

SENATE, No. 1258

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Senator Greenstein

SYNOPSIS

Prohibits persons convicted of criminal animal cruelty offenses from owning domestic companion animals and from working or volunteering at animal-related enterprises; establishes presumption against pretrial intervention for certain persons; designated as “Moose’s Law.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/4/2020)

1 AN ACT concerning animal cruelty violators and their direct
2 involvement with animals, the eligibility for pretrial intervention
3 of persons accused of certain animal cruelty offenses, designated
4 as “Moose’s Law,” supplementing Title 4 of the Revised
5 Statutes, and amending P.L.1983, c.525 and N.J.S.2C:43-12.

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

9
10 1. (New section) As used in P.L. , c. (C.) (pending before
11 the Legislature as this bill):

12 “Animal-related enterprise” means any for-profit or non-profit
13 industry, business, enterprise, or endeavor that requires or involves
14 hands-on contact or other direct interaction with animals, including,
15 but not limited to: a zoo, aquarium, or other animal exhibition; an
16 animal care or veterinary operation; an animal training operation; an
17 animal breeding operation; an animal shelter or pound; an animal
18 kennel or boarding operation; a pet shop; an animal adoption or sales
19 service; or an animal transport service.

20 “Commissioner” means the Commissioner of Health.

21 “Criminal animal cruelty offense” means, in New Jersey, any
22 crime or disorderly persons offense under chapter 22 of Title 4 of the
23 Revised Statutes, P.L.2002, c.102 (C.4:19-38 et seq.), section 1 of
24 P.L.1983, c.261 (C.2C:29-3.1); section 1 of P.L.2013, c.205 (C.2C:29-
25 3.2), P.L.2015, c.85 (C.2C:33-31 et seq.), or R.S.39:4-23; or in any
26 other state or jurisdiction, conduct which, if committed in New Jersey,
27 would constitute a crime or disorderly persons offense under chapter
28 22 of Title 4 of the Revised Statutes, P.L.2002, c.102 (C.4:19-
29 38 et seq.), section 1 of P.L.1983, c.261 (C.2C:29-3.1); section 1 of
30 P.L.2013, c.205 (C.2C:29-3.2), P.L.2015, c.85 (C.2C:33-31 et seq.), or
31 R.S.39:4-23.

32 “Criminal background check” means a determination of whether a
33 person has a criminal record by cross-referencing that person's name
34 with an appropriate database or compilation of records, whether
35 performed through a State department or agency, privately by the
36 owner or operator of an animal-related enterprise, or by other means.
37 “Criminal background check” includes any criminal history record
38 background check provided pursuant to section 5 of
39 P.L. , c. (C.) (pending before the Legislature as this bill).

40 “Employ” means to use the services of a person, or to hire a person
41 for paid work.

42 “Existing employee” means a person who is employed by an
43 animal-related enterprise on the date of enactment of
44 P.L. , c. (C.) (pending before the Legislature as this bill).

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 “Existing volunteer” means a person who is volunteering at an
2 animal-related enterprise on the date of enactment of
3 P.L. , c. (C.) (pending before the Legislature as this bill).

4 “Own” means to have a legal right of possession in, or any legal
5 title to ownership of, an animal.

6 “Provisional employee” means a person who is employed by an
7 animal-related enterprise on a provisional basis, in accordance with the
8 provisions of section 3 of P.L. , c. (C.) (pending before the
9 Legislature as this bill).

10 “Provisional volunteer” means a person who is volunteering at an
11 animal-related enterprise on a provisional basis, in accordance with the
12 provisions of section 3 of P.L. , c. (C.) (pending before the
13 Legislature as this bill).

14 “Volunteer” means a person who is not an employee that provides
15 services to an animal-related enterprise without expectation of
16 compensation, and without coercion or intimidation to provide such
17 services, or the act of providing such services on such a basis.

18
19 2. (New section) a. Except as otherwise provided by subsection
20 d. of this section and section 7 of P.L. , c. (C.) (pending before
21 the Legislature as this bill), no person who is convicted of a criminal
22 animal cruelty offense shall:

23 (1) commence, operate, apply for employment, be employed, or
24 volunteer at, or participate in any capacity in, an animal-related
25 enterprise; or

26 (2) acquire, own, or reside with any animal for the period of time
27 specified by the court pursuant to subsection c. of this section.

28 b. Any person who violates subsection a. of this section shall be
29 guilty of a disorderly persons offense.

30 c. Upon a person’s conviction for a criminal animal cruelty
31 offense, the court may:

32 (1) order the forfeiture of any animal owned by the offender and
33 the transfer of such animal to the custody of an animal shelter;

34 (2) order the offender to refrain from acquiring, owning, or
35 residing with any animal for: (a) a period of not less than two years
36 following the date of the offender’s conviction for the present criminal
37 animal cruelty offense, or following the date of the offender’s release
38 from incarceration for the present criminal animal cruelty offense,
39 whichever is later; (b) the duration of the probationary period imposed
40 by the court for the present criminal animal cruelty offense, if that
41 period will last for two years or longer; or (c) any more extended
42 period of time, which the court, in its discretion, determines to be
43 appropriate based on the nature and severity of the criminal animal
44 cruelty offense and the offender’s prior history of animal cruelty
45 offenses; and

46 (3) order the offender from commencing, operating, applying for
47 employment or volunteering at, or participating in, an animal-related
48 enterprise for a period of time, which the court, in its discretion,

1 determines to be appropriate based on the nature and severity of the
2 criminal animal cruelty offense and the offender's prior history of
3 animal cruelty offenses.

4 d. The provisions of paragraph (1) of subsection a. of this section
5 shall not apply to any person who engages in community service at an
6 animal-related enterprise in compliance with a court order issued
7 pursuant to R.S.4:22-17.

8
9 3. (New section) a. The owner or operator of an animal-
10 related enterprise shall not employ, or allow to volunteer or
11 participate in any animal-related activities, any person at the
12 enterprise who has been convicted of a criminal animal cruelty
13 offense. The owner or operator of the animal-related enterprise shall
14 determine the person does not have such a conviction by:

15 (1) requesting and receiving in writing a determination by the
16 Commissioner of Health that the person is not identified on the list,
17 established pursuant to section 3 of P.L.1983, c.525 (C.4:19-
18 15.16a), of persons who are ineligible to be certified animal control
19 officers, or if the person is identified on the list, the person was not
20 convicted of a criminal animal cruelty offense; and

21 (2) performing, having performed, or requesting pursuant to
22 section 5 of P.L. , c. (C.) (pending before the Legislature
23 as this bill) the Commissioner of Health to perform, a criminal
24 background check that confirms the existing employee, existing
25 volunteer, provisional employee, or provisional volunteer has not
26 been convicted of a criminal animal cruelty offense.

27 The owner or operator of the animal-related enterprise may
28 determine the person's eligibility based on a criminal background
29 check only, without waiting for the commissioner's action pursuant
30 to paragraph (1) of this section, but shall complete the criminal
31 background check for existing employees and existing volunteers
32 no later than 90 days after the effective date of P.L. , c. (C.)
33 (pending before the Legislature as this bill), and for a provisional
34 employee or provisional volunteer no later than 90 days after
35 receiving an application for employment or to volunteer.

36 b. Notwithstanding the provisions of this section to the
37 contrary, an animal-related enterprise may provisionally employ a
38 person or provisionally allow a person to volunteer for a period not
39 exceeding 90 days, pending the results of the investigation and
40 criminal background check pursuant to subsection a. of this section.
41 Following confirmation that there is no record of the person being
42 convicted of a criminal animal cruelty offense, the person may be
43 employed or allowed to volunteer on an on-going basis.

44 c. No existing employee, existing volunteer, provisional
45 employee, or provisional volunteer at an animal-related enterprise
46 shall be left alone as the only person caring for an animal until the
47 investigation and criminal background check pursuant to subsection
48 a. of this section is complete and the results confirm that such

1 person is not disqualified from employment or as a volunteer on the
2 basis of a conviction for a criminal animal cruelty offense.

3 d. (1) The owner or operator of an animal-related enterprise
4 requesting an investigation or a criminal background check from the
5 Commissioner of Health pursuant to paragraph (1) or (2) of
6 subsection a. of this section, shall submit the request to the
7 Commissioner of Health with the name and address of:

8 (a) each existing employee or existing volunteer within 30 days
9 after the effective date of P.L. , c. (C.) (pending before the
10 Legislature as this bill); and

11 (b) each provisional employee or provisional volunteer at the
12 enterprise within two weeks after a person is provisionally
13 employed or provisionally allowed to volunteer pursuant to
14 subsection b. of this section.

15 (2) In addition, and as deemed necessary for the purposes of
16 determining continuing employment or volunteering in accordance
17 with P.L. , c. (C.) (pending before the Legislature as this
18 bill), the owner or operator of an animal-related enterprise shall
19 request and receive annually from the commissioner follow-up
20 reviews of the list established pursuant to section 3 of P.L.1983,
21 c.525 (C.4:19-15.16a), in order to determine the inclusion thereon
22 of any employee or volunteer for convictions for criminal animal
23 cruelty offenses. However, an owner or operator of an animal-
24 related enterprise shall be required to perform a criminal
25 background check or to request a criminal background check
26 pursuant to section 5 of P.L. , c. (C.) (pending before the
27 Legislature as this bill) only once for any employee or volunteer.

28 e. If an existing employee, existing volunteer, provisional
29 employee, or provisional volunteer refuses to comply with the
30 investigation or criminal background check performed pursuant to
31 subsection a. of this section; or if any employee or volunteer refuses
32 to comply with any follow-up investigation authorized by paragraph
33 (2) of subsection d. of this section, the owner or operator of the
34 animal-related enterprise shall immediately terminate the person as
35 an employee or a volunteer at the animal-related enterprise.

36 f. Any person who is disqualified from employment or as a
37 volunteer pursuant to P.L. , c. (C.) (pending before the
38 Legislature as this bill) shall be entitled to reapply for employment
39 or as a volunteer at an animal-related enterprise if the disqualifying
40 conviction is reversed.

41 g. This section shall apply only to an existing employee,
42 existing volunteer, provisional employee, provisional volunteer, or
43 applicant for employment, as a volunteer, or for participation with
44 an animal-related enterprise who is, or would be responsible for, the
45 care or handling of, or would otherwise come into direct contact
46 with, any animal during the course of the person's employment,
47 volunteering, or participation with an animal-related enterprise.

1 4. (New section) a. The Commissioner of Health shall
2 complete the investigation required by paragraph (1) of subsection
3 a. of section 3 of P.L. , c. (C.) (pending before the
4 Legislature as this bill, and shall notify the person who is the
5 subject of the investigation and the owner or operator of the animal-
6 related enterprise of the results of the investigation, in writing,
7 within 90 days after the receipt of the person's name and address,
8 which have been submitted in accordance with subsection d. of
9 section 3 of P.L. , c. (C.) (pending before the Legislature as
10 this bill), or as soon thereafter as may be reasonably practicable.
11 The written notice shall: (1) expressly identify any offenses which
12 constitute the basis for disqualification; and (2) afford the person
13 the opportunity for a hearing, in the manner provided for contested
14 cases pursuant to the "Administrative Procedure Act," P.L.1968,
15 c.410 (C.52:14B-1 et seq.), in order to contest the person's
16 inclusion on the ineligibility list, or in order to challenge the history
17 of offenses that was used by the commissioner to support the
18 person's inclusion on the list.

19 b. If requested to do so pursuant to section 5 of P.L. , c. (C.)
20 (pending before the Legislature as this bill), the Commissioner of
21 Health, in cooperation with the State Police and the Federal Bureau
22 of Investigation, shall complete the criminal background check and
23 shall notify the person who is the subject of the criminal
24 background check and the owner or operator of the animal-related
25 enterprise of the results, in writing, within 90 days after the receipt
26 of the person's name and address, which have been submitted in
27 accordance with subsection d. of section 3 of P.L. , c. (C.)
28 (pending before the Legislature as this bill), or as soon thereafter as
29 may be reasonably practicable. The written notice shall: (1)
30 expressly identify any offenses which constitute the basis for
31 disqualification; and (2) afford the person the opportunity for a
32 hearing, in the manner provided for contested cases pursuant to the
33 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
34 1 et seq.), in order to challenge the history of offenses used for
35 disqualification.

36
37 5. (New section) The Commissioner of Health is authorized to
38 exchange criminal history record information with the Federal
39 Bureau of Investigation and the State Bureau of Identification in the
40 Division of State Police consistent with applicable State and federal
41 laws, rules and regulations for use in implementing the employment
42 restrictions imposed pursuant to P.L. , c. (C.) (pending
43 before the Legislature as this bill). Each owner or operator of an
44 animal-related enterprise requesting the commissioner to perform a
45 criminal background check to satisfy the requirements pursuant to
46 section 3 of P.L. , c. (C.) (pending before the Legislature
47 as this bill), shall submit to the Department of Health the name,
48 address, fingerprints of, and written consent for a criminal history

1 record background check to be performed on, the person, as
2 applicable. The owner or operator of the animal-related enterprise
3 making the request of the department shall bear the cost for the
4 criminal history record background check, including all
5 administering and processing costs.

6
7 6. (New section) All names, addresses, and other information
8 submitted to the Commissioner of Health to complete a criminal
9 background check requested pursuant to sections 3 and 5 of
10 P.L. , c. (C.) (pending before the Legislature as this bill),
11 and any records developed therefrom, shall be considered criminal
12 investigatory records for the purposes of compliance with P.L.1963,
13 c.73 (C.47:1A-1 et seq.), commonly known as the open public
14 records act, and shall not be disclosed as a government record.
15 Nothing contained in this section shall be construed to prevent the
16 Commissioner of Health from posting a list pursuant to subsection
17 c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a) of all persons
18 whose certificate, issued pursuant to subsection b. of section 3 of
19 P.L.1983, c.525 (C.4:19-15.16a), has been revoked, or who have
20 been convicted of a criminal violation of any provision of chapter
21 22 of Title 4 of the Revised Statutes.

22
23 7. (New section) The provisions of P.L. , c. (C.)
24 (pending before the Legislature as this bill) shall not apply to any
25 farm, livestock operation, or other business where domestic
26 livestock are raised, kept, treated, marketed, or sold, or to any
27 owner, operator, or employee thereof, or to any academic research
28 institution or to any owner, operator, or employee thereof.

29
30 8. Section 3 of P.L.1983, c.525 (C.4:19-15.16a) is amended to
31 read as follows:

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

- 41 (1) The law as it affects animal control, animal welfare, and
42 animal cruelty;
43 (2) Animal behavior and the handling of stray or diseased
44 animals; and
45 (3) Community safety as it relates to animal control.
46 (4) (Deleted by amendment, P.L.2017, c.331)

1 Any person 18 years of age or older may satisfy the courses of
2 study established pursuant to this subsection at that person's own
3 time and expense; however, nothing in this section shall be
4 construed as authorizing a person to exercise the powers and duties
5 of an animal control officer absent municipal appointment or
6 authorization pursuant to section 4 of P.L.1983, c.525 (C.4:19-
7 15.16b).

8 b. (1) The commissioner shall provide for the issuance of a
9 certificate to a person who possesses, or acquires, the training and
10 education required to qualify as a certified animal control officer
11 pursuant to paragraphs (1) through (3) of subsection a. of this
12 section and to a person who has been employed in the State of New
13 Jersey in the capacity of, and with similar responsibilities to those
14 required of, a certified animal control officer pursuant to the
15 provisions of P.L.1983, c.525, for a period of three years before
16 January 17, 1987. The commissioner shall not issue a certificate to
17 any person convicted of, or found civilly liable for, a violation of
18 any provision of chapter 22 of Title 4 of the Revised Statutes.

19 (2) The commissioner shall revoke the certificate of any person
20 convicted of, or found civilly liable for, a violation of any provision
21 of chapter 22 of Title 4 of the Revised Statutes **】, and shall place**
22 **the name of the person on the list established pursuant to subsection**
23 **c. of this section】.**

24 c. (1) The commissioner shall establish a list of all persons
25 **【issued a certificate pursuant to subsection b. of this section】 :** (a)
26 **for whom 【that】 a certificate issued pursuant to subsection b. of this**
27 **section has been revoked, or (b) who have been convicted of, or**
28 **found civilly liable for, a violation of any provision of chapter 22 of**
29 **Title 4 of the Revised Statutes. The commissioner shall provide**
30 **each municipality in the State with a copy of this list within 30 days**
31 **after the list is established and not less often than annually**
32 **thereafter if no revised list required pursuant to paragraph (2) of this**
33 **subsection has been issued in the interim. The commissioner shall**
34 **also post the list, together with a statement identifying the list's**
35 **proper use and purpose, at a publicly accessible and readily**
36 **identifiable location on the Department of Health's Internet website.**

37 (2) Upon receipt of a notice required pursuant to section 3 or 4
38 of P.L.2003, c.67 (C.4:22-57 or C.2B:12-17.1) **【involving a person**
39 **who has been issued a certificate pursuant to subsection b. of this**
40 **section】 , the commissioner shall add to the list the name of the**
41 **person convicted of, or found civilly liable for, a violation of any**
42 **provision of chapter 22 of Title 4 of the Revised Statutes according**
43 **to the notice, and shall issue a copy of the revised list to each**
44 **municipality and post a copy of the revised list at a publicly**
45 **accessible and readily identifiable location on the Department of**
46 **Health's Internet website within 30 days after receipt of any notice.**
47 (cf: P.L.2017, c.331, s.5)

1 9. N.J.S.2C:43-12 is amended to read as follows:

2 2C:43-12. Supervisory Treatment--Pretrial Intervention.

3 a. Public policy. The purpose of N.J.S.2C:43-12 through
4 N.J.S.2C:43-22 is to effectuate a Statewide program of Pretrial
5 Intervention. It is the policy of the State of New Jersey that
6 supervisory treatment should ordinarily be limited to persons who
7 have not previously been convicted of any criminal offense under
8 the laws of New Jersey, or under any criminal law of the United
9 States, or any other state when supervisory treatment would:

10 (1) Provide applicants, on an equal basis, with opportunities to
11 avoid ordinary prosecution by receiving early rehabilitative services
12 or supervision, when such services or supervision can reasonably be
13 expected to deter future criminal behavior by an applicant, and
14 when there is apparent causal connection between the offense
15 charged and the rehabilitative or supervisory need, without which
16 cause both the alleged offense and the need to prosecute might not
17 have occurred; or

18 (2) Provide an alternative to prosecution for applicants who
19 might be harmed by the imposition of criminal sanctions as
20 presently administered, when such an alternative can be expected to
21 serve as sufficient sanction to deter criminal conduct; or

22 (3) Provide a mechanism for permitting the least burdensome
23 form of prosecution possible for defendants charged with
24 "victimless" offenses, other than defendants who were public
25 officers or employees charged with offenses that involved or
26 touched their office or employment; or

27 (4) Provide assistance to criminal calendars in order to focus
28 expenditure of criminal justice resources on matters involving
29 serious criminality and severe correctional problems; or

30 (5) Provide deterrence of future criminal or disorderly behavior
31 by an applicant in a program of supervisory treatment.

32 b. (1) Admission of an applicant into a program of supervisory
33 treatment shall be measured according to the applicant's amenability
34 to correction, responsiveness to rehabilitation and the nature of the
35 offense.

36 (2) There shall be a presumption against admission into a
37 program of supervisory treatment for:

38 (a) a defendant who was a public officer or employee whose
39 offense involved or touched upon his public office or employment;
40 **[and]**

41 (b) a defendant charged with any crime or offense involving
42 domestic violence, as defined in subsection a. of section 3 of
43 P.L.1991, c.261 (C.2C:25-19) if the defendant committed the crime
44 or offense while subject to a temporary or permanent restraining
45 order issued pursuant to the provisions of the "Prevention of
46 Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-
47 17 et al.) or if the crime or offense charged involved violence or the
48 threat of violence. For purposes of this subparagraph, a crime or

1 offense involves violence or the threat of violence if the victim
2 sustains serious or significant bodily injury as defined in subsection
3 b. or d. of N.J.S.2C:11-1, or the actor is armed with and uses a
4 deadly weapon or threatens by word or gesture to use a deadly
5 weapon as defined in subsection c. of N.J.S.2C:11-1, or threatens to
6 inflict serious or significant bodily injury ; and

7 (c) a defendant charged with a criminal animal cruelty offense,
8 as defined in section 1 of P.L. , c. (C.) (pending before
9 the Legislature as this bill) .

10 c. The decision and reasons therefor made by the designated
11 judges (or assignment judges), prosecutors and program directors in
12 granting or denying applications for supervisory treatment, in
13 recommending and ordering termination from the program or
14 dismissal of charges, in all cases shall be reduced to writing and
15 disclosed to the applicant.

16 d. If an applicant desires to challenge the decision of the
17 prosecutor or program director not to recommend enrollment in a
18 program of supervisory treatment the proceedings prescribed under
19 N.J.S.2C:43-14 and in accordance with the Rules of Court shall be
20 followed.

21 e. Referral. At any time prior to trial but after the filing of a
22 criminal complaint, or the filing of an accusation or the return of an
23 indictment, with the consent of the prosecutor and upon written
24 recommendation of the program director, the assignment judge or a
25 judge designated by him may postpone all further proceedings
26 against an applicant and refer said applicant to a program of
27 supervisory treatment approved by the Supreme Court. Prosecutors
28 and program directors shall consider in formulating their
29 recommendation of an applicant's participation in a supervisory
30 treatment program, among others, the following criteria:

31 (1) The nature of the offense;
32 (2) The facts of the case;
33 (3) The motivation and age of the defendant;
34 (4) The desire of the complainant or victim to forego
35 prosecution;

36 (5) The existence of personal problems and character traits
37 which may be related to the applicant's crime and for which services
38 are unavailable within the criminal justice system, or which may be
39 provided more effectively through supervisory treatment and the
40 probability that the causes of criminal behavior can be controlled by
41 proper treatment;

42 (6) The likelihood that the applicant's crime is related to a
43 condition or situation that would be conducive to change through
44 his participation in supervisory treatment;

45 (7) The needs and interests of the victim and society;

46 (8) The extent to which the applicant's crime constitutes part of
47 a continuing pattern of anti-social behavior;

- 1 (9) The applicant's record of criminal and penal violations and
- 2 the extent to which he may present a substantial danger to others;
- 3 (10) Whether or not the crime is of an assaultive or violent
- 4 nature, whether in the criminal act itself or in the possible injurious
- 5 consequences of such behavior;
- 6 (11) Consideration of whether or not prosecution would
- 7 exacerbate the social problem that led to the applicant's criminal
- 8 act;
- 9 (12) The history of the use of physical violence toward others;
- 10 (13) Any involvement of the applicant with organized crime;
- 11 (14) Whether or not the crime is of such a nature that the value
- 12 of supervisory treatment would be outweighed by the public need
- 13 for prosecution;
- 14 (15) Whether or not the applicant's involvement with other
- 15 people in the crime charged or in other crime is such that the
- 16 interest of the State would be best served by processing his case
- 17 through traditional criminal justice system procedures;
- 18 (16) Whether or not the applicant's participation in pretrial
- 19 intervention will adversely affect the prosecution of codefendants;
- 20 and
- 21 (17) Whether or not the harm done to society by abandoning
- 22 criminal prosecution would outweigh the benefits to society from
- 23 channeling an offender into a supervisory treatment program.
- 24 The prosecutor and the court, in formulating their
- 25 recommendations or decisions regarding an applicant's participation
- 26 in a supervisory treatment program, shall give due consideration to
- 27 the victim's position on whether the defendant should be admitted.
- 28 f. Review of Supervisory Treatment Applications; Procedure
- 29 Upon Denial. Each applicant for supervisory treatment shall be
- 30 entitled to full and fair consideration of his application. If an
- 31 application is denied, the program director or the prosecutor shall
- 32 precisely state his findings and conclusion which shall include the
- 33 facts upon which the application is based and the reasons offered
- 34 for the denial. If the applicant desires to challenge the decision of a
- 35 program director not to recommend, or of a prosecutor not to
- 36 consent to, enrollment into a supervisory treatment program, a
- 37 motion shall be filed before the designated judge (or assignment
- 38 judge) authorized pursuant to the Rules of Court to enter orders.
- 39 g. Limitations. (1) Supervisory treatment may occur only once
- 40 with respect to any defendant and any person who has previously
- 41 received supervisory treatment under section 27 of P.L.1970, c.226
- 42 (C.24:21-27), a conditional discharge pursuant to N.J.S.2C:36A-1, a
- 43 conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-
- 44 13.1 et al.), or was granted a dismissal due to successful
- 45 participation in the Veterans Diversion Program pursuant to
- 46 P.L.2017, c.42 (C.2C:43-23 et al.) shall not be eligible for
- 47 supervisory treatment under this section.

1 (2) Except as otherwise provided in paragraph (3) of this
2 subsection, supervisory treatment, as provided herein, shall be
3 available to a defendant irrespective of whether the defendant
4 contests his guilt of the charge or charges against him.

5 (3) Admission into supervisory treatment shall be available to
6 the following defendants only upon entering a plea of guilty: (a) a
7 defendant charged with a first or second degree crime; (b) a
8 defendant charged with any crime if the defendant had previously
9 been convicted of a first or second degree crime; (c) a defendant
10 charged with a third or fourth degree crime involving domestic
11 violence, as defined in subsection a. of section 3 of P.L.1991, c.261
12 (C.2C:25-19); or (d) a defendant charged with any disorderly
13 persons or petty disorderly persons offense involving domestic
14 violence, as defined in subsection a. of section 3 of P.L.1991, c.261
15 (C.2C:25-19) if the defendant committed the offense while subject
16 to a temporary or permanent restraining order issued pursuant to the
17 provisions of the "Prevention of Domestic Violence Act of 1991,"
18 P.L.1991, c.261 (C.2C:25-17 et al.). For any such defendant,
19 following the plea of guilty the plea shall be held in an inactive
20 status pending termination of supervisory treatment pursuant to
21 subsection d. or e. of N.J.S.2C:43-13. Upon successful completion
22 of the program of supervisory treatment the charges shall be
23 dismissed.

24 h. Termination. Termination of supervisory treatment under
25 this section shall be immediately reported to the assignment judge
26 of the county who shall forward such information to the
27 Administrative Director of the Courts.

28 i. Appointment of Program Directors; Authorized Referrals. Programs of supervisory treatment and appointment of the program
29 directors require approval by the Supreme Court with the consent of
30 the assignment judge and prosecutor. Referrals of participants from
31 supervisory treatment programs may be to any public or private
32 office or agency, including but not limited to, programs within the
33 probation service of the court, offering counseling or any other
34 social service likely to aid in the rehabilitation of the participant
35 and to deter the commission of other offenses.

36 j. Health Care Professional Licensing Board Notification. The
37 program director shall promptly notify the State Board of Medical
38 Examiners when a State licensed physician or podiatrist has been
39 enrolled in a supervisory treatment program after he has been
40 charged with an offense involving drugs or alcohol.

41 The Attorney General shall develop guidelines to ensure the
42 uniform exercise of discretion by prosecutors in formulating their
43 recommendations on participation in a supervisory treatment
44 program by an applicant charged with a crime or offense involving
45 domestic violence, as defined in subsection a. of section 3 of
46 P.L.1991, c.261 (C.2C:25-19).

47 (cf: P.L.2017, c.42, s.10)
48

1 10. This act shall take effect immediately.

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STATEMENT

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6 This bill, designated as “Moose’s Law,” would prohibit a person
7 who has been convicted of a criminal animal cruelty offense in this
8 State, or in any other state or jurisdiction, from: (1) commencing,
9 operating, applying for employment, being employed, or
10 volunteering at, or participating in any capacity in, an “animal-
11 related enterprise” (enterprise), as that term is defined in the bill; or
12 (2) acquiring, owning, or residing with any animal for a definitive
13 period of time, as specified by a court.

14 Any person who violates the bill’s prohibitions would be guilty
15 of a disorderly persons offense. The bill further specifies that no
16 owner or operator of an animal-related enterprise may employ or
17 allow to volunteer at the enterprise a person who has been convicted
18 of a criminal animal cruelty offense, and specifies actions to be
19 taken to ensure such employment or volunteering does not occur.
20 This prohibition applies only to persons responsible for the care or
21 handling of, or in direct contact with, any animal during the course
22 of the person’s employment, volunteering, or participation with the
23 enterprise.

24 The bill authorizes a court, upon a person’s conviction for a
25 criminal animal cruelty offense, to order the forfeiture of any
26 animal owned by the offender and the transfer of the animal to the
27 custody of an animal shelter. The bill further authorizes the court to
28 issue an order prohibiting the offender from acquiring, owning, or
29 residing with any animal for: (1) a period of not less than two years
30 following the date of the offender’s conviction for the present
31 offense, or following the date of the offender’s release from
32 incarceration for the present offense, whichever is later; (2) the
33 duration of the probationary period imposed by the court for the
34 present offense, if that period will last for two years or longer; or
35 (3) any more extended period of time, which the court, in its
36 discretion, determines to be appropriate based on the nature and
37 severity of the offense, the offender’s prior history of animal cruelty
38 offenses, and any other relevant factor.

39 The bill provides for the owner or operator of the enterprise to
40 determine the person does not have a criminal conviction by: (1)
41 requesting and receiving in writing a determination by the
42 Commissioner of Health that the person is not identified on the list,
43 established pursuant to section 3 of P.L.1983, c.525 (C.4:19-
44 15.16a), of persons who are ineligible to be certified animal control
45 officers, or if the person is identified on the list, the person was not
46 convicted of a criminal animal cruelty offense; and (2) performing,
47 having performed, or requesting the Commissioner of Health to
48 perform a criminal background check that confirms the employee,

1 volunteer, or applicant for employment or a volunteer position has
2 not been convicted of a criminal animal cruelty offense.

3 The owner or operator of the enterprise would be allowed to
4 provisionally employ a person or allow a person to provisionally
5 volunteer for no more than 90 days pending the results of the
6 criminal background check and the commissioner's determination
7 concerning the list of persons who are ineligible to be certified
8 animal control officers. Furthermore, the owner or operator of the
9 animal-related enterprise may: (1) determine the person's
10 eligibility based on a criminal background check only, without
11 waiting for the commissioner's action, provided that the criminal
12 background check is completed no later than 90 days after the
13 effective date of the bill for existing employees and existing
14 volunteers, and for a provisional employee or provisional volunteer,
15 no later than 90 days after receiving an application for employment
16 or to volunteer; or (2) request, within 30 days of the bill's effective
17 date for existing employees and existing volunteers and within two
18 weeks of employment or volunteering for provisional employees
19 and provisional volunteers, the Commissioner of Health to perform
20 a complete State Police and Federal Bureau of Investigation (FBI)
21 criminal background check at the owner's or operator's expense.

22 The owner or operator of the animal-related enterprise would be:
23 (1) required to perform a criminal background check or to request a
24 Commissioner of Health criminal background check only once for
25 any employee or volunteer; and (2) directed to annually request and
26 receive a follow-up review by the commissioner of the list of
27 persons who are ineligible to be certified animal control officers in
28 order to confirm that the enterprise's employees and volunteers are
29 still eligible to work or volunteer as applicable.

30 The bill authorizes the Commissioner of Health to perform a
31 complete State Police and FBI criminal background check if
32 requested to do so. The bill also specifies that all names, addresses,
33 and other information submitted to the Commissioner of Health to
34 complete a criminal background check and any records developed
35 therefrom are to be considered criminal investigatory records for the
36 purposes of compliance with P.L.1963, c.73 (C.47:1A-1 et seq.),
37 commonly known as the open public records act, and cannot be
38 disclosed as a government record. Any employee or volunteer of an
39 enterprise refusing to cooperate with the requirements under the bill
40 may be immediately dismissed. Any person who is considered
41 ineligible to apply because of a criminal animal cruelty offense
42 conviction may apply if the conviction is reversed.

43 Finally, the bill exempts from the provisions of the bill: (1) any
44 farm, livestock operation, or other business where domestic
45 livestock are raised, kept, treated, marketed, or sold, and any owner,
46 operator, or employee thereof; and (2) any academic research
47 institution and any owner, operator, or employee thereof.