

ASSEMBLY, No. 1355

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 14 (Mercer and Middlesex)

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SYNOPSIS

Establishes animal abuser registry; prohibits person convicted of criminal animal cruelty violation from owning, keeping, or harboring any animal, and establishes enforcement mechanisms therefor.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

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

8 1. (New section) a. The Department of Health shall establish
9 and maintain on its Internet website an animal abuser registry. The
10 animal abuser registry shall provide:

11 (1) the full legal name of any person who has been convicted of
12 a criminal animal cruelty violation of any applicable provision of
13 chapter 22 of Title 4 of the Revised Statutes, P.L.2002, c.102
14 (C.4:19-38 et seq.), section 1 of P.L.1983, c.261 (C.2C:29-3.1);
15 section 1 of P.L.2013, c.205 (C.2C:29-3.2), P.L.2015, c.85
16 (C.2C:33-31 et seq.), or R.S.39:4-23;

17 (2) if the person was photographed as part of a booking process,
18 the photograph taken at that time; and

19 (3) any other information permitted by law and determined by
20 the department to properly identify the animal abuser and exclude
21 innocent persons.

22 b. The animal abuser registry shall not include the Social
23 Security number, driver's license number, or any other State or
24 federal identification number of any person.
25

26 2. Section 4 of P.L.2003, c.67 (C.2B:12-17.1) is amended to
27 read as follows:

28 4. a. As required pursuant to section 3 of P.L.2003, c.67
29 (C.4:22-57), a court adjudging guilt or liability for [a] an animal
30 cruelty violation of any provision of chapter 22 of Title 4 of the
31 Revised Statutes, P.L.2002, c.102 (C.4:19-38 et seq.), section 1 of
32 P.L.1983, c.261 (C.2C:29-3.1), section 1 of P.L.2013, c.205
33 (C.2C:29-3.2), P.L.2015, c.85 (C.2C:33-31 et seq.), or R.S.39:4-23,
34 shall charge the prosecutor or other appropriate person, other than a
35 certified animal control officer, with the responsibility to notify
36 within 30 days the Commissioner of Health, in writing, of the full
37 name of the person found guilty of, or liable for, [an] the
38 applicable violation, and the violation for which or of which that
39 person was found guilty or liable, and the person charged with the
40 responsibility shall provide such notice. Any other information
41 available to properly identify the animal abuser and exclude
42 innocent persons shall also be provided.

43 b. As required pursuant to section 5 of P.L. __, c. __ (C. __)
44 (pending before the Legislature as this bill), a court adjudging guilt
45 for a criminal animal cruelty violation of any provision of chapter

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 22 of Title 4 of the Revised Statutes, P.L.2002, c.102 (C.4:19-38 et
2 seq.), section 1 of P.L.1983, c.261 (C.2C:29-3.1), section 1 of
3 P.L.2013, c.205 (C.2C:29-3.2), P.L.2015, c.85 (C.2C:33-31 et seq.),
4 or R.S.39:4-23, shall charge the prosecutor or other appropriate
5 person with the responsibility to notify within 30 days the
6 Commissioner of Health, in writing, of the full name of the person
7 found guilty of the applicable criminal violation, and the criminal
8 violation for which or of which that person was found guilty, and
9 the person charged with the responsibility shall provide such notice.
10 Any other information available to properly identify the animal
11 abuser and exclude innocent persons shall also be provided.
12 (cf: P.L.2017, c.331, s.1)

13
14 3. Section 3 of P.L.1983, c.525 (C.4:19-15.16a) is amended to
15 read as follows:

16 3. a. The Commissioner of Health shall, within 120 days after
17 the effective date of P.L.1983, c.525, and pursuant to the
18 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
19 seq.), adopt rules and regulations concerning the training and
20 educational qualifications for the certification of animal control
21 officers, including, but not limited to, a course of study approved by
22 the commissioner and the Police Training Commission, in
23 consultation with the New Jersey Certified Animal Control Officers
24 Association, which acquaints a person with:

25 (1) The law as it affects animal control, animal welfare, and
26 animal cruelty;

27 (2) Animal behavior and the handling of stray or diseased
28 animals; and

29 (3) Community safety as it relates to animal control.

30 (4) (Deleted by amendment, P.L.2017, c.331)

31 Any person 18 years of age or older may satisfy the courses of
32 study established pursuant to this subsection at that person's own
33 time and expense; however, nothing in this section shall be
34 construed as authorizing a person to exercise the powers and duties
35 of an animal control officer absent municipal appointment or
36 authorization pursuant to section 4 of P.L.1983, c.525 (C.4:19-
37 15.16b).

38 b. (1) The commissioner shall provide for the issuance of a
39 certificate to a person who possesses, or acquires, the training and
40 education required to qualify as a certified animal control officer
41 pursuant to paragraphs (1) through (3) of subsection a. of this
42 section and to a person who has been employed in the State of New
43 Jersey in the capacity of, and with similar responsibilities to those
44 required of, a certified animal control officer pursuant to the
45 provisions of P.L.1983, c.525, for a period of three years before
46 January 17, 1987. The commissioner shall not issue a certificate to
47 any person convicted of, or found civilly liable for, **[a]** an animal

1 cruelty violation of any provision of chapter 22 of Title 4 of the
2 Revised Statutes, P.L.2002, c.102 (C.4:19-38 et seq.), section 1 of
3 P.L.1983, c.261 (C.2C:29-3.1), section 1 of P.L.2013, c.205
4 (C.2C:29-3.2), P.L.2015, c.85 (C.2C:33-31 et seq.), or R.S.39:4-23.

5 (2) The commissioner shall revoke the certificate of any person
6 convicted of, or found civilly liable for, **[a]** an animal cruelty
7 violation of any provision of chapter 22 of Title 4 of the Revised
8 Statutes, P.L.2002, c.102 (C.4:19-38 et seq.), section 1 of P.L.1983,
9 c.261 (C.2C:29-3.1), section 1 of P.L.2013, c.205 (C.2C:29-3.2),
10 P.L.2015, c.85 (C.2C:33-31 et seq.), or R.S.39:4-23, and shall place
11 the name of the person on the list established pursuant to subsection
12 c. of this section.

13 c. (1) The commissioner shall establish a list of all persons
14 issued a certificate pursuant to subsection b. of this section (a) for
15 whom that certificate has been revoked, or (b) who have been
16 convicted of, or found civilly liable for, **[a]** an animal cruelty
17 violation of any provision of chapter 22 of Title 4 of the Revised
18 Statutes, P.L.2002, c.102 (C.4:19-38 et seq.), section 1 of P.L.1983,
19 c.261 (C.2C:29-3.1), section 1 of P.L.2013, c.205 (C.2C:29-3.2),
20 P.L.2015, c.85 (C.2C:33-31 et seq.), or R.S.39:4-23. The
21 commissioner shall provide each municipality in the State with a
22 copy of this list within 30 days after the list is established and not
23 less often than annually thereafter if no revised list required
24 pursuant to paragraph (2) of this subsection has been issued in the
25 interim.

26 (2) Upon receipt of a notice required pursuant to section 3 or 4
27 of P.L.2003, c.67 (C.4:22-57 or C.2B:12-17.1) involving a person
28 who has been issued a certificate pursuant to subsection b. of this
29 section, the commissioner shall add to the list the name of the
30 person convicted of, or found civilly liable for, **[a]** an animal
31 cruelty violation of any provision of chapter 22 of Title 4 of the
32 Revised Statutes, P.L.2002, c.102 (C.4:19-38 et seq.), section 1 of
33 P.L.1983, c.261 (C.2C:29-3.1), P.L.2013, c.205 (C.2C:29-3.2),
34 P.L.2015, c.85 (C.2C:33-31 et seq.), or R.S.39:4-23, according to
35 the notice, and shall issue a copy of the revised list to each
36 municipality within 30 days after receipt of any notice.

37 d. After the Department of Health establishes on its Internet
38 website the animal abuser registry pursuant to section 1 of
39 P.L. , c. (C.) (pending before the Legislature as this bill), the
40 commissioner may use the animal abuser registry to update and
41 maintain the list required pursuant to paragraph (1) of subsection c.
42 of this section.

43 (cf: P.L.2017, c.331, s.5)

44
45 4. Section 3 of P.L.2003, c.67 (C.4:22-57) is amended to read
46 as follows:

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

1 b. For the purposes of maintaining the list of persons not
2 eligible to be a certified animal control officer, municipal humane
3 law enforcement officer, humane law enforcement officer of a
4 county society for the prevention of cruelty to animals, or designee
5 pursuant to subsection a. of section 28 of P.L.2017, c.331 (C.4:22-
6 11.16), as established pursuant to subsections b. and c. of section 3
7 of P.L.1983, c.525 (C.4:19-15.16a), **【the】** a court **【or other**
8 **official】** adjudging the guilt or liability for **【a】** an animal cruelty
9 violation of any provision of **【article 2 of】** chapter 22 of Title 4 of
10 the Revised Statutes, P.L.2002, c.102 (C.4:19-38 et seq.), section 1
11 of P.L.1983, c.261 (C.2C:29-3.1); section 1 of P.L.2013, c.205
12 (C.2C:29-3.2), P.L.2015, c.85 (C.2C:33-31 et seq.), or R.S.39:4-23,
13 shall charge the prosecutor or other appropriate person, other than a
14 certified animal control officer, with the responsibility to notify
15 within 30 days the **【commissioner】** Commissioner of Health, in
16 writing, of the full name of the person found guilty of, or liable for,
17 **【an】** the applicable violation, and the violation for which or of
18 which that person was found guilty or liable, and the person
19 charged with the responsibility shall provide such notice.
20 (cf: P.L.2017, c.331, s.24)

21
22 5. (New section) a. For the purposes of establishing the
23 animal abuser registry pursuant to section 1 of P.L. , c. (C.)
24 (pending before the Legislature as this bill), no later than 90 days
25 after the effective date of P.L. , c. (C.) (pending before the
26 Legislature as this bill), the Administrative Office of the Courts, the
27 Department of Law and Public Safety, and any other appropriate
28 governmental entity maintaining records of animal cruelty
29 violations, shall submit to the Commissioner of Health the name
30 and other appropriate identifying information of any person who
31 has been convicted in the last 10 years of a criminal animal cruelty
32 violation of the first, second, third, or fourth degree of:

33 (1) any provision of chapter 22 of Title 4 of the Revised
34 Statutes;

35 (2) P.L.2002, c.102 (C.4:19-38 et seq.);

36 (3) section 1 of P.L.1983, c.261 (C.2C:29-3.1);

37 (4) section 1 of P.L.2013, c.205 (C.2C:29-3.2);

38 (5) P.L.2015, c.85 (C.2C:33-31 et seq.); or

39 (6) R.S.39:4-23.

40 The Administrative Office of the Courts shall not be required to
41 provide records pursuant to this subsection of any disorderly
42 persons offense, petty disorderly persons offense, or civil violation.

43 b. For the purposes of maintaining the animal abuser registry
44 established pursuant to section 1 of P.L. , c. (C.) (pending
45 before the Legislature as this bill), a court adjudging the guilt for a
46 criminal animal cruelty violation of any provision of chapter 22 of
47 Title 4 of the Revised Statutes, P.L.2002, c.102 (C.4:19-38 et seq.),

1 section 1 of P.L.1983, c.261 (C.2C:29-3.1); section 1 of P.L.2013,
2 c.205 (C.2C:29-3.2), P.L.2015, c.85 (C.2C:33-31 et seq.), or
3 R.S.39:4-23, shall charge the prosecutor or other appropriate person
4 with the responsibility to notify within 30 days the Commissioner
5 of Health, in writing, of the full name of the person convicted of the
6 applicable criminal animal cruelty violation, and the criminal
7 animal cruelty violation for which or of which that person was
8 found guilty, and the person charged with the responsibility shall
9 provide such notice.

10
11 6. (New section) a. No person who has been convicted of a
12 criminal animal cruelty violation of any applicable provision of
13 chapter 22 of Title 4 of the Revised Statutes, P.L.2002, c.102
14 (C.4:19-38 et seq.), section 1 of P.L.1983, c.261 (C.2C:29-3.1);
15 section 1 of P.L.2013, c.205 (C.2C:29-3.2), P.L.2015, c.85
16 (C.2C:33-31 et seq.), or R.S.39:4-23 may own, keep, or otherwise
17 harbor an animal in the State.

18 b. No clerk of a municipality or other official with the authority
19 to issue dog or cat licenses, registrations, or other similar
20 instruments confirming ownership of an animal may issue a license,
21 registration, or similar instrument to any person whose name is on
22 the animal abuser registry established pursuant to section 1 of
23 P.L. , c. (C.) (pending before the Legislature as this bill).

24 c. Any law enforcement officer, humane law enforcement
25 officer, animal control officer, animal cruelty investigator, or other
26 appropriate official of a municipality who determines or is notified
27 that a dog, with or without a license, or any other animal, is owned,
28 kept, or harbored by a person whose name is on the animal abuser
29 registry established pursuant to section 1 of P.L. , c. (C.)
30 (pending before the Legislature as this bill), shall:

31 (1) confirm that the person is on the animal abuser registry
32 established pursuant to section 1 of P.L. , c. (C.) (pending
33 before the Legislature as this bill) and owns, keeps, or harbors a dog
34 or other animal;

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

36 (3) petition the appropriate court with jurisdiction for the proper
37 disposition of the animal at the earliest opportunity following the
38 seizure and confiscation.

39
40 7. (New section) a. Prior to selling or transferring any
41 animal, a kennel, pet shop, shelter, pound, or animal rescue
42 organization shall first consult the animal abuser registry
43 established pursuant to section 1 of P.L. , c. (C.) (pending
44 before the Legislature as this bill) to determine whether the person
45 seeking to purchase or acquire the animal is included on the
46 registry.

47 b. A kennel, pet shop, shelter, pound, or animal rescue
48 organization shall not knowingly sell or transfer any animal to a

1 person who is included on the animal abuser registry established
2 pursuant to section 1 of P.L. , c. (C.) (pending before the
3 Legislature as this bill).

4
5 8. This act shall take effect on the January 1 next following
6 enactment.

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8
9 STATEMENT

10
11 This bill directs the Department of Health (DOH) to establish an
12 animal abuser registry, provides a process by which persons who
13 have previously been convicted and persons who are newly
14 convicted of a criminal animal cruelty violation are to be included
15 on the animal abuser registry, and updates current law concerning
16 persons ineligible to be an animal control officer due to a
17 conviction for an animal cruelty violation. The bill is to take effect
18 on January 1 next following enactment.

19 Under the bill, the DOH is required to establish the animal
20 abuser registry and publish the registry on its website. For the
21 purpose of establishing the animal abuser registry, the bill requires
22 the Administrative Office of the Courts, the Department of Law and
23 Public Safety, and any other governmental or other official
24 administrative entity maintaining records of criminal animal cruelty
25 convictions to provide notice to the Commissioner of Health
26 (Commissioner) of any person who has been convicted in the last
27 10 years of a criminal animal cruelty violation. The bill requires
28 this notice to be provided to the commissioner electronically or in
29 writing, within 90 days after the effective date of the bill.

30 For the purpose of maintaining the animal abuser registry, the
31 bill requires a court adjudging the guilt for a criminal animal cruelty
32 violation to charge the prosecutor or other appropriate person, with
33 the responsibility to notify the commissioner with the full name of
34 the person convicted of the criminal animal cruelty violation and
35 the criminal animal cruelty violation for which or of which that
36 person was found guilty. The bill requires the person charged with
37 the responsibility to provide notice to the commissioner within 30
38 days.

39 The bill expands the criminal violations related to animal abuse
40 that disqualify an individual from serving as a certified animal
41 control officer, and permits the commissioner to use the animal
42 abuser registry to maintain a list of persons ineligible to be animal
43 control officers due to a conviction for animal cruelty.

44 The bill prohibits a person found guilty of, or liable for, a
45 violation of the State animal cruelty laws from owning, keeping, or
46 harboring an animal. The bill prohibits a convicted person from
47 licensing or registering a dog or cat. The bill requires kennels, pet
48 shops, shelters, pounds, and animal rescue organizations to consult

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1 the animal abuser registry to see if a person seeking to purchase or
2 acquire an animal is on the registry, and not to sell or transfer an
3 animal to any person on the registry. The bill also provides for the
4 seizure and confiscation of animals from people convicted of, or
5 liable for, a violation of the animal cruelty laws.