

ASSEMBLY, No. 376

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblywoman Vainieri Huttle

SYNOPSIS

Establishes Animal Cruelty Offender Registry; prohibits purchase, adoption, and breeding of animals by animal cruelty offenders.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 1/29/2019)

1 AN ACT establishing a Statewide animal cruelty offender registry,
2 supplementing Title 4 of the Revised Statutes, and amending
3 R.S.4:22-55.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. (New section) This act shall be known and may be cited as
9 the "Animal Cruelty Offender Registry Act."
10

11 2. (New section) a. The Legislature finds and declares that:

12 (1) Reputable studies in the fields of psychology, sociology, and
13 criminology have consistently demonstrated that violent offenders
14 often have childhood or adolescent histories involving serious,
15 intentional acts of animal cruelty, and one study indicates that
16 animal abuse may be characteristic of the developmental histories
17 of up to 66 percent of violent offenders.

18 (2) The Federal Bureau of Investigation has recognized the link
19 between animal abuse and later acts of violence since the 1970s,
20 when its analysis of serial killers revealed that most had killed or
21 tortured animals during their lives.

22 (3) More recent studies have revealed consistent patterns of
23 animal cruelty and abuse in the criminal histories of perpetrators of
24 other forms of violence, including child abuse, spousal abuse, and
25 elder abuse, and a groundbreaking study conducted in 1983 of 53
26 New Jersey families being treated for child abuse found that, in 88
27 percent of these families, animal abuse was also present.

28 (4) Studies in this area have additionally found a common
29 history of documented animal abuse among sexually violent
30 offenders, with one study showing that nearly one-half of rapists
31 and almost one-third of pedophiles had also engaged in acts of
32 cruelty towards animals.

33 (5) As reported by the Humane Society of the United States and
34 the American Society for the Prevention of Cruelty to Animals,
35 persons who participate in animal fighting - a lucrative business
36 endeavor that centers around the ongoing and sadistic abuse,
37 torture, and killing of innocent animals for profit - are also often
38 participants in other crimes that are associated with violence,
39 including drug and gun crimes, gambling offenses, and homicide
40 offenses, and many such offenders will continue to participate in
41 animal fighting endeavors and violence-related offenses even after
42 raids, arrests, and jail time.

43 (6) The American Psychiatric Association has listed animal
44 abuse in its diagnostic manual of major psychiatric disorders, as a
45 symptom of Conduct Disorder, which is a disorder that is

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 characterized by a general and ongoing disregard for societal rules
2 and the feelings of others.

3 (7) Because evidence shows that persons who commit animal
4 cruelty offenses are likely to engage in recidivist acts of violence
5 against either or both animals or humans, such persons pose a clear
6 and significant threat to public safety, and, as a result, have a
7 reduced expectation of privacy upon being convicted of or found
8 civilly liable for these offenses.

9 (8) Knowledge of an animal cruelty offender's presence in the
10 community could be a significant factor in protecting oneself, one's
11 family members, and one's companion animals or livestock, from
12 recidivist acts of the offender, and the technology afforded by the
13 Internet would make this information readily accessible to private
14 persons and entities, and enable them to undertake appropriate
15 remedial precautions to prevent or avoid placing potential victims at
16 risk.

17 (9) Required registration of animal cruelty offenders, which
18 utilizes complete and accurate data, will provide law enforcement
19 with additional information that may be critical to preventing and
20 appropriately responding to incidents of violence in the community,
21 and will allow law enforcement officials to alert the public as to the
22 presence of these violent offenders within the community, when
23 necessary to promote the public safety.

24 (10) The registration of animal cruelty offenders and the public
25 disclosure of information pertaining to these offenders is a
26 necessary and appropriate means of assuring the protection of the
27 public and at-risk animals, and such registration and disclosure of
28 information is not intended to punish or additionally sanction the
29 offender's behavior, or to allow or encourage members of the public
30 to seek retribution against the offender, or to be used for any
31 purposes other than the protection of the public and at-risk animals,
32 and should not be construed to be punitive.

33 b. The Legislature therefore determines that, in order to further
34 the Legislature's primary interest of protecting vulnerable
35 populations from potential harm, it is both necessary and proper to
36 provide for the establishment and implementation of an animal
37 cruelty offender registry that will require the continuing registration
38 of animal cruelty offenders, and allow for the public disclosure of
39 certain information pertaining to these offenders in order to
40 promote the public safety.

41

42 3. (New section) For the purposes of this act:

43 "Animal cruelty offense" means the commission of a criminal or
44 civil offense constituting cruelty against an animal, and includes the
45 commission of an act that constitutes a criminal offense under
46 R.S.4:22-17, R.S.4:22-18, subsection (a) of R.S.4:22-19, R.S.4:22-
47 20, R.S.4:22-21, R.S.4:22-23, or R.S.4:22-24; or the commission of
48 an act that constitutes a civil offense under sections a., c., e., f., g.,

1 h., j., k., t., u., v., w., z., aa., bb., and cc. of R.S.4:22-26; or the
2 commission of an act that constitutes a comparable offense in
3 another state, country, or jurisdiction.

4 "Animal cruelty offender" or "offender" means a person who has
5 been convicted at any date in time of an animal cruelty offense, as
6 defined in this section.

7 "Animal Cruelty Offender Registry" means the centralized
8 registry established by the Attorney General pursuant to subsection
9 d. of section 9 of this act, which contains information pertaining to
10 all registered animal cruelty offenders.

11 "Conduct Disorder" means a psychiatric disorder that is
12 characterized by a general and ongoing disregard for societal laws
13 and the feelings of others, and for which animal abuse is a
14 symptom.

15 "Convicted" or "conviction" refers to any decision resulting from
16 a formal civil or criminal court action, and includes a conviction, an
17 adjudication of delinquency, a finding of not guilty by reason of
18 insanity, and a finding of civil liability.

19 "Form of registration" means the entirety of the registration
20 package submitted by an animal cruelty offender in accordance with
21 the provisions of this act, and includes the form of registration
22 statement and all other items required by subsection b. of section 9
23 of this act.

24 "Form of registration statement" or "form" means the form
25 statement developed by the Attorney General in accordance with
26 the provisions of subsection a. of section 9 of this act, which
27 contains information provided by the offender as required by
28 paragraph (1) of subsection b. of section 9 of this act.

29 "Homeless resident" means a person who does not maintain a
30 primary residence or secondary residence in this State or in any
31 other state, country, or jurisdiction, but who is physically present
32 within this State for more than 14 consecutive days or for an
33 aggregate period exceeding 30 days in a calendar year.

34 "Non-resident" means a person who does not maintain either
35 primary residence or secondary residence in this State but who
36 maintains primary residence in another state, country, or
37 jurisdiction, and who is physically present in this State for more
38 than 14 consecutive days or for an aggregate period exceeding 30
39 days in a calendar year.

40 "Primary residence" means a residentially-zoned property,
41 including a house, apartment, or condo, where the offender abides,
42 lodges, resides, or is accommodated for living purposes for more
43 than 183 days in a calendar year.

44 "Registered animal cruelty offender" means a person who has
45 been convicted of an animal cruelty offense, and who has registered
46 with the State in accordance with the provisions of section 4 of this
47 act.

1 "Registering authority" means the law enforcement agency or
2 court with whom an animal cruelty offender files initial registration
3 in accordance with the provisions of section 4 of this act.

4 "Risk of re-offense" means the likelihood, as determined in
5 accordance with the provisions of section 12 of this act, that an
6 animal cruelty offender will, in the future, commit another animal
7 cruelty offense or a crime against humans.

8 "Secondary residence" means a residentially-zoned property,
9 including a house, vacation home, trailer, apartment, condo, or
10 time-share rental, which is not the offender's primary residence, and
11 in which the offender abides, lodges, resides, or is accommodated
12 for living purposes for more than 14 consecutive days or for an
13 aggregate period exceeding 30 days in a calendar year, but for no
14 more than 183 days in a calendar year.

15

16 4. (New section) a. An animal cruelty offender who (1)
17 maintains, establishes, or re-establishes a primary residence or
18 secondary residence in this State, or (2) is otherwise physically
19 present in this State for more than 14 consecutive days or for an
20 aggregate period exceeding 30 days in a calendar year, shall register
21 with the State in accordance with the provisions of this act.

22 b. An animal cruelty offender who is required to register under
23 the provisions of this act shall register on forms provided by the
24 designated registering authority, and in compliance with the
25 following registration requirements:

26 (1) An animal cruelty offender who maintains primary residence
27 or secondary residence in, or is a homeless resident of, this State,
28 and who is convicted of an animal cruelty offense in this State
29 following the effective date of this act, shall register with the
30 presiding court at the time of conviction. An animal cruelty
31 offender who maintains primary residence or secondary residence
32 in, or is a homeless resident of, this State, and who is convicted of
33 an animal cruelty offense in another state or jurisdiction following
34 the effective date of this act, shall register, within 10 days after the
35 date of conviction or the date of the offender's release from
36 incarceration, whichever is later, with the chief law enforcement
37 officer of the municipality in which the offender's primary
38 residence and secondary residence, if any, is located, or in which
39 the offender is physically present, or if the municipality does not
40 have a local police force, with the chief law enforcement officer of
41 the county in which the offender's primary residence or secondary
42 residence, if any, is located, or in which the offender is physically
43 present;

44 (2) An animal cruelty offender who maintains primary residence
45 or secondary residence in, or is a homeless resident of, this State,
46 and who was convicted of an animal cruelty offense prior to the
47 effective date of this act, shall register within 120 days after the
48 effective date of this act with the chief law enforcement officer of

1 the municipality in which the offender's primary residence or
2 secondary residence, if any, is located, or in which the offender is
3 physically present, or, if the municipality does not have a local
4 police force, with the chief law enforcement officer of the county in
5 which the offender's primary residence or secondary residence, if
6 any, is located, or in which the offender is physically present;

7 (3) An animal cruelty offender who (a) establishes or re-
8 establishes a primary residence in this State after moving or
9 returning to the State from another state, country, or jurisdiction, or
10 (b) establishes or re-establishes a secondary residence in this State
11 at any time, shall register with the chief law enforcement officer of
12 the municipality in which the primary residence or secondary
13 residence is located, as the case may be, or, if the municipality does
14 not have a local police force, with the chief law enforcement officer
15 of the county in which the primary residence or secondary residence
16 is located, as the case may be, within 120 days after the effective
17 date of this act or within 10 days after first establishing or re-
18 establishing the primary residence or secondary residence,
19 whichever is later;

20 (4) An animal cruelty offender who is enrolled on a full-time or
21 part-time basis in any post-secondary public or private educational
22 institution in this State, including any trade or professional
23 institution or institution of higher education, shall register with the
24 chief law enforcement officer of the municipality in which the
25 educational institution is located or, if the municipality does not
26 have a local police force, with the chief law enforcement officer of
27 the county in which the educational institution is located, within
28 120 days after the effective date of this act or within 10 days after
29 commencing attendance at such educational institution, whichever
30 is later;

31 (5) An animal cruelty offender who does not maintain primary
32 residence or secondary residence in, and is not a homeless resident
33 of, the State, but who (a) engages in employment or carries on a
34 vocation or business in this State, on either a full-time or part-time
35 basis, with or without compensation, that requires the offender's
36 physical presence in the State for more than 14 consecutive days or
37 for an aggregate period exceeding 30 days in a calendar year, or (b)
38 is otherwise physically present in the State for more than 14
39 consecutive days or for an aggregate period exceeding 30 days in a
40 calendar year, shall register with the chief law enforcement officer
41 of the municipality in which the employer is located, the vocation
42 or business is carried on, or the person is physically present, as the
43 case may be, or, if the municipality does not have a local police
44 force, with the chief law enforcement officer of the county in which
45 the employer is located, the vocation or business is carried on, or
46 the person is physically present, as the case may be, within 120
47 days after the effective date of this act or within 10 days after

1 commencing such employment, vocation, business or physical
2 presence in the State, whichever is later;

3 c. An animal cruelty offender who fails to register as required
4 by subsection b. of this section, or who falsifies information when
5 complying with the registration requirements set forth in that
6 subsection, shall be guilty of a crime of the third degree, and shall,
7 in addition to any other penalties provided by law, be subject to pay
8 a fine of \$2,500, which shall be deposited into the Animal Cruelty
9 Offender Registration Fund established in accordance with section
10 20 of this act.

11

12 5. (New section) a. Upon a change of address, a registered
13 animal cruelty offender shall notify the law enforcement agency
14 with which the offender is currently registered, and shall re-register
15 with the appropriate law enforcement agency no less than 10 days
16 before the offender intends to first reside at the new address. A
17 registered animal cruelty offender shall notify the appropriate law
18 enforcement agencies no later than five days after a change of
19 employment or school enrollment status.

20 b. A registered animal cruelty offender shall verify the
21 offender's address on an annual basis, in a manner prescribed by the
22 Attorney General. One year after the effective date of this act, the
23 Attorney General shall review, evaluate, and, if warranted, modify
24 the address verification requirement pursuant to the "Administrative
25 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

26 c. A registered animal cruelty offender who fails to notify the
27 appropriate law enforcement agency of a change of address or status
28 in accordance with subsection a. of this section, or who fails to
29 verify his address as required by subsection b. of this section, or
30 who falsifies information in complying with either subsection, shall
31 be guilty of a crime of the fourth degree, and shall, in addition to
32 any other penalties provided by law, be subject to pay a fine of
33 \$1,500, which shall be deposited into the Animal Cruelty Offender
34 Registration Fund established in accordance with section 20 of this
35 act.

36

37 6. (New section) a. After being required to register pursuant
38 to section 4 of this act and during any period of time during which
39 the animal cruelty offender is required to register, the animal
40 cruelty offender is prohibited from adopting, purchasing, or
41 engaging in any part of breeding, animals. If it is the first time the
42 animal cruelty offender has been required to register and the animal
43 cruelty offender owns, or has in the animal cruelty offender's
44 residence, any animals, the appropriate municipal official shall
45 inspect the conditions under which the animals are kept and the
46 health and environment of the animals, and determine if the animals
47 are in good physical health, appear to receive necessary care as
48 defined pursuant to R.S.4:22-15, and do not seem to be suffering

1 from any abuse or neglect. If such a determination is made, the
2 animal cruelty offender shall be permitted to continue to own, care
3 for, or live with the animals in the animal cruelty offender's
4 residence. If the determination is that the animals are in poor
5 physical health, do not receive necessary care, or show signs of
6 abuse or neglect, or the animal cruelty offender commits a second
7 offense that would require registering pursuant to section 4 of this
8 act, the animals shall be immediately forfeited and offered for
9 adoption.

10 b. The Attorney General shall release the animal cruelty
11 offender from registration requirements after the animal cruelty
12 offender has satisfied the provisions of section 7 of this act.

13 c. The Attorney General shall provide for the annual archiving
14 of the registry and any animal cruelty offender's name and other
15 required information shall remain accessible to law enforcement
16 and the public, regardless of whether the animal cruelty offender is
17 currently required to register or is on the current registry.

18

19 7. (New section) a. Except as provided in subsection b. of this
20 section, a registered animal cruelty offender may make application
21 to the Superior Court to terminate the obligation to register upon
22 proof that the person has not committed an animal cruelty offense
23 or an offense constituting violence against humans within 10 years
24 following the date of conviction when no term of imprisonment is
25 imposed, or if a term of imprisonment is imposed, 10 years
26 following the date of release from the correctional facility where the
27 term of imprisonment was served, and the registered animal cruelty
28 offender is not likely to pose a threat to the safety of others.

29 b. A registered animal cruelty offender who has been convicted
30 of more than one animal cruelty offense as defined by this act, or
31 who has been convicted of one animal cruelty offense and one or
32 more subsequent violent offenses against humans shall not be
33 eligible under subsection a. of this section to make application to
34 the Superior Court to terminate the registration obligation.

35 c. The Attorney General shall terminate a registered animal
36 cruelty offender's obligation to register pursuant to this act upon the
37 offender's submission of evidence sufficient to prove, in the
38 judgment of the Attorney General, that the offender no longer
39 maintains primary residence or secondary residence in the State and
40 will not, for any reason, be physically present in the State for more
41 than 14 consecutive days or for an aggregate period of 30 days or
42 more in a calendar year. If, following the termination of an
43 offender's registration obligation pursuant to this subsection, there
44 is a change in the offender's residential status or an increase in the
45 amount of time the offender is present in the State, such that
46 registration would again be required pursuant to section 4 of this
47 act, the offender shall re-register with the appropriate registering
48 agency in compliance with the provisions of section 4 of this act,

1 and shall be subject to the penalties provided therein for
2 noncompliance.

3

4 8. (New section) a. The Attorney General shall cause notice
5 of the obligation to register under this act to be published in a
6 manner reasonably calculated to reach the general public within 30
7 days after the effective date of this act.

8 b. The Motor Vehicle Commission shall provide notice of the
9 obligation to register under this act in connection with each
10 application for a license to operate a motor vehicle and each
11 application for an identification card issued pursuant to section 2 of
12 P.L.1980, c.47 (C.39:3-29.3).

13 c. The registering authority shall provide notice to the
14 offender, at the time of registration, of this act's address verification
15 and community notification requirements, as well as the penalties
16 that would be applicable in the case of the offender's non-
17 compliance with any of the provisions of this act.

18

19 9. (New section) a. Within 60 days after the effective date of
20 this act, the Attorney General shall prepare the form of registration
21 statement as required in subsection b. of this section, and shall
22 provide copies of this form to each local law enforcement agency in
23 the State, and to the Administrative Office of the Courts. The
24 Administrative Office of the Courts shall forward copies of the
25 form of registration statement to each civil and criminal judge in the
26 State.

27 b. The form of registration required by this act shall include:

28 (1) A statement in writing, signed by the animal cruelty offender
29 who is required to register, acknowledging that the offender has
30 been advised of the duty to register as imposed by this act, and
31 including the offender's name, social security number, age, race,
32 sex, date of birth, height, weight, hair and eye color; description of
33 any physical evidentiary markers, such as moles, birthmarks, scars,
34 piercings, or tattoos; address of primary residence and secondary
35 residence if any, or county and municipality of physical presence if
36 a non-resident or homeless resident; address of any anticipated or
37 current places of employment; any anticipated or current school
38 enrollment; the commission date and a brief description of the
39 conviction offenses for which registration is required; and the
40 indictment number or civil case number associated with each such
41 conviction offense;

42 (2) A photograph showing the head and shoulders of the
43 offender, which may be a photograph taken at the time of the
44 offender's registration, or a passport photograph paid for and
45 provided by the offender, or the photograph used on the offender's
46 driver's license or State identification card; and

47 (3) Any other information that the Attorney General deems
48 necessary to properly inform the public about the identity of the

1 animal cruelty offender and to assess the offender's risk of re-
2 offense, including criminal and corrections records, and non-
3 privileged personnel, treatment, and abuse registry records, when
4 available.

5 c. Within five days after receipt of an offender's form of
6 registration submitted in accordance with the provisions of this act,
7 the registering authority shall forward the contents of the form of
8 registration to the Attorney General. In the event that the
9 registering authority is a court, the Attorney General shall, upon
10 receipt of the offender's form of registration, transmit the same to
11 the law enforcement agencies responsible for the municipalities in
12 which the offender's primary residence and secondary residence, if
13 any, is or will be located, or in which the offender will be
14 physically present, if a non-resident or a homeless resident. If the
15 respective municipalities do not have a law enforcement agency, the
16 Attorney General shall forward the form of registration to the
17 appropriate law enforcement agencies responsible for the counties
18 in which the offender's primary residence or secondary residence, if
19 any, is or will be located, or in which the offender is physically
20 present, if a non-resident or a homeless resident.

21 d. The Attorney General shall maintain a central registry of all
22 registrations provided pursuant to this act, which shall be known as
23 the Animal Cruelty Offender Registry. The Attorney General shall
24 authorize the disclosure of information contained in the Animal
25 cruelty offender Registry only to the extent provided by, and in a
26 manner consistent with, the provisions of sections 10, 12, and 14 of
27 this act.

28
29 10. (New section) a. Records maintained pursuant to this act
30 shall be open to any law enforcement agency in this State, any other
31 state, or the United States government, and may be released to the
32 Office of Animal Welfare in the Department of Health, or to the
33 Division of Child Behavioral Health Services, the Division of
34 Prevention and Community Partnerships, or the Division of Youth
35 and Family Services in the Department of Children and Families,
36 for use in carrying out the office's and the divisions' respective
37 responsibilities under law. Law enforcement agencies in this State
38 shall be authorized to release relevant and necessary information
39 regarding animal cruelty offenders to the public when the release of
40 the information is necessary for public protection in accordance
41 with the provisions of this act.

42 b. A public official, public employee, or public agency is
43 immune from civil liability for damages for any discretionary
44 decision to release relevant and necessary information to other
45 employees or officials or to the general public, in accordance with
46 this section, unless it is shown that the official, employee, or agency
47 acted with gross negligence or in bad faith.

1 c. Nothing in this act shall be deemed to impose any liability
2 upon or to give rise to a cause of action against any public official,
3 public employee, or public agency for failing to release information
4 as authorized in subsection d. of this section.

5 d. Nothing in this section shall be construed to prevent law
6 enforcement officers from notifying members of the public exposed
7 to danger by any registered animal cruelty offender under
8 circumstances that are not enumerated in this act.

9
10 11. (New section) a. After receiving an offender's form of
11 registration, submitted by the offender in accordance with section 4
12 of this act, or forwarded by the Attorney General in accordance
13 with subsection c. of section 9 of this act, the chief law enforcement
14 officer of the municipality in which the offender's primary
15 residence is or will be located, and the chief law enforcement
16 officer of the municipality in which the offender's secondary
17 residence, if any, is or will be located, shall provide notification to
18 the community, in accordance with the guidelines and procedures
19 established by the Attorney General pursuant to section 12 of this
20 act, regarding the offender's presence therein. If the municipality
21 does not have a police force, the chief law enforcement officer of
22 the county in which the offender's primary residence or secondary
23 residence is located, as the case may be, shall provide such
24 notification.

25 b. After receiving notification pursuant to section 5 of this act
26 that a registered animal cruelty offender intends to change his
27 address, the chief law enforcement officer of the municipality to
28 which the person is relocating shall provide notification to the
29 community, in accordance with the guidelines and procedures
30 established by the Attorney General pursuant to section 12 of this
31 act, regarding the offender's relocation therein. If the municipality
32 does not have a police force, the chief law enforcement officer of
33 the county in which the new residence is located shall provide such
34 notification.

35
36 12. (New section) a. After consultation with members of the
37 advisory council established pursuant to section 13 of this act, and
38 within 30 days after the effective date of this act, the Attorney
39 General shall adopt, pursuant to the "Administrative Procedure
40 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), guidelines and
41 procedures for the community notification required pursuant to this
42 section. The guidelines shall identify factors relevant to the
43 evaluation of the offender's risk of re-offense, and shall provide for
44 two levels of community notification depending upon the degree of
45 the offender's risk of re-offense.

46 b. Factors relevant to risk of re-offense shall include, but not be
47 limited to, the following:

- 1 (1) Factors that are specific to the conviction offense requiring
2 registration under this act, and which are indicative of a low risk of
3 re-offense, including:
- 4 (a) Whether the offensive conduct was accidental or
5 unintentional; and
- 6 (b) Whether the offender has evidenced regret for the offensive
7 conduct;
- 8 (2) Factors that are specific to the conviction offense requiring
9 registration under this act, and which are indicative of a high risk of
10 re-offense, including:
- 11 (a) Whether the offensive conduct was premeditated,
12 excessively sadistic, or shocking to the conscious;
- 13 (b) Whether the offensive conduct was of an ongoing nature in
14 the character of a business practice, or was found to be
15 characterized by repetitive or compulsive behavior;
- 16 (c) Whether the offender committed the animal cruelty offense
17 in the presence of a child or other impressionable person, or in a
18 manner designed to intimidate, threaten, coerce, or emotionally
19 harm another person; and
- 20 (d) Whether the abused animal was a domestic animal owned
21 and cared for by the offender and treated as a member of the
22 offender's family; and
- 23 (3) Other criminal history factors indicative of the offender's
24 risk of re-offense, including:
- 25 (a) The number, date, and nature of prior animal cruelty
26 offenses;
- 27 (b) The number, date, and nature of prior or contemporaneous
28 criminal offenses not related to animal abuse;
- 29 (c) The existence of psychological or psychiatric profiles
30 indicating a risk of recidivism;
- 31 (d) The offender's response to psychiatric or psychological
32 treatment or therapy;
- 33 (e) Recent behavior, including behavior while confined or while
34 under supervision in the community; and
- 35 (f) Recent threats against persons or animals, or expressions of
36 intent to commit additional crimes.
- 37 c. The regulations shall provide for two levels of notification
38 depending upon the animal cruelty offender's risk of re-offense, as
39 follows:
- 40 (1) If the risk of re-offense is low, law enforcement agencies
41 likely to encounter the person registered shall be notified; and
- 42 (2) If the risk of re-offense is moderate or high, members of the
43 public likely to encounter the person registered, as well as animal
44 shelters, pet adoption societies, Societies for the Prevention of
45 Cruelty to Animals, humane societies, veterinarian's offices, and
46 any other private or government sponsored animal welfare or
47 animal control groups in the offender's community, shall be notified

1 in accordance with the Attorney General's guidelines, in addition to
2 the notice required by paragraph (1) of this subsection.

3 d. The regulations shall prohibit categorization as a low-risk re-
4 offender if the registered animal cruelty offender (1) has more than
5 one prior conviction for an animal cruelty offense as defined in this
6 act, (2) has one prior conviction for an animal cruelty offense in
7 addition to a conviction for a violent offense against a person, or (3)
8 has been diagnosed with Conduct Disorder.

9 e. The regulations shall provide that a private citizen or a
10 business owner or employee who is entitled to obtain community
11 notification pursuant to this section shall be provided with the
12 offender's exact address of primary residence or secondary
13 residence, if any and as the case may be, only after the private
14 citizen or business owner or employee has signed a receipt of notice
15 form, prepared by the Attorney General, which informs the private
16 citizen or business owner or employee that the following acts are
17 prohibited and may be penalized in accordance with the provisions
18 of this act: (1) the sharing of the offender's identifying information
19 and exact address with persons who are not members of the
20 household or employees of the business, as the case may be; (2) the
21 posting of the offender's identifying information and exact address
22 in a public place or to persons who are not members of the
23 household or employees of the business, as the case may be; (3) the
24 unsolicited contact of the offender or the offender's family; and (4)
25 the harming or harassment in any way of the offender, the
26 offender's family, or the offender's property.

27 f. In order to promote uniform application of the notification
28 guidelines required by this section, the Attorney General shall
29 develop procedures for evaluating an offender's risk of re-offense
30 and for notifying the community of an offender's presence therein.
31 The procedures related to risk assessment shall provide (1) a
32 method by which an offender will receive notice of the results of
33 the risk assessment, and (2) a means by which an offender can
34 obtain review of the risk assessment determination prior to the
35 public release of any identifying information. The procedures
36 related to community notification shall be reasonably calculated to
37 allow the dissemination of relevant information to members of the
38 public who have a particular need for it, while avoiding disclosure
39 to those who have no similar need.

40 g. The Attorney General's guidelines shall provide for the
41 manner in which records of notifications provided pursuant to this
42 act shall be maintained and disclosed.

43 h. Nothing in this section shall be construed to prevent law
44 enforcement officers from providing community notification
45 concerning any registered animal cruelty offender who poses a
46 danger under circumstances that are not provided for in this act.

1 13. (New section) There is created a community notification
2 advisory council to consult with and provide recommendations to
3 the Attorney General concerning the guidelines and procedures to
4 be adopted pursuant to section 12 of this act. The council shall
5 consist of 12 persons who, by experience or training, have
6 professional expertise in law enforcement, crime prevention, animal
7 welfare, animal advocacy, domestic violence prevention,
8 criminology, psychology, public education, or community relations.
9 The members of the council shall be appointed in the following
10 manner: four shall be appointed by the Governor, of whom no more
11 than two shall be of the same political party; four shall be appointed
12 by the President of the Senate, of whom no more than two shall be
13 of the same political party; and four shall be appointed by the
14 Speaker of the General Assembly, of whom no more than two shall
15 be of the same political party. Any vacancies occurring in the
16 membership shall be filled in the same manner as the original
17 appointments.

18 One year after the effective date of this section, the Attorney
19 General and the council shall conduct a comprehensive review of
20 the guidelines and procedures adopted pursuant to section 12 of this
21 act to determine whether any changes or revisions should be made
22 thereto. Upon completion of that review and the submission of any
23 recommendations thereon, the council shall expire.

24
25 14. (New section) a. The Attorney General shall develop and
26 maintain a registry for making certain information in the Animal
27 Cruelty Offender Registry publicly available by means of electronic
28 Internet technology.

29 b. Members of the public may, without limitation, obtain
30 access to the Internet registry to view an individual registration
31 record, any part of, or the entire, Internet registry concerning all
32 offenders whose risk of re-offense is moderate or high, or for whom
33 a court has ordered notification in accordance with paragraph (2) of
34 subsection c. of section 12 of this act, regardless of the age of the
35 offender.

36 c. The individual registration records of registered animal
37 cruelty offenders whose risk of re-offense is low shall not be made
38 available to the public on the Internet registry unless such
39 publication is ordered by a court of competent jurisdiction.

40 d. The information concerning a registered animal cruelty
41 offender to be made publicly available on the Internet shall include:
42 the offender's name and any aliases the offender has used or under
43 which the offender may be or may have been known; any animal
44 cruelty offense requiring registration for which the offender was
45 convicted; the date and location of disposition; a brief description
46 of any such offense; a general description of the offender's modus
47 operandi, if any; the determination of whether the risk of re-offense
48 by the offender is moderate or high; the offender's age, race, sex,

1 date of birth, height, weight, hair, eye color and any distinguishing
2 physical evidentiary markers, such as moles, birthmarks, scars,
3 piercings, or tattoos; the photograph of the offender that was
4 submitted as part of the offender's form of registration, and the date
5 on which the photograph was taken; the make, model, color, year,
6 and license plate number of any vehicle operated by the offender;
7 and neighborhood or block, zip code, municipality, and county of
8 the offender's primary residence and secondary residence, if any, or
9 the municipality and county in which the offender is or generally
10 will be physically present if the offender is a non-resident or a
11 homeless resident.

12

13 15. (New section) The Attorney General shall:

14 a. Ensure that the Internet registry contains warnings that any
15 person who uses the information contained therein to threaten,
16 intimidate or harass another, or who otherwise misuses that
17 information, may be criminally prosecuted;

18 b. Ensure that the Internet registry contains an explanation of
19 its limitations, including statements advising visitors that some
20 information contained in the registry may be outdated or inaccurate;
21 that the Internet registry lists only the general vicinity of the
22 offender's residence and that the offender's exact address will be
23 provided only to those persons deemed likely to encounter the
24 offender in accordance with the provisions of section 12 of this act;
25 and that the Internet registry is not a comprehensive listing of every
26 person who has ever committed an animal cruelty offense in New
27 Jersey;

28 c. Strive to ensure that the information contained in the
29 Internet registry is accurate, and that the data therein is revised and
30 updated as appropriate, in a timely and efficient manner; and

31 d. Provide in the Internet registry, information designed to
32 inform and educate the public about animal abuse, animal cruelty
33 offenders, and the operation of this act, as well as any pertinent and
34 appropriate information concerning crime prevention, domestic
35 violence awareness and prevention, and personal safety, with
36 appropriate links to relevant web sites operated by the State.

37

38 16. (New section) An Animal Cruelty Offender Internet
39 Registry Advisory Council is hereby established to consult with and
40 provide recommendations to the Attorney General concerning the
41 making of animal cruelty offender registration records available to
42 the public on the Internet. The council shall consist of nine persons
43 who, by experience or training, have professional expertise in law
44 enforcement, crime prevention, animal advocacy, domestic violence
45 prevention, criminology, psychology, public education, or
46 community relations. The members of the council shall be
47 appointed in the following manner: three shall be appointed by the
48 Governor, of whom no more than two shall be of the same political

1 party; three shall be appointed by the President of the Senate, of
2 whom no more than two shall be of the same political party; and
3 three shall be appointed by the Speaker of the General Assembly, of
4 whom no more than two shall be of the same political party. Any
5 vacancies occurring in the membership shall be filled in the same
6 manner as the original appointments. The council shall hold at least
7 two meetings per year to review the implementation and operations
8 of the Internet registry.

9
10 17. (New section) Notwithstanding any other provision of law
11 to the contrary, any person who provides or fails to provide
12 information to the community in accordance with the procedures
13 established in accordance with section 12 of this act, or who
14 discloses or fails to disclose information on the Internet registry
15 established in accordance with section 14 of this act shall not be
16 liable in any civil or criminal action. Nothing herein shall be
17 deemed to grant any such immunity to any person for his willful or
18 wanton act or omission.

19
20 18. (New section) a. Any information disclosed pursuant to this
21 act may be used by any person or by any public, governmental, or
22 private entity, organization, or official, or any agent thereof, to
23 protect an animal at risk, or for any other lawful purpose consistent
24 with the enhancement of public safety.

25 b. Any person who uses information disclosed pursuant to this
26 act to commit a crime against a registered animal cruelty offender
27 shall be guilty of a crime of the third degree. Any person who uses
28 information disclosed pursuant to this act to commit a disorderly
29 persons or petty disorderly persons offense against a registered
30 animal cruelty offender shall be guilty of a disorderly persons
31 offense and shall be fined not less than \$500 or more than \$1,000,
32 in addition to any other penalty or fine imposed.

33 c. Any person who uses information disclosed pursuant to this
34 act to encourage, solicit, or assist a registered animal cruelty
35 offender or other person to engage in criminal activity or an animal
36 cruelty offense shall be guilty of a crime of the third degree and
37 shall, in addition to any other penalties provided by law, be subject
38 to pay a fine of \$2,500, which shall be deposited into the Animal
39 Cruelty Offender Registration Fund established in accordance with
40 section 20 of this act.

41 d. Except as authorized by section 19 of this act or by any other
42 provision of law, use of any information disclosed pursuant to this
43 act for the purpose of applying for, obtaining, or denying any of the
44 following, is prohibited:

- 45 (1) Health insurance;
- 46 (2) Insurance;
- 47 (3) Loans;
- 48 (4) Credit;

1 (5) Education, scholarships, or fellowships;

2 (6) Benefits, privileges, or services provided by any business
3 establishment, unless for a purpose consistent with the enhancement
4 of public safety; or

5 (7) Housing or accommodations.

6 e. The use of information disclosed pursuant to this act for any
7 purposes other than those provided by subsection a. of this section
8 and in violation of subsection d. of this section shall make the user
9 liable (1) for actual damages, attorney's fees, and any amount that
10 may be determined by a jury or a court sitting without a jury, which
11 is not less than \$250 nor more than three times the amount of actual
12 damage, or (2) for a civil penalty of not more than \$25,000, to be
13 collected in accordance with the provisions of the "Penalty
14 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

15 f. Whenever there is reasonable cause to believe that any
16 person or group of persons is engaged in a pattern or practice of
17 misuse of the information disclosed pursuant to this act, the
18 Attorney General, or any county or municipal prosecutor having
19 jurisdiction, or any person aggrieved by the misuse of that
20 information is authorized to bring a civil action in the appropriate
21 court requesting preventive relief, including an application for a
22 permanent or temporary injunction, restraining order, or other order
23 against the person or group of persons responsible for the pattern or
24 practice of misuse. The foregoing remedies shall be independent of
25 and in addition to any other remedies or procedures that may be
26 available under other provisions of law.

27 g. Evidence that a person obtained information about an
28 offender from law enforcement or from the Internet registry within
29 one year prior to committing a criminal offense against that
30 offender shall give rise to an inference that the person used
31 information in violation of subsection b. of this section.

32

33 19. (New section) Notwithstanding the provisions of section 18
34 of this act to the contrary, any information disclosed in accordance
35 with the provisions of this act may be used by an animal shelter, pet
36 adoption society, humane society, Society for the Prevention of
37 Cruelty to Animals, veterinarian's office, 4-H club, or any other
38 private or government-sponsored animal welfare or animal control
39 organization or group, in order to screen potential applicants for
40 employment or for pet adoption.

41

42 20. (New section) The Animal Cruelty Offender Registration
43 Fund is hereby established, separate and distinct from the General
44 Fund, in order to provide a dedicated source of moneys by which to
45 finance the ongoing administrative and maintenance costs
46 associated with the Animal Cruelty Offender Registry, the expenses
47 associated with the community notifications required by the act's

1 provisions, and the municipal costs and responsibilities pursuant to
2 section 6 of this act. The fund shall be credited with:

3 a. Fifty percent of all civil and criminal fines collected by a
4 court in relation to the animal cruelty offenses for which
5 registration is required pursuant to this act;

6 b. Any excess fines collected by a court as authorized by
7 subsection c. of section 4, subsection c. of section 5 of this act, and
8 subsection c. of section 18 of this act;

9 c. Any interest or other investment income accrued on moneys
10 deposited in the account;

11 d. Any moneys gifted to the fund; and

12 e. Any other moneys appropriated by the Legislature and
13 allocated to the fund for its purposes.

14

15 21. R.S.4:22-55 is amended to read as follows:

16 4:22-55. a. Except as provided **[pursuant to]** by subsection b.
17 of this section **[,]** and by section 20 of P.L. , c. (C.)
18 (pending before the Legislature as this bill), all fines, penalties and
19 moneys imposed and collected under the provisions of this article,
20 shall be paid by the court or by the clerk or court officer receiving
21 the fines, penalties or moneys, within thirty days and without
22 demand, to (1) the county society for the prevention of cruelty to
23 animals of the county where the fines, penalties or moneys were
24 imposed and collected, if the county society brought the action or it
25 was brought on behalf of the county society, to be used by the
26 county society in aid of the benevolent objects for which it was
27 incorporated, or (2) in all other cases, the New Jersey Society for
28 the Prevention of Cruelty to Animals, to be used by the State
29 society in aid of the benevolent objects for which it was
30 incorporated.

31 b. If an enforcement action for a violation of this article is
32 brought primarily as a result of the discovery and investigation of
33 the violation by a certified animal control officer, the fines,
34 penalties or moneys collected shall be paid as follows: one half to
35 the municipality in which the violation occurred; and one half to the
36 county society or to the New Jersey Society for the Prevention of
37 Cruelty to Animals, as applicable to the particular enforcement
38 action.

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

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

44 (2) the training therefor required of certified animal control
45 officers pursuant to law or other animal enforcement related
46 training authorized by law for municipal employees.

47 (cf: P.L.2005, c.372, s.19).

1 22. This act shall take effect on the 120th day after the date of
2 its enactment, except for sections 12 and 13, which shall take effect
3 immediately. The Attorney General may also take additional
4 anticipatory action as is necessary for the implementation of this
5 act.

6

7

8

STATEMENT

9

10 This bill would provide for the establishment and
11 implementation of an animal cruelty offender registry that would
12 require the continuing registration of animal cruelty offenders and
13 allow for the public disclosure of certain information pertaining to
14 those offenders.

15 Requiring the registration of animal cruelty offenders is
16 necessary because the overwhelming evidence accumulated since
17 1970 shows that persons who cruelly abuse or torture animals are
18 likely to engage in recidivist acts of violence against both animals
19 and humans. In particular, studies have shown that early incidents
20 of animal abuse are often part of the criminal histories of serial
21 killers, child, spouse, and elder abusers, and sexually violent
22 predators, and may be characteristic of the developmental histories
23 of up to 66 percent of violent offenders, in general. In addition, it
24 has been shown that those who abuse animals through participation
25 in animal fighting rings also often engage in other crimes associated
26 with violence, and will often continue to engage in animal abuse
27 and other violence-related offenses even after serving jail time.

28 The bill would require registration for any person convicted of
29 an enumerated animal cruelty offense who maintains, establishes, or
30 re-establishes a primary residence or secondary residence in this
31 State or who is otherwise physically present in the State for more
32 than 14 consecutive days or a period exceeding 30 days in a
33 calendar year. In particular, a person would be required to register
34 if they have been convicted, adjudicated delinquent, found not
35 guilty by reason of insanity, or found civilly liable for any of the
36 following animal cruelty offenses:

37 (1) overdriving, overloading, driving when overloaded,
38 overworking, depriving of necessary sustenance, abusing, or
39 needlessly killing a living animal by direct or indirect means,
40 including through the use of another living animal;

41 (2) tormenting, torturing, maiming, hanging, poisoning,
42 unnecessarily or cruelly beating, or needlessly mutilating a living
43 animal by direct or indirect means, including through the use of
44 another living animal, whether or not such actions cause the death
45 of the animal;

46 (3) cruelly killing, by direct or indirect means, a living animal,
47 including through the use of another living animal;

- 1 (4) causing, allowing, or permitting the fighting or baiting of a
2 living animal for amusement or gain;
- 3 (5) engaging in the management of, or receiving money or other
4 consideration for the admission of a person to, a place that is kept
5 or used for the purposes of fighting or baiting a living animal;
- 6 (6) owning, possessing, keeping, training, promoting,
7 purchasing, or knowingly selling a living animal for the purposes of
8 fighting or baiting that animal;
- 9 (7) allowing or suffering a place under a person's ownership or
10 control to be used for the purposes of fighting or baiting a living
11 animal;
- 12 (8) acting as a spectator, gambling on the outcome of a fight, or
13 otherwise encouraging or assisting in activities occurring at a place
14 that is kept or used for the purposes of fighting or baiting a living
15 animal;
- 16 (9) carrying a living animal in or upon a vehicle or otherwise, in
17 a cruel or inhumane manner;
- 18 (10) impounding or confining a living animal and failing to
19 supply it during such confinement with a sufficient quantity of good
20 and wholesome food and water;
- 21 (11) abandoning a maimed, sick, infirm, or disabled animal to
22 die in a public place;
- 23 (12) abandoning a domestic animal;
- 24 (13) unlawfully debarking or silencing a dog;
- 25 (14) using a live pigeon, fowl, or other bird as a target or to be
26 shot at for amusement or as a test of skill in marksmanship, or
27 shooting such a bird, except where such use or shooting conforms
28 with the rules pertaining to the shooting of game animals; and
- 29 (15) any comparable offense in another state, country, or
30 jurisdiction.

31 The bill establishes a prohibition against the animal cruelty
32 offender from adopting, purchasing, or engaging in any part of
33 breeding animals after being required to register and during any
34 period of time when the animal cruelty offender is required to
35 register. If it is the first time the animal cruelty offender has been
36 required to register and the animal cruelty offender owns, or has in
37 the animal cruelty offender's residence, any animals, the
38 appropriate municipal official shall inspect the conditions under
39 which the animals are kept and the health and environment of the
40 animals, and determine if the animals are in good physical health,
41 and appear to receive necessary care as defined pursuant to
42 R.S.4:22-15, and do not seem to be suffering from any abuse or
43 neglect. If such a determination is made, the animal cruelty
44 offender would be permitted to continue to own, care for, or live
45 with the animals in the animal cruelty offender's residence. If the
46 determination is that the animals are in poor physical health, do not
47 receive necessary care, or show signs of abuse or neglect, or the
48 animal cruelty offender has committed a second offense that would

1 require registering, the animals would be immediately forfeited and
2 offered for adoption.

3 The bill would require the Attorney General to provide for the
4 release of the animal cruelty offender from registration
5 requirements after the animal cruelty offender has remained
6 incident-free for 10 years. The Attorney General is required to
7 provide for the annual archiving of the registry and any animal
8 cruelty offender's name and other required information would
9 remain accessible to law enforcement and the public, regardless of
10 whether the animal cruelty offender is currently required to register.

11 The bill would require that notice of the duty to register be
12 provided by the Attorney General within 30 days after the bill's
13 enactment, and by the Motor Vehicle Commission upon application
14 for a driver's license or identification card. The court or local law
15 enforcement agency with which an offender is required to initially
16 register pursuant to this bill would be required to notify the offender
17 of the specific requirements of the bill, and the penalties for
18 noncompliance.

19 The information to be included in an offender's registration
20 would consist of the following:

21 (1) A statement in writing, signed by the animal cruelty
22 offender, acknowledging that the offender has been advised of the
23 duty to register, and including the offender's name, social security
24 number, age, race, sex, date of birth, height, weight, hair and eye
25 color; address of primary residence and secondary residence if any,
26 or county and municipality of physical presence if a non-resident or
27 homeless resident; address of anticipated or current places of
28 employment; any anticipated or current school enrollment; the
29 commission date and a brief description of the conviction offenses
30 for which registration is required; and the indictment number
31 associated with each such offense;

32 (2) A photograph of the defendant; and

33 (3) Any other information that the Attorney General deems
34 necessary to properly inform the public about the identity of the
35 offender and to assess the risk of re-offense.

36 The bill would require each offender to verify the address on the
37 registration statement on an annual basis, and would additionally
38 require each offender to notify law enforcement officials of any
39 change in address.

40 Any person who fails to register as required by the bill's
41 provisions would be guilty of a crime of the third degree and would
42 be subject, in addition to any other penalties provided by law, to
43 pay a fine of \$2,500. Any registered animal cruelty offender who
44 fails to comply, or who falsifies information in complying with the
45 change of address requirements or address verification requirements
46 provided by the bill, would be guilty of a crime of the fourth
47 degree, and would be subject, in addition to any other penalties
48 provided by law, to pay a fine of \$1,500.

1 The Attorney General would be required to maintain a central
2 registry of all registrations submitted in accordance with this bill's
3 provisions, and would additionally be required to develop a system
4 for making certain offender information from the central registry
5 available to the public on the Internet. The Attorney General would
6 be responsible both for ensuring that the Internet registry contains
7 appropriate warnings and notifications, and for maintaining the
8 accuracy of, and for timely updating the information contained
9 therein. An Animal cruelty offender Internet Registry Advisory
10 Council would be established to consult with and make
11 recommendations to the Attorney General concerning the
12 publication of registration records on the Internet.

13 All records maintained pursuant to the bill would be open to any
14 law enforcement agency in the State, any other state, or the United
15 States government, and would be able to be released to the Office of
16 Animal Welfare in the Department of Health, or to the Division of
17 Child Behavioral Health Services, the Division of Prevention and
18 Community Partnerships, or the Division of Youth and Family
19 Services in the Department of Children and Families for use in
20 carrying out the office's and the divisions' respective
21 responsibilities under law. Any official would be immune from
22 civil liability for damages for any discretionary decision to release
23 relevant records unless it is shown that the official acted with gross
24 negligence or in bad faith.

25 Upon receipt of an offender's registration or notification of an
26 offender's change in address, and pursuant to the procedures
27 outlined in the bill's provisions, the chief law enforcement officer
28 of the municipality (or county) wherein the offender's primary
29 residence and secondary residence, if any, is located, or wherein the
30 offender is generally present if a non-resident or a homeless
31 resident of the State, would be required to provide notification to
32 the community of the offender's presence therein, in accordance
33 with guidelines to be established by the Attorney General relating to
34 the offender's risk of re-offense.

35 The bill would establish a temporary advisory council to assist
36 the Attorney General in establishing these guidelines and
37 procedures for risk assessment and community notification. The
38 bill would require the Attorney General to consider various factors
39 relevant to an offender's risk of re-offense, and would require the
40 regulations adopted by the Attorney General to provide for two tiers
41 of community notification based on whether the offender is
42 determined to have a low risk of re-offense, or whether the offender
43 is determined to have a moderate or high risk of re-offense.

44 The bill would require the regulations adopted by the Attorney
45 General to prohibit a "low risk" categorization in a case where the
46 registered animal cruelty offender (1) has more than one prior
47 conviction for an animal cruelty offense, as defined by the bill, (2)
48 has one prior conviction for an animal cruelty offense in addition to

1 one or more convictions for a violent offense against a person, or
2 (3) has been diagnosed with Conduct Disorder – a disorder
3 characterized by a general and ongoing disregard for societal laws
4 and the feelings of others, and for which animal abuse is a
5 symptom.

6 In the case that an offender is determined to have a low risk of
7 re-offense, notification of the offender's presence in the community
8 would be provided only to law enforcement agencies likely to
9 encounter the person, and the person's registration information
10 would be prohibited from publication on the Internet unless such
11 publication is ordered by a court of competent jurisdiction. In the
12 case that an offender is determined to have a moderate or high risk
13 of re-offense, notification of the offender's presence in the
14 community would be provided to law enforcement agencies likely
15 to encounter the offender, as well as to members of the public likely
16 to encounter the offender, and to animal shelters, pet adoption
17 societies, humane societies, veterinarian's offices, and other animal
18 welfare or control groups in the offender's community.
19 Furthermore, registration information for offenders having a
20 moderate to high risk of re-offense would be made available for
21 public viewing, without limitation, on the Internet registry.

22 The bill would require the Attorney General's regulations to
23 ensure that an offender will be provided with notice of the results of
24 the risk assessment and will be afforded an opportunity to have that
25 determination reviewed prior to Internet publication or any
26 notification of community members.

27 Because the courts have found that there may be some limited
28 privacy interest in the disclosure of the offender's exact address, the
29 bill would allow disclosure of the offender's exact address only to
30 individuals and businesses in the offender's community having a
31 particular need for the information, and would prohibit publication
32 of this information on the Internet registry – providing, instead, for
33 the Internet publication only of the general vicinity of the
34 offender's address. Moreover, private citizens and businesses in the
35 offender's community would be entitled to obtain the offender's
36 exact address only after signing a receipt of notice form, prepared
37 by the Attorney General, which explicitly prohibits the disclosure of
38 the offender's exact address to persons who are not members of the
39 household or employees of the business, as the case may be, and
40 which provides express notice that any harassment or harming of
41 the offender, the offender's family, or the offender's property is
42 prohibited and punishable by law.

43 Any information disclosed pursuant to the bill's provisions could
44 be used by any person in any manner to protect an animal at risk, or
45 for any other lawful purpose consistent with the enhancement of
46 public safety. Except in the case of willful or wanton misconduct,
47 any person who provides or fails to provide information to the
48 community, or who discloses or fails to disclose information on the

1 Internet registry in accordance with the bill's provisions, would be
2 immune from civil or criminal action.

3 The bill would provide, however, that any person using the
4 information disclosed pursuant thereto to commit a crime would be
5 guilty of a crime of the third degree, and that any person using the
6 information disclosed to commit a disorderly persons or petty
7 disorderly persons offense would be guilty of a disorderly persons
8 offense and subject to pay a fine of \$500 to \$1,000, in addition to
9 any other penalty imposed. Evidence that a person obtained
10 information about an offender from law enforcement or from the
11 Internet registry within one year prior to committing a criminal
12 offense against that offender would give rise to an inference that the
13 person used information in violation of the bill's provisions.

14 The bill would also provide that any person who uses any
15 information disclosed pursuant to the bill's provisions to encourage,
16 solicit, or assist a registered animal cruelty offender or other person
17 to engage in criminal activity or an animal cruelty offense would be
18 guilty of a crime of the third degree and, in addition to any other
19 penalties provided by law, subject to pay a fine of \$2,500.

20 The bill would additionally prevent the use of information
21 disclosed pursuant thereto for purposes of health or other insurance;
22 loans; credit; education, scholarships, or fellowships; benefits,
23 privileges, or services provided by a business establishment, unless
24 consistent with enhancement of the public safety; or housing and
25 accommodations. However, the bill would specifically allow a
26 humane society, animal welfare organization, or other similar group
27 to use the information disclosed pursuant to its provisions in order
28 to screen applicants for employment or for pet adoption services.
29 The use of any information disclosed pursuant to the bill's
30 provisions for any of the specifically prohibited purposes would
31 make the user of the information liable for actual damages,
32 attorney's fees, and any amount that may be determined by a jury or
33 a court sitting without a jury, which is not less than \$250, and not
34 more than three times the amount of actual damage, or for a civil
35 penalty of not more than \$25,000. Furthermore, the bill would
36 authorize civil action for injunctive or other preventative relief in
37 the case that there is reasonable cause to believe that any person or
38 group is engaged in a pattern of misuse of information disclosed
39 pursuant to the bill's provisions.

40 The bill would establish the "Animal Cruelty Offender
41 Registration Fund," separate and distinct from the General Fund, in
42 order to provide a dedicated source of moneys by which to finance
43 the ongoing administrative and maintenance costs associated with
44 the Animal Cruelty Offender Registry and the expenses associated
45 with the community notifications required under the bill. The fund
46 would be credited with:

- 1 (1) fifty percent of all civil and criminal fines collected by a
2 court in relation to the animal cruelty offenses for which
3 registration is required;
 - 4 (2) any excess fines collected by a court as a result of an
5 offender's failure to register, failure to notify authorities of a
6 change in address, failure to timely verify the offender's address, or
7 falsification of any information in the course of complying with the
8 bill's requirements in this regard;
 - 9 (3) any excess fines collected by a court from the unlawful use
10 of information disclosed pursuant to the act's provisions to
11 encourage, solicit, or assist a registered animal cruelty offender or
12 other person to engage in criminal activity or commit an animal
13 cruelty offense;
 - 14 (4) any interest or other investment income accrued on moneys
15 deposited in the account;
 - 16 (5) any moneys gifted to the fund; and
 - 17 (6) any other moneys appropriated by the Legislature and
18 allocated to the fund for its purposes.
- 19 Finally, the bill would provide that a registered animal cruelty
20 offender may make application to the Superior Court to terminate
21 the obligation to register under this bill upon proof that the person
22 has not committed an animal cruelty offense or an offense
23 constituting violence against humans within 15 years following
24 conviction or release from a correctional facility for any term of
25 imprisonment imposed, whichever is later, and is not likely to pose
26 a threat to the safety of others. A registered animal cruelty offender
27 would also be able to make application to the Attorney General to
28 terminate the obligation to register under this bill upon the
29 submission of evidence, sufficient in the determination of the
30 Attorney General, to establish that the offender no longer maintains
31 primary residence or secondary residence in this State, and will not
32 be present in the State for more than 14 consecutive days, or for an
33 aggregate period of 30 days or more. However, such an offender
34 would be required to re-register with the State in the event that he
35 re-establishes primary residence or secondary residence in the State
36 or re-establishes physical presence therein for the requisite period
37 of time.