

ASSEMBLY, No. 3307

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

Assemblyman JOHN CATALANO

District 10 (Ocean)

SYNOPSIS

Establishes NJ Animal Abuser Registry.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing the New Jersey Animal Abuser 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 "New Jersey Animal Abuser 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 abuse 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 abuse 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) A system requiring the registration of animal abuse
18 offenders, which utilizes complete and accurate data, will provide
19 law enforcement with additional information that may be critical to
20 preventing and appropriately responding to incidents of violence in
21 the community, and will allow law enforcement officials to alert the
22 public as to the presence of these violent offenders within the
23 community, when necessary to promote the public safety.

24 (10) The registration of animal abuse 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 abuser registry system that will require the continuing registration
38 of animal abuse 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 abuse 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.4:22-23, or R.S.4:22-24; or the commission of an act that
48 constitutes a civil offense under sections a., c., e., f., g., h., j., k., t.,

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

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

7 "Animal Abuser Registry" means the centralized registry
8 established by the Attorney General pursuant to subsection d. of
9 section 8 of this act, which contains information pertaining to all
10 registered animal abuse 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 abuse 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 8
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 8 of this act, which
27 contains information provided by the offender as required by
28 paragraph (1) of subsection b. of section 8 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 abuse offender" means a person who has
45 been convicted of an animal abuse 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 abuse 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 11 of this act, that an
6 animal abuse offender will, in the future, commit another animal
7 abuse 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 abuse 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 abuse 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 abuse 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 abuse 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 abuse offender
31 who maintains primary residence or secondary residence in, or is a
32 homeless resident of, this State, and who is convicted of an animal
33 abuse offense in another state or jurisdiction following the effective
34 date of this act, shall register, within 10 days after the date of
35 conviction or the date of the offender's release from incarceration,
36 whichever is later, with the chief law enforcement officer of the
37 municipality in which the offender's primary residence and
38 secondary residence, if any, is located, or in which the offender is
39 physically present, or if the municipality does not have a local
40 police force, with the chief law enforcement officer of the county in
41 which the offender's primary residence or secondary residence, if
42 any, is located, or in which the offender is physically present;

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

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

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

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

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

1 c. An animal abuse offender who fails to register as required
2 by subsection b. of this section, or who falsifies information when
3 complying with the registration requirements set forth in that
4 subsection, shall be guilty of a crime of the third degree, and shall,
5 in addition to any other penalties provided by law, be subject to pay
6 a fine of \$2,500, which shall be deposited into the Animal Abuser
7 Registry Fund established in accordance with section 19 of this act.

8
9 5. (New section) a. Upon a change of address, a registered
10 animal abuse offender shall notify the law enforcement agency with
11 which the offender is currently registered, and shall re-register with
12 the appropriate law enforcement agency no less than 10 days before
13 the offender intends to first reside at the new address. A registered
14 animal abuse offender shall notify the appropriate law enforcement
15 agencies no later than five days after a change of employment or
16 school enrollment status.

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

23 c. A registered animal abuse offender who fails to notify the
24 appropriate law enforcement agency of a change of address or status
25 in accordance with subsection a. of this section, or who fails to
26 verify his address as required by subsection b. of this section, or
27 who falsifies information in complying with either subsection, shall
28 be guilty of a crime of the fourth degree, and shall, in addition to
29 any other penalties provided by law, be subject to pay a fine of
30 \$1,500, which shall be deposited into the Animal Abuser Registry
31 Fund established in accordance with section 19 of this act.

32
33 6. (New section) a. Except as provided in subsection b. of this
34 section, a registered animal abuse offender may make application to
35 the Superior Court to terminate the obligation to register upon proof
36 that the person has not committed an animal abuse offense or an
37 offense constituting violence against humans within 15 years
38 following conviction or release from a correctional facility for any
39 term of imprisonment imposed, whichever is later, and is not likely
40 to pose a threat to the safety of others.

41 b. A registered animal abuse offender who has been convicted
42 of more than one animal abuse offense as defined by this act, or
43 who has been convicted of one animal abuse offense and one or
44 more subsequent violent offenses against humans shall not be
45 eligible under subsection a. of this section to make application to
46 the Superior Court to terminate the registration obligation.

47 c. The Attorney General shall terminate a registered animal
48 abuse offender's obligation to register pursuant to this act upon the

1 offender's submission of evidence sufficient to prove, in the
2 judgment of the Attorney General, that the offender no longer
3 maintains primary residence or secondary residence in the State and
4 will not, for any reason, be physically present in the State for more
5 than 14 consecutive days or for an aggregate period of 30 days or
6 more in a calendar year. If, following the termination of an
7 offender's registration obligation pursuant to this subsection, there
8 is a change in the offender's residential status or an increase in the
9 amount of time the offender is present in the State, such that
10 registration would again be required pursuant to section 4 of this
11 act, the offender shall re-register with the appropriate registering
12 agency in compliance with the provisions of section 4 of this act,
13 and shall be subject to the penalties provided therein for
14 noncompliance.

15

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

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

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

30

31 8. (New section) a. Within 60 days after the effective date of
32 this act, the Attorney General shall prepare the form of registration
33 statement as required in subsection b. of this section, and shall
34 provide copies of this form to each local law enforcement agency in
35 the State, and to the Administrative Office of the Courts. The
36 Administrative Office of the Courts shall forward copies of the
37 form of registration statement to each civil and criminal judge in the
38 State.

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

40 (1) A statement in writing, signed by the animal abuse offender
41 who is required to register, acknowledging that the offender has
42 been advised of the duty to register as imposed by this act, and
43 including the offender's name, social security number, age, race,
44 sex, date of birth, height, weight, hair and eye color; description of
45 any physical evidentiary markers, such as moles, birthmarks, scars,
46 piercings, or tattoos; address of primary residence and secondary
47 residence if any, or county and municipality of physical presence if
48 a non-resident or homeless resident; address of any anticipated or

1 current places of employment; any anticipated or current school
2 enrollment; the commission date and a brief description of the
3 conviction offenses for which registration is required; and the
4 indictment number or civil case number associated with each such
5 conviction offense;

6 (2) A photograph showing the head and shoulders of the
7 offender, which may be a photograph taken at the time of the
8 offender's registration, or a passport photograph paid for and
9 provided by the offender, or the photograph used on the offender's
10 driver's license or State identification card; and

11 (3) Any other information that the Attorney General deems
12 necessary to properly inform the public about the identity of the
13 animal abuse offender and to assess the offender's risk of re-
14 offense, including criminal and corrections records, and non-
15 privileged personnel, treatment, and abuse registry records, when
16 available.

17 c. Within five days after receipt of an offender's form of
18 registration submitted in accordance with the provisions of this act,
19 the registering authority shall forward the contents of the form of
20 registration to the Attorney General. In the event that the
21 registering authority is a court, the Attorney General shall, upon
22 receipt of the offender's form of registration, transmit the same to
23 the law enforcement agencies responsible for the municipalities in
24 which the offender's primary residence and secondary residence, if
25 any, is or will be located, or in which the offender will be
26 physically present, if a non-resident or a homeless resident. If the
27 respective municipalities do not have a law enforcement agency, the
28 Attorney General shall forward the form of registration to the
29 appropriate law enforcement agencies responsible for the counties
30 in which the offender's primary residence or secondary residence, if
31 any, is or will be located, or in which the offender will be
32 physically present, if a non-resident or a homeless resident.

33 d. The Attorney General shall maintain a central registry of all
34 registrations provided pursuant to this act, which shall be known as
35 the New Jersey Animal Abuser Registry. The Attorney General
36 shall authorize the disclosure of information contained in the
37 Animal Abuser Registry only to the extent provided by, and in a
38 manner consistent with, the provisions of sections 9, 11, and 13 of
39 this act.

40
41 9. (New section) a. Records maintained pursuant to this act
42 shall be open to any law enforcement agency in this State, any other
43 state, or the United States government, and may be released to the
44 Office of Animal Welfare in the Department of Health and Senior
45 Services, or to the Division of Child Behavioral Health Services,
46 the Division of Prevention and Community Partnerships, or the
47 Division of Youth and Family Services in the Department of
48 Children and Families, for use in carrying out the office's and the

1 divisions' respective responsibilities under law. Law enforcement
2 agencies in this State shall be authorized to release relevant and
3 necessary information regarding animal abuse offenders to the
4 public when the release of the information is necessary for public
5 protection in accordance with the provisions of this act.

6 b. A public official, public employee, or public agency is
7 immune from civil liability for damages for any discretionary
8 decision to release relevant and necessary information to other
9 employees or officials or to the general public, in accordance with
10 this section, unless it is shown that the official, employee, or agency
11 acted with gross negligence or in bad faith.

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

16 d. Nothing in this section shall be construed to prevent law
17 enforcement officers from notifying members of the public exposed
18 to danger by any registered animal abuse offender under
19 circumstances that are not enumerated in this act.

20

21 10. (New section) a. After receiving an offender's form of
22 registration, submitted by the offender in accordance with section 4
23 of this act, or forwarded by the Attorney General in accordance
24 with subsection c. of section 8 of this act, the chief law enforcement
25 officer of the municipality in which the offender's primary
26 residence is or will be located, and the chief law enforcement
27 officer of the municipality in which the offender's secondary
28 residence, if any, is or will be located, shall provide notification to
29 the community, in accordance with the guidelines and procedures
30 established by the Attorney General pursuant to section 11 of this
31 act, regarding the offender's presence therein. If the municipality
32 does not have a police force, the chief law enforcement officer of
33 the county in which the offender's primary residence or secondary
34 residence is located, as the case may be, shall provide such
35 notification.

36 b. After receiving notification pursuant to section 5 of this act
37 that a registered animal abuse offender intends to change his
38 address, the chief law enforcement officer of the municipality to
39 which the person is relocating shall provide notification to the
40 community, in accordance with the guidelines and procedures
41 established by the Attorney General pursuant to section 11 of this
42 act, regarding the offender's relocation therein. If the municipality
43 does not have a police force, the chief law enforcement officer of
44 the county in which the new residence is located shall provide such
45 notification.

46

47 11. (New section) a. After consultation with members of the
48 advisory council established pursuant to section 12 of this act, and

1 within 30 days after the effective date of this act, the Attorney
2 General shall adopt, pursuant to the "Administrative Procedure
3 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), regulatory guidelines
4 and procedures for the community notification required pursuant to
5 this section. The guidelines shall identify factors relevant to the
6 evaluation of the offender's risk of re-offense, and shall provide for
7 two levels of community notification depending upon the degree of
8 the offender's risk of re-offense.

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

11 (1) Factors that are specific to the conviction offense requiring
12 registration under this act, and which are indicative of a low risk of
13 re-offense, including:

14 (a) Whether the offensive conduct was accidental or
15 unintentional; and

16 (b) Whether the offender has evidenced regret for the offensive
17 conduct;

18 (2) Factors that are specific to the conviction offense requiring
19 registration under this act, and which are indicative of a high risk of
20 re-offense, including:

21 (a) Whether the offensive conduct was premeditated,
22 excessively sadistic, or shocking to the conscious;

23 (b) Whether the offensive conduct was of an ongoing nature in
24 the character of a business practice, or was found to be
25 characterized by repetitive or compulsive behavior;

26 (c) Whether the offender committed the animal abuse offense in
27 the presence of a child or other impressionable person, or in a
28 manner designed to intimidate, threaten, coerce, or emotionally
29 harm another person; and

30 (d) Whether the abused animal was a domestic animal owned
31 and cared for by the offender and treated as a member of the
32 offender's family; and

33 (3) Other criminal history factors indicative of the offender's
34 risk of re-offense, including:

35 (a) The number, date, and nature of prior animal abuse offenses;

36 (b) The number, date, and nature of prior or contemporaneous
37 criminal offenses not related to animal abuse;

38 (c) The existence of psychological or psychiatric profiles
39 indicating a risk of recidivism;

40 (d) The offender's response to psychiatric or psychological
41 treatment or therapy;

42 (e) Recent behavior, including behavior while confined or while
43 under supervision in the community; and

44 (f) Recent threats against persons or animals, or expressions of
45 intent to commit additional crimes.

46 c. The guidelines shall provide for two levels of notification
47 depending upon the animal abuse offender's risk of re-offense, as
48 follows:

1 (1) If the risk of re-offense is low, law enforcement agencies
2 likely to encounter the person registered shall be notified; and

3 (2) If the risk of re-offense is moderate or high, members of the
4 public likely to encounter the person registered, as well as animal
5 shelters, pet adoption societies, Societies for the Prevention of
6 Cruelty to Animals, humane societies, veterinarian's offices, and
7 any other private or government sponsored animal welfare or
8 animal control groups in the offender's community, shall be notified
9 in accordance with the Attorney General's guidelines, in addition to
10 the notice required by paragraph (1) of this subsection.

11 d. The guidelines shall prohibit categorization as a low-risk re-
12 offender if the registered animal abuse offender (1) has more than
13 one prior conviction for an animal abuse offense as defined in this
14 act, (2) has one prior conviction for an animal abuse offense in
15 addition to a conviction for a violent offense against a person, or (3)
16 has been diagnosed with Conduct Disorder.

17 e. The guidelines shall provide that: (1) a person who receives
18 community notification in accordance with this section shall be
19 entitled to be notified of the exact address of the offender's primary
20 residence or secondary residence, if any and as the case may be,
21 only after the person signs a receipt of notice form, prepared by the
22 Attorney General, which gives notice to the recipient that the
23 sharing or copying of such identifying information, the posting of
24 such information in a public place or to persons who are not a
25 member of the household, and the harassment or unsolicited contact
26 of the offender or the offender's family, is prohibited and may be
27 penalized in accordance with the provisions of this act; and (2)
28 businesses receiving community notification in accordance with this
29 section shall not be entitled to be notified of the exact address of the
30 offender's primary residence or secondary residence, if any, and
31 shall only receive information that identifies the general vicinity of,
32 the neighborhood in which, or the block on which the offender's
33 primary residence or secondary residence, as the case may be, is
34 located.

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

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

4 h. Nothing in this section shall be construed to prevent law
5 enforcement officers from providing community notification
6 concerning any registered animal abuse offender who poses a
7 danger under circumstances that are not provided for in this act.

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

26 One year after the effective date of this act, the Attorney General
27 and the council shall conduct a comprehensive review of the
28 regulatory guidelines and procedures adopted pursuant to section 11
29 of this act to determine whether any changes or revisions should be
30 made thereto. Upon completion of that review and the submission
31 of any recommendations thereon, the council shall expire.

32
33 13. (New section) a. The Attorney General shall develop and
34 maintain a system for making certain information in the Animal
35 Abuser Registry publicly available by means of electronic Internet
36 technology.

37 b. Members of the public may, without limitation, obtain
38 access to the Internet registry to view an individual registration
39 record, any part of, or the entire, Internet registry concerning all
40 offenders whose risk of re-offense is moderate or high, or for whom
41 a court has ordered notification in accordance with paragraph (2) of
42 subsection c. of section 11 of this act, regardless of the age of the
43 offender.

44 c. The individual registration records of registered animal
45 abuse offenders whose risk of re-offense is low shall not be made
46 available to the public on the Internet registry unless such
47 publication is ordered by a court of competent jurisdiction.

1 d. The information concerning a registered animal abuse
2 offender to be made publicly available on the Internet shall include:
3 the offender's name and any aliases the offender has used or under
4 which the offender may be or may have been known; any animal
5 abuse offense requiring registration for which the offender was
6 convicted; the date and location of disposition; a brief description
7 of any such offense; a general description of the offender's modus
8 operandi, if any; the determination of whether the risk of re-offense
9 by the offender is moderate or high; the offender's age, race, sex,
10 date of birth, height, weight, hair, eye color and any distinguishing
11 physical evidentiary markers, such as moles, birthmarks, scars,
12 piercings, or tattoos; the photograph of the offender that was
13 submitted as part of the offender's form of registration, and the date
14 on which the photograph was taken; the make, model, color, year,
15 and license plate number of any vehicle operated by the offender;
16 and the neighborhood or block, zip code, municipality, and county
17 of the offender's primary residence and secondary residence, if any,
18 or the municipality and county in which the offender is or generally
19 will be physically present if the offender is a non-resident or a
20 homeless resident.

21
22 14. (New section) The Attorney General shall:

23 a. Ensure that the Internet registry contains warnings that any
24 person who uses the information contained therein to threaten,
25 intimidate or harass another, or who otherwise misuses that
26 information, may be criminally prosecuted;

27 b. Ensure that the Internet registry contains an explanation of
28 its limitations, including statements advising that some information
29 contained in the registry may be outdated or inaccurate; that the
30 Internet registry lists only the general vicinity of the offender's
31 residence and that the offender's exact address will be provided
32 only to those persons deemed likely to encounter the offender in
33 accordance with the provisions of section 11 of this act; and that the
34 Internet registry is not a comprehensive listing of every person who
35 has ever committed an animal abuse offense in New Jersey;

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

39 d. Provide in the Internet registry, information designed to
40 inform and educate the public about animal abuse, animal abuse
41 offenders, and the operation of this act, as well as any pertinent and
42 appropriate information concerning crime prevention, domestic
43 violence awareness and prevention, and personal safety, with
44 appropriate links to relevant web sites operated by the State.

45
46 15. (New section) An Animal Abuse Offender Internet Registry
47 Advisory Council is hereby established to consult with and provide
48 recommendations to the Attorney General concerning the making of

1 animal abuse offender registration records available to the public on
2 the Internet. The council shall consist of nine persons who, by
3 experience or training, have professional expertise in law
4 enforcement, crime prevention, animal advocacy, domestic violence
5 prevention, criminology, psychology, public education, or
6 community relations. The members of the council shall be
7 appointed in the following manner: three shall be appointed by the
8 Governor, of whom no more than two shall be of the same political
9 party; three shall be appointed by the President of the Senate, of
10 whom no more than two shall be of the same political party; and
11 three shall be appointed by the Speaker of the General Assembly, of
12 whom no more than two shall be of the same political party. Any
13 vacancies occurring in the membership shall be filled in the same
14 manner as the original appointments. The council shall hold at least
15 two meetings per year to review the implementation and operations
16 of the Internet registry.

17

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

27

28 17. (New section) a. Any information disclosed pursuant to this
29 act may be used by any person or by any public, governmental, or
30 private entity, organization, or official, or any agent thereof, to
31 protect an animal at risk, or for any other lawful purpose consistent
32 with the enhancement of public safety.

33 b. Any person who uses information disclosed pursuant to this
34 act to commit a crime against a registered animal abuse offender
35 shall be guilty of a crime of the third degree. Any person who uses
36 information disclosed pursuant to this act to commit a disorderly
37 persons or petty disorderly persons offense against a registered
38 animal abuse offender shall be guilty of a disorderly persons
39 offense and shall be fined not less than \$500 or more than \$1,000,
40 in addition to any other penalty or fine imposed.

41 c. Any person who uses information disclosed pursuant to this
42 act to encourage, solicit, or assist a registered animal abuse offender
43 or other person to engage in criminal activity or an animal abuse
44 offense shall be guilty of a crime of the third degree and shall, in
45 addition to any other penalties provided by law, be subject to pay a
46 fine of \$2,500, which shall be deposited into the Animal Abuser
47 Registry Fund established in accordance with section 19 of this act.

1 d. Except as authorized by section 18 of this act or by any other
2 provision of law, use of any information disclosed pursuant to this
3 act for the purpose of applying for, obtaining, or denying any of the
4 following, is prohibited:

- 5 (1) Health insurance;
- 6 (2) Insurance;
- 7 (3) Loans;
- 8 (4) Credit;
- 9 (5) Education, scholarships, or fellowships;
- 10 (6) Benefits, privileges, or services provided by any business
- 11 establishment, unless for a purpose consistent with the enhancement
- 12 of public safety; or
- 13 (7) Housing or accommodations.

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

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

35 g. Evidence that a person obtained information about an
36 offender from law enforcement or from the Internet registry within
37 one year prior to committing a criminal offense against that
38 offender shall give rise to an inference that the person used
39 information in violation of subsection b. of this section.

40
41 18. (New section) Notwithstanding the provisions of section 17
42 of this act to the contrary, any information disclosed in accordance
43 with the provisions of this act may be used by an animal shelter, pet
44 adoption society, humane society, Society for the Prevention of
45 Cruelty to Animals, veterinarian's office, 4-H club, or any other
46 private or government-sponsored animal welfare or animal control
47 organization or group, in order to screen potential applicants for
48 employment or for pet adoption.

1 19. (New section) The Animal Abuser Registry Fund is hereby
2 established, separate and distinct from the General Fund, in order to
3 provide a dedicated source of moneys by which to finance the
4 ongoing administrative and maintenance costs associated with the
5 Animal Abuser Registry and the expenses associated with the
6 community notifications required by the act's provisions. The fund
7 shall be credited with:

8 a. Fifty percent of all civil and criminal fines collected by a
9 court in relation to the animal abuse offenses for which registration
10 is required pursuant to this act;

11 b. Any excess fines collected by a court as authorized by
12 subsection c. of section 4, subsection c. of section 5 of this act, and
13 subsection c. of section 17 of this act;

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

16 d. Any moneys gifted to the fund; and

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

19
20 20. R.S.4:22-55 is amended to read as follows:

21 4:22-55. a. Except as provided **【pursuant to】** by subsection b.
22 of this section**【,】** and by section 19 of P.L. , c. (C.) (pending before
23 the Legislature as this bill), all fines, penalties and moneys imposed
24 and collected under the provisions of article 2 of chapter 22 of Title
25 4 of the Revised Statutes, shall be paid by the court or by the clerk
26 or court officer receiving the fines, penalties or moneys, within 30
27 days and without demand, to the county to be used for the purpose
28 of protecting animals in the county.

29 b. If an enforcement action for a violation of article 2 of
30 chapter 22 of Title 4 of the Revised Statutes is brought:

31 (1) in Superior Court primarily as a result of the reporting of the
32 violation to the county prosecutor by a certified animal control
33 officer or a municipal humane law enforcement 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 to be used for the purpose of protecting animals in the
37 county.

38 (2) in a municipal court of a municipality in which a municipal
39 humane law enforcement officer has been designated pursuant to
40 section 25 of P.L.2017, c.331 (C.4:22-14.1), the fines, penalties, or
41 moneys collected shall be paid without demand, to the municipality
42 in which the violation occurred.

43 (3) in a municipal court of a municipality in which a municipal
44 humane law enforcement officer has not been designated pursuant
45 to section 25 of P.L.2017, c.331 (C.4:22-14.1), the fines, penalties,
46 or moneys collected shall be paid as follows: one half to the
47 municipality in which the violation occurred; and one half to the

1 county to be used for the purpose of protecting animals in the
2 county.

3 c. Any fines, penalties, or moneys paid to a municipality
4 pursuant to subsection b. of this section shall be allocated by the
5 municipality to defray the cost of:

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

8 (2) the training therefor required of certified animal control
9 officers and municipal humane law enforcement officers pursuant to
10 law or other animal enforcement related training authorized by law
11 for municipal employees.

12 (cf: P.L.2017, c.331, s.22)

13

14 21. This act shall take effect on the 180th day after the date of
15 its enactment, except for sections 11 and 12, which shall take effect
16 immediately. The Attorney General may also take additional
17 anticipatory action as is necessary for the implementation of this
18 act.

19

20

21

STATEMENT

22

23 This bill would provide for the establishment and
24 implementation of an animal abuser registry system that would
25 require the continuing registration of animal abuse offenders and
26 allow for the public disclosure of certain information pertaining to
27 those offenders.

28 Such a registry system for animal abusers is necessary because
29 the overwhelming evidence accumulated since 1970 shows that
30 persons who cruelly abuse or torture animals are likely to engage in
31 recidivist acts of violence against both animals and humans. In
32 particular, studies have shown that early incidents of animal abuse
33 are often part of the criminal histories of serial killers, child,
34 spouse, and elder abusers, and sexually violent predators, and may
35 be characteristic of the developmental histories of up to 66 percent
36 of violent offenders, in general. In addition, it has been shown that
37 those who abuse animals through participation in animal fighting
38 rings also often engage in other crimes associated with violence,
39 and will often continue to engage in animal abuse and other
40 violence-related offenses even after serving jail time.

41 The bill would require registration for any person convicted of
42 an enumerated animal abuse offense who maintains, establishes, or
43 re-establishes a primary residence or secondary residence in this
44 State or who is otherwise physically present in the State for more
45 than 14 consecutive days or a period exceeding 30 days in a
46 calendar year. In particular, a person would be required to register
47 if they have been convicted, adjudicated delinquent, found not

1 guilty by reason of insanity, or found civilly liable for any of the
2 following animal abuse offenses:

3 (1) overdriving, overloading, driving when overloaded,
4 overworking, depriving of necessary sustenance, abusing, or
5 needlessly killing a living animal by direct or indirect means,
6 including through the use of another living animal;

7 (2) tormenting, torturing, maiming, hanging, poisoning,
8 unnecessarily or cruelly beating, or needlessly mutilating a living
9 animal by direct or indirect means, including through the use of
10 another living animal, whether or not such actions cause the death
11 of the animal;

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

14 (4) causing, allowing, or permitting the fighting or baiting of a
15 living animal for amusement or gain;

16 (5) engaging in the management of, or receiving money or other
17 consideration for the admission of a person to, a place that is kept
18 or used for the purposes of fighting or baiting a living animal;

19 (6) owning, possessing, keeping, training, promoting,
20 purchasing, or knowingly selling a living animal for the purposes of
21 fighting or baiting that animal;

22 (7) allowing or suffering a place under a person's ownership or
23 control to be used for the purposes of fighting or baiting a living
24 animal;

25 (8) acting as a spectator, gambling on the outcome of a fight, or
26 otherwise encouraging or assisting in activities occurring at a place
27 that is kept or used for the purposes of fighting or baiting a living
28 animal;

29 (9) carrying a living animal in or upon a vehicle or otherwise, in
30 a cruel or inhumane manner;

31 (10) impounding or confining a living animal and failing to
32 supply it during such confinement with a sufficient quantity of good
33 and wholesome food and water;

34 (11) abandoning a maimed, sick, infirm, or disabled animal to
35 die in a public place;

36 (12) abandoning a domestic animal;

37 (13) unlawfully debarking or silencing a dog;

38 (14) using a live pigeon, fowl, or other bird as a target or to be
39 shot at for amusement or as a test of skill in marksmanship, or
40 shooting such a bird, except where such use or shooting conforms
41 with the rules pertaining to the shooting of game animals; and

42 (15) any comparable offense in another state, country, or
43 jurisdiction.

44 The bill would require that notice of the duty to register be
45 provided by the Attorney General within 30 days after the bill's
46 enactment, and by the Motor Vehicle Commission upon application
47 for a driver's license or identification card. The court or local law
48 enforcement agency with which an offender is required to initially

1 register pursuant to this bill would be required to notify the offender
2 of the specific requirements of the bill, and the penalties for
3 noncompliance.

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

6 (1) A statement in writing, signed by the animal abuse offender,
7 acknowledging that the offender has been advised of the duty to
8 register, and including the offender's name, social security number,
9 age, race, sex, date of birth, height, weight, hair and eye color;
10 address of primary residence and secondary residence if any, or
11 county and municipality of physical presence if a non-resident or
12 homeless resident; address of anticipated or current places of
13 employment; any anticipated or current school enrollment; the
14 commission date and a brief description of the conviction offenses
15 for which registration is required; and the indictment number
16 associated with each such offense;

17 (2) A photograph of the defendant; and

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

21 The bill would require each offender to verify the address on the
22 registration statement on an annual basis, and would additionally
23 require each offender to notify law enforcement officials of any
24 change in address.

25 Any person who fails to register as required by the bill's
26 provisions would be guilty of a crime of the third degree and would
27 be subject, in addition to any other penalties provided by law, to
28 pay a fine of \$2,500. Any registered animal abuse offender who
29 fails to comply, or who falsifies information in complying with the
30 change of address requirements or address verification requirements
31 provided by the bill, would be guilty of a crime of the fourth
32 degree, and would be subject, in addition to any other penalties
33 provided by law, to pay a fine of \$1,500.

34 The Attorney General would be required to maintain a central
35 registry of all registrations submitted in accordance with this bill's
36 provisions, and would additionally be required to develop a system
37 for making certain offender information from the central registry
38 available to the public on the Internet. The Attorney General would
39 be responsible both for ensuring that the Internet registry contains
40 appropriate warnings and notifications, and for maintaining the
41 accuracy of, and for timely updating the information contained
42 therein. An Animal Abuse Offender Internet Registry Advisory
43 Council would be established to consult with and make
44 recommendations to the Attorney General concerning the
45 publication of registration records on the Internet.

46 All records maintained pursuant to the bill would be open to any
47 law enforcement agency in the State, any other state, or the United
48 States government, and would be able to be released to the Office of

1 Animal Welfare in the Department of Health and Senior Services,
2 or to the Division of Child Behavioral Health Services, the Division
3 of Prevention and Community Partnerships, or the Division of
4 Youth and Family Services in the Department of Children and
5 Families for use in carrying out the office's and the divisions'
6 respective responsibilities under law. Any official would be
7 immune from civil liability for damages for any discretionary
8 decision to release relevant records unless it is shown that the
9 official acted with gross negligence or in bad faith.

10 Upon receipt of an offender's registration or notification of an
11 offender's change in address, and pursuant to the procedures
12 outlined in the bill's provisions, the chief law enforcement officer
13 of the municipality (or county) wherein the offender's primary
14 residence and secondary residence, if any, is located, or wherein the
15 offender is generally present if a non-resident or a homeless
16 resident of the State, would be required to provide notification to
17 the community of the offender's presence therein, in accordance
18 with guidelines to be established by the Attorney General relating to
19 the offender's risk of re-offense.

20 The bill would establish a temporary advisory council to assist
21 the Attorney General in establishing these guidelines and
22 procedures for risk assessment and community notification. The
23 bill would require the Attorney General to consider various factors
24 relevant to an offender's risk of re-offense, and would require the
25 regulations adopted by the Attorney General to provide for two tiers
26 of community notification based on whether the offender is
27 determined to have a low risk of re-offense, or whether the offender
28 is determined to have a moderate or high risk of re-offense.

29 The bill would require the regulations adopted by the Attorney
30 General to prohibit a "low risk" categorization in a case where the
31 registered animal abuse offender (1) has more than one prior
32 conviction for an animal abuse offense, as defined by the bill, (2)
33 has one prior conviction for an animal abuse offense in addition to
34 one or more convictions for a violent offense against a person, or
35 (3) has been diagnosed with Conduct Disorder – a disorder
36 characterized by a general and ongoing disregard for societal laws
37 and the feelings of others, and for which animal abuse is a
38 symptom.

39 In the case that an offender is determined to have a low risk of
40 re-offense, notification of the offender's presence in the community
41 would be provided only to law enforcement agencies likely to
42 encounter the person, and the person's registration information
43 would be prohibited from publication on the Internet unless such
44 publication is ordered by a court of competent jurisdiction. In the
45 case that an offender is determined to have a moderate or high risk
46 of re-offense, notification of the offender's presence in the
47 community would be provided to law enforcement agencies likely
48 to encounter the offender, as well as to members of the public likely

1 to encounter the offender, and to animal shelters, pet adoption
2 societies, humane societies, veterinarian's offices, and other animal
3 welfare or control groups in the offender's community.
4 Furthermore, registration information for offenders having a
5 moderate to high risk of re-offense would be made available for
6 public viewing, without limitation, on the Internet registry.

7 The bill would require the Attorney General's regulations to
8 ensure that an offender will be provided with notice of the results of
9 the risk assessment and will be afforded an opportunity to have that
10 determination reviewed prior to Internet publication or any
11 notification of community members.

12 The bill would allow the disclosure of the offender's exact
13 address only in very limited circumstances, since the courts have
14 held that an offender may have some limited privacy interest in that
15 information. Accordingly, the offender's exact address would be
16 excluded from the Internet registry, and would be disclosed only to
17 individuals within the offender's community who have a particular
18 need for that information. Moreover, the offender's exact address
19 would be disclosed to individuals in the community only in cases
20 where the individuals have signed a receipt of notice form, which
21 explicitly prohibits the disclosure of the offender's exact address to
22 persons outside the individual's household, and which provides
23 express notice that any harassment of the offender is punishable by
24 law. Businesses within the offender's community would be entitled
25 to know only the vicinity of the offender's address.

26 Any information disclosed pursuant to the bill's provisions could
27 be used by any person in any manner to protect an animal at risk, or
28 for any other lawful purpose consistent with the enhancement of
29 public safety. Except in the case of willful or wanton misconduct,
30 any person who provides or fails to provide information to the
31 community, or who discloses or fails to disclose information on the
32 Internet registry in accordance with the bill's provisions, would be
33 immune from civil or criminal action.

34 The bill would provide, however, that any person using the
35 information disclosed pursuant thereto to commit a crime would be
36 guilty of a crime of the third degree, and that any person using the
37 information disclosed to commit a disorderly persons or petty
38 disorderly persons offense would be guilty of a disorderly persons
39 offense and subject to pay a fine of \$500 to \$1,000, in addition to
40 any other penalty imposed. Evidence that a person obtained
41 information about an offender from law enforcement or from the
42 Internet registry within one year prior to committing a criminal
43 offense against that offender would give rise to an inference that the
44 person used information in violation of the bill's provisions.

45 The bill would also provide that any person who uses any
46 information disclosed pursuant to the bill's provisions to encourage,
47 solicit, or assist a registered animal abuse offender or other person
48 to engage in criminal activity or an animal abuse offense would be

1 guilty of a crime of the third degree and, in addition to any other
2 penalties provided by law, subject to pay a fine of \$2,500.

3 The bill would additionally prevent the use of information
4 disclosed pursuant thereto for purposes of health or other insurance;
5 loans; credit; education, scholarships, or fellowships; benefits,
6 privileges, or services provided by a business establishment, unless
7 consistent with enhancement of the public safety; or housing and
8 accommodations. However, the bill would specifically allow a
9 humane society, animal welfare organization, or other similar group
10 to use the information disclosed pursuant to its provisions in order
11 to screen applicants for employment or for pet adoption services.
12 The use of any information disclosed pursuant to the bill's
13 provisions for any of the specifically prohibited purposes would
14 make the user of the information liable for actual damages,
15 attorney's fees, and any amount that may be determined by a jury or
16 a court sitting without a jury, which is not less than \$250, and not
17 more than three times the amount of actual damage, or for a civil
18 penalty of not more than \$25,000. Furthermore, the bill would
19 authorize civil action for injunctive or other preventative relief in
20 the case that there is reasonable cause to believe that any person or
21 group is engaged in a pattern of misuse of information disclosed
22 pursuant to the bill's provisions.

23 The bill would establish the "Animal Abuser Registry Fund,"
24 separate and distinct from the General Fund, in order to provide a
25 dedicated source of moneys by which to finance the ongoing
26 administrative and maintenance costs associated with the Animal
27 Abuser Registry and the expenses associated with the community
28 notifications required under the bill. The fund would be credited
29 with:

30 (1) fifty percent of all civil and criminal fines collected by a
31 court in relation to the animal abuse offenses for which registration
32 is required;

33 (2) any excess fines collected by a court as a result of an
34 offender's failure to register, failure to notify authorities of a
35 change in address, failure to timely verify the offender's address, or
36 falsification of any information in the course of complying with the
37 bill's requirements in this regard;

38 (3) any excess fines collected by a court from the unlawful use
39 of information disclosed pursuant to the act's provisions to
40 encourage, solicit, or assist a registered animal abuse offender or
41 other person to engage in criminal activity or commit an animal
42 abuse offense;

43 (4) any interest or other investment income accrued on moneys
44 deposited in the account;

45 (5) any moneys gifted to the fund; and

46 (6) any other moneys appropriated by the Legislature and
47 allocated to the fund for its purposes.

1 Finally, the bill would provide that a registered animal abuse
2 offender may make application to the Superior Court to terminate
3 the obligation to register under this bill upon proof that the person
4 has not committed an animal abuse offense or an offense
5 constituting violence against humans within 15 years following
6 conviction or release from a correctional facility for any term of
7 imprisonment imposed, whichever is later, and is not likely to pose
8 a threat to the safety of others. A registered animal abuse offender
9 would also be able to make application to the Attorney General to
10 terminate the obligation to register under this bill upon the
11 submission of evidence, sufficient in the determination of the
12 Attorney General, to establish that the offender no longer maintains
13 primary residence or secondary residence in this State, and will not
14 be present in the State for more than 14 consecutive days, or for an
15 aggregate period of 30 days or more. However, such an offender
16 would be required to re-register with the State in the event that he
17 re-establishes primary residence or secondary residence in the State
18 or re-establishes physical presence therein for the requisite period
19 of time.