

ASSEMBLY, No. 443

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman JOHN CATALANO

District 10 (Ocean)

SYNOPSIS

Prohibits persons violating animal cruelty law from owning, keeping, or harboring animals; requires DHSS establish and maintain website list of such persons.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/3/2020)

1 **AN ACT** concerning cruelty to animals, amending P.L.2003, c.67,
2 and supplementing Title 4 of the Revised Statutes.

3

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

6

7 1. (New section) a. The Commissioner of Health and Senior
8 Services shall establish and maintain a list of persons convicted of,
9 or found civilly liable for, violations of chapter 22 of Title 4 of the
10 Revised Statutes for the purposes of enforcing subsections b. and c.
11 of section 3 of P.L.1983, c.525 (C.4:19-15.16a) and section 2 of
12 P.L. , c. (C.) (pending before the Legislature as this bill).
13 The list shall include the list established and maintained by the
14 commissioner pursuant to subparagraph (b) of paragraph (1) of
15 subsection c. of section 3 of P.L.1983, c.525.

16 b. As soon as practicable after the effective date of
17 P.L. , c. (C.) (pending before the Legislature as this bill), the
18 Department of Health and Senior Services shall establish a readily
19 identifiable location on the department's website where the public
20 may access the list established pursuant to subsection a. of this
21 section. The department shall post the current list online at that
22 location as soon as practicable. The department shall confirm there
23 are no changes to the online list or update the online list at that
24 location no less frequently than every 30 days.

25 c. Upon establishment of the list at the readily identifiable
26 location of the department's website pursuant to subsection b. of
27 this section, the department shall issue to the clerk of each
28 municipality in the State, and to each kennel, shelter, pound, and
29 pet shop known to the department, as soon as practicable, notice in
30 writing of the availability of the list online, the website address at
31 which it can be located, the provisions of P.L. , c. (C.)
32 (pending before the Legislature as this bill), and the proper use and
33 purpose of the list.

34

35 2. (New section) a. No person who is convicted of, or found
36 civilly liable for, a violation of any provision of chapter 22 of Title
37 4 of the Revised Statutes may own, keep, or otherwise harbor an
38 animal in the State.

39 b. No clerk of a municipality or other official with the authority
40 to issue dog or cat licenses, registrations, or other similar
41 instruments confirming ownership of an animal may issue a license,
42 registration, or similar instrument to any person whose name is on
43 the list established pursuant to section 1 of P.L. ,
44 c. (C.) (pending before the Legislature as this bill).

45 c. Any law enforcement officer, humane law enforcement
46 officer, animal control officer, animal cruelty investigator, or other

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 appropriate official of a municipality who determines or is notified
2 that a dog, with or without a license, or any other animal, is owned,
3 kept, or harbored by a person whose name is on the list established
4 and maintained pursuant to section 1 of P.L. ,
5 c. (C.) (pending before the Legislature as this bill), shall:

6 (1) confirm that the person is on the list established and
7 maintained pursuant to section 1 of P.L. , c. (C.) (pending
8 before the Legislature as this bill) and owns, keeps, or harbors a dog
9 or other animal;

10 (2) seize and confiscate the dog or other animal; and

11 (3) petition the appropriate court with jurisdiction for the proper
12 disposition of the animal at the earliest opportunity following the
13 seizure and confiscation.

14
15 3. Section 3 of P.L.2003, c.67 (C.4:22-57) is amended to read
16 as follows:

17 3. a. (Deleted by amendment, P.L.2017, c.331)

18 b. For the purposes of maintaining the list of persons not
19 eligible to be a certified animal control officer, municipal humane
20 law enforcement officer, humane law enforcement officer of a
21 county society for the prevention of cruelty to animals, or designee
22 pursuant to subsection a. of section 28 of P.L.2017, c.331 (C.4:22-
23 14.4), as established pursuant to subsections b. and c. of section 3
24 of P.L.1983, c.525 (C.4:19-15.16a), and maintaining the list of
25 persons prohibited from owning, keeping, or harboring a dog or
26 other animal pursuant to sections 1 and 2 of P.L. ,c. (C.)
27 (pending before the Legislature as this bill), the court or other
28 official adjudging the guilt or liability for a violation of any
29 provision of article 2 of chapter 22 of Title 4 of the Revised
30 Statutes, shall charge the prosecutor or other appropriate person,
31 other than a certified animal control officer, with the responsibility
32 to notify within 30 days the commissioner, in writing, of the full
33 name of the person found guilty of, or liable for, an applicable
34 violation, and the violation for which or of which that person was
35 found guilty or liable, and the person charged with the
36 responsibility shall provide such notice.
37 (cf: P.L.2017, c.331, s.24)

38
39 4. This act shall take effect on the 180th day after January 1
40 next following enactment.

41 42 43 STATEMENT

44
45 This bill prohibits any person found guilty of, or liable for, a
46 violation of the State animal cruelty laws from owning, keeping, or
47 harboring an animal. The bill prohibits any such person from

1 licensing or registering a dog or cat. The bill also provides for the
2 seizure and confiscation of animals from people convicted of, or
3 liable for, a violation of the animal cruelty laws.
4 The bill also directs the Department of Health and Senior
5 Services to establish a readily identifiable location on the
6 department's website where any member of the public may access
7 the list of such violators. The department is currently required to
8 maintain such a list for persons ineligible to be animal control
9 officers. The bill further directs the department to confirm there are
10 no changes to the online list or update the online list at that location
11 at least every 30 days. Finally, the bill directs the department to
12 issue to each municipal clerk, and to each kennel, shelter, pound,
13 and pet shop known to the department, as soon as practicable, a
14 notice in writing with information about the list and how it can be
15 accessed.