ASSEMBLY, No. 1355

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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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.

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

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

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

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

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

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

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

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

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

b. As required pursuant to section 5 of P.L. , c. (C.) (pending before the Legislature as this bill), a court adjudging guilt 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.

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

(cf: P.L.2017, c.331, s.1)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATEMENT

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

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

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

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

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

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