

4:22-50.1 et seq.

10/13/86

LEGISLATIVE HISTORY CHECKLIST

NJSA: 4:22-50.1 et seq. Animal shelters--payment of receiver)

LAWS OF: 1986

CHAPTER 89

BILL NO: A412

Sponsor(s): Doyle

Date Introduced: Pre-filed

Committee: Assembly: Economic Development and Agriculture

Senate: -----

Amended during passage: Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly: May 5, 1986

Senate: June 23, 1986

Date of Approval: August 14, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate No

Fiscal Note: No

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Reports: No

Hearings: No

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ASSEMBLY, No. 412

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblyman DOYLE

AN ACT concerning the appointment of a receiver for animal pounds and shelters and supplementing chapter 22 of Title 4 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. When the owner or operator of an animal pound or shelter is
2 arrested pursuant to the provisions of article 2 of chapter 22 of
3 Title 4 of the Revised Statutes ***by an agent of the New Jersey*
4 *Society for the Prevention of Cruelty to Animals or any other*
5 *person authorized to make the arrest under that article, or when*
6 *the warrant is issued for the arrest***, the person making the arrest
7 or any ****[member,]** *** other*** officer **[,]** **** or agent of the New
8 Jersey Society for the Prevention of Cruelty to Animals may
9 petition ****[a court of competent jurisdiction]**** ***the Chancery*
10 *Division of Superior Court*** to remove the owner or operator as
11 custodian of the animals and appoint a receiver to operate the
12 pound or shelter. The petitioner shall serve a copy of the petition
13 on the Department of Health ****[and]**** ****, **** the local board of
14 health ****, *and the owner or operator***.

1 2. The court may appoint a responsible person as a receiver upon
2 a finding that the appointment is in the best interests of the animals
3 at the pound or shelter.

4 A court shall not appoint a receiver without ****[serving notice**
5 **upon the owner]**** ** a hearing** except upon a finding that im-
6 mediate and irreparable harm to the animals may result. The
7 owner shall be given notice of the ****[appointment]**** ** hearing**

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

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted January 27, 1986.**

****—Assembly committee amendments adopted February 20, 1986.**

8 in a manner designated by the court. After receipt of this notice
9 the owner shall be granted ***[leave to move for the discharge**
10 **of the receiver on not more than two days' notice]*** **an oppor-*
11 *tunity to contest the imposition of the receivership* **at the hear-*
12 *ing**.*

1 3. The receiver shall be the custodian of the animals at the pound
2 or shelter and shall have control over all real and personal prop-
3 erty necessary for the daily operation of the pound or shelter. The
4 receiver may assume the role of the administrator of the pound or
5 shelter and take control of the daily operations or direct the owner
6 or operator in the performance of his duties.

7 The court shall allow from the revenues of the pound or shelter
8 a reasonable amount of compensation for the expenditures and
9 services of the receiver. The revenues in excess of the cost of the
10 receivership are to be paid to the owner of the pound or shelter.
11 The owner is liable for a deficiency in the costs of the receiver-
12 ship**, *unless the deficiency results from the gross negligence, in-*
13 *competence, or intentional misconduct of the receiver, in which case*
14 *the receiver shall be liable for the deficiency**.* The receiver may
15 be required to furnish a bond, the amount and form of which shall
16 be approved by the court. The cost of the bond shall be paid for
17 by the shelter or pound.

1 4. The court shall require the filing, at periodic intervals, of
2 reports of action taken by the receiver and of accounts itemizing
3 the revenues and expenditures. The reports shall be open to in-
4 spection to all parties to the case. Upon motion of the court, the
5 receiver, or owner or operator, the court may require a presenta-
6 tion or settlement of the accounts. Notice of a motion for presenta-
7 tion or settlement of the accounts shall be served on the owner or
8 operator or any party of record who appeared in the proceeding
9 and any party in interest in the revenues and expenditures.

1 5. The receiver, owner, or operator may make a motion to termi-
2 nate the receivership on grounds that the conditions complained of
3 have been eliminated or remedied. The court may immediately
4 terminate the receivership, or terminate the receivership subject
5 to the terms the court deems necessary or appropriate to prevent
6 the condition complained of from recurring.

1 6. This act applies to pounds and shelters as defined and licensed
2 pursuant to P. L. 1941, c. 151 (C. 4:19-15.1 et seq.); to pounds
3 and places of confinement owned and operated by municipalities,
4 counties, or regional governmental authorities; and to every con-
5 tractual warden or impounding service.

1 7. This act shall take effect immediately.

ANIMALS—DOMESTIC

Permits court appointment of a receiver for an animal pound or shelter if the owner is arrested for ****[inmal]**** ***animal*** cruelty.

ASSEMBLY, No. 412

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblyman DOYLE

ASSEMBLY, No. 2828

STATE OF NEW JERSEY

INTRODUCED OCTOBER 22, 1984

By Assemblywoman FORD, Assemblymen DOYLE and MAZUR

AN ACT concerning the appointment of a receiver for animal pounds and shelters and supplementing chapter 22 of Title 4 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. When the owner or operator of an animal pound or shelter is
2 arrested pursuant to the provisions of article 2 of chapter 22 of
3 Title 4 of the Revised Statutes, the person making the arrest or
4 any member, officer, or agent of the New Jersey Society for the
5 Prevention of Cruelty to Animals may petition a court of competent
6 jurisdiction to remove the owner or operator as custodian of the
7 animals and appoint a receiver to operate the pound or shelter.
8 The petitioner shall serve a copy of the petition on the Department
9 of Health and the local board of health.

1 2. The court may appoint a responsible person as a receiver upon
2 a finding that the appointment is in the best interests of the animals
3 at the pound or shelter.

4 A court shall not appoint a receiver without serving notice upon
5 the owner except upon a finding that immediate and irreparable
6 harm to the animals may result. The owner shall be given notice
7 of the appointment in a manner designated by the court. After
8 receipt of this notice the owner shall be granted leave to move for
9 the discharge of the receiver on not more than two days' notice.

1 3. The receiver shall be the custodian of the animals at the pound
2 or shelter and shall have control over all real and personal prop-
3 erty necessary for the daily operation of the pound or shelter. The

4 receiver may assume the role of the administrator of the pound or
5 shelter and take control of the daily operations or direct the owner
6 or operator in the performance of his duties.

7 The court shall allow from the revenues of the pound or shelter
8 a reasonable amount of compensation for the expenditures and
9 services of the receiver. The revenues in excess of the cost of the
10 receivership are to be paid to the owner of the pound or shelter.
11 The owner is liable for a deficiency in the costs of the receivership.
12 The receiver may be required to furnish a bond, the amount and
13 form of which shall be approved by the court. The cost of the bond
14 shall be paid for by the shelter or pound.

1 4. The court shall require the filing, at periodic intervals, of
2 reports of action taken by the receiver and of accounts itemizing
3 the revenues and expenditures. The reports shall be open to in-
4 spection to all parties to the case. Upon motion of the court, the
5 receiver, or owner or operator, the court may require a presenta-
6 tion or settlement of the accounts. Notice of a motion for presenta-
7 tion or settlement of the accounts shall be served on the owner or
8 operator or any party of record who appeared in the proceeding
9 and any party in interest in the revenues and expenditures.

1 5. The receiver, owner, or operator may make a motion to termi-
2 nate the receivership on grounds that the conditions complained of
3 have been eliminated or remedied. The court may immediately
4 terminate the receivership, or terminate the receivership subject
5 to the terms the court deems necessary or appropriate to prevent
6 the condition complained of from recurring.

1 6. This act applies to pounds and shelters as defined and licensed
2 pursuant to P. L. 1941, c. 151 (C. 4:19-15.1 et seq.); to pounds
3 and places of confinement owned and operated by municipalities,
4 counties, or regional governmental authorities; and to every con-
5 tractual warden or impounding service.

1 7. This act shall take effect immediately.

STATEMENT

This bill allows for the appointment of receivers for animal pounds and shelters. Presently, if the owner or operator of a pound or shelter is arrested for cruelty to animals, there are no provisions for the interim care of these animals. As a result, the animals are often left in the care of the person already suspected of cruelty. The bill protects the animals and allows for the continued operation of the animal facility pending the outcome of the cruelty prosecution.

ASSEMBLY ECONOMIC DEVELOPMENT AND
AGRICULTURE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 412

[OFFICIAL COPY REPRINT]

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 20, 1986

This bill authorizes and specifies the conditions under which receivers may be appointed for animal pounds and shelters by the courts. Presently, if an owner or operator of a pound or shelter is arrested for cruelty to animals, there are no provisions for the interim care of these animals. As a result, the animals are often left in the care of the person already suspected of cruelty. The bill protects the animals by permitting a court to appoint a receiver to operate the animal facility following the arrest. The court is required, however, to hold a hearing giving the operator the opportunity to contest the initial imposition of the receivership unless the court finds that immediate and irreparable harm may occur to the animals.

Once the receivership is imposed, the court may, upon a finding that the conditions that led to the original charge have been abated, terminate the receivership, subject to any conditions it deems necessary to prevent a recurrence.

The committee amended the bill to modify procedures regarding the receiverships as follows:

1. The petition to put the animal shelter under receivership may be filed only by the person making the arrest or by officers and agents of the New Jersey Society for the Prevention of Cruelty to Animals other than the one who made the arrest. Previously, the bill also permitted members of the society other than the one who made the arrest to file the petition.

2. The petitioner is required to serve a copy of the petition to the owner or operator in addition to serving it to the Department of Health and the local board of health as previously required.

3. The receiver is held liable for any costs of the receivership which result from the gross negligence, incompetence, or intentional misconduct of the receiver.

The other amendments are technical in nature.
