

ASSEMBLY, No. 944

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

SYNOPSIS

Prohibits New Jersey Racing Commission from issuing licenses or granting permits to, or employing, persons convicted of or found liable for animal cruelty offenses.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning horse racing and animal cruelty and amending
2 Title 5 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. Section 14 of P.L.1940, c.17 (C.5:5-34) is amended to read
8 as follows:

9 14. a. No person shall be licensed in any capacity whatsoever
10 by the New Jersey Racing Commission or employed in any capacity
11 whatsoever at any place, track or enclosure where a horse race
12 meeting is permitted who has been convicted of a crime involving
13 moral turpitude, or who has been:

14 (1) convicted of, or found liable for, an animal cruelty violation
15 pursuant to P.L.2002, c.102 (C.4:19-38 et seq.), chapter 22 of Title
16 4 of the Revised Statutes, or R.S.39:4-23; or

17 (2) convicted of a criminal offense involving an animal pursuant
18 to Title 2C of the New Jersey Statutes.

19 Each person seeking licensure or employment shall submit to the
20 executive director the person's name, address and written consent
21 for a criminal history record background check to be performed.
22 The applicant shall submit to being fingerprinted in accordance with
23 applicable State and federal laws, rules and regulations. The
24 executive director is authorized to receive criminal history record
25 information from the State Bureau of Identification in the Division
26 of State Police and the Federal Bureau of Investigation consistent
27 with applicable State and federal laws, rules and regulations. Upon
28 receipt of such notification, the executive director shall make a
29 determination regarding the person's eligibility for licensure or
30 employment. The applicant shall bear the cost for the criminal
31 history record background check, including all costs of
32 administering and processing the check. The Division of State
33 Police shall promptly notify the executive director in the event a
34 current or prospective licensee or employee, who was the subject of
35 a criminal history record background check pursuant to this section,
36 is convicted of a crime or offense in this State after the date the
37 background check was performed.

38 b. The commission shall revoke the license of a person who
39 was convicted of, or found liable for, an animal cruelty violation or
40 crime involving an animal enumerated in subsection a. of this
41 section, upon discovery and confirmation that the person has been
42 convicted or found liable of the violation or the crime, as
43 applicable.

44 (cf: P.L.2003, c.199, s.2)

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 2. Section 18 of P.L.1940, c.17 (C.5:5-38) is amended to read
2 as follows:

3 18. a. Each person, partnership, association or corporation
4 desiring to hold or conduct a horse race meeting within the State of
5 New Jersey, during any calendar year, shall file with the
6 commission an application for a permit to hold or conduct such
7 horse race meeting. A separate application shall be filed for each
8 horse race meeting which such applicant proposes to hold or
9 conduct. Any such application, if made by an individual, shall be
10 signed and verified under oath by such individual, and if made by
11 two or more individuals or a partnership, shall be signed and
12 verified under oath by at least two of such individuals, or members
13 of such partnership, as the case may be. If made by an association
14 or corporation, it shall be signed by the president or vice-president
15 thereof, and attested by the secretary or assistant secretary under the
16 seal of such association or corporation, if it has a seal, and shall
17 also be verified under oath by one of the officers signing the same.
18 Such application shall specify the name of the person, association
19 or corporation making such application, and the post-office address
20 of the applicant; and if applicant is a corporation or an association,
21 the names and addresses of the directors thereof, and the name and
22 address of each owner or holder, directly or indirectly, of any share
23 of stock or certificate or other evidence of ownership of any
24 interest in such corporation or association and if a partnership, the
25 names and addresses of all partners, general or limited. If the
26 applicant is a corporation, the name of the State of its incorporation
27 shall be specified. Such application shall further specify the dates
28 on which it is intended to conduct or hold such horse race meeting,
29 the hours of each racing day between which it is intended to hold or
30 conduct horse racing at such meeting, which shall be between the
31 hours of 12 o'clock noon and 6 o'clock P.M., Eastern Standard Time
32 (exclusive of Sundays, on which day no race meeting may be
33 conducted), and the location of the place, track or enclosure where
34 it is proposed to hold or conduct such horse race meeting. Such
35 application shall be in such form and supply such data including a
36 blueprint of track and specifications of surface of same and
37 blueprint and specifications of buildings and grandstand applicant,
38 as the commission shall prescribe, which said blueprints and
39 specifications shall be subject to the approval of the commission.
40 The commission shall furnish forms to be used in making such
41 applications, and all applications shall be made on such forms.

42 All applications filed with the commission for permits to hold or
43 conduct horse race meetings shall be available for public inspection
44 at the commission's office during ordinary business hours.

45 b. The commission shall not approve any application to hold or
46 conduct a horse racing meeting or grant any permit, including a
47 special permit authorized pursuant to section 1 of P.L.2013, c.163

1 (C.5:5-38.1), to a person who, or an applicant of which an owner,
2 director, or manager, was previously:

3 (1) convicted of, or found liable for, an animal cruelty violation
4 pursuant to P.L.2002, c.102 (C.4:19-38 et seq.), chapter 22 of Title
5 4 of the Revised Statutes, or R.S.39:4-23; or

6 (2) convicted of a criminal offense involving an animal pursuant
7 to Title 2C of the New Jersey Statutes.

8 The commission shall revoke any permit granted before the
9 effective date of P.L. , c. (C.) (pending before the Legislature
10 as this bill) if the person holding the permit, or an owner, director,
11 or manager of the permit holder, has been convicted of, or found
12 liable for, an animal cruelty violation or crime involving an animal
13 as provided in paragraph (1) or (2) of this subsection.

14 (cf: P.L.1954, c.239, s.1)

15
16 3. This act shall take effect immediately.

17
18
19 STATEMENT

20
21 This bill amends current law to prohibit a person from being
22 licensed by the New Jersey Racing Commission in any capacity
23 whatsoever, or being employed in any capacity whatsoever at any
24 place, track or enclosure where a horse race meeting is permitted
25 who was previously:

26 1) convicted of, or found liable for, an animal cruelty violation
27 pursuant to P.L.2002, c.102 (C.4:19-38 et seq.), chapter 22 of Title
28 4 of the Revised Statutes, or R.S.39:4-23; or

29 2) convicted of a criminal offense involving an animal pursuant
30 to Title 2C of the New Jersey Statutes.

31 The bill also prohibits the New Jersey Racing Commission from
32 approving a permit application or granting a permit to hold or
33 conduct a horse racing meeting to a person, or an applicant of which
34 an owner, director, or manager was previously convicted of, or
35 found liable for, any of those animal cruelty violations or crimes.

36 Furthermore, the New Jersey Racing Commission is directed to
37 revoke the license or permit of any such person or applicant.