

ASSEMBLY, No. 5497

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 17, 2021

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblymen Mukherji and Dancer

SYNOPSIS

Establishes animal abuser registry.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/17/2021)

1 AN ACT concerning the establishment of an animal abuser registry,
 2 supplementing Title 4 of the Revised Statutes, and amending
 3 various sections of the statutory 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 on its website an animal abuser registry. The animal abuser registry
 10 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 [municipal] court adjudging guilt or liability for [a]
 30 an animal cruelty violation of any provision of chapter 22 of Title 4
 31 of the Revised Statutes, P.L.2002, c.102 (C.4:19-38 et seq.), section
 32 1 of 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 applicable
 38 violation, and the violation for which or of which that person was
 39 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
48 cruelty violation of any provision of chapter 22 of Title 4 of the

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

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

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14 whom that certificate has been revoked, or (b) who have been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

25 (2) Upon receipt of a notice required pursuant to section 3 or 4
26 of P.L.2003, c.67 (C.4:22-57 or C.2B:12-17.1) involving a person
27 who has been issued a certificate pursuant to subsection b. of this
28 section, the commissioner shall add to the list the name of the
29 person convicted of, or found civilly liable 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 according to the notice, and shall issue a copy of the revised list to
35 each municipality within 30 days after receipt of any notice.

36 d. After the Department of Health establishes on its website the
37 animal abuser registry pursuant to section 1 of P.L. , c. (C.)
38 (pending before the Legislature as this bill), the commissioner may
39 use the animal abuser registry to update and maintain the list
40 required pursuant to paragraph (1) of subsection c. of this section.
41 (cf: P.L.2017, c.331, s.5)

42

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

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

46 b. For the purposes of maintaining the list of persons not
47 eligible to be a certified animal control officer, municipal humane
48 law enforcement officer, humane law enforcement officer of a

1 county society for the prevention of cruelty to animals, or designee
2 pursuant to subsection a. of section 28 of P.L.2017, c.331 (C.4:22-
3 14.4), as established pursuant to subsections b. and c. of section 3
4 of P.L.1983, c.525 (C.4:19-15.16a), the court or other official
5 adjudging the guilt or liability for **【a】** an animal cruelty violation of
6 any provision of article 2 of chapter 22 of Title 4 of the Revised
7 Statutes, P.L.2002, c.102 (C.4:19-38 et seq.), section 1 of P.L.1983,
8 c.261 (C.2C:29-3.1); section 1 of P.L.2013, c.205 (C.2C:29-3.2),
9 P.L.2015, c.85 (C.2C:33-31 et seq.), or R.S.39:4-23, shall charge
10 the prosecutor or other appropriate person, other than a certified
11 animal control officer, with the responsibility to notify within 30
12 days the commissioner, in writing, of the full name of the person
13 found guilty of, or liable for, **【an】** the applicable violation, and the
14 violation for which or of which that person was found guilty or
15 liable, and the person charged with the responsibility shall provide
16 such notice.

17 (cf: P.L.2017, c.331, s.24)

18
19 5. (New section) a. For the purposes of establishing the animal
20 abuser registry pursuant to section 1 of P.L. , c. (C.) (pending
21 before the Legislature as this bill), notice shall be provided
22 electronically or in writing, within 90 days after the effective date of
23 P.L. , c. (C.) (pending before the Legislature as this bill), by
24 the Administrative Office of the Courts, the Department of Law and
25 Public Safety, and any other governmental or other official
26 administrative entity maintaining records of such violations, to the
27 Commissioner of Health of any person the Administrative Office of
28 the Courts, Department of Law and Public Safety, or other entity is
29 aware of who has been convicted in the last 10 years of a criminal
30 animal cruelty violation of the first, second, third, or fourth degree of:

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

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

40 b. For the purposes of maintaining the animal abuser registry
41 established pursuant to section 1 of P.L. , c. (C.) (pending
42 before the Legislature as this bill), a court adjudging the guilt for a
43 criminal animal cruelty violation of any provision of chapter 22 of
44 Title 4 of the Revised Statutes, P.L.2002, c.102 (C.4:19-38 et seq.),
45 section 1 of P.L.1983, c.261 (C.2C:29-3.1); section 1 of P.L.2013,
46 c.205 (C.2C:29-3.2), P.L.2015, c.85 (C.2C:33-31 et seq.), or R.S.39:4-
47 23, shall charge the prosecutor or other appropriate person with the
48 responsibility to notify within 30 days the Commissioner of Health, in

1 writing, of the full name of the person convicted of the applicable
2 criminal animal cruelty violation, and the criminal animal cruelty
3 violation for which or of which that person was found guilty, and the
4 person charged with the responsibility shall provide such notice.

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

8
9
10 STATEMENT

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

19 Under the bill, the DOH is required to establish the animal
20 abuser registry and publish the registry on its website. The bill
21 requires the registry to include the full legal name of any person
22 who has been convicted of a criminal animal cruelty violation, any
23 photographs obtained during the criminal booking process, and
24 other pertinent information that the DOH determines will properly
25 identify the animal abuser. The bill prohibits the registry from
26 including the Social Security number, driver's license number, or
27 any other state or federal identification number of any person.

28 For the purpose of establishing the animal abuser registry, the
29 bill requires the Administrative Office of the Courts, the
30 Department of Law and Public Safety, and any other governmental
31 or other official administrative entity maintaining records of
32 criminal animal cruelty convictions to provide notice to the
33 Commissioner of Health of any person the Administrative Office of
34 the Courts, the Department of Law and Public Safety, or other
35 entity is aware of who has been convicted in the last 10 years of a
36 criminal animal cruelty violation. The bill requires this notice to be
37 provided to the commissioner electronically or in writing, within 90
38 days after the effective date of the bill.

39 For the purpose of maintaining the animal abuser registry, the
40 bill requires a court adjudging the guilt for a criminal animal cruelty
41 violation to charge the prosecutor, State or county officer of a
42 society for the prevention of cruelty to animals, humane law
43 enforcement officer, or other appropriate person, with the
44 responsibility to notify the Commissioner of Health with the full
45 name of the person convicted of the criminal animal cruelty
46 violation and the criminal animal cruelty violation for which or of
47 which that person was found guilty. The bill requires the person

1 charged with the responsibility to provide such notice to the
2 commissioner within 30 days.

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

8 The bill is scheduled to take effect on January 1 next following
9 enactment.