

4:19-15.1

**LEGISLATIVE HISTORY CHECKLIST**

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(Animal control)

**NJSA:** 4:19-15.1

**LAWS OF:** 1997 **CHAPTER:** 247

**BILL NO:** A482

**SPONSOR(S):** Vandervalk

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:** **ASSEMBLY:** Environment

**SENATE:** Community Affairs

**AMENDED DURING PASSAGE:** Yes Amendments during passage denoted  
First reprint enacted by superscript numbers

**DATE OF PASSAGE:** **ASSEMBLY:** May 2, 1996

**SENATE:** June 16, 1997

**DATE OF APPROVAL:** September 9, 1997

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes

**SENATE:** Yes

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**  
**REPORTS:** No

**HEARINGS:** No

KBP:pp

§§8,9  
C. 4:19-15.16c  
&  
4:19-15.16d  
§10  
C. 4:22-56  
§11  
Note To §§1- -10

P.L. 1997, CHAPTER 247, *approved September 9, 1997*  
Assembly, No. 482 (*First Reprint*)

1 AN ACT concerning animal control officers, amending various parts of  
2 the statutory law, and supplementing Title 4 of the Revised  
3 Statutes.

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

7  
8 1. Section 1 of P.L.1941, c.151 (C.4:19-15.1) is amended to read  
9 as follows:

10 1. "Certified animal control officer" means a person 18 years of age  
11 or older who has satisfactorily completed <sup>1</sup>[a] the <sup>1</sup> course of study  
12 approved by the Commissioner of Health <sup>1</sup>[on the control and welfare  
13 of animals and the law concerning animal cruelty ,] and Senior  
14 Services and the Police Training Commission<sup>1</sup> as prescribed by [this  
15 amendatory and supplementary act or who has been employed in the  
16 State of New Jersey in the capacity of, and with similar responsibilities  
17 to those required of certified animal control officers pursuant to the  
18 provisions of this act, for a period of three years] <sup>1</sup>paragraphs (1)  
19 through (3) of subsection a. of section 3 of<sup>1</sup> P.L.1983, c.525  
20 <sup>1</sup>[(C.4:19-15.1 et al.)] (C.4:19-15.16a) <sup>1</sup>; or who has been employed  
21 in the State of New Jersey in the capacity of, and with similar  
22 responsibilities to those required of, a certified animal control officer  
23 pursuant to the provisions of P.L.1983, c.525 for a period of three  
24 years before January 17, 1987 .

25 "Dog" shall mean any dog, bitch or spayed bitch.

26 "Dog of licensing age" shall mean any dog which has attained the  
27 age of [7] seven months or which possesses a set of permanent teeth.

28 "Kennel" shall mean any establishment wherein or whereon the  
29 business of boarding or selling dogs or breeding dogs for sale is  
30 carried on, except a pet shop.

**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> Senate SCO committee amendments adopted May 8, 1997.**

1 "Owner" when applied to the proprietorship of a dog shall include  
 2 every person having a right of property in that dog and every person  
 3 who has that dog in his keeping, and when applied to the  
 4 proprietorship of any other animal, including, but not limited to, a cat,  
 5 shall include every person having a right of property in that animal and  
 6 every person who has that animal in his keeping.

7 "Pet shop" shall mean any [room or group of rooms, cage or  
 8 exhibition pen,] place of business which is not part of a kennel,  
 9 wherein [dogs for sale are kept or displayed] animals, including, but  
 10 not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or  
 11 gerbils, are kept or displayed chiefly for the purpose of sale to  
 12 individuals for personal appreciation and companionship rather than  
 13 for business or research purposes .

14 "Pound" shall mean an establishment for the confinement of dogs  
 15 or other animals seized either under the provisions of this act or  
 16 otherwise.

17 "Shelter" shall mean any establishment where dogs or other animals  
 18 are received, housed and distributed.

19 ["Owner" when applied to the proprietorship of a dog shall include  
 20 every person having a right of property in that dog and every person  
 21 who has that dog in his keeping.]

22 (cf: P.L.1983, c.525, s.1)

23

24 2. Section 3 of P.L.1983, c.525 (C.4:19-15.16a) is amended to  
 25 read as follows:

26 3. a. The Commissioner of Health <sup>1</sup> and Senior Services<sup>1</sup> shall,  
 27 within 120 days after the effective date of [this amendatory and  
 28 supplementary act] P.L.1983, c.525 <sup>1</sup>[(C.4:19-15.1 et al.)]<sup>1</sup>, and  
 29 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
 30 (C.52:14B-1 et seq.), adopt rules and regulations concerning the  
 31 training and educational qualifications for the certification of animal  
 32 control officers, including, but not limited to, a course of study  
 33 approved by the commissioner and the Police Training Commission,  
 34 <sup>1</sup> in consultation with the New Jersey Certified Animal Control  
 35 Officers Association,<sup>1</sup> which acquaints a person with:

36 (1) The law as it affects animal control [and] , animal welfare , and  
 37 animal cruelty ;

38 (2) Animal behavior and the handling of stray or diseased animals;  
 39 [and]

40 (3) Community safety as it relates to animal control ; and

41 (4) The law enforcement methods and techniques required for an  
 42 animal control officer to properly exercise the authority to investigate  
 43 and sign complaints and arrest without warrant pursuant to section 8  
 44 of P.L. , c. (C. ) (now before the Legislature as this bill),  
 45 including, but not limited to, those methods and techniques which  
 46 relate to search, seizure and arrest. The training in law enforcement

1 methods and techniques described pursuant to this paragraph shall be  
2 part of the course of study for an animal control officer only when  
3 required by the governing body of a municipality pursuant to section  
4 4 of P.L.1983, c.525 (C.4:19-15.16b).

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

11 b. The commissioner shall provide for the issuance of a certificate  
12 to a person who possesses, or acquires, the training and education  
13 required to qualify as a certified animal control officer pursuant to  
14 <sup>1</sup>[the provisions of [this act and the issuance of a certificate to a  
15 person who has been employed in the State of New Jersey in the  
16 capacity of, and with similar responsibilities to those required of  
17 certified animal control officers pursuant to the provisions of this act  
18 for a period of three years] P.L.1983, c.525, and the issuance of a  
19 certificate]paragraphs (1) through (3) of subsection a. of this section  
20 and<sup>1</sup> to a person who has been employed in the State of New Jersey in  
21 the capacity of, and with similar responsibilities to those required of,  
22 a certified animal control officer pursuant to the provisions of  
23 P.L.1983, c.525, for a period of three years before January 17, 1987.  
24 (cf: P.L.1983, c.525, s.3)

25  
26 3. Section 4 of P.L.1983, c.525 (C.4:19-15.16b) is amended to  
27 read as follows:

28 4. The governing body of a municipality shall, within three years  
29 of the effective date of [this amendatory and supplementary act]  
30 P.L.1983, c.525 <sup>1</sup>[(C.4:19-15.1 et al.)]<sup>1</sup>, appoint a certified animal  
31 control officer who shall be responsible for animal control within the  
32 jurisdiction of the municipality and who shall enforce and abide by the  
33 provisions of section 16 of P.L.1941, c.151 (C.4:19-15.16). The  
34 governing body may authorize the certified animal control officer to  
35 investigate and sign complaints, arrest violators and otherwise act as  
36 an officer for detection, apprehension and arrest of offenders against  
37 the animal control, animal welfare and animal cruelty laws of the State  
38 and ordinances of the municipality, if the officer has completed the  
39 training required pursuant to paragraph 4 of subsection a. of section  
40 3 of P.L.1983, c.525 (C.4:19-15.16a). Only certified animal control  
41 officers who have completed the training may be authorized by the  
42 governing body to so act as an officer for detection, apprehension and  
43 arrest of offenders; however, officers who have completed the training  
44 shall not have the authority to so act unless authorized by the  
45 governing body which is employing the officer or contracting for the  
46 officer's services.

1 (cf: P.L.1983, c.525, s.4)

2

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

4 4:22-44. Any member, officer or agent of the New Jersey Society  
5 for the Prevention of Cruelty to Animals, or any sheriff, undersheriff,  
6 constable, certified animal control officer who has been properly  
7 authorized pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b)  
8 or police officer may:

9 a. Make arrests for violations of this article;

10 b. Arrest without warrant any person found violating the provisions  
11 of this article in the presence of such member, officer, agent, sheriff,  
12 undersheriff, constable **[or]**, police officer or a certified animal control  
13 officer who has been properly authorized pursuant to section 4 of  
14 P.L.1983, c.525 (C.4:19-15.16b), and take such person before the  
15 nearest judge or magistrate as provided in this article.

16 (cf: P.L.1953, c.5, s.80)

17

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

19 4:22-45. Where an arrest is made under the provisions of this  
20 article by a constable [under the provisions of this article], sheriff,  
21 undersheriff or police officer in a locality where the New Jersey  
22 society, or a district (county) society, for the prevention of cruelty to  
23 animals exists, he shall give notice to the state or district (county)  
24 society at once, whereupon such state or district (county) society shall  
25 take charge of the case and prosecute it under the provisions of this  
26 article. No magistrate shall hear any such case until proof is made of  
27 the service of such notice on the state or district (county) society.

28 The provisions of this section shall not apply to certified animal  
29 control officers who have been properly authorized pursuant to section  
30 4 of P.L.1983, c.525 (C.4:19-15.16b) to make arrests.

31 (cf: R.S.4:22-45)

32

33 6. R.S.4:22-47 is amended to read as follows:

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

45 (cf: P.L.1989, c.35, s.4)

46

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

2 4:22-55. ~~【All】~~ a. Except as provided pursuant to subsection b. of  
3 this section, all fines, penalties and moneys imposed and collected  
4 under the provisions of this article, shall be paid by the court or by the  
5 clerk or court officer receiving the ~~【same】~~ fines, penalties or moneys,  
6 within thirty days and without demand, to the district (county) society  
7 for the prevention of cruelty to animals of the county where the ~~【same】~~  
8 fines, penalties or moneys were imposed and collected, if one is in  
9 existence in that county, and if not, then to the New Jersey Society for  
10 the Prevention of Cruelty to Animals, to be used by the society in aid  
11 of the benevolent objects for which it was incorporated.

12 b. If an enforcement action for a violation of this article is brought  
13 primarily as a result of the discovery and investigation of the violation  
14 by a certified animal control officer, the fines, penalties or moneys  
15 collected shall be paid <sup>1</sup>as follows: one half<sup>1</sup> to the municipality in  
16 which the violation occurred <sup>1</sup>【, unless otherwise agreed upon by the  
17 municipality and the prosecuting authority】 and one half to the New  
18 Jersey Society for the Prevention of Cruelty to Animals<sup>1</sup>.

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

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

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

26 (cf: P.L.1953, c.5, s.86)

27

28 8. (New section) A certified animal control officer authorized  
29 pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b) shall have  
30 the power and authority, within the jurisdiction of the municipality or  
31 other entity employing, or contracting for, the animal control officer  
32 to:

33 a. Enforce all laws or ordinances enacted for the protection of  
34 animals, including, but not limited to, animal control, animal welfare  
35 and animal cruelty laws of the State and ordinances of the  
36 municipality;

37 b. Investigate and sign complaints concerning any violation of an  
38 animal control, animal welfare or animal cruelty law of the State or  
39 ordinance of the municipality; and

40 c. Act, by virtue of the officer's appointment or employment and  
41 in addition to any other power and authority, as an officer for the  
42 detection, apprehension and arrest of offenders against the animal  
43 control, animal welfare and animal cruelty laws of the State and  
44 ordinances of the municipality.

45 Upon a request for assistance by a municipality or other entity that  
46 does not employ, or contract for, the certified animal control officer,

1 a certified animal control officer may, within the jurisdiction of that  
2 municipality or other entity making the request, exercise the powers  
3 and authority granted pursuant to this section.

4  
5 <sup>1</sup>9. (New section) A certified animal control officer who signs a  
6 complaint, issues a summons, makes an arrest, or otherwise acts  
7 pursuant to his authority pursuant to P.L.1983, c.525, R.S.4:22-44, or  
8 section 8 of P.L. , c. (C. ) (now pending before the  
9 Legislature as this bill) shall forward within five business days a copy  
10 of that complaint, summons, or arrest warrant or report to the New  
11 Jersey Society for the Prevention of Cruelty to Animals and shall  
12 forward a report of any related court action within thirty calendar days  
13 of final disposition.<sup>1</sup>

14  
15 <sup>1</sup>10. (New section) Although a municipality and the New Jersey  
16 Society for the Prevention of Cruelty to Animals or a district (county)  
17 society may share in the receipt of fines, penalties or moneys collected  
18 with regard to violations occurring in the municipality pursuant to the  
19 provisions of R.S.4:22-55:

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

26 b. neither the New Jersey Society for the Prevention of Cruelty to  
27 animals, a district (county) society or an officer thereof shall be liable  
28 for any civil damages as a result of any act or omission of a  
29 municipality or a certified animal control officer with regard to any  
30 investigation, arrest or prosecution of a violator with which the New  
31 Jersey Society for the Prevention of Cruelty to animals, a district  
32 (county) society or an officer thereof was not involved.<sup>1</sup>

33  
34 <sup>1</sup>[9.] 11.<sup>1</sup> This act shall take effect on the 90th day after the date  
35 of enactment.

36  
37  
38  
39  
40 Extends authority of, and requires additional training for, animal  
41 control officers.

1 by a certified animal control officer, the fines, penalties or moneys  
2 collected shall be paid to the municipality in which the violation  
3 occurred, unless otherwise agreed upon by the municipality and the  
4 prosecuting authority.

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

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

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

12 (cf: P.L.1953, c.5, s.86)

13  
14 8. (New section) A certified animal control officer authorized  
15 pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b) shall have  
16 the power and authority, within the jurisdiction of the municipality or  
17 other entity employing, or contracting for, the animal control officer  
18 to:

19 a. Enforce all laws or ordinances enacted for the protection of  
20 animals, including, but not limited to, animal control, animal welfare  
21 and animal cruelty laws of the State and ordinances of the  
22 municipality;

23 b. Investigate and sign complaints concerning any violation of an  
24 animal control, animal welfare or animal cruelty law of the State or  
25 ordinance of the municipality; and

26 c. Act, by virtue of the officer's appointment or employment and  
27 in addition to any other power and authority, as an officer for the  
28 detection, apprehension and arrest of offenders against the animal  
29 control, animal welfare and animal cruelty laws of the State and  
30 ordinances of the municipality.

31 Upon a request for assistance by a municipality or other entity that  
32 does not employ, or contract for, the certified animal control officer,  
33 a certified animal control officer may, within the jurisdiction of that  
34 municipality or other entity making the request, exercise the powers  
35 and authority granted pursuant to this section.

36  
37 9. This act shall take effect on the 90th day after the date of  
38 enactment.

39  
40  
41 STATEMENT

42  
43 The bill permits an animal control officer, who has completed  
44 appropriate training and is so authorized by the governing body  
45 employing or contracting for that animal control officer, to investigate  
46 and sign complaints and arrest offenders for violations of local and



1 State animal control, animal welfare and animal cruelty laws and  
2 ordinances committed in the animal control officer's presence. The bill  
3 also clarifies that all animal control officers are to be trained in animal  
4 cruelty laws as well as animal control and animal welfare laws.

5 Finally, the bill provides that if an animal control officer is  
6 responsible for the arrest and prosecution of the violator, the fines,  
7 penalties and moneys collected would be remitted by the court to the  
8 municipality that hired the officer, to be used by the municipality to  
9 defray enforcement and training costs. If a local Society for the  
10 Prevention of Cruelty to Animals or the New Jersey Society for the  
11 Prevention of Cruelty to Animals is responsible for the arrest, the  
12 fines, penalties and moneys collected would be remitted to that society  
13 as currently provided by law.

14

15

16

17

18 Extends authority of, and requires additional training for, animal  
19 control officers.

[Passed Both Houses]

[First Reprint]

ASSEMBLY, No. 482

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman VANDERVALK, Assemblyman Rooney,  
Assemblywoman Crecco, Assemblymen Dalton,  
Gibson and Senator Matheussen

1 AN ACT concerning animal control officers, amending various parts of  
2 the statutory law, and supplementing Title 4 of the Revised  
3 Statutes.

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

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10 1. "Certified animal control officer" means a person 18 years of age  
11 or older who has satisfactorily completed <sup>1</sup>**[a] the** <sup>1</sup> course of study  
12 approved by the Commissioner of Health <sup>1</sup>**[on the control and welfare**  
13 **of animals and the law concerning animal cruelty ,]** **and Senior**  
14 **Services and the Police Training Commission**<sup>1</sup> as prescribed by **[this**  
15 **amendatory and supplementary act or who has been employed in the**  
16 **State of New Jersey in the capacity of, and with similar responsibilities**  
17 **to those required of certified animal control officers pursuant to the**  
18 **provisions of this act, for a period of three years]** <sup>1</sup> paragraphs (1)  
19 **through (3) of subsection a. of section 3 of** <sup>1</sup> P.L.1983, c.525  
20 <sup>1</sup>**[(C.4:19-15.1 et al.)] (C.4:19-15.16a) <sup>1</sup> ; or who has been employed**  
21 **in the State of New Jersey in the capacity of, and with similar**  
22 **responsibilities to those required of, a certified animal control officer**  
23 **pursuant to the provisions of P.L.1983, c.525 for a period of three**  
24 **years before January 17, 1987 .**

25 "Dog" shall mean any dog, bitch or spayed bitch.

26 "Dog of licensing age" shall mean any dog which has attained 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.

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<sup>1</sup> Senate SCO committee amendments adopted May 8, 1997.

1 age of ~~7~~ seven months or which possesses a set of permanent teeth.

2 "Kennel" shall mean any establishment wherein or whereon the  
3 business of boarding or selling dogs or breeding dogs for sale is  
4 carried on, except a pet shop.

5 "Owner" when applied to the proprietorship of a dog shall include  
6 every person having a right of property in that dog and every person  
7 who has that dog in his keeping, and when applied to the  
8 proprietorship of any other animal, including, but not limited to, a cat,  
9 shall include every person having a right of property in that animal and  
10 every person who has that animal in his keeping.

11 "Pet shop" shall mean any ~~room or group of rooms, cage or~~  
12 ~~exhibition pen,~~ place of business which is not part of a kennel,  
13 wherein ~~dogs for sale are kept or displayed~~ animals, including, but  
14 not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or  
15 gerbils, are kept or displayed chiefly for the purpose of sale to  
16 individuals for personal appreciation and companionship rather than  
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18 "Pound" shall mean an establishment for the confinement of dogs  
19 or other animals seized either under the provisions of this act or  
20 otherwise.

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22 are received, housed and distributed.

23 ~~["Owner" when applied to the proprietorship of a dog shall include~~  
24 ~~every person having a right of property in that dog and every person~~  
25 ~~who has that dog in his keeping.]~~

26 (cf: P.L.1983, c.525, s.1)

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

30 3. a. The Commissioner of Health <sup>1</sup> and Senior Services<sup>1</sup> shall,  
31 within 120 days after the effective date of ~~this amendatory and~~  
32 ~~supplementary act~~ P.L.1983, c.525 <sup>1</sup> ~~[(C.4:19-15.1 et al.)]~~<sup>1</sup>, and  
33 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
34 (C.52:14B-1 et seq.), adopt rules and regulations concerning the  
35 training and educational qualifications for the certification of animal  
36 control officers, including, but not limited to, a course of study  
37 approved by the commissioner and the Police Training Commission,  
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39 Officers Association,<sup>1</sup> which acquaints a person with:

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43 ~~and~~

44 (3) Community safety as it relates to animal control ; and

45 (4) The law enforcement methods and techniques required for an

1 animal control officer to properly exercise the authority to investigate  
2 and sign complaints and arrest without warrant pursuant to section 8  
3 of P.L. , c. (C. ) (now before the Legislature as this bill),  
4 including, but not limited to, those methods and techniques which  
5 relate to search, seizure and arrest. The training in law enforcement  
6 methods and techniques described pursuant to this paragraph shall be  
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8 required by the governing body of a municipality pursuant to section  
9 4 of P.L.1983, c.525 (C.4:19-15.16b).

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14 control officer absent municipal appointment or authorization pursuant  
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16 b. The commissioner shall provide for the issuance of a certificate  
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19 <sup>1</sup>the provisions of this act and the issuance of a certificate to a  
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25 and<sup>1</sup> to a person who has been employed in the State of New Jersey  
26 in the capacity of, and with similar responsibilities to those required of,  
27 a certified animal control officer pursuant to the provisions of  
28 P.L.1983, c.525, for a period of three years before January 17, 1987.  
29 (cf: P.L.1983, c.525, s.3)

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31 3. Section 4 of P.L.1983, c.525 (C.4:19-15.16b) is amended to  
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33 4. The governing body of a municipality shall, within three years  
34 of the effective date of **[this amendatory and supplementary act]**  
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36 control officer who shall be responsible for animal control within the  
37 jurisdiction of the municipality and who shall enforce and abide by the  
38 provisions of section 16 of P.L.1941, c.151 (C.4:19-15.16). The  
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45 3 of P.L.1983, c.525 (C.4:19-15.16a). Only certified animal control  
46 officers who have completed the training may be authorized by the

1 governing body to so act as an officer for detection, apprehension and  
2 arrest of offenders; however, officers who have completed the training  
3 shall not have the authority to so act unless authorized by the  
4 governing body which is employing the officer or contracting for the  
5 officer's services.

6 (cf: P.L.1983, c.525, s.4)

7

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

9 4:22-44. Any member, officer or agent of the New Jersey Society  
10 for the Prevention of Cruelty to Animals, or any sheriff, undersheriff,  
11 constable, certified animal control officer who has been properly  
12 authorized pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b)  
13 or police officer may:

14 a. Make arrests for violations of this article;

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

21 (cf: P.L.1953, c.5, s.80)

22

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

24 4:22-45. Where an arrest is made under the provisions of this  
25 article by a constable **[under the provisions of this article]**, sheriff,  
26 undersheriff or police officer in a locality where the New Jersey  
27 society, or a district (county) society, for the prevention of cruelty to  
28 animals exists, he shall give notice to the state or district (county)  
29 society at once, whereupon such state or district (county) society shall  
30 take charge of the case and prosecute it under the provisions of this  
31 article. No magistrate shall hear any such case until proof is made of  
32 the service of such notice on the state or district (county) society.

33 The provisions of this section shall not apply to certified animal  
34 control officers who have been properly authorized pursuant to section  
35 4 of P.L.1983, c.525 (C.4:19-15.16b) to make arrests.

36 (cf: R.S.4:22-45)

37

38 6. R.S.4:22-47 is amended to read as follows:

39 4:22-47. A sheriff, undersheriff, constable, police, officer, certified  
40 animal control officer who has been properly authorized pursuant to  
41 section 4 of P.L.1983, c.525 (C.4:19-15.16b) or agent of the New  
42 Jersey Society for the Prevention of Cruelty to Animals, may enter any  
43 building or place where there is an exhibition of the fighting or baiting  
44 of a living animal or creature, where preparations are being made for  
45 such an exhibition, or where a violation otherwise of R.S.4:22-24 is  
46 occurring, arrest without warrant all persons there present, and take

1 possession of all living animals or creatures engaged in fighting or  
2 there found and all implements or appliances used or to be used in  
3 such exhibition.

4 (cf: P.L.1989, c.35, s.4)

5

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

7 4:22-55. **[All]** a. Except as provided pursuant to subsection b. of  
8 this section, all fines, penalties and moneys imposed and collected  
9 under the provisions of this article, shall be paid by the court or by the  
10 clerk or court officer receiving the **[same]** fines, penalties or moneys,  
11 within thirty days and without demand, to the district (county) society  
12 for the prevention of cruelty to animals of the county where the  
13 **[same]** fines, penalties or moneys were imposed and collected, if one  
14 is in existence in that county, and if not, then to the New Jersey  
15 Society for the Prevention of Cruelty to Animals, to be used by the  
16 society in aid of the benevolent objects for which it was incorporated.

17 b. If an enforcement action for a violation of this article is brought  
18 primarily as a result of the discovery and investigation of the violation  
19 by a certified animal control officer, the fines, penalties or moneys  
20 collected shall be paid <sup>1</sup>as follows: one half<sup>1</sup> to the municipality in  
21 which the violation occurred <sup>1</sup>, unless otherwise agreed upon by the  
22 municipality and the prosecuting authority] and one half to the New  
23 Jersey Society for the Prevention of Cruelty to Animals<sup>1</sup>.

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

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

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

31 (cf: P.L.1953, c.5, s.86)

32

33 8. (New section) A certified animal control officer authorized  
34 pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b) shall have  
35 the power and authority, within the jurisdiction of the municipality or  
36 other entity employing, or contracting for, the animal control officer  
37 to:

38 a. Enforce all laws or ordinances enacted for the protection of  
39 animals, including, but not limited to, animal control, animal welfare  
40 and animal cruelty laws of the State and ordinances of the  
41 municipality;

42 b. Investigate and sign complaints concerning any violation of an  
43 animal control, animal welfare or animal cruelty law of the State or  
44 ordinance of the municipality; and

45 c. Act, by virtue of the officer's appointment or employment and  
46 in addition to any other power and authority, as an officer for the

1 detection, apprehension and arrest of offenders against the animal  
2 control, animal welfare and animal cruelty laws of the State and  
3 ordinances of the municipality.

4 Upon a request for assistance by a municipality or other entity that  
5 does not employ, or contract for, the certified animal control officer,  
6 a certified animal control officer may, within the jurisdiction of that  
7 municipality or other entity making the request, exercise the powers  
8 and authority granted pursuant to this section.

9  
10 <sup>1</sup>9. (New section) A certified animal control officer who signs a  
11 complaint, issues a summons, makes an arrest, or otherwise acts  
12 pursuant to his authority pursuant to P.L.1983, c.525, R.S.4:22-44, or  
13 section 8 of P.L. , c. (C. ) (now pending before the  
14 Legislature as this bill) shall forward within five business days a copy  
15 of that complaint, summons, or arrest warrant or report to the New  
16 Jersey Society for the Prevention of Cruelty to Animals and shall  
17 forward a report of any related court action within thirty calendar days  
18 of final disposition.<sup>1</sup>

19  
20 <sup>1</sup>10. (New section) Although a municipality and the New Jersey  
21 Society for the Prevention of Cruelty to Animals or a district (county)  
22 society may share in the receipt of fines, penalties or moneys collected  
23 with regard to violations occurring in the municipality pursuant to the  
24 provisions of R.S.4:22-55:

25 a. neither a municipality or a certified animal control officer shall be  
26 liable for any civil damages as a result of any act or omission of the  
27 New Jersey Society for the Prevention of Cruelty to animals, a district  
28 (county) society or an officer thereof with regard to any investigation,  
29 arrest or prosecution of a violator with which the municipality or  
30 certified animal control officer was not involved; and

31 b. neither the New Jersey Society for the Prevention of Cruelty to  
32 animals, a district (county) society or an officer thereof shall be liable  
33 for any civil damages as a result of any act or omission of a  
34 municipality or a certified animal control officer with regard to any  
35 investigation, arrest or prosecution of a violator with which the New  
36 Jersey Society for the Prevention of Cruelty to animals, a district  
37 (county) society or an officer thereof was not involved.<sup>1</sup>

38  
39 <sup>1</sup>[9.] 11.<sup>1</sup> This act shall take effect on the 90th day after the date  
40 of enactment.

41

42

43

44

45 Extends authority of, and requires additional training for, animal  
46 control officers.

ASSEMBLY ENVIRONMENT, SCIENCE AND TECHNOLOGY  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 482**

**STATE OF NEW JERSEY**

DATED: MARCH 11, 1996

The Assembly Environment, Science and Technology Committee favorably reports Assembly Bill No. 482.

This bill permits a certified animal control officer, who has completed appropriate training and is so authorized by the municipal governing body employing or contracting for that certified animal control officer, to investigate and sign complaints and arrest offenders for violations of local and State animal control, animal welfare and animal cruelty laws and ordinances. The bill also clarifies that the training received by certified animal control officers would include training in animal cruelty laws as well as animal control and animal welfare laws.

The bill also provides that if a certified animal control officer is responsible for the arrest and prosecution of a violator, the fines, penalties and moneys collected would be remitted by the court to the municipality that hired the officer, to be used by the municipality to defray enforcement and training costs. If a local Society for the Prevention of Cruelty to Animals or the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA or state society) is responsible for the arrest, the fines, penalties and moneys collected would be remitted to that society as currently provided by law.

This bill was pre-filed for introduction in the 1996-1997 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.



# SENATE COMMUNITY AFFAIRS COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 482**

with committee amendments

## **STATE OF NEW JERSEY**

DATED: MAY 8, 1997

The Senate Community Affairs Committee reports favorably Assembly Bill No. 482 with committee amendments.

This bill, as amended, would permit a certified animal control officer who has completed appropriate training and is so authorized by the municipal governing body employing or contracting for that certified animal control officer, to investigate, sign complaints, and arrest offenders for violations of local and State animal control, animal welfare and animal cruelty laws and ordinances. The bill would clarify that the training received by certified animal control officers would include training in animal cruelty laws as well as animal control and animal welfare laws.

The committee amended the bill in several areas concerning the applying of liability to animal control officers and the Society for the Prevention of Cruelty to Animals (SPCA), the training and course of study of animal control officers, and the reporting of summonses and dividing of fines by the animal control officers and the SPCA.

Section 1 of the bill, as amended, would change the definition of certified animal control officer to mean an individual who has also completed the course of study concerning: the law as it affects animal control, animal welfare and animal cruelty; animal behavior; and community safety as prescribed by the Commissioner of Health and Senior Services and the Police Training Commission.

Section 2 of the bill, as amended, would require that the Commissioner of Health and Senior Services' proposed rules and regulations concerning the course of study required of an animal control officer be approved by the Police Training Commission, and be developed in consultation with the New Jersey Certified Animal Control Officers Association. It is the committee's intent that pursuant to this section, a separate course of training in law enforcement methods and techniques would be developed and offered to individuals interested in attaining municipal authorization as an officer for detection, apprehension and arrest of offenders against the animal control, welfare, and cruelty laws.

The committee also amended section 2 to make it clear that

nothing in this bill would prohibit an individual from taking, on one's own time and at one's own expenses, the prescribed course of study. However, this would not permit an animal control officer to use law enforcement powers simply because one had completed the prescribed courses. One would still need to be appointed by a municipality to a position as an animal control officer, and additionally, one would still need municipal authorization to exercise the law enforcement powers.

Section 7 of the bill, as amended, would provide for the division of fines received because an individual violated the State's animal cruelty laws. The bill would provide that if a certified animal control officer were responsible for the arrest and prosecution of a violator, one half of the amount of the fines, penalties, and moneys collected would be remitted by the court to the municipality that hired the officer, for the municipality's use in defraying enforcement and training costs. The New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA) would receive the other half. If a local Society for the Prevention of Cruelty to Animals or the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA or state society) were responsible for the arrest, the fines, penalties, and moneys collected would be remitted to that society, as currently provided by law.

The committee added section 9 to the bill. This section would ensure that a certified animal control officer who signs a complaint, issues a summons, makes an arrest, or otherwise acts pursuant to his authority pursuant to P.L.1983, c.525, R.S.4:22-44, or section 8 of this bill shall forward within five business days a copy of that complaint, summons, or arrest warrant or report to the New Jersey Society for the Prevention of Cruelty to Animals and shall forward a report of any related court action within thirty calendar days of final disposition.

The committee also added section 10 which concerns the liability of the municipalities, the SPCA, and the certified animal control officers. This section would provide that municipalities, the SPCA and animal control officers would not share legal liability simply because they share or divide fines they receive pursuant to this bill or current law.

With these amendments, this bill is identical to the Senate Committee Substitute for Senate, No. 366 which was also favorably reported by the committee on May 8, 1997.