

SENATE, No. 381

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

Senator JAMES BEACH

District 6 (Burlington and Camden)

Co-Sponsored by:

Senators Bateman, Greenstein and Holzapfel

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: 5/11/2018)

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).

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.

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1 c. Any law enforcement officer, humane law enforcement
2 officer, animal control officer, animal cruelty investigator, or other
3 appropriate official of a municipality who determines or is notified
4 that a dog, with or without a license, or any other animal, is owned,
5 kept, or harbored by a person whose name is on the list established
6 and maintained pursuant to section 1 of P.L. _____,
7 c. (C. _____) (pending before the Legislature as this bill), shall:
8 (1) confirm that the person is on the list established and
9 maintained pursuant to section 1 of P.L. _____, c. (C. _____) (pending
10 before the Legislature as this bill) and owns, keeps, or harbors a dog
11 or other animal;
12 (2) seize and confiscate the dog or other animal; and
13 (3) petition the appropriate court with jurisdiction for the proper
14 disposition of the animal at the earliest opportunity following the
15 seizure and confiscation.

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

19 3. a. (1) For the purposes of establishing the list of persons
20 not eligible to be certified animal control officers as required
21 pursuant to subsections b. and c. of section 3 of P.L.1983,
22 c.525 (C.4:19-15.16a), notice shall be provided, the court or other
23 official administrative entity maintaining records of any person who
24 has been convicted of, or found civilly liable for, a violation of any
25 provision of chapter 22 of Title 4 of the Revised Statutes, shall
26 provide notice to the Commissioner of Health and Senior Services,
27 within 90 days after the effective date of [this section, to the
28 Commissioner of Health and Senior Services of any person who has
29 been convicted of, or found civilly liable for, a violation of any
30 provision of chapter 22 of Title 4 of the Revised Statutes, by any
31 court or other official administrative entity maintaining records]
32 P.L.2003, c.67 of such violations adjudged on or before the
33 effective date of [this section] P.L.2003, c.67.

34 (2) For the purposes of establishing the list of persons
35 prohibited from owning, keeping, or harboring a dog or other
36 animal pursuant to sections 1 and 2 of P.L. _____, c. (C. _____) (pending
37 before the Legislature as this bill), the court or other official
38 administrative entity maintaining records of any person who has
39 been convicted of, or found civilly liable for, a violation of any
40 provision of chapter 22 of Title 4 of the Revised Statutes, shall
41 provide notice to the Commissioner of Health and Senior Services,
42 within 90 days after the effective date of P.L. _____,
43 c. (C. _____) (pending before the Legislature as this bill), of such
44 violations adjudged on or before the effective date of P.L. _____,
45 c. (C. _____) (pending before the Legislature as this bill).

46 b. For the purposes of maintaining the list of persons not
47 eligible to be certified animal control officers as established
48 pursuant to subsections b. and c. of section 3 of P.L.1983,

1 c.525 (C.4:19-15.16a), or persons prohibited from owning,
2 keeping, or harboring a dog or other animal pursuant to sections 1
3 and 2 of P.L. ,c. (C.) (pending before the Legislature as this
4 bill), the court or other official adjudging the guilt or liability for a
5 violation of any provision of chapter 22 of Title 4 of the Revised
6 Statutes, shall charge the prosecutor, officer of the New Jersey
7 Society for the Prevention of Cruelty to Animals or the county
8 society for the prevention of cruelty to animals, or other appropriate
9 person, other than a certified animal control officer, with the
10 responsibility to notify within 30 days the commissioner, in writing,
11 of the full name of the person found guilty of, or liable for, an
12 applicable violation, and the violation for which or of which that
13 person was found guilty or liable, and the person charged with the
14 responsibility shall provide such notice.
15 (cf: P.L.2005, c.372, s.21)

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17 4. This act shall take effect on the 180th day after January 1
18 next following enactment.

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STATEMENT

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23 This bill prohibits any person found guilty of, or liable for, a
24 violation of the State animal cruelty laws from owning, keeping, or
25 harboring an animal. The bill prohibits any such person from
26 licensing or registering a dog or cat. The bill also provides for the
27 seizure and confiscation of animals from people convicted of, or
28 liable for, a violation of the animal cruelty laws.

29 The bill also directs the Department of Health and Senior
30 Services to establish a readily identifiable location on the
31 department's website where any member of the public may access
32 the list of such violators. The department is currently required to
33 maintain such a list for persons ineligible to be animal control
34 officers. The bill further directs the department to confirm there are
35 no changes to the online list or update the online list at that location
36 at least every 30 days. Finally, the bill directs the department to
37 issue to each municipal clerk, and to each kennel, shelter, pound,
38 and pet shop known to the department, as soon as practicable, a
39 notice in writing with information about the list and how it can be
40 accessed.