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P.L. 2005, CHAPTER 372, *approved January 12, 2006*

Assembly, No. 3186 (*Fourth Reprint*)

1 AN ACT concerning the prevention of cruelty to animals,  
2 supplementing chapter 22 of Title 4 of the Revised Statutes,  
3 <sup>4</sup>[amending R.S.4:22-13, R.S.4:22-26, and R.S.4:22-55,]<sup>4</sup> and  
4 <sup>4</sup>amending and<sup>4</sup> repealing various parts of the statutory law.

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

8  
9 1. (New section) As used in this chapter:

10 "Agent" means a member duly appointed as an agent by the board  
11 of trustees of a county society for the prevention of cruelty to animals  
12 or <sup>2</sup>of<sup>2</sup> the New Jersey Society for the Prevention of Cruelty to  
13 Animals, who, upon recommendation of the Chief <sup>2</sup>Humane<sup>2</sup> Law  
14 Enforcement Officer of a county society for the prevention of cruelty  
15 to animals or the New Jersey Society for the Prevention of Cruelty to  
16 Animals, <sup>2</sup>[and upon completion of an appropriate course of training,  
17 other than a firearms training course, approved by the Police Training  
18 Commission,]<sup>2</sup> is empowered <sup>2</sup>to issue summons and direct humane  
19 law enforcement officers<sup>2</sup> to make arrests and enforce all laws and  
20 ordinances enacted for the protection of animals, and to investigate  
21 alleged acts of cruelty to animals;

22 <sup>2</sup>["Law] "Humane law<sup>2</sup> enforcement officer" means an agent  
23 authorized <sup>3</sup>and appointed<sup>3</sup> by the board of trustees of a county  
24 society for the prevention of cruelty to animals or <sup>2</sup>of<sup>2</sup> the New Jersey  
25 Society for the Prevention of Cruelty to Animals <sup>3</sup>, and duly  
26 commissioned by the Superintendent of State Police in accordance  
27 with the provisions of sections 9 and 10 of P.L. , c. (C. ) (now  
28 before the Legislature as this bill),<sup>3</sup> to possess, carry, or use a firearm  
29 while enforcing any law or ordinance for the protection of animals  
30 while on duty or on call, and who has satisfactorily completed the  
31 firearms training course approved by the Police Training Commission  
32 and other qualifications and training courses required pursuant to  
33 <sup>2</sup>[section 8 or section 4, as appropriate, of]<sup>2</sup> P.L. , c. (C. )  
34 (now before the Legislature as this bill); and

**EXPLANATION** - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly AAN committee amendments adopted November 4, 2004.

<sup>2</sup> Assembly floor amendments adopted February 24, 2005.

<sup>3</sup> Assembly floor amendments adopted May 16, 2005.

<sup>4</sup> Senate SEG committee amendments adopted December 12, 2005.

1 "Member" means a person who has been granted membership in a  
 2 county society for the prevention of cruelty to animals or the New  
 3 Jersey Society for the Prevention of Cruelty to Animals.

4  
 5 2. (New section) a. <sup>1</sup>(1)<sup>1</sup> The New Jersey Society for the  
 6 Prevention of Cruelty to Animals is continued as a parent corporation  
 7 for the purposes of coordinating the functions of county societies for  
 8 the prevention of cruelty to animals, and of promoting the interests of,  
 9 protecting and caring for, and doing any and all things to benefit or  
 10 that tend to benefit animals. The New Jersey Society for the  
 11 Prevention of Cruelty to Animals shall be governed by a board of  
 12 trustees consisting of 15 <sup>4</sup>[members] persons, of whom 12 shall be  
 13 members<sup>4</sup> of the society elected <sup>1</sup>[annually]<sup>1</sup> by the membership  
 14 thereof <sup>4</sup>and three shall be persons appointed by the Governor with the  
 15 advice and consent of the Senate<sup>4</sup> . <sup>1</sup>Each trustee shall serve a term  
 16 of <sup>2</sup>[three] <sup>2</sup>six<sup>2</sup> years, except as provided otherwise pursuant to  
 17 paragraph (2) of this subsection.<sup>1</sup> Of <sup>4</sup>[those 15] the 12 elected<sup>4</sup>  
 18 trustees, at least one shall also be a member of a county society for the  
 19 prevention of cruelty to animals in the northern part of the State, at  
 20 least one shall also be a member of a county society for the prevention  
 21 of cruelty to animals in the central part of the State, and at least one  
 22 shall also be a member of a county society for the prevention of cruelty  
 23 to animals in the southern part of the State.

24 For the purposes of this <sup>1</sup>[subsection] paragraph<sup>1</sup> : "northern"  
 25 <sup>2</sup>[shall mean] means<sup>2</sup> the counties of Bergen, Essex, Hudson, Morris,  
 26 Passaic, Sussex, or Union; "central" <sup>2</sup>[shall mean] means<sup>2</sup> the counties  
 27 of Hunterdon, Mercer, Middlesex, Monmouth, Somerset, or Warren;  
 28 and "southern" <sup>2</sup>[shall mean] means<sup>2</sup> the counties of Atlantic,  
 29 Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, or  
 30 Salem.

31 <sup>1</sup>(2) Notwithstanding any provision of paragraph (1) of this  
 32 subsection to the contrary, every trustee on the board governing the  
 33 New Jersey Society for the Prevention of Cruelty to Animals on the  
 34 day before the date of enactment of P.L. , c. (C. ) (now before  
 35 the Legislature as this bill) shall complete the remainder of <sup>4</sup>[their] the  
 36 trustee's<sup>4</sup> respective assigned <sup>4</sup>[terms] term<sup>4</sup> on the board created  
 37 pursuant to paragraph (1) of this subsection.<sup>1</sup>

38 b. The board of trustees of the New Jersey Society for the  
 39 Prevention of Cruelty to Animals shall prepare an annual report  
 40 concerning the law enforcement activity of the New Jersey Society for  
 41 the Prevention of Cruelty to Animals and the county societies, and  
 42 shall submit the report for each calendar year by June 1 of the next  
 43 following calendar year to the <sup>2</sup>[State]<sup>2</sup> Attorney General and <sup>2</sup>the  
 44 Legislature, and shall<sup>2</sup> make the report available to the public upon  
 45 request.

1 c. <sup>2</sup>[No person who has been convicted of a crime may be a  
2 trustee, officer, or law enforcement officer or agent of, or hold any  
3 other position of authority within, the New Jersey Society for the  
4 Prevention of Cruelty to Animals or any county society.] The New  
5 Jersey Society for the Prevention of Cruelty to Animals shall submit  
6 quarterly to the Attorney General statistical information concerning its  
7 law enforcement activity during that period, on a form developed in  
8 conjunction with the Attorney General.<sup>2</sup>

9  
10 3. (New section) Within 120 days after the effective date of  
11 P.L. , c. (C. ) (now before the Legislature as this bill), the board  
12 of trustees of the New Jersey Society for the Prevention of Cruelty to  
13 Animals shall meet to establish bylaws and uniform standards and  
14 guidelines that are consistent with the provisions of Title 15A of the  
15 New Jersey Statutes as shall be necessary for the governance and  
16 operation of the New Jersey Society for the Prevention of Cruelty to  
17 Animals and the county societies for the prevention of cruelty to  
18 animals.

19  
20 4. (New section) The board of trustees of the New Jersey Society  
21 for the Prevention of Cruelty to Animals shall:

22 a. Establish any bylaws or regulations as may be deemed necessary  
23 for governance and operation of the New Jersey Society for the  
24 Prevention of Cruelty to Animals;

25 b. Promote the interests of, and protect and care for, animals  
26 within the State;

27 c. Have the authority to grant county society for the prevention of  
28 cruelty to animals charters for the formation of county societies for the  
29 prevention of cruelty to animals in a county;

30 d. Have the authority, upon a majority vote of the board of  
31 trustees, to revoke, cancel, or suspend the charter of a county society  
32 for the prevention of cruelty to animals for the cause of failing to  
33 comply with any requirement of this act pertaining to the establishment  
34 or operation of a county society;

35 e. Appoint <sup>3</sup>[law enforcement officers and]<sup>3</sup> agents for enforcing  
36 all laws and ordinances enacted for the protection of animals and for  
37 the investigation of alleged acts of cruelty <sup>2</sup>to animals<sup>2</sup> within the  
38 State <sup>3</sup>[,] ; appoint agents for commission as humane law enforcement  
39 officers in accordance with the provisions of sections 9 and 10 of  
40 P.L. , c. (C. ) (now before the Legislature as this bill) for the  
41 purpose of enforcing all laws and ordinances enacted for the  
42 protection of animals and for the investigation of alleged acts of  
43 cruelty to animals within the State;<sup>3</sup> <sup>2</sup>appoint a Chief Humane Law  
44 Enforcement Officer from among the appointed humane law  
45 enforcement officers <sup>3</sup>[,] ;<sup>3</sup> <sup>2</sup> and adopt a badge which shall be  
46 authority for making arrests;

- 1 f. Establish <sup>2</sup>, or make arrangements for the provision of,<sup>2</sup>  
2 mandatory annual training courses for all <sup>3</sup>[<sup>2</sup>animal<sup>2</sup>] humane<sup>3</sup> law  
3 enforcement officers and agents of the New Jersey Society for the  
4 Prevention of Cruelty to Animals and of the county societies, which  
5 courses shall be <sup>4</sup>[approved by] subject to the approval of<sup>4</sup> the Police  
6 Training Commission <sup>2</sup>[and shall include (1) instruction in the law and  
7 procedures concerning arrest and search and seizure, (2) instruction  
8 in the recognition of animal abuse, neglect, and distress, and (3) for  
9 law enforcement officers, firearms training]<sup>2</sup>;
- 10 g. Make, alter, and use a common seal;
- 11 h. Have the authority to sue and be sued in all courts, and all  
12 actions brought by or against the New Jersey Society for the  
13 Prevention of Cruelty to Animals shall be in its corporate name;
- 14 i. Purchase and hold any real estate as may be expedient for the  
15 advancement of the purposes of the New Jersey Society for the  
16 Prevention of Cruelty to Animals, and take by devise or gift all real  
17 estate or personal property that is devised or given to it, or to a county  
18 society in a county where a chartered county society does not exist,  
19 without regard to value. The title to any real estate shall be taken in  
20 the corporate name of the society;
- 21 j. Hold in escrow any assets, after payment of any outstanding  
22 debts, of a county society that dissolves or has its charter revoked,  
23 canceled, or suspended for any reason until a new county society for  
24 that county is formed and chartered or the revoked, canceled, or  
25 suspended charter for the county is restored, at which time the board  
26 of trustees shall transfer those assets to the newly formed and  
27 chartered county society or the county society whose revoked,  
28 canceled, or suspended charter has been restored, as the case may be.  
29 <sup>4</sup>[If no new county society is formed and chartered within two years  
30 after the receipt of the assets, or the revoked, canceled, or suspended  
31 charter is not restored within two years after the revocation,  
32 cancellation, or suspension, as the case may be, then the assets shall  
33 become the property of the New Jersey Society for the Prevention of  
34 Cruelty to Animals]<sup>4</sup> ; and
- 35 k. Assist persons in counties without a chartered county society to  
36 obtain a charter.
- 37
- 38 5. (New section) The board of trustees of the New Jersey Society  
39 for the Prevention of Cruelty to Animals may establish reasonable fees  
40 for chartering county societies for the prevention of cruelty to animals  
41 and for renewal of a charter.
- 42
- 43 6. (New section) a. Every county society for the prevention of  
44 cruelty to animals that <sup>2</sup>[has been in existence prior to the effective  
45 date] is in existence on the date of enactment<sup>2</sup> of P.L. , c. (C. )  
46 (now before the Legislature as this bill) shall be continued as a

1 chartered county society.

2 b. A charter for a county society may be granted by the board of  
3 trustees of the New Jersey Society for the Prevention of Cruelty to  
4 Animals if the county society can demonstrate that it consists of at  
5 least 10 members. <sup>2</sup>The requirements of this subsection shall not apply  
6 to a county society which is continued as a chartered county society  
7 as provided in subsection a. of this section.<sup>2</sup>

8 c. Every county society shall submit quarterly a law enforcement  
9 report to the board of trustees of the New Jersey Society for the  
10 Prevention of Cruelty to Animals on a form <sup>2</sup>[provided by the New  
11 Jersey Society for the Prevention of Cruelty to Animals] developed in  
12 conjunction with the Attorney General<sup>2</sup>. <sup>4</sup>Each county society shall  
13 also submit a copy of its quarterly report to the county sheriff and the  
14 county prosecutor. The New Jersey Society for the Prevention of  
15 Cruelty to Animals shall compile these reports and submit them to the  
16 Attorney General.<sup>4</sup>

17  
18 7. (New section) A county society for the prevention of cruelty to  
19 animals continued or established in accordance with section 6  
20 of P.L. , c. (C. ) (now before the Legislature as this bill) shall:

21 a. Elect its own board of trustees from the members of the county  
22 society for the prevention of cruelty to animals who reside within the  
23 county or who choose to be affiliated with that county society;

24 b. Establish bylaws or regulations necessary for the governance and  
25 operation of the county society;

26 c. Enforce all laws and ordinances enacted for the protection of  
27 animals;

28 d. Promote the interests of, and protect and care for, animals  
29 within the State;

30 e. Appoint <sup>2</sup>agents for enforcing all laws and ordinances enacted  
31 for the protection of animals and for the investigation of alleged acts  
32 of cruelty to animals within the State; appoint<sup>2</sup> up to, but not more  
33 than, three <sup>3</sup>[<sup>2</sup>animal<sup>2</sup> law enforcement officers] agents for  
34 commission as humane law enforcement officers in accordance with  
35 the provisions of sections 9 and 10 of P.L. , c. (C. ) (now before  
36 the Legislature as this bill)<sup>3</sup> <sup>1</sup>[and agents] <sup>1</sup>for the purpose of  
37 enforcing all laws and ordinances enacted for the protection of animals  
38 <sup>2</sup>and for the investigation of alleged acts of cruelty to animals within  
39 the State, and, with the concurrence of the county prosecutor,  
40 <sup>3</sup>[appoint] authorize the commission of<sup>3</sup> such additional <sup>3</sup>humane<sup>3</sup>  
41 law enforcement officers over that established maximum as may be  
42 necessary based upon population or the number, degree, or complexity  
43 of animal cruelty complaints; and appoint a Chief Humane Law  
44 Enforcement Officer from among the appointed humane law  
45 enforcement officers<sup>2</sup> <sup>4</sup>[.

46 (1) <sup>2</sup>[A] <sup>3</sup>[An animal<sup>2</sup>] A humane<sup>3</sup> law enforcement officer shall

1 not be authorized to possess, carry, or use a firearm while enforcing  
2 the laws and ordinances enacted for the protection of animals unless  
3 the <sup>3</sup>[<sup>2</sup>animal<sup>2</sup>] humane<sup>3</sup> law enforcement officer shall have  
4 satisfactorily completed a firearms training course as defined in  
5 subsection j. of N.J.S.2C:39-6 and approved by the Police Training  
6 Commission.

7 (2) A person convicted of a crime shall not be eligible to become  
8 <sup>2</sup>[a] <sup>3</sup>[an animal<sup>2</sup>] a humane<sup>3</sup> law enforcement officer or agent.

9 (3) A person shall not be appointed <sup>2</sup>[a] <sup>3</sup>[an animal<sup>2</sup>] a humane<sup>3</sup>  
10 law enforcement officer or agent until the county society shall have  
11 determined that no criminal history record information exists for that  
12 person on file at the Bureau of Identification in the Division of State  
13 Police, Department of Law and Public Safety.

14 (4) All county societies are authorized to exchange fingerprint data  
15 and receive criminal history record information from the Bureau of  
16 Identification, Division of State Police, Department of Law and Public  
17 Safety, for use in considering a person for appointment as <sup>2</sup>[a] <sup>3</sup>[an  
18 animal<sup>2</sup>] a humane<sup>3</sup> law enforcement officer or agent of any county  
19 society]<sup>4</sup> ;

20 f. Investigate alleged acts of cruelty to animals and, when  
21 necessary, request legal assistance from the office of the appropriate  
22 county or municipal prosecutor, which the county or municipal  
23 prosecutor, as the case may be, shall make every reasonable effort to  
24 provide;

25 g. Adopt a badge, which shall be authority for making arrests and  
26 which shall be easily distinguishable from the badge adopted by the  
27 New Jersey Society for the Prevention of Cruelty to Animals;

28 h. Have the authority to sue and be sued in all courts, and all  
29 actions brought by or against the county society shall be in its  
30 corporate name; and

31 i. Purchase and hold any real estate as may be expedient for the  
32 advancement of the purposes of the county society, and take by devise  
33 or gift all real estate or personal property that is devised or given to  
34 it, without regard to value. The title to any real estate shall be taken  
35 in the corporate name of the county society.

36

37 8. (New section) a. Each county society for the prevention of  
38 cruelty to animals shall require that its <sup>3</sup>[<sup>2</sup>animal<sup>2</sup>] humane<sup>3</sup> law  
39 enforcement officers and agents <sup>2</sup>[participate in] satisfactorily  
40 complete<sup>2</sup> the training courses established pursuant to <sup>2</sup>[subsection f.  
41 of section 4 of]<sup>2</sup> P.L. , c. (C. ) (now before the Legislature as  
42 this bill).

43 b. Each county society shall establish training programs for the  
44 operation of the county society in accordance with mandatory uniform  
45 standards, guidelines, and procedures established for the operation of

1 all county societies.

2 c. The board of trustees of a county society shall appoint officers  
3 who shall be responsible for direction of the daily operation of the  
4 county society.

5  
6 <sup>2</sup>9. (New section) a. No person shall serve as a trustee, officer,  
7 or humane law enforcement officer or agent of, or hold any other  
8 position of authority within, the New Jersey Society for the Prevention  
9 of Cruelty to Animals or any county society for the prevention of  
10 cruelty to animals if that person has been convicted of a crime under  
11 the laws of the State or under any similar statutes of the United States  
12 or any other state, <sup>4</sup>or convicted of a violation of any provision of  
13 chapter 22 of Title 4 of the Revised Statutes or a violation of any  
14 similar statutes of the United States or any other state, <sup>4</sup> as indicated  
15 by a criminal history record background check performed pursuant to  
16 this section. The fingerprints of each such person and the written  
17 consent of the person shall be submitted to the Superintendent of State  
18 Police for a criminal history record background check to be  
19 performed. The superintendent shall compare these fingerprints with  
20 fingerprints on file with the Bureau of Identification in the Division of  
21 State Police, Department of Law and Public Safety, and the Federal  
22 Bureau of Investigation, consistent with State and federal laws, rules,  
23 and regulations. The cost for the criminal history record background  
24 check, including all costs administering and processing the check, shall  
25 be borne by either the person or the board of trustees of the New  
26 Jersey Society for the Prevention of Cruelty to Animals or of a county  
27 society for the prevention of cruelty to animals, as the case may be.  
28 The superintendent shall inform the board of trustees of the New  
29 Jersey Society for the Prevention of Cruelty to Animals or of a county  
30 society for the prevention of cruelty to animals, as the case may be, of  
31 whether the person's criminal history background check reveals a  
32 conviction of a disqualifying crime as specified in this section.

33 The superintendent shall complete the criminal history record  
34 background check required pursuant to this subsection within 90 days  
35 after receipt of a request therefor.

36 <sup>4</sup>[b. The board of trustees of the New Jersey Society for the  
37 Prevention of Cruelty to Animals or of a county society for the  
38 prevention of cruelty to animals, as the case may be, shall also request  
39 the Superintendent of State Police to investigate and determine the  
40 character, competency, integrity, and fitness of any person to be  
41 appointed as a humane law enforcement officer. Upon receiving the  
42 request, the superintendent shall conduct the investigation and provide  
43 a report thereon, together with any determinations, conclusions, and  
44 recommendations that the superintendent may have, to the applicable  
45 board of trustees.

46 The superintendent shall complete the investigation required

1 pursuant to this subsection within 90 days after receipt of a request  
2 therefor.]

3 b. (1) No person shall serve as a trustee, officer, or humane law  
4 enforcement officer or agent of, or hold any other position of authority  
5 within, the New Jersey Society for the Prevention of Cruelty to  
6 Animals or any county society if that person has been convicted of, or  
7 found civilly liable for, a violation of any provision of chapter 22 of  
8 Title 4 of the Revised Statutes or a violation of any similar statutes of  
9 the United States or any other state.

10 (2) The New Jersey Society for the Prevention of Cruelty to  
11 Animals or county society shall rescind the authorization or  
12 appointment of any member, humane law enforcement officer, or agent  
13 convicted of, or found civilly liable for, a violation of any provision of  
14 chapter 22 of Title 4 of the Revised Statutes or a violation of any  
15 similar statutes of the United States or any other state, and that person  
16 shall immediately surrender to the New Jersey Society for the  
17 Prevention of Cruelty to Animals or county society any badge,  
18 identification card, or indicia of authority issued to the member,  
19 humane law enforcement officer, or agent, as the case may be.<sup>4</sup>

20 <sup>3</sup>[c. The requirements of subsection a. of this section pertaining to  
21 a criminal history record background check and of subsection b. of this  
22 section shall not apply to any person serving as a trustee, officer,  
23 humane law enforcement officer, or agent of, or holding any other  
24 position of authority within, the New Jersey Society for the Prevention  
25 of Cruelty to Animals or any county society for the prevention of  
26 cruelty to animals on the date of enactment of P.L. , c. (C. )  
27 (now before the Legislature as this bill).<sup>2</sup>]<sup>3</sup>

28  
29 <sup>3</sup>10. (New section) a. An application to be commissioned as a  
30 humane law enforcement officer shall be submitted to the  
31 Superintendent of State Police by the board of trustees of a county  
32 society for the prevention of cruelty to animals or of the New Jersey  
33 Society for the Prevention of Cruelty to Animals, as the case may be.

34 b. The superintendent shall investigate and determine the character,  
35 competency, integrity, and fitness of the person or persons designated  
36 in the application.

37 c. No person shall be commissioned as a humane law enforcement  
38 officer under the provisions of this section if that person has been  
39 convicted of a crime <sup>4</sup>or violation<sup>4</sup> , as indicated by a criminal history  
40 background check performed pursuant to the provisions of section 9  
41 of P.L. , c. (C. ) (now before the Legislature as this bill) <sup>4</sup>, or  
42 has been convicted of, or found civilly liable for, a violation of chapter  
43 22 of Title 4 of the Revised Statutes or a violation of any similar  
44 statutes of the United States or any other state<sup>4</sup> .

45 d. (1) The superintendent, when satisfied with the examination of  
46 any application and such further inquiry and investigations as the

1 superintendent shall deem proper as to the good character,  
2 competency, <sup>4</sup>[and]<sup>4</sup> integrity <sup>4</sup>, and fitness<sup>4</sup> of the applicant, shall  
3 approve the commission of the applicant as a humane law enforcement  
4 officer. <sup>4</sup>A commission issued under this section shall be renewable  
5 every two years.<sup>4</sup>

6 (2) The board of trustees of a county society for the prevention of  
7 cruelty to animals or of the New Jersey Society for the Prevention of  
8 Cruelty to Animals, as the case may be, may <sup>4</sup>[revoke] dismiss<sup>4</sup> or  
9 suspend a <sup>4</sup>[commission] humane law enforcement officer in its  
10 employ<sup>4</sup> for any reason, including but not limited to (a) a violation of  
11 any provision of P.L. , c. (C. ) (now before the Legislature as  
12 this bill), and (b) upon the recommendation of the Superintendent of  
13 State Police. A <sup>4</sup>[revocation] dismissal<sup>4</sup> or suspension shall be  
14 subject to the provisions of subsection h. of this section.

15 <sup>4</sup>(3) The superintendent may revoke or suspend a commission  
16 issued pursuant to this section for a violation of any provision of  
17 P.L. , c. (C. ) (now before the Legislature as this bill) or for other  
18 good cause, and the commission may be rescinded for good cause at  
19 the direction of the Attorney General or upon request of the board of  
20 trustees of a county society for the prevention of cruelty to animals or  
21 the New Jersey Society for the Prevention of Cruelty to Animals, as  
22 the case may be; provided, however, that a person whose commission  
23 is rescinded at the direction of the Attorney General may still be  
24 eligible for appointment as an agent unless prohibited otherwise by  
25 P.L. , c. (c. ) (now before the Legislature as this bill) or any  
26 other law. A revocation, suspension, or rescission shall be subject to  
27 the provisions of subsection h. of this section.<sup>4</sup>

28 e. A humane law enforcement officer shall not be authorized to  
29 possess, carry, or use a firearm while enforcing the laws and  
30 ordinances enacted for the protection of animals unless the officer  
31 <sup>4</sup>(1)<sup>4</sup> has satisfactorily completed a firearms training course as defined  
32 in subsection j. of N.J.S.2C:39-6 and approved by the Police Training  
33 Commission <sup>4</sup>[as required by section 12 of P.L. , c. (C. ) (now  
34 before the Legislature as this bill)] , and (2) annually qualifies in the  
35 use of a revolver or similar weapon<sup>4</sup>.

36 f. The superintendent shall, within 90 days after receipt of an  
37 application submitted pursuant to this section, <sup>4</sup>[commission or refuse  
38 to commission the applicant] or as soon thereafter as may be  
39 reasonable practicable, approve or disapprove an application for  
40 commission<sup>4</sup> as a humane law enforcement officer. <sup>4</sup>[An applicant  
41 who has not been commissioned or disqualified within that 90-day  
42 period shall be presumed by the State to be a commissioned humane  
43 law enforcement officer unless and until otherwise commissioned or  
44 disqualified pursuant to section 9 of P.L. , c. (C. ) (now before  
45 the Legislature as this bill) and this section.]<sup>4</sup>

1 g. Every person serving as a law enforcement officer appointed by  
2 a county society for the prevention of cruelty to animals or the New  
3 Jersey Society for the Prevention of Cruelty to Animals on the date of  
4 enactment of this act <sup>4</sup>[shall be presumed by the State to be a  
5 commissioned] for whom an application has been submitted to be  
6 commissioned as a<sup>4</sup> humane law enforcement officer <sup>4</sup>shall be  
7 permitted to serve in that capacity<sup>4</sup> unless and until <sup>4</sup>the application  
8 for commission is disapproved or the person is<sup>4</sup> otherwise  
9 <sup>4</sup>[commissioned or]<sup>4</sup> disqualified pursuant to section 9 of  
10 P.L. , c. (C. ) (now before the Legislature as this bill) and this  
11 section.

12 h. (1) In the case of refusal to commission an applicant to be a  
13 humane law enforcement officer, the superintendent shall submit to the  
14 board of trustees of a county society for the prevention of cruelty to  
15 animals or of the New Jersey Society for the Prevention of Cruelty to  
16 Animals, as the case may be, a statement setting forth the reasons for  
17 disqualification.

18 (2) A disqualified applicant, or a humane law enforcement officer  
19 <sup>4</sup>who has been dismissed or suspended or<sup>4</sup> whose commission has been  
20 revoked or suspended, shall have the right to submit statements under  
21 oath and documentation that contest the findings of the board of  
22 trustees of a county society for the prevention of cruelty to animals or  
23 of the New Jersey Society for the Prevention of Cruelty to Animals,  
24 or of the superintendent, as the case may be. If, upon receipt of such  
25 statements and documentation, the board of trustees of a county  
26 society for the prevention of cruelty to animals or of the New Jersey  
27 Society for the Prevention of Cruelty to Animals, or the  
28 superintendent, as the case may be, maintains that the disqualification,  
29 <sup>4</sup>dismissal,<sup>4</sup> revocation, or suspension was neither arbitrary nor  
30 capricious, the disqualified applicant, or humane law enforcement  
31 officer <sup>4</sup>who has been dismissed or suspended or<sup>4</sup> whose commission  
32 has been revoked or suspended, shall have the right to an  
33 administrative hearing and decision, and the matter shall be treated as  
34 a contested case, under the "Administrative Procedure Act," P.L.1968,  
35 c.410 (C.52:14B-1 et seq.). <sup>4</sup>[The administrative law judge shall hear  
36 testimony and make a determination as to whether or not the  
37 disqualification, revocation, or suspension should be set aside, thereby  
38 permitting the applicant to become a humane law enforcement officer  
39 or, in the case of a revocation or suspension, restoring the commission  
40 which had been revoked or suspended.<sup>3</sup><sup>4</sup>

41  
42 <sup>3</sup>[<sup>2</sup>10.] 11.<sup>3</sup> (New section) a. The Police Training Commission,  
43 in collaboration with the New Jersey Society for the Prevention of  
44 Cruelty to Animals, shall develop <sup>4</sup>[and] or<sup>4</sup> approve <sup>4</sup>[, within 120  
45 days after the date of enactment of P.L. , c. (C. ) (now before  
46 the Legislature as this bill).]<sup>4</sup> a training course for animal protection

1 law enforcement, which shall include but need not be limited to  
 2 instruction in:

3 (1) the law, procedures, and enforcement methods and techniques  
 4 of investigation, arrest, and search and seizure, specifically in  
 5 connection with violations of State and local animal cruelty laws and  
 6 ordinances;

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

9 (3) methods to identify and document animal abuse, neglect, and  
 10 distress; and

11 (4) investigation of animal fighting.

12 <sup>4</sup>The course developed or approved pursuant to this subsection  
 13 shall be the same or substantially similar to the course developed and  
 14 approved for certified animal control officers who are authorized as  
 15 animal cruelty investigators pursuant to sections 3 and 4 of P.L.1983,  
 16 c.525 (C.4:19-15.16a and C.4:19-15.16b) and P.L.1997, c.247  
 17 (C.4:19-15.16c. et al.).<sup>4</sup>

18 b. Every agent and humane law enforcement officer appointed after  
 19 the date of enactment of P.L. , c. (C. ) (now before the  
 20 Legislature as this bill) shall satisfactorily complete the animal  
 21 protection law enforcement training course within one year after the  
 22 date of the agent's or officer's appointment.

23 c. The Chief Humane Law Enforcement Officer of a county society  
 24 for the prevention of cruelty to animals or the New Jersey Society for  
 25 the Prevention of Cruelty to Animals may request from the Police  
 26 Training Commission an exemption from applicable law enforcement  
 27 parts of the animal protection law enforcement training course on  
 28 behalf of a current or prospective agent or humane law enforcement  
 29 officer who demonstrates successful completion of a police training  
 30 course conducted by a federal, state, or other public or private agency,  
 31 the requirements of which are substantially equivalent to or which  
 32 exceed the corresponding requirements of the animal protection law  
 33 enforcement training course curriculum established through the Police  
 34 Training Commission.

35 <sup>4</sup>[d. Prior to being permitted to carry a firearm, a humane law  
 36 enforcement officer appointed pursuant to P.L. , c. (C. ) (now  
 37 before the Legislature as this bill) shall take and satisfactorily complete  
 38 a firearms training course administered by the Police Training  
 39 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
 40 shall annually qualify in the use of a revolver or similar weapon prior  
 41 to being permitted to carry a firearm.]<sup>2</sup><sup>4</sup>

42

43 <sup>2</sup>[9.] <sup>3</sup>[11.] <sup>2</sup> 12.<sup>3</sup> (New section) <sup>4</sup>[a.]<sup>4</sup> All State, county, and  
 44 municipal law enforcement agencies and all county and municipal  
 45 health agencies shall, upon request, <sup>2</sup>[aid] make every reasonable  
 46 effort to assist<sup>2</sup> the <sup>3</sup>[<sup>2</sup>animal<sup>2</sup>] humane<sup>3</sup> law enforcement officers and

1 agents of a county society for the prevention of cruelty to animals or  
 2 the New Jersey Society for the Prevention of Cruelty to Animals in the  
 3 enforcement of all laws and ordinances enacted for the protection of  
 4 animals.

5 <sup>4</sup>[b. The Attorney General shall assign to the New Jersey Society  
 6 for the Prevention of Cruelty to Animals a Deputy Attorney General  
 7 to provide assistance and guidance to the society in carrying out its  
 8 law enforcement duties and responsibilities.]<sup>4</sup>

9  
 10 <sup>2</sup>[10.] <sup>3</sup>[12.<sup>2</sup>] 13.<sup>3</sup> (New section) <sup>1</sup>[Each] <sup>4</sup>[The] In addition to  
 11 any requirement imposed by P.L.1994, c.16 (C.45:17A-18 et seq.) or  
 12 any other law, the<sup>4</sup> New Jersey Society for the Prevention of Cruelty  
 13 to Animals and each<sup>1</sup> county society for the prevention of cruelty to  
 14 animals shall cause <sup>4</sup>to be prepared<sup>4</sup> an annual audit of all of its  
 15 financial transactions <sup>2</sup>[to be performed by a person licensed in New  
 16 Jersey as a] , which shall be prepared in accordance with generally  
 17 accepted accounting principles and standards by an independent New  
 18 Jersey licensed<sup>2</sup> certified public accountant. The audit for each  
 19 calendar year shall be submitted by June 1 of the next following  
 20 calendar year to the <sup>2</sup>[State]<sup>2</sup> Attorney General, and shall be made  
 21 available to the public upon request.

22

23 <sup>4</sup>14. N.J.S.2C:39-6 is amended to read as follows:

24 2C:39-6. a. Provided a person complies with the requirements of  
 25 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

36 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,  
 37 assistant prosecutor, prosecutor's detective or investigator, deputy  
 38 attorney general or State investigator employed by the Division of  
 39 Criminal Justice of the Department of Law and Public Safety,  
 40 investigator employed by the State Commission of Investigation,  
 41 inspector of the Alcoholic Beverage Control Enforcement Bureau of  
 42 the Division of State Police in the Department of Law and Public  
 43 Safety authorized to carry such weapons by the Superintendent of  
 44 State Police, State park police officer, or State conservation officer;

45 (5) A prison or jail warden of any penal institution in this State or  
 46 his deputies, or an employee of the Department of Corrections

1 engaged in the interstate transportation of convicted offenders, while  
2 in the performance of his duties, and when required to possess the  
3 weapon by his superior officer, or a correction officer or keeper of a  
4 penal institution in this State at all times while in the State of New  
5 Jersey, provided he annually passes an examination approved by the  
6 superintendent testing his proficiency in the handling of firearms;

7 (6) A civilian employee of the United States Government under the  
8 supervision of the commanding officer of any post, camp, station, base  
9 or other military or naval installation located in this State who is  
10 required, in the performance of his official duties, to carry firearms,  
11 and who is authorized to carry such firearms by said commanding  
12 officer, while in the actual performance of his official duties;

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

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

20 (c) An airport security officer or a special law enforcement officer  
21 appointed by the governing body of any county or municipality, except  
22 as provided in subsection (b) of this section, or by the commission,  
23 board or other body having control of a county park or airport or  
24 boulevard police force, while engaged in the actual performance of his  
25 official duties and when specifically authorized by the governing body  
26 to carry weapons;

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

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

44 (10) A designated employee or designated licensed agent for a  
45 nuclear power plant under license of the Nuclear Regulatory  
46 Commission, while in the actual performance of his official duties, if

1 the federal licensee certifies that the designated employee or  
2 designated licensed agent is assigned to perform site protection, guard,  
3 armed response or armed escort duties and is appropriately trained and  
4 qualified, as prescribed by federal regulation, to perform those duties.  
5 Any firearm utilized by an employee or agent for a nuclear power plant  
6 pursuant to this paragraph shall be returned each day at the end of the  
7 employee's or agent's authorized official duties to the employee's or  
8 agent's supervisor. All firearms returned each day pursuant to this  
9 paragraph shall be stored in locked containers located in a secure area.

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

11 (1) A law enforcement officer employed by a governmental agency  
12 outside of the State of New Jersey while actually engaged in his  
13 official duties, provided, however, that he has first notified the  
14 superintendent or the chief law enforcement officer of the municipality  
15 or the prosecutor of the county in which he is engaged; or

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

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

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

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

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

36 (4) A court attendant serving as such under appointment by the  
37 sheriff of the county or by the judge of any municipal court or other  
38 court of this State, while in the actual performance of his official  
39 duties;

40 (5) A guard in the employ of any railway express company,  
41 banking or building and loan or savings and loan institution of this  
42 State, while in the actual performance of his official duties;

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

1 (7) [An] A humane law enforcement officer of the New Jersey  
2 Society for the Prevention of Cruelty to Animals or of a county society  
3 for the prevention of cruelty to animals , while in the actual  
4 performance of his duties;

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

7 (9) A railway policeman, except a transit police officer of the New  
8 Jersey Transit Police Department, at all times while in the State of  
9 New Jersey, provided that he has passed an approved police academy  
10 training program consisting of at least 280 hours. The training  
11 program shall include, but need not be limited to, the handling of  
12 firearms, community relations, and juvenile relations;

13 (10) A campus police officer appointed under P.L.1970, c.211  
14 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a  
15 firearm, a campus police officer shall take and successfully complete  
16 a firearms training course administered by the Police Training  
17 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
18 shall annually qualify in the use of a revolver or similar weapon prior  
19 to being permitted to carry a firearm;

20 (11) (Deleted by amendment, P.L.2003, c.168).

21 (12) A transit police officer of the New Jersey Transit Police  
22 Department, at all times while in the State of New Jersey, provided the  
23 officer has satisfied the training requirements of the Police Training  
24 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291  
25 (C.27:25-15.1);

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

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

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

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

41 (17) A probation officer assigned to the "Probation Officer  
42 Community Safety Unit" created by section 2 of P.L.2001, c.362  
43 (C.2B:10A-2) while in the actual performance of the probation  
44 officer's official duties. Prior to being permitted to carry a firearm, a  
45 probation officer shall take and successfully complete a basic course  
46 for regular police officer training administered by the Police Training

1 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
2 shall annually qualify in the use of a revolver or similar weapon prior  
3 to being permitted to carry a firearm.

4 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to  
5 antique firearms, provided that such antique firearms are unloaded or  
6 are being fired for the purposes of exhibition or demonstration at an  
7 authorized target range or in such other manner as has been approved  
8 in writing by the chief law enforcement officer of the municipality in  
9 which the exhibition or demonstration is held, or if not held on  
10 property under the control of a particular municipality, the  
11 superintendent.

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

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

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

32 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
33 N.J.S.2C:39-5 do not apply to the transportation of unloaded antique  
34 cannons directly to or from exhibitions or demonstrations authorized  
35 under paragraph (4) of subsection d. of this section, provided that the  
36 transportation is in compliance with safety regulations the  
37 superintendent may promulgate. Nor do those subsections apply to  
38 transportation directly to or from exhibitions or demonstrations  
39 authorized under the law of another jurisdiction, provided that the  
40 superintendent has been given 30 days' notice and that the  
41 transportation is in compliance with safety regulations the  
42 superintendent may promulgate.

43 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be  
44 construed to prevent a person keeping or carrying about his place of  
45 business, residence, premises or other land owned or possessed by  
46 him, any firearm, or from carrying the same, in the manner specified

1 in subsection g. of this section, from any place of purchase to his  
2 residence or place of business, between his dwelling and his place of  
3 business, between one place of business or residence and another when  
4 moving, or between his dwelling or place of business and place where  
5 such firearms are repaired, for the purpose of repair. For the purposes  
6 of this section, a place of business shall be deemed to be a fixed  
7 location.

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

10 (1) A member of any rifle or pistol club organized in accordance  
11 with the rules prescribed by the National Board for the Promotion of  
12 Rifle Practice, in going to or from a place of target practice, carrying  
13 such firearms as are necessary for said target practice, provided that  
14 the club has filed a copy of its charter with the superintendent and  
15 annually submits a list of its members to the superintendent and  
16 provided further that the firearms are carried in the manner specified  
17 in subsection g. of this section;

18 (2) A person carrying a firearm or knife in the woods or fields or  
19 upon the waters of this State for the purpose of hunting, target  
20 practice or fishing, provided that the firearm or knife is legal and  
21 appropriate for hunting or fishing purposes in this State and he has in  
22 his possession a valid hunting license, or, with respect to fresh water  
23 fishing, a valid fishing license;

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

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

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

35 (c) In the case of a firearm, directly to or from any exhibition or  
36 display of firearms which is sponsored by any law enforcement agency,  
37 any rifle or pistol club, or any firearms collectors club, for the purpose  
38 of displaying the firearms to the public or to the members of the  
39 organization or club, provided, however, that not less than 30 days  
40 prior to the exhibition or display, notice of the exhibition or display  
41 shall be given to the Superintendent of the State Police by the  
42 sponsoring organization or club, and the sponsor has complied with  
43 such reasonable safety regulations as the superintendent may  
44 promulgate. Any firearms transported pursuant to this section shall be  
45 transported in the manner specified in subsection g. of this section;

46 (4) A person from keeping or carrying about a private or

1 commercial aircraft or any boat, or from transporting to or from such  
2 vessel for the purpose of installation or repair a visual distress  
3 signalling device approved by the United States Coast Guard.

4 g. All weapons being transported under paragraph (2) of  
5 subsection b., subsection e., or paragraph (1) or (3) of subsection f. of  
6 this section shall be carried unloaded and contained in a closed and  
7 fastened case, gunbox, securely tied package, or locked in the trunk of  
8 the automobile in which it is being transported, and in the course of  
9 travel shall include only such deviations as are reasonably necessary  
10 under the circumstances.

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

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

27 Any device used pursuant to this act shall be selected from a list of  
28 products, which consist of active and inert ingredients, permitted by  
29 the Commissioner of Health and Senior Services.

30 i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any  
31 person who is 18 years of age or older and who has not been convicted  
32 of a felony, from possession for the purpose of personal self-defense  
33 of one pocket-sized device which contains and releases not more than  
34 three-quarters of an ounce of chemical substance not ordinarily  
35 capable of lethal use or of inflicting serious bodily injury, but rather,  
36 is intended to produce temporary physical discomfort or disability  
37 through being vaporized or otherwise dispensed in the air. Any person  
38 in possession of any device in violation of this subsection shall be  
39 deemed and adjudged to be a disorderly person, and upon conviction  
40 thereof, shall be punished by a fine of not less than \$100.00.

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 section,  
43 if the person has satisfactorily completed a firearms training course  
44 approved by the Police Training Commission.

45 Such exempt person shall not possess or carry a firearm until the  
46 person has satisfactorily completed a firearms training course and shall

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

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

18 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed  
19 to prevent a law enforcement officer who retired in good standing,  
20 including a retirement because of a disability pursuant to section 6 of  
21 P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255  
22 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any  
23 substantially similar statute governing the disability retirement of  
24 federal law enforcement officers, provided the officer was a regularly  
25 employed, full-time law enforcement officer for an aggregate of five  
26 or more years prior to his disability retirement and further provided  
27 that the disability which constituted the basis for the officer's  
28 retirement did not involve a certification that the officer was mentally  
29 incapacitated for the performance of his usual law enforcement duties  
30 and any other available duty in the department which his employer was  
31 willing to assign to him or does not subject that retired officer to any  
32 of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which  
33 would disqualify the retired officer from possessing or carrying a  
34 firearm, who semi-annually qualifies in the use of the handgun he is  
35 permitted to carry in accordance with the requirements and procedures  
36 established by the Attorney General pursuant to subsection j. of this  
37 section and pays the actual costs associated with those semi-annual  
38 qualifications, who is less than 70 years of age, and who was regularly  
39 employed as a full-time member of the State Police; a full-time  
40 member of an interstate police force; a full-time member of a county  
41 or municipal police department in this State; a full-time member of a  
42 State law enforcement agency; a full-time sheriff, undersheriff or  
43 sheriff's officer of a county of this State; a full-time State or county  
44 corrections officer; a full-time county park police officer; a full-time  
45 county prosecutor's detective or investigator; or a full-time federal law  
46 enforcement officer from carrying a handgun in the same manner as

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

3 (1) The retired law enforcement officer, within six months after  
4 retirement, shall make application in writing to the Superintendent of  
5 State Police for approval to carry a handgun for one year. An  
6 application for annual renewal shall be 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 of  
9 service from the chief law enforcement officer of the organization in  
10 which the retired officer was last regularly employed as a full-time law  
11 enforcement officer prior to retiring. The verification of service shall  
12 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 the  
15 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 law  
18 enforcement officer, the retired officer is not subject to any of the  
19 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 or  
22 reapplication to carry a handgun pursuant to the provisions of this  
23 subsection, the superintendent shall notify in writing the chief law  
24 enforcement officer of the municipality wherein that retired officer  
25 resides. In the event the retired officer resides in a municipality which  
26 has no chief law enforcement officer or law enforcement agency, the  
27 superintendent shall maintain a record of the approval.

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

37 (5) Any person aggrieved by the denial of the superintendent of  
38 approval for a permit to carry a handgun pursuant to this subsection  
39 may request a hearing in the Superior Court of New Jersey in the  
40 county in which he resides by filing a written request for such a  
41 hearing within 30 days of the denial. Copies of the request shall be  
42 served upon the superintendent and the county prosecutor. The  
43 hearing shall be held within 30 days of the filing of the request, and no  
44 formal pleading or filing fee shall be required. Appeals from the  
45 determination of such a hearing shall be in accordance with law and  
46 the 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 cause  
3 shown on the application of any interested person. A person who  
4 becomes subject to any of the disabilities set forth in subsection c. of  
5 N.J.S.2C:58-3 shall surrender, as prescribed by the superintendent, his  
6 identification card issued under paragraph (4) of this subsection to the  
7 chief law enforcement officer of the municipality wherein he resides or  
8 the superintendent, and shall be permanently disqualified to carry a  
9 handgun under this subsection.

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

13 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to  
14 prevent duly authorized personnel of the New Jersey Division of Fish  
15 and Wildlife, while in the actual performance of duties, from  
16 possessing, transporting or using any device that projects, releases or  
17 emits any substance specified as being non-injurious to wildlife by the  
18 Director of the Division of Animal Health in the Department of  
19 Agriculture, and which may immobilize wildlife and produces only  
20 temporary physical discomfort through being vaporized or otherwise  
21 dispensed in the air for the purpose of repelling bear or other animal  
22 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 sole  
28 purpose of frightening, hazing or aversive conditioning of nuisance or  
29 depredating wildlife; from possessing, transporting or using rifles,  
30 pistols or similar devices for the sole purpose of chemically  
31 immobilizing wild or non-domestic animals; or, provided the duly  
32 authorized person complies with the requirements of subsection j. of  
33 this section, from possessing, transporting or using rifles or shotguns,  
34 upon completion of a Police Training Commission approved training  
35 course, in order to dispatch injured or dangerous animals or for  
36 non-lethal use for the purpose of frightening, hazing or aversive  
37 conditioning of nuisance or depredating wildlife.<sup>4</sup>

38 (cf: P.L.2005, c.216, s.1)

39  
40 <sup>2</sup>[11.] <sup>3</sup>[13.<sup>2</sup>] <sup>4</sup>[14.<sup>3</sup>] 15.<sup>4</sup> R.S.4:22-13 is amended to read as  
41 follows:

42 4:22-13. A [corporation constituted or organized for the purpose  
43 of the enforcement of laws enacted for the protection of dumb animals,  
44 or for the purpose of promoting the welfare of dumb animals, whether  
45 incorporated by special act of the legislature or under general laws,  
46 may at any time, in the manner provided in section 4:22-14 of this

1 title,] county society for the prevention of cruelty to animals may  
2 amend its charter or certificate of incorporation as originally enacted  
3 or filed or as amended so that [such corporation] the county society,  
4 in addition to its other powers and purposes, shall have the following  
5 powers and purposes: [To] to promote the interests of, and to  
6 protect and care for [dumb], animals; to maintain and operate one or  
7 more rest farms, kennels, pounds, shelters, or hospitals, or any or all  
8 of them, for animals in the custody of the county society by reason of  
9 impoundment, seizure or relinquishment by the owner[,]; and to do  
10 any and all things which would benefit or tend to benefit [dumb]  
11 animals.

12 (cf: R.S.4:22-13)

13

14 <sup>2</sup>[12.] <sup>3</sup>[14.<sup>2</sup>] <sup>4</sup>[15.<sup>3</sup> R.S.4:22-26 is amended to read as follows:  
15 4:22-26. A person who shall:

16 a. (1) Overdrive, overload, drive when overloaded, overwork,  
17 deprive of necessary sustenance, abuse, or needlessly kill a living  
18 animal or creature, or cause or procure any such acts to be done;

19 (2) Torment, torture, maim, hang, poison, unnecessarily or cruelly  
20 beat, or needlessly mutilate a living animal or creature, or cause or  
21 procure any such acts to be done;

22 (3) Cruelly kill, or cause or procure the cruel killing of, a living  
23 animal or creature, or otherwise cause or procure the death of a living  
24 animal or creature from commission of any act described in paragraph  
25 (2) of this subsection;

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

27 c. Inflict unnecessary cruelty upon a living animal or creature, or  
28 unnecessarily fail to provide a living animal or creature of which the  
29 person has charge either as an owner or otherwise with proper food,  
30 drink, shelter or protection from the weather, or leave it unattended in  
31 a vehicle under inhumane conditions adverse to the health or welfare  
32 of the living animal or creature;

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

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 used  
45 as provided in subsection e. of this section;

46 h. Carry, or cause to be carried, a living animal or creature in or

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

- 1 such animals;
- 2 s. Artificially mark sheep or cattle, or cause them to be marked, by  
3 cropping or cutting off both ears, cropping or cutting either ear more  
4 than one inch from the tip end thereof, or half cropping or cutting both  
5 ears or either ear more than one inch from the tip end thereof, or who  
6 shall have or keep in the person's possession sheep or cattle, which the  
7 person claims to own, marked contrary to this subsection unless they  
8 were bought in market or of a stranger;
- 9 t. Abandon a domesticated animal;
- 10 u. For amusement or gain, cause, allow, or permit the fighting or  
11 baiting of a living animal or creature;
- 12 v. Own, possess, keep, train, promote, purchase, or knowingly sell  
13 a living animal or creature for the purpose of fighting or baiting that  
14 animal or creature;
- 15 w. Gamble on the outcome of a fight involving a living animal or  
16 creature;
- 17 x. Knowingly sell or barter or offer for sale or barter, at wholesale  
18 or retail, the fur or hair of a domestic dog or cat or any product made  
19 in whole or in part from the fur or hair of a domestic dog or cat, unless  
20 such fur or hair for sale or barter is from a commercial grooming  
21 establishment or a veterinary office or clinic or is for use for scientific  
22 research;
- 23 y. Knowingly sell or barter or offer for sale or barter, at wholesale  
24 or retail, for human consumption, the flesh of a domestic dog or cat or  
25 any product made in whole or in part from the flesh of a domestic dog  
26 or cat;
- 27 z. Surgically debark or silence a dog in violation of section 1 or 2  
28 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 29 aa. Use a live pigeon, fowl or other bird for the purpose of a  
30 target, or to be shot at either for amusement or as a test of skill in  
31 marksmanship, except that this subsection and subsections bb. and cc.  
32 shall not apply to the shooting of game;
- 33 bb. Shoot at a bird used as described in subsection aa. of this  
34 section, or is a party to such shooting; or
- 35 cc. Lease a building, room, field or premises, or knowingly permit  
36 the use thereof for the purposes of subsection aa. or bb. of this section  
37 --
- 38 Shall forfeit and pay a sum according to the following schedule, to  
39 be sued for and recovered, with costs, in a civil action by any person  
40 in the name of the New Jersey Society for the Prevention of Cruelty  
41 to Animals or a county society for the prevention of cruelty to animals,  
42 as appropriate <sup>2</sup>, or, in the name of the municipality if brought by a  
43 certified animal control officer or animal cruelty investigator<sup>2</sup> :
- 44 For a violation of subsection e., f., g., u., v., w., or z. of this section  
45 or of paragraph (3) of subsection a. of this section, or for a second or  
46 subsequent violation of paragraph (2) of subsection a. of this section,

1 a sum of <sup>2</sup>[up to] not less than \$3,000 nor more than<sup>2</sup> \$5,000;

2 For a violation of subsection l. of this section or for a first violation  
3 of paragraph (2) of subsection a. of this section, a sum of <sup>2</sup>[up to] not  
4 less than \$1,000 nor more than<sup>2</sup> \$3,000;

5 For a violation of subsection x. or y. of this section, a sum of <sup>2</sup>[up  
6 to] not less than \$500 nor more than<sup>2</sup> \$1,000 for each domestic dog  
7 or cat fur or fur or hair product or domestic dog or cat carcass or meat  
8 product;

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

12 For a violation of subsection c., d., h., j., k., aa., bb., or cc. of this  
13 section or of paragraph (1) of subsection a. of this section, a sum of  
14 <sup>2</sup>[up to] not less than \$250 nor more than<sup>2</sup> \$1,000; and

15 For a violation of subsection i., m., n., o., p., q., r., or s. of this  
16 section, a sum of <sup>2</sup>[up to] not less than \$250 nor more than<sup>2</sup> \$500.]<sup>4</sup>  
17 (cf: P.L.2003, c.232, s.3)

18

19 <sup>4</sup>16. 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 deprive of necessary sustenance, abuse, or needlessly kill a living  
23 animal or creature, or cause or procure, by any direct or indirect  
24 means, including but not limited to through the use of another living  
25 animal or creature, any such acts to be done;

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

31 (3) Cruelly kill, or cause or procure, by any direct or indirect  
32 means, including but not limited to through the use of another living  
33 animal or creature, the cruel killing of, a living animal or creature, or  
34 otherwise cause or procure, by any direct or indirect means, including  
35 but not limited to through the use of another living animal or creature,  
36 the death of a living animal or creature from commission of any act  
37 described in paragraph (2) of this subsection;

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

39 c. Inflict unnecessary cruelty upon a living animal or creature, by  
40 any direct or indirect means, including but not limited to through the  
41 use of another living animal or creature; or unnecessarily fail to  
42 provide a living animal or creature of which the person has charge  
43 either as an owner or otherwise with proper food, drink, shelter or  
44 protection from the weather; or leave it unattended in a vehicle under  
45 inhumane conditions adverse to the health or welfare of the living  
46 animal or creature;

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

- 1 have been dyed or artificially colored or otherwise treated so as to  
2 impart to them an artificial color;
- 3 p. Use any animal, reptile, or fowl for the purpose of soliciting  
4 any alms, collections, contributions, subscriptions, donations, or  
5 payment of money except in connection with exhibitions, shows or  
6 performances conducted in a bona fide manner by recognized breeders'  
7 associations, 4-H clubs or other similar bona fide organizations;
- 8 q. Sell or offer for sale, barter, or give away living rabbits, turtles,  
9 baby chicks, ducklings or other fowl under two months of age, for use  
10 as household or domestic pets;
- 11 r. Sell, offer for sale, barter or give away living baby chicks,  
12 ducklings or other fowl, or rabbits, turtles or chameleons under two  
13 months of age for any purpose not prohibited by subsection q. of this  
14 section and who shall fail to provide proper facilities for the care of  
15 such animals;
- 16 s. Artificially mark sheep or cattle, or cause them to be marked,  
17 by cropping or cutting off both ears, cropping or cutting either ear  
18 more than one inch from the tip end thereof, or half cropping or  
19 cutting both ears or either ear more than one inch from the tip end  
20 thereof, or who shall have or keep in the person's possession sheep or  
21 cattle, which the person claims to own, marked contrary to this  
22 subsection unless they were bought in market or of a stranger;
- 23 t. Abandon a domesticated animal;
- 24 u. For amusement or gain, cause, allow, or permit the fighting or  
25 baiting of a living animal or creature;
- 26 v. Own, possess, keep, train, promote, purchase, or knowingly  
27 sell a living animal or creature for the purpose of fighting or baiting  
28 that animal or creature;
- 29 w. Gamble on the outcome of a fight involving a living animal or  
30 creature;
- 31 x. Knowingly sell or barter or offer for sale or barter, at wholesale  
32 or retail, the fur or hair of a domestic dog or cat or any product made  
33 in whole or in part from the fur or hair of a domestic dog or cat, unless  
34 such fur or hair for sale or barter is from a commercial grooming  
35 establishment or a veterinary office or clinic or is for use for scientific  
36 research;
- 37 y. Knowingly sell or barter or offer for sale or barter, at wholesale  
38 or retail, for human consumption, the flesh of a domestic dog or cat or  
39 any product made in whole or in part from the flesh of a domestic dog  
40 or cat;
- 41 z. Surgically debark or silence a dog in violation of section 1 or  
42 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 43 aa. Use a live pigeon, fowl or other bird for the purpose of a  
44 target, or to be shot at either for amusement or as a test of skill in  
45 marksmanship, except that this subsection and subsections bb. and cc.  
46 shall not apply to the shooting of game;

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

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

6 Shall forfeit and pay a sum according to the following schedule, to  
7 be sued for and recovered, with costs, in a civil action by any person  
8 in the name of the New Jersey Society for the Prevention of Cruelty  
9 to Animals or a county society for the prevention of cruelty to animals,  
10 as appropriate, or, in the name of the municipality if brought by a  
11 certified animal control officer or animal cruelty investigator :

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

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

19 For a violation of subsection x. or y. of this section, a sum of [up  
20 to] not less than \$500 nor more than \$1,000 for each domestic dog or  
21 cat fur or fur or hair product or domestic dog or cat carcass or meat  
22 product;

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

26 For a violation of subsection c., d., h., j., k., aa., bb., or cc. of this  
27 section or of paragraph (1) of subsection a. of this section, a sum of  
28 [up to] not less than \$250 nor more than \$1,000; and

29 For a violation of subsection i., m., n., o., p., q., r., or s. of this  
30 section, a sum of [up to] not less than \$250 nor more than \$500.<sup>4</sup>

31 (cf: P.L.2005, c.105, s.2)

32

33 <sup>4</sup>[<sup>3</sup>16.] 17.<sup>4</sup> R.S.4:22-44 is amended to read as follows:

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

40 a. Make arrests for violations of this article;

41 b. Arrest without warrant any person found violating the provisions  
42 of this article in the presence of such [member,] humane law  
43 enforcement officer, [agent,] sheriff, undersheriff, constable, police  
44 officer or a certified animal control officer who has been properly  
45 authorized pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b),

1 and take such person before the nearest judge or magistrate as  
2 provided in this article.<sup>3</sup>

3 (cf: P.L.1997, c.247, s.4)

4

5 <sup>4</sup>[<sup>3</sup>17.] 18.<sup>4</sup> R.S.4:22-47 is amended to read as follows:

6 4:22-47. A sheriff, undersheriff, constable, police [,] officer,  
7 certified animal control officer who has been properly authorized  
8 pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b) , or [agent]  
9 humane law enforcement officer of the New Jersey Society for the  
10 Prevention of Cruelty to Animals or of a county society for the  
11 prevention of cruelty to animals , may enter any building or place  
12 where there is an exhibition of the fighting or baiting of a living animal  
13 or creature, where preparations are being made for such an exhibition,  
14 or where a violation otherwise of R.S.4:22-24 is occurring, arrest  
15 without warrant all persons there present, and take possession of all  
16 living animals or creatures engaged in fighting or there found and all  
17 implements or appliances used or to be used in such exhibition.<sup>3</sup>

18 (cf: P.L.1997, c.247, s.6)

19

20 <sup>2</sup>[13.] <sup>3</sup>[15. <sup>2</sup>] <sup>4</sup>[18. <sup>3</sup>] 19.<sup>4</sup> R.S.4:22-55 is amended to read as  
21 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, shall be paid by the court or by the clerk  
25 or court officer receiving the fines, penalties or moneys, within thirty  
26 days and without demand, to (1) the [district (county)] county society  
27 for the prevention of cruelty to animals of the county where the fines,  
28 penalties or moneys were imposed and collected, if [one is in existence  
29 in that county, and if not, then to] the county society brought the  
30 action or it was brought on behalf of the county society, to be used by  
31 the county society in aid of the benevolent objects for which it was  
32 incorporated, or (2) in all other cases, the New Jersey Society for the  
33 Prevention of Cruelty to Animals, to be used by the State society in aid  
34 of the benevolent objects for which it was incorporated.

35 b. If an enforcement action for a violation of this article is brought  
36 primarily as a result of the discovery and investigation of the violation  
37 by a certified animal control officer, the fines, penalties or moneys  
38 collected shall be paid as follows: one half to the municipality in  
39 which the violation occurred ; and one half to the county society or to  
40 the New Jersey Society for the Prevention of Cruelty to Animals, as  
41 applicable to the particular enforcement action.

42 c. Any fines, penalties or moneys paid to a municipality or other  
43 entity pursuant to subsection b. of this section shall be allocated by the  
44 municipality or other entity to defray the cost of:

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

1 (2) the training therefor required of certified animal control officers  
2 pursuant to law <sup>4</sup>or other animal enforcement related training  
3 authorized by law for municipal employees<sup>4</sup> .

4 (cf: P.L.1997, c.247, s.7)

5  
6 <sup>4</sup>20. Section 10 of P.L.1997, c.247 (C.4:22-56) is amended to read  
7 as follows:

8 10. Although a municipality and the New Jersey Society for the  
9 Prevention of Cruelty to Animals or a [district (county)] county  
10 society may share in the receipt of fines, penalties or moneys collected  
11 with regard to violations occurring in the municipality pursuant to the  
12 provisions of R.S.4:22-55:

13 a. neither a municipality or a certified animal control officer shall  
14 be liable for any civil damages as a result of any act or omission of the  
15 New Jersey Society for the Prevention of Cruelty to Animals, a  
16 [district (county)] county society or an officer thereof with regard to  
17 any investigation, arrest or prosecution of a violator with which the  
18 municipality or certified animal control officer was not involved; and

19 b. neither the New Jersey Society for the Prevention of Cruelty to  
20 Animals, a [district (county)] county society or an officer thereof shall  
21 be liable for any civil damages as a result of any act or omission of a  
22 municipality or a certified animal control officer with regard to any  
23 investigation, arrest or prosecution of a violator with which the New  
24 Jersey Society for the Prevention of Cruelty to Animals, a [district  
25 (county)] county society or an officer thereof was not involved.<sup>4</sup>

26 (cf: P.L.1997, c.247, s.10)

27  
28 <sup>4</sup>21. Section 3 of P.L.2003, c.67 (C.4:22-57) is amended to read  
29 as follows:

30 3. a. For the purposes of establishing the list of persons not  
31 eligible to be certified animal control officers as required pursuant to  
32 subsections b. and c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a),  
33 notice shall be provided, within 90 days after the effective date of this  
34 section, to the Commissioner of Health and Senior Services of any  
35 person who has been convicted of, or found civilly liable for, a  
36 violation of any provision of chapter 22 of Title 4 of the Revised  
37 Statutes, by any court or other official administrative entity  
38 maintaining records of such violations adjudged on or before the  
39 effective date of this section.

40 b. For the purposes of maintaining the list of persons not eligible  
41 to be certified animal control officers as established pursuant to  
42 subsections b. and c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a),  
43 the court or other official adjudging the guilt or liability for a violation  
44 of any provision of chapter 22 of Title 4 of the Revised Statutes, shall  
45 charge the prosecutor, officer of the New Jersey Society for the  
46 Prevention of Cruelty to Animals or the [district (county)] county

1 society for the prevention of cruelty to animals, or other appropriate  
2 person, other than a certified animal control officer, with the  
3 responsibility to notify within 30 days the commissioner, in writing, of  
4 the full name of the person found guilty of, or liable for, an applicable  
5 violation, and the violation for which or of which that person was  
6 found guilty or liable, and the person charged with the responsibility  
7 shall provide such notice.<sup>4</sup>

8 (cf: P.L.2003, c.67, s.3)

9

10 <sup>2</sup>[14.] <sup>3</sup>[16.<sup>2</sup>] <sup>4</sup>[19.<sup>3</sup>] 20.<sup>4</sup> R.S.4:22-1 through R.S.4:22-11,  
11 inclusive, <sup>3</sup>[and] <sup>3</sup>R.S.4:22-14 <sup>3</sup>, and R.S.4:22-43<sup>3</sup> are repealed.

12

13 <sup>2</sup>[15.] <sup>3</sup>[17.<sup>2</sup>] <sup>4</sup>[20.<sup>3</sup>] 21.<sup>4</sup> This act shall take effect immediately.

14

15

16

17

18 Reorganizes NJSPCA and county societies for the prevention of  
19 cruelty to animals.

# ASSEMBLY, No. 3186

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED SEPTEMBER 13, 2004

**Sponsored by:**

**Assemblyman HERBERT CONAWAY, JR.**

**District 7 (Burlington and Camden)**

**Assemblyman ROBERT J. SMITH**

**District 4 (Camden and Gloucester)**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex)**

**Co-Sponsored by:**

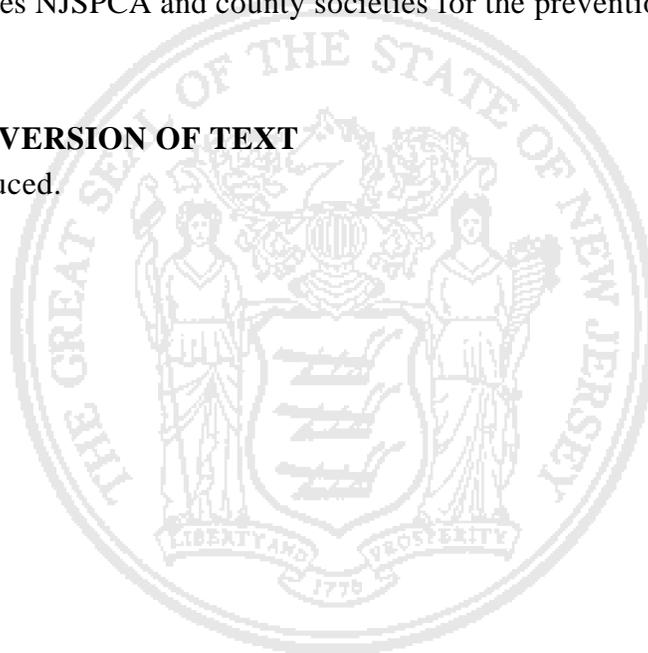
**Assemblyman Chivukula, Assemblywoman Weinberg, Assemblymen  
Johnson and Steele**

**SYNOPSIS**

Reorganizes NJSPCA and county societies for the prevention of cruelty to animals.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/22/2004)**

1 AN ACT concerning the prevention of cruelty to animals,  
2 supplementing chapter 22 of Title 4 of the Revised Statutes,  
3 amending R.S.4:22-13, R.S.4:22-26, and R.S.4:22-55, and  
4 repealing various parts of the statutory law.

5

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

8

9 1. (New section) As used in this chapter:

10 "Agent" means a member duly appointed as an agent by the board  
11 of trustees of a county society for the prevention of cruelty to animals  
12 or the New Jersey Society for the Prevention of Cruelty to Animals,  
13 who, upon recommendation of the Chief Law Enforcement Officer of  
14 a county society for the prevention of cruelty to animals or the New  
15 Jersey Society for the Prevention of Cruelty to Animals, and upon  
16 completion of an appropriate course of training, other than a firearms  
17 training course, approved by the Police Training Commission, is  
18 empowered to make arrests and enforce all laws and ordinances  
19 enacted for the protection of animals, and to investigate alleged acts  
20 of cruelty to animals;

21 "Law enforcement officer" means an agent authorized by the board  
22 of trustees of a county society for the prevention of cruelty to animals  
23 or the New Jersey Society for the Prevention of Cruelty to Animals to  
24 possess, carry, or use a firearm while enforcing any law or ordinance  
25 for the protection of animals while on duty or on call, and who has  
26 satisfactorily completed the firearms training course approved by the  
27 Police Training Commission and other qualifications and training  
28 courses required pursuant to section 8 or section 4, as appropriate, of  
29 P.L. , c. (C. ) (now before the Legislature as this bill); and

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

33

34 2. (New section) a. The New Jersey Society for the Prevention of  
35 Cruelty to Animals is continued as a parent corporation for the  
36 purposes of coordinating the functions of county societies for the  
37 prevention of cruelty to animals, and of promoting the interests of,  
38 protecting and caring for, and doing any and all things to benefit or  
39 that tend to benefit animals. The New Jersey Society for the  
40 Prevention of Cruelty to Animals shall be governed by a board of  
41 trustees consisting of 15 members of the society elected annually by  
42 the membership thereof. Of those 15 trustees, at least one shall also  
43 be a member of a county society for the prevention of cruelty to

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 animals in the northern part of the State, at least one shall also be a  
2 member of a county society for the prevention of cruelty to animals in  
3 the central part of the State, and at least one shall also be a member of  
4 a county society for the prevention of cruelty to animals in the  
5 southern part of the State. For the purposes of this subsection:  
6 "northern" shall mean the counties of Bergen, Essex, Hudson, Morris,  
7 Passaic, Sussex, or Union; "central" shall mean the counties of  
8 Hunterdon, Mercer, Middlesex, Monmouth, Somerset, or Warren; and  
9 "southern" shall mean the counties of Atlantic, Burlington, Camden,  
10 Cape May, Cumberland, Gloucester, Ocean, or Salem.

11 b. The board of trustees of the New Jersey Society for the  
12 Prevention of Cruelty to Animals shall prepare an annual report  
13 concerning the law enforcement activity of the New Jersey Society for  
14 the Prevention of Cruelty to Animals and the county societies, and  
15 shall submit the report for each calendar year by June 1 of the next  
16 following calendar year to the State Attorney General and make the  
17 report available to the public upon request.

18 c. No person who has been convicted of a crime may be a trustee,  
19 officer, or law enforcement officer or agent of, or hold any other  
20 position of authority within, the New Jersey Society for the Prevention  
21 of Cruelty to Animals or any county society.

22  
23 3. (New section) Within 120 days after the effective date of  
24 P.L. , c. (C. ) (now before the Legislature as this bill), the board  
25 of trustees of the New Jersey Society for the Prevention of Cruelty to  
26 Animals shall meet to establish bylaws and uniform standards and  
27 guidelines that are consistent with the provisions of Title 15A of the  
28 New Jersey Statutes as shall be necessary for the governance and  
29 operation of the New Jersey Society for the Prevention of Cruelty to  
30 Animals and the county societies for the prevention of cruelty to  
31 animals.

32  
33 4. (New section) The board of trustees of the New Jersey Society  
34 for the Prevention of Cruelty to Animals shall:

35 a. Establish any bylaws or regulations as may be deemed necessary  
36 for governance and operation of the New Jersey Society for the  
37 Prevention of Cruelty to Animals;

38 b. Promote the interests of, and protect and care for, animals  
39 within the State;

40 c. Have the authority to grant county society for the prevention of  
41 cruelty to animals charters for the formation of county societies for the  
42 prevention of cruelty to animals in a county;

43 d. Have the authority, upon a majority vote of the board of  
44 trustees, to revoke, cancel, or suspend the charter of a county society  
45 for the prevention of cruelty to animals for the cause of failing to  
46 comply with any requirement of this act pertaining to the establishment

- 1 or operation of a county society;
- 2 e. Appoint law enforcement officers and agents for enforcing all  
3 laws and ordinances enacted for the protection of animals and for the  
4 investigation of alleged acts of cruelty within the State, and adopt a  
5 badge which shall be authority for making arrests;
- 6 f. Establish mandatory annual training courses for all law  
7 enforcement officers and agents of the New Jersey Society for the  
8 Prevention of Cruelty to Animals and of the county societies, which  
9 courses shall be approved by the Police Training Commission and shall  
10 include (1) instruction in the law and procedures concerning arrest and  
11 search and seizure, (2) instruction in the recognition of animal abuse,  
12 neglect, and distress, and (3) for law enforcement officers, firearms  
13 training;
- 14 g. Make, alter, and use a common seal;
- 15 h. Have the authority to sue and be sued in all courts, and all  
16 actions brought by or against the New Jersey Society for the  
17 Prevention of Cruelty to Animals shall be in its corporate name;
- 18 i. Purchase and hold any real estate as may be expedient for the  
19 advancement of the purposes of the New Jersey Society for the  
20 Prevention of Cruelty to Animals, and take by devise or gift all real  
21 estate or personal property that is devised or given to it, or to a county  
22 society in a county where a chartered county society does not exist,  
23 without regard to value. The title to any real estate shall be taken in  
24 the corporate name of the society;
- 25 j. Hold in escrow any assets, after payment of any outstanding  
26 debts, of a county society that dissolves or has its charter revoked,  
27 canceled, or suspended for any reason until a new county society for  
28 that county is formed and chartered or the revoked, canceled, or  
29 suspended charter for the county is restored, at which time the board  
30 of trustees shall transfer those assets to the newly formed and  
31 chartered county society or the county society whose revoked,  
32 canceled, or suspended charter has been restored, as the case may be.  
33 If no new county society is formed and chartered within two years  
34 after the receipt of the assets, or the revoked, canceled, or suspended  
35 charter is not restored within two years after the revocation,  
36 cancellation, or suspension, as the case may be, then the assets shall  
37 become the property of the New Jersey Society for the Prevention of  
38 Cruelty to Animals; and
- 39 k. Assist persons in counties without a chartered county society to  
40 obtain a charter.
- 41
- 42 5. (New section) The board of trustees of the New Jersey Society  
43 for the Prevention of Cruelty to Animals may establish reasonable fees  
44 for chartering county societies for the prevention of cruelty to animals  
45 and for renewal of a charter.

1       6. (New section) a. Every county society for the prevention of  
2 cruelty to animals that has been in existence prior to the effective date  
3 of P.L. , c. (C. ) (now before the Legislature as this bill) shall be  
4 continued as a chartered county society.

5       b. A charter for a county society may be granted by the board of  
6 trustees of the New Jersey Society for the Prevention of Cruelty to  
7 Animals if the county society can demonstrate that it consists of at  
8 least 10 members.

9       c. Every county society shall submit quarterly a law enforcement  
10 report to the board of trustees of the New Jersey Society for the  
11 Prevention of Cruelty to Animals on a form provided by the New  
12 Jersey Society for the Prevention of Cruelty to Animals.

13  
14       7. (New section) A county society for the prevention of cruelty to  
15 animals continued or established in accordance with section 6  
16 of P.L. , c. (C. ) (now before the Legislature as this bill) shall:

17       a. Elect its own board of trustees from the members of the county  
18 society for the prevention of cruelty to animals who reside within the  
19 county or who choose to be affiliated with that county society;

20       b. Establish bylaws or regulations necessary for the governance and  
21 operation of the county society;

22       c. Enforce all laws and ordinances enacted for the protection of  
23 animals;

24       d. Promote the interests of, and protect and care for, animals  
25 within the State;

26       e. Appoint up to, but not more than, three law enforcement officers  
27 and agents for the purpose of enforcing all laws and ordinances  
28 enacted for the protection of animals.

29       (1) A law enforcement officer shall not be authorized to possess,  
30 carry, or use a firearm while enforcing the laws and ordinances enacted  
31 for the protection of animals unless the law enforcement officer shall  
32 have satisfactorily completed a firearms training course as defined in  
33 subsection j. of N.J.S.2C:39-6 and approved by the Police Training  
34 Commission.

35       (2) A person convicted of a crime shall not be eligible to become a  
36 law enforcement officer or agent.

37       (3) A person shall not be appointed a law enforcement officer or  
38 agent until the county society shall have determined that no criminal  
39 history record information exists for that person on file at the Bureau  
40 of Identification in the Division of State Police, Department of Law  
41 and Public Safety.

42       (4) All county societies are authorized to exchange fingerprint data  
43 and receive criminal history record information from the Bureau of  
44 Identification, Division of State Police, Department of Law and Public  
45 Safety, for use in considering a person for appointment as a law  
46 enforcement officer or agent of any county society;

1 f. Investigate alleged acts of cruelty to animals and, when  
2 necessary, request legal assistance from the office of the appropriate  
3 county or municipal prosecutor, which the county or municipal  
4 prosecutor, as the case may be, shall make every reasonable effort to  
5 provide;

6 g. Adopt a badge, which shall be authority for making arrests and  
7 which shall be easily distinguishable from the badge adopted by the  
8 New Jersey Society for the Prevention of Cruelty to Animals;

9 h. Have the authority to sue and be sued in all courts, and all  
10 actions brought by or against the county society shall be in its  
11 corporate name; and

12 i. Purchase and hold any real estate as may be expedient for the  
13 advancement of the purposes of the county society, and take by devise  
14 or gift all real estate or personal property that is devised or given to  
15 it, without regard to value. The title to any real estate shall be taken  
16 in the corporate name of the county society.

17

18 8. (New section) a. Each county society for the prevention of  
19 cruelty to animals shall require that its law enforcement officers and  
20 agents participate in the training courses established pursuant to  
21 subsection f. of section 4 of P.L. , c. (C. ) (now before the  
22 Legislature as this bill).

23 b. Each county society shall establish training programs for the  
24 operation of the county society in accordance with mandatory uniform  
25 standards, guidelines, and procedures established for the operation of  
26 all county societies.

27 c. The board of trustees of a county society shall appoint officers  
28 who shall be responsible for direction of the daily operation of the  
29 county society.

30

31 9. (New section) a. All State, county, and municipal law  
32 enforcement agencies and all county and municipal health agencies  
33 shall, upon request, aid the law enforcement officers and agents of a  
34 county society for the prevention of cruelty to animals or the New  
35 Jersey Society for the Prevention of Cruelty to Animals in the  
36 enforcement of all laws and ordinances enacted for the protection of  
37 animals.

38 b. The Attorney General shall assign to the New Jersey Society for  
39 the Prevention of Cruelty to Animals a Deputy Attorney General to  
40 provide assistance and guidance to the society in carrying out its law  
41 enforcement duties and responsibilities.

42

43 10. (New section) Each county society for the prevention of  
44 cruelty to animals shall cause an annual audit of all of its financial  
45 transactions to be performed by a person licensed in New Jersey as a  
46 certified public accountant. The audit for each calendar year shall be

1 submitted by June 1 of the next following calendar year to the State  
2 Attorney General, and shall be made available to the public upon  
3 request.

4  
5 11. R.S.4:22-13 is amended to read as follows:

6 4:22-13. A [corporation constituted or organized for the purpose  
7 of the enforcement of laws enacted for the protection of dumb animals,  
8 or for the purpose of promoting the welfare of dumb animals, whether  
9 incorporated by special act of the legislature or under general laws,  
10 may at any time, in the manner provided in section 4:22-14 of this  
11 title,] county society for the prevention of cruelty to animals may  
12 amend its charter or certificate of incorporation as originally enacted  
13 or filed or as amended so that [such corporation] the county society,  
14 in addition to its other powers and purposes, shall have the following  
15 powers and purposes: [To] to promote the interests of, and to  
16 protect and care for [dumb], animals; to maintain and operate one or  
17 more rest farms, kennels, pounds, shelters, or hospitals, or any or all  
18 of them, for animals in the custody of the county society by reason of  
19 impoundment, seizure or relinquishment by the owner[,]; and to do  
20 any and all things which would benefit or tend to benefit [dumb]  
21 animals.

22 (cf: R.S.4:22-13)

23  
24 12. R.S.4:22-26 is amended to read as follows:

25 4:22-26. A person who shall:

26 a. (1) Overdrive, overload, drive when overloaded, overwork,  
27 deprive of necessary sustenance, abuse, or needlessly kill a living  
28 animal or creature, or cause or procure any such acts to be done;

29 (2) Torment, torture, maim, hang, poison, unnecessarily or cruelly  
30 beat, or needlessly mutilate a living animal or creature, or cause or  
31 procure any such acts to be done;

32 (3) Cruelly kill, or cause or procure the cruel killing of, a living  
33 animal or creature, or otherwise cause or procure the death of a living  
34 animal or creature from commission of any act described in paragraph  
35 (2) of this subsection;

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

37 c. Inflict unnecessary cruelty upon a living animal or creature, or  
38 unnecessarily fail to provide a living animal or creature of which the  
39 person has charge either as an owner or otherwise with proper food,  
40 drink, shelter or protection from the weather, or leave it unattended in  
41 a vehicle under inhumane conditions adverse to the health or welfare  
42 of the living animal or creature;

43 d. Receive or offer for sale a horse that is suffering from abuse or  
44 neglect, or which by reason of disability, disease, abuse or lameness,  
45 or any other cause, could not be worked, ridden or otherwise used for  
46 show, exhibition or recreational purposes, or kept as a domestic pet

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

- 1 of money except in connection with exhibitions, shows or  
2 performances conducted in a bona fide manner by recognized breeders'  
3 associations, 4-H clubs or other similar bona fide organizations;
- 4 q. Sell or offer for sale, barter, or give away living rabbits, turtles,  
5 baby chicks, ducklings or other fowl under two months of age, for use  
6 as household or domestic pets;
- 7 r. Sell, offer for sale, barter or give away living baby chicks,  
8 ducklings or other fowl, or rabbits, turtles or chameleons under two  
9 months of age for any purpose not prohibited by subsection q. of this  
10 section and who shall fail to provide proper facilities for the care of  
11 such animals;
- 12 s. Artificially mark sheep or cattle, or cause them to be marked, by  
13 cropping or cutting off both ears, cropping or cutting either ear more  
14 than one inch from the tip end thereof, or half cropping or cutting both  
15 ears or either ear more than one inch from the tip end thereof, or who  
16 shall have or keep in the person's possession sheep or cattle, which the  
17 person claims to own, marked contrary to this subsection unless they  
18 were bought in market or of a stranger;
- 19 t. Abandon a domesticated animal;
- 20 u. For amusement or gain, cause, allow, or permit the fighting or  
21 baiting of a living animal or creature;
- 22 v. Own, possess, keep, train, promote, purchase, or knowingly sell  
23 a living animal or creature for the purpose of fighting or baiting that  
24 animal or creature;
- 25 w. Gamble on the outcome of a fight involving a living animal or  
26 creature;
- 27 x. Knowingly sell or barter or offer for sale or barter, at wholesale  
28 or retail, the fur or hair of a domestic dog or cat or any product made  
29 in whole or in part from the fur or hair of a domestic dog or cat, unless  
30 such fur or hair for sale or barter is from a commercial grooming  
31 establishment or a veterinary office or clinic or is for use for scientific  
32 research;
- 33 y. Knowingly sell or barter or offer for sale or barter, at wholesale  
34 or retail, for human consumption, the flesh of a domestic dog or cat or  
35 any product made in whole or in part from the flesh of a domestic dog  
36 or cat;
- 37 z. Surgically debark or silence a dog in violation of section 1 or 2  
38 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 39 aa. Use a live pigeon, fowl or other bird for the purpose of a  
40 target, or to be shot at either for amusement or as a test of skill in  
41 marksmanship, except that this subsection and subsections bb. and cc.  
42 shall not apply to the shooting of game;
- 43 bb. Shoot at a bird used as described in subsection aa. of this  
44 section, or is a party to such shooting; or
- 45 cc. Lease a building, room, field or premises, or knowingly permit  
46 the use thereof for the purposes of subsection aa. or bb. of this section

1 --

2 Shall forfeit and pay a sum according to the following schedule, to  
3 be sued for and recovered, with costs, in a civil action by any person  
4 in the name of the New Jersey Society for the Prevention of Cruelty  
5 to Animals or a county society for the prevention of cruelty to animals,  
6 as appropriate:

7 For a violation of subsection e., f., g., u., v., w., or z. of this section  
8 or of paragraph (3) of subsection a. of this section, or for a second or  
9 subsequent violation of paragraph (2) of subsection a. of this section,  
10 a sum of up to \$5,000;

11 For a violation of subsection l. of this section or for a first violation  
12 of paragraph (2) of subsection a. of this section, a sum of up to  
13 \$3,000;

14 For a violation of subsection x. or y. of this section, a sum of up to  
15 \$1,000 for each domestic dog or cat fur or fur or hair product or  
16 domestic dog or cat carcass or meat product;

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

20 For a violation of subsection c., d., h., j., k., aa., bb., or cc. of this  
21 section or of paragraph (1) of subsection a. of this section, a sum of  
22 up to \$1,000; and

23 For a violation of subsection i., m., n., o., p., q., r., or s. of this  
24 section, a sum of up to \$500.

25 (cf: P.L.2003, c.232, s.3)

26

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

28 4:22-55. a. Except as provided pursuant to subsection b. of this  
29 section, all fines, penalties and moneys imposed and collected under  
30 the provisions of this article, shall be paid by the court or by the clerk  
31 or court officer receiving the fines, penalties or moneys, within thirty  
32 days and without demand, to (1) the 【district (county)】 county society  
33 for the prevention of cruelty to animals of the county where the fines,  
34 penalties or moneys were imposed and collected, if 【one is in existence  
35 in that county, and if not, then to】 the county society brought the  
36 action or it was brought on behalf of the county society, to be used by  
37 the county society in aid of the benevolent objects for which it was  
38 incorporated, or (2) in all other cases, the New Jersey Society for the  
39 Prevention of Cruelty to Animals, to be used by the State society in aid  
40 of the benevolent objects for which it was incorporated.

41 b. If an enforcement action for a violation of this article is brought  
42 primarily as a result of the discovery and investigation of the violation  
43 by a certified animal control officer, the fines, penalties or moneys  
44 collected shall be paid as follows: one half to the municipality in  
45 which the violation occurred ; and one half to the county society or to  
46 the New Jersey Society for the Prevention of Cruelty to Animals, as

1 applicable to the particular enforcement action.

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

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

7 (2) the training therefor required of certified animal control officers  
8 pursuant to law.

9 (cf: P.L.1997, c.247, s.7)

10

11 14. R.S.4:22-1 through R.S.4:22-11, inclusive, and R.S.4:22-14  
12 are repealed.

13

14 15. This act shall take effect immediately.

15

16

17

#### STATEMENT

18

19 This bill would revise the organization, administration, and powers  
20 of the New Jersey Society for the Prevention of Cruelty to Animals  
21 (NJSPCA), which was originally incorporated pursuant to an act of the  
22 Legislature in 1868. The bill would also revise those provisions of law  
23 relating to district (county) societies for the prevention of cruelty to  
24 animals.

25 The bill would provide that the NJSPCA be continued as a parent  
26 corporation for the purposes of coordinating the various functions of  
27 county societies, and of promoting the interests of, protecting and  
28 caring for, and doing any and all things to benefit animals. The bill  
29 would direct that the corporation be governed by a board of trustees  
30 consisting of 15 members of the NJSPCA elected annually by the  
31 membership thereof. Of those 15 trustees, at least one must also be a  
32 member of a county society for the prevention of cruelty to animals in  
33 the northern part of the State, at least one must also be a member of  
34 a county society for the prevention of cruelty to animals in the central  
35 part of the State, and at least one must also be a member of a county  
36 society for the prevention of cruelty to animals in the southern part of  
37 the State.

38 The board of trustees would be directed to prepare an annual report  
39 concerning the law enforcement activity of the NJSPCA and the  
40 county societies, submit that report to the Attorney General by June  
41 1 each year and make the report available to the public upon request.

42 The bill would provide that individuals who have been convicted of  
43 a crime may not become an agent, law enforcement officer, officer, or  
44 trustee of the NJSPCA or any county society.

45 The bill would allow for the NJSPCA or a county society to appoint  
46 law enforcement officers and agents (up to but not more than three for

1 a county society) for the purpose of enforcing all laws and ordinances  
2 enacted for the protection of animals. A law enforcement officer, in  
3 order to carry firearms, would be required to satisfactorily complete  
4 training for that purpose.

5 The bill would also repeal those provisions of chapter 22 of Title 4  
6 of the Revised Statutes relating to the current powers, functions, and  
7 duties of the NJSPCA and its district (county) societies.

8 Finally, the bill would provide that fines and penalties collected for  
9 violations of the animal cruelty law would be paid to the enforcing  
10 society, i.e., either the county society or the State society, as the case  
11 may be, depending upon who brought the enforcement action.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3186**

with committee amendments

**STATE OF NEW JERSEY**

DATED: NOVEMBER 4, 2004

The Assembly Agriculture and Natural Resources Committee reports favorably and with committee amendments Assembly Bill No. 3186.

This bill would revise the organization, administration, and powers of the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA), which was originally incorporated pursuant to an act of the Legislature in 1868. The bill would also revise those provisions of law relating to district (county) societies for the prevention of cruelty to animals.

The bill would provide that the NJSPCA be continued as a parent corporation for the purposes of coordinating the various functions of county societies, and of promoting the interests of, protecting and caring for, and doing any and all things to benefit animals. The bill would direct that the corporation be governed by a board of trustees consisting of 15 members of the NJSPCA elected by the membership thereof. Of those 15 trustees, at least one must also be a member of a county society for the prevention of cruelty to animals in the northern part of the State, at least one must also be a member of a county society for the prevention of cruelty to animals in the central part of the State, and at least one must also be a member of a county society for the prevention of cruelty to animals in the southern part of the State.

The board of trustees would be directed to prepare an annual report concerning the law enforcement activity of the NJSPCA and the county societies, submit that report to the Attorney General by June 1 each year and make the report available to the public upon request.

The bill would provide that individuals who have been convicted of a crime may not become an agent, law enforcement officer, officer, or trustee of the NJSPCA or any county society.

The bill, as amended by the committee, would allow for the NJSPCA or a county society to appoint law enforcement officers and agents (up to but not more than three law enforcement officers for a county society) for the purpose of enforcing all laws and ordinances

enacted for the protection of animals. A law enforcement officer, in order to carry firearms, would be required to satisfactorily complete training for that purpose.

The bill would also repeal those provisions of chapter 22 of Title 4 of the Revised Statutes relating to the current powers, functions, and duties of the NJSPCA and its district (county) societies.

Finally, the bill would provide that fines and penalties collected for violations of the animal cruelty law would be paid to the enforcing society, i.e., either the county society or the State society, as the case may be, depending upon who brought the enforcement action.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) provide that the NJSPCA board trustees would serve three-year terms; and provide that the current NJSPCA board trustees would finish their respective present terms on the newly created board in the bill, at which point the bill's election requirement would be triggered, thereby establishing a staggered term structure for the future election of the trustees;

(2) clarify that a county society would be limited to a maximum of three law enforcement officers (i.e., agents authorized to carry firearms) but that this limit does not apply to unarmed agents; and

(3) require the NJSPCA, in addition to the county societies, to cause an annual financial audit to be performed and submitted to the Attorney General.

# SENATE ECONOMIC GROWTH COMMITTEE

## STATEMENT TO

[Third Reprint]

### **ASSEMBLY, No. 3186**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 12, 2005

The Senate Economic Growth Committee reports favorably and with committee amendments Assembly Bill No. 3186 (3R).

This bill, as amended by the committee, would revise the organization, administration, and powers of the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA or State society), which was originally incorporated pursuant to an act of the Legislature in 1868. The bill would also revise those provisions of law relating to county societies for the prevention of cruelty to animals.

The bill would provide that the NJSPCA be continued as a parent corporation for the purposes of coordinating the various functions of county societies, and of promoting the interests of, protecting and caring for, and doing any and all things to benefit animals. The bill would direct that the corporation be governed by a board of trustees consisting of 15 persons, of whom 12 shall be members of the society elected by the membership thereof and three shall be persons appointed by the Governor with the advice and consent of the Senate. Of the 12 elected trustees, at least one must also be a member of a county society for the prevention of cruelty to animals in the northern part of the State, at least one must also be a member of a county society for the prevention of cruelty to animals in the central part of the State, and at least one must also be a member of a county society for the prevention of cruelty to animals in the southern part of the State.

The bill would require the NJSPCA and the county societies to prepare and submit various periodic reports on law enforcement activities and to cause independent financial audits to be conducted and submitted annually.

The bill would empower the NJSPCA to, among other things:

(1) grant charters for the formation of county societies for the prevention of cruelty to animals in a county, and assess reasonable chartering and renewal fees;

(2) upon a majority vote of the board of trustees, revoke, cancel, or suspend a county society charter for the cause of failing to comply

with any requirement of the bill pertaining to the establishment or operation of a county society;

(3) appoint agents for enforcing animal cruelty laws and ordinances and for the investigation of alleged acts of animal cruelty; appoint agents for commissioning as humane law enforcement officers for the same purposes; and appoint a Chief Humane Law Enforcement Officer from among the appointed humane law enforcement officers; and

(4) establish or provide for mandatory annual training courses for humane law enforcement officers and agents of the NJSPCA and of the county societies, which courses would be subject to the approval of the Police Training Commission (PTC).

The bill provides that every county society that is in existence on the enactment date of the bill would be continued as a chartered county society.

Under the bill, a county society would be empowered, among other things, to:

(1) elect its own board of trustees from the members of the county society who reside within the county or who choose to be affiliated with that county society;

(2) investigate alleged acts of animal cruelty and, when necessary, request legal assistance from the office of the appropriate county or municipal prosecutor, which the county or municipal prosecutor, as the case may be, shall make every reasonable effort to provide; and

(3) appoint agents for enforcing animal cruelty laws and ordinances and for the investigation of alleged acts of animal cruelty; appoint up to, but not more than, three agents for commissioning as humane law enforcement officers, and, with the concurrence of the county prosecutor, authorize the commissioning of such additional humane law enforcement officers over that established maximum as may be necessary based upon population or the number, degree, or complexity of animal cruelty complaints; and appoint a Chief Humane Law Enforcement Officer from among the appointed humane law enforcement officers.

A humane law enforcement officer would not be authorized to possess, carry, or use a firearm while enforcing animal cruelty laws and ordinances unless the humane law enforcement officer has satisfactorily completed a PTC-approved firearms training course and annually qualifies in the use of a revolver or similar weapon.

A person convicted of a crime, or convicted or found liable for a violation of an animal cruelty law, would not be eligible to become a humane law enforcement officer or an agent, officer, or trustee of the NJSPCA or a county society. Accordingly, the bill would require the conducting of criminal history record background checks.

The bill provides that each county society must require its humane law enforcement officers and agents to complete satisfactorily the training courses established by the bill and by the county society.

Under the bill, an application to be commissioned as a humane law enforcement officer must be submitted to the Superintendent of State

Police by the board of trustees of a county society or of the NJSPCA, as the case may be. In addition to conducting criminal history record background checks, the superintendent is required to investigate and determine the character, competency, integrity, and fitness of the applicant. The superintendent would be empowered under the bill to approve the commissioning of humane law enforcement officers meeting the prescribed requirements. The bill would establish a process for the revocation or suspension of a commission or dismissal or suspension of a humane law enforcement officer under certain conditions.

The bill provides that all State, county, and municipal law enforcement agencies and all county and municipal health agencies shall, upon request, make every reasonable effort to assist the humane law enforcement officers and agents of a county society or the NJSPCA in the enforcement of animal cruelty laws and ordinances.

The bill would also repeal those provisions of chapter 22 of Title 4 of the Revised Statutes relating to the current powers, functions, and duties of the NJSPCA and its district (county) societies.

Finally, the bill would establish certain mandatory minimum civil action penalties for animal cruelty violations, and allow municipalities to bring such civil actions in certain cases. The bill also would provide that fines and penalties collected due to action taken by a county society or the State society for violations of the animal cruelty law would be paid to the enforcing society, i.e., either the county society or the State society, as the case may be, depending upon who brought the enforcement action. The bill does not alter current law with respect to the distribution of fines and penalties collected due to an enforcement action brought primarily as a result of the discovery and investigation of the violation by a certified animal control officer, except as it applies with respect to the interaction of the State society and the county societies.

The committee amended the bill to:

(1) provide for gubernatorial appointment, with the advice and consent of the Senate, of three NJSPCA trustees;

(2) require each county society to submit its quarterly law enforcement reports to the county sheriff and county prosecutor, and require the NJSPCA to compile these reports and submit them to the Attorney General;

(3) delete redundant provisions in the bill regarding humane law enforcement officers;

(4) provide that no person may serve as a trustee, officer, or humane law enforcement officer or agent of, or hold any other position of authority within, the NJSPCA or any county society if that person has been convicted of, or found civilly liable for, an animal cruelty offense;

(5) expand upon the authority for revocation, suspension, or dismissal of a commissioned humane law enforcement officer;

(6) require humane law enforcement officers to annually qualify in

the use of their firearms;

(7) provide that every person serving as a law enforcement officer appointed by a county society or the NJSPCA on the enactment date of the bill for whom an application has been submitted to be commissioned as a humane law enforcement officer would be permitted to serve in that capacity unless and until the application for commission is disapproved or the person is otherwise disqualified pursuant to the bill;

(8) provide that the PTC shall collaborate with the NJSPCA in developing or approving the animal protection law enforcement training course required by the bill, and that this course shall be the same or substantially similar to that taken by certified animal control officers who are authorized as animal cruelty investigators;

(9) delete a provision in the bill requiring the Attorney General to assign to the NJSPCA a Deputy Attorney General to provide assistance and guidance to the society in carrying out its law enforcement duties and responsibilities;

(10) provide that the auditing requirements in the bill shall be in addition to those that may be imposed by other laws; and

(11) make various technical and clarifying amendments, including amendments to update the bill to current law.

As amended and reported by the committee, this bill is identical to Senate Bill No. 2636 of 2005 as also amended and reported by the committee.

# STATEMENT TO

[First Reprint]

## **ASSEMBLY, No. 3186**

with Assembly Floor Amendments  
(Proposed By Assemblyman CONAWAY)

ADOPTED: FEBRUARY 24, 2005

These amendments would:

(1) authorize agents of the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA) or a county society for the prevention of cruelty to animals (county society), upon the recommendation of the Chief Humane Law Enforcement Officer of the particular society, to issue summons and direct humane law enforcement officers, as defined under the bill, to make arrests and enforce animal cruelty and protection laws and ordinances, and to investigate alleged acts of animal cruelty;

(2) change the length of the term for NJSPCA trustees from three years to six years;

(3) require the NJSPCA board of trustees to also submit its annual law enforcement activity report to the Legislature;

(4) require the NJSPCA to submit quarterly law enforcement statistics to the Attorney General;

(5) require the NJSPCA and county societies to each appoint a Chief Humane Law Enforcement Officer;

(6) require the NJSPCA board of trustees to establish, or make arrangements for the provision of, mandatory annual training courses for humane law enforcement officers and agents;

(7) allow county societies, with the concurrence of the county prosecutor and under certain conditions, to appoint more than three humane law enforcement officers;

(8) provide additional requirements and detail about the criminal history record background checks that must be performed on all trustees, officers, humane law enforcement officers, and agents of the NJSPCA and county societies;

(9) require the Superintendent of State Police to investigate and determine the character, competency, integrity, and fitness of any person to be appointed as a humane law enforcement officer;

(10) provide additional requirements and detail about the animal protection law enforcement training course established pursuant to the bill;

(11) provide that State and local law enforcement and health agencies, upon request, are to make every reasonable effort to assist humane law enforcement officers and agents of the NJSPCA and county societies;

(12) require that the annual financial audit for the NJSPCA and each county society be prepared in accordance with generally accepted accounting principles and standards by an independent New Jersey licensed certified public accountant;

(13) establish certain mandatory minimum civil action penalties for animal cruelty violations, and allow municipalities to bring such civil actions in certain cases; and

(14) make various clarifying and technical amendments.

STATEMENT TO  
[Second Reprint]  
**ASSEMBLY, No. 3186**

with Assembly Floor Amendments  
(Proposed By Assemblyman CONAWAY)

ADOPTED: MAY 16, 2005

The amendments would:

(1) require that humane law enforcement officers be commissioned by the Superintendent of State Police;

(2) empower the board of trustees of a county society for the prevention of cruelty to animals or the board of trustees of the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA), as the case may be, to revoke or suspend the commissions of humane law enforcement officers, and provide that they also may do so upon recommendation of the Superintendent of State Police;

(3) delete the "grandfathering" exception regarding criminal history background checks and other investigations for existing trustees, officers, humane law enforcement officers, and agents;

(4) require the Superintendent of State Police to, within 90 days after receipt of an application, commission or refuse to commission the applicant as a humane law enforcement officer;

(5) provide for the presumed commissioning of humane law enforcement officers in certain circumstances, and establish an appeal procedure for persons not commissioned or whose commissions have been revoked or suspended;

(6) repeal a section of statutory law concerned with the powers of NJSPCA members, officers, or agents in relation to agents specially deputized by a sheriff; and

(7) make use of the term "humane law enforcement officer" consistent throughout the bill, including the addition of two amendatory sections concerned with some of the law enforcement powers of these officers.

**SENATE, No. 2636**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED JUNE 9, 2005

**Sponsored by:**

**Senator RAYMOND J. LESNIAK**

**District 20 (Union)**

**SYNOPSIS**

Reorganizes NJSPCA and county societies for the prevention of cruelty to animals.

**CURRENT VERSION OF TEXT**

As introduced.



S2636 LESNIAK

2

1 AN ACT concerning the prevention of cruelty to animals,  
2 supplementing chapter 22 of Title 4 of the Revised Statutes,  
3 amending R.S.4:22-13, R.S.4:22-26, and R.S.4:22-55, and  
4 repealing various parts of the statutory law.

5

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

8

9 1. (New section) As used in this chapter:

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

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

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

35

36 2. (New section) a. (1) The New Jersey Society for the Prevention  
37 of Cruelty to Animals is continued as a parent corporation for the  
38 purposes of coordinating the functions of county societies for the  
39 prevention of cruelty to animals, and of promoting the interests of,  
40 protecting and caring for, and doing any and all things to benefit or  
41 that tend to benefit animals. The New Jersey Society for the  
42 Prevention of Cruelty to Animals shall be governed by a board of  
43 trustees consisting of 15 members of the society elected by the

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 membership thereof. Each trustee shall serve a term of six years,  
2 except as provided otherwise pursuant to paragraph (2) of this  
3 subsection. Of those 15 trustees, at least one shall also be a member  
4 of a county society for the prevention of cruelty to animals in the  
5 northern part of the State, at least one shall also be a member of a  
6 county society for the prevention of cruelty to animals in the central  
7 part of the State, and at least one shall also be a member of a county  
8 society for the prevention of cruelty to animals in the southern part of  
9 the State.

10 For the purposes of this paragraph: "northern" means the counties  
11 of Bergen, Essex, Hudson, Morris, Passaic, Sussex, or Union;  
12 "central" means the counties of Hunterdon, Mercer, Middlesex,  
13 Monmouth, Somerset, or Warren; and "southern" means the counties  
14 of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester,  
15 Ocean, or Salem.

16 (2) Notwithstanding any provision of paragraph (1) of this  
17 subsection to the contrary, every trustee on the board governing the  
18 New Jersey Society for the Prevention of Cruelty to Animals on the  
19 day before the date of enactment of P.L. , c. (C. ) (now before  
20 the Legislature as this bill) shall complete the remainder of their  
21 respective assigned terms on the board created pursuant to paragraph  
22 (1) of this subsection.

23 b. The board of trustees of the New Jersey Society for the  
24 Prevention of Cruelty to Animals shall prepare an annual report  
25 concerning the law enforcement activity of the New Jersey Society for  
26 the Prevention of Cruelty to Animals and the county societies, and  
27 shall submit the report for each calendar year by June 1 of the next  
28 following calendar year to the Attorney General and the Legislature,  
29 and shall make the report available to the public upon request.

30 c. The New Jersey Society for the Prevention of Cruelty to  
31 Animals shall submit quarterly to the Attorney General statistical  
32 information concerning its law enforcement activity during that period,  
33 on a form developed in conjunction with the Attorney General.

34  
35 3. (New section) Within 120 days after the effective date of  
36 P.L. , c. (C. ) (now before the Legislature as this bill), the board  
37 of trustees of the New Jersey Society for the Prevention of Cruelty to  
38 Animals shall meet to establish bylaws and uniform standards and  
39 guidelines that are consistent with the provisions of Title 15A of the  
40 New Jersey Statutes as shall be necessary for the governance and  
41 operation of the New Jersey Society for the Prevention of Cruelty to  
42 Animals and the county societies for the prevention of cruelty to  
43 animals.

44  
45 4. (New section) The board of trustees of the New Jersey Society  
46 for the Prevention of Cruelty to Animals shall:

S2636 LESNIAK

- 1 a. Establish any bylaws or regulations as may be deemed necessary  
2 for governance and operation of the New Jersey Society for the  
3 Prevention of Cruelty to Animals;
- 4 b. Promote the interests of, and protect and care for, animals  
5 within the State;
- 6 c. Have the authority to grant county society for the prevention of  
7 cruelty to animals charters for the formation of county societies for the  
8 prevention of cruelty to animals in a county;
- 9 d. Have the authority, upon a majority vote of the board of  
10 trustees, to revoke, cancel, or suspend the charter of a county society  
11 for the prevention of cruelty to animals for the cause of failing to  
12 comply with any requirement of this act pertaining to the establishment  
13 or operation of a county society;
- 14 e. Appoint agents for enforcing all laws and ordinances enacted for  
15 the protection of animals and for the investigation of alleged acts of  
16 cruelty to animals within the State; appoint agents for commission as  
17 humane law enforcement officers in accordance with the provisions of  
18 sections 9 and 10 of P.L. , c. (C. ) (now before the Legislature  
19 as this bill) for the purpose of enforcing all laws and ordinances  
20 enacted for the protection of animals and for the investigation of  
21 alleged acts of cruelty to animals within the State; appoint a Chief  
22 Humane Law Enforcement Officer from among the appointed humane  
23 law enforcement officers; and adopt a badge which shall be authority  
24 for making arrests;
- 25 f. Establish, or make arrangements for the provision of, mandatory  
26 annual training courses for all humane law enforcement officers and  
27 agents of the New Jersey Society for the Prevention of Cruelty to  
28 Animals and of the county societies, which courses shall be approved  
29 by the Police Training Commission;
- 30 g. Make, alter, and use a common seal;
- 31 h. Have the authority to sue and be sued in all courts, and all  
32 actions brought by or against the New Jersey Society for the  
33 Prevention of Cruelty to Animals shall be in its corporate name;
- 34 i. Purchase and hold any real estate as may be expedient for the  
35 advancement of the purposes of the New Jersey Society for the  
36 Prevention of Cruelty to Animals, and take by devise or gift all real  
37 estate or personal property that is devised or given to it, or to a county  
38 society in a county where a chartered county society does not exist,  
39 without regard to value. The title to any real estate shall be taken in  
40 the corporate name of the society;
- 41 j. Hold in escrow any assets, after payment of any outstanding  
42 debts, of a county society that dissolves or has its charter revoked,  
43 canceled, or suspended for any reason until a new county society for  
44 that county is formed and chartered or the revoked, canceled, or  
45 suspended charter for the county is restored, at which time the board  
46 of trustees shall transfer those assets to the newly formed and

1 chartered county society or the county society whose revoked,  
2 canceled, or suspended charter has been restored, as the case may be.  
3 If no new county society is formed and chartered within two years  
4 after the receipt of the assets, or the revoked, canceled, or suspended  
5 charter is not restored within two years after the revocation,  
6 cancellation, or suspension, as the case may be, then the assets shall  
7 become the property of the New Jersey Society for the Prevention of  
8 Cruelty to Animals; and

9 k. Assist persons in counties without a chartered county society to  
10 obtain a charter.

11

12 5. (New section) The board of trustees of the New Jersey Society  
13 for the Prevention of Cruelty to Animals may establish reasonable fees  
14 for chartering county societies for the prevention of cruelty to animals  
15 and for renewal of a charter.

16

17 6. (New section) a. Every county society for the prevention of  
18 cruelty to animals that is in existence on the date of enactment of  
19 P.L. , c. (C. ) (now before the Legislature as this bill) shall be  
20 continued as a chartered county society.

21 b. A charter for a county society may be granted by the board of  
22 trustees of the New Jersey Society for the Prevention of Cruelty to  
23 Animals if the county society can demonstrate that it consists of at  
24 least 10 members. The requirements of this subsection shall not apply  
25 to a county society which is continued as a chartered county society  
26 as provided in subsection a. of this section.

27 c. Every county society shall submit quarterly a law enforcement  
28 report to the board of trustees of the New Jersey Society for the  
29 Prevention of Cruelty to Animals on a form developed in conjunction  
30 with the Attorney General.

31

32 7. (New section) A county society for the prevention of cruelty to  
33 animals continued or established in accordance with section 6  
34 of P.L. , c. (C. ) (now before the Legislature as this bill) shall:

35 a. Elect its own board of trustees from the members of the county  
36 society for the prevention of cruelty to animals who reside within the  
37 county or who choose to be affiliated with that county society;

38 b. Establish bylaws or regulations necessary for the governance and  
39 operation of the county society;

40 c. Enforce all laws and ordinances enacted for the protection of  
41 animals;

42 d. Promote the interests of, and protect and care for, animals  
43 within the State;

44 e. Appoint agents for enforcing all laws and ordinances enacted for  
45 the protection of animals and for the investigation of alleged acts of  
46 cruelty to animals within the State; appoint up to, but not more than,

1 three agents for commission as humane law enforcement officers in  
2 accordance with the provisions of sections 9 and 10 of P.L. , c.  
3 (C. ) (now before the Legislature as this bill) for the purpose of  
4 enforcing all laws and ordinances enacted for the protection of animals  
5 and for the investigation of alleged acts of cruelty to animals within  
6 the State, and, with the concurrence of the county prosecutor,  
7 authorize the commission of such additional humane law enforcement  
8 officers over that established maximum as may be necessary based  
9 upon population or the number, degree, or complexity of animal  
10 cruelty complaints; and appoint a Chief Humane Law Enforcement  
11 Officer from among the appointed humane law enforcement officers.

12 (1) A humane law enforcement officer shall not be authorized to  
13 possess, carry, or use a firearm while enforcing the laws and  
14 ordinances enacted for the protection of animals unless the humane  
15 law enforcement officer shall have satisfactorily completed a firearms  
16 training course as defined in subsection j. of N.J.S.2C:39-6 and  
17 approved by the Police Training Commission.

18 (2) A person convicted of a crime shall not be eligible to become a  
19 humane law enforcement officer or agent.

20 (3) A person shall not be appointed a humane law enforcement  
21 officer or agent until the county society shall have determined that no  
22 criminal history record information exists for that person on file at the  
23 Bureau of Identification in the Division of State Police, Department of  
24 Law and Public Safety.

25 (4) All county societies are authorized to exchange fingerprint data  
26 and receive criminal history record information from the Bureau of  
27 Identification, Division of State Police, Department of Law and Public  
28 Safety, for use in considering a person for appointment as a humane  
29 law enforcement officer or agent of any county society;

30 f. Investigate alleged acts of cruelty to animals and, when  
31 necessary, request legal assistance from the office of the appropriate  
32 county or municipal prosecutor, which the county or municipal  
33 prosecutor, as the case may be, shall make every reasonable effort to  
34 provide;

35 g. Adopt a badge, which shall be authority for making arrests and  
36 which shall be easily distinguishable from the badge adopted by the  
37 New Jersey Society for the Prevention of Cruelty to Animals;

38 h. Have the authority to sue and be sued in all courts, and all  
39 actions brought by or against the county society shall be in its  
40 corporate name; and

41 i. Purchase and hold any real estate as may be expedient for the  
42 advancement of the purposes of the county society, and take by devise  
43 or gift all real estate or personal property that is devised or given to  
44 it, without regard to value. The title to any real estate shall be taken  
45 in the corporate name of the county society.

1 8. (New section) a. Each county society for the prevention of  
2 cruelty to animals shall require that its humane law enforcement  
3 officers and agents satisfactorily complete the training courses  
4 established pursuant to P.L. , c. (C. ) (now before the  
5 Legislature as this bill).

6 b. Each county society shall establish training programs for the  
7 operation of the county society in accordance with mandatory uniform  
8 standards, guidelines, and procedures established for the operation of  
9 all county societies.

10 c. The board of trustees of a county society shall appoint officers  
11 who shall be responsible for direction of the daily operation of the  
12 county society.

13

14 9. (New section) a. No person shall serve as a trustee, officer, or  
15 humane law enforcement officer or agent of, or hold any other position  
16 of authority within, the New Jersey Society for the Prevention of  
17 Cruelty to Animals or any county society for the prevention of cruelty  
18 to animals if that person has been convicted of a crime under the laws  
19 of the State or under any similar statutes of the United States or any  
20 other state, as indicated by a criminal history record background check  
21 performed pursuant to this section. The fingerprints of each such  
22 person and the written consent of the person shall be submitted to the  
23 Superintendent of State Police for a criminal history record  
24 background check to be performed. The superintendent shall compare  
25 these fingerprints with fingerprints on file with the Bureau of  
26 Identification in the Division of State Police, Department of Law and  
27 Public Safety, and the Federal Bureau of Investigation, consistent with  
28 State and federal laws, rules, and regulations. The cost for the  
29 criminal history record background check, including all costs  
30 administering and processing the check, shall be borne by either the  
31 person or the board of trustees of the New Jersey Society for the  
32 Prevention of Cruelty to Animals or of a county society for the  
33 prevention of cruelty to animals, as the case may be. The  
34 superintendent shall inform the board of trustees of the New Jersey  
35 Society for the Prevention of Cruelty to Animals or of a county society  
36 for the prevention of cruelty to animals, as the case may be, of whether  
37 the person's criminal history background check reveals a conviction of  
38 a disqualifying crime as specified in this section.

39 The superintendent shall complete the criminal history record  
40 background check required pursuant to this subsection within 90 days  
41 after receipt of a request therefor.

42 b. The board of trustees of the New Jersey Society for the  
43 Prevention of Cruelty to Animals or of a county society for the  
44 prevention of cruelty to animals, as the case may be, shall also request  
45 the Superintendent of State Police to investigate and determine the  
46 character, competency, integrity, and fitness of any person to be

1 appointed as a humane law enforcement officer. Upon receiving the  
2 request, the superintendent shall conduct the investigation and provide  
3 a report thereon, together with any determinations, conclusions, and  
4 recommendations that the superintendent may have, to the applicable  
5 board of trustees.

6 The superintendent shall complete the investigation required  
7 pursuant to this subsection within 90 days after receipt of a request  
8 therefor.

9

10 10. (New section) a. An application to be commissioned as a  
11 humane law enforcement officer shall be submitted to the  
12 Superintendent of State Police by the board of trustees of a county  
13 society for the prevention of cruelty to animals or of the New Jersey  
14 Society for the Prevention of Cruelty to Animals, as the case may be.

15 b. The superintendent shall investigate and determine the character,  
16 competency, integrity, and fitness of the person or persons designated  
17 in the application.

18 c. No person shall be commissioned as a humane law enforcement  
19 officer under the provisions of this section if that person has been  
20 convicted of a crime, as indicated by a criminal history background  
21 check performed pursuant to the provisions of section 9 of P.L. ,  
22 c. (C. ) (now before the Legislature as this bill).

23 d. (1) The superintendent, when satisfied with the examination of  
24 any application and such further inquiry and investigations as the  
25 superintendent shall deem proper as to the good character,  
26 competency, and integrity of the applicant, shall approve the  
27 commission of the applicant as a humane law enforcement officer.

28 (2) The board of trustees of a county society for the prevention of  
29 cruelty to animals or of the New Jersey Society for the Prevention of  
30 Cruelty to Animals, as the case may be, may revoke or suspend a  
31 commission for any reason, including but not limited to (a) a violation  
32 of any provision of P.L. , c. (C. ) (now before the Legislature  
33 as this bill), and (b) upon the recommendation of the Superintendent  
34 of State Police. A revocation or suspension shall be subject to the  
35 provisions of subsection h. of this section.

36 e. A humane law enforcement officer shall not be authorized to  
37 possess, carry, or use a firearm while enforcing the laws and  
38 ordinances enacted for the protection of animals unless the officer has  
39 satisfactorily completed a firearms training course as defined in  
40 subsection j. of N.J.S.2C:39-6 and approved by the Police Training  
41 Commission as required by section 12 of P.L. , c. (C. ) (now  
42 before the Legislature as this bill).

43 f. The superintendent shall, within 90 days after receipt of an  
44 application submitted pursuant to this section, commission or refuse  
45 to commission the applicant as a humane law enforcement officer. An  
46 applicant who has not been commissioned or disqualified within that

1 90-day period shall be presumed by the State to be a commissioned  
2 humane law enforcement officer unless and until otherwise  
3 commissioned or disqualified pursuant to section 9 of P.L. , c.  
4 (C. ) (now before the Legislature as this bill) and this section.

5 g. Every person serving as a law enforcement officer appointed by  
6 a county society for the prevention of cruelty to animals or the New  
7 Jersey Society for the Prevention of Cruelty to Animals on the date of  
8 enactment of this act shall be presumed by the State to be a  
9 commissioned humane law enforcement officer unless and until  
10 otherwise commissioned or disqualified pursuant to section 9 of  
11 P.L. , c. (C. ) (now before the Legislature as this bill) and this  
12 section.

13 h. (1) In the case of refusal to commission an applicant to be a  
14 humane law enforcement officer, the superintendent shall submit to the  
15 board of trustees of a county society for the prevention of cruelty to  
16 animals or of the New Jersey Society for the Prevention of Cruelty to  
17 Animals, as the case may be, a statement setting forth the reasons for  
18 disqualification.

19 (2) A disqualified applicant, or a humane law enforcement officer  
20 whose commission has been revoked or suspended, shall have the right  
21 to submit statements under oath and documentation that contest the  
22 findings of the board of trustees of a county society for the prevention  
23 of cruelty to animals or of the New Jersey Society for the Prevention  
24 of Cruelty to Animals, or of the superintendent, as the case may be.  
25 If, upon receipt of such statements and documentation, the board of  
26 trustees of a county society for the prevention of cruelty to animals or  
27 of the New Jersey Society for the Prevention of Cruelty to Animals,  
28 or the superintendent, as the case may be, maintains that the  
29 disqualification, revocation, or suspension was neither arbitrary nor  
30 capricious, the disqualified applicant, or humane law enforcement  
31 officer whose commission has been revoked or suspended, shall have  
32 the right to an administrative hearing and decision, and the matter shall  
33 be treated as a contested case, under the "Administrative Procedure  
34 Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The administrative law  
35 judge shall hear testimony and make a determination as to whether or  
36 not the disqualification, revocation, or suspension should be set aside,  
37 thereby permitting the applicant to become a humane law enforcement  
38 officer or, in the case of a revocation or suspension, restoring the  
39 commission which had been revoked or suspended.

40  
41 11. (New section) a. The Police Training Commission, in  
42 collaboration with the New Jersey Society for the Prevention of  
43 Cruelty to Animals, shall develop and approve, within 120 days after  
44 the date of enactment of P.L. , c. (C. ) (now before the  
45 Legislature as this bill), a training course for animal protection law

1 enforcement, which shall include but need not be limited to instruction  
2 in:

3 (1) the law, procedures, and enforcement methods and techniques  
4 of investigation, arrest, and search and seizure, specifically in  
5 connection with violations of State and local animal cruelty laws and  
6 ordinances;

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

9 (3) methods to identify and document animal abuse, neglect, and  
10 distress; and

11 (4) investigation of animal fighting.

12 b. Every agent and humane law enforcement officer appointed after  
13 the date of enactment of P.L. , c. (C. ) (now before the  
14 Legislature as this bill) shall satisfactorily complete the animal  
15 protection law enforcement training course within one year after the  
16 date of the agent's or officer's appointment.

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

29 d. Prior to being permitted to carry a firearm, a humane law  
30 enforcement officer appointed pursuant to P.L. , c. (C. ) (now  
31 before the Legislature as this bill) shall take and satisfactorily complete  
32 a firearms training course administered by the Police Training  
33 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
34 shall annually qualify in the use of a revolver or similar weapon prior  
35 to being permitted to carry a firearm.

36  
37 12. (New section) a. All State, county, and municipal law  
38 enforcement agencies and all county and municipal health agencies  
39 shall, upon request, make every reasonable effort to assist the humane  
40 law enforcement officers and agents of a county society for the  
41 prevention of cruelty to animals or the New Jersey Society for the  
42 Prevention of Cruelty to Animals in the enforcement of all laws and  
43 ordinances enacted for the protection of animals.

44 b. The Attorney General shall assign to the New Jersey Society for  
45 the Prevention of Cruelty to Animals a Deputy Attorney General to

1 provide assistance and guidance to the society in carrying out its law  
2 enforcement duties and responsibilities.

3  
4 13. (New section) The New Jersey Society for the Prevention of  
5 Cruelty to Animals and each county society for the prevention of  
6 cruelty to animals shall cause an annual audit of all of its financial  
7 transactions, which shall be prepared in accordance with generally  
8 accepted accounting principles and standards by an independent New  
9 Jersey licensed certified public accountant. The audit for each  
10 calendar year shall be submitted by June 1 of the next following  
11 calendar year to the Attorney General, and shall be made available to  
12 the public upon request.

13  
14 14. R.S.4:22-13 is amended to read as follows:

15 4:22-13. A [corporation constituted or organized for the purpose  
16 of the enforcement of laws enacted for the protection of dumb animals,  
17 or for the purpose of promoting the welfare of dumb animals, whether  
18 incorporated by special act of the legislature or under general laws,  
19 may at any time, in the manner provided in section 4:22-14 of this  
20 title,] county society for the prevention of cruelty to animals may  
21 amend its charter or certificate of incorporation as originally enacted  
22 or filed or as amended so that [such corporation] the county society,  
23 in addition to its other powers and purposes, shall have the following  
24 powers and purposes: [To] to promote the interests of, and to  
25 protect and care for [dumb], animals; to maintain and operate one or  
26 more rest farms, kennels, pounds, shelters, or hospitals, or any or all  
27 of them, for animals in the custody of the county society by reason of  
28 impoundment, seizure or relinquishment by the owner[,]; and to do  
29 any and all things which would benefit or tend to benefit [dumb]  
30 animals.

31 (cf: R.S.4:22-13)

32  
33 15. R.S.4:22-26 is amended to read as follows:

34 4:22-26. A person who shall:

35 a. (1) Overdrive, overload, drive when overloaded, overwork,  
36 deprive of necessary sustenance, abuse, or needlessly kill a living  
37 animal or creature, or cause or procure any such acts to be done;

38 (2) Torment, torture, maim, hang, poison, unnecessarily or cruelly  
39 beat, or needlessly mutilate a living animal or creature, or cause or  
40 procure any such acts to be done;

41 (3) Cruelly kill, or cause or procure the cruel killing of, a living  
42 animal or creature, or otherwise cause or procure the death of a living  
43 animal or creature from commission of any act described in paragraph  
44 (2) of this subsection;

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

46 c. Inflict unnecessary cruelty upon a living animal or creature, or

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

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

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

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

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

9 cc. Lease a building, room, field or premises, or knowingly permit  
10 the use thereof for the purposes of subsection aa. or bb. of this section

11 --

12 Shall forfeit and pay a sum according to the following schedule, to  
13 be sued for and recovered, with costs, in a civil action by any person  
14 in the name of the New Jersey Society for the Prevention of Cruelty  
15 to Animals or a county society for the prevention of cruelty to animals,  
16 as appropriate, or, in the name of the municipality if brought by a  
17 certified animal control officer or animal cruelty investigator :

18 For a violation of subsection e., f., g., u., v., w., or z. of this section  
19 or of paragraph (3) of subsection a. of this section, or for a second or  
20 subsequent violation of paragraph (2) of subsection a. of this section,  
21 a sum of **[up to] not less than \$3,000 nor more than \$5,000;**

22 For a violation of subsection l. of this section or for a first violation  
23 of paragraph (2) of subsection a. of this section, a sum of **[up to] not**  
24 **less than \$1,000 nor more than \$3,000;**

25 For a violation of subsection x. or y. of this section, a sum of **[up**  
26 **to] not less than \$500 nor more than \$1,000** for each domestic dog or  
27 cat fur or fur or hair product or domestic dog or cat carcass or meat  
28 product;

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

32 For a violation of subsection c., d., h., j., k., aa., bb., or cc. of this  
33 section or of paragraph (1) of subsection a. of this section, a sum of  
34 **[up to] not less than \$250 nor more than \$1,000;** and

35 For a violation of subsection i., m., n., o., p., q., r., or s. of this  
36 section, a sum of **[up to] not less than \$250 nor more than \$500.**

37 (cf: P.L.2003, c.232, s.3)

38

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

40 4:22-44. Any **[member,] humane law enforcement** officer **[or**  
41 **agent]** of the New Jersey Society for the Prevention of Cruelty to  
42 Animals or of a county society for the prevention of cruelty to animals,  
43 or any sheriff, undersheriff, constable, certified animal control officer  
44 who has been properly authorized pursuant to section 4 of P.L.1983,  
45 c.525 (C.4:19-15.16b) , or police officer may:

46 a. Make arrests for violations of this article;

1       b. Arrest without warrant any person found violating the provisions  
2 of this article in the presence of such [member,] humane law  
3 enforcement officer, [agent,] sheriff, undersheriff, constable, police  
4 officer or a certified animal control officer who has been properly  
5 authorized pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b),  
6 and take such person before the nearest judge or magistrate as  
7 provided in this article.

8 (cf: P.L.1997, c.247, s.4)

9

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

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

23 (cf: P.L.1997, c.247, s.6)

24

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

26       4:22-55. a. Except as provided pursuant to subsection b. of this  
27 section, all fines, penalties and moneys imposed and collected under  
28 the provisions of this article, shall be paid by the court or by the clerk  
29 or court officer receiving the fines, penalties or moneys, within thirty  
30 days and without demand, to (1) the [district (county)] county society  
31 for the prevention of cruelty to animals of the county where the fines,  
32 penalties or moneys were imposed and collected, if [one is in existence  
33 in that county, and if not, then to] the county society brought the  
34 action or it was brought on behalf of the county society, to be used by  
35 the county society in aid of the benevolent objects for which it was  
36 incorporated, or (2) in all other cases, the New Jersey Society for the  
37 Prevention of Cruelty to Animals, to be used by the State society in aid  
38 of the benevolent objects for which it was incorporated.

39       b. If an enforcement action for a violation of this article is brought  
40 primarily as a result of the discovery and investigation of the violation  
41 by a certified animal control officer, the fines, penalties or moneys  
42 collected shall be paid as follows: one half to the municipality in  
43 which the violation occurred ; and one half to the county society or to  
44 the New Jersey Society for the Prevention of Cruelty to Animals, as  
45 applicable to the particular enforcement action.

46       c. Any fines, penalties or moneys paid to a municipality or other

1 entity pursuant to subsection b. of this section shall be allocated by the  
2 municipality or other entity to defray the cost of:

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

5 (2) the training therefor required of certified animal control officers  
6 pursuant to law.

7 (cf: P.L.1997, c.247, s.7)

8

9 19. R.S.4:22-1 through R.S.4:22-11, inclusive, R.S.4:22-14, and  
10 R.S.4:22-43 are repealed.

11

12 20. This act shall take effect immediately.

13

14

15

#### STATEMENT

16

17 This bill would revise the organization, administration, and powers  
18 of the New Jersey Society for the Prevention of Cruelty to Animals  
19 (NJSPCA or State society), which was originally incorporated  
20 pursuant to an act of the Legislature in 1868. The bill would also  
21 revise those provisions of law relating to district (county) societies for  
22 the prevention of cruelty to animals.

23 The bill would provide that the NJSPCA be continued as a parent  
24 corporation for the purposes of coordinating the various functions of  
25 county societies, and of promoting the interests of, protecting and  
26 caring for, and doing any and all things to benefit animals. The bill  
27 would direct that the corporation be governed by a board of trustees  
28 consisting of 15 members of the NJSPCA elected by the membership  
29 thereof. Of those 15 trustees, at least one must also be a member of  
30 a county society for the prevention of cruelty to animals in the  
31 northern part of the State, at least one must also be a member of a  
32 county society for the prevention of cruelty to animals in the central  
33 part of the State, and at least one must also be a member of a county  
34 society for the prevention of cruelty to animals in the southern part of  
35 the State.

36 The bill would require the NJSPCA and the county societies to  
37 prepare and submit periodic reports on law enforcement activities and  
38 to cause independent financial audits to be conducted and submitted  
39 annually.

40 The bill would empower the NJSPCA to, among other things:

41 (1) grant charters for the formation of county societies for the  
42 prevention of cruelty to animals in a county, and assess reasonable  
43 chartering and renewal fees;

44 (2) upon a majority vote of the board of trustees, revoke, cancel, or  
45 suspend a county society charter for the cause of failing to comply

1 with any requirement of the bill pertaining to the establishment or  
2 operation of a county society;

3 (3) appoint agents for enforcing animal cruelty laws and ordinances  
4 and for the investigation of alleged acts of animal cruelty; appoint  
5 agents for commissioning as humane law enforcement officers for the  
6 same purposes; and appoint a Chief Humane Law Enforcement Officer  
7 from among the appointed humane law enforcement officers; and

8 (4) establish or provide for mandatory annual training courses for  
9 humane law enforcement officers and agents of the NJSPCA and of the  
10 county societies, which courses must be approved by the Police  
11 Training Commission (PTC).

12 The bill provides that every county society that is in existence on  
13 the enactment date of the bill would be continued as a chartered  
14 county society.

15 Under the bill, a county society would be empowered, among other  
16 things, to:

17 (1) elect its own board of trustees from the members of the county  
18 society who reside within the county or who choose to be affiliated  
19 with that county society;

20 (2) investigate alleged acts of animal cruelty and, when necessary,  
21 request legal assistance from the office of the appropriate county or  
22 municipal prosecutor, which the county or municipal prosecutor, as  
23 the case may be, shall make every reasonable effort to provide;

24 (3) appoint agents for enforcing animal cruelty laws and ordinances  
25 and for the investigation of alleged acts of animal cruelty; appoint up  
26 to, but not more than, three agents for commissioning as humane law  
27 enforcement officers, and, with the concurrence of the county  
28 prosecutor, authorize the commissioning of such additional humane  
29 law enforcement officers over that established maximum as may be  
30 necessary based upon population or the number, degree, or complexity  
31 of animal cruelty complaints; and appoint a Chief Humane Law  
32 Enforcement Officer from among the appointed humane law  
33 enforcement officers.

34 A humane law enforcement officer would not be authorized to  
35 possess, carry, or use a firearm while enforcing animal cruelty laws  
36 and ordinances unless the humane law enforcement officer has  
37 satisfactorily completed a PTC-approved firearms training course.

38 A person convicted of a crime would not be eligible to become a  
39 humane law enforcement officer or an agent, officer, or trustee of the  
40 NJSPCA or a county society. Accordingly, the bill would require the  
41 conducting of criminal history record background checks.

42 The bill provides that each county society must require its humane  
43 law enforcement officers and agents satisfactorily complete the  
44 training courses established by the bill and by the county society.

45 Under the bill, an application to be commissioned as a humane law  
46 enforcement officer must be submitted to the Superintendent of State

1 Police by the board of trustees of a county society or of the NJSPCA,  
2 as the case may be. In addition to conducting criminal history record  
3 background checks, the superintendent is required to investigate and  
4 determine the character, competency, integrity, and fitness of the  
5 applicant. The superintendent would be empowered under the bill to  
6 approve the commissioning of humane law enforcement officers  
7 meeting the prescribed requirements. The bill would establish a  
8 process for the revocation or suspension of a commission under  
9 certain conditions.

10 Every person serving as a law enforcement officer appointed by a  
11 county society or the NJSPCA on the enactment date of the bill would  
12 be presumed by the State to be a commissioned humane law  
13 enforcement officer unless and until otherwise commissioned or  
14 disqualified pursuant to the bill.

15 The bill provides that all State, county, and municipal law  
16 enforcement agencies and all county and municipal health agencies  
17 shall, upon request, make every reasonable effort to assist the humane  
18 law enforcement officers and agents of a county society or the  
19 NJSPCA in the enforcement of animal cruelty laws and ordinances.  
20 The State Attorney General would be required to assign to the  
21 NJSPCA a Deputy Attorney General to provide assistance and  
22 guidance to the society in carrying out its law enforcement duties and  
23 responsibilities.

24 The bill would also repeal those provisions of chapter 22 of Title 4  
25 of the Revised Statutes relating to the current powers, functions, and  
26 duties of the NJSPCA and its district (county) societies.

27 Finally, the bill would establish certain mandatory minimum civil  
28 action penalties for animal cruelty violations, and allow municipalities  
29 to bring such civil actions in certain cases. The bill also would provide  
30 that fines and penalties collected due to action taken by a county  
31 society or the State society for violations of the animal cruelty law  
32 would be paid to the enforcing society, i.e., either the county society  
33 or the State society, as the case may be, depending upon who brought  
34 the enforcement action.

# SENATE ECONOMIC GROWTH COMMITTEE

## STATEMENT TO

### **SENATE, No. 2636**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 12, 2005

The Senate Economic Growth Committee reports favorably and with committee amendments Senate Bill No. 2636.

This bill, as amended by the committee, would revise the organization, administration, and powers of the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA or State society), which was originally incorporated pursuant to an act of the Legislature in 1868. The bill would also revise those provisions of law relating to county societies for the prevention of cruelty to animals.

The bill would provide that the NJSPCA be continued as a parent corporation for the purposes of coordinating the various functions of county societies, and of promoting the interests of, protecting and caring for, and doing any and all things to benefit animals. The bill would direct that the corporation be governed by a board of trustees consisting of 15 persons, of whom 12 shall be members of the society elected by the membership thereof and three shall be persons appointed by the Governor with the advice and consent of the Senate. Of the 12 elected trustees, at least one must also be a member of a county society for the prevention of cruelty to animals in the northern part of the State, at least one must also be a member of a county society for the prevention of cruelty to animals in the central part of the State, and at least one must also be a member of a county society for the prevention of cruelty to animals in the southern part of the State.

The bill would require the NJSPCA and the county societies to prepare and submit various periodic reports on law enforcement activities and to cause independent financial audits to be conducted and submitted annually.

The bill would empower the NJSPCA to, among other things:

(1) grant charters for the formation of county societies for the prevention of cruelty to animals in a county, and assess reasonable chartering and renewal fees;

(2) upon a majority vote of the board of trustees, revoke, cancel, or suspend a county society charter for the cause of failing to comply with any requirement of the bill pertaining to the establishment or operation of a county society;

(3) appoint agents for enforcing animal cruelty laws and ordinances and for the investigation of alleged acts of animal cruelty; appoint agents for commissioning as humane law enforcement officers for the same purposes; and appoint a Chief Humane Law Enforcement Officer from among the appointed humane law enforcement officers; and

(4) establish or provide for mandatory annual training courses for humane law enforcement officers and agents of the NJSPCA and of the county societies, which courses would be subject to the approval of the Police Training Commission (PTC).

The bill provides that every county society that is in existence on the enactment date of the bill would be continued as a chartered county society.

Under the bill, a county society would be empowered, among other things, to:

(1) elect its own board of trustees from the members of the county society who reside within the county or who choose to be affiliated with that county society;

(2) investigate alleged acts of animal cruelty and, when necessary, request legal assistance from the office of the appropriate county or municipal prosecutor, which the county or municipal prosecutor, as the case may be, shall make every reasonable effort to provide; and

(3) appoint agents for enforcing animal cruelty laws and ordinances and for the investigation of alleged acts of animal cruelty; appoint up to, but not more than, three agents for commissioning as humane law enforcement officers, and, with the concurrence of the county prosecutor, authorize the commissioning of such additional humane law enforcement officers over that established maximum as may be necessary based upon population or the number, degree, or complexity of animal cruelty complaints; and appoint a Chief Humane Law Enforcement Officer from among the appointed humane law enforcement officers.

A humane law enforcement officer would not be authorized to possess, carry, or use a firearm while enforcing animal cruelty laws and ordinances unless the humane law enforcement officer has satisfactorily completed a PTC-approved firearms training course and annually qualifies in the use of a revolver or similar weapon.

A person convicted of a crime, or convicted or found liable for a violation of an animal cruelty law, would not be eligible to become a humane law enforcement officer or an agent, officer, or trustee of the NJSPCA or a county society. Accordingly, the bill would require the conducting of criminal history record background checks.

The bill provides that each county society must require its humane law enforcement officers and agents to complete satisfactorily the training courses established by the bill and by the county society.

Under the bill, an application to be commissioned as a humane law enforcement officer must be submitted to the Superintendent of State Police by the board of trustees of a county society or of the NJSPCA, as the case may be. In addition to conducting criminal history record

background checks, the superintendent is required to investigate and determine the character, competency, integrity, and fitness of the applicant. The superintendent would be empowered under the bill to approve the commissioning of humane law enforcement officers meeting the prescribed requirements. The bill would establish a process for the revocation or suspension of a commission or dismissal or suspension of a humane law enforcement officer under certain conditions.

The bill provides that all State, county, and municipal law enforcement agencies and all county and municipal health agencies shall, upon request, make every reasonable effort to assist the humane law enforcement officers and agents of a county society or the NJSPCA in the enforcement of animal cruelty laws and ordinances.

The bill would also repeal those provisions of chapter 22 of Title 4 of the Revised Statutes relating to the current powers, functions, and duties of the NJSPCA and its district (county) societies.

Finally, the bill would establish certain mandatory minimum civil action penalties for animal cruelty violations, and allow municipalities to bring such civil actions in certain cases. The bill also would provide that fines and penalties collected due to action taken by a county society or the State society for violations of the animal cruelty law would be paid to the enforcing society, i.e., either the county society or the State society, as the case may be, depending upon who brought the enforcement action. The bill does not alter current law with respect to the distribution of fines and penalties collected due to an enforcement action brought primarily as a result of the discovery and investigation of the violation by a certified animal control officer, except as it applies with respect to the interaction of the State society and the county societies.

The committee amended the bill to:

(1) provide for gubernatorial appointment, with the advice and consent of the Senate, of three NJSPCA trustees;

(2) require each county society to submit its quarterly law enforcement reports to the county sheriff and county prosecutor, and require the NJSPCA to compile these reports and submit them to the Attorney General;

(3) delete redundant provisions in the bill regarding humane law enforcement officers;

(4) provide that no person may serve as a trustee, officer, or humane law enforcement officer or agent of, or hold any other position of authority within, the NJSPCA or any county society if that person has been convicted of, or found civilly liable for, an animal cruelty offense;

(5) expand upon the authority for revocation, suspension, or dismissal of a commissioned humane law enforcement officer;

(6) require humane law enforcement officers to annually qualify in the use of their firearms;

(7) provide that every person serving as a law enforcement officer

appointed by a county society or the NJSPCA on the enactment date of the bill for whom an application has been submitted to be commissioned as a humane law enforcement officer would be permitted to serve in that capacity unless and until the application for commission is disapproved or the person is otherwise disqualified pursuant to the bill;

(8) provide that the PTC shall collaborate with the NJSPCA in developing or approving the animal protection law enforcement training course required by the bill, and that this course shall be the same or substantially similar to that taken by certified animal control officers who are authorized as animal cruelty investigators;

(9) delete a provision in the bill requiring the Attorney General to assign to the NJSPCA a Deputy Attorney General to provide assistance and guidance to the society in carrying out its law enforcement duties and responsibilities;

(10) provide that the auditing requirements in the bill shall be in addition to those that may be imposed by other laws; and

(11) make various technical and clarifying amendments, including amendments to update the bill to current law.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 3186 (3R) of 2004 as also amended and reported by the committee.