall be adopted by
28 the Department of Health pursuant to the "Administrative Procedure
29 Act," P.L.1968, c.410 (C.52:14B-1 et seq.) within 180 days of the
30 effective date of P.L. , c. (C.) (now before the Legislature as this
31 bill), by any person, or with the permission or at the direction of that
32 person, while the animal is on property either owned or leased by, or
33 otherwise under the control of, that person, provided that the animal
34 is not a pet.

35 (cf: P.L.1995, c.311, s.2)

36

37 14. R.S.4:22-17 is amended to read as follows:

38 4:22-17. A person who shall:

39 a. Overdrive, overload, drive when overloaded, overwork, torture,
40 torment, deprive of necessary sustenance, unnecessarily or cruelly beat
41 or otherwise abuse, or needlessly mutilate or kill, a living animal or
42 creature;

43 b. Cause or procure any of such acts to be done; [or]

44 c. Inflict unnecessary cruelty upon a living animal or creature of
45 which he has charge either as owner or otherwise, or [unnecessarily]
46 fail to provide it with proper food, drink, shelter, veterinary care, or

1 protection from the weather, or leave it unattended in a vehicle under
2 inhumane conditions adverse to the health or welfare of the living
3 animal or creature; or

4 d. Commit, or cause to be committed, any act of sexual penetration
5 or any other sexual activity with an animal--

6 Shall be guilty of a disorderly persons offense, and notwithstanding
7 the provisions of N.J.S.2C:43-3 to the contrary, for every such offense
8 shall be fined not less than \$250 nor more than \$1,000, or be
9 imprisoned for a term of not more than six months, or both, in the
10 discretion of the court. In addition, the court (1) shall impose a term
11 of community service of up to 30 days, and may direct that the term
12 of community service be served in providing assistance to the New
13 Jersey Society for the Prevention of Cruelty to Animals, a district
14 (county) society for the prevention of cruelty to animals, or any other
15 recognized organization concerned with the prevention of cruelty to
16 animals or the humane treatment and care of animals, or to a
17 municipality's animal control or animal population control program;
18 (2) may require the violator to pay restitution or otherwise reimburse
19 any costs for food, drink, shelter, or veterinary care or treatment, or
20 other costs, incurred by any agency, entity, or organization
21 investigating the violation, including but not limited to the New Jersey
22 Society for the Prevention of Cruelty to Animals, a district (county)
23 society for the prevention of cruelty to animals, any other recognized
24 organization concerned with the prevention of cruelty to animals or
25 the humane treatment and care of animals, or a local or State
26 governmental entity; and (3) may impose any other appropriate
27 penalties established for a disorderly persons offense pursuant to Title
28 2C of the New Jersey Statutes.

29 (cf: P.L.1996, c.64, s.1)

30

31 15. R.S.4:22-18 is amended to read as follows:

32 4:22-18. a. A person who shall carry, or cause to be carried, a
33 living animal or creature in or upon a vehicle or otherwise, in a cruel
34 or inhumane manner, shall be guilty of a disorderly persons offense and
35 punished as provided in R.S.4:22-17.

36 b. A person who shall carry, or cause to be carried, a living animal
37 or creature in or upon an open, unsheltered portion of a vehicle,
38 including, but not limited to, the open bed of a truck or similar vehicle,
39 which animal or creature is not properly secured or protected from the
40 elements or not otherwise properly contained, shall be guilty of a
41 disorderly persons offense and punished as provided in R.S.4:22-17.

42 (cf: P.L.1996, c.64, s.2)

43

44 16. R.S.4:22-19 is amended to read as follows:

45 4:22-19. A person who shall:

46 a. Impound or confine, or cause to be impounded or confined, in

1 a pound or other place, a living animal or creature, and shall fail to
2 supply it during such confinement with a sufficient quantity of good
3 and wholesome food and water, proper shelter, proper protection from
4 the weather, and veterinary care when necessary ; or

5 b. Destroy or cause to be destroyed any such animal by hypoxia
6 induced by decompression or in any other manner, by the
7 administration of a lethal gas other than an inhalant anesthetic, or in
8 any other manner except by a method of euthanasia generally accepted
9 by the veterinary medical profession as being reliable, appropriate to
10 the type of animal upon which it is to be employed, and capable of
11 producing loss of consciousness and death as rapidly and painlessly as
12 possible for such animal , shall, in the case of either a violation of
13 subsection a. or subsection b. of this section , be guilty of a disorderly
14 persons offense and shall be punished as provided in R.S.4:22-17[; or,
15 in the case of a violation of subsection b.], and shall, in the case of a
16 violation of subsection b. of this section be subject to a civil penalty of
17 [\$25.00 for the first offense and \$50.00 for each subsequent offense]
18 not less than \$50 nor more than \$1,000 for each offense. Each animal
19 impounded, confined, or destroyed in violation of [subsection b.] this
20 section shall constitute a separate offense. The penalty shall be
21 collected in accordance with "the penalty enforcement law"
22 (N.J.S.2A:58-1 et seq.) and all [money] monies collected shall be
23 remitted to the [State] county society in which the offense occurred,
24 or the county society with responsibility for law enforcement within
25 that county, or the New Jersey Society for the Prevention of Cruelty
26 to Animals, whichever is appropriate. The Superior Court and the
27 municipal court shall have jurisdiction to enforce "the penalty
28 enforcement law."

29 This section shall apply to kennels, pet shops, shelters and pounds
30 as defined and licensed pursuant to P.L.1941, c.151 (C.4:19-15.1 et
31 seq.); to pounds and places of confinement owned and operated by
32 municipalities, counties or regional governmental authorities; and to
33 every [contractual warden] certified animal control officer or
34 impounding service, any provision to the contrary in this title
35 notwithstanding.

36 (cf: P.L.1996, c.64, s.3)

37

38 17. R.S.4:22-20 is amended to read as follows:

39 4:22-20. a. A person who shall abandon a maimed, sick, infirm or
40 disabled animal or creature to die in a public place, shall be guilty of
41 a disorderly persons offense.

42 b. A person who shall abandon a domesticated animal or creature
43 shall be guilty of a disorderly persons offense. [The violator shall be
44 subject to] A person found guilty of a disorderly persons offense
45 pursuant to this subsection shall, in addition to any other penalty or
46 term of imprisonment that may be prescribed by law therefor, be

1 assessed the maximum \$1,000 [penalty] fine that may be prescribed by
2 law for a disorderly persons offense.

3 (cf: P.L.1991, c.108, s.1)

4

5 18. R.S.4:22-23 is amended to read as follows:

6 4:22-23. A person who shall:

7 a. Use a live pigeon, fowl or other bird for the purpose of a target,
8 or to be shot at either for amusement or as a test of skill in
9 marksmanship;

10 b. Shoot at a bird used as aforesaid or is a party to such shooting;
11 or

12 c. Lease a building, room, field or premises, or knowingly permit
13 the use thereof for the purpose of such shooting--

14 Shall be guilty of a disorderly persons offense, and shall, in addition
15 to any penalty assessed therefor, be fined \$25 for each bird shot at or
16 killed in violation of this section. This section shall not apply to the
17 shooting of game in compliance with law and with rules and
18 regulations adopted by the Department of Environmental Protection.

19 (cf: P.L.1995, c.355, s.6)

20

21 19. Section 1 of P.L.1939, c.315 (C.4:22-25.1) is amended to read
22 as follows:

23 1. [Each] Any person operating a motor vehicle who shall
24 knowingly hit, run over, or cause injury to a [cat, dog, horse or cattle]
25 living animal or creature other than an insect, reptile, or rodent shall
26 stop at once, ascertain the extent of injury, report to the nearest police
27 station, police officer, or notify the nearest county Society for the
28 Prevention of Cruelty to Animals , and give his name, address,
29 operator's license , and registration number, and also give the location
30 of the injured animal or creature .

31 (cf: P.L.1968, c.39, s.1)

32

33 20. R.S.4:22-26 is amended to read as follows:

34 4:22-26. A person who shall:

35 a. Overdrive, overload, drive when overloaded, overwork, torture,
36 torment, deprive of necessary sustenance, or cruelly beat or otherwise
37 abuse or needlessly mutilate or kill a living animal or creature;

38 b. Cause or procure to be done by his agent, servant, employee or
39 otherwise an act enumerated in subsection["a."] a. of this section;

40 c. Inflict unnecessary cruelty upon a living animal or creature of
41 which he has charge or custody either as owner or otherwise, or
42 unnecessarily fail to provide it with proper food, drink, shelter [or] ,
43 veterinary care, or protection from the weather , or leave it unattended
44 in a vehicle under inhumane conditions adverse to the health or welfare
45 of the animal or creature ;

46 d. Receive or offer for sale a horse which by reason of disability,

- 1 disease or lameness, or any other cause, could not be worked without
2 violating the provisions of this article;
- 3 e. Keep, use, be connected with or interested in the management
4 of, or receive money or other consideration for the admission of a
5 person to, a place kept or used for the purpose of fighting or baiting
6 a living animal or creature;
- 7 f. Be present and witness, pay admission to, encourage, aid or
8 assist in an activity enumerated in subsection["e."] e. of this section;
- 9 g. Permit or suffer a place owned or controlled by him to be used
10 as provided in subsection ["e."] e. of this section;
- 11 h. Carry, or cause to be carried, a living animal or creature in or
12 upon a vehicle or otherwise, in a cruel or [inhuman] inhumane manner;
- 13 i. Use a dog or dogs for the purpose of drawing or helping to draw
14 a vehicle for business purposes;
- 15 j. Impound or confine, or cause to be impounded or confined, in a
16 pound or other place, a living animal or creature, and shall fail to
17 supply it during such confinement with a sufficient quantity of good
18 and wholesome food and water, proper shelter, proper protection from
19 the weather, and veterinary care when necessary;
- 20 k. Abandon a maimed, sick, infirm or disabled animal or creature
21 to die in a public place;
- 22 l. Willfully sell, or offer to sell, use, expose, or cause or permit to
23 be sold or offered for sale, used or exposed, a horse or other animal
24 having the disease known as glanders or farcy, or other contagious
25 infectious disease dangerous to the health or life of human beings or
26 animals, or who shall, when any such disease is beyond recovery,
27 refuse, upon demand, to deprive the animal of life;
- 28 m. Own, operate, manage or conduct a roadside stand or market
29 for the sale of merchandise along a public street or highway; or a
30 shopping mall, or a part of the premises thereof; and keep a living
31 animal or creature confined, or allowed to roam in an area whether or
32 not the area is enclosed, on these premises as an exhibit; except that
33 this subsection shall not be applicable to: a pet shop licensed pursuant
34 to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an
35 animal, in a humane manner, for the purpose of the protection of the
36 premises; or a recognized breeder's association, a 4-H club, an
37 educational agricultural program, an equestrian team, a humane
38 society or other similar charitable or nonprofit organization conducting
39 an exhibition, show or performance;
- 40 n. Keep or exhibit a wild animal at a roadside stand or market
41 located along a public street or highway of this State; a gasoline
42 station; or a shopping mall, or a part of the premises thereof;
- 43 o. Sell, offer for sale, barter or give away or display live baby
44 chicks, ducklings or other fowl or rabbits, turtles or chameleons which
45 have been dyed or artificially colored or otherwise treated so as to
46 impart to them an artificial color;

1 p. Use any animal, reptile, or fowl for the purpose of soliciting any
2 alms, collections, contributions, subscriptions, donations, or payment
3 of money except in connection with exhibitions, shows or
4 performances conducted in a bona fide manner by recognized breeders'
5 associations, 4-H clubs or other similar bona fide organizations
6 involved directly with the care or welfare of animals ;

7 q. Sell or offer for sale, barter, or give away living rabbits, turtles,
8 baby chicks, ducklings or other fowl under two months of age, for use
9 as household or domestic pets;

10 r. Sell, offer for sale, barter or give away living baby chicks,
11 ducklings or other fowl, or rabbits, turtles or chameleons under two
12 months of age for any purpose not prohibited by subsection q. of this
13 section and who shall fail to provide proper facilities for the care of
14 such animals;

15 s. Artificially mark sheep or cattle, or cause them to be marked, by
16 cropping or cutting off both ears, cropping or cutting either ear more
17 than one inch from the tip end thereof, or half cropping or cutting both
18 ears or either ear more than one inch from the tip end thereof, or who
19 shall have or keep in his possession sheep or cattle, which he claims to
20 own, marked contrary to this subsection unless they were bought in
21 market or of a stranger;

22 t. Abandon a [dog or cat] domesticated animal or creature;

23 u. For amusement or gain, cause, allow, or permit the fighting or
24 baiting of a living animal or creature;

25 v. Own, possess, keep, train, promote, purchase, or knowingly sell
26 a living animal or creature for the purpose of fighting or baiting that
27 animal or creature; [or]

28 w. Gamble on the outcome of a fight involving a living animal or
29 creature;

30 x. Commit, or cause to be committed, any act of sexual penetration
31 or any other sexual activity with an animal; or

32 y. Carry, or cause to be carried, a living animal or creature in or
33 upon an open, unsheltered portion of a vehicle, including, but not
34 limited to, the open bed of a truck or similar vehicle, which animal or
35 creature is not properly secured or protected from the elements or not
36 otherwise properly contained;--

37 Shall [forfeit and pay a sum not to exceed \$250.00] be liable to a
38 penalty of not less than \$50 nor more than \$1,000, except in the case
39 of a violation of subsection["t."] t. of this section a mandatory [sum]
40 penalty of \$500, and \$1,000 if the violation occurs on or near a
41 roadway, to be sued for and recovered, with costs, in a civil action by
42 any person in the name of the New Jersey Society for the Prevention
43 of Cruelty to Animals or any county society for the prevention of
44 cruelty to animals, to be sued for and recovered, with costs in a civil
45 action by any person in the name of the New Jersey Society for the
46 Prevention of Cruelty to Animals or any county society for the

1 prevention of cruelty to animals.

2 (cf: P.L.1991, c.108, s.2)

3

4 21. R.S.4:22-29 is amended to read as follows:

5 4:22-29. The action for the penalty prescribed in R.S.4:22-26 [or
6 R.S.4:22-27,] shall be brought:

7 a. In the Superior Court; or

8 b. In a municipal court of the municipality wherein the defendant
9 resides or where the offense was committed.

10 (cf: P.L.1991, c.91, s.176)

11

12 22. R.S.4:22-43 is amended to read as follows:

13 4:22-43. Any [member,] law enforcement officer or agent of [the
14 New Jersey Society for the Prevention of Cruelty to Animals] a county
15 society for the prevention of cruelty to animals may exercise and
16 perform powers and duties [like those exercised and performed by
17 agents of the society who have been] as if specially deputized by a
18 sheriff.

19 (cf: R.S.4:22-43)

20

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

22 4:22-44. Any [member,] law enforcement officer or agent of [the
23 New Jersey Society for the Prevention of Cruelty to Animals] a county
24 society for the prevention of cruelty to animals, or any sheriff,
25 undersheriff, [constable] or police officer may:

26 a. Make arrests for violations of this article;

27 b. Arrest without warrant any person found violating the provisions
28 of this article in the presence of [such member,] a law enforcement
29 officer, agent, sheriff, undersheriff, [constable] or police officer, and
30 take [such] that person before the nearest judge or magistrate as
31 provided in this article.

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

33

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

35 4:22-45. Where an arrest is made by a [constable] State, county,
36 or municipal law enforcement officer under the provisions of this
37 article in a [locality] county where [the New Jersey society, or a
38 district (county)] a county society [,] for the prevention of cruelty to
39 animals, exists, [he] the State, county, or municipal law enforcement
40 officer shall give notice to the [state or district (county)] county
41 society at once, whereupon [such state or] the [district (county)]
42 county society shall take charge of the case and prosecute it under the
43 provisions of this article.

44 No judge or magistrate shall hear any such case until proof is made
45 of the service of such notice on the [state or district (county)] county
46 society in which the offense occurred, or the county society with

1 responsibility for law enforcement within that county, or the New
2 Jersey Society for the Prevention of Cruelty to Animals, as
3 appropriate.

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

5

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

7 4:22-47. A sheriff, undersheriff, [constable,] police officer, or law
8 enforcement officer or agent of the New Jersey Society for the
9 Prevention of Cruelty to Animals or of any county society for the
10 prevention of cruelty to animals [,] may enter any building or place
11 where there is an exhibition of the fighting or baiting of a living animal
12 or creature, where preparations are being made for such an exhibition,
13 or where a violation otherwise of R.S.4:22-24 is occurring, arrest
14 without warrant all persons there present, and take possession of all
15 living animals or creatures engaged in fighting or there found and all
16 implements or appliances used or to be used in such exhibition.

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

18

19 26. R.S.4:22-51 is amended to read as follows:

20 4:22-51. When a living animal or creature is impounded or
21 confined [as provided in section 4:22-19 of this title] in a manner
22 proscribed by subsection a. of R.S.4:22-19 in a kennel, pet shop,
23 shelter, or pound as defined and licensed pursuant to P.L.1941, c.151
24 (C.4:19-15.1 et seq.); a pound or place of confinement owned and
25 operated by a municipality, county or regional governmental authority;
26 or a pound or place of confinement operated by a certified animal
27 control officer or impounding service , and [shall continue] continues
28 to be without necessary food and water for more than [twelve] 12
29 successive hours, any person may, from time to time as often as is
30 necessary, enter into or upon the kennel, pet shop, shelter, pound, or
31 other facility in which the animal or creature is impounded or confined
32 upon receipt of a properly executed search warrant and supply it with
33 necessary food and water and veterinary care so long as it shall remain
34 impounded or confined. Such person shall not be liable to an action,
35 either civil or criminal, for such entry.

36 The actual cost of the food, water , veterinary care, and bedding,
37 together with [twenty per cent] 20 percent additional, may be
38 collected by such person from the owner of the animal or creature in
39 an action at law, together with costs, and the animal or creature shall
40 not be exempt from levy and sale upon an execution issued upon a
41 judgment therefor.

42 (cf: R.S.4:22-51)

43

44 27. R.S.4:22-53 is amended to read as follows:

45 4:22-53. An animal or creature abandoned in a maimed, sick, infirm
46 or disabled condition, if fit for further use, may be advertised and sold

1 in the manner directed by a court of competent jurisdiction or a law
2 enforcement officer or agent of the county society for the prevention
3 of cruelty to animals, if one is in existence in the county, or the New
4 Jersey Society for the Prevention of Cruelty to Animals.

5 The proceeds, after deducting expenses, shall be paid to the
6 [district (county)] county society for the prevention of cruelty to
7 animals[, if one is in existence in the county; if not, then to the New
8 Jersey society] in which the offense occurred, or the county society
9 with responsibility with law enforcement within that county.

10 (cf: P.L.1953, c.5, s.84)

11

12 28. R.S.4:22-54 is amended to read as follows:

13 4:22-54. When an animal or creature is found on the highway or
14 elsewhere, whether abandoned or not, in a maimed, sick, infirm or
15 disabled condition, a court of competent jurisdiction [or] the sheriff
16 of the county, or a law enforcement officer or agent of the [New
17 Jersey Society for the Prevention of Cruelty to Animals] county
18 society for the prevention of cruelty to animals, may appoint a suitable
19 person to examine and destroy such animal or creature if unfit for
20 further use.

21 (cf: P.L.1953, c.5, s.85)

22

23 29. R.S.4:22-55 is amended to read as follows:

24 4:22-55. All fines, penalties and moneys imposed and collected
25 under the provisions of this article, shall be paid by the court or by the
26 clerk or court officer [receiving the same,] within thirty days and
27 without demand, to the [district (county)] county society for the
28 prevention of cruelty to animals [of the county where the same were
29 imposed and collected, if one is in existence in that county, and if not,
30 then to the New Jersey Society for the Prevention of Cruelty to
31 Animals, to be used by the society in aid of the benevolent objects for
32 which it was incorporated]or the county society with responsibility for
33 law enforcement within that county.

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

35

36 30. (New section) Any animal owned or possessed by a person
37 who violates any animal welfare or animal cruelty provision of chapter
38 22 of Title 4 of the Revised Statutes may, at the discretion of the
39 court, be confiscated and placed in the possession of the county
40 society for the prevention of cruelty to animals for the county within
41 which the violation occurred, or in the possession of the county
42 society for the prevention of cruelty to animals with responsibility for
43 law enforcement within that county, for such disposition as the court
44 deems appropriate. The county society for the prevention of cruelty
45 to animals may provide such shelter, care, and treatment therefor,
46 including veterinary care and treatment, that is reasonably necessary,

1 the costs of which shall be borne by the owner of the confiscated
2 animal. Upon a second conviction, the court may prohibit that person
3 from owning, possessing, having custody, or having control of any
4 animal.

5
6 31. R.S.4:22-1 through R.S.4:22-11, inclusive, and R.S.4:22-14
7 are repealed.

8
9 32. This act shall take effect immediately.

10 11 12 STATEMENT

13
14 This bill would revise the organization, administration, and powers
15 of the New Jersey Society for the Prevention of Cruelty to Animals
16 (NJSPCA), which was originally incorporated pursuant to an act of the
17 Legislature in 1868. The bill would also revise those provisions of law
18 relating to district (county) societies for the prevention of cruelty to
19 animals.

20 The bill would provide that the NJSPCA be continued as a parent
21 corporation for the purposes of coordinating the various functions of
22 county societies, promoting the interests of, protecting and caring for,
23 and doing any and all things to benefit animals. The bill would direct
24 that the corporation be governed by a board of trustees consisting of
25 one delegate elected from each chartered county Society for the
26 Prevention of Cruelty to Animals. The bill does not provide for
27 district societies.

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

30 The bill would provide that individuals who have been convicted of
31 a crime may not become an agent, officer, law enforcement officer or
32 trustee of the NJSPCA or any county society.

33 The bill would allow a county society to appoint law enforcement
34 officers and agents for the purpose of enforcing all laws and
35 ordinances enacted for the protection of animals. A law enforcement
36 officer, in order to carry firearms, would be required to satisfactorily
37 complete training. The bill would direct the board of trustees of the
38 NJSPCA to designate law enforcement officers in counties where no
39 county society exists.

40 The bill would also revise the criminal penalties for various animal
41 cruelty offenses. The unauthorized use of a NJSPCA or county
42 society law enforcement officer or agent's badge would be increased
43 from a petty disorderly persons offense to a disorderly persons
44 offense. The commission of a sexual act with an animal as well as the
45 carrying of an animal in an unsheltered vehicle or in a way otherwise
46 exposed to the elements would be a disorderly persons offense.

1 Additionally, the civil penalty for a violation of the animal cruelty
2 laws would be increased. The amount of the civil penalty that the
3 NJSPCA or a county society could recover from a violator of the
4 animal cruelty laws would be increased from the current maximum of
5 \$250, with no mandatory minimum, to a maximum of \$1,000, with a
6 mandatory minimum of \$50. However, the bill would impose a
7 mandatory penalty of \$500 for abandoning an animal, and \$1000 if the
8 animal is abandoned on or near a roadway. The bill would also revise
9 the civil penalty for abandonment of an animal and the statutory
10 provision regarding authority to enter onto property to provide an
11 impounded or confined animal with food or water.

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

16 The bill would expand the list of activities exempted from the
17 animal cruelty laws to include: a) the killing or disposing of a Norway
18 or brown rat, black rat, or house mouse, or any other animal deemed
19 by the Department of Health, in consultation with the NJSPCA, to
20 pose a significant threat to the public health, and b) the regulation of
21 any game animal or fish by the Division of Fish, Game and Wildlife in
22 the Department of Environmental Protection and any veterinary
23 hospital or facility.

24 Finally, the bill would repeal those provisions of chapter 22 of Title
25 4 of the Revised Statutes relating to the current powers, functions, and
26 duties of the NJSPCA and its district (county) societies.

27

28

29

30

31 Reorganizes New Jersey Society for the Prevention of Cruelty to
32 Animals and county societies for the prevention of cruelty to animals.