

**4:22-14.1 to 4:22-14.10**  
**LEGISLATIVE HISTORY CHECKLIST**  
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**LAWS OF:** 2017                      **CHAPTER:** 331

**NJSA:** 4:22-14.1 to 4:22-14.10 (Revises animal cruelty law enforcement in NJ)

**BILL NO:** S3558                      (Substituted for A5231)

**SPONSOR(S)** Lesniak and others

**DATE INTRODUCED:** November 30, 2017

**COMMITTEE:**                      **ASSEMBLY:** ---

**SENATE:** Economic Growth  
Budget and Appropriations

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**                      **ASSEMBLY:** January 8, 2018

**SENATE:** December 18, 2017

**DATE OF APPROVAL:** January 16, 2018

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Senate Committee Substitute for Senate No. 3558 enacted)                      Yes

**S3558**

**SPONSOR'S STATEMENT:** (Begins on page 43 of introduced bill)                      Yes

<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b>	No	
	<b>SENATE:</b>	Yes	Economic Budget

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:**                      No

**LEGISLATIVE FISCAL ESTIMATE:**                      Yes                      12-7-17  
12-21-17

**A5231**

**SPONSOR'S STATEMENT:** (Begins on page 41 of introduced bill)                      Yes

<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b>	Yes
	<b>SENATE:</b>	No

**FLOOR AMENDMENT STATEMENT:**                      No

**LEGISLATIVE FISCAL ESTIMATE:**                      Yes

(continued)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**OTHER HEARINGS:**

Senate Economic Growth Committee dated November 13, 2017, Bill No. S1429 Yes  
<http://hdl.handle.net/10929/45885>

Assembly Agriculture and Natural Resources Committee December 4, 2017 Yes  
<http://hdl.handle.net/10929/45884>

**NEWSPAPER ARTICLES:** Yes

"N.J. panel moves to defang SPCA police powers in animal cruelty cases," NJ.com, 12-17-17  
"State to consider Amazon tax credits," Burlington County Times, 1-4-18  
"Amazon tax-incentive bill on track to reach Christie," Burlington County Times, 1-7-18  
"Bill stripping NJSPCA's police powers sent to Christie," NJ.com, 1-8-18  
"Winners and losers from NJ's lame-duck session," Burlington County Times, 1-9-18  
"Bey of bills passed at 11<sup>th</sup> hour – Measures on Amazon tax break, NJSPCA policing and more sent to governor," The Star-Ledger, 1-9-18  
"Bill stripping NJSPCA's police powers sent to Christie's desk," The Times, 1-10-18  
"Bill to strip police powers from NJSPCA passes Assembly," Associated Press State Wire, 1-9-18  
"Seven longtime legislators bid adieu," The Star-Ledger, 1-14-18  
"Chris Christie's final acts: Bills he made law and killed, from drones to circus animals," NJ.com, 1-15-18  
"On his final day, Christie signs over 100 bills," Burlington County Times, 1-16-18  
"Christie signs more than 100 bills into law – Pensions, drones, bump stocks: Highlights of bills Christie signed into law," The Press of Atlantic City, 1-16-18  
"A look at new laws signed by Christie – Governor approves more than 100 bills on last day," The Record, 1-16-18  
"Christie signs 100 bills, 'Pocket Vetoes' 50 more," The Record, 1-16-18  
"Highlights from a busy last day," The Star-Ledger, 1-16-18  
"Christie era ends with a flurry of bills to sign – Outdoing governor approves regulations for drones, disbands SPCA and more," The Times, 1-16-18

LAW/RWH

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 3558**

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

ADOPTED DECEMBER 14, 2017

**Sponsored by:**

**Senator RAYMOND J. LESNIAK**

**District 20 (Union)**

**Senator NILSA CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblyman JOHN DIMAIO**

**District 23 (Hunterdon, Somerset and Warren)**

**Co-Sponsored by:**

**Senators Addiego, Stack and Assemblyman Giblin**

**SYNOPSIS**

Revises animal cruelty law enforcement in NJ.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Senate Budget and Appropriations Committee.



**(Sponsorship Updated As Of: 1/9/2018)**

1 **AN ACT** concerning the enforcement of animal cruelty laws, and  
2 amending, supplementing, and repealing various parts of the  
3 statutory law.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. Section 4 of P.L.2003, c.67 (C.2B:12-17.1) is amended to  
9 read as follows:

10 4. As required pursuant to section 3 of P.L.2003, c.67 (C.4:22-  
11 57), a **【municipal】** court adjudging guilt or liability for a violation  
12 of any provision of chapter 22 of Title 4 of the Revised Statutes,  
13 shall charge the prosecutor **【**, officer of the New Jersey Society for  
14 the Prevention of Cruelty to Animals or the district (county) society  
15 for the prevention of cruelty to animals,**】** or other appropriate  
16 person, other than a certified animal control officer, with the  
17 responsibility to notify within 30 days the Commissioner of Health  
18 **【and Senior Services】** , in writing, of the full name of the person  
19 found guilty of, or liable for, an applicable violation, and the  
20 violation for which or of which that person was found guilty or  
21 liable, and the person charged with the responsibility shall provide  
22 such notice.

23 (cf: P.L.2003, c.67, s.4)

24  
25 2. Section 1 of P.L.2015, c.85 (C.2C:33-31) is amended to read  
26 as follows:

27 1. a. A person is guilty of dog fighting if that person knowingly:

28 (1) keeps, uses, is connected with or interested in the  
29 management of, or receives money for the admission of a person to,  
30 a place kept or used for the purpose of fighting or baiting a dog;

31 (2) owns, possesses, keeps, trains, promotes, purchases, breeds  
32 or sells a dog for the purpose of fighting or baiting that dog;

33 (3) for amusement or gain, causes, allows, or permits the  
34 fighting or baiting of a dog;

35 (4) permits or suffers a place owned or controlled by that person  
36 to be used for the purpose of fighting or baiting a dog;

37 (5) is present and witnesses, pays admission to, encourages or  
38 assists in the fighting or baiting of a dog; or

39 (6) gambles on the outcome of a fight involving a dog.

40 Dog fighting is a crime of the third degree.

41 b. (1) In addition to any other penalty imposed, the court shall  
42 order:

43 (a) the seizure and forfeiture of any dogs or other animals used  
44 for fighting or baiting, and may upon request of the prosecutor or  
45 on its own motion, order any person convicted of a violation under

**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 this section to forfeit possession of: (i) any other dogs or other  
2 animals in the person's custody or possession; and (ii) any other  
3 property involved in or related to a violation of this section; and

4 (b) restitution, concerning the dogs or other animals seized and  
5 forfeited pursuant to subparagraph (a) of this paragraph, in the form  
6 of reimbursing any costs for all the animals' food, drink, shelter, or  
7 veterinary care or treatment, or other costs, incurred by any person,  
8 agency, entity, or organization, including but not limited to [the  
9 New Jersey Society for the Prevention of Cruelty to Animals,] a  
10 county society for the prevention of cruelty to animals, any other  
11 recognized organization concerned with the prevention of cruelty to  
12 animals or the humane treatment and care of animals, a State or  
13 local governmental entity, or a kennel, shelter, pound, or other  
14 facility.

15 (2) The court may prohibit any convicted person from having  
16 future possession or custody of any animal for any period of time  
17 the court deems reasonable, including a permanent prohibition.

18 c. For the purposes of this section "bait" means to attack with  
19 violence, to provoke, or to harass a dog with one or more animals  
20 for the purpose of training the dog for, or to cause a dog to engage  
21 in, a fight with or among other dogs.

22 (cf: P.L.2015, c.85, s.1)

23  
24 3. Section 2 of P.L.2015, c.85 (C.2C:33-32) is amended to read  
25 as follows:

26 2. a. A person is a leader of a dog fighting network if he  
27 conspires with others in a scheme or course of conduct to  
28 unlawfully engage in dog fighting, as defined in section 1 of  
29 P.L.2015, c.85 (C.2C:33-31), as an organizer, supervisor, financier  
30 or manager of at least one other person. Leader of a dog fighting  
31 network is a crime of the second degree.

32 "Financier" means a person who, with the intent to derive a  
33 profit, provides money or credit or other thing of value in order to  
34 finance the operations of dog fighting.

35 b. (1) In addition to any other penalty imposed, the court shall  
36 order:

37 (a) The seizure and forfeiture of any dogs or other animals used  
38 for fighting or baiting, and may upon request of the prosecutor or  
39 on its own motion, order any person convicted of a violation under  
40 this section to forfeit possession of: (i) any other dogs or other  
41 animals in the person's custody or possession; and (ii) any other  
42 property involved in or related to a violation of this section; and

43 (b) restitution, concerning the dogs or other animals seized and  
44 forfeited pursuant to subparagraph (a) of this paragraph, in the form  
45 of reimbursing any costs for all the animals' food, drink, shelter, or  
46 veterinary care or treatment, or other costs, incurred by any person,  
47 agency, entity, or organization, including but not limited to [the  
48 New Jersey Society for the Prevention of Cruelty to Animals,] a

1 county society for the prevention of cruelty to animals, any other  
2 recognized organization concerned with the prevention of cruelty to  
3 animals or the humane treatment and care of animals, a State or  
4 local governmental entity, or a kennel, shelter, pound, or other  
5 facility.

6 (2) The court may prohibit any convicted person from having  
7 future possession or custody of any animal for any period of time  
8 the court deems reasonable, including a permanent prohibition.

9 c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction  
10 of leader of a dog fighting network shall not merge with the  
11 conviction for any offense, nor shall such other conviction merge  
12 with a conviction under this section, which is the object of the  
13 conspiracy. Nothing contained in this section shall prohibit the  
14 court from imposing an extended term pursuant to N.J.S.2C:43-7;  
15 nor shall this section be construed in any way to preclude or limit  
16 the prosecution or conviction of any person for conspiracy under  
17 N.J.S.2C:5-2, or any prosecution or conviction under N.J.S.2C:41-1  
18 et seq. (racketeering activities) or subsection g. of N.J.S.2C:5-2  
19 (leader of organized crime) or any prosecution or conviction for any  
20 such offense.

21 d. It shall not be necessary in any prosecution under this section  
22 for the State to prove that any intended profit was actually realized.  
23 The trier of fact may infer that a particular scheme or course of  
24 conduct was undertaken for profit from all of the attendant  
25 circumstances, including but not limited to the number of persons  
26 involved in the scheme or course of conduct, the actor's net worth  
27 and his expenditures in relation to his legitimate sources of income,  
28 or the amount of cash or currency involved.

29 e. It shall not be a defense to a prosecution under this section  
30 that the dog intended to be used for fighting was brought into or  
31 transported in this State solely for ultimate distribution or sale in  
32 another jurisdiction.

33 f. It shall not be a defense that the defendant was subject to the  
34 supervision or management of another, nor that another person or  
35 persons were also leaders of a dog fighting network.

36 (cf: P.L.2015, c.85, s.2)

37  
38 4. N.J.S.2C:39-6 is amended to read as follows:

39 2C:39-6. a. Provided a person complies with the requirements  
40 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

41 (1) Members of the Armed Forces of the United States or of the  
42 National Guard while actually on duty, or while traveling between  
43 places of duty and carrying authorized weapons in the manner  
44 prescribed by the appropriate military authorities;

45 (2) Federal law enforcement officers, and any other federal  
46 officers and employees required to carry firearms in the  
47 performance of their official duties;

1 (3) Members of the State Police and, under conditions  
2 prescribed by the superintendent, members of the Marine Law  
3 Enforcement Bureau of the Division of State Police;

4 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,  
5 assistant prosecutor, prosecutor's detective or investigator, deputy  
6 attorney general or State investigator employed by the Division of  
7 Criminal Justice of the Department of Law and Public Safety,  
8 investigator employed by the State Commission of Investigation,  
9 inspector of the Alcoholic Beverage Control Enforcement Bureau of  
10 the Division of State Police in the Department of Law and Public  
11 Safety authorized to carry weapons by the Superintendent of State  
12 Police, State park police officer, or State conservation officer;

13 (5) Except as hereinafter provided, a prison or jail warden of  
14 any penal institution in this State or his deputies, or an employee of  
15 the Department of Corrections engaged in the interstate  
16 transportation of convicted offenders, while in the performance of  
17 his duties, and when required to possess the weapon by his superior  
18 officer, or a corrections officer or keeper of a penal institution in  
19 this State at all times while in the State of New Jersey, provided he  
20 annually passes an examination approved by the superintendent  
21 testing his proficiency in the handling of firearms;

22 (6) A civilian employee of the United States Government under  
23 the supervision of the commanding officer of any post, camp,  
24 station, base or other military or naval installation located in this  
25 State who is required, in the performance of his official duties, to  
26 carry firearms, and who is authorized to carry firearms by the  
27 commanding officer, while in the actual performance of his official  
28 duties;

29 (7) (a) A regularly employed member, including a detective, of  
30 the police department of any county or municipality, or of any  
31 State, interstate, municipal or county park police force or boulevard  
32 police force, at all times while in the State of New Jersey;

33 (b) A special law enforcement officer authorized to carry a  
34 weapon as provided in subsection b. of section 7 of P.L.1985, c.439  
35 (C.40A:14-146.14);

36 (c) An airport security officer or a special law enforcement  
37 officer appointed by the governing body of any county or  
38 municipality, except as provided in subsection (b) of this section, or  
39 by the commission, board or other body having control of a county  
40 park or airport or boulevard police force, while engaged in the  
41 actual performance of his official duties and when specifically  
42 authorized by the governing body to carry weapons;

43 (8) A full-time, paid member of a paid or part-paid fire  
44 department or force of any municipality who is assigned full-time  
45 or part-time to an arson investigation unit created pursuant to  
46 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson  
47 investigation unit in the county prosecutor's office, while either  
48 engaged in the actual performance of arson investigation duties or

1 while actually on call to perform arson investigation duties and  
2 when specifically authorized by the governing body or the county  
3 prosecutor, as the case may be, to carry weapons. Prior to being  
4 permitted to carry a firearm, a member shall take and successfully  
5 complete a firearms training course administered by the Police  
6 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et  
7 seq.), and shall annually qualify in the use of a revolver or similar  
8 weapon prior to being permitted to carry a firearm;

9 (9) A juvenile corrections officer in the employment of the  
10 Juvenile Justice Commission established pursuant to section 2 of  
11 P.L.1995, c.284 (C.52:17B-170) subject to the regulations  
12 promulgated by the commission;

13 (10) A designated employee or designated licensed agent for a  
14 nuclear power plant under license of the Nuclear Regulatory  
15 Commission, while in the actual performance of his official duties,  
16 if the federal licensee certifies that the designated employee or  
17 designated licensed agent is assigned to perform site protection,  
18 guard, armed response or armed escort duties and is appropriately  
19 trained and qualified, as prescribed by federal regulation, to  
20 perform those duties. Any firearm utilized by an employee or agent  
21 for a nuclear power plant pursuant to this paragraph shall be  
22 returned each day at the end of the employee's or agent's authorized  
23 official duties to the employee's or agent's supervisor. All firearms  
24 returned each day pursuant to this paragraph shall be stored in  
25 locked containers located in a secure area;

26 (11) A county corrections officer at all times while in the State  
27 of New Jersey, provided he annually passes an examination  
28 approved by the superintendent testing his proficiency in the  
29 handling of firearms.

30 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

31 (1) A law enforcement officer employed by a governmental  
32 agency outside of the State of New Jersey while actually engaged in  
33 his official duties, provided, however, that he has first notified the  
34 superintendent or the chief law enforcement officer of the  
35 municipality or the prosecutor of the county in which he is engaged;  
36 or

37 (2) A licensed dealer in firearms and his registered employees  
38 during the course of their normal business while traveling to and  
39 from their place of business and other places for the purpose of  
40 demonstration, exhibition or delivery in connection with a sale,  
41 provided, however, that the weapon is carried in the manner  
42 specified in subsection g. of this section.

43 c. Provided a person complies with the requirements of  
44 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5  
45 do not apply to:

46 (1) A special agent of the Division of Taxation who has passed  
47 an examination in an approved police training program testing  
48 proficiency in the handling of any firearm which he may be



- 1 required to carry, while in the actual performance of his official  
2 duties and while going to or from his place of duty, or any other  
3 police officer, while in the actual performance of his official duties;
- 4 (2) A State deputy conservation officer or a full-time employee  
5 of the Division of Parks and Forestry having the power of arrest and  
6 authorized to carry weapons, while in the actual performance of his  
7 official duties;
- 8 (3) (Deleted by amendment, P.L.1986, c.150.)
- 9 (4) A court attendant appointed by the sheriff of the county or  
10 by the judge of any municipal court or other court of this State,  
11 while in the actual performance of his official duties;
- 12 (5) A guard employed by any railway express company, banking  
13 or building and loan or savings and loan institution of this State,  
14 while in the actual performance of his official duties;
- 15 (6) A member of a legally recognized military organization  
16 while actually under orders or while going to or from the prescribed  
17 place of meeting and carrying the weapons prescribed for drill,  
18 exercise or parade;
- 19 (7) A municipal humane law enforcement officer [of the New  
20 Jersey Society for the Prevention of Cruelty to Animals or of a  
21 county society for the prevention of cruelty to animals], authorized  
22 pursuant to subsection d. of section 25 of P.L. , c. (C. )  
23 (pending before the Legislature as this bill), or humane law  
24 enforcement officer of a county society for the prevention of cruelty  
25 to animals authorized pursuant to subsection c. of section 29 of  
26 P.L. , c. (C. ) (pending before the Legislature as this bill),  
27 while in the actual performance of [his] the officer's duties;
- 28 (8) An employee of a public utilities corporation actually  
29 engaged in the transportation of explosives;
- 30 (9) A railway policeman, except a transit police officer of the  
31 New Jersey Transit Police Department, at all times while in the  
32 State of New Jersey, provided that he has passed an approved police  
33 academy training program consisting of at least 280 hours. The  
34 training program shall include, but need not be limited to, the  
35 handling of firearms, community relations, and juvenile relations;
- 36 (10) A campus police officer appointed under P.L.1970, c.211  
37 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry  
38 a firearm, a campus police officer shall take and successfully  
39 complete a firearms training course administered by the Police  
40 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et  
41 seq.), and shall annually qualify in the use of a revolver or similar  
42 weapon prior to being permitted to carry a firearm;
- 43 (11) (Deleted by amendment, P.L.2003, c.168).
- 44 (12) A transit police officer of the New Jersey Transit Police  
45 Department, at all times while in the State of New Jersey, provided  
46 the officer has satisfied the training requirements of the Police  
47 Training Commission, pursuant to subsection c. of section 2 of  
48 P.L.1989, c.291 (C.27:25-15.1);

1       (13) A parole officer employed by the State Parole Board at all  
2 times. Prior to being permitted to carry a firearm, a parole officer  
3 shall take and successfully complete a basic course for regular  
4 police officer training administered by the Police Training  
5 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
6 shall annually qualify in the use of a revolver or similar weapon  
7 prior to being permitted to carry a firearm;

8       (14) A Human Services police officer at all times while in the  
9 State of New Jersey, as authorized by the Commissioner of Human  
10 Services;

11       (15) A person or employee of any person who, pursuant to and  
12 as required by a contract with a governmental entity, supervises or  
13 transports persons charged with or convicted of an offense;

14       (16) A housing authority police officer appointed under  
15 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the  
16 State of New Jersey; or

17       (17) A probation officer assigned to the "Probation Officer  
18 Community Safety Unit" created by section 2 of P.L.2001, c.362  
19 (C.2B:10A-2) while in the actual performance of the probation  
20 officer's official duties. Prior to being permitted to carry a firearm,  
21 a probation officer shall take and successfully complete a basic  
22 course for regular police officer training administered by the Police  
23 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et  
24 seq.), and shall annually qualify in the use of a revolver or similar  
25 weapon prior to being permitted to carry a firearm.

26       d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to  
27 antique firearms, provided that the antique firearms are unloaded or  
28 are being fired for the purposes of exhibition or demonstration at an  
29 authorized target range or in another manner approved in writing by  
30 the chief law enforcement officer of the municipality in which the  
31 exhibition or demonstration is held, or if not held on property under  
32 the control of a particular municipality, the superintendent.

33       (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
34 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of  
35 being fired but that is unloaded and immobile, provided that the  
36 antique cannon is possessed by (a) a scholastic institution, a  
37 museum, a municipality, a county or the State, or (b) a person who  
38 obtained a firearms purchaser identification card as specified in  
39 N.J.S.2C:58-3.

40       (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
41 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is  
42 being transported by one eligible to possess it, in compliance with  
43 regulations the superintendent may promulgate, between its  
44 permanent location and place of purchase or repair.

45       (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
46 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded  
47 or fired by one eligible to possess an antique cannon, for purposes  
48 of exhibition or demonstration at an authorized target range or in

1 the manner as has been approved in writing by the chief law  
2 enforcement officer of the municipality in which the exhibition or  
3 demonstration is held, or if not held on property under the control  
4 of a particular municipality, the superintendent, provided that  
5 performer has given at least 30 days' notice to the superintendent.

6 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
7 N.J.S.2C:39-5 do not apply to the transportation of unloaded  
8 antique cannons directly to or from exhibitions or demonstrations  
9 authorized under paragraph (4) of subsection d. of this section,  
10 provided that the transportation is in compliance with safety  
11 regulations the superintendent may promulgate. Those subsections  
12 shall not apply to transportation directly to or from exhibitions or  
13 demonstrations authorized under the law of another jurisdiction,  
14 provided that the superintendent has been given 30 days' notice and  
15 that the transportation is in compliance with safety regulations the  
16 superintendent may promulgate.

17 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall be  
18 construed to prevent a person keeping or carrying about his place of  
19 business, residence, premises or other land owned or possessed by  
20 him, any firearm, or from carrying the same, in the manner  
21 specified in subsection g. of this section, from any place of  
22 purchase to his residence or place of business, between his dwelling  
23 and his place of business, between one place of business or  
24 residence and another when moving, or between his dwelling or  
25 place of business and place where the firearms are repaired, for the  
26 purpose of repair. For the purposes of this section, a place of  
27 business shall be deemed to be a fixed location.

28 f. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall be  
29 construed to prevent:

30 (1) A member of any rifle or pistol club organized in accordance  
31 with the rules prescribed by the National Board for the Promotion  
32 of Rifle Practice, in going to or from a place of target practice,  
33 carrying firearms necessary for target practice, provided that the  
34 club has filed a copy of its charter with the superintendent and  
35 annually submits a list of its members to the superintendent and  
36 provided further that the firearms are carried in the manner  
37 specified in subsection g. of this section;

38 (2) A person carrying a firearm or knife in the woods or fields or  
39 upon the waters of this State for the purpose of hunting, target  
40 practice or fishing, provided that the firearm or knife is legal and  
41 appropriate for hunting or fishing purposes in this State and he has  
42 in his possession a valid hunting license, or, with respect to fresh  
43 water fishing, a valid fishing license;

44 (3) A person transporting any firearm or knife while traveling:

45 (a) Directly to or from any place for the purpose of hunting or  
46 fishing, provided the person has in his possession a valid hunting or  
47 fishing license; or

1 (b) Directly to or from any target range, or other authorized  
2 place for the purpose of practice, match, target, trap or skeet  
3 shooting exhibitions, provided in all cases that during the course of  
4 the travel all firearms are carried in the manner specified in  
5 subsection g. of this section and the person has complied with all  
6 the provisions and requirements of Title 23 of the Revised Statutes  
7 and any amendments thereto and all rules and regulations  
8 promulgated thereunder; or

9 (c) In the case of a firearm, directly to or from any exhibition or  
10 display of firearms which is sponsored by any law enforcement  
11 agency, any rifle or pistol club, or any firearms collectors club, for  
12 the purpose of displaying the firearms to the public or to the  
13 members of the organization or club, provided, however, that not  
14 less than 30 days prior to the exhibition or display, notice of the  
15 exhibition or display shall be given to the Superintendent of the  
16 State Police by the sponsoring organization or club, and the sponsor  
17 has complied with any reasonable safety regulations the  
18 superintendent may promulgate. Any firearms transported pursuant  
19 to this section shall be transported in the manner specified in  
20 subsection g. of this section;

21 (4) A person from keeping or carrying about a private or  
22 commercial aircraft or any boat, or from transporting to or from the  
23 aircraft or boat for the purpose of installation or repair of a visual  
24 distress signaling device approved by the United States Coast  
25 Guard.

26 g. Any weapon being transported under paragraph (2) of  
27 subsection b., subsection e., or paragraph (1) or (3) of subsection f.  
28 of this section shall be carried unloaded and contained in a closed  
29 and fastened case, gunbox, securely tied package, or locked in the  
30 trunk of the automobile in which it is being transported, and in the  
31 course of travel shall include only deviations as are reasonably  
32 necessary under the circumstances.

33 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed  
34 to prevent any employee of a public utility, as defined in R.S.48:2-  
35 13, doing business in this State or any United States Postal Service  
36 employee, while in the actual performance of duties which  
37 specifically require regular and frequent visits to private premises,  
38 from possessing, carrying or using any device which projects,  
39 releases or emits any substance specified as being noninjurious to  
40 canines or other animals by the Commissioner of Health and which  
41 immobilizes only on a temporary basis and produces only  
42 temporary physical discomfort through being vaporized or  
43 otherwise dispensed in the air for the sole purpose of repelling  
44 canine or other animal attacks.

45 The device shall be used solely to repel only those canine or  
46 other animal attacks when the canines or other animals are not  
47 restrained in a fashion sufficient to allow the employee to properly  
48 perform his duties.

1 Any device used pursuant to this act shall be selected from a list  
2 of products, which consist of active and inert ingredients, permitted  
3 by the Commissioner of Health.

4 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent  
5 any person who is 18 years of age or older and who has not been  
6 convicted of a crime, from possession for the purpose of personal  
7 self-defense of one pocket-sized device which contains and releases  
8 not more than three-quarters of an ounce of chemical substance not  
9 ordinarily capable of lethal use or of inflicting serious bodily injury,  
10 but rather, is intended to produce temporary physical discomfort or  
11 disability through being vaporized or otherwise dispensed in the air.  
12 Any person in possession of any device in violation of this  
13 subsection shall be deemed and adjudged to be a disorderly person,  
14 and upon conviction thereof, shall be punished by a fine of not less  
15 than \$100.

16 (2) Notwithstanding the provisions of paragraph (1) of this  
17 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a  
18 health inspector or investigator operating pursuant to the provisions  
19 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building  
20 inspector from possessing a device which is capable of releasing  
21 more than three-quarters of an ounce of a chemical substance, as  
22 described in paragraph (1), while in the actual performance of the  
23 inspector's or investigator's duties, provided that the device does not  
24 exceed the size of those used by law enforcement.

25 j. A person shall qualify for an exemption from the provisions of  
26 N.J.S.2C:39-5, as specified under subsections a. and c. of this  
27 section, if the person has satisfactorily completed a firearms  
28 training course approved by the Police Training Commission.

29 The exempt person shall not possess or carry a firearm until the  
30 person has satisfactorily completed a firearms training course and  
31 shall annually qualify in the use of a revolver or similar weapon.  
32 For purposes of this subsection, a "firearms training course" means  
33 a course of instruction in the safe use, maintenance and storage of  
34 firearms which is approved by the Police Training Commission.  
35 The commission shall approve a firearms training course if the  
36 requirements of the course are substantially equivalent to the  
37 requirements for firearms training provided by police training  
38 courses which are certified under section 6 of P.L.1961, c.56  
39 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3),  
40 or (6) of subsection a. of this section shall be exempt from the  
41 requirements of this subsection.

42 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed  
43 to prevent any financial institution, or any duly authorized  
44 personnel of the institution, from possessing, carrying or using for  
45 the protection of money or property, any device which projects,  
46 releases or emits tear gas or other substances intended to produce  
47 temporary physical discomfort or temporary identification.

1       1. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed  
2 to prevent a law enforcement officer who retired in good standing,  
3 including a retirement because of a disability pursuant to section 6  
4 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255  
5 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any  
6 substantially similar statute governing the disability retirement of  
7 federal law enforcement officers, provided the officer was a  
8 regularly employed, full-time law enforcement officer for an  
9 aggregate of four or more years prior to his disability retirement and  
10 further provided that the disability which constituted the basis for  
11 the officer's retirement did not involve a certification that the officer  
12 was mentally incapacitated for the performance of his usual law  
13 enforcement duties and any other available duty in the department  
14 which his employer was willing to assign to him or does not subject  
15 that retired officer to any of the disabilities set forth in subsection c.  
16 of N.J.S.2C:58-3 which would disqualify the retired officer from  
17 possessing or carrying a firearm, who semi-annually qualifies in the  
18 use of the handgun he is permitted to carry in accordance with the  
19 requirements and procedures established by the Attorney General  
20 pursuant to subsection j. of this section and pays the actual costs  
21 associated with those semi-annual qualifications, who is 75 years of  
22 age or younger, and who was regularly employed as a full-time  
23 member of the State Police; a full-time member of an interstate  
24 police force; a full-time member of a county or municipal police  
25 department in this State; a full-time member of a State law  
26 enforcement agency; a full-time sheriff, undersheriff or sheriff's  
27 officer of a county of this State; a full-time State or county  
28 corrections officer; a full-time State or county park police officer; a  
29 full-time special agent of the Division of Taxation; a full-time  
30 Human Services police officer; a full-time transit police officer of  
31 the New Jersey Transit Police Department; a full-time campus  
32 police officer exempted pursuant to paragraph (10) of subsection c.  
33 of this section; a full-time State conservation officer exempted  
34 pursuant to paragraph (4) of subsection a. of this section; a full-time  
35 Palisades Interstate Park officer appointed pursuant to R.S.32:14-  
36 21; a full-time Burlington County Bridge police officer appointed  
37 pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time  
38 housing authority police officer exempted pursuant to paragraph  
39 (16) of subsection c. of this section; a full-time juvenile corrections  
40 officer exempted pursuant to paragraph (9) of subsection a. of this  
41 section; a full-time parole officer exempted pursuant to paragraph  
42 (13) of subsection c. of this section; a full-time railway policeman  
43 exempted pursuant to paragraph (9) of subsection c. of this section;  
44 a full-time county prosecutor's detective or investigator; a full-time  
45 federal law enforcement officer; or is a qualified retired law  
46 enforcement officer, as used in the federal "Law Enforcement  
47 Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this  
48 State from carrying a handgun in the same manner as law

1 enforcement officers exempted under paragraph (7) of subsection a.  
2 of this section under the conditions provided herein:

3 (1) The retired law enforcement officer shall make application  
4 in writing to the Superintendent of State Police for approval to carry  
5 a handgun for one year. An application for annual renewal shall be  
6 submitted in the same manner.

7 (2) Upon receipt of the written application of the retired law  
8 enforcement officer, the superintendent shall request a verification  
9 of service from the chief law enforcement officer of the  
10 organization in which the retired officer was last regularly  
11 employed as a full-time law enforcement officer prior to retiring.  
12 The verification of service shall include:

13 (a) The name and address of the retired officer;

14 (b) The date that the retired officer was hired and the date that  
15 the officer retired;

16 (c) A list of all handguns known to be registered to that officer;

17 (d) A statement that, to the reasonable knowledge of the chief  
18 law enforcement officer, the retired officer is not subject to any of  
19 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

20 (e) A statement that the officer retired in good standing.

21 (3) If the superintendent approves a retired officer's application  
22 or reapplication to carry a handgun pursuant to the provisions of  
23 this subsection, the superintendent shall notify in writing the chief  
24 law enforcement officer of the municipality wherein that retired  
25 officer resides. In the event the retired officer resides in a  
26 municipality which has no chief law enforcement officer or law  
27 enforcement agency, the superintendent shall maintain a record of  
28 the approval.

29 (4) The superintendent shall issue to an approved retired officer  
30 an identification card permitting the retired officer to carry a  
31 handgun pursuant to this subsection. This identification card shall  
32 be valid for one year from the date of issuance and shall be valid  
33 throughout the State. The identification card shall not be  
34 transferable to any other person. The identification card shall be  
35 carried at all times on the person of the retired officer while the  
36 retired officer is carrying a handgun. The retired officer shall  
37 produce the identification card for review on the demand of any law  
38 enforcement officer or authority.

39 (5) Any person aggrieved by the denial of the superintendent of  
40 approval for a permit to carry a handgun pursuant to this subsection  
41 may request a hearing in the Superior Court of New Jersey in the  
42 county in which he resides by filing a written request for a hearing  
43 within 30 days of the denial. Copies of the request shall be served  
44 upon the superintendent and the county prosecutor. The hearing  
45 shall be held within 30 days of the filing of the request, and no  
46 formal pleading or filing fee shall be required. Appeals from the  
47 determination of the hearing shall be in accordance with law and the  
48 rules governing the courts of this State.

1 (6) A judge of the Superior Court may revoke a retired officer's  
2 privilege to carry a handgun pursuant to this subsection for good  
3 cause shown on the application of any interested person. A person  
4 who becomes subject to any of the disabilities set forth in  
5 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the  
6 superintendent, his identification card issued under paragraph (4) of  
7 this subsection to the chief law enforcement officer of the  
8 municipality wherein he resides or the superintendent, and shall be  
9 permanently disqualified to carry a handgun under this subsection.

10 (7) The superintendent may charge a reasonable application fee  
11 to retired officers to offset any costs associated with administering  
12 the application process set forth in this subsection.

13 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed  
14 to prevent duly authorized personnel of the New Jersey Division of  
15 Fish and Wildlife, while in the actual performance of duties, from  
16 possessing, transporting or using any device that projects, releases  
17 or emits any substance specified as being non-injurious to wildlife  
18 by the Director of the Division of Animal Health in the Department  
19 of Agriculture, and which may immobilize wildlife and produces  
20 only temporary physical discomfort through being vaporized or  
21 otherwise dispensed in the air for the purpose of repelling bear or  
22 other animal attacks or for the aversive conditioning of wildlife.

23 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be  
24 construed to prevent duly authorized personnel of the New Jersey  
25 Division of Fish and Wildlife, while in the actual performance of  
26 duties, from possessing, transporting or using hand held pistol-like  
27 devices, rifles or shotguns that launch pyrotechnic missiles for the  
28 sole purpose of frightening, hazing or aversive conditioning of  
29 nuisance or depredating wildlife; from possessing, transporting or  
30 using rifles, pistols or similar devices for the sole purpose of  
31 chemically immobilizing wild or non-domestic animals; or,  
32 provided the duly authorized person complies with the requirements  
33 of subsection j. of this section, from possessing, transporting or  
34 using rifles or shotguns, upon completion of a Police Training  
35 Commission approved training course, in order to dispatch injured  
36 or dangerous animals or for non-lethal use for the purpose of  
37 frightening, hazing or aversive conditioning of nuisance or  
38 depredating wildlife.

39 (cf: P.L.2017, c.110, s.1)

40  
41 5. Section 3 of P.L.1983, c.525 (C.4:19-15.16a) is amended to  
42 read as follows:

43 3. a. The Commissioner of Health shall, within 120 days after  
44 the effective date of P.L.1983, c.525, and pursuant to the  
45 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
46 seq.), adopt rules and regulations concerning the training and  
47 educational qualifications for the certification of animal control  
48 officers, including, but not limited to, a course of study approved by



1 the commissioner and the Police Training Commission, in  
2 consultation with the New Jersey Certified Animal Control Officers  
3 Association, which acquaints a person with:

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

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

8 (3) Community safety as it relates to animal control **]; and** .

9 (4) **【**The law enforcement methods and techniques required for  
10 an animal control officer to properly exercise the authority to  
11 investigate and sign complaints and arrest without warrant pursuant  
12 to section 8 of P.L.1997, c.247 (C.4:19-15.16c), including, but not  
13 limited to, those methods and techniques which relate to search,  
14 seizure, and arrest. The training in law enforcement methods and  
15 techniques described pursuant to this paragraph shall be part of the  
16 course of study for an animal control officer only when required by  
17 the governing body of a municipality pursuant to section 4 of  
18 P.L.1983, c.525 (C.4:19-15.16b).**】** (Deleted by amendment, P.L. \_\_, c. \_\_) (pending before the Legislature as this bill)

20 Any person 18 years of age or older may satisfy the courses of  
21 study established pursuant to this subsection at that person's own  
22 time and expense; however, nothing in this section shall be  
23 construed as authorizing a person to exercise the powers and duties  
24 of an animal control officer absent municipal appointment or  
25 authorization pursuant to section 4 of P.L.1983, c.525 (C.4:19-  
26 15.16b).

27 b. (1) The commissioner shall provide for the issuance of a  
28 certificate to a person who possesses, or acquires, the training and  
29 education required to qualify as a certified animal control officer  
30 pursuant to paragraphs (1) through (3) of subsection a. of this  
31 section and to a person who has been employed in the State of New  
32 Jersey in the capacity of, and with similar responsibilities to those  
33 required of, a certified animal control officer pursuant to the  
34 provisions of P.L.1983, c.525, for a period of three years before  
35 January 17, 1987. The commissioner shall not issue a certificate to  
36 any person convicted of, or found civilly liable for, a violation of  
37 any provision of chapter 22 of Title 4 of the Revised Statutes.

38 (2) The commissioner shall revoke the certificate of any person  
39 convicted of, or found civilly liable for, a violation of any provision  
40 of chapter 22 of Title 4 of the Revised Statutes, and shall place the  
41 name of the person on the list established pursuant to subsection c.  
42 of this section.

43 c. (1) The commissioner shall establish a list of all persons  
44 issued a certificate pursuant to subsection b. of this section (a) for  
45 whom that certificate has been revoked, or (b) who have been  
46 convicted of, or found civilly liable for, a violation of any provision  
47 of chapter 22 of Title 4 of the Revised Statutes. The commissioner  
48 shall provide each municipality in the State with a copy of this list

1 within 30 days after the list is established and not less often than  
2 annually thereafter if no revised list required pursuant to paragraph  
3 (2) of this subsection has been issued in the interim.

4 (2) Upon receipt of a notice required pursuant to section 3 or 4  
5 of P.L.2003, c.67 (C.4:22-57 or C.2B:12-17.1) involving a person  
6 who has been issued a certificate pursuant to subsection b. of this  
7 section, the commissioner shall add to the list the name of the  
8 person convicted of, or found civilly liable for, a violation of any  
9 provision of chapter 22 of Title 4 of the Revised Statutes according  
10 to the notice, and shall issue a copy of the revised list to each  
11 municipality within 30 days after receipt of any notice.

12 (cf: P.L.2012, c.17, s.8)

13  
14 6. Section 4 of P.L.1983, c.525 (C.4:19-15.16b) is amended to  
15 read as follows:

16 4. The governing body of a municipality shall, within three  
17 years of the effective date of P.L.1983, c.525, appoint a certified  
18 animal control officer who shall be responsible for animal control  
19 within the jurisdiction of the municipality and who shall enforce  
20 and abide by the provisions of section 16 of P.L.1941, c.151  
21 (C.4:19-15.16). The governing body shall not appoint a certified  
22 animal control officer, shall not contract for animal control services  
23 with any company that employs a certified animal control officer,  
24 and shall revoke the appointment of a certified animal control  
25 officer, who has been convicted of, or found civilly liable for, a  
26 violation of any provision of chapter 22 of Title 4 of the Revised  
27 Statutes or whose name is on the list or any revision thereto  
28 established and provided by the Commissioner of Health pursuant  
29 to subsection c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a).  
30 The governing body shall, within 30 days after receipt thereof,  
31 review any such list or revision thereto received by the municipality  
32 and shall, within that 30-day period, take action accordingly as  
33 required pursuant to this section.

34 The governing body may authorize the certified animal control  
35 officer to [investigate and sign complaints, arrest violators, and  
36 otherwise act as an officer for detection, apprehension, and arrest of  
37 offenders against the animal control, animal welfare and animal  
38 cruelty laws of the State, and ordinances of the municipality, if the  
39 officer has completed the training required pursuant to paragraph 4  
40 of subsection a. of section 3 of P.L.1983, c.525 (C.4:19-15.16a).  
41 Only certified animal control officers who have completed the  
42 training may be authorized by the governing body to so act as an  
43 officer for detection, apprehension, and arrest of offenders;  
44 however, officers who have completed the training shall not have  
45 the authority to so act unless authorized by the governing body  
46 which is employing the officer or contracting for the officer's  
47 services] serve concurrently as a municipal humane law  
48 enforcement officer pursuant to subsection c. of section 25 or

1 subsection e. of section 26 of P.L. , c. (C. ) (pending before  
2 the Legislature as this bill) .  
3 (cf: P.L.2012, c.17, s.9)  
4

5 7. Section 1 of P.L.1995, c.145 (C.4:19A-16) is amended to read  
6 as follows:

7 1. a. There shall be established in, but not of, the Department of  
8 Health, a Domestic Companion Animal Council, which shall consist  
9 of 12 members, each of whom shall be chosen with due regard to  
10 the individual's knowledge of and interest in animal welfare, animal  
11 population control and the public health and well-being as they  
12 relate to the breeding, raising and nurturing of animals as domestic  
13 companion animals.

14 Each member shall be appointed by the Governor, with the  
15 advice and consent of the Senate, as follows: two members shall be  
16 appointed from persons recommended by the New Jersey  
17 Veterinary Medical Association; one member shall be appointed  
18 from persons recommended by the New Jersey Health Officers  
19 Association; one member shall be appointed from persons  
20 recommended by the New Jersey Certified Animal Control Officers  
21 Association; one member shall be appointed from persons  
22 recommended by the New Jersey Federation of Dog Clubs, Inc.;  
23 one member shall be appointed from persons recommended by [the  
24 Cat Fanciers' Association] People for Animals, Inc. ; one member  
25 shall be appointed from persons recommended by the [New Jersey  
26 Society for the Prevention of Cruelty to Animals; one member shall  
27 be appointed from persons recommended by the Associated  
28 Humane Societies] county societies for the prevention of cruelty to  
29 animals in northern New Jersey; one member shall be appointed  
30 from persons recommended by the county societies for the  
31 prevention of cruelty to animals in southern New Jersey; one  
32 member who shall be a volunteer at any county animal shelter  
33 within the State; one member shall be a representative of a  
34 volunteer animal rescue and welfare organization; and two members  
35 shall be appointed from persons recommended by the Humane  
36 Society of the United States. Each member shall be appointed for a  
37 term of four years and until the member's successor is appointed  
38 and qualified.

39 Any member of the Domestic Companion Animal Council shall  
40 be eligible for reappointment, but may be removed from office by  
41 the Governor for cause.

42 Any vacancy occurring in the membership of the council for any  
43 cause shall be filled in the same manner as the original appointment  
44 but for the unexpired term only , except that, upon expiration of the  
45 term of the member recommended by the Cat Fanciers' Association,  
46 a replacement shall be appointed from persons recommended by  
47 People for Animals, Inc., upon expiration of the term of the member  
48 recommended by the New Jersey Society for Prevention of Cruelty

1 to Animals, a replacement shall be appointed from persons  
2 recommended by the county societies for the prevention of cruelty  
3 to animals in northern New Jersey, and upon expiration of the term  
4 of the member recommended by the Associated Humane Societies,  
5 a replacement shall be appointed from persons recommended by the  
6 county societies for the prevention of cruelty to animals in southern  
7 New Jersey .

8 For the purposes of this section, “northern New Jersey” means  
9 Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic,  
10 Somerset, Sussex, Union, and Warren counties; and “southern New  
11 Jersey” means Atlantic, Burlington, Camden, Cape May,  
12 Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem  
13 counties.

14 b. A majority of the membership of the council shall constitute a  
15 quorum for the transaction of council business. Action may be  
16 taken and motions and resolutions adopted by the council at any  
17 meeting thereof by the affirmative vote of a majority of the full  
18 membership of the council.

19 c. The Governor shall appoint a chairman and the council may  
20 appoint other officers as may be necessary. The council may  
21 appoint staff or hire experts as it may require within the limits of  
22 appropriations made for these purposes.

23 d. Members of the council shall serve without compensation, but  
24 may be reimbursed for expenses necessarily incurred in the  
25 discharge of their official duties.

26 e. The council may call to its assistance any employees as are  
27 necessary and made available to it from any agency or department  
28 of the State or its political subdivisions.

29 f. For the purposes of this act, "domestic companion animal"  
30 means any animal commonly referred to as a pet or one that has  
31 been bought, bred, raised or otherwise acquired, in accordance with  
32 local ordinances and State and federal law, for the primary purpose  
33 of providing companionship to the owner, rather than for business  
34 or agricultural purposes.

35 (cf: P.L.1995, c.145, s.1)

36  
37 8. Section 11 of P.L.2005, c.372 (C.4:22-11.11) is amended to  
38 read as follows:

39 11. a. The Police Training Commission, in collaboration with  
40 the **【New Jersey Society for the Prevention of Cruelty to Animals】**  
41 Attorney General , shall develop or approve a training course for  
42 animal protection law enforcement, which shall include but need  
43 not be limited to instruction in:

44 (1) the law, procedures, and enforcement methods and  
45 techniques of investigation, arrest, and search and seizure,  
46 specifically in connection with violations of State and local animal  
47 cruelty laws and ordinances;

1 (2) information and procedures related to animals, including  
2 animal behavior and traits and evaluation of animals at a crime  
3 scene;

4 (3) methods to identify and document animal abuse, neglect, and  
5 distress; and

6 (4) investigation of animal fighting.

7 **【The course developed or approved pursuant to this subsection**  
8 **shall be the same or substantially similar to the course developed**  
9 **and approved for certified animal control officers who are**  
10 **authorized as animal cruelty investigators pursuant to sections 3 and**  
11 **4 of P.L.1983, c.525 (C.4:19-15.16a and C.4:19-15.16b) and**  
12 **P.L.1997, c.247 (C.4:19-15.16c. et al.).】**

13 b. Every **【agent and】** municipal humane law enforcement  
14 officer **【appointed after the date of enactment of P.L.2005, c.372**  
15 **(C.4:22-11.1 et al.)】** , humane law enforcement officer of a county  
16 society for the prevention of cruelty to animals, and chief humane  
17 law enforcement officer or other officer designated pursuant to  
18 subparagraph (a) of paragraph (2) of subsection a. of section 28 of  
19 P.L. , c. (C. ) (pending before the Legislature as this bill)  
20 shall satisfactorily complete the animal protection law enforcement  
21 training course as soon as practicable, but no later than 【within】  
22 one year after the date of the 【agent's or】 officer's 【appointment】  
23 designation .

24 c. (1) **【The Chief Humane Law Enforcement Officer of a**  
25 **county society for the prevention of cruelty to animals or the New**  
26 **Jersey Society for the Prevention of Cruelty to Animals】** The chief  
27 law enforcement officer of a municipality, or of a county, as  
28 applicable, may request from the Police Training Commission an  
29 exemption from applicable law enforcement parts of the animal  
30 protection law enforcement training course on behalf of a current or  
31 prospective 【agent or】 municipal humane law enforcement officer ,  
32 humane law enforcement officer of a county society for the  
33 prevention of cruelty to animals, or chief humane law enforcement  
34 officer or other officer designated pursuant to subparagraph (a) of  
35 paragraph (2) of subsection a. of section 28 of P.L. , c. (C. )  
36 (pending before the Legislature as this bill) who demonstrates  
37 successful completion of a police training course conducted by a  
38 federal, state, or other public or private agency, the requirements of  
39 which are substantially equivalent to or which exceed the  
40 corresponding requirements of the animal protection law  
41 enforcement training course curriculum established through the  
42 Police Training Commission.

43 (2) The chief law enforcement officer of a municipality, or of a  
44 county, as applicable, may request from the Police Training  
45 Commission an exemption from applicable animal control parts of  
46 the animal protection law enforcement training course on behalf of  
47 a current or prospective municipal humane law enforcement officer,

1 humane law enforcement officer of a county society for the  
2 prevention of cruelty to animals, or chief humane law enforcement  
3 officer or other officer designated pursuant to subparagraph (a) of  
4 paragraph (2) of subsection a. of section 28 of P.L. , c. (C. )  
5 (pending before the Legislature as this bill) who demonstrates  
6 successful completion of an animal control course pursuant to  
7 section 3 of P.L.1983, c.525 (C.4:19-15.16a).

8 d. The Police Training Commission shall provide for the  
9 issuance of a certificate to a person who possesses, or acquires, the  
10 training and education required to qualify as a municipal humane  
11 law enforcement officer, humane law enforcement officer of a  
12 county society for the prevention of cruelty to animals, or chief  
13 humane law enforcement officer or other officer designated  
14 pursuant to subparagraph (a) of paragraph (2) of subsection a. of  
15 section 28 of P.L. , c. (C. ) (pending before the Legislature  
16 as this bill) and shall provide a copy of the certificate to, as  
17 applicable, the municipal humane law enforcement officer and the  
18 chief law enforcement officer of the municipality or county, or to  
19 the humane law enforcement officer and the county society for the  
20 prevention of cruelty to animals, or to the chief humane law  
21 enforcement officer or other officer designated pursuant to  
22 subparagraph (a) of paragraph (2) of subsection a. of section 28 of  
23 P.L. , c. (C. ) (pending before the Legislature as this bill)  
24 and the county prosecutor.

25 (cf: P.L.2005, c.372, s.11)

26  
27 9. Section 12 of P.L.2005, c.372 (C.4:22-11.12) is amended to  
28 read as follows:

29 12. All State, county, and municipal law enforcement agencies  
30 and all county and municipal health agencies shall, upon request,  
31 make every reasonable effort to assist **【the】** any municipal humane  
32 law enforcement 【officers and agents of a county society for the  
33 prevention of cruelty to animals or the New Jersey Society for the  
34 Prevention of Cruelty to Animals】 officer or humane law  
35 enforcement officer of a county society for the prevention of cruelty  
36 to animals in the enforcement of all laws and ordinances enacted for  
37 the protection of animals.

38 (cf: P.L.2005, c.372, s.12)

39  
40 10. R.S.4:22-17 is amended to read as follows:

41 4:22-17. a. It shall be unlawful to:

42 (1) Overdrive, overload, drive when overloaded, overwork,  
43 abuse, or needlessly kill a living animal or creature;

44 (2) Cause or procure, by any direct or indirect means, including  
45 but not limited to through the use of another living animal or  
46 creature, any of the acts described in paragraph (1) of this  
47 subsection to be done;

1 (3) Inflict unnecessary cruelty upon a living animal or creature,  
2 by any direct or indirect means, including but not limited to through  
3 the use of another living animal or creature; or leave the living  
4 animal or creature unattended in a vehicle under inhumane  
5 conditions adverse to the health or welfare of the living animal or  
6 creature; or

7 (4) Fail, as the owner or as a person otherwise charged with the  
8 care of a living animal or creature, to provide the living animal or  
9 creature with necessary care.

10 b. (1) A person who violates subsection a. of this section shall  
11 be guilty of a disorderly persons offense. Notwithstanding the  
12 provisions of N.J.S.2C:43-3 to the contrary, for every conviction of  
13 an offense pursuant to paragraph (1) or (2) of subsection a. of this  
14 section, the person shall be fined not less than \$250 nor more than  
15 \$1,000, or be imprisoned for a term of not more than six months, or  
16 both, in the discretion of the court; and for every conviction of an  
17 offense pursuant to paragraph (3) or (4) of subsection a. of this  
18 section, the person shall be fined not less than \$500 nor more than  
19 \$2,000, or be imprisoned for a term of not more than six months, or  
20 both, in the discretion of the court.

21 (2) If the person who violates subsection a. of this section has a  
22 prior conviction for an offense that would constitute a violation of  
23 subsection a. of this section, the person shall be guilty of a crime of  
24 the fourth degree.

25 (3) A person who violates subsection a. of this section shall also  
26 be subject to the provisions of subsections e. and f. and, if  
27 appropriate, subsection g., of this section.

28 (4) The action for the penalty prescribed in this subsection shall  
29 be brought in the municipal court of the municipality wherein the  
30 defendant resides or where the offense was committed, except that  
31 the municipality may elect to refer the offense to the county  
32 prosecutor to determine if the offense should be handled in the  
33 Superior Court or in municipal court.

34 c. It shall be unlawful to purposely, knowingly, or recklessly:

35 (1) Torment, torture, maim, hang, poison, unnecessarily or  
36 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or  
37 creature;

38 (2) Cause bodily injury to a living animal or creature by failing  
39 to provide the living animal or creature with necessary care,  
40 whether as the owner or as a person otherwise charged with the care  
41 of the living animal or creature;

42 (3) Cause or procure an act described in paragraph (1) or (2) of  
43 this subsection to be done, by any direct or indirect means,  
44 including but not limited to through the use of another living animal  
45 or creature; or

46 (4) Use, or cause or procure the use of, an animal or creature in  
47 any kind of sexual manner or initiate any kind of sexual contact  
48 with the animal or creature, including, but not limited to,

1 sodomizing the animal or creature. As used in this paragraph,  
2 "sexual contact" means any contact between a person and an animal  
3 by penetration of the penis or a foreign object into the vagina or  
4 anus, contact between the mouth and genitalia, or by contact  
5 between the genitalia of one and the genitalia or anus of the other.  
6 This term does not include any medical procedure performed by a  
7 licensed veterinarian practicing veterinary medicine or an accepted  
8 animal husbandry practice.

9 d. (1) A person who violates paragraph (1), (2), (3) or (4) of  
10 subsection c. of this section shall be guilty of a crime of the fourth  
11 degree, except that the person shall be guilty of a crime of the third  
12 degree if:

13 (a) the animal or creature dies as a result of the violation;

14 (b) the animal or creature suffers serious bodily injury as a  
15 result of the violation; or

16 (c) the person has a prior conviction for an offense that would  
17 constitute a violation of paragraph (1), (2), (3) or (4) of subsection  
18 c. of this section.

19 (2) A person who violates any provision of subsection c. of this  
20 section shall also be subject to the provisions of subsections e. and  
21 f. and, if appropriate, subsection g., of this section.

22 (3) The action for the penalty prescribed in this subsection shall  
23 be brought in the Superior Court.

24 e. For a violation of this section, in addition to imposing any  
25 other appropriate penalties established for a crime of the third  
26 degree, crime of the fourth degree, or disorderly persons offense, as  
27 the case may be, pursuant to Title 2C of the New Jersey Statutes,  
28 the court shall impose a term of community service of up to 30  
29 days, and may direct that the term of community service be served  
30 in providing assistance to **【the New Jersey Society for the**  
31 **Prevention of Cruelty to Animals,】** a county society for the  
32 prevention of cruelty to animals **【,】** or any other recognized  
33 organization concerned with the prevention of cruelty to animals or  
34 the humane treatment and care of animals, or to a municipality's  
35 animal control or animal population control program.

36 f. The court also shall require any violator of this section to pay  
37 restitution, including but not limited to, the monetary cost of  
38 replacing the animal if the animal died or had to be euthanized  
39 because of the extent of the animal's injuries, or otherwise  
40 reimburse any costs for food, drink, shelter, or veterinary care or  
41 treatment, or other costs, incurred by the owner of the animal, if the  
42 owner is not the person committing the act of cruelty, or incurred  
43 by any agency, entity, or organization investigating the violation, or  
44 providing shelter or care for the animal or animals, including but  
45 not limited to **【the New Jersey Society for the Prevention of Cruelty**  
46 **to Animals,】** a county society for the prevention of cruelty to  
47 animals, any other recognized organization concerned with the



1 prevention of cruelty to animals or the humane treatment and care  
2 of animals, a local or State governmental entity, or a kennel, shelter,  
3 pound, or other facility providing for the shelter and care of the  
4 animal or animals involved in the violation.

5 g. If a juvenile is adjudicated delinquent for an act which, if  
6 committed by an adult, would constitute a disorderly persons  
7 offense, crime of the fourth degree, or crime of the third degree  
8 pursuant to this section, the court also shall order the juvenile to  
9 receive mental health counseling by a licensed psychologist or  
10 therapist named by the court for a period of time to be prescribed by  
11 the licensed psychologist or therapist.

12 (cf: P.L.2015, c.133, s.1)

13  
14 11. Section 7 of P.L.2017, c.189 (C.4:22-17.7) is amended to  
15 read as follows:

16 7. a. Upon a showing of probable cause that there has been a  
17 violation of **【this act】** P.L.2017, c.189 (C.4:22-17.1 et seq.) and  
18 submission of proof of issuance of a summons, a court of competent  
19 jurisdiction may issue, upon request, an order to any municipal  
20 humane law enforcement officer **【or agent of the New Jersey**  
21 **Society for the Prevention of Cruelty to Animals or】** , humane law  
22 enforcement officer of a county society for the prevention of cruelty  
23 to animals, **【certified animal control officer,】** or other State or local  
24 law enforcement officer to enter onto the private property where a  
25 dog, domestic companion animal, or service animal is located and  
26 take physical custody of the animal.

27 b. Notwithstanding the provisions of subsection a. of this  
28 section, or any other law, or any rule or regulation adopted pursuant  
29 thereto, to the contrary, any municipal humane law enforcement  
30 officer **【or agent of the New Jersey Society for the Prevention of**  
31 **Cruelty to Animals or】** , humane law enforcement officer of a  
32 county society for the prevention of cruelty to animals, **【certified**  
33 **animal control officer,】** or other State or local law enforcement  
34 officer may immediately enter onto private property where a dog,  
35 domestic companion animal, or service animal is located and take  
36 physical custody of the animal, if the officer **【or agent】** has  
37 reasonable suspicion to believe that the animal is at risk of  
38 imminent harm due to a violation of **【this act】** P.L.2017, c.189  
39 (C.4:22-17.1 et seq.) .

40 c. Upon taking physical custody of a dog, domestic companion  
41 animal, or service animal pursuant to subsection a. or b. of this  
42 section, the person taking physical custody of the animal shall: (1)  
43 post immediately, in a conspicuous place at the location from which  
44 the dog, domestic companion animal, or service animal was taken,  
45 the notice required pursuant to subsection d. of this section to the  
46 owner or person with custody or control of the dog, domestic  
47 companion animal, or service animal; and (2) send by registered or

1 certified mail and by ordinary mail the notice described in  
2 subsection d. of this section to the address of the location from  
3 which the dog, domestic companion animal, or service animal was  
4 taken into physical custody.

5 d. The notice required pursuant to subsection c. of this section  
6 shall: (1) provide a description of the dog, domestic companion  
7 animal, or service animal; (2) state that the dog, domestic  
8 companion animal, or service animal may be euthanized upon a  
9 veterinarian's written determination of medical necessity as required  
10 by subsection e. of this section; (3) state the statutory authority and  
11 reason for taking custody of the dog, domestic companion animal,  
12 or service animal; and (4) provide contact information, including at  
13 least the name of any applicable office or entity, the name of a  
14 person at that office or entity, and a telephone number for the owner  
15 or person with custody or control of the dog, domestic companion  
16 animal, or service animal to obtain information concerning the  
17 animal, the alleged violation, and where the animal is impounded.

18 e. A dog, domestic companion animal, or service animal taken  
19 into physical custody pursuant to subsection a. or b. of this section  
20 shall be placed in a licensed shelter, pound, or kennel operating as a  
21 shelter or pound to ensure the humane care and treatment of the  
22 animal. If, after the dog, domestic companion animal, or service  
23 animal has been taken into physical custody, a licensed veterinarian  
24 makes a written determination that the animal is in intractable and  
25 extreme pain and beyond any reasonable hope of recovery with  
26 reasonable veterinary medical treatment, the animal may be  
27 euthanized. At any time while the licensed shelter, pound, or  
28 kennel operating as a shelter or pound has custody or control of the  
29 dog, domestic companion animal, or service animal, it may place  
30 the animal in an animal rescue organization facility or a foster home  
31 if it determines the placement is in the best interest of the animal.

32 f. A person shall be issued a correction warning prior to being  
33 cited for a violation of **【this act】** P.L.2017, c.189 (C.4:22-17.1 et  
34 seq.) unless the dog, domestic companion animal, or service animal  
35 involved in the violation was seized immediately pursuant to  
36 subsection b. of this section. A summons shall be served on the  
37 alleged violator as soon as practicable if:

38 (1) after the seven days have elapsed from the date a correction  
39 warning is issued, no correction has been made; or

40 (2) the dog, domestic companion animal, or service animal  
41 involved in the violation was seized immediately pursuant to  
42 subsection b. of this section.

43 If the alleged violator is not the owner of the dog, domestic  
44 companion animal, or service animal, the person issuing the  
45 correction warning or summons, as applicable, shall also notify the  
46 owner of the animal of the violation and provide the owner with a  
47 copy of the issued correction warning or summons, as applicable.

- 1 g. Any summons issued for a violation of **【this act】** P.L.2017,  
2 c.189 (C.4:22-17.1 et seq.) shall contain:
- 3 (1) a description of the violation and statutory authority; and  
4 (2) contact information identifying, at a minimum (a) the name  
5 of the investigating agency or office, and (b) the name of the officer  
6 **【or agent】** issuing the summons or investigating the alleged  
7 violation.
- 8 h. Any municipal humane law enforcement officer **【or agent of**  
9 **the New Jersey Society for the Prevention of Cruelty to Animals or**  
10 **county society for the prevention of cruelty to animals, certified**  
11 **animal control officer,】** , humane law enforcement officer of a  
12 county society for the prevention of cruelty to animals, or other  
13 State or local law enforcement officer issuing a summons for a  
14 violation of **【this act】** P.L.2017, c.189 (C.4:22-17.1 et seq.) shall  
15 also serve on the alleged violator, with the summons, a written  
16 notice of:
- 17 (1) the right to voluntarily forfeit ownership or custody of the  
18 dog, domestic companion animal, or service animal;  
19 (2) the action or actions required for compliance;  
20 (3) a demand for immediate compliance; and  
21 (4) a telephone number for the investigating agency or office  
22 and the investigating officer or agent.
- 23 i. Any municipal humane law enforcement officer **【or agent of**  
24 **the New Jersey Society for the Prevention of Cruelty to Animals**  
25 **or】** , humane law enforcement officer of a county society for the  
26 prevention of cruelty to animals, **【certified animal control officer,】**  
27 or other State or local law enforcement officer may petition a court  
28 of competent jurisdiction to have a dog, domestic companion  
29 animal, or service animal confiscated, if not previously seized, and  
30 forfeited upon the person being found guilty of, or liable for, a  
31 violation of **【this act】** P.L.2017, c.189 (C.4:22-17.1 et seq.) . Upon  
32 a finding that continued possession of the dog, domestic companion  
33 animal, or service animal by the owner or other person authorized  
34 to have custody or control of the animal poses a threat to the health  
35 or safety of the animal, the court shall order that the animal be  
36 forfeited, placed in an animal rescue organization facility, shelter,  
37 pound, or kennel operating as a shelter or pound, and made  
38 available for adoption.
- 39 j. A person found guilty of, or liable for, a violation of any  
40 provision of **【this act】** P.L.2017, c.189 (C.4:22-17.1 et seq.) shall  
41 be responsible for, and pay, the reasonable costs of caring for the  
42 dog, domestic companion animal, or service animal from the date  
43 on which physical custody of the animal was taken pursuant to this  
44 section until the date the animal is surrendered, forfeited, returned,  
45 or euthanized, including, but not limited to, the cost of transporting,  
46 sheltering, and feeding the animal, the cost of providing the animal

1 with necessary veterinary care, and if the animal is euthanized, the  
2 cost of the euthanasia.

3 (cf: P.L.2017, c.189, s.7)

4  
5 12. Section 1 of P.L.1939, c.315 (C.4:22-25.1) is amended to  
6 read as follows:

7 1. Each person operating a motor vehicle who shall knowingly  
8 hit, run over, or cause injury to a cat, dog, horse, or cattle shall stop  
9 at once, ascertain the extent of injury, report to the nearest police  
10 station, police officer, **or** notify the nearest Society for the  
11 Prevention of Cruelty to Animals **】** municipal humane law  
12 enforcement officer, chief humane law enforcement officer, or  
13 humane law enforcement officer of a county society for the  
14 prevention of cruelty to animals and give his name, address,  
15 operator's license and registration number, and also give the  
16 location of the injured animal.

17 (cf: P.L.1968, c.39, s. 1)

18  
19 13. R.S.4:22-26 is amended to read as follows:

20 4:22-26. A person who shall:

21 a. (1) Overdrive, overload, drive when overloaded, overwork,  
22 abuse, or needlessly kill a living animal or creature, or cause or  
23 procure, by any direct or indirect means, including but not limited  
24 to through the use of another living animal or creature, any such  
25 acts to be done;

26 (2) Torment, torture, maim, hang, poison, unnecessarily or  
27 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or  
28 creature, or cause or procure, by any direct or indirect means,  
29 including but not limited to through the use of another living animal  
30 or creature, any such acts to be done;

31 (3) Cause the death of, or serious bodily injury to, a living  
32 animal or creature from commission of any act described in  
33 paragraph (2), (4), (5), or (6) of this subsection, by any direct or  
34 indirect means, including but not limited to through the use of  
35 another living animal or creature, or otherwise cause or procure any  
36 such acts to be done;

37 (4) Fail, as the owner or a person otherwise charged with the  
38 care of a living animal or creature, to provide the living animal or  
39 creature with necessary care, or otherwise cause or procure such an  
40 act to be done; or

41 (5) Cause bodily injury to a living animal or creature from  
42 commission of the act described in paragraph (4) of this subsection;

43 b. (Deleted by amendment, P.L.2003, c.232)

44 c. Inflict unnecessary cruelty upon a living animal or creature,  
45 by any direct or indirect means, including but not limited to through  
46 the use of another living animal or creature; or leave the living  
47 animal or creature unattended in a vehicle under inhumane

- 1 conditions adverse to the health or welfare of the living animal or  
2 creature;
- 3 d. Receive or offer for sale a horse that is suffering from abuse  
4 or neglect, or which by reason of disability, disease, abuse or  
5 lameness, or any other cause, could not be worked, ridden or  
6 otherwise used for show, exhibition or recreational purposes, or  
7 kept as a domestic pet without violating the provisions of **[this]**  
8 article 2 of chapter 22 of Title 4 of the Revised Statutes ;
- 9 e. Keep, use, be connected with or interested in the management  
10 of, or receive money or other consideration for the admission of a  
11 person to, a place kept or used for the purpose of fighting or baiting  
12 a living animal or creature;
- 13 f. Be present and witness, pay admission to, encourage, aid or  
14 assist in an activity enumerated in subsection e. of this section;
- 15 g. Permit or suffer a place owned or controlled by him to be  
16 used as provided in subsection e. of this section;
- 17 h. Carry, or cause to be carried, a living animal or creature in or  
18 upon a vehicle or otherwise, in a cruel or inhumane manner;
- 19 i. Use a dog or dogs for the purpose of drawing or helping to  
20 draw a vehicle for business purposes;
- 21 j. Impound or confine or cause to be impounded or confined in a  
22 pound or other place a living animal or creature, and shall fail to  
23 supply the living animal or creature during such confinement with a  
24 sufficient quantity of good and wholesome food and water;
- 25 k. Abandon a maimed, sick, infirm or disabled animal or  
26 creature to die in a public place;
- 27 l. Willfully sell, or offer to sell, use, expose, or cause or permit  
28 to be sold or offered for sale, used or exposed, a horse or other  
29 animal having the disease known as glanders or farcy, or other  
30 contagious or infectious disease dangerous to the health or life of  
31 human beings or animals, or who shall, when any such disease is  
32 beyond recovery, refuse, upon demand, to deprive the animal of  
33 life;
- 34 m. Own, operate, manage or conduct a roadside stand or market  
35 for the sale of merchandise along a public street or highway; or a  
36 shopping mall, or a part of the premises thereof; and keep a living  
37 animal or creature confined, or allowed to roam in an area whether  
38 or not the area is enclosed, on these premises as an exhibit; except  
39 that this subsection shall not be applicable to: a pet shop licensed  
40 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who  
41 keeps an animal, in a humane manner, for the purpose of the  
42 protection of the premises; or a recognized breeders' association, a  
43 4-H club, an educational agricultural program, an equestrian team, a  
44 humane society or other similar charitable or nonprofit organization  
45 conducting an exhibition, show or performance;
- 46 n. Keep or exhibit a wild animal at a roadside stand or market  
47 located along a public street or highway of this State; a gasoline  
48 station; or a shopping mall, or a part of the premises thereof;

- 1       o. Sell, offer for sale, barter or give away or display live baby  
2 chicks, ducklings or other fowl or rabbits, turtles or chameleons  
3 which have been dyed or artificially colored or otherwise treated so  
4 as to impart to them an artificial color;
- 5       p. Use any animal, reptile, or fowl for the purpose of soliciting  
6 any alms, collections, contributions, subscriptions, donations, or  
7 payment of money except in connection with exhibitions, shows or  
8 performances conducted in a bona fide manner by recognized  
9 breeders' associations, 4-H clubs or other similar bona fide  
10 organizations;
- 11       q. Sell or offer for sale, barter, or give away living rabbits,  
12 turtles, baby chicks, ducklings or other fowl under two months of  
13 age, for use as household or domestic pets;
- 14       r. Sell, offer for sale, barter or give away living baby chicks,  
15 ducklings or other fowl, or rabbits, turtles or chameleons under two  
16 months of age for any purpose not prohibited by subsection q. of  
17 this section and who shall fail to provide proper facilities for the  
18 care of such animals;
- 19       s. Artificially mark sheep or cattle, or cause them to be marked,  
20 by cropping or cutting off both ears, cropping or cutting either ear  
21 more than one inch from the tip end thereof, or half cropping or  
22 cutting both ears or either ear more than one inch from the tip end  
23 thereof, or who shall have or keep in the person's possession sheep  
24 or cattle, which the person claims to own, marked contrary to this  
25 subsection unless they were bought in market or of a stranger;
- 26       t. Abandon a domesticated animal;
- 27       u. For amusement or gain, cause, allow, or permit the fighting or  
28 baiting of a living animal or creature;
- 29       v. Own, possess, keep, train, promote, purchase, or knowingly  
30 sell a living animal or creature for the purpose of fighting or baiting  
31 that animal or creature;
- 32       w. Gamble on the outcome of a fight involving a living animal  
33 or creature;
- 34       x. Knowingly sell or barter or offer for sale or barter, at  
35 wholesale or retail, the fur or hair of a domestic dog or cat or any  
36 product made in whole or in part from the fur or hair of a domestic  
37 dog or cat, unless such fur or hair for sale or barter is from a  
38 commercial grooming establishment or a veterinary office or clinic  
39 or is for use for scientific research;
- 40       y. (1) Knowingly sell or barter, or offer for sale or barter, at  
41 wholesale or retail, for human consumption, the flesh of a domestic  
42 dog or cat, or any product made in whole or in part from the flesh of  
43 a domestic dog or cat;
- 44       (2) Knowingly slaughter a horse for human consumption;
- 45       (3) Knowingly sell or barter, or offer for sale or barter, at  
46 wholesale or retail, for human consumption, the flesh of a horse, or  
47 any product made in whole or in part from the flesh of a horse, or  
48 knowingly accept or publish newspaper advertising that includes the

1 offering for sale, trade, or distribution of any such item for human  
2 consumption;

3 (4) Knowingly transport a horse for the purpose of slaughter for  
4 human consumption;

5 (5) Knowingly transport horsemeat, or any product made in  
6 whole or in part from the flesh of a horse, for the purpose of human  
7 consumption;

8 z. Surgically debark or silence a dog in violation of section 1 or  
9 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);

10 aa. Use a live pigeon, fowl or other bird for the purpose of a  
11 target, or to be shot at either for amusement or as a test of skill in  
12 marksmanship, except that this subsection and subsections bb. and  
13 cc. shall not apply to the shooting of game;

14 bb. Shoot at a bird used as described in subsection aa. of this  
15 section, or is a party to such shooting; or

16 cc. Lease a building, room, field or premises, or knowingly  
17 permit the use thereof for the purposes of subsection aa. or bb. of  
18 this section --

19 Shall forfeit and pay a sum according to the following schedule,  
20 to be sued for and recovered, with costs, in a civil action by any  
21 person [in the name of the New Jersey Society for the Prevention of  
22 Cruelty to Animals or a county society for the prevention of cruelty  
23 to animals, as appropriate, or,] in the name of the municipality [if  
24 brought by a certified animal control officer or animal cruelty  
25 investigator] or county wherein the defendant resides or where the  
26 offense was committed :

27 For a violation of subsection e., f., g., u., v., w., or z. of this  
28 section or of paragraph (3) of subsection a. of this section, or for a  
29 second or subsequent violation of paragraph (2) or (5) of subsection  
30 a. of this section, a sum of not less than \$3,000 nor more than  
31 \$5,000;

32 For a violation of subsection l. of this section, for a first violation  
33 of paragraph (2) or (5) of subsection a. of this section, a sum of not  
34 less than \$1,000 nor more than \$3,000;

35 For a violation of paragraph (4) of subsection a. of this section,  
36 or subsection c. of this section, a sum of not less than \$500 nor  
37 more than \$2,000;

38 For a violation of subsection x. or paragraph (1) of subsection y.  
39 of this section, a sum of not less than \$500 nor more than \$1,000 for  
40 each domestic dog or cat fur or fur or hair product or domestic dog  
41 or cat carcass or meat product sold, bartered, or offered for sale or  
42 barter;

43 For a violation of paragraph (2), (3), (4), or (5) of subsection y.  
44 of this section, a sum of not less than \$500 nor more than \$1,000 for  
45 each horse slaughtered or transported for the purpose of slaughter  
46 for human consumption, or for each horse carcass or meat product  
47 transported, sold or bartered, or offered or advertised for sale or  
48 barter;

1 For a violation of subsection t. of this section, a sum of not less  
2 than \$500 nor more than \$1,000, but if the violation occurs on or  
3 near a highway, a mandatory sum of \$1,000;

4 For a violation of subsection d., h., j., k., aa., bb., or cc. of this  
5 section or of paragraph (1) of subsection a. of this section, a sum of  
6 not less than \$250 nor more than \$1,000; and

7 For a violation of subsection i., m., n., o., p., q., r., or s. of this  
8 section, a sum of not less than \$250 nor more than \$500.

9 (cf: P.L.2013, c.88, s.3)

10  
11 14. Section 1 of P.L.1995, c.255 (C.4:22-26.1) is amended to  
12 read as follows:

13 1. **【An officer or agent of the New Jersey Society for the**  
14 **Prevention of Cruelty to Animals, or a】** A certified animal control  
15 officer, municipal humane law enforcement officer, humane law  
16 enforcement officer of a county society for the prevention of cruelty  
17 to animals, chief humane law enforcement officer, or animal cruelty  
18 prosecutor designated pursuant to paragraph (1) of subsection a. of  
19 section 28 of P.L. , c. (C. ) (pending before the Legislature  
20 as this bill) may petition a court of competent jurisdiction to have  
21 any animal confiscated and forfeited that is owned or possessed by  
22 a person at the time the person is found to be guilty of violating  
23 R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20 or R.S.4:22-23.  
24 Upon a finding that the continued possession by that person poses a  
25 threat to the animal's welfare, the court may, in addition to any  
26 other penalty that may be imposed for a violation of R.S.4:22-17,  
27 R.S.4:22-18, R.S.4:22-19, R.S.4:22-20 or R.S.4:22-23, adjudge an  
28 animal forfeited for such disposition as the court deems appropriate.  
29 (cf: P.L.1995, c.255, s.1)

30  
31 15. R.S.4:22-44 is amended to read as follows:

32 4:22-44. Any municipal humane law enforcement officer **【of the**  
33 **New Jersey Society for the Prevention of Cruelty to Animals or】** ,  
34 chief humane law enforcement officer, humane law enforcement  
35 officer of a county society for the prevention of cruelty to animals,  
36 **【or any】** sheriff, undersheriff, constable, **【certified animal control**  
37 **officer who has been properly authorized pursuant to section 4 of**  
38 **P.L.1983, c.525 (C.4:19-15.16b),】** or police officer may:

39 a. Make arrests for violations of **【this】** article 2 of chapter 22 of  
40 Title 4 of the Revised Statutes ; and

41 b. Arrest without warrant any person found violating the  
42 provisions of **【this article】** article 2 of chapter 22 of Title 4 of the  
43 Revised Statutes in the presence of such humane law enforcement  
44 officer, sheriff, undersheriff, constable, or police officer **【or a**  
45 **certified animal control officer who has been properly authorized**  
46 **pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b) , and take**



1 such person before the nearest judge or magistrate as provided in  
2 this article】 .

3 (cf: P.L.2005, c.372, s.17)

4  
5 16. R.S.4:22-45 is amended to read as follows:

6 4:22-45. Where an arrest is made 【under the provisions of this  
7 article】 for a violation of subsection c. of R.S.4:22-17 by a  
8 constable, sheriff, undersheriff , 【or】 police officer 【in a locality  
9 where the New Jersey society, or a district (county) society, for the  
10 prevention of cruelty to animals exists, he】 , municipal humane law  
11 enforcement officer, chief humane law enforcement officer, or  
12 humane law enforcement officer of a county society for the  
13 prevention of cruelty to animals, the officer shall give notice to the  
14 【State or district (county) society】 county prosecutor, or designee  
15 of the county prosecutor, at once, whereupon 【such State or district  
16 (county) society shall take charge of the case and prosecute it under  
17 the provisions of this article. No magistrate shall hear any such  
18 case until proof is made of the service of such notice on the State or  
19 district (county) society.

20 The provisions of this section shall not apply to certified animal  
21 control officers who have been properly authorized pursuant to  
22 section 4 of P.L.1983, c.525 (C.4:19-15.16b) to make arrests】 the  
23 county prosecutor, or designee of the county prosecutor, shall  
24 determine whether the offense should be handled in the Superior  
25 Court or in municipal court .

26 (cf: P.L.1997, c.247, s.5)

27  
28 17. R.S.4:22-47 is amended to read as follows:

29 4:22-47. A sheriff, undersheriff, constable, police officer,  
30 【certified animal control officer who has been properly authorized  
31 pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b), or】  
32 municipal humane law enforcement officer 【of the New Jersey  
33 Society for the Prevention of Cruelty to Animals or】 , chief humane  
34 law enforcement officer, or humane law enforcement officer of a  
35 county society for the prevention of cruelty to animals 【.】 may  
36 enter any building or place where there is an exhibition of the  
37 fighting or baiting of a living animal or creature, where preparations  
38 are being made for such an exhibition, or where a violation  
39 otherwise of R.S.4:22-24 is occurring, arrest without warrant all  
40 persons there present, and take possession of all living animals or  
41 creatures engaged in fighting or there found and all implements or  
42 appliances used or to be used in such exhibition.

43 (cf: P.L.2005, c.372, s.18)

44  
45 18. Section 1 of P.L.1997, c.121 (C.4:22-48.2) is amended to  
46 read as follows:

1        1. The costs of sheltering, caring for, or treating any animal that  
2 has been confiscated from a person arrested pursuant to the  
3 provisions of R.S.4:22-47 by **an agent of the New Jersey Society**  
4 **for the Prevention of Cruelty to Animals,** a municipal humane law  
5 enforcement officer, a chief humane law enforcement officer, a  
6 humane law enforcement officer of a county society for the  
7 prevention of cruelty to animals, or any other person authorized to  
8 make an arrest pursuant to article 2 of chapter 22 of Title 4 of the  
9 Revised Statutes, until the animal is adjudged forfeited or until the  
10 animal is returned to the owner, shall be borne by the owner of the  
11 animal.

12 (cf: P.L.1997, c.121, s.1)

13  
14        19. Section 1 of P.L.1986, c.89 (C.4:22-50.1) is amended to read  
15 as follows:

16        1. When the owner or operator of an animal pound or shelter is  
17 arrested pursuant to the provisions of article 2 of chapter 22 of Title  
18 4 of the Revised Statutes by **an agent of the New Jersey Society**  
19 **for the Prevention of Cruelty to Animals** a municipal humane law  
20 enforcement officer, a chief humane law enforcement officer, a  
21 humane law enforcement officer of a county society for the  
22 prevention of cruelty to animals, or any other person authorized to  
23 make the arrest under that article, or when the warrant is issued for  
24 the arrest, the person making the arrest **or any other officer or**  
25 **agent of the New Jersey Society for the Prevention of Cruelty to**  
26 **Animals** may petition the Chancery Division of Superior Court to  
27 remove the owner or operator as custodian of the animals and  
28 appoint a receiver to operate the pound or shelter. The petitioner  
29 shall serve a copy of the petition on the Department of Health, the  
30 local board of health, and the owner or operator. If a county society  
31 for the prevention of cruelty to animals has been designated by the  
32 county prosecutor pursuant to subsection a. of section 28 of P.L. ,  
33 c. (C. ) (pending before the Legislature as this bill), the  
34 county society shall, to the extent practicable, be appointed as  
35 receiver to operate the pound or shelter unless the county society is  
36 the owner or operator of the pound or shelter subject to arrest  
37 pursuant to this section.

38 (cf: P.L.1986, c.89, s.1)

39  
40        20. R.S.4:22-53 is amended to read as follows:

41        4:22-53. An animal or creature abandoned in a maimed, sick,  
42 infirm , or disabled condition, if fit for further use, may be  
43 advertised and sold in the manner directed by a court of competent  
44 jurisdiction or **agent of the New Jersey Society for the Prevention**  
45 **of Cruelty to Animals** animal cruelty prosecutor designated  
46 pursuant to paragraph (1) of subsection a. of section 28 of P.L. ,  
47 c. (C. ) (pending before the Legislature as this bill) .

1 The proceeds, after deducting expenses, shall be paid to the  
2 **【district (county) society for the prevention of cruelty to animals, if**  
3 one is in existence in the county; if not, then to the New Jersey  
4 society**】** county to be used for the purpose of protecting animals in  
5 the county.

6 (cf: P.L.1953, c.5, s.84)  
7

8 21. R.S.4:22-54 is amended to read as follows:

9 4:22-54. When an animal or creature is found on the highway or  
10 elsewhere, whether abandoned or not, in a maimed, sick, infirm , or  
11 disabled condition, a court of competent jurisdiction **【or】** , sheriff  
12 of the county **【,** or agent of the New Jersey Society for the  
13 Prevention of Cruelty to Animals,**】** , chief humane law enforcement  
14 officer, humane law enforcement officer of a county society for the  
15 prevention of cruelty to animals, or municipal humane law  
16 enforcement officer may appoint a suitable person to examine and  
17 destroy such animal or creature if unfit for further use.

18 (cf: P.L.1953, c.5, s.85)  
19

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

21 4:22-55. a. Except as provided pursuant to subsection b. of this  
22 section, all fines, penalties and moneys imposed and collected under  
23 the provisions of **【this】** article 2 of chapter 22 of Title 4 of the  
24 Revised Statutes , shall be paid by the court or by the clerk or court  
25 officer receiving the fines, penalties or moneys, within **【thirty】** 30  
26 days and without demand, to **【(1) the county society for the**  
27 prevention of cruelty to animals of the county where the fines,  
28 penalties or moneys were imposed and collected, if the county  
29 society brought the action or it was brought on behalf of the county  
30 society, to be used by the county society in aid of the benevolent  
31 objects for which it was incorporated, or (2) in all other cases, the  
32 New Jersey Society for the Prevention of Cruelty to Animals, to be  
33 used by the State society in aid of the benevolent objects for which  
34 it was incorporated**】** the county to be used for the purpose of  
35 protecting animals in the county .

36 b. If an enforcement action for a violation of **【this】** article 2 of  
37 chapter 22 of Title 4 of the Revised Statutes is brought :

38 (1) in Superior Court primarily as a result of the **【discovery and**  
39 investigation**】** reporting of the violation to the county prosecutor by  
40 a certified animal control officer or a municipal humane law  
41 enforcement officer , the fines, penalties , or moneys collected shall  
42 be paid as follows: one half to the municipality in which the  
43 violation occurred; and one half to the county **【society or to the**  
44 New Jersey Society for the Prevention of Cruelty to Animals, as  
45 applicable to the particular enforcement action**】** to be used for the  
46 purpose of protecting animals in the county .

1     (2) in a municipal court of a municipality in which a municipal  
2 humane law enforcement officer has been designated pursuant to  
3 section 25 of P.L. , c. (C. ) (pending before the Legislature  
4 as this bill), the fines, penalties, or moneys collected shall be paid  
5 without demand, to the municipality in which the violation  
6 occurred.

7     (3) in a municipal court of a municipality in which a municipal  
8 humane law enforcement officer has not been designated pursuant  
9 to section 25 of P.L. , c. (C. ) (pending before the  
10 Legislature as this bill), the fines, penalties, or moneys collected  
11 shall be paid as follows: one half to the municipality in which the  
12 violation occurred; and one half to the county to be used for the  
13 purpose of protecting animals in the county.

14     c. Any fines, penalties , or moneys paid to a municipality **【or**  
15 **other entity】** pursuant to subsection b. of this section shall be  
16 allocated by the municipality **【or other entity】** to defray the cost of:

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

19     (2) the training therefor required of certified animal control  
20 officers and municipal humane law enforcement officers pursuant to  
21 law or other animal enforcement related training authorized by law  
22 for municipal employees.

23 (cf: P.L.2005, c.372, s.19)  
24

25     23. Section 10 of P.L.1997, c.247 (C.4:22-56) is amended to  
26 read as follows:

27     10. Although a municipality and **【the New Jersey Society for the**  
28 **Prevention of Cruelty to Animals or a county society】** a county may  
29 share in the receipt of fines, penalties , or moneys collected with  
30 regard to violations occurring in the municipality pursuant to the  
31 provisions of R.S.4:22-55:

32     a. **【neither】** a municipality or any official or officer thereof,  
33 municipal prosecutor, municipal humane law enforcement officer,  
34 or **【a】** certified animal control officer shall not be liable for any  
35 civil damages as a result of any act or omission of **【the New Jersey**  
36 Society for the Prevention of Cruelty to Animals, a county society  
37 or an officer thereof】 a county or any official or officer thereof,  
38 county prosecutor, county animal cruelty prosecutor, chief humane  
39 law enforcement officer, or county society for the prevention of  
40 cruelty to animals or any humane law enforcement officer thereof  
41 with regard to any investigation, arrest, or prosecution of a violator  
42 with which the municipality or any official or officer thereof,  
43 municipal prosecutor, municipal humane law enforcement officer,  
44 or certified animal control officer was not involved; and

45     b. **【neither the New Jersey Society for the Prevention of Cruelty**  
46 **to Animals, a county society or an officer thereof】** a county or any  
47 official or officer thereof, county prosecutor, county animal cruelty

1 prosecutor, chief humane law enforcement officer, or county society  
2 for the prevention of cruelty to animals or any humane law  
3 enforcement officer thereof shall not be liable for any civil damages  
4 as a result of any act or omission of a municipality or any official or  
5 officer thereof, municipal prosecutor, municipal humane law  
6 enforcement officer, or [a] certified animal control officer with  
7 regard to any investigation, arrest, or prosecution of a violator with  
8 which the **[New Jersey Society for the Prevention of Cruelty to**  
9 **Animals, a county society or an officer thereof]** county or any  
10 official or officer thereof, county prosecutor, county animal cruelty  
11 prosecutor, chief humane law enforcement officer, or county society  
12 for the prevention of cruelty to animals or any humane law  
13 enforcement officer thereof was not involved.  
14 (cf: P.L.2005, c.372, s.20)  
15

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

18 3. a. **[For the purposes of establishing the list of persons not**  
19 **eligible to be certified animal control officers as required pursuant**  
20 **to subsections b. and c. of section 3 of P.L.1983, c.525 (C.4:19-**  
21 **15.16a), notice shall be provided, within 90 days after the effective**  
22 **date of this section, to the Commissioner of Health and Senior**  
23 **Services of any person who has been convicted of, or found civilly**  
24 **liable for, a violation of any provision of chapter 22 of Title 4 of the**  
25 **Revised Statutes, by any court or other official administrative entity**  
26 **maintaining records of such violations adjudged on or before the**  
27 **effective date of this section.]** (Deleted by amendment, P.L. ,  
28 c. ) (pending before the Legislature as this bill)

29 b. For the purposes of maintaining the list of persons not eligible  
30 to be a certified animal control **[officers]** officer, municipal  
31 humane law enforcement officer, humane law enforcement officer  
32 of a county society for the prevention of cruelty to animals, or  
33 designee pursuant to subsection a. of section 28 of P.L. , c. )  
34 (pending before the Legislature as this bill), as established pursuant  
35 to subsections b. and c. of section 3 of P.L.1983, c.525 (C.4:19-  
36 15.16a), the court or other official adjudging the guilt or liability for  
37 a violation of any provision of article 2 of chapter 22 of Title 4 of  
38 the Revised Statutes, shall charge the prosecutor **[,** officer of the  
39 New Jersey Society for the Prevention of Cruelty to Animals or the  
40 county society for the prevention of cruelty to animals,**]** or other  
41 appropriate person, other than a certified animal control officer,  
42 with the responsibility to notify within 30 days the commissioner,  
43 in writing, of the full name of the person found guilty of, or liable  
44 for, an applicable violation, and the violation for which or of which  
45 that person was found guilty or liable, and the person charged with  
46 the responsibility shall provide such notice.  
47 (cf: P.L.2005, c.372, s.21)

- 1       25. (New section) a. Except as provided in subsection e. of this  
2 section, each governing body of a municipality shall:
- 3       (1) submit at least one applicant for designation as a municipal  
4 humane law enforcement officer pursuant to section 26 of P.L.     ,  
5 c. (C.     ) (pending before the Legislature as this bill) who shall  
6 be responsible for animal welfare within the jurisdiction of the  
7 municipality, and who shall enforce and abide by the provisions of  
8 chapter 22 of Title 4 of the Revised Statutes and shall be authorized  
9 to investigate and sign complaints, arrest violators, and otherwise  
10 act as an officer for detection, apprehension, and arrest of offenders  
11 against the animal welfare and animal cruelty laws of the State and  
12 ordinances of the municipality; and
- 13       (2) publicize a telephone number for reporting violations of any  
14 provision of article 2 of chapter 22 of Title 4 of the Revised  
15 Statutes, which may be the same number publicized pursuant to  
16 section 14 of P.L.1989, c.307 (C.4:19-30).
- 17       b. The governing body of a municipality shall not submit an  
18 applicant for designation as, and shall terminate the designation of,  
19 a municipal humane law enforcement officer who has been  
20 convicted of, or found civilly liable for, a violation of any provision  
21 of article 2 of chapter 22 of Title 4 of the Revised Statutes or whose  
22 name is on the list or any revision thereto established and provided  
23 by the Commissioner of Health pursuant to subsection c. of section  
24 3 of P.L.1983, c.525 (C.4:19-15.16a).
- 25       c. The governing body of a municipality may designate as a  
26 municipal humane law enforcement officer any qualified individual.  
27 An animal control officer or a police officer may serve concurrently  
28 as a municipal humane law enforcement officer, so long as the  
29 officer is able to effectively carry out the duties and responsibilities  
30 required of each position held.
- 31       d. (1) The governing body of a municipality with a full time  
32 municipal police department may authorize a municipal humane  
33 law enforcement officer to possess, carry, and use a firearm while  
34 enforcing the laws and ordinances enacted for the protection of  
35 animals, if the officer:
- 36       (a) has satisfactorily completed a firearms training course as  
37 defined in subsection j. of N.J.S.2C:39-6 and approved by the  
38 Police Training Commission; and
- 39       (b) twice annually qualifies in the use of a revolver or similar  
40 weapon.
- 41       (2) A municipal humane law enforcement officer authorized to  
42 possess, carry, and use a firearm pursuant to this subsection shall be  
43 subject to the supervision of the chief law enforcement officer of  
44 the municipality.
- 45       e. A municipality that does not have a municipal police  
46 department shall not be required to comply with the provisions of  
47 paragraph (1) of subsection a. of this section; however, the

1 municipality shall make every reasonable effort to designate a  
2 municipal humane law enforcement officer pursuant to this section.

3 f. In a municipality without a designated municipal humane law  
4 enforcement officer pursuant to this section, animal cruelty law  
5 enforcement shall be the responsibility of the chief humane law  
6 enforcement officer of the county, or the county society for the  
7 prevention of cruelty to animals if authorized to conduct law  
8 enforcement activity pursuant to subparagraph (b) of paragraph (2)  
9 of subsection a. of section 28 of P.L. , c. (C. ) (pending  
10 before the Legislature as this bill).

11

12 26. (New section) a. (1) An application for designation as a  
13 municipal humane law enforcement officer shall be submitted by  
14 the governing body of a municipality to the chief law enforcement  
15 officer of the municipality, or, if the municipality does not have a  
16 chief law enforcement officer, the Superintendent of State Police.  
17 Upon receipt of the application, the chief law enforcement officer of  
18 the municipality or the superintendent, as applicable, shall examine  
19 the character, competency, and fitness of the applicant for the  
20 position, including initiating a criminal background check at the  
21 expense of the applicant.

22 (2) Upon completion of an examination of an applicant, the  
23 chief law enforcement officer of the municipality or the  
24 superintendent, as applicable, shall approve or reject the applicant  
25 and provide a written determination to the applicant and to the  
26 governing body of the municipality which, if applicable, shall state  
27 any reasons for rejecting the applicant.

28 b. A municipal humane law enforcement officer shall have the  
29 power and authority within the municipality in which the officer is  
30 designated, or otherwise authorized to act, as a municipal humane  
31 law enforcement officer to:

32 (1) enforce all animal welfare and animal cruelty laws of the  
33 State and ordinances of the municipality;

34 (2) investigate and sign complaints concerning any violation of  
35 an animal welfare or animal cruelty law of the State or ordinance of  
36 the municipality; and

37 (3) act as an officer for the detection, apprehension, and arrest  
38 of offenders against the animal welfare and animal cruelty laws of  
39 the State and ordinances of the municipality.

40 c. A municipal humane law enforcement officer shall:

41 (1) abide by the provisions of chapter 22 of Title 4 of the  
42 Revised Statutes;

43 (2) satisfactorily complete the training course developed  
44 pursuant to subsection a. of section 11 of P.L.2005, c.372 (C.4:22-  
45 11.11), subject to the provisions of subsection c. of section 11 of  
46 P.L.2005, c.372 (C.4:22-11.11) as applicable, as soon as  
47 practicable, but no later than one year after the date on which the

- 1 officer's designation is approved by the chief law enforcement  
2 officer in the municipality or the superintendent, as applicable;
- 3 (3) refer all complaints for violations of the provisions of  
4 subsection c. of R.S.4:22-17 to the county prosecutor for  
5 investigation and prosecution, or any other appropriate legal action,  
6 except that a municipal humane law enforcement officer may take  
7 any action necessary, within the authority granted pursuant to  
8 chapter 22 of Title 4 of the Revised Statutes, to respond to an  
9 emergency situation;
- 10 (4) provide notice to the county animal cruelty prosecutor  
11 designated pursuant to paragraph (1) of subsection a. of section 28  
12 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
13 within five businesses days after the receipt of any complaint of a  
14 violation of any provision of article 2 of chapter 22 of Title 4 of the  
15 Revised Statutes, regardless of whether the violation is referred to  
16 the county prosecutor pursuant to paragraph (3) of this subsection.  
17 The notice shall contain, at minimum, a brief description of the  
18 offense alleged; and
- 19 (5) submit, by October 1 of each year, a report to the animal  
20 cruelty prosecutor designated pursuant to subsection a. of section 28  
21 of P.L. , c. (C. ) (pending before the Legislature as this  
22 bill), which shall include, for the most recently concluded State  
23 fiscal year, the number of complaints received for each offense  
24 under article 2 of chapter 22 of Title 4 of the Revised Statutes and  
25 the number of cases referred to the county prosecutor, and may  
26 contain any policy recommendations or concerns of the municipal  
27 humane law enforcement officer related to animal cruelty law  
28 enforcement in the municipality. The animal cruelty prosecutor  
29 shall compile these reports and submit them to the Attorney General  
30 as part of the annual report required pursuant to subsection d. of  
31 section 31 of P.L. , c. (C. ) (pending before the Legislature  
32 as this bill).
- 33 d. A municipal humane law enforcement officer may, upon  
34 receipt of a request for assistance by a municipality, county, or  
35 other entity that did not designate the municipal humane law  
36 enforcement officer pursuant to this section, exercise the powers  
37 and authority granted pursuant to this section within the jurisdiction  
38 of the municipality, county, or other entity making the request.
- 39 e. A municipal humane law enforcement officer may be so  
40 designated concurrently by more than one municipality, provided  
41 the officer is able to effectively carry out the duties and  
42 responsibilities required of each designation, except that a  
43 municipal humane law enforcement officer who serves concurrently  
44 as a police officer shall not be designated as a municipal humane  
45 law enforcement officer in more than one municipality at any one  
46 time.
- 47 f. Any rule or regulation concerning animal cruelty  
48 investigators, in effect on the date of enactment of P.L. ,



1 c. (C. ) (pending before the Legislature as this bill), shall be  
2 applicable to municipal humane law enforcement officers until  
3 otherwise revised or repealed by the Department of Health.

4  
5 27. (New section) Any humane law enforcement officer or  
6 agent appointed by a county society for the prevention of cruelty to  
7 animals, prior to the date of enactment of P.L. , c. (C. )  
8 (pending before the Legislature as this bill), or the New Jersey  
9 Society for the Prevention of Cruelty to Animals shall be eligible  
10 for designation as a municipal humane law enforcement officer  
11 pursuant to section 26 of P.L. , c. (C. ) (pending before the  
12 Legislature as this bill) or as a humane law enforcement officer of a  
13 county society for the prevention of cruelty to animals pursuant to  
14 section 29 of P.L. , c. (C. ) (pending before the Legislature  
15 as this bill).

16  
17 28. (New section) a. Each county prosecutor shall:

18 (1) designate any municipal or county prosecutor as the animal  
19 cruelty prosecutor of the county, and may designate any assistant  
20 animal cruelty prosecutor as needed, who shall investigate,  
21 prosecute, and take other legal action as appropriate for violations  
22 of any provision of article 2 of chapter 22 of Title 4 of the Revised  
23 Statutes, and who may serve in such capacity on a part-time basis if  
24 the responsibilities of the position allow;

25 (2) (a) designate, in consultation with the county sheriff, a  
26 county law enforcement officer to serve as the chief humane law  
27 enforcement officer of the county, and may designate any other law  
28 enforcement officer under the supervision of the chief humane law  
29 enforcement officer, who shall assist with investigations, arrest  
30 violators, and otherwise act as an officer for detection,  
31 apprehension, and arrest of offenders against the provisions of  
32 article 2 of chapter 22 of Title 4 of the Revised Statutes; or

33 (b) enter into a memorandum of understanding with the county  
34 society for the prevention of cruelty to animals designated pursuant  
35 to section 32 of P.L. , c. (C. ) (pending before the  
36 Legislature as this bill), which authorizes the county society, under  
37 the supervision of the county prosecutor, to assist with enforcement  
38 of article 2 of chapter 22 of Title 4 of the Revised Statutes, and to  
39 designate humane law enforcement officers, subject to the  
40 provisions of section 29 of P.L. , c. (C. ) (pending before  
41 the Legislature as this bill), to assist with investigations, arrest  
42 violators, and otherwise act as an officer for detection,  
43 apprehension, and arrest of offenders against the provisions of  
44 article 2 of chapter 22 of Title 4 of the Revised Statutes; and

45 (3) designate a county society for the prevention of cruelty to  
46 animals pursuant to the provisions of section 32 of P.L. ,  
47 c. (C. ) (pending before the Legislature as this bill) with  
48 which, to the extent practicable and as needed, the county

1 prosecutor and county sheriff shall coordinate shelter and care for  
2 animals.

3 b. A person who has been convicted of, or found civilly liable  
4 for, a violation of any provision of article 2 of chapter 22 of Title 4  
5 of the Revised Statutes or whose name is on the list or any revision  
6 thereto established and provided by the Commissioner of Health  
7 pursuant to subsection c. of section 3 of P.L.1983, c.525 (C.4:19-  
8 15.16a) shall not be designated by the county prosecutor for any  
9 position provided in subsection a. of this section.

10

11 29. (New section) a. (1) An application for designation as a  
12 humane law enforcement officer of a county society for the  
13 prevention of cruelty to animals pursuant to subsection a. of section  
14 28 of P.L. , c. (C. ) (pending before the Legislature as this  
15 bill) shall be submitted by the governing body of the county society  
16 to the county prosecutor. Upon receipt of the application, the  
17 county prosecutor shall examine the character, competency, and  
18 fitness of the applicant for the position, including initiating a  
19 criminal background check at the expense of the applicant.

20 (2) Upon completion of an examination of an applicant, the  
21 county prosecutor shall approve or reject the applicant and provide  
22 a written determination, to the applicant and to the county society  
23 for the prevention of cruelty to animals, which, if applicable, shall  
24 state any reasons for rejecting the applicant.

25 b. The governing body of a county society for the prevention of  
26 cruelty animals shall not submit an applicant for designation as, and  
27 shall terminate the designation of, a humane law enforcement  
28 officer who has been convicted of, or found civilly liable for, a  
29 violation of any provision of article 2 of chapter 22 of Title 4 of the  
30 Revised Statutes or whose name is on the list or any revision thereto  
31 established and provided by the Commissioner of Health pursuant  
32 to subsection c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a).

33 c. A county prosecutor may authorize a humane law  
34 enforcement officer to possess, carry, and use a firearm while  
35 enforcing the laws and ordinances enacted for the protection of  
36 animals, if the officer:

37 (1) has satisfactorily completed a firearms training course as  
38 defined in subsection j. of N.J.S.2C:39-6 and approved by the  
39 Police Training Commission; and

40 (2) twice annually qualifies in the use of a revolver or similar  
41 weapon.

42 d. A county society for the prevention of cruelty to animals that  
43 has entered into a memorandum of agreement with the county  
44 prosecutor pursuant to subparagraph (b) of paragraph (2) of  
45 subsection a. of section 28 of P.L. , c. (C. ) (pending before  
46 the Legislature as this bill) shall submit by October 1 of each year,  
47 a report to the animal cruelty prosecutor designated pursuant to  
48 subsection a. of section 28 of P.L. , c. (C. ) (pending before

1 the Legislature as this bill) which shall include, for the most  
2 recently concluded State fiscal year, the number of complaints  
3 received for each offense under article 2 of chapter 22 of Title 4 of  
4 the Revised Statutes and the number of cases referred to the county  
5 prosecutor, and may contain any policy recommendations or  
6 concerns of the county society related to animal cruelty law  
7 enforcement in the county. The animal cruelty prosecutor shall  
8 compile these reports and submit them to the Attorney General as  
9 part of the annual report required pursuant to subsection d. of  
10 section 31 of P.L. , c. (C. ) (pending before the Legislature  
11 as this bill).

12  
13 30. (New section) a. Any law enforcement officer designated  
14 pursuant to paragraph (2) of subsection a. of section 28 of P.L. ,  
15 c. (C. ) (pending before the Legislature as this bill), or  
16 humane law enforcement officer of a county society for the  
17 prevention of cruelty to animals designated pursuant to section 29  
18 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
19 shall have the power and authority within the jurisdiction in which  
20 the officer is designated, or otherwise authorized to act, to:

21 (1) enforce all animal welfare and animal cruelty laws of the  
22 State;

23 (2) investigate and sign complaints concerning any violation of  
24 an animal welfare or animal cruelty law of the State; and

25 (3) act as an officer for the detection, apprehension, and arrest  
26 of offenders against the animal welfare and animal cruelty laws of  
27 the State and ordinances of any municipality.

28 b. Every law enforcement officer designated pursuant to  
29 paragraph (2) of subsection a. of section 28 of P.L. , c. (C. )  
30 (pending before the Legislature as this bill), or humane law  
31 enforcement officer of a county society for the prevention of cruelty  
32 to animals designated pursuant to section 29 of P.L. , c. (C. )  
33 (pending before the Legislature as this bill), shall:

34 (1) abide by the provisions of chapter 22 of Title 4 of the  
35 Revised Statutes; and

36 (2) satisfactorily complete the training course developed  
37 pursuant to subsection a. of section 11 of P.L.2005, c.372 (C.4:22-  
38 11.11), subject to the provisions of subsection c. of section 11 of  
39 P.L.2005, c.372 (C.4:22-11.11) as applicable, as soon as  
40 practicable, but no later than one year after the date of the officer's  
41 designation.

42 c. Upon request for assistance by a municipality, county, or  
43 other entity that did not designate the humane law enforcement  
44 officer of a county society for the prevention of cruelty to animals  
45 pursuant to section 29 of P.L. , c. (C. ) (pending before the  
46 Legislature as this bill), or other law enforcement officer pursuant  
47 to paragraph (2) of subsection a. of section 28 of P.L. , c. (C. )  
48 (pending before the Legislature as this bill), the humane law

1 enforcement officer or other law enforcement officer may, within  
2 the jurisdiction of the municipality, county, or other entity making  
3 the request, exercise the powers and authority granted pursuant to  
4 this section.

5  
6 31. (New section) An animal cruelty prosecutor shall:

7 a. promote the interests of, and protect and care for, animals  
8 within the county;

9 b. investigate and prosecute violations of article 2 of chapter 22  
10 of Title 4 of the Revised Statutes;

11 c. request the assistance of the Department of Agriculture in the  
12 investigation of any violation concerning livestock; and

13 d. submit, by January 1 of each year, a report to the Attorney  
14 General which shall include the following information pertaining to  
15 animal cruelty law enforcement in the county for the most recently  
16 concluded State fiscal year:

17 (1) the number of complaints received from each municipality  
18 and from the county society for the prevention of cruelty of  
19 animals, as applicable, for each violation of any provision of article  
20 2 of chapter 22 of Title 4 of the Revised Statutes;

21 (2) the number of complaints investigated;

22 (3) the number of complaints prosecuted or otherwise litigated;

23 (4) the number of animals adjudged forfeited;

24 (5) the number of animals returned to the owner;

25 (6) proceeds from fines collected for violations of any provision  
26 of article 2 of chapter 22 of Title 4 of the Revised Statutes; and

27 (7) as applicable, any policy recommendations or concerns  
28 related to animal cruelty law enforcement in the county, or as  
29 described by a municipal humane law enforcement officer in the  
30 annual report required pursuant to paragraph (5) of subsection c. of  
31 section 26 of P.L. , c. (C. ) (pending before the Legislature  
32 as this bill) or by a humane law enforcement officer of a county  
33 society for the prevention of cruelty to animals in the annual report  
34 required pursuant to subsection d. of section 29 of P.L. , c. (C. )  
35 (pending before the Legislature as this bill).

36  
37 32. (New section) A county society for the prevention of cruelty  
38 to animals which is chartered as such as of the day prior to the date  
39 of enactment of P.L. , c. (C. ) (pending before the  
40 Legislature as this bill) shall, if the county society so desires, be  
41 designated as the county society for the prevention of cruelty to  
42 animals upon enactment of P.L. , c. (C. ) (pending before  
43 the Legislature as this bill). If a chartered county society elects not  
44 to be so designated, or no county society is chartered in the county,  
45 the county prosecutor shall select a non-profit corporation that is  
46 organized to promote the interests of, and protect and care for,  
47 animals to be designated as the county society for the prevention of  
48 cruelty to animals. The county society shall be responsible for

1 efficiently providing or locating humane shelter and care for any  
2 animals at the request of the county prosecutor, the county sheriff,  
3 or a municipal humane law enforcement officer.  
4

5 33. (New section) a. The New Jersey Society for the  
6 Prevention of Cruelty to Animals shall not grant, revoke, cancel, or  
7 suspend any charter for a county society for the prevention of  
8 cruelty to animals.

9 b. Nothing in P.L. , c. (C. ) (pending before the  
10 Legislature as this bill) shall be construed so as to require a county  
11 society for the prevention of cruelty to animals chartered as such as  
12 of the day prior to the date of enactment of P.L. , c. (C. )  
13 (pending before the Legislature as this bill) to surrender any assets  
14 to the State, or any political subdivision or other entity thereof.  
15

16 34. (New section) a. The Attorney General shall take any  
17 action necessary to facilitate the reincorporation of the New Jersey  
18 Society for the Prevention of Cruelty to Animals as a non-profit  
19 corporation independent of the State. Notwithstanding any State  
20 law, rule, or regulation to the contrary, the State shall not assume  
21 responsibility for any debts, liabilities, or other obligations of the  
22 New Jersey Society for the Prevention of Cruelty to Animals.

23 b. Any assets of a county society for the prevention of cruelty to  
24 animals held in escrow by the New Jersey Society for the  
25 Prevention of Cruelty to Animals pursuant to subsection j. of  
26 section 4 of P.L.2005, c.372 (C.4:22-11.4) shall be transferred to  
27 the Attorney General to hold in escrow until such time as the assets  
28 may be transferred back to the county society from whom they were  
29 originally transferred, the status of the county society's charter  
30 notwithstanding. Should the Attorney General find the transfer to  
31 be inappropriate or impossible, the assets shall be used for the  
32 purpose of protecting animals in the county from which the assets  
33 were originally transferred.  
34

35 35. Sections 8 and 9 of P.L.1997, c.247 (C.4:19-15.16c and  
36 C.4:19-15.16d), sections 1 through 10 and 13 of P.L.2005, c.372  
37 (C.4:22-11.1 through C.4:22-11.10 and C.4:22-11.13), R.S.4:22-12,  
38 and R.S.4:22-13 are repealed.  
39

40 36. This act shall take effect on the first day of the seventh  
41 month following the date of enactment, except that sections 25, 26,  
42 27, and 28 of this act shall take effect on the first day of the fourth  
43 month following the date of enactment, sections 33, 34, and 36 of  
44 this act shall take effect immediately, and the Attorney General and  
45 any county prosecutor or governing body of a municipality may  
46 take any administrative action in advance thereof as shall be  
47 necessary for the implementation of this act.

**SENATE, No. 3558**

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**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

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INTRODUCED NOVEMBER 30, 2017

**Sponsored by:**

**Senator RAYMOND J. LESNIAK**

**District 20 (Union)**

**Senator NILSA CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**SYNOPSIS**

Revises animal cruelty law enforcement in NJ.

**CURRENT VERSION OF TEXT**

As introduced.



1   **AN ACT** concerning the enforcement of animal cruelty laws, and  
2       amending, supplementing, and repealing various parts of the  
3       statutory law.

4  
5       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8       1. Section 4 of P.L.2003, c.67 (C.2B:12-17.1) is amended to  
9 read as follows:

10       4. As required pursuant to section 3 of P.L.2003, c.67 (C.4:22-  
11 57), a **[municipal]** court adjudging guilt or liability for a violation  
12 of any provision of chapter 22 of Title 4 of the Revised Statutes,  
13 shall charge the county prosecutor **],** officer of the New Jersey  
14 Society for the Prevention of Cruelty to Animals or the district  
15 (county) society for the prevention of cruelty to animals, or other  
16 appropriate person, other than a certified animal control officer,**]**  
17 animal cruelty task force, established pursuant to section 28 of P.L.,  
18 c. (C. ) (pending before the Legislature as this bill), with the  
19 responsibility to notify within 30 days the Commissioner of Health  
20 **[and Senior Services]** , in writing, of the full name of the person  
21 found guilty of, or liable for, an applicable violation, and the  
22 violation for which or of which that person was found guilty or  
23 liable, and the person charged with the responsibility shall provide  
24 such notice.

25 (cf: P.L.2003, c.67, s.4)

26  
27       2. Section 1 of P.L.2015, c.85 (C.2C:33-31) is amended to read  
28 as follows:

29       1. a. A person is guilty of dog fighting if that person knowingly:

30       (1) keeps, uses, is connected with or interested in the  
31 management of, or receives money for the admission of a person to,  
32 a place kept or used for the purpose of fighting or baiting a dog;

33       (2) owns, possesses, keeps, trains, promotes, purchases, breeds  
34 or sells a dog for the purpose of fighting or baiting that dog;

35       (3) for amusement or gain, causes, allows, or permits the  
36 fighting or baiting of a dog;

37       (4) permits or suffers a place owned or controlled by that person  
38 to be used for the purpose of fighting or baiting a dog;

39       (5) is present and witnesses, pays admission to, encourages or  
40 assists in the fighting or baiting of a dog; or

41       (6) gambles on the outcome of a fight involving a dog.

42       Dog fighting is a crime of the third degree.

43       b. (1) In addition to any other penalty imposed, the court shall  
44 order:

**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 (a) the seizure and forfeiture of any dogs or other animals used  
2 for fighting or baiting, and may upon request of the prosecutor or  
3 on its own motion, order any person convicted of a violation under  
4 this section to forfeit possession of: (i) any other dogs or other  
5 animals in the person's custody or possession; and (ii) any other  
6 property involved in or related to a violation of this section; and

7 (b) restitution, concerning the dogs or other animals seized and  
8 forfeited pursuant to subparagraph (a) of this paragraph, in the form  
9 of reimbursing any costs for all the animals' food, drink, shelter, or  
10 veterinary care or treatment, or other costs, incurred by any person,  
11 agency, entity, or organization, including but not limited to [the  
12 New Jersey Society for the Prevention of Cruelty to Animals,] a  
13 county society for the prevention of cruelty to animals, any other  
14 recognized organization concerned with the prevention of cruelty to  
15 animals or the humane treatment and care of animals, a State or  
16 local governmental entity, including, but not limited to, a county  
17 prosecutor animal cruelty task force, established pursuant to section  
18 29 of P.L. , c. (C. ) (pending before the Legislature as this  
19 bill), and a municipal humane law enforcement officer appointed  
20 pursuant to section 27 of P.L. , c. (C. ) (pending before the  
21 Legislature as this bill), or a kennel, shelter, pound, or other  
22 facility.

23 (2) The court may prohibit any convicted person from having  
24 future possession or custody of any animal for any period of time  
25 the court deems reasonable, including a permanent prohibition.

26 c. For the purposes of this section "bait" means to attack with  
27 violence, to provoke, or to harass a dog with one or more animals  
28 for the purpose of training the dog for, or to cause a dog to engage  
29 in, a fight with or among other dogs.

30 (cf: P.L.2015, c.85, s.1)

31  
32 3. Section 2 of P.L.2015, c.85 (C.2C:33-32) is amended to read  
33 as follows:

34 2. a. A person is a leader of a dog fighting network if he  
35 conspires with others in a scheme or course of conduct to  
36 unlawfully engage in dog fighting, as defined in section 1 of  
37 P.L.2015, c.85 (C.2C:33-31), as an organizer, supervisor, financier  
38 or manager of at least one other person. Leader of a dog fighting  
39 network is a crime of the second degree.

40 "Financier" means a person who, with the intent to derive a  
41 profit, provides money or credit or other thing of value in order to  
42 finance the operations of dog fighting.

43 b. (1) In addition to any other penalty imposed, the court shall  
44 order:

45 (a) The seizure and forfeiture of any dogs or other animals used  
46 for fighting or baiting, and may upon request of the prosecutor or  
47 on its own motion, order any person convicted of a violation under  
48 this section to forfeit possession of: (i) any other dogs or other



1 animals in the person's custody or possession; and (ii) any other  
2 property involved in or related to a violation of this section; and

3 (b) restitution, concerning the dogs or other animals seized and  
4 forfeited pursuant to subparagraph (a) of this paragraph, in the form  
5 of reimbursing any costs for all the animals' food, drink, shelter, or  
6 veterinary care or treatment, or other costs, incurred by any person,  
7 agency, entity, or organization, including but not limited to [the  
8 New Jersey Society for the Prevention of Cruelty to Animals,] a  
9 county society for the prevention of cruelty to animals, any other  
10 recognized organization concerned with the prevention of cruelty to  
11 animals or the humane treatment and care of animals, a State or  
12 local governmental entity, including but not limited to a county  
13 prosecutor animal cruelty task force, established pursuant to section  
14 28 of P.L. , c. (C. ) (pending before the Legislature as this  
15 bill), and municipal humane law enforcement officer appointed  
16 pursuant to section 27 of P.L. , c. (C. ) (pending before the  
17 Legislature as this bill), or a kennel, shelter, pound, or other  
18 facility.

19 (2) The court may prohibit any convicted person from having  
20 future possession or custody of any animal for any period of time  
21 the court deems reasonable, including a permanent prohibition.

22 c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction  
23 of leader of a dog fighting network shall not merge with the  
24 conviction for any offense, nor shall such other conviction merge  
25 with a conviction under this section, which is the object of the  
26 conspiracy. Nothing contained in this section shall prohibit the  
27 court from imposing an extended term pursuant to N.J.S.2C:43-7;  
28 nor shall this section be construed in any way to preclude or limit  
29 the prosecution or conviction of any person for conspiracy under  
30 N.J.S.2C:5-2, or any prosecution or conviction under N.J.S.2C:41-1  
31 et seq. (racketeering activities) or subsection g. of N.J.S.2C:5-2  
32 (leader of organized crime) or any prosecution or conviction for any  
33 such offense.

34 d. It shall not be necessary in any prosecution under this section  
35 for the State to prove that any intended profit was actually realized.  
36 The trier of fact may infer that a particular scheme or course of  
37 conduct was undertaken for profit from all of the attendant  
38 circumstances, including but not limited to the number of persons  
39 involved in the scheme or course of conduct, the actor's net worth  
40 and his expenditures in relation to his legitimate sources of income,  
41 or the amount of cash or currency involved.

42 e. It shall not be a defense to a prosecution under this section  
43 that the dog intended to be used for fighting was brought into or  
44 transported in this State solely for ultimate distribution or sale in  
45 another jurisdiction.

46 f. It shall not be a defense that the defendant was subject to the  
47 supervision or management of another, nor that another person or

1 persons were also leaders of a dog fighting network.  
2 (cf: P.L.2015, c.85, s.2)

3

4 4. N.J.S.2C:39-6 is amended to read as follows:

5 2C:39-6. a. Provided a person complies with the requirements  
6 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

7 (1) Members of the Armed Forces of the United States or of the  
8 National Guard while actually on duty, or while traveling between  
9 places of duty and carrying authorized weapons in the manner  
10 prescribed by the appropriate military authorities;

11 (2) Federal law enforcement officers, and any other federal  
12 officers and employees required to carry firearms in the  
13 performance of their official duties;

14 (3) Members of the State Police and, under conditions  
15 prescribed by the superintendent, members of the Marine Law  
16 Enforcement Bureau of the Division of State Police;

17 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,  
18 assistant prosecutor, prosecutor's detective or investigator, deputy  
19 attorney general or State investigator employed by the Division of  
20 Criminal Justice of the Department of Law and Public Safety,  
21 investigator employed by the State Commission of Investigation,  
22 inspector of the Alcoholic Beverage Control Enforcement Bureau of  
23 the Division of State Police in the Department of Law and Public  
24 Safety authorized to carry weapons by the Superintendent of State  
25 Police, State park police officer, or State conservation officer;

26 (5) Except as hereinafter provided, a prison or jail warden of  
27 any penal institution in this State or his deputies, or an employee of  
28 the Department of Corrections engaged in the interstate  
29 transportation of convicted offenders, while in the performance of  
30 his duties, and when required to possess the weapon by his superior  
31 officer, or a corrections officer or keeper of a penal institution in  
32 this State at all times while in the State of New Jersey, provided he  
33 annually passes an examination approved by the superintendent  
34 testing his proficiency in the handling of firearms;

35 (6) A civilian employee of the United States Government under  
36 the supervision of the commanding officer of any post, camp,  
37 station, base or other military or naval installation located in this  
38 State who is required, in the performance of his official duties, to  
39 carry firearms, and who is authorized to carry firearms by the  
40 commanding officer, while in the actual performance of his official  
41 duties;

42 (7) (a) A regularly employed member, including a detective, of  
43 the police department of any county or municipality, or of any  
44 State, interstate, municipal or county park police force or boulevard  
45 police force, at all times while in the State of New Jersey;

46 (b) A special law enforcement officer authorized to carry a  
47 weapon as provided in subsection b. of section 7 of P.L.1985, c.439  
48 (C.40A:14-146.14);

1 (c) An airport security officer or a special law enforcement  
2 officer appointed by the governing body of any county or  
3 municipality, except as provided in subsection (b) of this section, or  
4 by the commission, board or other body having control of a county  
5 park or airport or boulevard police force, while engaged in the  
6 actual performance of his official duties and when specifically  
7 authorized by the governing body to carry weapons;

8 (8) A full-time, paid member of a paid or part-paid fire  
9 department or force of any municipality who is assigned full-time  
10 or part-time to an arson investigation unit created pursuant to  
11 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson  
12 investigation unit in the county prosecutor's office, while either  
13 engaged in the actual performance of arson investigation duties or  
14 while actually on call to perform arson investigation duties and  
15 when specifically authorized by the governing body or the county  
16 prosecutor, as the case may be, to carry weapons. Prior to being  
17 permitted to carry a firearm, a member shall take and successfully  
18 complete a firearms training course administered by the Police  
19 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et  
20 seq.), and shall annually qualify in the use of a revolver or similar  
21 weapon prior to being permitted to carry a firearm;

22 (9) A juvenile corrections officer in the employment of the  
23 Juvenile Justice Commission established pursuant to section 2 of  
24 P.L.1995, c.284 (C.52:17B-170) subject to the regulations  
25 promulgated by the commission;

26 (10) A designated employee or designated licensed agent for a  
27 nuclear power plant under license of the Nuclear Regulatory  
28 Commission, while in the actual performance of his official duties,  
29 if the federal licensee certifies that the designated employee or  
30 designated licensed agent is assigned to perform site protection,  
31 guard, armed response or armed escort duties and is appropriately  
32 trained and qualified, as prescribed by federal regulation, to  
33 perform those duties. Any firearm utilized by an employee or agent  
34 for a nuclear power plant pursuant to this paragraph shall be  
35 returned each day at the end of the employee's or agent's authorized  
36 official duties to the employee's or agent's supervisor. All firearms  
37 returned each day pursuant to this paragraph shall be stored in  
38 locked containers located in a secure area;

39 (11) A county corrections officer at all times while in the State  
40 of New Jersey, provided he annually passes an examination  
41 approved by the superintendent testing his proficiency in the  
42 handling of firearms.

43 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

44 (1) A law enforcement officer employed by a governmental  
45 agency outside of the State of New Jersey while actually engaged in  
46 his official duties, provided, however, that he has first notified the  
47 superintendent or the chief law enforcement officer of the

1 municipality or the prosecutor of the county in which he is engaged;  
2 or

3 (2) A licensed dealer in firearms and his registered employees  
4 during the course of their normal business while traveling to and  
5 from their place of business and other places for the purpose of  
6 demonstration, exhibition or delivery in connection with a sale,  
7 provided, however, that the weapon is carried in the manner  
8 specified in subsection g. of this section.

9 c. Provided a person complies with the requirements of  
10 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5  
11 do not apply to:

12 (1) A special agent of the Division of Taxation who has passed  
13 an examination in an approved police training program testing  
14 proficiency in the handling of any firearm which he may be  
15 required to carry, while in the actual performance of his official  
16 duties and while going to or from his place of duty, or any other  
17 police officer, while in the actual performance of his official duties;

18 (2) A State deputy conservation officer or a full-time employee  
19 of the Division of Parks and Forestry having the power of arrest and  
20 authorized to carry weapons, while in the actual performance of his  
21 official duties;

22 (3) (Deleted by amendment, P.L.1986, c.150.)

23 (4) A court attendant appointed by the sheriff of the county or  
24 by the judge of any municipal court or other court of this State,  
25 while in the actual performance of his official duties;

26 (5) A guard employed by any railway express company, banking  
27 or building and loan or savings and loan institution of this State,  
28 while in the actual performance of his official duties;

29 (6) A member of a legally recognized military organization  
30 while actually under orders or while going to or from the prescribed  
31 place of meeting and carrying the weapons prescribed for drill,  
32 exercise or parade;

33 (7) A municipal humane law enforcement officer **【**of the New  
34 Jersey Society for the Prevention of Cruelty to Animals or of a  
35 county society for the prevention of cruelty to animals**】**, authorized  
36 pursuant to subsection c. of section 26 of P.L. , c. (C. )  
37 (pending before the Legislature as this bill), or a chief humane law  
38 enforcement officer or other law enforcement officer assigned or  
39 appointed to a county prosecutor animal cruelty task force pursuant  
40 to section 29 of P.L. , c. (C. ) (pending before the  
41 Legislature as this bill) , while in the actual performance of **【his】**  
42 the officer's duties;

43 (8) An employee of a public utilities corporation actually  
44 engaged in the transportation of explosives;

45 (9) A railway policeman, except a transit police officer of the  
46 New Jersey Transit Police Department, at all times while in the  
47 State of New Jersey, provided that he has passed an approved police  
48 academy training program consisting of at least 280 hours. The

- 1 training program shall include, but need not be limited to, the  
2 handling of firearms, community relations, and juvenile relations;
- 3 (10) A campus police officer appointed under P.L.1970, c.211  
4 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry  
5 a firearm, a campus police officer shall take and successfully  
6 complete a firearms training course administered by the Police  
7 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et  
8 seq.), and shall annually qualify in the use of a revolver or similar  
9 weapon prior to being permitted to carry a firearm;
- 10 (11) (Deleted by amendment, P.L.2003, c.168).
- 11 (12) A transit police officer of the New Jersey Transit Police  
12 Department, at all times while in the State of New Jersey, provided  
13 the officer has satisfied the training requirements of the Police  
14 Training Commission, pursuant to subsection c. of section 2 of  
15 P.L.1989, c.291 (C.27:25-15.1);
- 16 (13) A parole officer employed by the State Parole Board at all  
17 times. Prior to being permitted to carry a firearm, a parole officer  
18 shall take and successfully complete a basic course for regular  
19 police officer training administered by the Police Training  
20 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
21 shall annually qualify in the use of a revolver or similar weapon  
22 prior to being permitted to carry a firearm;
- 23 (14) A Human Services police officer at all times while in the  
24 State of New Jersey, as authorized by the Commissioner of Human  
25 Services;
- 26 (15) A person or employee of any person who, pursuant to and  
27 as required by a contract with a governmental entity, supervises or  
28 transports persons charged with or convicted of an offense;
- 29 (16) A housing authority police officer appointed under  
30 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the  
31 State of New Jersey; or
- 32 (17) A probation officer assigned to the "Probation Officer  
33 Community Safety Unit" created by section 2 of P.L.2001, c.362  
34 (C.2B:10A-2) while in the actual performance of the probation  
35 officer's official duties. Prior to being permitted to carry a firearm,  
36 a probation officer shall take and successfully complete a basic  
37 course for regular police officer training administered by the Police  
38 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et  
39 seq.), and shall annually qualify in the use of a revolver or similar  
40 weapon prior to being permitted to carry a firearm.
- 41 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to  
42 antique firearms, provided that the antique firearms are unloaded or  
43 are being fired for the purposes of exhibition or demonstration at an  
44 authorized target range or in another manner approved in writing by  
45 the chief law enforcement officer of the municipality in which the  
46 exhibition or demonstration is held, or if not held on property under  
47 the control of a particular municipality, the superintendent.

1       (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
2 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of  
3 being fired but that is unloaded and immobile, provided that the  
4 antique cannon is possessed by (a) a scholastic institution, a  
5 museum, a municipality, a county or the State, or (b) a person who  
6 obtained a firearms purchaser identification card as specified in  
7 N.J.S.2C:58-3.

8       (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
9 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is  
10 being transported by one eligible to possess it, in compliance with  
11 regulations the superintendent may promulgate, between its  
12 permanent location and place of purchase or repair.

13       (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
14 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded  
15 or fired by one eligible to possess an antique cannon, for purposes  
16 of exhibition or demonstration at an authorized target range or in  
17 the manner as has been approved in writing by the chief law  
18 enforcement officer of the municipality in which the exhibition or  
19 demonstration is held, or if not held on property under the control  
20 of a particular municipality, the superintendent, provided that  
21 performer has given at least 30 days' notice to the superintendent.

22       (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
23 N.J.S.2C:39-5 do not apply to the transportation of unloaded  
24 antique cannons directly to or from exhibitions or demonstrations  
25 authorized under paragraph (4) of subsection d. of this section,  
26 provided that the transportation is in compliance with safety  
27 regulations the superintendent may promulgate. Those subsections  
28 shall not apply to transportation directly to or from exhibitions or  
29 demonstrations authorized under the law of another jurisdiction,  
30 provided that the superintendent has been given 30 days' notice and  
31 that the transportation is in compliance with safety regulations the  
32 superintendent may promulgate.

33       e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall be  
34 construed to prevent a person keeping or carrying about his place of  
35 business, residence, premises or other land owned or possessed by  
36 him, any firearm, or from carrying the same, in the manner  
37 specified in subsection g. of this section, from any place of  
38 purchase to his residence or place of business, between his dwelling  
39 and his place of business, between one place of business or  
40 residence and another when moving, or between his dwelling or  
41 place of business and place where the firearms are repaired, for the  
42 purpose of repair. For the purposes of this section, a place of  
43 business shall be deemed to be a fixed location.

44       f. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall be  
45 construed to prevent:

46       (1) A member of any rifle or pistol club organized in accordance  
47 with the rules prescribed by the National Board for the Promotion  
48 of Rifle Practice, in going to or from a place of target practice,

1 carrying firearms necessary for target practice, provided that the  
2 club has filed a copy of its charter with the superintendent and  
3 annually submits a list of its members to the superintendent and  
4 provided further that the firearms are carried in the manner  
5 specified in subsection g. of this section;

6 (2) A person carrying a firearm or knife in the woods or fields or  
7 upon the waters of this State for the purpose of hunting, target  
8 practice or fishing, provided that the firearm or knife is legal and  
9 appropriate for hunting or fishing purposes in this State and he has  
10 in his possession a valid hunting license, or, with respect to fresh  
11 water fishing, a valid fishing license;

12 (3) A person transporting any firearm or knife while traveling:

13 (a) Directly to or from any place for the purpose of hunting or  
14 fishing, provided the person has in his possession a valid hunting or  
15 fishing license; or

16 (b) Directly to or from any target range, or other authorized  
17 place for the purpose of practice, match, target, trap or skeet  
18 shooting exhibitions, provided in all cases that during the course of  
19 the travel all firearms are carried in the manner specified in  
20 subsection g. of this section and the person has complied with all  
21 the provisions and requirements of Title 23 of the Revised Statutes  
22 and any amendments thereto and all rules and regulations  
23 promulgated thereunder; or

24 (c) In the case of a firearm, directly to or from any exhibition or  
25 display of firearms which is sponsored by any law enforcement  
26 agency, any rifle or pistol club, or any firearms collectors club, for  
27 the purpose of displaying the firearms to the public or to the  
28 members of the organization or club, provided, however, that not  
29 less than 30 days prior to the exhibition or display, notice of the  
30 exhibition or display shall be given to the Superintendent of the  
31 State Police by the sponsoring organization or club, and the sponsor  
32 has complied with any reasonable safety regulations the  
33 superintendent may promulgate. Any firearms transported pursuant  
34 to this section shall be transported in the manner specified in  
35 subsection g. of this section;

36 (4) A person from keeping or carrying about a private or  
37 commercial aircraft or any boat, or from transporting to or from the  
38 aircraft or boat for the purpose of installation or repair of a visual  
39 distress signaling device approved by the United States Coast  
40 Guard.

41 g. Any weapon being transported under paragraph (2) of  
42 subsection b., subsection e., or paragraph (1) or (3) of subsection f.  
43 of this section shall be carried unloaded and contained in a closed  
44 and fastened case, gunbox, securely tied package, or locked in the  
45 trunk of the automobile in which it is being transported, and in the  
46 course of travel shall include only deviations as are reasonably  
47 necessary under the circumstances.

1       h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed  
2 to prevent any employee of a public utility, as defined in R.S.48:2-  
3 13, doing business in this State or any United States Postal Service  
4 employee, while in the actual performance of duties which  
5 specifically require regular and frequent visits to private premises,  
6 from possessing, carrying or using any device which projects,  
7 releases or emits any substance specified as being noninjurious to  
8 canines or other animals by the Commissioner of Health and which  
9 immobilizes only on a temporary basis and produces only  
10 temporary physical discomfort through being vaporized or  
11 otherwise dispensed in the air for the sole purpose of repelling  
12 canine or other animal attacks.

13       The device shall be used solely to repel only those canine or  
14 other animal attacks when the canines or other animals are not  
15 restrained in a fashion sufficient to allow the employee to properly  
16 perform his duties.

17       Any device used pursuant to this act shall be selected from a list  
18 of products, which consist of active and inert ingredients, permitted  
19 by the Commissioner of Health.

20       i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent  
21 any person who is 18 years of age or older and who has not been  
22 convicted of a crime, from possession for the purpose of personal  
23 self-defense of one pocket-sized device which contains and releases  
24 not more than three-quarters of an ounce of chemical substance not  
25 ordinarily capable of lethal use or of inflicting serious bodily injury,  
26 but rather, is intended to produce temporary physical discomfort or  
27 disability through being vaporized or otherwise dispensed in the air.  
28 Any person in possession of any device in violation of this  
29 subsection shall be deemed and adjudged to be a disorderly person,  
30 and upon conviction thereof, shall be punished by a fine of not less  
31 than \$100.

32       (2) Notwithstanding the provisions of paragraph (1) of this  
33 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a  
34 health inspector or investigator operating pursuant to the provisions  
35 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building  
36 inspector from possessing a device which is capable of releasing  
37 more than three-quarters of an ounce of a chemical substance, as  
38 described in paragraph (1), while in the actual performance of the  
39 inspector's or investigator's duties, provided that the device does not  
40 exceed the size of those used by law enforcement.

41       j. A person shall qualify for an exemption from the provisions of  
42 N.J.S.2C:39-5, as specified under subsections a. and c. of this  
43 section, if the person has satisfactorily completed a firearms  
44 training course approved by the Police Training Commission.

45       The exempt person shall not possess or carry a firearm until the  
46 person has satisfactorily completed a firearms training course and  
47 shall annually qualify in the use of a revolver or similar weapon.  
48 For purposes of this subsection, a "firearms training course" means



1 a course of instruction in the safe use, maintenance and storage of  
2 firearms which is approved by the Police Training Commission.  
3 The commission shall approve a firearms training course if the  
4 requirements of the course are substantially equivalent to the  
5 requirements for firearms training provided by police training  
6 courses which are certified under section 6 of P.L.1961, c.56  
7 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3),  
8 or (6) of subsection a. of this section shall be exempt from the  
9 requirements of this subsection.

10 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed  
11 to prevent any financial institution, or any duly authorized  
12 personnel of the institution, from possessing, carrying or using for  
13 the protection of money or property, any device which projects,  
14 releases or emits tear gas or other substances intended to produce  
15 temporary physical discomfort or temporary identification.

16 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed  
17 to prevent a law enforcement officer who retired in good standing,  
18 including a retirement because of a disability pursuant to section 6  
19 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255  
20 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any  
21 substantially similar statute governing the disability retirement of  
22 federal law enforcement officers, provided the officer was a  
23 regularly employed, full-time law enforcement officer for an  
24 aggregate of four or more years prior to his disability retirement and  
25 further provided that the disability which constituted the basis for  
26 the officer's retirement did not involve a certification that the officer  
27 was mentally incapacitated for the performance of his usual law  
28 enforcement duties and any other available duty in the department  
29 which his employer was willing to assign to him or does not subject  
30 that retired officer to any of the disabilities set forth in subsection c.  
31 of N.J.S.2C:58-3 which would disqualify the retired officer from  
32 possessing or carrying a firearm, who semi-annually qualifies in the  
33 use of the handgun he is permitted to carry in accordance with the  
34 requirements and procedures established by the Attorney General  
35 pursuant to subsection j. of this section and pays the actual costs  
36 associated with those semi-annual qualifications, who is 75 years of  
37 age or younger, and who was regularly employed as a full-time  
38 member of the State Police; a full-time member of an interstate  
39 police force; a full-time member of a county or municipal police  
40 department in this State; a full-time member of a State law  
41 enforcement agency; a full-time sheriff, undersheriff or sheriff's  
42 officer of a county of this State; a full-time State or county  
43 corrections officer; a full-time State or county park police officer; a  
44 full-time special agent of the Division of Taxation; a full-time  
45 Human Services police officer; a full-time transit police officer of  
46 the New Jersey Transit Police Department; a full-time campus  
47 police officer exempted pursuant to paragraph (10) of subsection c.  
48 of this section; a full-time State conservation officer exempted

1 pursuant to paragraph (4) of subsection a. of this section; a full-time  
2 Palisades Interstate Park officer appointed pursuant to R.S.32:14-  
3 21; a full-time Burlington County Bridge police officer appointed  
4 pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time  
5 housing authority police officer exempted pursuant to paragraph  
6 (16) of subsection c. of this section; a full-time juvenile corrections  
7 officer exempted pursuant to paragraph (9) of subsection a. of this  
8 section; a full-time parole officer exempted pursuant to paragraph  
9 (13) of subsection c. of this section; a full-time railway policeman  
10 exempted pursuant to paragraph (9) of subsection c. of this section;  
11 a full-time county prosecutor's detective or investigator; a full-time  
12 federal law enforcement officer; or is a qualified retired law  
13 enforcement officer, as used in the federal "Law Enforcement  
14 Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this  
15 State from carrying a handgun in the same manner as law  
16 enforcement officers exempted under paragraph (7) of subsection a.  
17 of this section under the conditions provided herein:

18 (1) The retired law enforcement officer shall make application  
19 in writing to the Superintendent of State Police for approval to carry  
20 a handgun for one year. An application for annual renewal shall be  
21 submitted in the same manner.

22 (2) Upon receipt of the written application of the retired law  
23 enforcement officer, the superintendent shall request a verification  
24 of service from the chief law enforcement officer of the  
25 organization in which the retired officer was last regularly  
26 employed as a full-time law enforcement officer prior to retiring.  
27 The verification of service shall include:

28 (a) The name and address of the retired officer;

29 (b) The date that the retired officer was hired and the date that  
30 the officer retired;

31 (c) A list of all handguns known to be registered to that officer;

32 (d) A statement that, to the reasonable knowledge of the chief  
33 law enforcement officer, the retired officer is not subject to any of  
34 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

35 (e) A statement that the officer retired in good standing.

36 (3) If the superintendent approves a retired officer's application  
37 or reapplication to carry a handgun pursuant to the provisions of  
38 this subsection, the superintendent shall notify in writing the chief  
39 law enforcement officer of the municipality wherein that retired  
40 officer resides. In the event the retired officer resides in a  
41 municipality which has no chief law enforcement officer or law  
42 enforcement agency, the superintendent shall maintain a record of  
43 the approval.

44 (4) The superintendent shall issue to an approved retired officer  
45 an identification card permitting the retired officer to carry a  
46 handgun pursuant to this subsection. This identification card shall  
47 be valid for one year from the date of issuance and shall be valid  
48 throughout the State. The identification card shall not be

1 transferable to any other person. The identification card shall be  
2 carried at all times on the person of the retired officer while the  
3 retired officer is carrying a handgun. The retired officer shall  
4 produce the identification card for review on the demand of any law  
5 enforcement officer or authority.

6 (5) Any person aggrieved by the denial of the superintendent of  
7 approval for a permit to carry a handgun pursuant to this subsection  
8 may request a hearing in the Superior Court of New Jersey in the  
9 county in which he resides by filing a written request for a hearing  
10 within 30 days of the denial. Copies of the request shall be served  
11 upon the superintendent and the county prosecutor. The hearing  
12 shall be held within 30 days of the filing of the request, and no  
13 formal pleading or filing fee shall be required. Appeals from the  
14 determination of the hearing shall be in accordance with law and the  
15 rules governing the courts of this State.

16 (6) A judge of the Superior Court may revoke a retired officer's  
17 privilege to carry a handgun pursuant to this subsection for good  
18 cause shown on the application of any interested person. A person  
19 who becomes subject to any of the disabilities set forth in  
20 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the  
21 superintendent, his identification card issued under paragraph (4) of  
22 this subsection to the chief law enforcement officer of the  
23 municipality wherein he resides or the superintendent, and shall be  
24 permanently disqualified to carry a handgun under this subsection.

25 (7) The superintendent may charge a reasonable application fee  
26 to retired officers to offset any costs associated with administering  
27 the application process set forth in this subsection.

28 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed  
29 to prevent duly authorized personnel of the New Jersey Division of  
30 Fish and Wildlife, while in the actual performance of duties, from  
31 possessing, transporting or using any device that projects, releases  
32 or emits any substance specified as being non-injurious to wildlife  
33 by the Director of the Division of Animal Health in the Department  
34 of Agriculture, and which may immobilize wildlife and produces  
35 only temporary physical discomfort through being vaporized or  
36 otherwise dispensed in the air for the purpose of repelling bear or  
37 other animal attacks or for the aversive conditioning of wildlife.

38 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be  
39 construed to prevent duly authorized personnel of the New Jersey  
40 Division of Fish and Wildlife, while in the actual performance of  
41 duties, from possessing, transporting or using hand held pistol-like  
42 devices, rifles or shotguns that launch pyrotechnic missiles for the  
43 sole purpose of frightening, hazing or aversive conditioning of  
44 nuisance or depredating wildlife; from possessing, transporting or  
45 using rifles, pistols or similar devices for the sole purpose of  
46 chemically immobilizing wild or non-domestic animals; or,  
47 provided the duly authorized person complies with the requirements  
48 of subsection j. of this section, from possessing, transporting or

1 using rifles or shotguns, upon completion of a Police Training  
2 Commission approved training course, in order to dispatch injured  
3 or dangerous animals or for non-lethal use for the purpose of  
4 frightening, hazing or aversive conditioning of nuisance or  
5 depredating wildlife.

6 (cf: P.L.2017, c.110, s.1)

7  
8 5. Section 3 of P.L.1983, c.525 (C.4:19-15.16a) is amended to  
9 read as follows:

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

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

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

23 (3) Community safety as it relates to animal control **【; and】** .

24 (4) **【The law enforcement methods and techniques required for**  
25 **an animal control officer to properly exercise the authority to**  
26 **investigate and sign complaints and arrest without warrant pursuant**  
27 **to section 8 of P.L.1997, c.247 (C.4:19-15.16c), including, but not**  
28 **limited to, those methods and techniques which relate to search,**  
29 **seizure, and arrest. The training in law enforcement methods and**  
30 **techniques described pursuant to this paragraph shall be part of the**  
31 **course of study for an animal control officer only when required by**  
32 **the governing body of a municipality pursuant to section 4 of**  
33 **P.L.1983, c.525 (C.4:19-15.16b).】** (Deleted by amendment, P.L. \_\_,  
34 c. \_\_) (pending before the Legislature as this bill)

35 Any person 18 years of age or older may satisfy the courses of  
36 study established pursuant to this subsection at that person's own  
37 time and expense; however, nothing in this section shall be  
38 construed as authorizing a person to exercise the powers and duties  
39 of an animal control officer absent municipal appointment or  
40 authorization pursuant to section 4 of P.L.1983, c.525 (C.4:19-  
41 15.16b).

42 b. (1) The commissioner shall provide for the issuance of a  
43 certificate to a person who possesses, or acquires, the training and  
44 education required to qualify as a certified animal control officer  
45 pursuant to paragraphs (1) through (3) of subsection a. of this  
46 section and to a person who has been employed in the State of New  
47 Jersey in the capacity of, and with similar responsibilities to those  
48 required of, a certified animal control officer pursuant to the

1 provisions of P.L.1983, c.525, for a period of three years before  
2 January 17, 1987. The commissioner shall not issue a certificate to  
3 any person convicted of, or found civilly liable for, a violation of  
4 any provision of chapter 22 of Title 4 of the Revised Statutes.

5 (2) The commissioner shall revoke the certificate of any person  
6 convicted of, or found civilly liable for, a violation of any provision  
7 of chapter 22 of Title 4 of the Revised Statutes, and shall place the  
8 name of the person on the list established pursuant to subsection c.  
9 of this section.

10 c. (1) The commissioner shall establish a list of all persons  
11 issued a certificate pursuant to subsection b. of this section (a) for  
12 whom that certificate has been revoked, or (b) who have been  
13 convicted of, or found civilly liable for, a violation of any provision  
14 of chapter 22 of Title 4 of the Revised Statutes. The commissioner  
15 shall provide each municipality in the State with a copy of this list  
16 within 30 days after the list is established and not less often than  
17 annually thereafter if no revised list required pursuant to paragraph  
18 (2) of this subsection has been issued in the interim.

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

27 (cf: P.L.2012, c.17, s.8)

28  
29 6. Section 4 of P.L.1983, c.525 (C.4:19-15.16b) is amended to  
30 read as follows:

31 4. The governing body of a municipality shall, within three  
32 years of the effective date of P.L.1983, c.525, appoint a certified  
33 animal control officer who shall be responsible for animal control  
34 within the jurisdiction of the municipality and who shall enforce  
35 and abide by the provisions of section 16 of P.L.1941, c.151  
36 (C.4:19-15.16). The governing body shall not appoint a certified  
37 animal control officer, shall not contract for animal control services  
38 with any company that employs a certified animal control officer,  
39 and shall revoke the appointment of a certified animal control  
40 officer, who has been convicted of, or found civilly liable for, a  
41 violation of any provision of chapter 22 of Title 4 of the Revised  
42 Statutes or whose name is on the list or any revision thereto  
43 established and provided by the Commissioner of Health pursuant  
44 to subsection c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a).  
45 The governing body shall, within 30 days after receipt thereof,  
46 review any such list or revision thereto received by the municipality  
47 and shall, within that 30-day period, take action accordingly as  
48 required pursuant to this section.

1       The governing body may authorize the certified animal control  
2 officer to **investigate and sign complaints, arrest violators, and**  
3 otherwise act as an officer for detection, apprehension, and arrest of  
4 offenders against the animal control, animal welfare and animal  
5 cruelty laws of the State, and ordinances of the municipality, if the  
6 officer has completed the training required pursuant to paragraph 4  
7 of subsection a. of section 3 of P.L.1983, c.525 (C.4:19-15.16a).  
8 Only certified animal control officers who have completed the  
9 training may be authorized by the governing body to so act as an  
10 officer for detection, apprehension, and arrest of offenders;  
11 however, officers who have completed the training shall not have  
12 the authority to so act unless authorized by the governing body  
13 which is employing the officer or contracting for the officer's  
14 services**】** serve concurrently as a municipal humane law  
15 enforcement officer pursuant to section 27 of P.L. , c. (C. )  
16 (pending before the Legislature as this bill) .  
17 (cf: P.L.2012, c.17, s.9)  
18

19       7. Section 1 of P.L.1995, c.145 (C.4:19A-16) is amended to read  
20 as follows:

21       1. a. There shall be established in, but not of, the Department of  
22 Health, a Domestic Companion Animal Council, which shall consist  
23 of 12 members, each of whom shall be chosen with due regard to  
24 the individual's knowledge of and interest in animal welfare, animal  
25 population control and the public health and well-being as they  
26 relate to the breeding, raising and nurturing of animals as domestic  
27 companion animals.

28       Each member shall be appointed by the Governor, with the  
29 advice and consent of the Senate, as follows: two members shall be  
30 appointed from persons recommended by the New Jersey  
31 Veterinary Medical Association; one member shall be appointed  
32 from persons recommended by the New Jersey Health Officers  
33 Association; one member shall be appointed from persons  
34 recommended by the New Jersey Certified Animal Control Officers  
35 Association; one member shall be appointed from persons  
36 recommended by the New Jersey Federation of Dog Clubs, Inc.;  
37 one member shall be appointed from persons recommended by **the**  
38 **Cat Fanciers' Association】** People for Animals, Inc. ; one member  
39 shall be appointed from persons recommended by the **】**New Jersey  
40 Society for the Prevention of Cruelty to Animals; one member shall  
41 be appointed from persons recommended by the Associated  
42 Humane Societies**】** county societies for the prevention of cruelty to  
43 animals in northern New Jersey; one member shall be appointed  
44 from persons recommended by the county societies for the  
45 prevention of cruelty to animals in southern New Jersey; one  
46 member who shall be a volunteer at any county animal shelter  
47 within the State; one member shall be a representative of a

1 volunteer animal rescue and welfare organization; and two members  
2 shall be appointed from persons recommended by the Humane  
3 Society of the United States. Each member shall be appointed for a  
4 term of four years and until the member's successor is appointed  
5 and qualified.

6 Any member of the Domestic Companion Animal Council shall  
7 be eligible for reappointment, but may be removed from office by  
8 the Governor for cause.

9 Any vacancy occurring in the membership of the council for any  
10 cause shall be filled in the same manner as the original appointment  
11 but for the unexpired term only , except that, upon expiration of the  
12 term of the member recommended by the Cat Fanciers' Association,  
13 a replacement shall be appointed from persons recommended by  
14 People for Animals, Inc., upon expiration of the term of the member  
15 recommended by the New Jersey Society for Prevention of Cruelty  
16 to Animals, a replacement shall be appointed from persons  
17 recommended by the county societies for the prevention of cruelty  
18 to animals in northern New Jersey, and upon expiration of the term  
19 of the member recommended by the Associated Humane Societies,  
20 a replacement shall be appointed from persons recommended by the  
21 county societies for the prevention of cruelty to animals in southern  
22 New Jersey .

23 For the purposes of this section, "northern New Jersey" means  
24 Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic,  
25 Somerset, Sussex, Union, and Warren counties; and "southern New  
26 Jersey" means Atlantic, Burlington, Camden, Cape May,  
27 Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem  
28 counties

29 b. A majority of the membership of the council shall constitute a  
30 quorum for the transaction of council business. Action may be  
31 taken and motions and resolutions adopted by the council at any  
32 meeting thereof by the affirmative vote of a majority of the full  
33 membership of the council.

34 c. The Governor shall appoint a chairman and the council may  
35 appoint other officers as may be necessary. The council may  
36 appoint staff or hire experts as it may require within the limits of  
37 appropriations made for these purposes.

38 d. Members of the council shall serve without compensation, but  
39 may be reimbursed for expenses necessarily incurred in the  
40 discharge of their official duties.

41 e. The council may call to its assistance any employees as are  
42 necessary and made available to it from any agency or department  
43 of the State or its political subdivisions.

44 f. For the purposes of this act, "domestic companion animal"  
45 means any animal commonly referred to as a pet or one that has  
46 been bought, bred, raised or otherwise acquired, in accordance with  
47 local ordinances and State and federal law, for the primary purpose

1 of providing companionship to the owner, rather than for business  
2 or agricultural purposes.

3 (cf: P.L.1995, c.145, s.1)

4  
5 8. Section 1 of P.L.2005, c.372 (C.4:22-11.1) is amended to read  
6 as follows:

7 1. As used in this chapter:

8 **["Agent"** means a member duly appointed as an agent by the  
9 board of trustees of a county society for the prevention of cruelty to  
10 animals or of the New Jersey Society for the Prevention of Cruelty  
11 to Animals, who, upon recommendation of the Chief Humane Law  
12 Enforcement Officer of a county society for the prevention of  
13 cruelty to animals or the New Jersey Society for the Prevention of  
14 Cruelty to Animals, is empowered to issue summons and direct  
15 humane law enforcement officers to make arrests and enforce all  
16 laws and ordinances enacted for the protection of animals, and to  
17 investigate alleged acts of cruelty to animals;

18 "Humane law enforcement officer" means an agent authorized  
19 and appointed by the board of trustees of a county society for the  
20 prevention of cruelty to animals or of the New Jersey Society for  
21 the Prevention of Cruelty to Animals, and duly commissioned by  
22 the Superintendent of State Police in accordance with the provisions  
23 of sections 9 and 10 of P.L.2005, c.372 (C.4:22-11.9 and C.4:22-  
24 11.10), to possess, carry, or use a firearm while enforcing any law  
25 or ordinance for the protection of animals while on duty or on call,  
26 and who has satisfactorily completed the firearms training course  
27 approved by the Police Training Commission and other  
28 qualifications and training courses required pursuant to P.L.2005,  
29 c.372 (C.4:22-11.1 et al.); and

30 "Member" means a person who has been granted membership in  
31 a county society for the prevention of cruelty to animals or the New  
32 Jersey Society for the Prevention of Cruelty to Animals. **】**

33 "Chief humane law enforcement officer" means a county law  
34 enforcement officer assigned or appointed by the county prosecutor,  
35 pursuant to section 29 of P.L. , c. (C. ) (pending before the  
36 Legislature as this bill), to act as an officer for detection,  
37 apprehension, and arrest of offenders against the animal welfare and  
38 animal cruelty laws of the State, and who has satisfactorily  
39 completed the training and retraining courses required pursuant to  
40 section 30 of P.L. , c. (C. ) (pending before the Legislature  
41 as this bill);

42 "County prosecutor animal cruelty task force" means a task force  
43 established pursuant to section 29 of P.L. , c. (C. ) (pending  
44 before the Legislature as this bill) and includes any prosecutor or  
45 law enforcement officer assigned or appointed to a county  
46 prosecutor animal cruelty task force pursuant to section 29 of P.L. ,  
47 c. (C. ) (pending before the Legislature as this bill); and



1     “Municipal humane law enforcement officer” means an  
2 individual appointed by the governing body of a municipality,  
3 pursuant to section 27 of P.L. , c. (C. ) (pending before the  
4 Legislature as this bill), to act as an officer for detection,  
5 apprehension, and arrest of offenders against the animal welfare and  
6 animal cruelty laws of the State and ordinances of the municipality,  
7 and who has satisfactorily completed the animal protection law  
8 enforcement training and retraining courses required pursuant to  
9 section 27 of P.L. , c. (C. ) (pending before the Legislature  
10 as this bill).

11 (cf: P.L.2005, c.372, s.1)

12

13     9. Section 11 of P.L.2005, c.372 (C.4:22-11.11) is amended to  
14 read as follows:

15     11. a. The Police Training Commission, in collaboration with  
16 the **【New Jersey Society for the Prevention of Cruelty to Animals】**  
17 Attorney General , shall develop or approve a training course for  
18 animal protection law enforcement, which shall include but need  
19 not be limited to instruction in:

20     (1) the law, procedures, and enforcement methods and  
21 techniques of investigation, arrest, and search and seizure,  
22 specifically in connection with violations of State and local animal  
23 cruelty laws and ordinances;

24     (2) information and procedures related to animals, including  
25 animal behavior and traits and evaluation of animals at a crime  
26 scene;

27     (3) methods to identify and document animal abuse, neglect, and  
28 distress; and

29     (4) investigation of animal fighting.

30     **【The course developed or approved pursuant to this subsection**  
31 **shall be the same or substantially similar to the course developed**  
32 **and approved for certified animal control officers who are**  
33 **authorized as animal cruelty investigators pursuant to sections 3 and**  
34 **4 of P.L.1983, c.525 (C.4:19-15.16a and C.4:19-15.16b) and**  
35 **P.L.1997, c.247 (C.4:19-15.16c. et al.).】**

36     The Police Training Commission, in collaboration with the  
37 Attorney General, shall also develop or approve an abbreviated  
38 retraining course in animal protection law enforcement, for the  
39 purpose of retraining a chief humane law enforcement officer, or  
40 other law enforcement officer assigned or appointed to a county  
41 prosecutor animal cruelty task force pursuant to paragraph (3) of  
42 subsection b. of section 30 of P.L. , c. (C. ) (pending before  
43 the Legislature as this bill), or a municipal humane law enforcement  
44 officer pursuant to paragraph (3) of subsection c. of section 27,  
45 which shall include, but need not be limited to, instruction  
46 regarding any changes to animal cruelty law enforcement policy or  
47 law in the previous two-year period.

1       b. Every **agent and** chief humane law enforcement officer, or  
2 other law enforcement officer, assigned or appointed to a county  
3 prosecutor animal cruelty task force and municipal humane law  
4 enforcement officer [appointed after the date of enactment of  
5 P.L.2005, c.372 (C.4:22-11.1 et al.)] shall satisfactorily complete  
6 the animal protection law enforcement training course as soon as  
7 practicable, but no later than [within] one year after the date of the  
8 **agent's or** officer's **[appointment]** assignment or appointment,  
9 and shall satisfactorily complete the animal protection law  
10 enforcement retraining course no less than one time in every two  
11 year period, the first two-year period beginning on the day on which  
12 the officer satisfactorily completes the animal protection law  
13 enforcement training course .

14       c. **[The Chief Humane Law Enforcement Officer of a county**  
15 **society for the prevention of cruelty to animals or the New Jersey**  
16 **Society for the Prevention of Cruelty to Animals]** The chief law  
17 enforcement officer of a municipality, or chief humane law  
18 enforcement officer of the county prosecutor animal cruelty task  
19 force, may request from the Police Training Commission an  
20 exemption from applicable law enforcement parts of the animal  
21 protection law enforcement training course , or retraining course, on  
22 behalf of a current or prospective [agent or] chief humane law  
23 enforcement officer, other law enforcement officer assigned or  
24 appointed to a county prosecutor animal cruelty task force, or  
25 municipal humane law enforcement officer who demonstrates  
26 successful completion of a police training course conducted by a  
27 federal, state, or other public or private agency, the requirements of  
28 which are substantially equivalent to or which exceed the  
29 corresponding requirements of the animal protection law  
30 enforcement training course curriculum established through the  
31 Police Training Commission.

32       d. The Police Training Commission shall provide for the  
33 issuance of a certificate to a person who possesses, or acquires, the  
34 training and education required to qualify as a chief humane law  
35 enforcement officer, other law enforcement officer assigned or  
36 appointed to a county prosecutor animal cruelty task force, or  
37 municipal humane law enforcement officer. If the person is a  
38 municipal humane law enforcement officer, the Police Training  
39 Commission shall provide a copy of the certificate to the municipal  
40 humane law enforcement officer and to the chief law enforcement  
41 officer of the municipality, or, if the municipality does not have a  
42 chief law enforcement officer, to the chief humane law enforcement  
43 officer in the county. If the person is a law enforcement officer  
44 assigned or appointed to a county prosecutor animal cruelty task  
45 force, the Police Training Commission shall provide a copy of the  
46 certificate to the law enforcement officer and to the chief humane

1 law enforcement officer of the county prosecutor animal cruelty  
2 task force.

3 (cf: P.L.2005, c.372, s.11)  
4

5 10. Section 12 of P.L.2005, c.372 (C.4:22-11.12) is amended to  
6 read as follows:

7 12. All State, county, and municipal law enforcement agencies  
8 and all county and municipal health agencies shall, upon request,  
9 make every reasonable effort to assist **the** any chief humane law  
10 enforcement officer, other law enforcement officer assigned or  
11 appointed to a county prosecutor animal cruelty task force, or  
12 municipal humane law enforcement **officers and agents of a county**  
13 **society for the prevention of cruelty to animals or the New Jersey**  
14 **Society for the Prevention of Cruelty to Animals** officer in the  
15 enforcement of all laws and ordinances enacted for the protection of  
16 animals.

17 (cf: P.L.2005, c.372, s.12)  
18

19 11. R.S.4:22-17 is amended to read as follows:

20 4:22-17. a. It shall be unlawful to:

21 (1) Overdrive, overload, drive when overloaded, overwork,  
22 abuse, or needlessly kill a living animal or creature;

23 (2) Cause or procure, by any direct or indirect means, including  
24 but not limited to through the use of another living animal or  
25 creature, any of the acts described in paragraph (1) of this  
26 subsection to be done;

27 (3) Inflict unnecessary cruelty upon a living animal or creature,  
28 by any direct or indirect means, including but not limited to through  
29 the use of another living animal or creature; or leave the living  
30 animal or creature unattended in a vehicle under inhumane  
31 conditions adverse to the health or welfare of the living animal or  
32 creature; or

33 (4) Fail, as the owner or as a person otherwise charged with the  
34 care of a living animal or creature, to provide the living animal or  
35 creature with necessary care.

36 b. (1) A person who violates subsection a. of this section shall  
37 be guilty of a disorderly persons offense. Notwithstanding the  
38 provisions of N.J.S.2C:43-3 to the contrary, for every conviction of  
39 an offense pursuant to paragraph (1) or (2) of subsection a. of this  
40 section, the person shall be fined not less than \$250 nor more than  
41 \$1,000, or be imprisoned for a term of not more than six months, or  
42 both, in the discretion of the court; and for every conviction of an  
43 offense pursuant to paragraph (3) or (4) of subsection a. of this  
44 section, the person shall be fined not less than \$500 nor more than  
45 \$2,000, or be imprisoned for a term of not more than six months, or  
46 both, in the discretion of the court.

47 (2) If the person who violates subsection a. of this section has a  
48 prior conviction for an offense that would constitute a violation of

1 subsection a. of this section, the person shall be guilty of a crime of  
2 the fourth degree.

3 (3) A person who violates subsection a. of this section shall also  
4 be subject to the provisions of subsections e. and f. and, if  
5 appropriate, subsection g., of this section.

6 (4) The action for the penalty prescribed in this subsection shall  
7 be brought:

8 (a) In the Superior Court; or

9 (b) In a municipal court of the municipality wherein the  
10 defendant resides or where the offense was committed.

11 c. It shall be unlawful to purposely, knowingly, or recklessly:

12 (1) Torment, torture, maim, hang, poison, unnecessarily or  
13 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or  
14 creature;

15 (2) Cause bodily injury to a living animal or creature by failing  
16 to provide the living animal or creature with necessary care,  
17 whether as the owner or as a person otherwise charged with the care  
18 of the living animal or creature;

19 (3) Cause or procure an act described in paragraph (1) or (2) of  
20 this subsection to be done, by any direct or indirect means,  
21 including but not limited to through the use of another living animal  
22 or creature; or

23 (4) Use, or cause or procure the use of, an animal or creature in  
24 any kind of sexual manner or initiate any kind of sexual contact  
25 with the animal or creature, including, but not limited to,  
26 sodomizing the animal or creature. As used in this paragraph,  
27 "sexual contact" means any contact between a person and an animal  
28 by penetration of the penis or a foreign object into the vagina or  
29 anus, contact between the mouth and genitalia, or by contact  
30 between the genitalia of one and the genitalia or anus of the other.  
31 This term does not include any medical procedure performed by a  
32 licensed veterinarian practicing veterinary medicine or an accepted  
33 animal husbandry practice.

34 d. (1) A person who violates paragraph (1), (2), (3) or (4) of  
35 subsection c. of this section shall be guilty of a crime of the fourth  
36 degree, except that the person shall be guilty of a crime of the third  
37 degree if:

38 (a) the animal or creature dies as a result of the violation;

39 (b) the animal or creature suffers serious bodily injury as a  
40 result of the violation; or

41 (c) the person has a prior conviction for an offense that would  
42 constitute a violation of paragraph (1), (2), (3) or (4) of subsection  
43 c. of this section.

44 (2) A person who violates any provision of subsection c. of this  
45 section shall also be subject to the provisions of subsections e. and  
46 f. and, if appropriate, subsection g., of this section.

47 (3) The action for the penalty prescribed in subsection c. of this  
48 section shall be brought in the Superior Court.

1 e. For a violation of this section, in addition to imposing any  
2 other appropriate penalties established for a crime of the third  
3 degree, crime of the fourth degree, or disorderly persons offense, as  
4 the case may be, pursuant to Title 2C of the New Jersey Statutes,  
5 the court shall impose a term of community service of up to 30  
6 days, and may direct that the term of community service be served  
7 in providing assistance to **【the New Jersey Society for the**  
8 **Prevention of Cruelty to Animals,】** a county society for the  
9 prevention of cruelty to animals **【,】** or any other recognized  
10 organization concerned with the prevention of cruelty to animals or  
11 the humane treatment and care of animals, or to a municipality's  
12 animal control or animal population control program.

13 f. The court also shall require any violator of this section to pay  
14 restitution, including but not limited to, the monetary cost of  
15 replacing the animal if the animal died or had to be euthanized  
16 because of the extent of the animal's injuries, or otherwise  
17 reimburse any costs for food, drink, shelter, or veterinary care or  
18 treatment, or other costs, incurred by the owner of the animal, if the  
19 owner is not the person committing the act of cruelty, or incurred  
20 by any agency, entity, or organization investigating the violation, or  
21 providing shelter or care for the animal or animals, including but  
22 not limited to **【the New Jersey Society for the Prevention of Cruelty**  
23 **to Animals,】** a county society for the prevention of cruelty to  
24 animals, any other recognized organization concerned with the  
25 prevention of cruelty to animals or the humane treatment and care  
26 of animals, a local or State governmental entity, including but not  
27 limited to a county prosecutor animal cruelty task force, or a  
28 municipal humane law enforcement officer, or a kennel, shelter,  
29 pound, or other facility providing for the shelter and care of the  
30 animal or animals involved in the violation.

31 g. If a juvenile is adjudicated delinquent for an act which, if  
32 committed by an adult, would constitute a disorderly persons  
33 offense, crime of the fourth degree, or crime of the third degree  
34 pursuant to this section, the court also shall order the juvenile to  
35 receive mental health counseling by a licensed psychologist or  
36 therapist named by the court for a period of time to be prescribed by  
37 the licensed psychologist or therapist.

38 (cf: P.L.2015, c.133, s.1)

39

40 12. Section 7 of P.L.2017, c.189 (C.4:22-17.7) is amended to  
41 read as follows:

42 7. a. Upon a showing of probable cause that there has been a  
43 violation of **【this act】** P.L.2017, c.189 (C.4:22-17.7) and  
44 submission of proof of issuance of a summons, a court of competent  
45 jurisdiction may issue, upon request, an order to **【any】** the chief  
46 humane law enforcement officer **【or agent of the New Jersey**  
47 **Society for the Prevention of Cruelty to Animals or county society**

1 for the prevention of cruelty to animals, certified animal control  
2 officer**】**, any other law enforcement officer assigned or appointed  
3 to a county prosecutor animal cruelty task force, a municipal  
4 humane law enforcement officer , or other State or local law  
5 enforcement officer to enter onto the private property where a dog,  
6 domestic companion animal, or service animal is located and take  
7 physical custody of the animal.

8 b. Notwithstanding the provisions of subsection a. of this  
9 section, or any other law, or any rule or regulation adopted pursuant  
10 thereto, to the contrary, any chief humane law enforcement officer,  
11 other law enforcement officer assigned or appointed to a county  
12 prosecutor animal cruelty task force, municipal humane law  
13 enforcement officer **【**or agent of the New Jersey Society for the  
14 Prevention of Cruelty to Animals or county society for the  
15 prevention of cruelty to animals, certified animal control officer**】** ,  
16 or other State or local law enforcement officer may immediately  
17 enter onto private property where a dog, domestic companion  
18 animal, or service animal is located and take physical custody of the  
19 animal, if the officer **【**or agent**】** has reasonable suspicion to believe  
20 that the animal is at risk of imminent harm due to a violation of  
21 **【this act】** P.L.2017, c.189 (C.4:22-17.7) .

22 c. Upon taking physical custody of a dog, domestic companion  
23 animal, or service animal pursuant to subsection a. or b. of this  
24 section, the person taking physical custody of the animal shall: (1)  
25 post immediately, in a conspicuous place at the location from which  
26 the dog, domestic companion animal, or service animal was taken,  
27 the notice required pursuant to subsection d. of this section to the  
28 owner or person with custody or control of the dog, domestic  
29 companion animal, or service animal; and (2) send by registered or  
30 certified mail and by ordinary mail the notice described in  
31 subsection d. of this section to the address of the location from  
32 which the dog, domestic companion animal, or service animal was  
33 taken into physical custody.

34 d. The notice required pursuant to subsection c. of this section  
35 shall: (1) provide a description of the dog, domestic companion  
36 animal, or service animal; (2) state that the dog, domestic  
37 companion animal, or service animal may be euthanized upon a  
38 veterinarian's written determination of medical necessity as required  
39 by subsection e. of this section; (3) state the statutory authority and  
40 reason for taking custody of the dog, domestic companion animal,  
41 or service animal; and (4) provide contact information, including at  
42 least the name of any applicable office or entity, the name of a  
43 person at that office or entity, and a telephone number for the owner  
44 or person with custody or control of the dog, domestic companion  
45 animal, or service animal to obtain information concerning the  
46 animal, the alleged violation, and where the animal is impounded.

1 e. A dog, domestic companion animal, or service animal taken  
2 into physical custody pursuant to subsection a. or b. of this section  
3 shall be placed in a licensed shelter, pound, or kennel operating as a  
4 shelter or pound to ensure the humane care and treatment of the  
5 animal. If, after the dog, domestic companion animal, or service  
6 animal has been taken into physical custody, a licensed veterinarian  
7 makes a written determination that the animal is in intractable and  
8 extreme pain and beyond any reasonable hope of recovery with  
9 reasonable veterinary medical treatment, the animal may be  
10 euthanized. At any time while the licensed shelter, pound, or  
11 kennel operating as a shelter or pound has custody or control of the  
12 dog, domestic companion animal, or service animal, it may place  
13 the animal in an animal rescue organization facility or a foster home  
14 if it determines the placement is in the best interest of the animal.

15 f. A person shall be issued a correction warning prior to being  
16 cited for a violation of **【this act】** P.L.2017, c.189 (C.4:22-17.7)  
17 unless the dog, domestic companion animal, or service animal  
18 involved in the violation was seized immediately pursuant to  
19 subsection b. of this section. A summons shall be served on the  
20 alleged violator as soon as practicable if:

21 (1) after the seven days have elapsed from the date a correction  
22 warning is issued, no correction has been made; or

23 (2) the dog, domestic companion animal, or service animal  
24 involved in the violation was seized immediately pursuant to  
25 subsection b. of this section.

26 If the alleged violator is not the owner of the dog, domestic  
27 companion animal, or service animal, the person issuing the  
28 correction warning or summons, as applicable, shall also notify the  
29 owner of the animal of the violation and provide the owner with a  
30 copy of the issued correction warning or summons, as applicable.

31 g. Any summons issued for a violation of **【this act】** P.L.2017,  
32 c.189 (C.4:22-17.7) shall contain:

33 (1) a description of the violation and statutory authority; and

34 (2) contact information identifying, at a minimum (a) the name  
35 of the investigating agency or office, and (b) the name of the officer  
36 **【or agent】** issuing the summons or investigating the alleged  
37 violation.

38 h. Any chief humane law enforcement officer, other law  
39 enforcement officer assigned or appointed to a county prosecutor  
40 animal cruelty task force, municipal humane law enforcement  
41 officer **【or agent of the New Jersey Society for the Prevention of**  
42 **Cruelty to Animals or county society for the prevention of cruelty**  
43 **to animals, certified animal control officer】**, or other State or local  
44 law enforcement officer issuing a summons for a violation of **【this**  
45 **act】** P.L.2017, c.189 (C.4:22-17.7) shall also serve on the alleged  
46 violator, with the summons, a written notice of:

1 (1) the right to voluntarily forfeit ownership or custody of the  
2 dog, domestic companion animal, or service animal;

3 (2) the action or actions required for compliance;

4 (3) a demand for immediate compliance; and

5 (4) a telephone number for the investigating agency or office  
6 and the investigating officer or agent.

7 i. Any chief humane law enforcement officer, other law  
8 enforcement officer assigned or appointed to a county prosecutor  
9 animal cruelty task force, municipal humane law enforcement  
10 officer **【**or agent of the New Jersey Society for the Prevention of  
11 Cruelty to Animals or county society for the prevention of cruelty  
12 to animals, certified animal control officer**】**, or other State or local  
13 law enforcement officer may petition a court of competent  
14 jurisdiction to have a dog, domestic companion animal, or service  
15 animal confiscated, if not previously seized, and forfeited upon the  
16 person being found guilty of, or liable for, a violation of **【this act】**  
17 P.L.2017, c.189 (C.4:22-17.7) . Upon a finding that continued  
18 possession of the dog, domestic companion animal, or service  
19 animal by the owner or other person authorized to have custody or  
20 control of the animal poses a threat to the health or safety of the  
21 animal, the court shall order that the animal be forfeited, placed in  
22 an animal rescue organization facility, shelter, pound, or kennel  
23 operating as a shelter or pound, and made available for adoption.

24 j. A person found guilty of, or liable for, a violation of any  
25 provision of **【this act】** P.L.2017, c.189 (C.4:22-17.7) shall be  
26 responsible for, and pay, the reasonable costs of caring for the dog,  
27 domestic companion animal, or service animal from the date on  
28 which physical custody of the animal was taken pursuant to this  
29 section until the date the animal is surrendered, forfeited, returned,  
30 or euthanized, including, but not limited to, the cost of transporting,  
31 sheltering, and feeding the animal, the cost of providing the animal  
32 with necessary veterinary care, and if the animal is euthanized, the  
33 cost of the euthanasia.

34 (cf: P.L.2017, c.189, s.7)

35  
36 13. Section 1 of P.L.1939, c.315 (C.4:22-25.1) is amended to  
37 read as follows:

38 1. Each person operating a motor vehicle who shall knowingly  
39 hit, run over, or cause injury to a cat, dog, horse , or cattle shall stop  
40 at once, ascertain the extent of injury, report to the nearest police  
41 station, police officer, **【**or notify the nearest Society for the  
42 Prevention of Cruelty to Animals**】** municipal humane law  
43 enforcement officer, or county prosecutor animal cruelty task force  
44 and give his name, address, operator's license and registration  
45 number, and also give the location of the injured animal.

46 (cf: P.L.1968, c.39, s. 1)



1 14. R.S.4:22-26 is amended to read as follows:

2 4:22-26. A person who shall:

3 a. (1) Overdrive, overload, drive when overloaded, overwork,  
4 abuse, or needlessly kill a living animal or creature, or cause or  
5 procure, by any direct or indirect means, including but not limited  
6 to through the use of another living animal or creature, any such  
7 acts to be done;

8 (2) Torment, torture, maim, hang, poison, unnecessarily or  
9 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or  
10 creature, or cause or procure, by any direct or indirect means,  
11 including but not limited to through the use of another living animal  
12 or creature, any such acts to be done;

13 (3) Cause the death of, or serious bodily injury to, a living  
14 animal or creature from commission of any act described in  
15 paragraph (2), (4), (5), or (6) of this subsection, by any direct or  
16 indirect means, including but not limited to through the use of  
17 another living animal or creature, or otherwise cause or procure any  
18 such acts to be done;

19 (4) Fail, as the owner or a person otherwise charged with the  
20 care of a living animal or creature, to provide the living animal or  
21 creature with necessary care, or otherwise cause or procure such an  
22 act to be done; or

23 (5) Cause bodily injury to a living animal or creature from  
24 commission of the act described in paragraph (4) of this subsection;

25 b. (Deleted by amendment, P.L.2003, c.232)

26 c. Inflict unnecessary cruelty upon a living animal or creature,  
27 by any direct or indirect means, including but not limited to through  
28 the use of another living animal or creature; or leave the living  
29 animal or creature unattended in a vehicle under inhumane  
30 conditions adverse to the health or welfare of the living animal or  
31 creature;

32 d. Receive or offer for sale a horse that is suffering from abuse  
33 or neglect, or which by reason of disability, disease, abuse or  
34 lameness, or any other cause, could not be worked, ridden or  
35 otherwise used for show, exhibition or recreational purposes, or  
36 kept as a domestic pet without violating the provisions of **[this]**  
37 article 2 of chapter 22 of Title 4 of the Revised Statutes ;

38 e. Keep, use, be connected with or interested in the management  
39 of, or receive money or other consideration for the admission of a  
40 person to, a place kept or used for the purpose of fighting or baiting  
41 a living animal or creature;

42 f. Be present and witness, pay admission to, encourage, aid or  
43 assist in an activity enumerated in subsection e. of this section;

44 g. Permit or suffer a place owned or controlled by him to be  
45 used as provided in subsection e. of this section;

46 h. Carry, or cause to be carried, a living animal or creature in or  
47 upon a vehicle or otherwise, in a cruel or inhumane manner;

- 1 i. Use a dog or dogs for the purpose of drawing or helping to  
2 draw a vehicle for business purposes;
- 3 j. Impound or confine or cause to be impounded or confined in a  
4 pound or other place a living animal or creature, and shall fail to  
5 supply the living animal or creature during such confinement with a  
6 sufficient quantity of good and wholesome food and water;
- 7 k. Abandon a maimed, sick, infirm or disabled animal or  
8 creature to die in a public place;
- 9 l. Willfully sell, or offer to sell, use, expose, or cause or permit  
10 to be sold or offered for sale, used or exposed, a horse or other  
11 animal having the disease known as glanders or farcy, or other  
12 contagious or infectious disease dangerous to the health or life of  
13 human beings or animals, or who shall, when any such disease is  
14 beyond recovery, refuse, upon demand, to deprive the animal of  
15 life;
- 16 m. Own, operate, manage or conduct a roadside stand or market  
17 for the sale of merchandise along a public street or highway; or a  
18 shopping mall, or a part of the premises thereof; and keep a living  
19 animal or creature confined, or allowed to roam in an area whether  
20 or not the area is enclosed, on these premises as an exhibit; except  
21 that this subsection shall not be applicable to: a pet shop licensed  
22 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who  
23 keeps an animal, in a humane manner, for the purpose of the  
24 protection of the premises; or a recognized breeders' association, a  
25 4-H club, an educational agricultural program, an equestrian team, a  
26 humane society or other similar charitable or nonprofit organization  
27 conducting an exhibition, show or performance;
- 28 n. Keep or exhibit a wild animal at a roadside stand or market  
29 located along a public street or highway of this State; a gasoline  
30 station; or a shopping mall, or a part of the premises thereof;
- 31 o. Sell, offer for sale, barter or give away or display live baby  
32 chicks, ducklings or other fowl or rabbits, turtles or chameleons  
33 which have been dyed or artificially colored or otherwise treated so  
34 as to impart to them an artificial color;
- 35 p. Use any animal, reptile, or fowl for the purpose of soliciting  
36 any alms, collections, contributions, subscriptions, donations, or  
37 payment of money except in connection with exhibitions, shows or  
38 performances conducted in a bona fide manner by recognized  
39 breeders' associations, 4-H clubs or other similar bona fide  
40 organizations;
- 41 q. Sell or offer for sale, barter, or give away living rabbits,  
42 turtles, baby chicks, ducklings or other fowl under two months of  
43 age, for use as household or domestic pets;
- 44 r. Sell, offer for sale, barter or give away living baby chicks,  
45 ducklings or other fowl, or rabbits, turtles or chameleons under two  
46 months of age for any purpose not prohibited by subsection q. of  
47 this section and who shall fail to provide proper facilities for the  
48 care of such animals;

- 1       s. Artificially mark sheep or cattle, or cause them to be marked,  
2 by cropping or cutting off both ears, cropping or cutting either ear  
3 more than one inch from the tip end thereof, or half cropping or  
4 cutting both ears or either ear more than one inch from the tip end  
5 thereof, or who shall have or keep in the person's possession sheep  
6 or cattle, which the person claims to own, marked contrary to this  
7 subsection unless they were bought in market or of a stranger;
- 8       t. Abandon a domesticated animal;
- 9       u. For amusement or gain, cause, allow, or permit the fighting or  
10 baiting of a living animal or creature;
- 11      v. Own, possess, keep, train, promote, purchase, or knowingly  
12 sell a living animal or creature for the purpose of fighting or baiting  
13 that animal or creature;
- 14      w. Gamble on the outcome of a fight involving a living animal  
15 or creature;
- 16      x. Knowingly sell or barter or offer for sale or barter, at  
17 wholesale or retail, the fur or hair of a domestic dog or cat or any  
18 product made in whole or in part from the fur or hair of a domestic  
19 dog or cat, unless such fur or hair for sale or barter is from a  
20 commercial grooming establishment or a veterinary office or clinic  
21 or is for use for scientific research;
- 22      y. (1) Knowingly sell or barter, or offer for sale or barter, at  
23 wholesale or retail, for human consumption, the flesh of a domestic  
24 dog or cat, or any product made in whole or in part from the flesh of  
25 a domestic dog or cat;
- 26       (2) Knowingly slaughter a horse for human consumption;
- 27       (3) Knowingly sell or barter, or offer for sale or barter, at  
28 wholesale or retail, for human consumption, the flesh of a horse, or  
29 any product made in whole or in part from the flesh of a horse, or  
30 knowingly accept or publish newspaper advertising that includes the  
31 offering for sale, trade, or distribution of any such item for human  
32 consumption;
- 33       (4) Knowingly transport a horse for the purpose of slaughter for  
34 human consumption;
- 35       (5) Knowingly transport horsemeat, or any product made in  
36 whole or in part from the flesh of a horse, for the purpose of human  
37 consumption;
- 38      z. Surgically debark or silence a dog in violation of section 1 or  
39 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 40      aa. Use a live pigeon, fowl or other bird for the purpose of a  
41 target, or to be shot at either for amusement or as a test of skill in  
42 marksmanship, except that this subsection and subsections bb. and  
43 cc. shall not apply to the shooting of game;
- 44      bb. Shoot at a bird used as described in subsection aa. of this  
45 section, or is a party to such shooting; or
- 46      cc. Lease a building, room, field or premises, or knowingly  
47 permit the use thereof for the purposes of subsection aa. or bb. of  
48 this section --

1        Shall forfeit and pay a sum according to the following schedule,  
2        to be sued for and recovered, with costs, in a civil action by any  
3        person [in the name of the New Jersey Society for the Prevention of  
4        Cruelty to Animals or a county society for the prevention of cruelty  
5        to animals, as appropriate, or,] in the name of the municipality [if  
6        brought by a certified animal control officer or animal cruelty  
7        investigator] , or in the name of the county prosecutor animal  
8        cruelty task force of the county, wherein the defendant resides or  
9        where the offense was committed :

10       For a violation of subsection e., f., g., u., v., w., or z. of this  
11       section or of paragraph (3) of subsection a. of this section, or for a  
12       second or subsequent violation of paragraph (2) or (5) of subsection  
13       a. of this section, a sum of not less than \$3,000 nor more than  
14       \$5,000;

15       For a violation of subsection l. of this section, for a first violation  
16       of paragraph (2) or (5) of subsection a. of this section, a sum of not  
17       less than \$1,000 nor more than \$3,000;

18       For a violation of paragraph (4) of subsection a. of this section,  
19       or subsection c. of this section, a sum of not less than \$500 nor  
20       more than \$2,000;

21       For a violation of subsection x. or paragraph (1) of subsection y.  
22       of this section, a sum of not less than \$500 nor more than \$1,000 for  
23       each domestic dog or cat fur or fur or hair product or domestic dog  
24       or cat carcass or meat product sold, bartered, or offered for sale or  
25       barter;

26       For a violation of paragraph (2), (3), (4), or (5) of subsection y.  
27       of this section, a sum of not less than \$500 nor more than \$1,000 for  
28       each horse slaughtered or transported for the purpose of slaughter  
29       for human consumption, or for each horse carcass or meat product  
30       transported, sold or bartered, or offered or advertised for sale or  
31       barter;

32       For a violation of subsection t. of this section, a sum of not less  
33       than \$500 nor more than \$1,000, but if the violation occurs on or  
34       near a highway, a mandatory sum of \$1,000;

35       For a violation of subsection d., h., j., k., aa., bb., or cc. of this  
36       section or of paragraph (1) of subsection a. of this section, a sum of  
37       not less than \$250 nor more than \$1,000; and

38       For a violation of subsection i., m., n., o., p., q., r., or s. of this  
39       section, a sum of not less than \$250 nor more than \$500.

40       (cf: P.L.2013, c.88, s.3)

41  
42       15. Section 1 of P.L.1995, c.255 (C.4:22-26.1) is amended to  
43       read as follows:

44       1. [An officer or agent of the New Jersey Society for the  
45       Prevention of Cruelty to Animals, or a certified animal control  
46       officer,] A municipal humane law enforcement officer or a county  
47       prosecutor animal cruelty task force may petition a court of

1 competent jurisdiction to have any animal confiscated and forfeited  
2 that is owned or possessed by a person at the time the person is  
3 found to be guilty of violating R.S.4:22-17, R.S.4:22-18, R.S.4:22-  
4 19, R.S.4:22-20 or R.S.4:22-23. Upon a finding that the continued  
5 possession by that person poses a threat to the animal's welfare, the  
6 court may, in addition to any other penalty that may be imposed for  
7 a violation of R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20  
8 or R.S.4:22-23, adjudge an animal forfeited for such disposition as  
9 the court deems appropriate.

10 (cf: P.L.1995, c.255, s.1)

11  
12 16. R.S.4:22-44 is amended to read as follows:

13 4:22-44. Any chief humane law enforcement officer, other law  
14 enforcement officer assigned or appointed to a county prosecutor  
15 animal cruelty task force, municipal humane law enforcement  
16 officer **【of the New Jersey Society for the Prevention of Cruelty to**  
17 **Animals or of a county society for the prevention of cruelty to**  
18 **animals, or any】**, sheriff, undersheriff, constable, **【certified animal**  
19 **control officer who has been properly authorized pursuant to section**  
20 **4 of P.L.1983, c.525 (C.4:19-15.16b),】** or police officer may:

21 a. Make arrests for violations of **【this】** article 2 of chapter 22 of  
22 Title 4 of the Revised Statutes ;

23 b. Arrest without warrant any person found violating the  
24 provisions of **【this article】** article 2 of chapter 22 of Title 4 of the  
25 Revised Statutes in the presence of such chief humane law  
26 enforcement officer, other law enforcement officer assigned or  
27 appointed to a county prosecutor animal cruelty task force,  
28 municipal humane law enforcement officer, sheriff, undersheriff,  
29 constable, or police officer **【or a certified animal control officer**  
30 **who has been properly authorized pursuant to section 4 of P.L.1983,**  
31 **c.525 (C.4:19-15.16b) , and take such person before the nearest**  
32 **judge or magistrate as provided in this article】** .

33 (cf: P.L.2005, c.372, s.17)

34  
35 17. R.S.4:22-45 is amended to read as follows:

36 4:22-45. Where an arrest is made **【under the provisions of this**  
37 **article】** for a violation of subsection c. of R.S.4:22-17 by a  
38 constable, sheriff, undersheriff **【or】**, police officer **【in a locality**  
39 **where the New Jersey society, or a district (county) society, for the**  
40 **prevention of cruelty to animals exists, he】**, chief humane law  
41 enforcement officer, other law enforcement officer assigned or  
42 appointed to a county prosecutor animal cruelty task force, or  
43 municipal humane law enforcement officer, the officer shall give  
44 notice to the **【State or district (county) society】** county prosecutor  
45 animal cruelty task force at once, whereupon **【such State or district**  
46 **(county) society】** the county prosecutor animal cruelty task force  
47 shall take charge of the case and prosecute it under the provisions of

1 **【this article】** chapter 22 of Title 4 of the Revised Statutes . **【No**  
2 magistrate shall hear any such case until proof is made of the  
3 service of such notice on the State or district (county) society.

4 The provisions of this section shall not apply to certified animal  
5 control officers who have been properly authorized pursuant to  
6 section 4 of P.L.1983, c.525 (C.4:19-15.16b) to make arrests.**】**  
7 (cf: P.L.1997, c.247, s.5)  
8

9 18. R.S.4:22-47 is amended to read as follows:

10 4:22-47. A sheriff, undersheriff, constable, police officer,  
11 **【certified animal control officer who has been properly authorized**  
12 pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b),**】** chief  
13 humane law enforcement officer, other law enforcement officer  
14 assigned or appointed to a county prosecutor animal cruelty task  
15 force, or municipal humane law enforcement officer **【of the New**  
16 Jersey Society for the Prevention of Cruelty to Animals or of a  
17 county society for the prevention of cruelty to animals,**】** may enter  
18 any building or place where there is an exhibition of the fighting or  
19 baiting of a living animal or creature, where preparations are being  
20 made for such an exhibition, or where a violation otherwise of  
21 R.S.4:22-24 is occurring, arrest without warrant all persons there  
22 present, and take possession of all living animals or creatures  
23 engaged in fighting or there found and all implements or appliances  
24 used or to be used in such exhibition.

25 (cf: P.L.2005, c.372, s.18)  
26

27 19. Section 1 of P.L.1997, c.121 (C.4:22-48.2) is amended to  
28 read as follows:

29 1. The costs of sheltering, caring for, or treating any animal that  
30 has been confiscated from a person arrested pursuant to the  
31 provisions of R.S.4:22-47 by **【an agent of the New Jersey Society**  
32 for the Prevention of Cruelty to Animals,**】** a chief humane law  
33 enforcement officer, other law enforcement officer assigned or  
34 appointed to a county prosecutor animal cruelty task force,  
35 municipal humane law enforcement officer, or any other person  
36 authorized to make an arrest pursuant to article 2 of chapter 22 of  
37 Title 4 of the Revised Statutes, until the animal is adjudged  
38 forfeited or until the animal is returned to the owner, shall be borne  
39 by the owner of the animal.

40 (cf: P.L.1997, c.121, s.1)  
41

42 20. Section 1 of P.L.1986, c.89 (C.4:22-50.1) is amended to read  
43 as follows:

44 1. When the owner or operator of an animal pound or shelter is  
45 arrested pursuant to the provisions of article 2 of chapter 22 of Title  
46 4 of the Revised Statutes by **【an agent of the New Jersey Society**  
47 for the Prevention of Cruelty to Animals**】** a chief humane law

1 enforcement officer, other law enforcement officer assigned or  
2 appointed to a county prosecutor animal cruelty task force,  
3 municipal humane law enforcement officer, or any other person  
4 authorized to make the arrest under that article, or when the warrant  
5 is issued for the arrest, the person making the arrest **【**or any other  
6 officer or agent of the New Jersey Society for the Prevention of  
7 Cruelty to Animals**】** or the county prosecutor animal cruelty task  
8 force may petition the Chancery Division of Superior Court to  
9 remove the owner or operator as custodian of the animals and  
10 appoint a receiver to operate the pound or shelter. The petitioner  
11 shall serve a copy of the petition on the Department of Health, the  
12 local board of health, and the owner or operator. If a county society  
13 for the prevention of cruelty to animals has been designated by the  
14 county prosecutor animal cruelty task force pursuant to subsection  
15 c. of section 31 of P.L. , c. (C. ) (pending before the  
16 Legislature as this bill), the county society shall, to the extent  
17 practicable, be appointed as receiver to operate the pound or shelter  
18 unless the county society is the owner or operator of the pound or  
19 shelter subject to arrest pursuant to this section.

20 (cf: P.L.1986, c.89, s.1)

21  
22 21. R.S.4:22-53 is amended to read as follows:

23 4:22-53. An animal or creature abandoned in a maimed, sick,  
24 infirm , or disabled condition, if fit for further use, may be  
25 advertised and sold in the manner directed by a court of competent  
26 jurisdiction or **【**agent of the New Jersey Society for the Prevention  
27 of Cruelty to Animals**】** county prosecutor animal cruelty task force .

28 The proceeds, after deducting expenses, shall be paid to the  
29 **【**district (county) society for the prevention of cruelty to animals, if  
30 one is in existence in the county; if not, then to the New Jersey  
31 society**】** county prosecutor animal cruelty task force .

32 (cf: P.L.1953, c.5, s.84)

33  
34 22. R.S.4:22-54 is amended to read as follows:

35 4:22-54. When an animal or creature is found on the highway or  
36 elsewhere, whether abandoned or not, in a maimed, sick, infirm , or  
37 disabled condition, a court of competent jurisdiction **【**or**】** , a sheriff  
38 of the county **【**, or agent of the New Jersey Society for the  
39 Prevention of Cruelty to Animals**】** , a county prosecutor animal  
40 cruelty task force, or a municipal humane law enforcement officer ,  
41 may appoint a suitable person to examine and destroy such animal  
42 or creature if unfit for further use.

43 (cf: P.L.1953, c.5, s.85)

44  
45 23. R.S.4:22-55 is amended to read as follows:

46 4:22-55. a. Except as provided pursuant to subsection b. of this  
47 section, all fines, penalties and moneys imposed and collected under

1 the provisions of **[this]** article 2 of chapter 22 of Title 4 of the  
2 Revised Statutes , shall be paid by the court or by the clerk or court  
3 officer receiving the fines, penalties or moneys, within **[thirty]** 30  
4 days and without demand, to **[(1) the county society for the**  
5 **prevention of cruelty to animals of the county where the fines,**  
6 **penalties or moneys were imposed and collected, if the county**  
7 **society brought the action or it was brought on behalf of the county**  
8 **society, to be used by the county society in aid of the benevolent**  
9 **objects for which it was incorporated, or (2) in all other cases, the**  
10 **New Jersey Society for the Prevention of Cruelty to Animals, to be**  
11 **used by the State society in aid of the benevolent objects for which**  
12 **it was incorporated]** the county prosecutor to be used for the  
13 purpose of protecting animals in the county .

14 b. If an enforcement action for a violation of **[this]** article 2 of  
15 chapter 22 of Title 4 of the Revised Statutes is brought :

16 (1) primarily as a result of the **[discovery and investigation]**  
17 reporting of the violation to the county prosecutor animal cruelty  
18 task force by a certified animal control officer or a municipal  
19 humane law enforcement officer , the fines, penalties , or moneys  
20 collected shall be paid as follows: one half to the municipality in  
21 which the violation occurred; and one half to the county **[society or**  
22 **to the New Jersey Society for the Prevention of Cruelty to Animals,**  
23 **as applicable to the particular enforcement action]** prosecutor to be  
24 used for the purpose of protecting animals in the county .

25 (2) in a municipal court, the fines, penalties, or moneys  
26 collected shall be paid to the municipality wherein the offender  
27 resides, or where the offense was committed.

28 c. Any fines, penalties , or moneys paid to a municipality **[or**  
29 **other entity]** pursuant to subsection b. of this section shall be  
30 allocated by the municipality **[or other entity]** to defray the cost of:

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

33 (2) the training therefor required of certified animal control  
34 officers and municipal humane law enforcement officers pursuant to  
35 law or other animal enforcement related training authorized by law  
36 for municipal employees.

37 (cf: P.L.2005, c.372, s.19)

38

39 24. Section 10 of P.L.1997, c.247 (C.4:22-56) is amended to  
40 read as follows:

41 10. Although a municipality and **[the New Jersey Society for the**  
42 **Prevention of Cruelty to Animals or a county society]** a county  
43 prosecutor may share in the receipt of fines, penalties , or moneys  
44 collected with regard to violations occurring in the municipality  
45 pursuant to the provisions of R.S.4:22-55:

46 a. **[neither]** a municipality , municipal humane law enforcement  
47 officer, or a certified animal control officer shall not be liable for



1 any civil damages as a result of any act or omission of **the New**  
2 **Jersey Society for the Prevention of Cruelty to Animals, a county**  
3 **society or an officer thereof** a county prosecutor with regard to any  
4 investigation, arrest , or prosecution of a violator with which the  
5 municipality , municipal humane law enforcement officer, or  
6 certified animal control officer was not involved; and

7 b. **neither the New Jersey Society for the Prevention of Cruelty**  
8 **to Animals, a county society or an officer thereof** a county  
9 prosecutor shall not be liable for any civil damages as a result of  
10 any act or omission of a municipality , a municipal humane law  
11 enforcement officer, or a certified animal control officer with regard  
12 to any investigation, arrest , or prosecution of a violator with which  
13 the **New Jersey Society for the Prevention of Cruelty to Animals, a**  
14 **county society or an officer thereof** county prosecutor was not  
15 involved.

16 (cf: P.L.2005, c.372, s.20)

17  
18 25. Section 3 of P.L.2003, c.67 (C.4:22-57) is amended to read  
19 as follows:

20 3. a. **For the purposes of establishing the list of persons not**  
21 **eligible to be certified animal control officers as required pursuant**  
22 **to subsections b. and c. of section 3 of P.L.1983, c.525 (C.4:19-**  
23 **15.16a), notice shall be provided, within 90 days after the effective**  
24 **date of this section, to the Commissioner of Health and Senior**  
25 **Services of any person who has been convicted of, or found civilly**  
26 **liable for, a violation of any provision of chapter 22 of Title 4 of the**  
27 **Revised Statutes, by any court or other official administrative entity**  
28 **maintaining records of such violations adjudged on or before the**  
29 **effective date of this section.** (Deleted by amendment, P.L. , c. )  
30 (pending before the Legislature as this bill)

31 b. For the purposes of maintaining the list of persons not eligible  
32 to be a certified animal control **officers** officer, municipal  
33 humane law enforcement officer, or a prosecutor or law  
34 enforcement officer assigned or appointed to a county prosecutor  
35 animal cruelty task force, as established pursuant to subsections b.  
36 and c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a), the court or  
37 other official adjudging the guilt or liability for a violation of any  
38 provision of article 2 of chapter 22 of Title 4 of the Revised  
39 Statutes, shall charge the county prosecutor animal cruelty task  
40 force **], officer of the New Jersey Society for the Prevention of**  
41 **Cruelty to Animals or the county society for the prevention of**  
42 **cruelty to animals,]** or other appropriate person, other than a  
43 certified animal control officer, with the responsibility to notify  
44 within 30 days the commissioner, in writing, of the full name of the  
45 person found guilty of, or liable for, an applicable violation, and the  
46 violation for which or of which that person was found guilty or

1 liable, and the person charged with the responsibility shall provide  
2 such notice.

3 (cf: P.L.2005, c.372, s.21)  
4

5 26. (New section) a. Each governing body of a municipality  
6 shall:

7 (1) appoint at least one municipal humane law enforcement  
8 officer pursuant to section 27 of P.L. , c. (C. ) (pending  
9 before the Legislature as this bill) who shall be responsible for  
10 animal welfare within the jurisdiction of the municipality, and who  
11 shall enforce and abide by the provisions of chapter 22 of Title 4 of  
12 the Revised Statutes and shall be authorized to investigate and sign  
13 complaints, arrest violators, and otherwise act as an officer for  
14 detection, apprehension, and arrest of offenders against the animal  
15 welfare and animal cruelty laws of the State and ordinances of the  
16 municipality; and

17 (2) publicize a telephone number for reporting violations of any  
18 provision of article 2 of chapter 22 of Title 4 of the Revised  
19 Statutes, which may be the same number publicized pursuant to  
20 section 14 of P.L.1989, c.307 (C.4:19-30).

21 b. The governing body of a municipality shall not appoint, and  
22 shall terminate the appointment of, a municipal humane law  
23 enforcement officer who has been convicted of, or found civilly  
24 liable for, a violation of any provision of article 2 of chapter 22 of  
25 Title 4 of the Revised Statutes or whose name is on the list or any  
26 revision thereto established and provided by the Commissioner of  
27 Health pursuant to subsection c. of section 3 of P.L.1983, c.525  
28 (C.4:19-15.16a).

29 c. (1) The governing body of a municipality may authorize a  
30 municipal humane law enforcement officer to possess, carry, and  
31 use a firearm while enforcing the laws and ordinances enacted for  
32 the protection of animals, if the officer:

33 (a) has satisfactorily completed a firearms training course as  
34 defined in subsection j. of N.J.S.2C:39-6 and approved by the  
35 Police Training Commission; and

36 (b) annually qualifies in the use of a revolver or similar weapon.

37 (2) A municipal humane law enforcement officer authorized to  
38 possess, carry, and use a firearm pursuant to this subsection shall be  
39 subject to the supervision of the chief law enforcement officer in  
40 the municipality, or, if the municipality does not have a chief law  
41 enforcement officer, the chief humane law enforcement officer of  
42 the county prosecutor animal cruelty task force.

43 d. The governing body of a municipality may appoint as a  
44 municipal humane law enforcement officer any qualified individual.  
45 An animal control officer or a police officer may be appointed to  
46 serve concurrently as a municipal humane law enforcement officer,  
47 so long as the officer is able to effectively carry out the duties and  
48 responsibilities required of each position held.

1       27. (New section) a. (1) An application for appointment as a  
2 municipal humane law enforcement officer shall be submitted by  
3 the governing body of a municipality to the chief law enforcement  
4 officer of the municipality, or, if the municipality does not have a  
5 chief law enforcement officer, to the chief humane law enforcement  
6 officer of the county prosecutor animal cruelty task force. Upon  
7 receipt of the application, the chief law enforcement officer, or  
8 chief humane law enforcement officer, as applicable, shall examine  
9 the character, competency, and fitness of the applicant for the  
10 position, including initiating a criminal background check at the  
11 expense of the applicant.

12       (2) Upon completion of an examination of an applicant, the  
13 chief law enforcement officer, or chief humane law enforcement  
14 officer, as applicable, shall approve or reject the applicant and  
15 provide a written determination, to the applicant and to the  
16 governing body of the municipality, which, if applicable, shall state  
17 any reasons for rejecting the applicant.

18       b. A municipal humane law enforcement officer shall have the  
19 power and authority within the jurisdiction in which the officer is  
20 appointed, or otherwise authorized to act, as a municipal humane  
21 law enforcement officer to:

22       (1) enforce all animal welfare or animal cruelty laws of the State  
23 and ordinances of the municipality;

24       (2) investigate and sign complaints concerning any violation of  
25 an animal welfare or animal cruelty law of the State or ordinance of  
26 the municipality; and

27       (3) act as an officer for the detection, apprehension, and arrest  
28 of offenders against the animal welfare and animal cruelty laws of  
29 the State and ordinances of the municipality.

30       c. A municipal humane law enforcement officer shall:

31       (1) abide by the provisions of chapter 22 of Title 4 of the  
32 Revised Statutes;

33       (2) satisfactorily complete the training course developed  
34 pursuant to subsection a. of section 11 of P.L.2005, c.372 (C.4:22-  
35 11.11), or similar course developed pursuant to subsection c. of  
36 section 11 of P.L.2005, c.372 (C.4:22-11.11), as soon as  
37 practicable, but no later than one year after the date of the officer's  
38 appointment;

39       (3) satisfactorily complete the retraining course developed  
40 pursuant to subsection a. of section 11 of P.L.2005, c.372 (C.4:22-  
41 11.11), or similar course developed pursuant to subsection c. of  
42 section 11 of P.L.2005, c.372 (C.4:22-11.11), no less than one time  
43 in every two-year period, the first two-year period beginning on the  
44 day on which the officer satisfactorily completes the animal  
45 protection law enforcement training course developed pursuant to  
46 section 11 of P.L.2005, c.372 (C.4:22-11.11) and required pursuant  
47 to paragraph (2) of this subsection;

1 (4) refer all complaints for violations of the provisions of  
2 subsection c. of R.S.4:22-17 to the county prosecutor animal cruelty  
3 task force for investigation and prosecution, or any other  
4 appropriate legal action, except that, a municipal humane law  
5 enforcement officer may take any action necessary, within the  
6 authority granted pursuant to chapter 22 of Title 4 of the Revised  
7 Statutes, to respond to an emergency situation;

8 (5) provide notice to the county prosecutor animal cruelty task  
9 force within five businesses days of the receipt of any complaint of  
10 a violation of any provision of article 2 of chapter 22 of Title 4 of  
11 the Revised Statutes, regardless of whether the violation is referred  
12 to the county prosecutor animal cruelty task force pursuant to  
13 paragraph (4) of this subsection. The notice shall contain, at  
14 minimum, a brief description of the offense alleged; and

15 (6) submit, by October 1 of each year, a report to the county  
16 prosecutor animal cruelty task force, which shall include, for the  
17 most recently concluded State fiscal year, the number of complaints  
18 received for each offense under article 2 of chapter 22 Title 4 of the  
19 Revised Statutes and the number of cases referred to the county  
20 prosecutor animal cruelty task force. Each county prosecutor  
21 animal cruelty task force shall compile these reports and submit  
22 them to the Attorney General as part of the annual report required  
23 pursuant to subsection e. of section 31 of P.L. , c. (C. )  
24 (pending before the Legislature as this bill).

25 d. Upon receipt of a request for assistance by a municipality,  
26 county, or other entity that did not appoint the municipal humane  
27 law enforcement officer pursuant to this section, a municipal  
28 humane law enforcement officer may, within the jurisdiction of the  
29 municipality, county, or other entity making the request, exercise  
30 the powers and authority granted pursuant to this section.

31 e. A municipal humane law enforcement officer may be  
32 appointed concurrently by more than one municipality, so long as  
33 the officer is able to effectively carry out the duties and  
34 responsibilities required of each appointment.

35 f. Any rule or regulation concerning animal cruelty  
36 investigators, in effect on the date of enactment of P.L. , c. (C. )  
37 (pending before the Legislature as this bill), shall be applicable to  
38 municipal humane law enforcement officers until otherwise revised  
39 or repealed by the Department of Health.

40  
41 28. (New section) Any humane law enforcement officer or  
42 agent appointed by a county society for the prevention of cruelty to  
43 animals or the New Jersey Society for the Prevention of Cruelty to  
44 Animals shall be eligible to be appointed as a municipal humane  
45 law enforcement officer pursuant to section 27 of P.L. , c. (C. )  
46 (pending before the Legislature as this bill), or assigned or  
47 appointed as a chief humane law enforcement officer or other law  
48 enforcement officer to a county prosecutor animal cruelty task force

1 pursuant to subsection c. of section 29 of P.L. , c. (C. )  
2 (pending before the Legislature as this bill).

3  
4 29. (New section) Each county prosecutor:

5 a. shall establish, within the office of the prosecutor, a county  
6 prosecutor animal cruelty task force which shall be responsible for  
7 animal welfare within the jurisdiction of the county and enforce and  
8 abide by the provisions of chapter 22 of Title 4 of the Revised  
9 Statutes;

10 b. shall assign or appoint to the county prosecutor animal cruelty  
11 task force an animal cruelty prosecutor, and may assign or appoint  
12 any assistant animal cruelty prosecutor, who shall investigate,  
13 prosecute, and take other legal action as appropriate for violations  
14 of article 2 of chapter 22 of Title 4 of the Revised Statutes;

15 c. shall assign or appoint to the county prosecutor animal cruelty  
16 task force, in consultation with the county sheriff, a county law  
17 enforcement officer to serve as the chief humane law enforcement  
18 officer of the county, and may assign or appoint to the county  
19 prosecutor animal cruelty task force any other law enforcement  
20 officer under the supervision of the chief humane law enforcement  
21 officer, who shall assist with investigations, arrest violators, and  
22 otherwise act as an officer for detection, apprehension, and arrest of  
23 offenders against the provisions of article 2 of chapter 22 of Title 4  
24 of the Revised Statutes;

25 d. may employ any other staff necessary to carry out the duties  
26 of the county prosecutor animal cruelty task force; and

27 e. shall not assign or appoint to the county prosecutor animal  
28 cruelty task force, and shall terminate the assignment or  
29 appointment of, any prosecutor or law enforcement officer who has  
30 been convicted of, or found civilly liable for, a violation of any  
31 provision of article 2 of chapter 22 of Title 4 of the Revised Statutes  
32 or whose name is on the list or any revision thereto established and  
33 provided by the Commissioner of Health pursuant to subsection c.  
34 of section 3 of P.L.1983, c.525 (C.4:19-15.16a).

35  
36 30. (New section) a. A chief humane law enforcement officer  
37 and any other law enforcement officer assigned or appointed to the  
38 county prosecutor animal cruelty task force shall have the power  
39 and authority within the jurisdiction in which the officer is assigned  
40 or appointed, or otherwise authorized to act, to:

41 (1) enforce all animal welfare and animal cruelty laws of the  
42 State;

43 (2) investigate and sign complaints concerning any violation of  
44 an animal welfare or animal cruelty law of the State; and

45 (3) act as an officer for the detection, apprehension, and arrest  
46 of offenders against the animal welfare and animal cruelty laws of  
47 the State and ordinances of any municipality.

1       b. Every chief humane law enforcement officer and other law  
2 enforcement officer assigned or appointed to a county prosecutor  
3 animal cruelty task force shall:

4       (1) abide by the provisions of chapter 22 of Title 4 of the  
5 Revised Statutes;

6       (2) satisfactorily complete the training course developed  
7 pursuant to subsection a. of section 11 of P.L.2005, c.372 (C.4:22-  
8 11.11), or similar course developed pursuant to subsection c. of  
9 section 11 of P.L.2005, c.372 (C.4:22-11.11), as soon as  
10 practicable, but no later than one year after the date of the officer's  
11 assignment or appointment; and

12       (3) satisfactorily complete the retraining course developed  
13 pursuant to subsection a. of section 11 of P.L.2005, c.372 (C.4:22-  
14 11.11), or similar course developed pursuant to subsection c. of  
15 section 11 of P.L.2005, c.372 (C.4:22-11.11), no less than one time  
16 in every two-year period, the first two-year period beginning on the  
17 day on which the officer satisfactorily completes the animal  
18 protection law enforcement training course developed pursuant to  
19 section 11 of P.L.2005, c.372 (C.4:22-11.11) and required pursuant  
20 to paragraph (2) of this subsection.

21       c. Upon request for assistance by a municipality, county, or  
22 other entity that did not assign or appoint the chief humane law  
23 enforcement officer or other law enforcement officer pursuant to  
24 subsection c. of section 29 of P.L. , c. (C. ) (pending before  
25 the Legislature as this bill), the chief humane law enforcement  
26 officer or other law enforcement officer may, within the jurisdiction  
27 of the municipality, county, or other entity making the request,  
28 exercise the powers and authority granted pursuant to this section.

29  
30       31. (New section) A county prosecutor animal cruelty task force  
31 shall:

32       a. promote the interests of, and protect and care for, animals  
33 within the county;

34       b. investigate and prosecute violations of article 2 of chapter 22  
35 of Title 4 of the Revised Statutes;

36       c. designate a county society for the prevention of cruelty to  
37 animals pursuant to the provisions of section 32 of P.L. , c. (C. )  
38 (pending before the Legislature as this bill) with which, to the  
39 extent practicable and as needed, the county prosecutor animal  
40 cruelty task force shall coordinate shelter and care for animals;

41       d. request the assistance of the Department of Agriculture in the  
42 investigation of any violation concerning livestock; and

43       e. submit, by January 1 of each year, a report to the Attorney  
44 General which shall include the following information pertaining to  
45 the activities of the county prosecutor animal cruelty task force in  
46 the most recently concluded State fiscal year:

1 (1) the number of complaints received from each municipality  
2 for each violation of article 2 of chapter 22 of Title 4 of the Revised  
3 Statutes;

4 (2) the number of complaints investigated;

5 (3) the number of complaints prosecuted or otherwise litigated;

6 (4) the number of animals adjudged forfeited;

7 (5) the number of animals returned to the owner; and

8 (6) proceeds from fines collected for violations of article 2 of  
9 chapter 22 of Title 4 of the Revised Statutes.

10  
11 32. (New section) A county society for the prevention of cruelty  
12 to animals which is chartered as such as of the day prior to the date  
13 of enactment of P.L. , c. (C. ) (pending before the  
14 Legislature as this bill) shall, if the county society so desires, be  
15 designated as the county society for the prevention of cruelty to  
16 animals upon enactment of P.L. , c. (C. ) (pending before  
17 the Legislature as this bill). If a chartered county society elects not  
18 to be so designated, or no county society is chartered in the county,  
19 the county prosecutor animal cruelty task force shall select a non-  
20 profit corporation operating within the county that is organized to  
21 promote the interests of, and protect and care for, animals to be  
22 designated as the county society for the prevention of cruelty to  
23 animals. As requested, the county society shall be responsible for  
24 efficiently providing or locating humane shelter and care for any  
25 animals in the possession of a municipal humane law enforcement  
26 officer or county prosecutor animal cruelty task force.

27  
28 33. (New section) a. The New Jersey Society for the  
29 Prevention of Cruelty to Animals shall not grant, revoke, cancel, or  
30 suspend any charter for a county society for the prevention of  
31 cruelty to animals.

32 b. Nothing in P.L. , c. (C. ) (pending before the  
33 Legislature as this bill) shall be construed so as to require a county  
34 society for the prevention of cruelty to animals chartered as such as  
35 of the day prior to the date of enactment of P.L. , c. (C. )  
36 (pending before the Legislature as this bill) to surrender any assets  
37 to the State, or any political subdivision or other entity thereof.

38  
39 34. (New section) a. The Attorney General shall take any  
40 action necessary to facilitate the reincorporation of the New Jersey  
41 Society for the Prevention of Cruelty to Animals as a non-profit  
42 corporation independent of the State. Notwithstanding any State  
43 law, rule, or regulation to the contrary, the State shall not assume  
44 responsibility for any debts, liabilities, or other obligations of the  
45 New Jersey Society for the Prevention of Cruelty to Animals.

46 b. Any assets of a county society held in escrow by the New  
47 Jersey Society for the Prevention of Cruelty to Animals pursuant to  
48 subsection j. of section 4 of P.L.2005, c.372 (C.4:22-11.4) shall be

1 transferred to the Attorney General to hold in escrow until such  
2 time as the assets may be transferred back to the county society  
3 from whom they were originally transferred, the status of the county  
4 society's charter notwithstanding. Should the Attorney General  
5 find the transfer to be inappropriate or impossible, the assets shall  
6 be used for the purpose of protecting animals in the county.

7  
8 35. Sections 8 and 9 of P.L.1997, c.247 (C.4:19-15.16c and  
9 C.4:19-15.16d), sections 2 through 10 and 13 of P.L.2005, c.372  
10 (C.4:22-11.2 through C.4:22-11.10 and C.4:22-11.13), R.S.4:22-12,  
11 and R.S.4:22-13 are repealed.

12  
13 36. This act shall take effect on the first day of the 13th month  
14 following the date of enactment, except that sections 26 and 29 of  
15 this act shall take effect on the first day of the seventh month  
16 following the date of enactment, sections 33 and 34 of this act shall  
17 take effect immediately, and the Attorney General and any county  
18 prosecutor or governing body of a municipality may take any  
19 administrative action in advance thereof as shall be necessary for  
20 the implementation of this act.

#### 21 22 23 STATEMENT 24

25 This bill would revise the way in which animal cruelty law is  
26 enforced in the State by transferring the power of humane law  
27 enforcement from the New Jersey Society for the Prevention of  
28 Cruelty to Animals (NJSPCA) and county societies for the  
29 prevention of cruelty to animals (county societies) to a county  
30 prosecutor animal cruelty task force in each county, and a  
31 municipal humane law enforcement officer appointed in each  
32 municipality.

33 This bill would require the county prosecutor of each county to  
34 establish, within the office of the prosecutor, a county prosecutor  
35 animal cruelty task force which would be responsible for animal  
36 welfare within the jurisdiction of the county, and enforce and abide  
37 by the animal cruelty laws of the State. The county prosecutor  
38 would be required to assign or appoint an animal cruelty  
39 prosecutor, and would be permitted to assign or appoint any  
40 assistant prosecutor, to the task force to investigate, prosecute, and  
41 take other legal action as appropriate for violations of the animal  
42 cruelty laws of the State. The county prosecutor would also be  
43 required to assign or appoint a county law enforcement officer to  
44 serve as the chief humane law enforcement officer in the county,  
45 and would be permitted to assign or appoint any other law  
46 enforcement officer under the supervision of the chief humane law  
47 enforcement officer, who would assist with investigations, arrest  
48 violators, and otherwise act as an officer for detection,



1 apprehension, and arrest of offenders against the animal welfare  
2 and animal cruelty laws of the State. The county prosecutor may  
3 not assign or appoint to the task force any prosecutor or law  
4 enforcement officer who has been convicted of, or found civilly  
5 liable for, a violation of an animal cruelty law of the State.

6 A county prosecutor animal cruelty task force would also be  
7 responsible for designating a county society for the prevention of  
8 cruelty to animals. The charter system applicable to county  
9 societies under current law would be abolished by this bill. A  
10 county society chartered by the NJSPCA at the time of enactment  
11 of this bill would then become the county society designated by the  
12 county prosecutor animal cruelty task force. If a county society  
13 chartered prior to the enactment of this bill does not wish to be  
14 designated by the task force as the county society, or if there is no  
15 chartered county society in the county, the county prosecutor  
16 animal cruelty task force would be required to select a non-profit  
17 corporation operating within the county that is organized to  
18 promote the interests of, and protect and care for, animals to be  
19 designated as the county society for the prevention of cruelty to  
20 animals. Following abolishment of the charter system, the bill  
21 would not require a chartered county society to surrender any  
22 assets to the State or any political subdivision or other entity  
23 thereof. A county society so designated by a county prosecutor  
24 animal cruelty task force would be responsible for efficiently  
25 providing or locating humane shelter and care for any animals in  
26 the possession of a municipal humane law enforcement officer, or  
27 a county prosecutor animal cruelty task force.

28 This bill would require the governing body of each municipality  
29 to appoint at least one municipal humane law enforcement officer,  
30 approved by the chief law enforcement officer of the municipality,  
31 who would be responsible for animal welfare within the jurisdiction  
32 of the municipality, and who would enforce and abide by the animal  
33 cruelty laws of the State and ordinances of the municipality. An  
34 animal control officer or police officer may be appointed to serve  
35 concurrently as a municipal humane law enforcement officer, and a  
36 municipal humane law enforcement officer may be appointed  
37 concurrently by more than one municipality, so long as the officer  
38 would be able to effectively carry out the duties and responsibilities  
39 required of each position held. Under current law, animal control  
40 officers may be empowered by a municipality to enforce,  
41 investigate, and sign complaints concerning any violation of the  
42 animal cruelty laws of the State or ordinances of the municipality,  
43 and to act as an officer for the detection, apprehension, and arrest of  
44 offenders against the animal welfare and animal cruelty laws of the  
45 State and ordinances of the municipality. This bill would instead  
46 grant those powers to the municipal humane law enforcement  
47 officer. A municipal humane law enforcement officer may be  
48 authorized by a municipality to use a firearm in the furtherance of

1 the officer's duties, if the officer has completed a firearms training  
2 course approved by the Police Training Commission and annually  
3 qualifies in the use of a revolver or similar weapon.

4 All third and fourth degree criminal offenses under the animal  
5 cruelty laws of the State received by a municipal humane law  
6 enforcement officer would be referred to the county prosecutor  
7 animal cruelty task force for investigation and prosecution, as  
8 appropriate. Civil and disorderly persons offenses under the animal  
9 cruelty laws of the State may be handled by the municipality in  
10 which the violation occurred or in which the offender resides, or  
11 may be referred to the county prosecutor animal cruelty task force.

12 This bill would require a municipal humane law enforcement  
13 officer to report annually to the county prosecutor animal cruelty  
14 task force on the number of complaints received for each offense  
15 under chapter 22 Title 4 of the Revised Statutes, and the number of  
16 cases referred to the county prosecutor animal cruelty task force in  
17 the previous year. The county prosecutor animal cruelty task force  
18 would be required to report annually, to the Attorney General, the  
19 information provided by municipal humane law enforcement  
20 officers in the county, as well as the number of complaints  
21 investigated by the task force, the number of complaints prosecuted  
22 or otherwise litigated, the number of animals adjudged forfeited, the  
23 number of animals returned to the owner, and the amount of  
24 proceeds collected from fines for violations of chapter 22 of Title 4  
25 of the Revised Statutes.

26 The bill provides that the Attorney General would be required to  
27 take any action necessary to facilitate the reincorporation of the  
28 NJSPCA as a non-profit corporation independent of the State. The  
29 State would not assume responsibility for any debts, liabilities, or  
30 other obligations of the NJSPCA.

31 Finally, the bill would repeal the provisions of Title 4 of the  
32 Revised Statutes which relate to the administration, authority, and  
33 duties of the NJSPCA and county societies, as well as the  
34 provisions relating to the authority and duties of an animal control  
35 officer with respect to animal cruelty law enforcement which would  
36 be transferred to the municipal humane law enforcement officer  
37 under this bill.

# SENATE ECONOMIC GROWTH COMMITTEE

## STATEMENT TO

### SENATE, No. 3558

# STATE OF NEW JERSEY

DATED: NOVEMBER 30, 2017

The Senate Economic Growth Committee reports favorably Senate Bill No. 3558.

As reported, this bill revises the enforcement of animal cruelty laws in the State by transferring the power of humane law enforcement from the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA) and county societies for the prevention of cruelty to animals (county societies) to a county prosecutor animal cruelty task force in each county, and a municipal humane law enforcement officer appointed in each municipality.

The bill requires the county prosecutor of each county to establish, within the office of the prosecutor, a county prosecutor animal cruelty task force which is to be responsible for animal welfare within the jurisdiction of the county, and enforce and abide by the animal cruelty laws of the State. The county prosecutor is required to assign or appoint an animal cruelty prosecutor, and is permitted to assign or appoint any assistant prosecutor to the task force to investigate, prosecute, and take other legal action as appropriate for violations of the animal cruelty laws of the State. The county prosecutor is also required to assign or appoint a county law enforcement officer to serve as the chief humane law enforcement officer in the county, and is permitted to assign or appoint any other law enforcement officer under the supervision of the chief humane law enforcement officer, who is to assist with investigations, arrest violators, and otherwise act as an officer for detection, apprehension, and arrest of offenders against the animal welfare and animal cruelty laws of the State. The county prosecutor may not assign or appoint to the task force any prosecutor or law enforcement officer who has been convicted of, or found civilly liable for, a violation of an animal cruelty law of the State.

Under the bill, a county prosecutor animal cruelty task force is responsible for designating a county society for the prevention of cruelty to animals. The charter system applicable to county societies under current law is abolished by the bill. A county society chartered by the NJSPCA at the time of enactment of the bill is to become the county society designated by the county prosecutor animal cruelty task force. If a county society chartered prior to the enactment of the bill does not wish to be designated by the task force as the county society, or if there is no chartered county society in the county, the

county prosecutor animal cruelty task force is required to select a non-profit corporation operating within the county that is organized to promote the interests of, and protect and care for, animals to be designated as the county society for the prevention of cruelty to animals. Following abolishment of the charter system, the bill does not require a chartered county society to surrender any assets to the State or any political subdivision or other entity thereof. A county society so designated by a county prosecutor animal cruelty task force is responsible for efficiently providing or locating humane shelter and care for any animals in the possession of a municipal humane law enforcement officer, or a county prosecutor animal cruelty task force.

The bill requires the governing body of each municipality to appoint at least one municipal humane law enforcement officer, approved by the chief law enforcement officer of the municipality, who is responsible for animal welfare within the jurisdiction of the municipality, and who is to enforce and abide by the animal cruelty laws of the State and ordinances of the municipality. An animal control officer or police officer may be appointed to serve concurrently as a municipal humane law enforcement officer, and a municipal humane law enforcement officer may be appointed concurrently by more than one municipality, so long as the officer would be able to effectively carry out the duties and responsibilities required of each position held. Under current law, animal control officers may be empowered by a municipality to enforce, investigate, and sign complaints concerning any violation of the animal cruelty laws of the State or ordinances of the municipality, and to act as an officer for the detection, apprehension, and arrest of offenders against the animal welfare and animal cruelty laws of the State and ordinances of the municipality. The bill instead grants those powers to the municipal humane law enforcement officer. A municipal humane law enforcement officer may be authorized by a municipality to use a firearm in the furtherance of the officer's duties, if the officer has completed a firearms training course approved by the Police Training Commission and annually qualifies in the use of a revolver or similar weapon.

All third and fourth degree criminal offenses under the animal cruelty laws of the State received by a municipal humane law enforcement officer are to be referred to the county prosecutor animal cruelty task force for investigation and prosecution, as appropriate. Civil and disorderly persons offenses under the animal cruelty laws of the State may be handled by the municipality in which the violation occurred or in which the offender resides, or may be referred to the county prosecutor animal cruelty task force.

This bill requires a municipal humane law enforcement officer to report annually to the county prosecutor animal cruelty task force on the number of complaints received for each offense under chapter 22 of Title 4 of the Revised Statutes, and the number of cases referred to

the county prosecutor animal cruelty task force in the previous year. The county prosecutor animal cruelty task force is required to report annually, to the Attorney General, the information provided by municipal humane law enforcement officers in the county, as well as the number of complaints investigated by the task force, the number of complaints prosecuted or otherwise litigated, the number of animals adjudged forfeited, the number of animals returned to the owner, and the amount of proceeds collected from fines for violations of chapter 22 of Title 4 of the Revised Statutes.

The bill requires the Attorney General to take any action necessary to facilitate the reincorporation of the NJSPCA as a non-profit corporation independent of the State. The State is not to assume responsibility for any debts, liabilities, or other obligations of the NJSPCA.

Finally, the bill repeals the provisions of Title 4 of the Revised Statutes which relate to the administration, authority, and duties of the NJSPCA and county societies, as well as the provisions relating to the authority and duties of an animal control officer with respect to animal cruelty law enforcement which would be transferred to the municipal humane law enforcement officer under the bill.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 3558**  
**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

DATED: DECEMBER 7, 2017

**SUMMARY**

**Synopsis:** Revises animal cruelty law enforcement in NJ.

**Type of Impact:** Annual expenditure increases to counties and municipalities. Annual revenue increases to certain counties and municipalities.

**Agencies Affected:** Counties and municipalities.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>Annual Local Cost Increase</b>	Indeterminate increase – See comments below.		
<b>Annual Local Revenue Increase</b>	Indeterminate increase – See comments below.		

- The Office of Legislative Services (OLS) notes that counties may incur indeterminate, increased expenditures as a result of the mandatory creation of county prosecutor animal cruelty task forces and for an appointment or assignment of a chief humane law enforcement officer.
- Municipalities may incur indeterminate, increased expenditures from the mandatory appointment of a humane law enforcement officer who would be responsible for enforcement of animal cruelty and welfare laws.
- Both counties and municipalities would likely incur costs associated with obtaining the training required by the bill for humane law enforcement officers within their respective jurisdictions.
- There may be increased county and municipal revenue of indeterminate amounts from fines, charges, and restitution associated with violations of animal cruelty and welfare laws.

**BILL DESCRIPTION**

Senate Bill No. 3558 of 2017 would revise the way in which animal cruelty law is enforced in the State by transferring the power of humane law enforcement from the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA) and county societies for the prevention of

cruelty to animals (county societies) to a county prosecutor animal cruelty task force in each county, and a municipal humane law enforcement officer appointed in each municipality.

This bill would require the county prosecutor of each county to establish, within the office of the prosecutor, a county prosecutor animal cruelty task force which would be responsible for animal welfare within the jurisdiction of the county, and enforce and abide by the animal cruelty laws of the State. The county prosecutor would be required to assign or appoint an animal cruelty prosecutor, and would be permitted to assign or appoint any assistant prosecutor, to the task force to investigate, prosecute, and take other legal action as appropriate for violations of the animal cruelty laws of the State. The county prosecutor would also be required to assign or appoint a county law enforcement officer to serve as the chief humane law enforcement officer in the county, and would be permitted to assign or appoint any other law enforcement officer under the supervision of the chief humane law enforcement officer, who would assist with investigations, arrest violators, and otherwise act as an officer for detection, apprehension, and arrest of offenders against the animal cruelty and welfare laws of the State.

A county prosecutor animal cruelty task force would also be responsible for designating a county society for the prevention of cruelty to animals. The charter system applicable to county societies under current law would be abolished by this bill. A county society chartered by the NJSPCA at the time of enactment of this bill into law would then become the county society designated by the county prosecutor animal cruelty task force. If a county society chartered prior to the enactment of this bill into law does not wish to be designated by the task force as the county society, or if there is no chartered county society in the county, the county prosecutor animal cruelty task force would be required to select a non-profit corporation operating within the county that is organized to promote the interests of, and protect and care for, animals to be designated as the county society for the prevention of cruelty to animals. Following abolishment of the charter system, the bill would not require a chartered county society to surrender any assets to the State or any political subdivision or other entity thereof. A county society so designated by a county prosecutor animal cruelty task force would be responsible for efficiently providing or locating humane shelter and care for any animals in the possession of a municipal humane law enforcement officer, or a county prosecutor animal cruelty task force.

This bill would require the governing body of each municipality to appoint at least one municipal humane law enforcement officer, approved by the chief law enforcement officer of the municipality, who would be responsible for animal welfare within the municipality, and who would enforce and abide by the animal cruelty laws of the State and ordinances of the municipality. An animal control officer or police officer may be appointed to serve concurrently as a municipal humane law enforcement officer, and a municipal humane law enforcement officer may be appointed concurrently by more than one municipality, so long as the officer would be able to effectively carry out the duties and responsibilities required of each position held. Under current law, animal control officers may be empowered by a municipality to enforce, investigate, and sign complaints concerning any violation of the animal cruelty laws of the State or ordinances of the municipality, and to act as an officer for the detection, apprehension, and arrest of offenders against the animal cruelty and welfare laws of the State and ordinances of the municipality. This bill would instead grant those powers to the municipal humane law enforcement officer.

All third and fourth degree criminal complaints under the animal cruelty laws of the State received by a municipal humane law enforcement officer would be referred to the county prosecutor animal cruelty task force for investigation and prosecution, as appropriate. Civil and disorderly persons complaints under the animal cruelty laws of the State may be handled by the municipality in which the violation occurred or in which the offender resides, or may be referred to the county prosecutor animal cruelty task force.

This bill would require a municipal humane law enforcement officer to report annually to the county prosecutor animal cruelty task force on the number of complaints received for each offense under chapter 22 Title 4 of the Revised Statutes, and the number of cases referred to the county prosecutor animal cruelty task force in the previous year. The county prosecutor animal cruelty task force would be required to report annually, to the Attorney General, the information provided by municipal humane law enforcement officers in the county, as well as the number of complaints investigated by the task force, the number of complaints prosecuted or otherwise litigated, the number of animals adjudged forfeited, the number of animals returned to the owner, and the amount of proceeds collected from fines for violations of chapter 22 of Title 4 of the Revised Statutes.

The bill provides that the Attorney General would be required to take any action necessary to facilitate the reincorporation of the NJSPCA as a non-profit corporation independent of the State. The State would not assume responsibility for any debts, liabilities, or other obligations of the NJSPCA.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS notes that counties may incur indeterminate, increased expenditures as a result of the mandatory creation of county prosecutor animal cruelty task forces and for an appointment or assignment of a chief humane law enforcement officer.

Municipalities may incur indeterminate, increased expenditures from the mandatory appointment of a humane law enforcement officer who must be responsible for enforcement of animal cruelty and welfare laws.

Both counties and municipalities will likely incur costs associated with obtaining the training required by the bill for humane law enforcement officers within their respective jurisdictions and complying with certain reporting requirements in the bill. The OLS also determines that there may be a one-time cost for the development of an abbreviated retraining course by the Police Training Commission, in collaboration with the Attorney General, in animal protection law enforcement. The OLS believes that the requirement to develop a retraining course could be subsumed within existing staff duties.

There may be increased county and municipal revenue of indeterminate amounts from fines, charges, and restitution associated with violations of animal cruelty and welfare laws.

*Section:*            *Environment, Agriculture, Energy and Natural Resources*

*Analyst:*          *Neha Mehta Patel*  
                          *Associate Fiscal Analyst*

*Approved:*        *Frank W. Haines III*  
                          *Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).



# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 3558**

# **STATE OF NEW JERSEY**

DATED: DECEMBER 14, 2017

The Senate Budget and Appropriations Committee reports favorably a Senate Committee Substitute for Senate Bill No. 3558.

This substitute bill revises the way animal cruelty law is enforced in the State by transferring the power of humane law enforcement from the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA) to the county prosecutor in each county, and requiring the designation of a municipal humane law enforcement officer in each municipality with an existing police department.

The substitute bill requires the county prosecutor of each county to designate an animal cruelty prosecutor, and allows for the designation of any assistant prosecutor, to investigate, prosecute, and take other legal action as appropriate for violations of the animal cruelty laws of the State. The county prosecutor also is required to either designate, in consultation with the county sheriff, a county law enforcement officer to serve as the chief humane law enforcement officer of the county, or enter into a memorandum of understanding with the county society for the prevention of cruelty to animals authorizing the county society, under the supervision of the county prosecutor, to assist with animal cruelty law enforcement and designate humane law enforcement officers to assist with investigations, arrest violators, and otherwise act as officers for detection, apprehension, and arrest of offenders against the animal cruelty laws of the State.

The substitute bill provides for a county prosecutor to also be responsible for designating a county society for the prevention of cruelty to animals. The charter system applicable to county societies under current law is abolished by the substitute. A county society chartered by the NJSPCA at the time of the substitute's enactment will then become the county society designated by the county prosecutor. If a county society chartered prior to enactment does not wish to be designated as the county society, or if there is no chartered county society in the county, the county prosecutor is required to select a non-profit corporation that is organized to promote the interests of, and protect and care for, animals to be designated as the county society for the prevention of cruelty to animals. Following abolishment of the charter system, the substitute does not require a chartered county society to surrender any assets to the State or any

political subdivision or other entity thereof. A county society so designated by a county prosecutor is responsible for efficiently providing or locating humane shelter and care for any animals at the request of a municipal humane law enforcement officer, a county prosecutor, or a county sheriff.

This substitute bill requires the governing body of each municipality with a police department to designate at least one municipal humane law enforcement officer who is responsible for animal welfare within the jurisdiction of the municipality, and who is required to enforce and abide by the animal cruelty laws of the State and ordinances of the municipality. An animal control officer or police officer may be appointed to serve concurrently as a municipal humane law enforcement officer, and a municipal humane law enforcement officer may be appointed concurrently by more than one municipality, so long as the officer is able to carry out the duties and responsibilities required of each position held. Under current law, animal control officers may be empowered by a municipality to enforce, investigate, and sign complaints concerning any violation of the animal cruelty laws of the State or ordinances of the municipality, and to act as an officer for the detection, apprehension, and arrest of offenders against the animal welfare and animal cruelty laws of the State and ordinances of the municipality. This substitute instead grants those powers to the municipal humane law enforcement officer. A municipal humane law enforcement officer may be authorized by a municipality to use a firearm in the furtherance of the officer's duties, if the officer has completed a firearms training course approved by the Police Training Commission and twice annually qualifies in the use of a revolver or similar weapon.

All third and fourth degree criminal offenses under the animal cruelty laws of the State received by a municipal humane law enforcement officer are required to be referred to the county prosecutor for investigation and prosecution, as appropriate. Civil and disorderly persons offenses under the animal cruelty laws of the State may be handled by the municipality in which the violation occurred or in which the offender resides, or may be referred to the county prosecutor.

This substitute bill requires a municipal humane law enforcement officer, and a county society for the prevention of cruelty to animals that has entered into a memorandum of agreement with the county prosecutor, to report annually to the animal cruelty prosecutor on the number of complaints received for each offense under chapter 22 of Title 4 of the Revised Statutes, and the number of cases referred to the county prosecutor in the previous year. The animal cruelty prosecutor is required to report annually, to the Attorney General, the information provided by municipal humane law enforcement officers and the county society for the prevention of cruelty to animals, as applicable, as well as the number of complaints investigated, the number of

complaints prosecuted or otherwise litigated, the number of animals adjudged forfeited, the number of animals returned to the owner, and the amount of proceeds collected from fines for violations of chapter 22 of Title 4 of the Revised Statutes.

The substitute bill requires the Attorney General to take any action necessary to facilitate the reincorporation of the NJSPCA as a non-profit corporation independent of the State. The State will not assume responsibility for any debts, liabilities, or other obligations of the NJSPCA.

The substitute bill repeals the provisions of Title 4 of the Revised Statutes which relate to the administration, authority, and duties of the NJSPCA and county societies, as well as the provisions relating to the authority and duties of an animal control officer with respect to animal cruelty law enforcement which is transferred to the municipal humane law enforcement officer under the substitute.

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that counties and municipalities may incur increased expenditures, indeterminate in amount, from assuming responsibility for enforcement of animal cruelty and welfare laws. Costs will vary based upon the manner in which county and municipal prosecutorial and law enforcement personnel exercise the duties and responsibilities of animal cruelty prosecutor and humane law enforcement officer, respectively. The marginal costs of assuming these duties may be insignificant in amount, depending on whether the county prosecutor or municipality, as the case may be, designates existing law enforcement staff, e.g., county sheriff's officer or municipal police officer, as chief humane law enforcement officer, or enters into an agreement with a county-level animal cruelty prevention society for assistance in enforcing animal cruelty laws. Municipalities in which there is no municipal police department bear no responsibility to designate a humane law enforcement officer; in those cases the county must assume that role, either directly or through the county-level animal cruelty prevention society.

The OLS also notes that there may be increased county and municipal revenue of indeterminate amounts from fines, charges, and restitution associated with violations of animal cruelty and welfare laws. Increased county revenues are dedicated to the purpose of protecting animals in the county.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE COMMITTEE SUBSTITUTE FOR**  
**SENATE, No. 3558**  
**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

DATED: DECEMBER 21, 2017

**SUMMARY**

**Synopsis:** Revises animal cruelty law enforcement in NJ.

**Type of Impact:** Annual expenditure increases to counties and municipalities. Annual revenue increases to certain counties and municipalities.

**Agencies Affected:** Counties and municipalities.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>Annual Local Cost Increase</b>	Indeterminate increase – See comments below.		
<b>Annual Local Revenue Increase</b>	Indeterminate increase – See comments below.		

- The Office of Legislative Services (OLS) estimates that counties and municipalities may incur increased expenditures, indeterminate in amount, from assuming responsibility for enforcement of animal cruelty and welfare laws. Costs will vary based upon the manner in which county and municipal prosecutorial and law enforcement personnel exercise the duties and responsibilities of animal cruelty prosecutor and humane law enforcement officer, respectively. The marginal costs of assuming these duties may be insignificant in amount, depending on whether the county prosecutor or municipality, as the case may be, designates existing law enforcement staff, e.g., county sheriff’s officer or municipal police officer, with adequate training as required by the bill, as chief humane law enforcement officer, or enters into an agreement with a county-level animal cruelty prevention society for assistance in enforcing animal cruelty laws.
- Municipalities in which there is no municipal police department bear no responsibility to designate a humane law enforcement officer; in those cases the county must assume that role, either directly or through the county-level animal cruelty prevention society.
- Both counties and municipalities could incur costs associated with the mandate that staff obtain the training required by the bill for humane law enforcement officers within their

respective jurisdictions. These costs may be low in amount if persons already possessing the requisite training are designated as humane law enforcement officers.

- There may be increased county and municipal revenue of indeterminate amounts from fines, charges, and restitution associated with violations of animal cruelty and welfare laws.

## **BILL DESCRIPTION**

This bill would revise the way in which animal cruelty law is enforced in the State by transferring the power of humane law enforcement from the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA) to the county prosecutor in each county, and requiring the designation of a municipal humane law enforcement officer in each municipality with an existing police department.

This bill would require the county prosecutor of each county to designate an animal cruelty prosecutor, and would allow for the designation of any assistant prosecutor, to investigate, prosecute, and take other legal action as appropriate for violations of the animal cruelty laws of the State. The county prosecutor would also be required to either designate, in consultation with the county sheriff, a county law enforcement officer to serve as the chief humane law enforcement officer of the county, or enter into a memorandum of understanding with the county society for the prevention of cruelty to animals which would authorize the county society, under the supervision of the county prosecutor, to assist with animal cruelty law enforcement and designate humane law enforcement officers to assist with investigations, arrest violators, and otherwise act as officers for detection, apprehension, and arrest of offenders against the animal cruelty laws of the State.

A county prosecutor would also be responsible for designating a county society for the prevention of cruelty to animals. The charter system applicable to county societies under current law would be abolished by this bill. A county society chartered by the NJSPCA at the time of enactment of this bill would then become the county society designated by the county prosecutor. If a county society chartered prior to the enactment of this bill does not wish to be designated as the county society, or if there is no chartered county society in the county, the county prosecutor would be required to select a non-profit corporation that is organized to promote the interests of, and protect and care for, animals to be designated as the county society for the prevention of cruelty to animals. Following abolishment of the charter system, the bill would not require a chartered county society to surrender any assets to the State or any political subdivision or other entity thereof. A county society so designated by a county prosecutor would be responsible for efficiently providing or locating humane shelter and care for any animals at the request of a municipal humane law enforcement officer, a county prosecutor, or a county sheriff.

This bill would require the governing body of each municipality with a police department to designate at least one municipal humane law enforcement officer who would be responsible for animal welfare within the jurisdiction of the municipality, and who would enforce and abide by the animal cruelty laws of the State and ordinances of the municipality. An animal control officer or police officer may be appointed to serve concurrently as a municipal humane law enforcement officer, and a municipal humane law enforcement officer may be appointed concurrently by more than one municipality, so long as the officer would be able to effectively carry out the duties and responsibilities required of each position held. Under current law, animal control officers may be empowered by a municipality to enforce, investigate, and sign complaints concerning any violation of the animal cruelty laws of the State or ordinances of the

municipality, and to act as an officer for the detection, apprehension, and arrest of offenders against the animal welfare and animal cruelty laws of the State and ordinances of the municipality. This bill would instead grant those powers to the municipal humane law enforcement officer. A municipal humane law enforcement officer may be authorized by a municipality to use a firearm in the furtherance of the officer's duties, if the officer has completed a firearms training course approved by the Police Training Commission and twice annually qualifies in the use of a revolver or similar weapon.

All third and fourth degree criminal offenses under the animal cruelty laws of the State received by a municipal humane law enforcement officer would be referred to the county prosecutor for investigation and prosecution, as appropriate. Civil and disorderly persons offenses under the animal cruelty laws of the State may be handled by the municipality in which the violation occurred or in which the offender resides, or may be referred to the county prosecutor.

This bill would require a municipal humane law enforcement officer, and a county society for the prevention of cruelty to animals that has entered into a memorandum of agreement with the county prosecutor, to report annually to the animal cruelty prosecutor on the number of complaints received for each offense under chapter 22 Title 4 of the Revised Statutes, and the number of cases referred to the county prosecutor in the previous year. The animal cruelty prosecutor would be required to report annually, to the Attorney General, the information provided by municipal humane law enforcement officers and the county society for the prevention of cruelty to animals, as applicable, as well as the number of complaints investigated, the number of complaints prosecuted or otherwise litigated, the number of animals adjudged forfeited, the number of animals returned to the owner, and the amount of proceeds collected from fines for violations of chapter 22 of Title 4 of the Revised Statutes.

The bill provides that the Attorney General would be required to take any action necessary to facilitate the reincorporation of the NJSPCA as a non-profit corporation independent of the State. The State would not assume responsibility for any debts, liabilities, or other obligations of the NJSPCA.

Finally, the bill would repeal the provisions of Title 4 of the Revised Statutes which relate to the administration, authority, and duties of the NJSPCA and county societies, as well as the provisions relating to the authority and duties of an animal control officer with respect to animal cruelty law enforcement which would be transferred to the municipal humane law enforcement officer under this bill.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that counties and municipalities may incur increased expenditures, indeterminate in amount, to assume responsibility for enforcement of animal cruelty and welfare laws. Costs will vary based upon the manner in which county and municipal prosecutorial and law enforcement personnel exercise the duties and responsibilities of animal cruelty prosecutor and humane law enforcement officer, respectively. The marginal costs of assuming these duties

may be insignificant in amount, depending on whether the county prosecutor or municipality, as the case may be, designates existing law enforcement staff, e.g., county sheriff's officer or municipal police officer, as chief humane law enforcement officer, or enters into an agreement with a county-level animal cruelty prevention society for assistance in enforcing animal cruelty laws. Municipalities in which there is no municipal police department bear no responsibility to designate a humane law enforcement officer; in those cases the county must assume that role, either directly or through the county-level animal cruelty prevention society.

Counties may incur indeterminate, increased expenditures from the assumption of responsibility to investigate, prosecute, and take other legal action as appropriate for violations of the animal cruelty laws of the State, which entails the designation of an animal cruelty prosecutor and a chief humane law enforcement officer. Counties may also incur indeterminate, increased expenditures from the requirement to exercise the role of municipal humane law enforcement officer, who must be responsible for enforcement of animal cruelty and welfare laws, in municipalities in which there is no municipal police department. Costs will depend upon whether additional staff are required, whether designees require additional training, and whether counties engage the services of the county-level animal cruelty prevention society.

Municipalities with an existing police department may incur indeterminate, increased expenditures from the mandatory designation of a municipal humane law enforcement officer who must be responsible for enforcement of animal cruelty and welfare laws. The marginal cost to each municipality affected by this requirement may be low if qualified and trained personnel already employed are designated, or if the services of the county-level animal cruelty prevention society are utilized.

There may be increased county and municipal revenue of indeterminate amounts from fines, charges, and restitution associated with violations of animal cruelty and welfare laws.

With respect to all the variables that affect costs and revenues noted above, the OLS does not have sufficient information with which to develop a precise estimate of impact.

*Section: Environment, Agriculture, Energy and Natural Resources*

*Analyst: Neha Mehta Patel  
Associate Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

**ASSEMBLY, No. 5231**

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**STATE OF NEW JERSEY**

**217th LEGISLATURE**

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INTRODUCED DECEMBER 4, 2017

**Sponsored by:**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**SYNOPSIS**

Revises animal cruelty law enforcement in NJ.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/5/2017)**



1 AN ACT concerning the enforcement of animal cruelty laws, and  
2 amending, supplementing, and repealing various parts of the  
3 statutory law.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State of  
6 New Jersey:

7  
8 1. Section 4 of P.L.2003, c.67 (C.2B:12-17.1) is amended to read as  
9 follows:

10 4. As required pursuant to section 3 of P.L.2003, c.67 (C.4:22-57), a  
11 **【municipal】** court adjudging guilt or liability for a violation of any  
12 provision of chapter 22 of Title 4 of the Revised Statutes, shall charge  
13 the county prosecutor **【**, officer of the New Jersey Society for the  
14 Prevention of Cruelty to Animals or the district (county) society for the  
15 prevention of cruelty to animals, or other appropriate person, other than  
16 a certified animal control officer,**】** animal cruelty task force,  
17 established pursuant to section 28 of P.L. , c. (C. ) (pending  
18 before the Legislature as this bill), with the responsibility to notify  
19 within 30 days the Commissioner of Health **【and Senior Services】**, in  
20 writing, of the full name of the person found guilty of, or liable for, an  
21 applicable violation, and the violation for which or of which that person  
22 was found guilty or liable, and the person charged with the  
23 responsibility shall provide such notice.  
24 (cf: P.L.2003, c.67, s.4)

25  
26 2. Section 1 of P.L.2015, c.85 (C.2C:33-31) is amended to read as  
27 follows:

28 1. a. A person is guilty of dog fighting if that person knowingly:  
29 (1) keeps, uses, is connected with or interested in the management  
30 of, or receives money for the admission of a person to, a place kept or  
31 used for the purpose of fighting or baiting a dog;  
32 (2) owns, possesses, keeps, trains, promotes, purchases, breeds or  
33 sells a dog for the purpose of fighting or baiting that dog;  
34 (3) for amusement or gain, causes, allows, or permits the fighting or  
35 baiting of a dog;  
36 (4) permits or suffers a place owned or controlled by that person to  
37 be used for the purpose of fighting or baiting a dog;  
38 (5) is present and witnesses, pays admission to, encourages or  
39 assists in the fighting or baiting of a dog; or  
40 (6) gambles on the outcome of a fight involving a dog.

41 Dog fighting is a crime of the third degree.

42 b. (1) In addition to any other penalty imposed, the court shall  
43 order:

44 (a) the seizure and forfeiture of any dogs or other animals used for  
45 fighting or baiting, and may upon request of the prosecutor or on its

**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.

own motion, order any person convicted of a violation under this section to forfeit possession of: (i) any other dogs or other animals in the person's custody or possession; and (ii) any other property involved in or related to a violation of this section; and

(b) restitution, concerning the dogs or other animals seized and forfeited pursuant to subparagraph (a) of this paragraph, in the form of reimbursing any costs for all the animals' food, drink, shelter, or veterinary care or treatment, or other costs, incurred by any person, agency, entity, or organization, including but not limited to [the New Jersey Society for the Prevention of Cruelty to Animals,] a county society for the prevention of cruelty to animals, any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, a State or local governmental entity, including, but not limited to, a county prosecutor animal cruelty task force, established pursuant to section 29 of P.L. , c. (C. ) (pending before the Legislature as this bill), and a municipal humane law enforcement officer appointed pursuant to section 27 of P.L. , c. (C. ) (pending before the Legislature as this bill), or a kennel, shelter, pound, or other facility.

(2) The court may prohibit any convicted person from having future possession or custody of any animal for any period of time the court deems reasonable, including a permanent prohibition.

c. For the purposes of this section "bait" means to attack with violence, to provoke, or to harass a dog with one or more animals for the purpose of training the dog for, or to cause a dog to engage in, a fight with or among other dogs.

(cf: P.L.2015, c.85, s.1)

3. Section 2 of P.L.2015, c.85 (C.2C:33-32) is amended to read as follows:

2. a. A person is a leader of a dog fighting network if he conspires with others in a scheme or course of conduct to unlawfully engage in dog fighting, as defined in section 1 of P.L.2015, c.85 (C.2C:33-31), as an organizer, supervisor, financier or manager of at least one other person. Leader of a dog fighting network is a crime of the second degree.

"Financier" means a person who, with the intent to derive a profit, provides money or credit or other thing of value in order to finance the operations of dog fighting.

b. (1) In addition to any other penalty imposed, the court shall order:

(a) The seizure and forfeiture of any dogs or other animals used for fighting or baiting, and may upon request of the prosecutor or on its own motion, order any person convicted of a violation under this section to forfeit possession of: (i) any other dogs or other animals in the person's custody or possession; and (ii) any other property involved in or related to a violation of this section; and

1 (b) restitution, concerning the dogs or other animals seized and  
2 forfeited pursuant to subparagraph (a) of this paragraph, in the form of  
3 reimbursing any costs for all the animals' food, drink, shelter, or  
4 veterinary care or treatment, or other costs, incurred by any person,  
5 agency, entity, or organization, including but not limited to [the New  
6 Jersey Society for the Prevention of Cruelty to Animals,] a county  
7 society for the prevention of cruelty to animals, any other recognized  
8 organization concerned with the prevention of cruelty to animals or the  
9 humane treatment and care of animals, a State or local governmental  
10 entity, including but not limited to a county prosecutor animal cruelty  
11 task force, established pursuant to section 28 of P.L. , c. (C. )  
12 (pending before the Legislature as this bill), and municipal humane law  
13 enforcement officer appointed pursuant to section 27 of P.L. ,  
14 c. (C. ) (pending before the Legislature as this bill), or a kennel,  
15 shelter, pound, or other facility.

16 (2) The court may prohibit any convicted person from having future  
17 possession or custody of any animal for any period of time the court  
18 deems reasonable, including a permanent prohibition.

19 c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction of  
20 leader of a dog fighting network shall not merge with the conviction for  
21 any offense, nor shall such other conviction merge with a conviction  
22 under this section, which is the object of the conspiracy. Nothing  
23 contained in this section shall prohibit the court from imposing an  
24 extended term pursuant to N.J.S.2C:43-7; nor shall this section be  
25 construed in any way to preclude or limit the prosecution or conviction  
26 of any person for conspiracy under N.J.S.2C:5-2, or any prosecution or  
27 conviction under N.J.S.2C:41-1 et seq. (racketeering activities) or  
28 subsection g. of N.J.S.2C:5-2 (leader of organized crime) or any  
29 prosecution or conviction for any such offense.

30 d. It shall not be necessary in any prosecution under this section for  
31 the State to prove that any intended profit was actually realized. The  
32 trier of fact may infer that a particular scheme or course of conduct was  
33 undertaken for profit from all of the attendant circumstances, including  
34 but not limited to the number of persons involved in the scheme or  
35 course of conduct, the actor's net worth and his expenditures in relation  
36 to his legitimate sources of income, or the amount of cash or currency  
37 involved.

38 e. It shall not be a defense to a prosecution under this section that  
39 the dog intended to be used for fighting was brought into or transported  
40 in this State solely for ultimate distribution or sale in another  
41 jurisdiction.

42 f. It shall not be a defense that the defendant was subject to the  
43 supervision or management of another, nor that another person or  
44 persons were also leaders of a dog fighting network.

45 (cf: P.L.2015, c.85, s.2)

1       4. N.J.S.2C:39-6 is amended to read as follows:

2       2C:39-6. a. Provided a person complies with the requirements of  
3 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

4       (1) Members of the Armed Forces of the United States or of the  
5 National Guard while actually on duty, or while traveling between  
6 places of duty and carrying authorized weapons in the manner  
7 prescribed by the appropriate military authorities;

8       (2) Federal law enforcement officers, and any other federal officers  
9 and employees required to carry firearms in the performance of their  
10 official duties;

11       (3) Members of the State Police and, under conditions prescribed by  
12 the superintendent, members of the Marine Law Enforcement Bureau of  
13 the Division of State Police;

14       (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,  
15 assistant prosecutor, prosecutor's detective or investigator, deputy  
16 attorney general or State investigator employed by the Division of  
17 Criminal Justice of the Department of Law and Public Safety,  
18 investigator employed by the State Commission of Investigation,  
19 inspector of the Alcoholic Beverage Control Enforcement Bureau of  
20 the Division of State Police in the Department of Law and Public  
21 Safety authorized to carry weapons by the Superintendent of State  
22 Police, State park police officer, or State conservation officer;

23       (5) Except as hereinafter provided, a prison or jail warden of any  
24 penal institution in this State or his deputies, or an employee of the  
25 Department of Corrections engaged in the interstate transportation of  
26 convicted offenders, while in the performance of his duties, and when  
27 required to possess the weapon by his superior officer, or a corrections  
28 officer or keeper of a penal institution in this State at all times while in  
29 the State of New Jersey, provided he annually passes an examination  
30 approved by the superintendent testing his proficiency in the handling  
31 of firearms;

32       (6) A civilian employee of the United States Government under the  
33 supervision of the commanding officer of any post, camp, station, base  
34 or other military or naval installation located in this State who is  
35 required, in the performance of his official duties, to carry firearms,  
36 and who is authorized to carry firearms by the commanding officer,  
37 while in the actual performance of his official duties;

38       (7) (a) A regularly employed member, including a detective, of the  
39 police department of any county or municipality, or of any State,  
40 interstate, municipal or county park police force or boulevard police  
41 force, at all times while in the State of New Jersey;

42       (b) A special law enforcement officer authorized to carry a weapon  
43 as provided in subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-  
44 146.14);

45       (c) An airport security officer or a special law enforcement officer  
46 appointed by the governing body of any county or municipality, except  
47 as provided in subsection (b) of this section, or by the commission,  
48 board or other body having control of a county park or airport or

1 boulevard police force, while engaged in the actual performance of his  
2 official duties and when specifically authorized by the governing body  
3 to carry weapons;

4 (8) A full-time, paid member of a paid or part-paid fire department  
5 or force of any municipality who is assigned full-time or part-time to an  
6 arson investigation unit created pursuant to section 1 of P.L.1981, c.409  
7 (C.40A:14-7.1) or to the county arson investigation unit in the county  
8 prosecutor's office, while either engaged in the actual performance of  
9 arson investigation duties or while actually on call to perform arson  
10 investigation duties and when specifically authorized by the governing  
11 body or the county prosecutor, as the case may be, to carry weapons.  
12 Prior to being permitted to carry a firearm, a member shall take and  
13 successfully complete a firearms training course administered by the  
14 Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66  
15 et seq.), and shall annually qualify in the use of a revolver or similar  
16 weapon prior to being permitted to carry a firearm;

17 (9) A juvenile corrections officer in the employment of the Juvenile  
18 Justice Commission established pursuant to section 2 of P.L.1995,  
19 c.284 (C.52:17B-170) subject to the regulations promulgated by the  
20 commission;

21 (10) A designated employee or designated licensed agent for a  
22 nuclear power plant under license of the Nuclear Regulatory  
23 Commission, while in the actual performance of his official duties, if  
24 the federal licensee certifies that the designated employee or designated  
25 licensed agent is assigned to perform site protection, guard, armed  
26 response or armed escort duties and is appropriately trained and  
27 qualified, as prescribed by federal regulation, to perform those duties.  
28 Any firearm utilized by an employee or agent for a nuclear power plant  
29 pursuant to this paragraph shall be returned each day at the end of the  
30 employee's or agent's authorized official duties to the employee's or  
31 agent's supervisor. All firearms returned each day pursuant to this  
32 paragraph shall be stored in locked containers located in a secure area;

33 (11) A county corrections officer at all times while in the State of  
34 New Jersey, provided he annually passes an examination approved by  
35 the superintendent testing his proficiency in the handling of firearms.

36 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

37 (1) A law enforcement officer employed by a governmental agency  
38 outside of the State of New Jersey while actually engaged in his official  
39 duties, provided, however, that he has first notified the superintendent  
40 or the chief law enforcement officer of the municipality or the  
41 prosecutor of the county in which he is engaged; or

42 (2) A licensed dealer in firearms and his registered employees  
43 during the course of their normal business while traveling to and from  
44 their place of business and other places for the purpose of  
45 demonstration, exhibition or delivery in connection with a sale,  
46 provided, however, that the weapon is carried in the manner specified  
47 in subsection g. of this section.

- 1 c. Provided a person complies with the requirements of subsection j.  
2 of this section, subsections b. and c. of N.J.S.2C:39-5 do not apply to:
- 3 (1) A special agent of the Division of Taxation who has passed an  
4 examination in an approved police training program testing proficiency  
5 in the handling of any firearm which he may be required to carry, while  
6 in the actual performance of his official duties and while going to or  
7 from his place of duty, or any other police officer, while in the actual  
8 performance of his official duties;
- 9 (2) A State deputy conservation officer or a full-time employee of  
10 the Division of Parks and Forestry having the power of arrest and  
11 authorized to carry weapons, while in the actual performance of his  
12 official duties;
- 13 (3) (Deleted by amendment, P.L.1986, c.150.)
- 14 (4) A court attendant appointed by the sheriff of the county or by  
15 the judge of any municipal court or other court of this State, while in  
16 the actual performance of his official duties;
- 17 (5) A guard employed by any railway express company, banking or  
18 building and loan or savings and loan institution of this State, while in  
19 the actual performance of his official duties;
- 20 (6) A member of a legally recognized military organization while  
21 actually under orders or while going to or from the prescribed place of  
22 meeting and carrying the weapons prescribed for drill, exercise or  
23 parade;
- 24 (7) A municipal humane law enforcement officer **【**of the New  
25 Jersey Society for the Prevention of Cruelty to Animals or of a county  
26 society for the prevention of cruelty to animals**】**, authorized pursuant  
27 to subsection c. of section 26 of P.L. , c. (C. ) (pending before  
28 the Legislature as this bill), or a chief humane law enforcement officer  
29 or other law enforcement officer assigned or appointed to a county  
30 prosecutor animal cruelty task force pursuant to section 29 of  
31 P.L. , c. (C. ) (pending before the Legislature as this bill) ,  
32 while in the actual performance of **【his】** the officer's duties;
- 33 (8) An employee of a public utilities corporation actually engaged  
34 in the transportation of explosives;
- 35 (9) A railway policeman, except a transit police officer of the New  
36 Jersey Transit Police Department, at all times while in the State of New  
37 Jersey, provided that he has passed an approved police academy  
38 training program consisting of at least 280 hours. The training program  
39 shall include, but need not be limited to, the handling of firearms,  
40 community relations, and juvenile relations;
- 41 (10) A campus police officer appointed under P.L.1970, c.211  
42 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a  
43 firearm, a campus police officer shall take and successfully complete a  
44 firearms training course administered by the Police Training  
45 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
46 shall annually qualify in the use of a revolver or similar weapon prior  
47 to being permitted to carry a firearm;
- 48 (11) (Deleted by amendment, P.L.2003, c.168).

1       (12) A transit police officer of the New Jersey Transit Police  
2 Department, at all times while in the State of New Jersey, provided the  
3 officer has satisfied the training requirements of the Police Training  
4 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291  
5 (C.27:25-15.1);

6       (13) A parole officer employed by the State Parole Board at all  
7 times. Prior to being permitted to carry a firearm, a parole officer shall  
8 take and successfully complete a basic course for regular police officer  
9 training administered by the Police Training Commission, pursuant to  
10 P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the  
11 use of a revolver or similar weapon prior to being permitted to carry a  
12 firearm;

13       (14) A Human Services police officer at all times while in the State  
14 of New Jersey, as authorized by the Commissioner of Human Services;

15       (15) A person or employee of any person who, pursuant to and as  
16 required by a contract with a governmental entity, supervises or  
17 transports persons charged with or convicted of an offense;

18       (16) A housing authority police officer appointed under P.L.1997,  
19 c.210 (C.40A:14-146.19 et al.) at all times while in the State of New  
20 Jersey; or

21       (17) A probation officer assigned to the "Probation Officer  
22 Community Safety Unit" created by section 2 of P.L.2001, c.362  
23 (C.2B:10A-2) while in the actual performance of the probation officer's  
24 official duties. Prior to being permitted to carry a firearm, a probation  
25 officer shall take and successfully complete a basic course for regular  
26 police officer training administered by the Police Training  
27 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
28 shall annually qualify in the use of a revolver or similar weapon prior  
29 to being permitted to carry a firearm.

30       d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to  
31 antique firearms, provided that the antique firearms are unloaded or are  
32 being fired for the purposes of exhibition or demonstration at an  
33 authorized target range or in another manner approved in writing by the  
34 chief law enforcement officer of the municipality in which the  
35 exhibition or demonstration is held, or if not held on property under the  
36 control of a particular municipality, the superintendent.

37       (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
38 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of  
39 being fired but that is unloaded and immobile, provided that the antique  
40 cannon is possessed by (a) a scholastic institution, a museum, a  
41 municipality, a county or the State, or (b) a person who obtained a  
42 firearms purchaser identification card as specified in N.J.S.2C:58-3.

43       (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
44 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is being  
45 transported by one eligible to possess it, in compliance with regulations  
46 the superintendent may promulgate, between its permanent location and  
47 place of purchase or repair.

1       (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
2 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded or  
3 fired by one eligible to possess an antique cannon, for purposes of  
4 exhibition or demonstration at an authorized target range or in the  
5 manner as has been approved in writing by the chief law enforcement  
6 officer of the municipality in which the exhibition or demonstration is  
7 held, or if not held on property under the control of a particular  
8 municipality, the superintendent, provided that performer has given at  
9 least 30 days' notice to the superintendent.

10       (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
11 N.J.S.2C:39-5 do not apply to the transportation of unloaded antique  
12 cannons directly to or from exhibitions or demonstrations authorized  
13 under paragraph (4) of subsection d. of this section, provided that the  
14 transportation is in compliance with safety regulations the  
15 superintendent may promulgate. Those subsections shall not apply to  
16 transportation directly to or from exhibitions or demonstrations  
17 authorized under the law of another jurisdiction, provided that the  
18 superintendent has been given 30 days' notice and that the  
19 transportation is in compliance with safety regulations the  
20 superintendent may promulgate.

21       e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall be  
22 construed to prevent a person keeping or carrying about his place of  
23 business, residence, premises or other land owned or possessed by him,  
24 any firearm, or from carrying the same, in the manner specified in  
25 subsection g. of this section, from any place of purchase to his  
26 residence or place of business, between his dwelling and his place of  
27 business, between one place of business or residence and another when  
28 moving, or between his dwelling or place of business and place where  
29 the firearms are repaired, for the purpose of repair. For the purposes of  
30 this section, a place of business shall be deemed to be a fixed location.

31       f. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall be  
32 construed to prevent:

33       (1) A member of any rifle or pistol club organized in accordance  
34 with the rules prescribed by the National Board for the Promotion of  
35 Rifle Practice, in going to or from a place of target practice, carrying  
36 firearms necessary for target practice, provided that the club has filed a  
37 copy of its charter with the superintendent and annually submits a list  
38 of its members to the superintendent and provided further that the  
39 firearms are carried in the manner specified in subsection g. of this  
40 section;

41       (2) A person carrying a firearm or knife in the woods or fields or  
42 upon the waters of this State for the purpose of hunting, target practice  
43 or fishing, provided that the firearm or knife is legal and appropriate for  
44 hunting or fishing purposes in this State and he has in his possession a  
45 valid hunting license, or, with respect to fresh water fishing, a valid  
46 fishing license;

47       (3) A person transporting any firearm or knife while traveling:



1 (a) Directly to or from any place for the purpose of hunting or  
2 fishing, provided the person has in his possession a valid hunting or  
3 fishing license; or

4 (b) Directly to or from any target range, or other authorized place  
5 for the purpose of practice, match, target, trap or skeet shooting  
6 exhibitions, provided in all cases that during the course of the travel all  
7 firearms are carried in the manner specified in subsection g. of this  
8 section and the person has complied with all the provisions and  
9 requirements of Title 23 of the Revised Statutes and any amendments  
10 thereto and all rules and regulations promulgated thereunder; or

11 (c) In the case of a firearm, directly to or from any exhibition or  
12 display of firearms which is sponsored by any law enforcement agency,  
13 any rifle or pistol club, or any firearms collectors club, for the purpose  
14 of displaying the firearms to the public or to the members of the  
15 organization or club, provided, however, that not less than 30 days  
16 prior to the exhibition or display, notice of the exhibition or display  
17 shall be given to the Superintendent of the State Police by the  
18 sponsoring organization or club, and the sponsor has complied with any  
19 reasonable safety regulations the superintendent may promulgate. Any  
20 firearms transported pursuant to this section shall be transported in the  
21 manner specified in subsection g. of this section;

22 (4) A person from keeping or carrying about a private or  
23 commercial aircraft or any boat, or from transporting to or from the  
24 aircraft or boat for the purpose of installation or repair of a visual  
25 distress signaling device approved by the United States Coast Guard.

26 g. Any weapon being transported under paragraph (2) of subsection  
27 b., subsection e., or paragraph (1) or (3) of subsection f. of this section  
28 shall be carried unloaded and contained in a closed and fastened case,  
29 gunbox, securely tied package, or locked in the trunk of the automobile  
30 in which it is being transported, and in the course of travel shall include  
31 only deviations as are reasonably necessary under the circumstances.

32 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to  
33 prevent any employee of a public utility, as defined in R.S.48:2-13,  
34 doing business in this State or any United States Postal Service  
35 employee, while in the actual performance of duties which specifically  
36 require regular and frequent visits to private premises, from possessing,  
37 carrying or using any device which projects, releases or emits any  
38 substance specified as being noninjurious to canines or other animals  
39 by the Commissioner of Health and which immobilizes only on a  
40 temporary basis and produces only temporary physical discomfort  
41 through being vaporized or otherwise dispensed in the air for the sole  
42 purpose of repelling canine or other animal attacks.

43 The device shall be used solely to repel only those canine or other  
44 animal attacks when the canines or other animals are not restrained in a  
45 fashion sufficient to allow the employee to properly perform his duties.

46 Any device used pursuant to this act shall be selected from a list of  
47 products, which consist of active and inert ingredients, permitted by the  
48 Commissioner of Health.

1 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent any  
2 person who is 18 years of age or older and who has not been convicted  
3 of a crime, from possession for the purpose of personal self-defense of  
4 one pocket-sized device which contains and releases not more than  
5 three-quarters of an ounce of chemical substance not ordinarily capable  
6 of lethal use or of inflicting serious bodily injury, but rather, is intended  
7 to produce temporary physical discomfort or disability through being  
8 vaporized or otherwise dispensed in the air. Any person in possession  
9 of any device in violation of this subsection shall be deemed and  
10 adjudged to be a disorderly person, and upon conviction thereof, shall  
11 be punished by a fine of not less than \$100.

12 (2) Notwithstanding the provisions of paragraph (1) of this  
13 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a  
14 health inspector or investigator operating pursuant to the provisions of  
15 section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building inspector  
16 from possessing a device which is capable of releasing more than three-  
17 quarters of an ounce of a chemical substance, as described in paragraph  
18 (1), while in the actual performance of the inspector's or investigator's  
19 duties, provided that the device does not exceed the size of those used  
20 by law enforcement.

21 j. A person shall qualify for an exemption from the provisions of  
22 N.J.S.2C:39-5, as specified under subsections a. and c. of this section,  
23 if the person has satisfactorily completed a firearms training course  
24 approved by the Police Training Commission.

25 The exempt person shall not possess or carry a firearm until the  
26 person has satisfactorily completed a firearms training course and shall  
27 annually qualify in the use of a revolver or similar weapon. For  
28 purposes of this subsection, a "firearms training course" means a course  
29 of instruction in the safe use, maintenance and storage of firearms  
30 which is approved by the Police Training Commission. The  
31 commission shall approve a firearms training course if the requirements  
32 of the course are substantially equivalent to the requirements for  
33 firearms training provided by police training courses which are  
34 certified under section 6 of P.L.1961, c.56 (C.52:17B-71). A person  
35 who is specified in paragraph (1), (2), (3), or (6) of subsection a. of this  
36 section shall be exempt from the requirements of this subsection.

37 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to  
38 prevent any financial institution, or any duly authorized personnel of  
39 the institution, from possessing, carrying or using for the protection of  
40 money or property, any device which projects, releases or emits tear  
41 gas or other substances intended to produce temporary physical  
42 discomfort or temporary identification.

43 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to  
44 prevent a law enforcement officer who retired in good standing,  
45 including a retirement because of a disability pursuant to section 6 of  
46 P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255 (C.43:16A-  
47 7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any substantially  
48 similar statute governing the disability retirement of federal law

1 enforcement officers, provided the officer was a regularly employed,  
2 full-time law enforcement officer for an aggregate of four or more  
3 years prior to his disability retirement and further provided that the  
4 disability which constituted the basis for the officer's retirement did not  
5 involve a certification that the officer was mentally incapacitated for  
6 the performance of his usual law enforcement duties and any other  
7 available duty in the department which his employer was willing to  
8 assign to him or does not subject that retired officer to any of the  
9 disabilities set forth in subsection c. of N.J.S.2C:58-3 which would  
10 disqualify the retired officer from possessing or carrying a firearm, who  
11 semi-annually qualifies in the use of the handgun he is permitted to  
12 carry in accordance with the requirements and procedures established  
13 by the Attorney General pursuant to subsection j. of this section and  
14 pays the actual costs associated with those semi-annual qualifications,  
15 who is 75 years of age or younger, and who was regularly employed as  
16 a full-time member of the State Police; a full-time member of an  
17 interstate police force; a full-time member of a county or municipal  
18 police department in this State; a full-time member of a State law  
19 enforcement agency; a full-time sheriff, undersheriff or sheriff's officer  
20 of a county of this State; a full-time State or county corrections officer;  
21 a full-time State or county park police officer; a full-time special agent  
22 of the Division of Taxation; a full-time Human Services police officer;  
23 a full-time transit police officer of the New Jersey Transit Police  
24 Department; a full-time campus police officer exempted pursuant to  
25 paragraph (10) of subsection c. of this section; a full-time State  
26 conservation officer exempted pursuant to paragraph (4) of subsection  
27 a. of this section; a full-time Palisades Interstate Park officer appointed  
28 pursuant to R.S.32:14-21; a full-time Burlington County Bridge police  
29 officer appointed pursuant to section 1 of P.L.1960, c.168 (C.27:19-  
30 36.3); a full-time housing authority police officer exempted pursuant to  
31 paragraph (16) of subsection c. of this section; a full-time juvenile  
32 corrections officer exempted pursuant to paragraph (9) of subsection a.  
33 of this section; a full-time parole officer exempted pursuant to  
34 paragraph (13) of subsection c. of this section; a full-time railway  
35 policeman exempted pursuant to paragraph (9) of subsection c. of this  
36 section; a full-time county prosecutor's detective or investigator; a full-  
37 time federal law enforcement officer; or is a qualified retired law  
38 enforcement officer, as used in the federal "Law Enforcement Officers  
39 Safety Act of 2004," Pub.L. 108-277, domiciled in this State from  
40 carrying a handgun in the same manner as law enforcement officers  
41 exempted under paragraph (7) of subsection a. of this section under the  
42 conditions provided herein:

43 (1) The retired law enforcement officer shall make application in  
44 writing to the Superintendent of State Police for approval to carry a  
45 handgun for one year. An application for annual renewal shall be  
46 submitted in the same manner.

47 (2) Upon receipt of the written application of the retired law  
48 enforcement officer, the superintendent shall request a verification of

1 service from the chief law enforcement officer of the organization in  
2 which the retired officer was last regularly employed as a full-time law  
3 enforcement officer prior to retiring. The verification of service shall  
4 include:

- 5 (a) The name and address of the retired officer;
- 6 (b) The date that the retired officer was hired and the date that the  
7 officer retired;
- 8 (c) A list of all handguns known to be registered to that officer;
- 9 (d) A statement that, to the reasonable knowledge of the chief law  
10 enforcement officer, the retired officer is not subject to any of the  
11 restrictions set forth in subsection c. of N.J.S.2C:58-3; and
- 12 (e) A statement that the officer retired in good standing.

13 (3) If the superintendent approves a retired officer's application or  
14 reapplication to carry a handgun pursuant to the provisions of this  
15 subsection, the superintendent shall notify in writing the chief law  
16 enforcement officer of the municipality wherein that retired officer  
17 resides. In the event the retired officer resides in a municipality which  
18 has no chief law enforcement officer or law enforcement agency, the  
19 superintendent shall maintain a record of the approval.

20 (4) The superintendent shall issue to an approved retired officer an  
21 identification card permitting the retired officer to carry a handgun  
22 pursuant to this subsection. This identification card shall be valid for  
23 one year from the date of issuance and shall be valid throughout the  
24 State. The identification card shall not be transferable to any other  
25 person. The identification card shall be carried at all times on the  
26 person of the retired officer while the retired officer is carrying a  
27 handgun. The retired officer shall produce the identification card for  
28 review on the demand of any law enforcement officer or authority.

29 (5) Any person aggrieved by the denial of the superintendent of  
30 approval for a permit to carry a handgun pursuant to this subsection  
31 may request a hearing in the Superior Court of New Jersey in the  
32 county in which he resides by filing a written request for a hearing  
33 within 30 days of the denial. Copies of the request shall be served  
34 upon the superintendent and the county prosecutor. The hearing shall  
35 be held within 30 days of the filing of the request, and no formal  
36 pleading or filing fee shall be required. Appeals from the  
37 determination of the hearing shall be in accordance with law and the  
38 rules governing the courts of this State.

39 (6) A judge of the Superior Court may revoke a retired officer's  
40 privilege to carry a handgun pursuant to this subsection for good cause  
41 shown on the application of any interested person. A person who  
42 becomes subject to any of the disabilities set forth in subsection c. of  
43 N.J.S.2C:58-3 shall surrender, as prescribed by the superintendent, his  
44 identification card issued under paragraph (4) of this subsection to the  
45 chief law enforcement officer of the municipality wherein he resides or  
46 the superintendent, and shall be permanently disqualified to carry a  
47 handgun under this subsection.

1 (7) The superintendent may charge a reasonable application fee to  
2 retired officers to offset any costs associated with administering the  
3 application process set forth in this subsection.

4 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to  
5 prevent duly authorized personnel of the New Jersey Division of Fish  
6 and Wildlife, while in the actual performance of duties, from  
7 possessing, transporting or using any device that projects, releases or  
8 emits any substance specified as being non-injurious to wildlife by the  
9 Director of the Division of Animal Health in the Department of  
10 Agriculture, and which may immobilize wildlife and produces only  
11 temporary physical discomfort through being vaporized or otherwise  
12 dispensed in the air for the purpose of repelling bear or other animal  
13 attacks or for the aversive conditioning of wildlife.

14 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be  
15 construed to prevent duly authorized personnel of the New Jersey  
16 Division of Fish and Wildlife, while in the actual performance of  
17 duties, from possessing, transporting or using hand held pistol-like  
18 devices, rifles or shotguns that launch pyrotechnic missiles for the sole  
19 purpose of frightening, hazing or aversive conditioning of nuisance or  
20 depredating wildlife; from possessing, transporting or using rifles,  
21 pistols or similar devices for the sole purpose of chemically  
22 immobilizing wild or non-domestic animals; or, provided the duly  
23 authorized person complies with the requirements of subsection j. of  
24 this section, from possessing, transporting or using rifles or shotguns,  
25 upon completion of a Police Training Commission approved training  
26 course, in order to dispatch injured or dangerous animals or for non-  
27 lethal use for the purpose of frightening, hazing or aversive  
28 conditioning of nuisance or depredating wildlife.

29 (cf: P.L.2017, c.110, s.1)

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

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

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

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

45 (3) Community safety as it relates to animal control **【; and】** .

46 (4) **【**The law enforcement methods and techniques required for an  
47 animal control officer to properly exercise the authority to investigate  
48 and sign complaints and arrest without warrant pursuant to section 8 of

1 P.L.1997, c.247 (C.4:19-15.16c), including, but not limited to, those  
2 methods and techniques which relate to search, seizure, and arrest. The  
3 training in law enforcement methods and techniques described pursuant  
4 to this paragraph shall be part of the course of study for an animal  
5 control officer only when required by the governing body of a  
6 municipality pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b).**】**  
7 (Deleted by amendment, P.L. , c. ) (pending before the  
8 Legislature as this bill)

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

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

26 (2) The commissioner shall revoke the certificate of any person  
27 convicted of, or found civilly liable for, a violation of any provision of  
28 chapter 22 of Title 4 of the Revised Statutes, and shall place the name  
29 of the person on the list established pursuant to subsection c. of this  
30 section.

31 c. (1) The commissioner shall establish a list of all persons issued a  
32 certificate pursuant to subsection b. of this section (a) for whom that  
33 certificate has been revoked, or (b) who have been convicted of, or  
34 found civilly liable for, a violation of any provision of chapter 22 of  
35 Title 4 of the Revised Statutes. The commissioner shall provide each  
36 municipality in the State with a copy of this list within 30 days after the  
37 list is established and not less often than annually thereafter if no  
38 revised list required pursuant to paragraph (2) of this subsection has  
39 been issued in the interim.

40 (2) Upon receipt of a notice required pursuant to section 3 or 4 of  
41 P.L.2003, c.67 (C.4:22-57 or C.2B:12-17.1) involving a person who has  
42 been issued a certificate pursuant to subsection b. of this section, the  
43 commissioner shall add to the list the name of the person convicted of,  
44 or found civilly liable for, a violation of any provision of chapter 22 of  
45 Title 4 of the Revised Statutes according to the notice, and shall issue a  
46 copy of the revised list to each municipality within 30 days after receipt  
47 of any notice.

48 (cf: P.L.2012, c.17, s.8)

1       6. Section 4 of P.L.1983, c.525 (C.4:19-15.16b) is amended to read  
2 as follows:

3       4. The governing body of a municipality shall, within three years of  
4 the effective date of P.L.1983, c.525, appoint a certified animal control  
5 officer who shall be responsible for animal control within the  
6 jurisdiction of the municipality and who shall enforce and abide by the  
7 provisions of section 16 of P.L.1941, c.151 (C.4:19-15.16). The  
8 governing body shall not appoint a certified animal control officer,  
9 shall not contract for animal control services with any company that  
10 employs a certified animal control officer, and shall revoke the  
11 appointment of a certified animal control officer, who has been  
12 convicted of, or found civilly liable for, a violation of any provision of  
13 chapter 22 of Title 4 of the Revised Statutes or whose name is on the  
14 list or any revision thereto established and provided by the  
15 Commissioner of Health pursuant to subsection c. of section 3 of  
16 P.L.1983, c.525 (C.4:19-15.16a). The governing body shall, within 30  
17 days after receipt thereof, review any such list or revision thereto  
18 received by the municipality and shall, within that 30-day period, take  
19 action accordingly as required pursuant to this section.

20       The governing body may authorize the certified animal control  
21 officer to [investigate and sign complaints, arrest violators, and  
22 otherwise act as an officer for detection, apprehension, and arrest of  
23 offenders against the animal control, animal welfare and animal cruelty  
24 laws of the State, and ordinances of the municipality, if the officer has  
25 completed the training required pursuant to paragraph 4 of subsection a.  
26 of section 3 of P.L.1983, c.525 (C.4:19-15.16a). Only certified animal  
27 control officers who have completed the training may be authorized by  
28 the governing body to so act as an officer for detection, apprehension,  
29 and arrest of offenders; however, officers who have completed the  
30 training shall not have the authority to so act unless authorized by the  
31 governing body which is employing the officer or contracting for the  
32 officer's services] serve concurrently as a municipal humane law  
33 enforcement officer pursuant to section 27 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_)  
34 (pending before the Legislature as this bill) .  
35 (cf: P.L.2012, c.17, s.9)

36

37       7. Section 1 of P.L.1995, c.145 (C.4:19A-16) is amended to read as  
38 follows:

39       1. a. There shall be established in, but not of, the Department of  
40 Health, a Domestic Companion Animal Council, which shall consist of  
41 12 members, each of whom shall be chosen with due regard to the  
42 individual's knowledge of and interest in animal welfare, animal  
43 population control and the public health and well-being as they relate to  
44 the breeding, raising and nurturing of animals as domestic companion  
45 animals.

46       Each member shall be appointed by the Governor, with the advice  
47 and consent of the Senate, as follows: two members shall be appointed  
48 from persons recommended by the New Jersey Veterinary Medical

1 Association; one member shall be appointed from persons  
2 recommended by the New Jersey Health Officers Association; one  
3 member shall be appointed from persons recommended by the New  
4 Jersey Certified Animal Control Officers Association; one member  
5 shall be appointed from persons recommended by the New Jersey  
6 Federation of Dog Clubs, Inc.; one member shall be appointed from  
7 persons recommended by **the Cat Fanciers' Association** People for  
8 Animals, Inc. ; one member shall be appointed from persons  
9 recommended by the **New Jersey Society for the Prevention of Cruelty**  
10 **to Animals**; one member shall be appointed from persons recommended  
11 by the **Associated Humane Societies** county societies for the  
12 prevention of cruelty to animals in northern New Jersey; one member  
13 shall be appointed from persons recommended by the county societies  
14 for the prevention of cruelty to animals in southern New Jersey; one  
15 member who shall be a volunteer at any county animal shelter within  
16 the State; one member shall be a representative of a volunteer animal  
17 rescue and welfare organization; and two members shall be appointed  
18 from persons recommended by the Humane Society of the United  
19 States. Each member shall be appointed for a term of four years and  
20 until the member's successor is appointed and qualified.

21 Any member of the Domestic Companion Animal Council shall be  
22 eligible for reappointment, but may be removed from office by the  
23 Governor for cause.

24 Any vacancy occurring in the membership of the council for any  
25 cause shall be filled in the same manner as the original appointment but  
26 for the unexpired term only , except that, upon expiration of the term of  
27 the member recommended by the Cat Fanciers' Association, a  
28 replacement shall be appointed from persons recommended by People  
29 for Animals, Inc., upon expiration of the term of the member  
30 recommended by the New Jersey Society for Prevention of Cruelty to  
31 Animals, a replacement shall be appointed from persons recommended  
32 by the county societies for the prevention of cruelty to animals in  
33 northern New Jersey, and upon expiration of the term of the member  
34 recommended by the Associated Humane Societies, a replacement shall  
35 be appointed from persons recommended by the county societies for the  
36 prevention of cruelty to animals in southern New Jersey .

37 For the purposes of this section, "northern New Jersey" means  
38 Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic,  
39 Somerset, Sussex, Union, and Warren counties; and "southern New  
40 Jersey" means Atlantic, Burlington, Camden, Cape May, Cumberland,  
41 Gloucester, Mercer, Monmouth, Ocean, and Salem counties

42 b. A majority of the membership of the council shall constitute a  
43 quorum for the transaction of council business. Action may be taken  
44 and motions and resolutions adopted by the council at any meeting  
45 thereof by the affirmative vote of a majority of the full membership of  
46 the council.

47 c. The Governor shall appoint a chairman and the council may  
48 appoint other officers as may be necessary. The council may appoint



1 staff or hire experts as it may require within the limits of appropriations  
2 made for these purposes.

3 d. Members of the council shall serve without compensation, but  
4 may be reimbursed for expenses necessarily incurred in the discharge  
5 of their official duties.

6 e. The council may call to its assistance any employees as are  
7 necessary and made available to it from any agency or department of  
8 the State or its political subdivisions.

9 f. For the purposes of this act, "domestic companion animal" means  
10 any animal commonly referred to as a pet or one that has been bought,  
11 bred, raised or otherwise acquired, in accordance with local ordinances  
12 and State and federal law, for the primary purpose of providing  
13 companionship to the owner, rather than for business or agricultural  
14 purposes.

15 (cf: P.L.1995, c.145, s.1)

16

17 8. Section 1 of P.L.2005, c.372 (C.4:22-11.1) is amended to read as  
18 follows:

19 1. As used in this chapter:

20 **["Agent" means a member duly appointed as an agent by the board**  
21 **of trustees of a county society for the prevention of cruelty to animals**  
22 **or of the New Jersey Society for the Prevention of Cruelty to Animals,**  
23 **who, upon recommendation of the Chief Humane Law Enforcement**  
24 **Officer of a county society for the prevention of cruelty to animals or**  
25 **the New Jersey Society for the Prevention of Cruelty to Animals, is**  
26 **empowered to issue summons and direct humane law enforcement**  
27 **officers to make arrests and enforce all laws and ordinances enacted for**  
28 **the protection of animals, and to investigate alleged acts of cruelty to**  
29 **animals;**

30 "Humane law enforcement officer" means an agent authorized and  
31 appointed by the board of trustees of a county society for the  
32 prevention of cruelty to animals or of the New Jersey Society for the  
33 Prevention of Cruelty to Animals, and duly commissioned by the  
34 Superintendent of State Police in accordance with the provisions of  
35 sections 9 and 10 of P.L.2005, c.372 (C.4:22-11.9 and C.4:22-11.10), to  
36 possess, carry, or use a firearm while enforcing any law or ordinance  
37 for the protection of animals while on duty or on call, and who has  
38 satisfactorily completed the firearms training course approved by the  
39 Police Training Commission and other qualifications and training  
40 courses required pursuant to P.L.2005, c.372 (C.4:22-11.1 et al.); and

41 "Member" means a person who has been granted membership in a  
42 county society for the prevention of cruelty to animals or the New  
43 Jersey Society for the Prevention of Cruelty to Animals. **】**

44 "Chief humane law enforcement officer" means a county law  
45 enforcement officer assigned or appointed by the county prosecutor,  
46 pursuant to section 29 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the  
47 Legislature as this bill), to act as an officer for detection, apprehension,  
48 and arrest of offenders against the animal welfare and animal cruelty

1 laws of the State, and who has satisfactorily completed the training and  
2 retraining courses required pursuant to section 30 of P.L. \_\_\_\_\_,  
3 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill);

4 “County prosecutor animal cruelty task force” means a task force  
5 established pursuant to section 29 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending  
6 before the Legislature as this bill) and includes any prosecutor or law  
7 enforcement officer assigned or appointed to a county prosecutor  
8 animal cruelty task force pursuant to section 29 of \_\_\_\_\_ P.L. \_\_\_\_\_,  
9 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill); and

10 “Municipal humane law enforcement officer” means an individual  
11 appointed by the governing body of a municipality, pursuant to section  
12 27 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as this bill),  
13 to act as an officer for detection, apprehension, and arrest of offenders  
14 against the animal welfare and animal cruelty laws of the State and  
15 ordinances of the municipality, and who has satisfactorily completed  
16 the animal protection law enforcement training and retraining courses  
17 required pursuant to section 27 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before  
18 the Legislature as this bill).

19 (cf: P.L.2005, c.372, s.1)

20  
21 9. Section 11 of P.L.2005, c.372 (C.4:22-11.11) is amended to read  
22 as follows:

23 11. a. The Police Training Commission, in collaboration with the  
24 **【New Jersey Society for the Prevention of Cruelty to Animals】**  
25 Attorney General , shall develop or approve a training course for  
26 animal protection law enforcement, which shall include but need not be  
27 limited to instruction in:

28 (1) the law, procedures, and enforcement methods and techniques of  
29 investigation, arrest, and search and seizure, specifically in connection  
30 with violations of State and local animal cruelty laws and ordinances;

31 (2) information and procedures related to animals, including animal  
32 behavior and traits and evaluation of animals at a crime scene;

33 (3) methods to identify and document animal abuse, neglect, and  
34 distress; and

35 (4) investigation of animal fighting.

36 **【The course developed or approved pursuant to this subsection shall**  
37 **be the same or substantially similar to the course developed and**  
38 **approved for certified animal control officers who are authorized as**  
39 **animal cruelty investigators pursuant to sections 3 and 4 of P.L.1983,**  
40 **c.525 (C.4:19-15.16a and C.4:19-15.16b) and P.L.1997, c.247 (C.4:19-**  
41 **15.16c. et al.).】**

42 The Police Training Commission, in collaboration with the Attorney  
43 General, shall also develop or approve an abbreviated retraining course  
44 in animal protection law enforcement, for the purpose of retraining a  
45 chief humane law enforcement officer, or other law enforcement officer  
46 assigned or appointed to a county prosecutor animal cruelty task force  
47 pursuant to paragraph (3) of subsection b. of section 30 of  
48 P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as this bill), or a

1 municipal humane law enforcement officer pursuant to paragraph (3) of  
2 subsection c. of section 27, which shall include, but need not be limited  
3 to, instruction regarding any changes to animal cruelty law enforcement  
4 policy or law in the previous two-year period.

5 b. Every **[agent and]** chief humane law enforcement officer, or  
6 other law enforcement officer, assigned or appointed to a county  
7 prosecutor animal cruelty task force and municipal humane law  
8 enforcement officer [appointed after the date of enactment of P.L.2005,  
9 c.372 (C.4:22-11.1 et al.)] shall satisfactorily complete the animal  
10 protection law enforcement training course as soon as practicable, but  
11 no later than [within] one year after the date of the [agent's or]  
12 officer's [appointment] assignment or appointment, and shall  
13 satisfactorily complete the animal protection law enforcement  
14 retraining course no less than one time in every two year period, the  
15 first two-year period beginning on the day on which the officer  
16 satisfactorily completes the animal protection law enforcement training  
17 course .

18 c. **[The Chief Humane Law Enforcement Officer of a county**  
19 **society for the prevention of cruelty to animals or the New Jersey**  
20 **Society for the Prevention of Cruelty to Animals]** The chief law  
21 enforcement officer of a municipality, or chief humane law  
22 enforcement officer of the county prosecutor animal cruelty task force,  
23 may request from the Police Training Commission an exemption from  
24 applicable law enforcement parts of the animal protection law  
25 enforcement training course , or retraining course, on behalf of a  
26 current or prospective [agent or] chief humane law enforcement  
27 officer, other law enforcement officer assigned or appointed to a county  
28 prosecutor animal cruelty task force, or municipal humane law  
29 enforcement officer who demonstrates successful completion of a  
30 police training course conducted by a federal, state, or other public or  
31 private agency, the requirements of which are substantially equivalent  
32 to or which exceed the corresponding requirements of the animal  
33 protection law enforcement training course curriculum established  
34 through the Police Training Commission.

35 d. The Police Training Commission shall provide for the issuance of  
36 a certificate to a person who possesses, or acquires, the training and  
37 education required to qualify as a chief humane law enforcement  
38 officer, other law enforcement officer assigned or appointed to a county  
39 prosecutor animal cruelty task force, or municipal humane law  
40 enforcement officer. If the person is a municipal humane law  
41 enforcement officer, the Police Training Commission shall provide a  
42 copy of the certificate to the municipal humane law enforcement officer  
43 and to the chief law enforcement officer of the municipality, or, if the  
44 municipality does not have a chief law enforcement officer, to the chief  
45 humane law enforcement officer in the county. If the person is a law  
46 enforcement officer assigned or appointed to a county prosecutor  
47 animal cruelty task force, the Police Training Commission shall

1 provide a copy of the certificate to the law enforcement officer and to  
2 the chief humane law enforcement officer of the county prosecutor  
3 animal cruelty task force.

4 (cf: P.L.2005, c.372, s.11)

5  
6 10. Section 12 of P.L.2005, c.372 (C.4:22-11.12) is amended to read  
7 as follows:

8 12. All State, county, and municipal law enforcement agencies and  
9 all county and municipal health agencies shall, upon request, make  
10 every reasonable effort to assist **the** any chief humane law  
11 enforcement officer, other law enforcement officer assigned or  
12 appointed to a county prosecutor animal cruelty task force, or  
13 municipal humane law enforcement **officers and agents of a county**  
14 **society for the prevention of cruelty to animals or the New Jersey**  
15 **Society for the Prevention of Cruelty to Animals** officer in the  
16 enforcement of all laws and ordinances enacted for the protection of  
17 animals.

18 (cf: P.L.2005, c.372, s.12)

19  
20 11. R.S.4:22-17 is amended to read as follows:

21 4:22-17. a. It shall be unlawful to:

22 (1) Overdrive, overload, drive when overloaded, overwork, abuse,  
23 or needlessly kill a living animal or creature;

24 (2) Cause or procure, by any direct or indirect means, including but  
25 not limited to through the use of another living animal or creature, any  
26 of the acts described in paragraph (1) of this subsection to be done;

27 (3) Inflict unnecessary cruelty upon a living animal or creature, by  
28 any direct or indirect means, including but not limited to through the  
29 use of another living animal or creature; or leave the living animal or  
30 creature unattended in a vehicle under inhumane conditions adverse to  
31 the health or welfare of the living animal or creature; or

32 (4) Fail, as the owner or as a person otherwise charged with the care  
33 of a living animal or creature, to provide the living animal or creature  
34 with necessary care.

35 b. (1) A person who violates subsection a. of this section shall be  
36 guilty of a disorderly persons offense. Notwithstanding the provisions  
37 of N.J.S.2C:43-3 to the contrary, for every conviction of an offense  
38 pursuant to paragraph (1) or (2) of subsection a. of this section, the  
39 person shall be fined not less than \$250 nor more than \$1,000, or be  
40 imprisoned for a term of not more than six months, or both, in the  
41 discretion of the court; and for every conviction of an offense pursuant  
42 to paragraph (3) or (4) of subsection a. of this section, the person shall  
43 be fined not less than \$500 nor more than \$2,000, or be imprisoned for  
44 a term of not more than six months, or both, in the discretion of the  
45 court.

46 (2) If the person who violates subsection a. of this section has a  
47 prior conviction for an offense that would constitute a violation of

1 subsection a. of this section, the person shall be guilty of a crime of the  
2 fourth degree.

3 (3) A person who violates subsection a. of this section shall also be  
4 subject to the provisions of subsections e. and f. and, if appropriate,  
5 subsection g., of this section.

6 (4) The action for the penalty prescribed in this subsection shall be  
7 brought:

8 (a) In the Superior Court; or

9 (b) In a municipal court of the municipality wherein the defendant  
10 resides or where the offense was committed.

11 c. It shall be unlawful to purposely, knowingly, or recklessly:

12 (1) Torment, torture, maim, hang, poison, unnecessarily or cruelly  
13 beat, cruelly abuse, or needlessly mutilate a living animal or creature;

14 (2) Cause bodily injury to a living animal or creature by failing to  
15 provide the living animal or creature with necessary care, whether as  
16 the owner or as a person otherwise charged with the care of the living  
17 animal or creature;

18 (3) Cause or procure an act described in paragraph (1) or (2) of this  
19 subsection to be done, by any direct or indirect means, including but  
20 not limited to through the use of another living animal or creature; or

21 (4) Use, or cause or procure the use of, an animal or creature in any  
22 kind of sexual manner or initiate any kind of sexual contact with the  
23 animal or creature, including, but not limited to, sodomizing the animal  
24 or creature. As used in this paragraph, "sexual contact" means any  
25 contact between a person and an animal by penetration of the penis or a  
26 foreign object into the vagina or anus, contact between the mouth and  
27 genitalia, or by contact between the genitalia of one and the genitalia or  
28 anus of the other. This term does not include any medical procedure  
29 performed by a licensed veterinarian practicing veterinary medicine or  
30 an accepted animal husbandry practice.

31 d. (1) A person who violates paragraph (1), (2), (3) or (4) of  
32 subsection c. of this section shall be guilty of a crime of the fourth  
33 degree, except that the person shall be guilty of a crime of the third  
34 degree if:

35 (a) the animal or creature dies as a result of the violation;

36 (b) the animal or creature suffers serious bodily injury as a result of  
37 the violation; or

38 (c) the person has a prior conviction for an offense that would  
39 constitute a violation of paragraph (1), (2), (3) or (4) of subsection c. of  
40 this section.

41 (2) A person who violates any provision of subsection c. of this  
42 section shall also be subject to the provisions of subsections e. and f.  
43 and, if appropriate, subsection g., of this section.

44 (3) The action for the penalty prescribed in subsection c. of this  
45 section shall be brought in the Superior Court.

46 e. For a violation of this section, in addition to imposing any other  
47 appropriate penalties established for a crime of the third degree, crime  
48 of the fourth degree, or disorderly persons offense, as the case may be,

1 pursuant to Title 2C of the New Jersey Statutes, the court shall impose  
2 a term of community service of up to 30 days, and may direct that the  
3 term of community service be served in providing assistance to [the  
4 New Jersey Society for the Prevention of Cruelty to Animals,] a county  
5 society for the prevention of cruelty to animals [.] or any other  
6 recognized organization concerned with the prevention of cruelty to  
7 animals or the humane treatment and care of animals, or to a  
8 municipality's animal control or animal population control program.

9 f. The court also shall require any violator of this section to pay  
10 restitution, including but not limited to, the monetary cost of replacing  
11 the animal if the animal died or had to be euthanized because of the  
12 extent of the animal's injuries, or otherwise reimburse any costs for  
13 food, drink, shelter, or veterinary care or treatment, or other costs,  
14 incurred by the owner of the animal, if the owner is not the person  
15 committing the act of cruelty, or incurred by any agency, entity, or  
16 organization investigating the violation, or providing shelter or care for  
17 the animal or animals, including but not limited to [the New Jersey  
18 Society for the Prevention of Cruelty to Animals,] a county society for  
19 the prevention of cruelty to animals, any other recognized organization  
20 concerned with the prevention of cruelty to animals or the humane  
21 treatment and care of animals, a local or State governmental entity,  
22 including but not limited to a county prosecutor animal cruelty task  
23 force, or a municipal humane law enforcement officer, or a kennel,  
24 shelter, pound, or other facility providing for the shelter and care of the  
25 animal or animals involved in the violation.

26 g. If a juvenile is adjudicated delinquent for an act which, if  
27 committed by an adult, would constitute a disorderly persons offense,  
28 crime of the fourth degree, or crime of the third degree pursuant to this  
29 section, the court also shall order the juvenile to receive mental health  
30 counseling by a licensed psychologist or therapist named by the court  
31 for a period of time to be prescribed by the licensed psychologist or  
32 therapist.

33 (cf: P.L.2015, c.133, s.1)

34

35 12. Section 7 of P.L.2017, c.189 (C.4:22-17.7) is amended to read  
36 as follows:

37 7. a. Upon a showing of probable cause that there has been a  
38 violation of [this act] P.L.2017, c.189 (C.4:22-17.7) and submission  
39 of proof of issuance of a summons, a court of competent jurisdiction  
40 may issue, upon request, an order to [any] the chief humane law  
41 enforcement officer [or agent of the New Jersey Society for the  
42 Prevention of Cruelty to Animals or county society for the prevention  
43 of cruelty to animals, certified animal control officer] , any other law  
44 enforcement officer assigned or appointed to a county prosecutor  
45 animal cruelty task force, a municipal humane law enforcement  
46 officer , or other State or local law enforcement officer to enter onto the

1 private property where a dog, domestic companion animal, or service  
2 animal is located and take physical custody of the animal.

3 b. Notwithstanding the provisions of subsection a. of this section, or  
4 any other law, or any rule or regulation adopted pursuant thereto, to the  
5 contrary, any chief humane law enforcement officer, other law  
6 enforcement officer assigned or appointed to a county prosecutor  
7 animal cruelty task force, municipal humane law enforcement officer  
8 **【or agent of the New Jersey Society for the Prevention of Cruelty to**  
9 **Animals or county society for the prevention of cruelty to animals,**  
10 **certified animal control officer】** , or other State or local law  
11 enforcement officer may immediately enter onto private property where  
12 a dog, domestic companion animal, or service animal is located and  
13 take physical custody of the animal, if the officer **【or agent】** has  
14 reasonable suspicion to believe that the animal is at risk of imminent  
15 harm due to a violation of **【this act】** P.L.2017, c.189 (C.4:22-17.7) .

16 c. Upon taking physical custody of a dog, domestic companion  
17 animal, or service animal pursuant to subsection a. or b. of this section,  
18 the person taking physical custody of the animal shall: (1) post  
19 immediately, in a conspicuous place at the location from which the dog,  
20 domestic companion animal, or service animal was taken, the notice  
21 required pursuant to subsection d. of this section to the owner or person  
22 with custody or control of the dog, domestic companion animal, or  
23 service animal; and (2) send by registered or certified mail and by  
24 ordinary mail the notice described in subsection d. of this section to the  
25 address of the location from which the dog, domestic companion  
26 animal, or service animal was taken into physical custody.

27 d. The notice required pursuant to subsection c. of this section shall:  
28 (1) provide a description of the dog, domestic companion animal, or  
29 service animal; (2) state that the dog, domestic companion animal, or  
30 service animal may be euthanized upon a veterinarian's written  
31 determination of medical necessity as required by subsection e. of this  
32 section; (3) state the statutory authority and reason for taking custody  
33 of the dog, domestic companion animal, or service animal; and (4)  
34 provide contact information, including at least the name of any  
35 applicable office or entity, the name of a person at that office or entity,  
36 and a telephone number for the owner or person with custody or control  
37 of the dog, domestic companion animal, or service animal to obtain  
38 information concerning the animal, the alleged violation, and where the  
39 animal is impounded.

40 e. A dog, domestic companion animal, or service animal taken into  
41 physical custody pursuant to subsection a. or b. of this section shall be  
42 placed in a licensed shelter, pound, or kennel operating as a shelter or  
43 pound to ensure the humane care and treatment of the animal. If, after  
44 the dog, domestic companion animal, or service animal has been taken  
45 into physical custody, a licensed veterinarian makes a written  
46 determination that the animal is in intractable and extreme pain and  
47 beyond any reasonable hope of recovery with reasonable veterinary  
48 medical treatment, the animal may be euthanized. At any time while

1 the licensed shelter, pound, or kennel operating as a shelter or pound  
2 has custody or control of the dog, domestic companion animal, or  
3 service animal, it may place the animal in an animal rescue  
4 organization facility or a foster home if it determines the placement is  
5 in the best interest of the animal.

6 f. A person shall be issued a correction warning prior to being cited  
7 for a violation of **【this act】** P.L.2017, c.189 (C.4:22-17.7) unless the  
8 dog, domestic companion animal, or service animal involved in the  
9 violation was seized immediately pursuant to subsection b. of this  
10 section. A summons shall be served on the alleged violator as soon as  
11 practicable if:

12 (1) after the seven days have elapsed from the date a correction  
13 warning is issued, no correction has been made; or

14 (2) the dog, domestic companion animal, or service animal involved  
15 in the violation was seized immediately pursuant to subsection b. of  
16 this section.

17 If the alleged violator is not the owner of the dog, domestic  
18 companion animal, or service animal, the person issuing the correction  
19 warning or summons, as applicable, shall also notify the owner of the  
20 animal of the violation and provide the owner with a copy of the issued  
21 correction warning or summons, as applicable.

22 g. Any summons issued for a violation of **【this act】** P.L.2017, c.189  
23 (C.4:22-17.7) shall contain:

24 (1) a description of the violation and statutory authority; and

25 (2) contact information identifying, at a minimum (a) the name of  
26 the investigating agency or office, and (b) the name of the officer **【or**  
27 **agent】** issuing the summons or investigating the alleged violation.

28 h. Any chief humane law enforcement officer, other law  
29 enforcement officer assigned or appointed to a county prosecutor  
30 animal cruelty task force, municipal humane law enforcement officer  
31 **【or agent of the New Jersey Society for the Prevention of Cruelty to**  
32 **Animals or county society for the prevention of cruelty to animals,**  
33 **certified animal control officer】** , or other State or local law  
34 enforcement officer issuing a summons for a violation of **【this act】**  
35 P.L.2017, c.189 (C.4:22-17.7) shall also serve on the alleged violator,  
36 with the summons, a written notice of:

37 (1) the right to voluntarily forfeit ownership or custody of the dog,  
38 domestic companion animal, or service animal;

39 (2) the action or actions required for compliance;

40 (3) a demand for immediate compliance; and

41 (4) a telephone number for the investigating agency or office and  
42 the investigating officer or agent.

43 i. Any chief humane law enforcement officer, other law  
44 enforcement officer assigned or appointed to a county prosecutor  
45 animal cruelty task force, municipal humane law enforcement officer  
46 **【or agent of the New Jersey Society for the Prevention of Cruelty to**  
47 **Animals or county society for the prevention of cruelty to animals,**



1 certified animal control officer】 , or other State or local law  
2 enforcement officer may petition a court of competent jurisdiction to  
3 have a dog, domestic companion animal, or service animal confiscated,  
4 if not previously seized, and forfeited upon the person being found  
5 guilty of, or liable for, a violation of 【this act】 P.L.2017, c.189  
6 (C.4:22-17.7) . Upon a finding that continued possession of the dog,  
7 domestic companion animal, or service animal by the owner or other  
8 person authorized to have custody or control of the animal poses a  
9 threat to the health or safety of the animal, the court shall order that the  
10 animal be forfeited, placed in an animal rescue organization facility,  
11 shelter, pound, or kennel operating as a shelter or pound, and made  
12 available for adoption.

13 j. A person found guilty of, or liable for, a violation of any  
14 provision of 【this act】 P.L.2017, c.189 (C.4:22-17.7) shall be  
15 responsible for, and pay, the reasonable costs of caring for the dog,  
16 domestic companion animal, or service animal from the date on which  
17 physical custody of the animal was taken pursuant to this section until  
18 the date the animal is surrendered, forfeited, returned, or euthanized,  
19 including, but not limited to, the cost of transporting, sheltering, and  
20 feeding the animal, the cost of providing the animal with necessary  
21 veterinary care, and if the animal is euthanized, the cost of the  
22 euthanasia.

23 (cf: P.L.2017, c.189, s.7)

24

25 13. Section 1 of P.L.1939, c.315 (C.4:22-25.1) is amended to read  
26 as follows:

27 1. Each person operating a motor vehicle who shall knowingly hit,  
28 run over, or cause injury to a cat, dog, horse , or cattle shall stop at  
29 once, ascertain the extent of injury, report to the nearest police station,  
30 police officer, 【or notify the nearest Society for the Prevention of  
31 Cruelty to Animals】 municipal humane law enforcement officer, or  
32 county prosecutor animal cruelty task force and give his name, address,  
33 operator's license and registration number, and also give the location of  
34 the injured animal.

35 (cf: P.L.1968, c.39, s.1)

36 14. R.S.4:22-26 is amended to read as follows:

37 4:22-26. A person who shall:

38 a. (1) Overdrive, overload, drive when overloaded, overwork,  
39 abuse, or needlessly kill a living animal or creature, or cause or  
40 procure, by any direct or indirect means, including but not limited to  
41 through the use of another living animal or creature, any such acts to be  
42 done;

43 (2) Torment, torture, maim, hang, poison, unnecessarily or cruelly  
44 beat, cruelly abuse, or needlessly mutilate a living animal or creature,  
45 or cause or procure, by any direct or indirect means, including but not  
46 limited to through the use of another living animal or creature, any such  
47 acts to be done;

- 1       (3) Cause the death of, or serious bodily injury to, a living animal or  
2 creature from commission of any act described in paragraph (2), (4),  
3 (5), or (6) of this subsection, by any direct or indirect means, including  
4 but not limited to through the use of another living animal or creature,  
5 or otherwise cause or procure any such acts to be done;
- 6       (4) Fail, as the owner or a person otherwise charged with the care of  
7 a living animal or creature, to provide the living animal or creature with  
8 necessary care, or otherwise cause or procure such an act to be done; or
- 9       (5) Cause bodily injury to a living animal or creature from  
10 commission of the act described in paragraph (4) of this subsection;
- 11       b. (Deleted by amendment, P.L.2003, c.232)
- 12       c. Inflict unnecessary cruelty upon a living animal or creature, by  
13 any direct or indirect means, including but not limited to through the  
14 use of another living animal or creature; or leave the living animal or  
15 creature unattended in a vehicle under inhumane conditions adverse to  
16 the health or welfare of the living animal or creature;
- 17       d. Receive or offer for sale a horse that is suffering from abuse or  
18 neglect, or which by reason of disability, disease, abuse or lameness, or  
19 any other cause, could not be worked, ridden or otherwise used for  
20 show, exhibition or recreational purposes, or kept as a domestic pet  
21 without violating the provisions of **【this】** article 2 of chapter 22 of  
22 Title 4 of the Revised Statutes ;
- 23       e. Keep, use, be connected with or interested in the management of,  
24 or receive money or other consideration for the admission of a person  
25 to, a place kept or used for the purpose of fighting or baiting a living  
26 animal or creature;
- 27       f. Be present and witness, pay admission to, encourage, aid or assist  
28 in an activity enumerated in subsection e. of this section;
- 29       g. Permit or suffer a place owned or controlled by him to be used as  
30 provided in subsection e. of this section;
- 31       h. Carry, or cause to be carried, a living animal or creature in or  
32 upon a vehicle or otherwise, in a cruel or inhumane manner;
- 33       i. Use a dog or dogs for the purpose of drawing or helping to draw a  
34 vehicle for business purposes;
- 35       j. Impound or confine or cause to be impounded or confined in a  
36 pound or other place a living animal or creature, and shall fail to supply  
37 the living animal or creature during such confinement with a sufficient  
38 quantity of good and wholesome food and water;
- 39       k. Abandon a maimed, sick, infirm or disabled animal or creature to  
40 die in a public place;
- 41       l. Willfully sell, or offer to sell, use, expose, or cause or permit to  
42 be sold or offered for sale, used or exposed, a horse or other animal  
43 having the disease known as glanders or farcy, or other contagious or  
44 infectious disease dangerous to the health or life of human beings or  
45 animals, or who shall, when any such disease is beyond recovery,  
46 refuse, upon demand, to deprive the animal of life;
- 47       m. Own, operate, manage or conduct a roadside stand or market for  
48 the sale of merchandise along a public street or highway; or a shopping

1 mall, or a part of the premises thereof; and keep a living animal or  
2 creature confined, or allowed to roam in an area whether or not the area  
3 is enclosed, on these premises as an exhibit; except that this subsection  
4 shall not be applicable to: a pet shop licensed pursuant to P.L.1941,  
5 c.151 (C.4:19-15.1 et seq.); a person who keeps an animal, in a humane  
6 manner, for the purpose of the protection of the premises; or a  
7 recognized breeders' association, a 4-H club, an educational agricultural  
8 program, an equestrian team, a humane society or other similar  
9 charitable or nonprofit organization conducting an exhibition, show or  
10 performance;

11 n. Keep or exhibit a wild animal at a roadside stand or market  
12 located along a public street or highway of this State; a gasoline  
13 station; or a shopping mall, or a part of the premises thereof;

14 o. Sell, offer for sale, barter or give away or display live baby  
15 chicks, ducklings or other fowl or rabbits, turtles or chameleons which  
16 have been dyed or artificially colored or otherwise treated so as to  
17 impart to them an artificial color;

18 p. Use any animal, reptile, or fowl for the purpose of soliciting any  
19 alms, collections, contributions, subscriptions, donations, or payment of  
20 money except in connection with exhibitions, shows or performances  
21 conducted in a bona fide manner by recognized breeders' associations,  
22 4-H clubs or other similar bona fide organizations;

23 q. Sell or offer for sale, barter, or give away living rabbits, turtles,  
24 baby chicks, ducklings or other fowl under two months of age, for use  
25 as household or domestic pets;

26 r. Sell, offer for sale, barter or give away living baby chicks,  
27 ducklings or other fowl, or rabbits, turtles or chameleons under two  
28 months of age for any purpose not prohibited by subsection q. of this  
29 section and who shall fail to provide proper facilities for the care of  
30 such animals;

31 s. Artificially mark sheep or cattle, or cause them to be marked, by  
32 cropping or cutting off both ears, cropping or cutting either ear more  
33 than one inch from the tip end thereof, or half cropping or cutting both  
34 ears or either ear more than one inch from the tip end thereof, or who  
35 shall have or keep in the person's possession sheep or cattle, which the  
36 person claims to own, marked contrary to this subsection unless they  
37 were bought in market or of a stranger;

38 t. Abandon a domesticated animal;

39 u. For amusement or gain, cause, allow, or permit the fighting or  
40 baiting of a living animal or creature;

41 v. Own, possess, keep, train, promote, purchase, or knowingly sell a  
42 living animal or creature for the purpose of fighting or baiting that  
43 animal or creature;

44 w. Gamble on the outcome of a fight involving a living animal or  
45 creature;

46 x. Knowingly sell or barter or offer for sale or barter, at wholesale  
47 or retail, the fur or hair of a domestic dog or cat or any product made in  
48 whole or in part from the fur or hair of a domestic dog or cat, unless

- 1 such fur or hair for sale or barter is from a commercial grooming  
2 establishment or a veterinary office or clinic or is for use for scientific  
3 research;
- 4 y. (1) Knowingly sell or barter, or offer for sale or barter, at  
5 wholesale or retail, for human consumption, the flesh of a domestic dog  
6 or cat, or any product made in whole or in part from the flesh of a  
7 domestic dog or cat;
- 8 (2) Knowingly slaughter a horse for human consumption;
- 9 (3) Knowingly sell or barter, or offer for sale or barter, at wholesale  
10 or retail, for human consumption, the flesh of a horse, or any product  
11 made in whole or in part from the flesh of a horse, or knowingly accept  
12 or publish newspaper advertising that includes the offering for sale,  
13 trade, or distribution of any such item for human consumption;
- 14 (4) Knowingly transport a horse for the purpose of slaughter for  
15 human consumption;
- 16 (5) Knowingly transport horsemeat, or any product made in whole  
17 or in part from the flesh of a horse, for the purpose of human  
18 consumption;
- 19 z. Surgically debark or silence a dog in violation of section 1 or 2 of  
20 P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 21 aa. Use a live pigeon, fowl or other bird for the purpose of a target,  
22 or to be shot at either for amusement or as a test of skill in  
23 marksmanship, except that this subsection and subsections bb. and cc.  
24 shall not apply to the shooting of game;
- 25 bb. Shoot at a bird used as described in subsection aa. of this  
26 section, or is a party to such shooting; or
- 27 cc. Lease a building, room, field or premises, or knowingly permit  
28 the use thereof for the purposes of subsection aa. or bb. of this section -  
29 - Shall forfeit and pay a sum according to the following schedule, to  
30 be sued for and recovered, with costs, in a civil action by any person  
31 **【in the name of the New Jersey Society for the Prevention of Cruelty to**  
32 **Animals or a county society for the prevention of cruelty to animals, as**  
33 **appropriate, or,】** in the name of the municipality **【if brought by a**  
34 **certified animal control officer or animal cruelty investigator】**, or in  
35 the name of the county prosecutor animal cruelty task force of the  
36 county, wherein the defendant resides or where the offense was  
37 committed :
- 38 For a violation of subsection e., f., g., u., v., w., or z. of this section  
39 or of paragraph (3) of subsection a. of this section, or for a second or  
40 subsequent violation of paragraph (2) or (5) of subsection a. of this  
41 section, a sum of not less than \$3,000 nor more than \$5,000;
- 42 For a violation of subsection l. of this section, for a first violation of  
43 paragraph (2) or (5) of subsection a. of this section, a sum of not less  
44 than \$1,000 nor more than \$3,000;
- 45 For a violation of paragraph (4) of subsection a. of this section, or  
46 subsection c. of this section, a sum of not less than \$500 nor more than  
47 \$2,000;

1 For a violation of subsection x. or paragraph (1) of subsection y. of  
2 this section, a sum of not less than \$500 nor more than \$1,000 for each  
3 domestic dog or cat fur or fur or hair product or domestic dog or cat  
4 carcass or meat product sold, bartered, or offered for sale or barter;

5 For a violation of paragraph (2), (3), (4), or (5) of subsection y. of  
6 this section, a sum of not less than \$500 nor more than \$1,000 for each  
7 horse slaughtered or transported for the purpose of slaughter for human  
8 consumption, or for each horse carcass or meat product transported,  
9 sold or bartered, or offered or advertised for sale or barter;

10 For a violation of subsection t. of this section, a sum of not less than  
11 \$500 nor more than \$1,000, but if the violation occurs on or near a  
12 highway, a mandatory sum of \$1,000;

13 For a violation of subsection d., h., j., k., aa., bb., or cc. of this  
14 section or of paragraph (1) of subsection a. of this section, a sum of not  
15 less than \$250 nor more than \$1,000; and

16 For a violation of subsection i., m., n., o., p., q., r., or s. of this  
17 section, a sum of not less than \$250 nor more than \$500.

18 (cf: P.L.2013, c.88, s.3)

19  
20 15. Section 1 of P.L.1995, c.255 (C.4:22-26.1) is amended to read  
21 as follows:

22 1. **【An officer or agent of the New Jersey Society for the Prevention**  
23 **of Cruelty to Animals, or a certified animal control officer,】** A  
24 municipal humane law enforcement officer or a county prosecutor  
25 animal cruelty task force may petition a court of competent jurisdiction  
26 to have any animal confiscated and forfeited that is owned or possessed  
27 by a person at the time the person is found to be guilty of violating  
28 R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20 or R.S.4:22-23.  
29 Upon a finding that the continued possession by that person poses a  
30 threat to the animal's welfare, the court may, in addition to any other  
31 penalty that may be imposed for a violation of R.S.4:22-17, R.S.4:22-  
32 18, R.S.4:22-19, R.S.4:22-20 or R.S.4:22-23, adjudge an animal  
33 forfeited for such disposition as the court deems appropriate.

34 (cf: P.L.1995, c.255, s.1)

35  
36 16. R.S.4:22-44 is amended to read as follows:

37 4:22-44. Any chief humane law enforcement officer, other law  
38 enforcement officer assigned or appointed to a county prosecutor  
39 animal cruelty task force, municipal humane law enforcement officer  
40 **【of the New Jersey Society for the Prevention of Cruelty to Animals or**  
41 **of a county society for the prevention of cruelty to animals, or any】** ,  
42 sheriff, undersheriff, constable, **【certified animal control officer who**  
43 **has been properly authorized pursuant to section 4 of P.L.1983, c.525**  
44 **(C.4:19-15.16b),】** or police officer may:

45 a. Make arrests for violations of **【this】** article 2 of chapter 22 of  
46 Title 4 of the Revised Statutes ;

1        b. Arrest without warrant any person found violating the provisions  
2 of **【this article】** article 2 of chapter 22 of Title 4 of the Revised Statutes  
3 in the presence of such chief humane law enforcement officer, other  
4 law enforcement officer assigned or appointed to a county prosecutor  
5 animal cruelty task force, municipal humane law enforcement officer,  
6 sheriff, undersheriff, constable, or police officer **【or a certified animal**  
7 **control officer who has been properly authorized pursuant to section 4**  
8 **of P.L.1983, c.525 (C.4:19-15.16b) , and take such person before the**  
9 **nearest judge or magistrate as provided in this article】** .

10 (cf: P.L.2005, c.372, s.17)

11  
12        17. R.S.4:22-45 is amended to read as follows:

13        4:22-45. Where an arrest is made **【under the provisions of this**  
14 **article】** for a violation of subsection c. of R.S.4:22-17 by a constable,  
15 sheriff, undersheriff **【or】** , police officer **【in a locality where the New**  
16 **Jersey society, or a district (county) society, for the prevention of**  
17 **cruelty to animals exists, he】** , chief humane law enforcement officer,  
18 other law enforcement officer assigned or appointed to a county  
19 prosecutor animal cruelty task force, or municipal humane law  
20 enforcement officer, the officer shall give notice to the **【State or district**  
21 **(county) society】** county prosecutor animal cruelty task force at once,  
22 whereupon **【such State or district (county) society】** the county  
23 prosecutor animal cruelty task force shall take charge of the case and  
24 prosecute it under the provisions of **【this article】** chapter 22 of Title 4  
25 of the Revised Statutes . **【No magistrate shall hear any such case until**  
26 **proof is made of the service of such notice on the State or district**  
27 **(county) society.**

28        The provisions of this section shall not apply to certified animal  
29 control officers who have been properly authorized pursuant to section  
30 4 of P.L.1983, c.525 (C.4:19-15.16b) to make arrests. **】**

31 (cf: P.L.1997, c.247, s.5)

32  
33        18. R.S.4:22-47 is amended to read as follows:

34        4:22-47. A sheriff, undersheriff, constable, police officer, **【certified**  
35 **animal control officer who has been properly authorized pursuant to**  
36 **section 4 of P.L.1983, c.525 (C.4:19-15.16b),】** chief humane law  
37 enforcement officer, other law enforcement officer assigned or  
38 appointed to a county prosecutor animal cruelty task force, or  
39 municipal humane law enforcement officer **【of the New Jersey Society**  
40 **for the Prevention of Cruelty to Animals or of a county society for the**  
41 **prevention of cruelty to animals,】** may enter any building or place  
42 where there is an exhibition of the fighting or baiting of a living animal  
43 or creature, where preparations are being made for such an exhibition,  
44 or where a violation otherwise of R.S.4:22-24 is occurring, arrest  
45 without warrant all persons there present, and take possession of all

1 living animals or creatures engaged in fighting or there found and all  
2 implements or appliances used or to be used in such exhibition.

3 (cf: P.L.2005, c.372, s.18)

4  
5 19. Section 1 of P.L.1997, c.121 (C.4:22-48.2) is amended to read  
6 as follows:

7 1. The costs of sheltering, caring for, or treating any animal that has  
8 been confiscated from a person arrested pursuant to the provisions of  
9 R.S.4:22-47 by **an agent of the New Jersey Society for the Prevention**  
10 **of Cruelty to Animals,** a chief humane law enforcement officer, other  
11 law enforcement officer assigned or appointed to a county prosecutor  
12 animal cruelty task force, municipal humane law enforcement officer,  
13 or any other person authorized to make an arrest pursuant to article 2 of  
14 chapter 22 of Title 4 of the Revised Statutes, until the animal is  
15 adjudged forfeited or until the animal is returned to the owner, shall be  
16 borne by the owner of the animal.

17 (cf: P.L.1997, c.121, s.1)

18  
19 20. Section 1 of P.L.1986, c.89 (C.4:22-50.1) is amended to read as  
20 follows:

21 1. When the owner or operator of an animal pound or shelter is  
22 arrested pursuant to the provisions of article 2 of chapter 22 of Title 4  
23 of the Revised Statutes by **an agent of the New Jersey Society for the**  
24 **Prevention of Cruelty to Animals** a chief humane law enforcement  
25 officer, other law enforcement officer assigned or appointed to a county  
26 prosecutor animal cruelty task force, municipal humane law  
27 enforcement officer, or any other person authorized to make the arrest  
28 under that article, or when the warrant is issued for the arrest, the  
29 person making the arrest **or any other officer or agent of the New**  
30 **Jersey Society for the Prevention of Cruelty to Animals** or the county  
31 prosecutor animal cruelty task force may petition the Chancery  
32 Division of Superior Court to remove the owner or operator as  
33 custodian of the animals and appoint a receiver to operate the pound or  
34 shelter. The petitioner shall serve a copy of the petition on the  
35 Department of Health, the local board of health, and the owner or  
36 operator. If a county society for the prevention of cruelty to animals  
37 has been designated by the county prosecutor animal cruelty task force  
38 pursuant to subsection c. of section 31 of P.L. , c. (C. )  
39 (pending before the Legislature as this bill), the county society shall, to  
40 the extent practicable, be appointed as receiver to operate the pound or  
41 shelter unless the county society is the owner or operator of the pound  
42 or shelter subject to arrest pursuant to this section.

43 (cf: P.L.1986, c.89, s.1)

44  
45 21. R.S.4:22-53 is amended to read as follows:

46 4:22-53. An animal or creature abandoned in a maimed, sick,  
47 infirm, or disabled condition, if fit for further use, may be advertised

1 and sold in the manner directed by a court of competent jurisdiction or  
2 **【agent of the New Jersey Society for the Prevention of Cruelty to**  
3 **Animals】** county prosecutor animal cruelty task force .

4 The proceeds, after deducting expenses, shall be paid to the **【district**  
5 (county) society for the prevention of cruelty to animals, if one is in  
6 existence in the county; if not, then to the New Jersey society**】** county  
7 prosecutor animal cruelty task force .  
8 (cf: P.L.1953, c.5, s.84)

9  
10 22. R.S.4:22-54 is amended to read as follows:

11 4:22-54. When an animal or creature is found on the highway or  
12 elsewhere, whether abandoned or not, in a maimed, sick, infirm , or  
13 disabled condition, a court of competent jurisdiction **【or】** , a sheriff of  
14 the county **【,** or agent of the New Jersey Society for the Prevention of  
15 Cruelty to Animals**】** , a county prosecutor animal cruelty task force, or  
16 a municipal humane law enforcement officer , may appoint a suitable  
17 person to examine and destroy such animal or creature if unfit for  
18 further use.

19 (cf: P.L.1953, c.5, s.85)

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

22 4:22-55. a. Except as provided pursuant to subsection b. of this  
23 section, all fines, penalties and moneys imposed and collected under  
24 the provisions of **【this】** article 2 of chapter 22 of Title 4 of the Revised  
25 Statutes , shall be paid by the court or by the clerk or court officer  
26 receiving the fines, penalties or moneys, within **【thirty】** 30 days and  
27 without demand, to **【(1) the county society for the prevention of cruelty**  
28 **to animals of the county where the fines, penalties or moneys were**  
29 **imposed and collected, if the county society brought the action or it**  
30 **was brought on behalf of the county society, to be used by the county**  
31 **society in aid of the benevolent objects for which it was incorporated,**  
32 **or (2) in all other cases, the New Jersey Society for the Prevention of**  
33 **Cruelty to Animals, to be used by the State society in aid of the**  
34 **benevolent objects for which it was incorporated】** the county  
35 prosecutor to be used for the purpose of protecting animals in the  
36 county .

37 b. If an enforcement action for a violation of **【this】** article 2 of  
38 chapter 22 of Title 4 of the Revised Statutes is brought :

39 (1) primarily as a result of the **【discovery and investigation】**  
40 reporting of the violation to the county prosecutor animal cruelty task  
41 force by a certified animal control officer or a municipal humane law  
42 enforcement officer , the fines, penalties , or moneys collected shall be  
43 paid as follows: one half to the municipality in which the violation  
44 occurred; and one half to the county **【society or to the New Jersey**  
45 **Society for the Prevention of Cruelty to Animals, as applicable to the**



1 particular enforcement action **】** prosecutor to be used for the purpose of  
2 protecting animals in the county .

3 (2) in a municipal court, the fines, penalties, or moneys collected  
4 shall be paid to the municipality wherein the offender resides, or where  
5 the offense was committed.

6 c. Any fines, penalties , or moneys paid to a municipality **【**or other  
7 entity**】** pursuant to subsection b. of this section shall be allocated by the  
8 municipality **【**or other entity**】** to defray the cost of:

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

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

15 (cf: P.L.2005, c.372, s.19)

16  
17 24. Section 10 of P.L.1997, c.247 (C.4:22-56) is amended to read as  
18 follows:

19 10. Although a municipality and **【**the New Jersey Society for the  
20 Prevention of Cruelty to Animals or a county society**】** a county  
21 prosecutor may share in the receipt of fines, penalties , or moneys  
22 collected with regard to violations occurring in the municipality  
23 pursuant to the provisions of R.S.4:22-55:

24 a. **【**neither**】** a municipality , municipal humane law enforcement  
25 officer, or a certified animal control officer shall not be liable for any  
26 civil damages as a result of any act or omission of **【**the New Jersey  
27 Society for the Prevention of Cruelty to Animals, a county society or an  
28 officer thereof**】** a county prosecutor with regard to any investigation,  
29 arrest , or prosecution of a violator with which the municipality ,  
30 municipal humane law enforcement officer, or certified animal control  
31 officer was not involved; and

32 b. **【**neither the New Jersey Society for the Prevention of Cruelty to  
33 Animals, a county society or an officer thereof**】** a county prosecutor  
34 shall not be liable for any civil damages as a result of any act or  
35 omission of a municipality , a municipal humane law enforcement  
36 officer, or a certified animal control officer with regard to any  
37 investigation, arrest , or prosecution of a violator with which the **【**New  
38 Jersey Society for the Prevention of Cruelty to Animals, a county  
39 society or an officer thereof**】** county prosecutor was not involved.

40 (cf: P.L.2005, c.372, s.20)

41  
42 25. Section 3 of P.L.2003, c.67 (C.4:22-57) is amended to read as  
43 follows:

44 3. a. **【**For the purposes of establishing the list of persons not  
45 eligible to be certified animal control officers as required pursuant to  
46 subsections b. and c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a),  
47 notice shall be provided, within 90 days after the effective date of this

1 section, to the Commissioner of Health and Senior Services of any  
2 person who has been convicted of, or found civilly liable for, a  
3 violation of any provision of chapter 22 of Title 4 of the Revised  
4 Statutes, by any court or other official administrative entity maintaining  
5 records of such violations adjudged on or before the effective date of  
6 this section.】 (Deleted by amendment, P.L. , c. ) (pending before the  
7 Legislature as this bill)

8 b. For the purposes of maintaining the list of persons not eligible to  
9 be a certified animal control 【officers】 officer, municipal humane law  
10 enforcement officer, or a prosecutor or law enforcement officer  
11 assigned or appointed to a county prosecutor animal cruelty task force,  
12 as established pursuant to subsections b. and c. of section 3 of  
13 P.L.1983, c.525 (C.4:19-15.16a), the court or other official adjudging  
14 the guilt or liability for a violation of any provision of article 2 of  
15 chapter 22 of Title 4 of the Revised Statutes, shall charge the county  
16 prosecutor animal cruelty task force 【, officer of the New Jersey  
17 Society for the Prevention of Cruelty to Animals or the county society  
18 for the prevention of cruelty to animals,】 or other appropriate person,  
19 other than a certified animal control officer, with the responsibility to  
20 notify within 30 days the commissioner, in writing, of the full name of  
21 the person found guilty of, or liable for, an applicable violation, and the  
22 violation for which or of which that person was found guilty or liable,  
23 and the person charged with the responsibility shall provide such  
24 notice.

25 (cf: P.L.2005, c.372, s.21)

26  
27 26. (New section) a. Each governing body of a municipality shall:

28 (1) appoint at least one municipal humane law enforcement officer  
29 pursuant to section 27 of P.L. , c. (C. ) (pending before the  
30 Legislature as this bill) who shall be responsible for animal welfare  
31 within the jurisdiction of the municipality, and who shall enforce and  
32 abide by the provisions of chapter 22 of Title 4 of the Revised Statutes  
33 and shall be authorized to investigate and sign complaints, arrest  
34 violators, and otherwise act as an officer for detection, apprehension,  
35 and arrest of offenders against the animal welfare and animal cruelty  
36 laws of the State and ordinances of the municipality; and

37 (2) publicize a telephone number for reporting violations of any  
38 provision of article 2 of chapter 22 of Title 4 of the Revised Statutes,  
39 which may be the same number publicized pursuant to section 14 of  
40 P.L.1989, c.307 (C.4:19-30).

41 b. The governing body of a municipality shall not appoint, and shall  
42 terminate the appointment of, a municipal humane law enforcement  
43 officer who has been convicted of, or found civilly liable for, a  
44 violation of any provision of article 2 of chapter 22 of Title 4 of the  
45 Revised Statutes or whose name is on the list or any revision thereto  
46 established and provided by the Commissioner of Health pursuant to  
47 subsection c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a).

1 c. (1) The governing body of a municipality may authorize a  
2 municipal humane law enforcement officer to possess, carry, and use a  
3 firearm while enforcing the laws and ordinances enacted for the  
4 protection of animals, if the officer:

5 (a) has satisfactorily completed a firearms training course as defined  
6 in subsection j. of N.J.S.2C:39-6 and approved by the Police Training  
7 Commission; and

8 (b) annually qualifies in the use of a revolver or similar weapon.

9 (2) A municipal humane law enforcement officer authorized to  
10 possess, carry, and use a firearm pursuant to this subsection shall be  
11 subject to the supervision of the chief law enforcement officer in the  
12 municipality, or, if the municipality does not have a chief law  
13 enforcement officer, the chief humane law enforcement officer of the  
14 county prosecutor animal cruelty task force.

15 d. The governing body of a municipality may appoint as a  
16 municipal humane law enforcement officer any qualified individual.  
17 An animal control officer or a police officer may be appointed to serve  
18 concurrently as a municipal humane law enforcement officer, so long  
19 as the officer is able to effectively carry out the duties and  
20 responsibilities required of each position held.

21 27. (New section) a. (1) An application for appointment as a  
22 municipal humane law enforcement officer shall be submitted by the  
23 governing body of a municipality to the chief law enforcement officer  
24 of the municipality, or, if the municipality does not have a chief law  
25 enforcement officer, to the chief humane law enforcement officer of the  
26 county prosecutor animal cruelty task force. Upon receipt of the  
27 application, the chief law enforcement officer, or chief humane law  
28 enforcement officer, as applicable, shall examine the character,  
29 competency, and fitness of the applicant for the position, including  
30 initiating a criminal background check at the expense of the applicant.

31 (2) Upon completion of an examination of an applicant, the chief  
32 law enforcement officer, or chief humane law enforcement officer, as  
33 applicable, shall approve or reject the applicant and provide a written  
34 determination, to the applicant and to the governing body of the  
35 municipality, which, if applicable, shall state any reasons for rejecting  
36 the applicant.

37 b. A municipal humane law enforcement officer shall have the  
38 power and authority within the jurisdiction in which the officer is  
39 appointed, or otherwise authorized to act, as a municipal humane law  
40 enforcement officer to:

41 (1) enforce all animal welfare or animal cruelty laws of the State  
42 and ordinances of the municipality;

43 (2) investigate and sign complaints concerning any violation of an  
44 animal welfare or animal cruelty law of the State or ordinance of the  
45 municipality; and

46 (3) act as an officer for the detection, apprehension, and arrest of  
47 offenders against the animal welfare and animal cruelty laws of the  
48 State and ordinances of the municipality.

1 c. A municipal humane law enforcement officer shall:

2 (1) abide by the provisions of chapter 22 of Title 4 of the Revised  
3 Statutes;

4 (2) satisfactorily complete the training course developed pursuant to  
5 subsection a. of section 11 of P.L.2005, c.372 (C.4:22-11.11), or  
6 similar course developed pursuant to subsection c. of section 11 of  
7 P.L.2005, c.372 (C.4:22-11.11), as soon as practicable, but no later than  
8 one year after the date of the officer's appointment;

9 (3) satisfactorily complete the retraining course developed pursuant  
10 to subsection a. of section 11 of P.L.2005, c.372 (C.4:22-11.11), or  
11 similar course developed pursuant to subsection c. of section 11 of  
12 P.L.2005, c.372 (C.4:22-11.11), no less than one time in every two-year  
13 period, the first two-year period beginning on the day on which the  
14 officer satisfactorily completes the animal protection law enforcement  
15 training course developed pursuant to section 11 of P.L.2005, c.372  
16 (C.4:22-11.11) and required pursuant to paragraph (2) of this  
17 subsection;

18 (4) refer all complaints for violations of the provisions of subsection  
19 c. of R.S.4:22-17 to the county prosecutor animal cruelty task force for  
20 investigation and prosecution, or any other appropriate legal action,  
21 except that, a municipal humane law enforcement officer may take any  
22 action necessary, within the authority granted pursuant to chapter 22 of  
23 Title 4 of the Revised Statutes, to respond to an emergency situation;

24 (5) provide notice to the county prosecutor animal cruelty task force  
25 within five businesses days of the receipt of any complaint of a  
26 violation of any provision of article 2 of chapter 22 of Title 4 of the  
27 Revised Statutes, regardless of whether the violation is referred to the  
28 county prosecutor animal cruelty task force pursuant to paragraph (4)  
29 of this subsection. The notice shall contain, at minimum, a brief  
30 description of the offense alleged; and

31 (6) submit, by October 1 of each year, a report to the county  
32 prosecutor animal cruelty task force, which shall include, for the most  
33 recently concluded State fiscal year, the number of complaints received  
34 for each offense under article 2 of chapter 22 Title 4 of the Revised  
35 Statutes and the number of cases referred to the county prosecutor  
36 animal cruelty task force. Each county prosecutor animal cruelty task  
37 force shall compile these reports and submit them to the Attorney  
38 General as part of the annual report required pursuant to subsection e.  
39 of section 31 of P.L. , c. (C. ) (pending before the Legislature as  
40 this bill).

41 d. Upon receipt of a request for assistance by a municipality,  
42 county, or other entity that did not appoint the municipal humane law  
43 enforcement officer pursuant to this section, a municipal humane law  
44 enforcement officer may, within the jurisdiction of the municipality,  
45 county, or other entity making the request, exercise the powers and  
46 authority granted pursuant to this section.

47 e. A municipal humane law enforcement officer may be appointed  
48 concurrently by more than one municipality, so long as the officer is

1 able to effectively carry out the duties and responsibilities required of  
2 each appointment.

3 f. Any rule or regulation concerning animal cruelty investigators, in  
4 effect on the date of enactment of P.L. , c. (C. ) (pending  
5 before the Legislature as this bill), shall be applicable to municipal  
6 humane law enforcement officers until otherwise revised or repealed by  
7 the Department of Health.

8  
9 28. (New section) Any humane law enforcement officer or agent  
10 appointed by a county society for the prevention of cruelty to animals  
11 or the New Jersey Society for the Prevention of Cruelty to Animals  
12 shall be eligible to be appointed as a municipal humane law  
13 enforcement officer pursuant to section 27 of P.L. , c. (C. ) (pending  
14 before the Legislature as this bill), or assigned or appointed as a chief  
15 humane law enforcement officer or other law enforcement officer to a  
16 county prosecutor animal cruelty task force pursuant to subsection c. of  
17 section 29 of P.L. , c. (C. ) (pending before the Legislature as  
18 this bill).

19  
20 29. (New section) Each county prosecutor:

21 a. shall establish, within the office of the prosecutor, a county  
22 prosecutor animal cruelty task force which shall be responsible for  
23 animal welfare within the jurisdiction of the county and enforce and  
24 abide by the provisions of chapter 22 of Title 4 of the Revised Statutes;

25 b. shall assign or appoint to the county prosecutor animal cruelty  
26 task force an animal cruelty prosecutor, and may assign or appoint any  
27 assistant animal cruelty prosecutor, who shall investigate, prosecute,  
28 and take other legal action as appropriate for violations of article 2 of  
29 chapter 22 of Title 4 of the Revised Statutes;

30 c. shall assign or appoint to the county prosecutor animal cruelty  
31 task force, in consultation with the county sheriff, a county law  
32 enforcement officer to serve as the chief humane law enforcement  
33 officer of the county, and may assign or appoint to the county  
34 prosecutor animal cruelty task force any other law enforcement officer  
35 under the supervision of the chief humane law enforcement officer,  
36 who shall assist with investigations, arrest violators, and otherwise act  
37 as an officer for detection, apprehension, and arrest of offenders against  
38 the provisions of article 2 of chapter 22 of Title 4 of the Revised  
39 Statutes;

40 d. may employ any other staff necessary to carry out the duties of  
41 the county prosecutor animal cruelty task force; and

42 e. shall not assign or appoint to the county prosecutor animal  
43 cruelty task force, and shall terminate the assignment or appointment  
44 of, any prosecutor or law enforcement officer who has been convicted  
45 of, or found civilly liable for, a violation of any provision of article 2 of  
46 chapter 22 of Title 4 of the Revised Statutes or whose name is on the  
47 list or any revision thereto established and provided by the

1 Commissioner of Health pursuant to subsection c. of section 3 of  
2 P.L.1983, c.525 (C.4:19-15.16a).

3  
4 30. (New section) a. A chief humane law enforcement officer and  
5 any other law enforcement officer assigned or appointed to the county  
6 prosecutor animal cruelty task force shall have the power and authority  
7 within the jurisdiction in which the officer is assigned or appointed, or  
8 otherwise authorized to act, to:

9 (1) enforce all animal welfare and animal cruelty laws of the State;

10 (2) investigate and sign complaints concerning any violation of an  
11 animal welfare or animal cruelty law of the State; and

12 (3) act as an officer for the detection, apprehension, and arrest of  
13 offenders against the animal welfare and animal cruelty laws of the  
14 State and ordinances of any municipality.

15 b. Every chief humane law enforcement officer and other law  
16 enforcement officer assigned or appointed to a county prosecutor  
17 animal cruelty task force shall:

18 (1) abide by the provisions of chapter 22 of Title 4 of the Revised  
19 Statutes;

20 (2) satisfactorily complete the training course developed pursuant to  
21 subsection a. of section 11 of P.L.2005, c.372 (C.4:22-11.11), or  
22 similar course developed pursuant to subsection c. of section 11 of  
23 P.L.2005, c.372 (C.4:22-11.11), as soon as practicable, but no later than  
24 one year after the date of the officer's assignment or appointment; and

25 (3) satisfactorily complete the retraining course developed pursuant  
26 to subsection a. of section 11 of P.L.2005, c.372 (C.4:22-11.11), or  
27 similar course developed pursuant to subsection c. of section 11 of  
28 P.L.2005, c.372 (C.4:22-11.11), no less than one time in every two-year  
29 period, the first two-year period beginning on the day on which the  
30 officer satisfactorily completes the animal protection law enforcement  
31 training course developed pursuant to section 11 of P.L.2005, c.372  
32 (C.4:22-11.11) and required pursuant to paragraph (2) of this  
33 subsection.

34 c. Upon request for assistance by a municipality, county, or other  
35 entity that did not assign or appoint the chief humane law enforcement  
36 officer or other law enforcement officer pursuant to subsection c. of  
37 section 29 of P.L. , c. (C. ) (pending before the Legislature as  
38 this bill), the chief humane law enforcement officer or other law  
39 enforcement officer may, within the jurisdiction of the municipality,  
40 county, or other entity making the request, exercise the powers and  
41 authority granted pursuant to this section.

42  
43 31. (New section) A county prosecutor animal cruelty task force  
44 shall:

45 a. promote the interests of, and protect and care for, animals within  
46 the county;

47 b. investigate and prosecute violations of article 2 of chapter 22 of  
48 Title 4 of the Revised Statutes;

1 c. designate a county society for the prevention of cruelty to  
2 animals pursuant to the provisions of section 32 of P.L. , c. (C. )  
3 (pending before the Legislature as this bill) with which, to the extent  
4 practicable and as needed, the county prosecutor animal cruelty task  
5 force shall coordinate shelter and care for animals;

6 d. request the assistance of the Department of Agriculture in the  
7 investigation of any violation concerning livestock; and

8 e. submit, by January 1 of each year, a report to the Attorney  
9 General which shall include the following information pertaining to the  
10 activities of the county prosecutor animal cruelty task force in the most  
11 recently concluded State fiscal year:

12 (1) the number of complaints received from each municipality for  
13 each violation of article 2 of chapter 22 of Title 4 of the Revised  
14 Statutes;

15 (2) the number of complaints investigated;

16 (3) the number of complaints prosecuted or otherwise litigated;

17 (4) the number of animals adjudged forfeited;

18 (5) the number of animals returned to the owner; and

19 (6) proceeds from fines collected for violations of article 2 of  
20 chapter 22 of Title 4 of the Revised Statutes.

21  
22 32. (New section) A county society for the prevention of cruelty to  
23 animals which is chartered as such as of the day prior to the date of  
24 enactment of P.L. , c. (C. ) (pending before the Legislature as  
25 this bill) shall, if the county society so desires, be designated as the  
26 county society for the prevention of cruelty to animals upon enactment  
27 of P.L. , c. (C. ) (pending before the Legislature as this bill). If  
28 a chartered county society elects not to be so designated, or no county  
29 society is chartered in the county, the county prosecutor animal cruelty  
30 task force shall select a non-profit corporation operating within the  
31 county that is organized to promote the interests of, and protect and  
32 care for, animals to be designated as the county society for the  
33 prevention of cruelty to animals. As requested, the county society shall  
34 be responsible for efficiently providing or locating humane shelter and  
35 care for any animals in the possession of a municipal humane law  
36 enforcement officer or county prosecutor animal cruelty task force.

37 33. (New section) a. The New Jersey Society for the Prevention of  
38 Cruelty to Animals shall not grant, revoke, cancel, or suspend any  
39 charter for a county society for the prevention of cruelty to animals.

40 b. Nothing in P.L. , c. (C. ) (pending before the Legislature  
41 as this bill) shall be construed so as to require a county society for the  
42 prevention of cruelty to animals chartered as such as of the day prior to  
43 the date of enactment of P.L. , c. (C. ) (pending before the  
44 Legislature as this bill) to surrender any assets to the State, or any  
45 political subdivision or other entity thereof.

46  
47 34. (New section) a. The Attorney General shall take any action  
48 necessary to facilitate the reincorporation of the New Jersey Society for

1 the Prevention of Cruelty to Animals as a non-profit corporation  
2 independent of the State. Notwithstanding any State law, rule, or  
3 regulation to the contrary, the State shall not assume responsibility for  
4 any debts, liabilities, or other obligations of the New Jersey Society for  
5 the Prevention of Cruelty to Animals.

6 b. Any assets of a county society held in escrow by the New Jersey  
7 Society for the Prevention of Cruelty to Animals pursuant to subsection  
8 j. of section 4 of P.L.2005, c.372 (C.4:22-11.4) shall be transferred to  
9 the Attorney General to hold in escrow until such time as the assets  
10 may be transferred back to the county society from whom they were  
11 originally transferred, the status of the county society's charter  
12 notwithstanding. Should the Attorney General find the transfer to be  
13 inappropriate or impossible, the assets shall be used for the purpose of  
14 protecting animals in the county.

15  
16 35. Sections 8 and 9 of P.L.1997, c.247 (C.4:19-15.16c and C.4:19-  
17 15.16d), sections 2 through 10 and 13 of P.L.2005, c.372 (C.4:22-11.2  
18 through C.4:22-11.10 and C.4:22-11.13), R.S.4:22-12, and R.S.4:22-13  
19 are repealed.

20  
21 36. This act shall take effect on the first day of the 13th month  
22 following the date of enactment, except that sections 26 and 29 of this  
23 act shall take effect on the first day of the seventh month following the  
24 date of enactment, sections 33 and 34 of this act shall take effect  
25 immediately, and the Attorney General and any county prosecutor or  
26 governing body of a municipality may take any administrative action in  
27 advance thereof as shall be necessary for the implementation of this act.

#### 28 29 30 STATEMENT

31  
32 This bill would revise the way in which animal cruelty law is  
33 enforced in the State by transferring the power of humane law  
34 enforcement from the New Jersey Society for the Prevention of  
35 Cruelty to Animals (NJSPCA) and county societies for the prevention  
36 of cruelty to animals (county societies) to a county prosecutor animal  
37 cruelty task force in each county, and a municipal humane law  
38 enforcement officer appointed in each municipality.

39 This bill would require the county prosecutor of each county to  
40 establish, within the office of the prosecutor, a county prosecutor  
41 animal cruelty task force which would be responsible for animal  
42 welfare within the jurisdiction of the county, and enforce and abide by  
43 the animal cruelty laws of the State. The county prosecutor would be  
44 required to assign or appoint an animal cruelty prosecutor, and would  
45 be permitted to assign or appoint any assistant prosecutor, to the task  
46 force to investigate, prosecute, and take other legal action as  
47 appropriate for violations of the animal cruelty laws of the State. The  
48 county prosecutor would also be required to assign or appoint a county



1 law enforcement officer to serve as the chief humane law enforcement  
2 officer in the county, and would be permitted to assign or appoint any  
3 other law enforcement officer under the supervision of the chief  
4 humane law enforcement officer, who would assist with  
5 investigations, arrest violators, and otherwise act as an officer for  
6 detection, apprehension, and arrest of offenders against the animal  
7 welfare and animal cruelty laws of the State. The county prosecutor  
8 may not assign or appoint to the task force any prosecutor or law  
9 enforcement officer who has been convicted of, or found civilly liable  
10 for, a violation of an animal cruelty law of the State.

11 A county prosecutor animal cruelty task force would also be  
12 responsible for designating a county society for the prevention of  
13 cruelty to animals. The charter system applicable to county societies  
14 under current law would be abolished by this bill. A county society  
15 chartered by the NJSPCA at the time of enactment of this bill would  
16 then become the county society designated by the county prosecutor  
17 animal cruelty task force. If a county society chartered prior to the  
18 enactment of this bill does not wish to be designated by the task force  
19 as the county society, or if there is no chartered county society in the  
20 county, the county prosecutor animal cruelty task force would be  
21 required to select a non-profit corporation operating within the county  
22 that is organized to promote the interests of, and protect and care for,  
23 animals to be designated as the county society for the prevention of  
24 cruelty to animals. Following abolishment of the charter system, the  
25 bill would not require a chartered county society to surrender any  
26 assets to the State or any political subdivision or other entity thereof.  
27 A county society so designated by a county prosecutor animal cruelty  
28 task force would be responsible for efficiently providing or locating  
29 humane shelter and care for any animals in the possession of a  
30 municipal humane law enforcement officer, or a county prosecutor  
31 animal cruelty task force.

32 This bill would require the governing body of each municipality to  
33 appoint at least one municipal humane law enforcement officer,  
34 approved by the chief law enforcement officer of the municipality, who  
35 would be responsible for animal welfare within the jurisdiction of the  
36 municipality, and who would enforce and abide by the animal cruelty  
37 laws of the State and ordinances of the municipality. An animal control  
38 officer or police officer may be appointed to serve concurrently as a  
39 municipal humane law enforcement officer, and a municipal humane  
40 law enforcement officer may be appointed concurrently by more than  
41 one municipality, so long as the officer would be able to effectively  
42 carry out the duties and responsibilities required of each position held.  
43 Under current law, animal control officers may be empowered by a  
44 municipality to enforce, investigate, and sign complaints concerning  
45 any violation of the animal cruelty laws of the State or ordinances of  
46 the municipality, and to act as an officer for the detection,  
47 apprehension, and arrest of offenders against the animal welfare and  
48 animal cruelty laws of the State and ordinances of the municipality.

1 This bill would instead grant those powers to the municipal humane  
2 law enforcement officer. A municipal humane law enforcement officer  
3 may be authorized by a municipality to use a firearm in the furtherance  
4 of the officer's duties, if the officer has completed a firearms training  
5 course approved by the Police Training Commission and annually  
6 qualifies in the use of a revolver or similar weapon.

7 All third and fourth degree criminal offenses under the animal  
8 cruelty laws of the State received by a municipal humane law  
9 enforcement officer would be referred to the county prosecutor animal  
10 cruelty task force for investigation and prosecution, as appropriate.  
11 Civil and disorderly persons offenses under the animal cruelty laws of  
12 the State may be handled by the municipality in which the violation  
13 occurred or in which the offender resides, or may be referred to the  
14 county prosecutor animal cruelty task force.

15 This bill would require a municipal humane law enforcement officer  
16 to report annually to the county prosecutor animal cruelty task force on  
17 the number of complaints received for each offense under chapter 22  
18 Title 4 of the Revised Statutes, and the number of cases referred to the  
19 county prosecutor animal cruelty task force in the previous year. The  
20 county prosecutor animal cruelty task force would be required to report  
21 annually, to the Attorney General, the information provided by  
22 municipal humane law enforcement officers in the county, as well as  
23 the number of complaints investigated by the task force, the number of  
24 complaints prosecuted or otherwise litigated, the number of animals  
25 adjudged forfeited, the number of animals returned to the owner, and  
26 the amount of proceeds collected from fines for violations of chapter 22  
27 of Title 4 of the Revised Statutes.

28 The bill provides that the Attorney General would be required to  
29 take any action necessary to facilitate the reincorporation of the  
30 NJSPCA as a non-profit corporation independent of the State. The  
31 State would not assume responsibility for any debts, liabilities, or other  
32 obligations of the NJSPCA.

33 Finally, the bill would repeal the provisions of Title 4 of the Revised  
34 Statutes which relate to the administration, authority, and duties of the  
35 NJSPCA and county societies, as well as the provisions relating to the  
36 authority and duties of an animal control officer with respect to animal  
37 cruelty law enforcement which would be transferred to the municipal  
38 humane law enforcement officer under this bill.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

**ASSEMBLY, No. 5231**

**STATE OF NEW JERSEY**

DATED: DECEMBER 18, 2017

The Assembly Appropriations Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 5231.

This Assembly Committee Substitute revises the way animal cruelty law is enforced in the State by transferring the power of humane law enforcement from the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA) to the county prosecutor in each county, and requiring the designation of a municipal humane law enforcement officer in each municipality with an existing police department.

The substitute bill requires the county prosecutor of each county to designate an animal cruelty prosecutor, and allows for the designation of any assistant prosecutor, to investigate, prosecute, and take other legal action as appropriate for violations of the animal cruelty laws of the State. The county prosecutor also is required to either designate, in consultation with the county sheriff, a county law enforcement officer to serve as the chief humane law enforcement officer of the county, or enter into a memorandum of understanding with the county society for the prevention of cruelty to animals authorizing the county society, under the supervision of the county prosecutor, to assist with animal cruelty law enforcement and designate humane law enforcement officers to assist with investigations, arrest violators, and otherwise act as officers for detection, apprehension, and arrest of offenders against the animal cruelty laws of the State.

The substitute bill provides for a county prosecutor to also be responsible for designating a county society for the prevention of cruelty to animals. The charter system applicable to county societies under current law is abolished by the substitute. A county society chartered by the NJSPCA at the time of the substitute's enactment will then become the county society designated by the county prosecutor. If a county society chartered prior to enactment does not wish to be designated as the county society, or if there is no chartered county society in the county, the county prosecutor is required to select a non-profit corporation that is organized to promote the interests of, and protect and care for, animals to be designated as the county society for the prevention of cruelty to animals. Following abolishment of the charter system, the substitute does not require a

chartered county society to surrender any assets to the State or any political subdivision or other entity thereof. A county society so designated by a county prosecutor is responsible for efficiently providing or locating humane shelter and care for any animals at the request of a municipal humane law enforcement officer, a county prosecutor, or a county sheriff.

This substitute bill requires the governing body of each municipality with a police department to designate at least one municipal humane law enforcement officer who is responsible for animal welfare within the jurisdiction of the municipality, and who is required to enforce and abide by the animal cruelty laws of the State and ordinances of the municipality. An animal control officer or police officer may be appointed to serve concurrently as a municipal humane law enforcement officer, and a municipal humane law enforcement officer may be appointed concurrently by more than one municipality, so long as the officer is able to carry out the duties and responsibilities required of each position held. Under current law, animal control officers may be empowered by a municipality to enforce, investigate, and sign complaints concerning any violation of the animal cruelty laws of the State or ordinances of the municipality, and to act as an officer for the detection, apprehension, and arrest of offenders against the animal welfare and animal cruelty laws of the State and ordinances of the municipality. This substitute instead grants those powers to the municipal humane law enforcement officer. A municipal humane law enforcement officer may be authorized by a municipality to use a firearm in the furtherance of the officer's duties, if the officer has completed a firearms training course approved by the Police Training Commission and twice annually qualifies in the use of a revolver or similar weapon.

All third and fourth degree criminal offenses under the animal cruelty laws of the State received by a municipal humane law enforcement officer are required to be referred to the county prosecutor for investigation and prosecution, as appropriate. Civil and disorderly persons offenses under the animal cruelty laws of the State may be handled by the municipality in which the violation occurred or in which the offender resides, or may be referred to the county prosecutor.

This substitute bill requires a municipal humane law enforcement officer, and a county society for the prevention of cruelty to animals that has entered into a memorandum of agreement with the county prosecutor, to report annually to the animal cruelty prosecutor on the number of complaints received for each offense under chapter 22 of Title 4 of the Revised Statutes, and the number of cases referred to the county prosecutor in the previous year. The animal cruelty prosecutor is required to report annually, to the Attorney General, the information provided by municipal humane law enforcement officers and the county society for the prevention of cruelty to animals, as applicable,

as well as the number of complaints investigated, the number of complaints prosecuted or otherwise litigated, the number of animals adjudged forfeited, the number of animals returned to the owner, and the amount of proceeds collected from fines for violations of chapter 22 of Title 4 of the Revised Statutes.

The substitute bill requires the Attorney General to take any action necessary to facilitate the reincorporation of the NJSPCA as a non-profit corporation independent of the State. The State will not assume responsibility for any debts, liabilities, or other obligations of the NJSPCA.

The substitute bill repeals the provisions of Title 4 of the Revised Statutes which relate to the administration, authority, and duties of the NJSPCA and county societies, as well as the provisions relating to the authority and duties of an animal control officer with respect to animal cruelty law enforcement which is transferred to the municipal humane law enforcement officer under the substitute.

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that counties and municipalities may incur increased expenditures, indeterminate in amount, from assuming responsibility for enforcement of animal cruelty and welfare laws. Costs will vary based upon the manner in which county and municipal prosecutorial and law enforcement personnel exercise the duties and responsibilities of animal cruelty prosecutor and humane law enforcement officer, respectively. The marginal costs of assuming these duties may be insignificant in amount, depending on whether the county prosecutor or municipality, as the case may be, designates existing law enforcement staff, e.g., county sheriff's officer or municipal police officer, as chief humane law enforcement officer, or enters into an agreement with a county-level animal cruelty prevention society for assistance in enforcing animal cruelty laws. Municipalities in which there is no municipal police department bear no responsibility to designate a humane law enforcement officer; in those cases the county must assume that role, either directly or through the county-level animal cruelty prevention society.

The OLS also notes that there may be increased county and municipal revenue of indeterminate amounts from fines, charges, and restitution associated with violations of animal cruelty and welfare laws. Increased county revenues are dedicated to the purpose of protecting animals in the county.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY COMMITTEE SUBSTITUTE FOR**  
**ASSEMBLY, No. 5231**  
**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

DATED: JANUARY 5, 2018

**SUMMARY**

**Synopsis:** Revises animal cruelty law enforcement in NJ.

**Type of Impact:** Annual expenditure increases to counties and municipalities. Annual revenue increases to certain counties and municipalities.

**Agencies Affected:** Counties and municipalities.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>Annual Local Cost Increase</b>	Indeterminate increase – see comments below.		
<b>Annual Local Revenue Increase</b>	Indeterminate increase – see comments below.		

- The Office of Legislative Services (OLS) estimates that counties and municipalities may incur increased expenditures, indeterminate in amount, from assuming responsibility for enforcement of animal cruelty and welfare laws. Costs will vary based upon the manner in which county and municipal prosecutorial and law enforcement personnel exercise the duties and responsibilities of animal cruelty prosecutor and humane law enforcement officer, respectively. The marginal costs of assuming these duties may be insignificant in amount, depending on whether the county prosecutor or municipality, as the case may be, designates existing law enforcement staff, e.g., county sheriff’s officer or municipal police officer, with adequate training as required by the bill, as chief humane law enforcement officer, or enters into an agreement with a county-level animal cruelty prevention society for assistance in enforcing animal cruelty laws.
- Municipalities in which there is no municipal police department bear no responsibility to designate a humane law enforcement officer; in those cases the county must assume that role, either directly or through the county-level animal cruelty prevention society.
- Both counties and municipalities could incur costs associated with the mandate that staff obtain the training required by the bill for humane law enforcement officers within their

respective jurisdictions. These costs may be low in amount if persons already possessing the requisite training are designated as humane law enforcement officers.

- There may be increased county and municipal revenue of indeterminate amounts from fines, charges, and restitution associated with violations of animal cruelty and welfare laws.

## **BILL DESCRIPTION**

This bill would revise the way in which animal cruelty law is enforced in the State by transferring the power of humane law enforcement from the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA) to the county prosecutor in each county, and requiring the designation of a municipal humane law enforcement officer in each municipality with an existing police department.

This bill would require the county prosecutor of each county to designate an animal cruelty prosecutor, and would allow for the designation of any assistant prosecutor, to investigate, prosecute, and take other legal action as appropriate for violations of the animal cruelty laws of the State. The county prosecutor would also be required to either designate, in consultation with the county sheriff, a county law enforcement officer to serve as the chief humane law enforcement officer of the county, or enter into a memorandum of understanding with the county society for the prevention of cruelty to animals which would authorize the county society, under the supervision of the county prosecutor, to assist with animal cruelty law enforcement and designate humane law enforcement officers to assist with investigations, arrest violators, and otherwise act as officers for detection, apprehension, and arrest of offenders against the animal cruelty laws of the State.

A county prosecutor would also be responsible for designating a county society for the prevention of cruelty to animals. The charter system applicable to county societies under current law would be abolished by this bill. A county society chartered by the NJSPCA at the time of enactment of this bill would then become the county society designated by the county prosecutor. If a county society chartered prior to the enactment of this bill does not wish to be designated as the county society, or if there is no chartered county society in the county, the county prosecutor would be required to select a non-profit corporation that is organized to promote the interests of, and protect and care for, animals to be designated as the county society for the prevention of cruelty to animals. Following abolishment of the charter system, the bill would not require a chartered county society to surrender any assets to the State or any political subdivision or other entity thereof. A county society so designated by a county prosecutor would be responsible for efficiently providing or locating humane shelter and care for any animals at the request of a municipal humane law enforcement officer, a county prosecutor, or a county sheriff.

This bill would require the governing body of each municipality with a police department to designate at least one municipal humane law enforcement officer who would be responsible for animal welfare within the jurisdiction of the municipality, and who would enforce and abide by the animal cruelty laws of the State and ordinances of the municipality. An animal control officer or police officer may be appointed to serve concurrently as a municipal humane law enforcement officer, and a municipal humane law enforcement officer may be appointed concurrently by more than one municipality, so long as the officer would be able to effectively carry out the duties and responsibilities required of each position held. Under current law, animal control officers may be empowered by a municipality to enforce, investigate, and sign complaints concerning any violation of the animal cruelty laws of the State or ordinances of the

municipality, and to act as an officer for the detection, apprehension, and arrest of offenders against the animal welfare and animal cruelty laws of the State and ordinances of the municipality. This bill would instead grant those powers to the municipal humane law enforcement officer. A municipal humane law enforcement officer may be authorized by a municipality to use a firearm in the furtherance of the officer's duties, if the officer has completed a firearms training course approved by the Police Training Commission and twice annually qualifies in the use of a revolver or similar weapon.

All third and fourth degree criminal offenses under the animal cruelty laws of the State received by a municipal humane law enforcement officer would be referred to the county prosecutor for investigation and prosecution, as appropriate. Civil and disorderly persons offenses under the animal cruelty laws of the State may be handled by the municipality in which the violation occurred or in which the offender resides, or may be referred to the county prosecutor.

This bill would require a municipal humane law enforcement officer, and a county society for the prevention of cruelty to animals that has entered into a memorandum of agreement with the county prosecutor, to report annually to the animal cruelty prosecutor on the number of complaints received for each offense under chapter 22 Title 4 of the Revised Statutes, and the number of cases referred to the county prosecutor in the previous year. The animal cruelty prosecutor would be required to report annually, to the Attorney General, the information provided by municipal humane law enforcement officers and the county society for the prevention of cruelty to animals, as applicable, as well as the number of complaints investigated, the number of complaints prosecuted or otherwise litigated, the number of animals adjudged forfeited, the number of animals returned to the owner, and the amount of proceeds collected from fines for violations of chapter 22 of Title 4 of the Revised Statutes.

The bill provides that the Attorney General would be required to take any action necessary to facilitate the reincorporation of the NJSPCA as a non-profit corporation independent of the State. The State would not assume responsibility for any debts, liabilities, or other obligations of the NJSPCA.

Finally, the bill would repeal the provisions of Title 4 of the Revised Statutes which relate to the administration, authority, and duties of the NJSPCA and county societies, as well as the provisions relating to the authority and duties of an animal control officer with respect to animal cruelty law enforcement which would be transferred to the municipal humane law enforcement officer under this bill.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that counties and municipalities may incur increased expenditures, indeterminate in amount, to assume responsibility for enforcement of animal cruelty and welfare laws. Costs will vary based upon the manner in which county and municipal prosecutorial and law enforcement personnel exercise the duties and responsibilities of animal cruelty prosecutor and humane law enforcement officer, respectively. The marginal costs of assuming these duties



may be insignificant in amount, depending on whether the county prosecutor or municipality, as the case may be, designates existing law enforcement staff, e.g., county sheriff's officer or municipal police officer, as chief humane law enforcement officer, or enters into an agreement with a county-level animal cruelty prevention society for assistance in enforcing animal cruelty laws. Municipalities in which there is no municipal police department bear no responsibility to designate a humane law enforcement officer; in those cases the county must assume that role, either directly or through the county-level animal cruelty prevention society.

Counties may incur indeterminate, increased expenditures from the assumption of responsibility to investigate, prosecute, and take other legal action as appropriate for violations of the animal cruelty laws of the State, which entails the designation of an animal cruelty prosecutor and a chief humane law enforcement officer. Counties may also incur indeterminate, increased expenditures from the requirement to exercise the role of municipal humane law enforcement officer, who must be responsible for enforcement of animal cruelty and welfare laws, in municipalities in which there is no municipal police department. Costs will depend upon whether additional staff are required, whether designees require additional training, and whether counties engage the services of the county-level animal cruelty prevention society.

Municipalities with an existing police department may incur indeterminate, increased expenditures from the mandatory designation of a municipal humane law enforcement officer who must be responsible for enforcement of animal cruelty and welfare laws. The marginal cost to each municipality affected by this requirement may be low if qualified and trained personnel already employed are designated, or if the services of the county-level animal cruelty prevention society are utilized.

There may be increased county and municipal revenue of indeterminate amounts from fines, charges, and restitution associated with violations of animal cruelty and welfare laws. With respect to all the variables that affect costs and revenues noted above, the OLS does not have sufficient information with which to develop a precise estimate of impact.

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).