

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 1258

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 4, 2020

The Senate Environment and Energy Committee favorably reports Senate Bill No. 1258 with committee amendments.

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

Any person who violates the bill’s prohibitions would be guilty of a disorderly persons offense. The bill further provides that an owner or operator of an animal-related enterprise may not employ or allow to volunteer at the enterprise a person who has been convicted of a criminal animal cruelty offense, and specifies actions to be taken to ensure such employment or volunteering does not occur. This prohibition applies only to persons who are responsible for the care or handling of, or are in direct contact with, any animal during the course of the person’s employment, volunteering, or participation with the enterprise.

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

Under the bill, the owner or operator of an enterprise may determine that a person does not have a criminal conviction by: (1)

requesting and receiving in writing a determination by the Commissioner of Health that the person is not identified on the list, established pursuant to section 3 of P.L.1983, c.525 (C.4:19-15.16a), of persons who are ineligible to be certified animal control officers, or if the person is identified on the list, the person was not convicted of a criminal animal cruelty offense; and (2) performing, having performed, or requesting the Commissioner of Health to perform a criminal background check that confirms the person has not been convicted of a criminal animal cruelty offense.

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

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

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

apply because of a criminal animal cruelty offense conviction may apply if the conviction is reversed.

The committee amendments to the bill would:

(1) remove a provision that would have allowed a person who is convicted of a criminal animal cruelty offense to participate in community service at an animal-related enterprise in compliance with a court order issued pursuant to R.S.4:22-17;

(2) remove a provision that would have exempted from the bill any farm, livestock operation, or other business where domestic livestock are raised, kept, treated, marketed, or sold, and any owner, operator, or employee thereof; and

(3) make a technical correction to the bill.