

4:19-15.16a

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 67
NJSA: 4:19-15.16a (List of animal control officers involved in cruelty)
BILL NO: A2064 (Substituted for S592)
SPONSOR(S): Geist and others
DATE INTRODUCED: March 18, 2002
COMMITTEE: **ASSEMBLY:** Agriculture and Natural Resources
 SENATE: Economic Growth
AMENDED DURING PASSAGE: Yes
DATE OF PASSAGE: **ASSEMBLY:** February 24, 2003
 SENATE: December 16, 2002
DATE OF APPROVAL: May 5, 2003

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (3rd reprint enacted)
(Amendments during passage denoted by superscript numbers)

A2064

[SPONSORS STATEMENT](#): (Begins on page 5 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

[FLOOR AMENDMENT STATEMENT](#): Yes

LEGISLATIVE FISCAL ESTIMATE: No

S592

[SPONSORS STATEMENT](#): (Begins on page 5 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

[FLOOR AMENDMENT STATEMENT](#): Yes

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR’S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 2003, CHAPTER 67, *approved May 5, 2003*
Assembly, No. 2064 (*Third Reprint*)

1 **AN ACT** concerning certified animal control officers, amending
2 P.L.1983, c.525 and supplementing chapter 22 of Title 4 of the
3 Revised Statutes and Title 2B of the New Jersey Statutes.

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

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

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

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

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

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

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

33 Any person 18 years of age or older may satisfy the courses of
34 study established pursuant to this subsection at that person's own time
35 and expense; however, nothing in this section shall be construed as
36 authorizing a person to exercise the powers and duties of an animal
37 control officer absent municipal appointment or authorization pursuant

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAN committee amendments adopted June 17, 2002.

² Senate SEG committee amendments adopted October 24, 2002.

³ Senate floor amendments adopted November 14, 2002.

1 to section 4 of P.L.1983, c.525 (C.4:19-15.16b).

2 b. (1) The commissioner shall provide for the issuance of a
 3 certificate to a person who possesses, or acquires, the training and
 4 education required to qualify as a certified animal control officer
 5 pursuant to paragraphs (1) through (3) of subsection a. of this section
 6 and to a person who has been employed in the State of New Jersey in
 7 the capacity of, and with similar responsibilities to those required of,
 8 a certified animal control officer pursuant to the provisions of
 9 P.L.1983, c.525, for a period of three years before January 17, 1987.
 10 The commissioner shall not issue a certificate to any person convicted
 11 of ³[a crime, disorderly persons offense, or petty disorderly
 12 offense]³, or found civilly liable ³[.]³ for ³,³ a violation of any
 13 provision of chapter 22 of Title 4 of the Revised Statutes.

14 (2) The commissioner shall revoke the certificate of any person
 15 convicted of ³[a crime, disorderly persons offense, or petty disorderly
 16 offense]³, or found civilly liable ³[.]³ for ³,³ a violation of any
 17 provision of chapter 22 of Title 4 of the Revised Statutes, and shall
 18 place the name of the person on the list established pursuant to
 19 subsection c. of this section.

20 c. (1) The commissioner shall establish a list of all persons issued
 21 a certificate pursuant to subsection b. of this section (a) for whom that
 22 certificate has been revoked, or (b) who have been convicted of ³[a
 23 crime, disorderly persons offense, or petty disorderly offense]³, or
 24 ³[who have been]³ found civilly liable ³[.]³ for ³,³ a violation of any
 25 provision of chapter 22 of Title 4 of the Revised Statutes. The
 26 commissioner shall provide each municipality in the State with a copy
 27 of this list within 30 days after the list is established and not less often
 28 than annually thereafter if no revised list required pursuant to
 29 paragraph (2) of this subsection has been issued in the interim.

30 (2) Upon receipt of a notice required pursuant to sections 3 or 4
 31 of P.L. , c. (C.) (now pending before the Legislature as this
 32 bill) involving a person who has been issued a certificate pursuant to
 33 subsection b. of this section, the commissioner shall add to the list the
 34 name of the person convicted of ³[a crime, disorderly persons offense,
 35 or petty disorderly offense]³, or found civilly liable ³[.]³ for ³,³ a
 36 violation of any provision of chapter 22 of Title 4 of the Revised
 37 Statutes according to the notice, and shall issue a copy of the revised
 38 list to each municipality within 30 days after receipt of any such
 39 notice.²

40 (cf: P.L.1997, c.247, s.2)

41
 42 ²2. Section 4 of P.L.1983, c.525 (C.4:19-15.16b) is amended to
 43 read as follows:

44 4. The governing body of a municipality shall, within three years
 45 of the effective date of P.L.1983, c.525, appoint a certified animal
 46 control officer who shall be responsible for animal control within the

1 jurisdiction of the municipality and who shall enforce and abide by the
 2 provisions of section 16 of P.L.1941, c.151 (C.4:19-15.16). The
 3 governing body shall not appoint a certified animal control officer,
 4 shall not contract for animal control services with any company that
 5 employs a certified animal control officer, and shall revoke the
 6 appointment of a certified animal control officer, who has been [found
 7 to have violated the provisions of R.S.4:22-17, R.S.4:22-18, R.S.4:22-
 8 19, section 3 of P.L.1982, c.76 (C.4:22-19.1), section 3 of P.L.1982,
 9 c.158 (C.4:22-19.2), R.S.4:22-20, R.S.4:22-21, R.S.4:22-22,
 10 R.S.4:22-23, R.S.4:22-24, section 1 of P.L.1939 c.315 (C.4:22-
 11 25.1),or R.S.4:22-26.] convicted of³[a crime, disorderly persons
 12 offense, or petty disorderly offense]³, or ³[has been]³ found civilly
 13 liable³[.]³ for³ a violation of any provision of chapter 22 of Title
 14 4 of the Revised Statutes or whose name is on the list or any revision
 15 thereto established and provided by the Commissioner of Health and
 16 Senior Services pursuant to subsection c. of section 3 of P.L.1983,
 17 c.525 (C.4:19-15.16a). The governing body shall, within 30 days after
 18 receipt thereof, review any such list or revision thereto received by the
 19 municipality and shall, within that 30-day period, take action
 20 accordingly as required pursuant to this section.

21 The governing body may authorize the certified animal control
 22 officer to investigate and sign complaints, arrest violators and
 23 otherwise act as an officer for detection, apprehension and arrest of
 24 offenders against the animal control, animal welfare and animal cruelty
 25 laws of the State and ordinances of the municipality, if the officer has
 26 completed the training required pursuant to paragraph 4 of subsection
 27 a. of section 3 of P.L.1983, c.525 (C.4:19-15.16a). Only certified
 28 animal control officers who have completed the training may be
 29 authorized by the governing body to so act as an officer for detection,
 30 apprehension and arrest of offenders; however, officers who have
 31 completed the training shall not have the authority to so act unless
 32 authorized by the governing body which is employing the officer or
 33 contracting for the officer's services.²

34 (cf: P.L.2000, c.17, s.1)

35
 36 3. ²(New section)² a. ²[(New section)]² For the purposes of
 37 establishing the list of ²[certified animal control officers] persons not²
 38 eligible to be²[contracted by governing bodies of municipalities]
 39 certified animal control officers² as required pursuant to ²[subsection]
 40 subsections b. and² c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a),
 41 notice shall be provided², within 90 days after the effective date of this
 42 section.² to the Commissioner of Health and Senior Services of any
 43 person who ²[is found liable for, or guilty of, a violation of R.S.4:22-
 44 17, R.S.4:22-18, R.S.4:22-19, section 3 of P.L.1982, c.76 (C.4:22-
 45 19.1), section 3 of P.L.1982, c.158 (C.4:22-19.2), R.S.4:22-20,
 46 R.S.4:22-21, R.S.4:22-22, R.S.4:22-23, R.S.4:22-24, section 1 of

1 P.L.1939 c.315 (C.4:22-25.1), or R.S.4:22-26] has been convicted of
 2 ³[a crime, disorderly persons offense, or petty disorderly offense]³, or
 3 ³[has been]³ found civilly liable ³[.]³ for ^{3,3} a violation of any
 4 provision of chapter 22 of Title 4 of the Revised Statutes², by any
 5 court or other official administrative entity maintaining records of such
 6 violations adjudged on or before the effective date of this section.

7 b. For the purposes of maintaining the list of ²[certified animal
 8 control officers] persons not² eligible to be ²[contracted by governing
 9 bodies of municipalities as required] certified animal control officers
 10 as established² pursuant to ²[subsection] subsections b. and² c. of
 11 section 3 of P.L.1983, c.525 (C.4:19-15.16a), the court or other
 12 official adjudging the ²[liability or guilt for a violation of R.S.4:22-17,
 13 R.S.4:22-18, R.S.4:22-19, section 3 of P.L.1982, c.76 (C.4:22-19.1),
 14 section 3 of P.L.1982, c.158 (C.4:22-19.2), R.S.4:22-20, R.S.4:22-21,
 15 R.S.4:22-22, R.S.4:22-23, R.S.4:22-24, section 1 of P.L.1939 c.315
 16 (C.4:22-25.1), or R.S.4:22-26] guilt or liability for a violation of any
 17 provision of chapter 22 of Title 4 of the Revised Statutes², shall
 18 charge the prosecutor, officer of the New Jersey Society for the
 19 Prevention of Cruelty to Animals or the district (county) society for the
 20 prevention of cruelty to animals, or other appropriate person, other
 21 than a certified animal control officer, with the responsibility to notify
 22 ²within 30 days² the commissioner, in writing, of the full name of the
 23 person found ²[liable for, or]² guilty of, ²or liable for,² an applicable
 24 violation, and the violation for which or of which that person was
 25 found ²[liable or]² guilty ²or liable², and the person charged with the
 26 responsibility shall provide such notice.

27
 28 4. (New section) As required pursuant to section 3 of P.L. , c.
 29 (C.) (now before the Legislature as this bill), a municipal court
 30 adjudging ²[violations of R.S.4:22-17, R.S.4:22-18, R.S.4:22-19,
 31 section 3 of P.L.1982, c.76 (C.4:22-19.1), section 3 of P.L.1982,
 32 c.158 (C.4:22-19.2), R.S.4:22-20, R.S.4:22-21, R.S.4:22-22,
 33 R.S.4:22-23, R.S.4:22-24, section 1 of P.L.1939 c.315 (C.4:22-25.1),
 34 or R.S.4:22-26] guilt or liability for a violation of any provision of
 35 chapter 22 of Title 4 of the Revised Statutes², shall charge the
 36 prosecutor, officer of the New Jersey Society for the Prevention of
 37 Cruelty to Animals or the district (county) society for the prevention
 38 of cruelty to animals, or other appropriate person, other than a
 39 certified animal control officer, with the responsibility to notify ²within
 40 30 days² the Commissioner of Health and Senior Services, in writing,
 41 of the full name of the person found ²[liable for, or]² guilty of, ²or
 42 liable for,² an applicable violation, and the violation for which or of
 43 which that person was found ²[liable or]² guilty ²or liable², and the
 44 person charged with the responsibility shall provide such notice.

1 5. Sections 1, 3 and 4 of this act shall take effect immediately, and
2 section 2 shall take effect ¹[30] 180¹ days after the date of enactment.

3

4

5

6

7 Requires DHSS to establish list of animal control officers found guilty
8 of or liable for violating any animal cruelty law; and prohibits persons
9 on that list from being animal control officers for a municipality.

ASSEMBLY, No. 2064

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MARCH 18, 2002

Sponsored by:

Assemblyman GEORGE F. GEIST

District 4 (Camden and Gloucester)

Assemblyman ROBERT J. SMITH

District 4 (Camden and Gloucester)

SYNOPSIS

Requires DOH to establish list of certified animal control officers not liable for, or guilty of, violation of animal cruelty laws; and requires municipalities to appoint or contract for only those certified animal control officers on list.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/18/2002)

1 AN ACT concerning certified animal control officers, amending
2 P.L.1983, c.525 and supplementing chapter 22 of Title 4 of the
3 Revised Statutes and Title 2B of the New Jersey Statutes.

4

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

7

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

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

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

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

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

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

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

39 b. The commissioner shall provide for the issuance of a certificate
40 to a person who possesses, or acquires, the training and education
41 required to qualify as a certified animal control officer pursuant to
42 paragraphs (1) through (3) of subsection a. of this section and to a
43 person who has been employed in the State of New Jersey in the

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

Matter underlined thus is new matter.

1 capacity of, and with similar responsibilities to those required of, a
2 certified animal control officer pursuant to the provisions of P.L.1983,
3 c.525, for a period of three years before January 17, 1987.

4 c. The commissioner shall establish a list of all persons issued a
5 certificate pursuant to subsection b. of this section who have not been
6 found to have violated the provisions of R.S.4:22-17, R.S.4:22-18,
7 R.S.4:22-19, section 3 of P.L.1982, c.76 (C.4:22-19.1), section 3 of
8 P.L.1982, c.158 (C.4:22-19.2), R.S.4:22-20, R.S.4:22-21, R.S.4:22-
9 22, R.S.4:22-23, R.S.4:22-24, section 1 of P.L.1939 c.315 (C.4:22-
10 25.1), or R.S.4:22-26, and shall provide each municipality with a copy
11 of this list within 30 days after the list is established and as soon as
12 practicable whenever the list is revised thereafter.

13 Upon receipt of a notice required pursuant to section 3 of P.L. . . .
14 c. (C. . . .) (now pending before the Legislature as this bill), the
15 commissioner shall remove the name of any certified animal control
16 officer found liable for, or guilty of, a relevant violation according to
17 the notice, and shall issue a copy of the revised list to each
18 municipality as soon as practicable thereafter.

19 (cf: P.L.1997, c.247, s.2)

20
21 2. Section 4 of P.L.1983, c.525 (C.4:19-15.16b) is amended to
22 read as follows:

23 4. The governing body of a municipality shall, within three years
24 of the effective date of P.L.1983, c.525, appoint a certified animal
25 control officer who shall be responsible for animal control within the
26 jurisdiction of the municipality and who shall enforce and abide by the
27 provisions of section 16 of P.L.1941, c.151 (C.4:19-15.16). The
28 governing body shall not appoint a certified animal control officer,
29 shall not contract for animal control services with any company that
30 employs a certified animal control officer, and shall revoke the
31 appointment of a certified animal control officer, who has been found
32 to have violated the provisions of R.S.4:22-17, R.S.4:22-18, R.S.4:22-
33 19, section 3 of P.L.1982, c.76 (C.4:22-19.1), section 3 of P.L.1982,
34 c.158 (C.4:22-19.2), R.S.4:22-20, R.S.4:22-21, R.S.4:22-22,
35 R.S.4:22-23, R.S.4:22-24, section 1 of P.L.1939 c.315 (C.4:22-
36 25.1), or R.S.4:22-26. To ensure that no such person is appointed or
37 contracted for services by a municipality, the governing body shall
38 appoint or contract with only those certified animal control officers
39 found on the list, or companies who employ only certified animal
40 control officers found on the list, established and provided by the
41 Commissioner of Health and Senior Services pursuant to subsection
42 c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a).

43 The governing body may authorize the certified animal control
44 officer to investigate and sign complaints, arrest violators and
45 otherwise act as an officer for detection, apprehension and arrest of
46 offenders against the animal control, animal welfare and animal cruelty

1 laws of the State and ordinances of the municipality, if the officer has
2 completed the training required pursuant to paragraph 4 of subsection
3 a. of section 3 of P.L.1983, c.525 (C.4:19-15.16a). Only certified
4 animal control officers who have completed the training may be
5 authorized by the governing body to so act as an officer for detection,
6 apprehension and arrest of offenders; however, officers who have
7 completed the training shall not have the authority to so act unless
8 authorized by the governing body which is employing the officer or
9 contracting for the officer's services.

10 (cf: P.L.2000, c.17, s.1)

11

12 3. a. (New section) For the purposes of establishing the list of
13 certified animal control officers eligible to be contracted by governing
14 bodies of municipalities as required pursuant to subsection c. of
15 section 3 of P.L.1983, c.525 (C.4:19-15.16a), notice shall be provided
16 to the Commissioner of Health and Senior Services of any person who
17 is found liable for, or guilty of, a violation of R.S.4:22-17, R.S.4:22-
18 18, R.S.4:22-19, section 3 of P.L.1982, c.76 (C.4:22-19.1), section 3
19 of P.L.1982, c.158 (C.4:22-19.2), R.S.4:22-20, R.S.4:22-21,
20 R.S.4:22-22, R.S.4:22-23, R.S.4:22-24, section 1 of P.L.1939 c.315
21 (C.4:22-25.1), or R.S.4:22-26, by any court or other official
22 administrative entity maintaining records of such violations adjudged
23 on or before the effective date of this section.

24 b. For the purposes of maintaining the list of certified animal
25 control officers eligible to be contracted by governing bodies of
26 municipalities as required pursuant to subsection c. of section 3 of
27 P.L.1983, c.525 (C.4:19-15.16a), the court or other official adjudging
28 the liability or guilt for a violation of R.S.4:22-17, R.S.4:22-18,
29 R.S.4:22-19, section 3 of P.L.1982, c.76 (C.4:22-19.1), section 3 of
30 P.L.1982, c.158 (C.4:22-19.2), R.S.4:22-20, R.S.4:22-21, R.S.4:22-
31 22, R.S.4:22-23, R.S.4:22-24, section 1 of P.L.1939 c.315 (C.4:22-
32 25.1), or R.S.4:22-26, shall charge the prosecutor, officer of the New
33 Jersey Society for the Prevention of Cruelty to Animals or the district
34 (county) society for the prevention of cruelty to animals, or other
35 appropriate person, other than a certified animal control officer, with
36 the responsibility to notify the commissioner, in writing, of the full
37 name of the person found liable for, or guilty of, an applicable
38 violation, and the violation for which or of which that person was
39 found liable or guilty, and the person charged with the responsibility
40 shall provide such notice.

41

42 4. (New section) As required pursuant to section 3 of P.L. , c.
43 (C.) (now before the Legislature as this bill), a municipal court
44 adjudging violations of R.S.4:22-17, R.S.4:22-18, R.S.4:22-19,
45 section 3 of P.L.1982, c.76 (C.4:22-19.1), section 3 of P.L.1982,
46 c.158 (C.4:22-19.2), R.S.4:22-20, R.S.4:22-21, R.S.4:22-22,

1 R.S.4:22-23, R.S.4:22-24, section 1 of P.L.1939 c.315 (C.4:22-25.1),
2 or R.S.4:22-26, shall charge the prosecutor, officer of the New Jersey
3 Society for the Prevention of Cruelty to Animals or the district
4 (county) society for the prevention of cruelty to animals, or other
5 appropriate person, other than a certified animal control officer, with
6 the responsibility to notify the Commissioner of Health and Senior
7 Services, in writing, of the full name of the person found liable for, or
8 guilty of, an applicable violation, and the violation for which or of
9 which that person was found liable or guilty, and the person charged
10 with the responsibility shall provide such notice.

11

12 5. Sections 1, 3 and 4 of this act shall take effect immediately, and
13 section 2 shall take effect 30 days after the date of enactment.

14

15

16

STATEMENT

17

18 This bill requires the Commissioner of Health and Senior Services
19 to establish and maintain a list of certified animal control officers who
20 have not been found liable for or guilty of violations of animal cruelty
21 laws. The bill also requires the commissioner to provide each
22 municipality a copy of this list within 30 days after it is established and
23 as soon as practicable thereafter whenever it is revised.

24 For the purposes of establishing the list, the bill would require any
25 court or other official administrative entity maintaining records of such
26 violations adjudged on or before the effective date of the bill to
27 provide notice to the commissioner of those persons found liable for,
28 or guilty of, such violations.

29 For the purposes of maintaining the list, the bill would require the
30 court or other official adjudging the liability or guilt for a violation to
31 charge the prosecutor, an officer of the New Jersey Society for the
32 Prevention of Cruelty to Animals or district (county) society for the
33 prevention of cruelty to animals, or another appropriate person with
34 the responsibility of providing the required written notice to the
35 commissioner. The notice would include the full name of the person
36 found liable for, or guilty of, an applicable violation, and the violation
37 for which or of which that person was found liable or guilty.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2064

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 17, 2002

The Assembly Agriculture and Natural Resources Committee reports favorably and with committee amendments Assembly Bill No. 2064.

This bill, as amended by the committee, requires the Commissioner of Health and Senior Services to establish and maintain a list of certified animal control officers who have not been found liable for or guilty of violations of animal cruelty laws. The bill also requires the commissioner to provide each municipality a copy of this list within 30 days after it is established and as soon as practicable thereafter whenever it is revised.

For the purposes of establishing the list, the bill would require any court or other official administrative entity maintaining records of such violations adjudged on or before the effective date of the bill to provide notice to the commissioner of those persons found liable for, or guilty of, such violations.

For the purposes of maintaining the list, the bill would require the court or other official adjudging the liability or guilt for a violation to charge the prosecutor, an officer of the New Jersey Society for the Prevention of Cruelty to Animals or district (county) society for the prevention of cruelty to animals, or another appropriate person with the responsibility of providing the required written notice to the commissioner. The notice would include the full name of the person found liable for, or guilty of, an applicable violation, and the violation for which or of which that person was found liable or guilty.

COMMITTEE AMENDMENTS

The committee amendments change the effective date of the bill so that it would take effect 180 days, rather than 30 days, after the date of enactment.

SENATE ECONOMIC GROWTH, AGRICULTURE AND
TOURISM COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2064

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 24, 2002

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably and with committee amendments Assembly Bill No. 2064 (1R).

This bill, as amended by the committee, requires the Commissioner of Health and Senior Services to establish and maintain a list of all persons issued a certificate that qualified them as a certified animal control officer (1) for whom that certificate has been revoked by the commissioner, or (2) who have been convicted of a crime, disorderly persons offense, or petty disorderly offense, or who have been found civilly liable, for a violation of any provision of chapter 22 of Title 4 of the Revised Statutes (i.e., the State's animal cruelty laws). The bill also requires the commissioner to provide each municipality with a copy of this list within 30 days after it is established and with copies of any revisions thereto also within 30 days.

For the purposes of establishing the list, the bill would require any court or other official administrative entity maintaining records of such violations adjudged on or before the effective date of the bill to provide, within 90 days, notice to the commissioner of those persons found guilty of, or liable for, such violations.

For the purposes of maintaining the list, the bill would require the court or other official adjudging the guilt or liability for a violation to charge the prosecutor, an officer of the New Jersey Society for the Prevention of Cruelty to Animals or district (county) society for the prevention of cruelty to animals, or another appropriate person with the responsibility of providing within 30 days the required written notice to the commissioner. The notice would include the full name of the person found guilty of, or liable for, an applicable violation, and the violation for which or of which that person was found guilty or liable.

The bill, as amended by the committee, also provides that a person found guilty or liable for an animal cruelty offense could not become a certified animal control officer, and also requires the commissioner

to revoke the certificate of a certified animal control officer in the event of such a violation.

Finally, the bill, as amended by the committee, amends current law requiring municipal revocation of the appointment of a municipal animal control officer who violates animal cruelty laws, by establishing a 30-day period for the municipality to act if that person is on the animal cruelty violator's list provided to the municipality by the commissioner.

The committee amendments:

(1) provide that the list established by the Commissioner of Health and Senior Services shall be a list of animal cruelty violators rather than a list of nonviolators;

(2) impose certain deadlines for action to be taken under the bill by the commissioner, municipalities, courts, administrative entities, and certain other parties;

(3) provide that a person found guilty or liable for an animal cruelty offense could not become a certified animal control officer, and also require the commissioner to revoke the certificate of a certified animal control officer in the event of such a violation; and

(4) make various technical and clarifying amendments.

As amended and reported by the committee, this bill is identical to Senate Bill No. 592 as also amended and reported by the committee.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 2064

with Senate Floor Amendments
(Proposed By Senator CIESLA)

ADOPTED: NOVEMBER 14, 2002

These amendments would clarify that the provisions of the bill apply only when the person is convicted of or found civilly liable for a violation of an animal cruelty law, and not to convictions or findings of liability for violations of other laws.

SENATE, No. 592

STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Senator ANDREW R. CIESLA

District 10 (Monmouth and Ocean)

Senator DIANE ALLEN

District 7 (Burlington and Camden)

Co-Sponsored by:

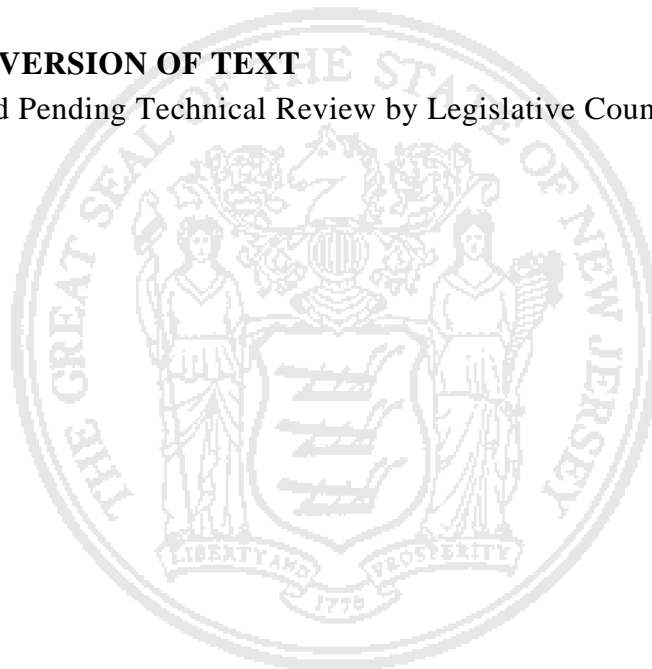
Senators Palaia and Matheussen

SYNOPSIS

Requires DOH to establish list of certified animal control officers not liable for, or guilty of, violation of animal cruelty laws; requires municipalities appoint or contract only those certified animal control officers.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 11/1/2002)

1 AN ACT concerning certified animal control officers, amending
2 P.L.1983, c.525 and supplementing chapter 22 of Title 4 of the
3 Revised Statutes.

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

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

10 4. The governing body of a municipality shall, within three years
11 of the effective date of P.L.1983, c.525, appoint a certified animal
12 control officer who shall be responsible for animal control within the
13 jurisdiction of the municipality and who shall enforce and abide by the
14 provisions of section 16 of P.L.1941, c.151 (C.4:19-15.16). The
15 governing body shall not appoint a certified animal control officer,
16 shall not contract for animal control services with any company that
17 employs a certified animal control officer, and shall revoke the
18 appointment of a certified animal control officer, who has been found
19 to have violated the provisions of R.S.4:22-17, R.S.4:22-18, R.S.4:22-
20 19, section 3 of P.L.1982, c.76 (C.4:22-19.1), section 3 of P.L.1982,
21 c.158 (C.4:22-19.2), R.S.4:22-20, R.S.4:22-21, R.S.4:22-22,
22 R.S.4:22-23, R.S.4:22-24, section 1 of P.L.1939 c.315 (C.4:22-
23 25.1), or R.S.4:22-26. To ensure that no such person is appointed or
24 contracted for services by a municipality, the governing body shall
25 appoint or contract with only those certified animal control officers
26 found on the list, or companies who employ only certified animal
27 control officers found on the list, established and provided by the
28 Commissioner of Health and Senior Services pursuant to section 3 of
29 P.L.1983, c.525 (C.4:19-15.16a) as amended by P.L. , c. (C.)
30 (now before the Legislature as this bill).

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

44 (cf: P.L.2000, c.17, s.1)

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

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

12 (1) The law as it affects animal control, animal welfare , and animal
13 cruelty ;

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

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

16 (4) The law enforcement methods and techniques required for an
17 animal control officer to properly exercise the authority to investigate
18 and sign complaints and arrest without warrant pursuant to section 8
19 of P.L.1997, c.247 (C.4:19-15.16c), including, but not limited to,
20 those methods and techniques which relate to search, seizure and
21 arrest. The training in law enforcement methods and techniques
22 described pursuant to this paragraph shall be part of the course of
23 study for an animal control officer only when required by the
24 governing body of a municipality pursuant to section 4 of P.L.1983,
25 c.525 (C.4:19-15.16b).

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

32 b. The commissioner shall provide for the issuance of a certificate
33 to a person who possesses, or acquires, the training and education
34 required to qualify as a certified animal control officer pursuant to
35 paragraphs (1) through (3) of subsection a. of this section and to a
36 person who has been employed in the State of New Jersey in the
37 capacity of, and with similar responsibilities to those required of, a
38 certified animal control officer pursuant to the provisions of P.L.1983,
39 c.525, for a period of three years before January 17, 1987.

40 c. The commissioner shall establish a list of all persons issued a
41 certificate pursuant to subsection b. of this section who have not been
42 found to have violated the provisions of R.S.4:22-17, R.S.4:22-18,
43 R.S.4:22-19, section 3 of P.L.1982, c.76 (C.4:22-19.1), section 3 of
44 P.L.1982, c.158 (C.4:22-19.2), R.S.4:22-20, R.S.4:22-21, R.S.4:22-
45 22, R.S.4:22-23, R.S.4:22-24, section 1 of P.L.1939 c.315 (C.4:22-
46 25.1), or R.S.4:22-26, and shall provide each municipality with a copy
47 of this list within the 30 days after the list is established and as soon as

1 practicable whenever the list is revised thereafter.

2 Upon receipt of a notice required pursuant to section 3 of P.L. ,
3 c. (C.)(now pending before the Legislature as this bill), the
4 commissioner shall remove the name of any certified animal control
5 officer found liable for, or guilty of, a relevant violation according to
6 the notice, and shall issue a copy of the revised list to each
7 municipality as soon as practicable thereafter.

8 (cf: P.L.1997, c.247, s.2)

9

10 3. a. (New section) For the purposes of establishing the list of
11 certified animal control officers eligible to be contracted by governing
12 bodies of municipalities as required pursuant to section 3 of P.L.1983,
13 c.525 as amended by P.L. , c. (C.)(now pending before the
14 Legislature as this bill), notice shall be provided to the Commissioner
15 of Health and Senior Services of any person who is found liable for,
16 or guilty of, a violation of R.S.4:22-17, R.S.4:22-18, R.S.4:22-19,
17 section 3 of P.L.1982, c.76 (C.4:22-19.1), section 3 of P.L.1982,
18 c.158 (C.4:22-19.2), R.S.4:22-20, R.S.4:22-21, R.S.4:22-22,
19 R.S.4:22-23, R.S.4:22-24, section 1 of P.L.1939 c.315 (C.4:22-25.1),
20 or R.S.4:22-26, by any court or other official administrative entity
21 maintaining records of such violations adjudged on or before the
22 effective date of this section of P.L. , c. (C.)(now pending
23 before the Legislature as this bill).

24 b. For the purposes of maintaining the list of certified animal
25 control officers eligible to be contracted by governing bodies of
26 municipalities as required pursuant to section 3 of P.L.1983, c.525 as
27 amended by P.L. , c. (C.)(now pending before the
28 Legislature as this bill), the court or other official adjudging the
29 liability or guilt for a violation of R.S.4:22-17, R.S.4:22-18, R.S.4:22-
30 19, section 3 of P.L.1982, c.76 (C.4:22-19.1), section 3 of P.L.1982,
31 c.158 (C.4:22-19.2), R.S.4:22-20, R.S.4:22-21, R.S.4:22-22,
32 R.S.4:22-23, R.S.4:22-24, section 1 of P.L.1939 c.315 (C.4:22-25.1),
33 or R.S.4:22-26, shall charge the prosecutor, officer of the New Jersey
34 Society for the Prevention of Cruelty to Animals or the district
35 (county) officer of a society for the prevention of cruelty to animals,
36 or other appropriate person, other than a certified animal control
37 officer, with the responsibility to notify the commissioner, in writing,
38 of the full name of the person found liable for, or guilty of, an
39 applicable violation, and the violation for which or of which that
40 person was found liable or guilty, and the person charged with the
41 responsibility shall provide such notice.

42

43 4. As required pursuant to section 3 of P.L. , c. (C.)(now
44 before the Legislature as this bill), a municipal court adjudging
45 violations of R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, section 3 of
46 P.L.1982, c.76 (C.4:22-19.1), section 3 of P.L.1982, c.158 (C.4:22-
47 19.2), R.S.4:22-20, R.S.4:22-21, R.S.4:22-22, R.S.4:22-23, R.S.4:22-

1 24, section 1 of P.L.1939 c.315 (C.4:22-25.1), or R.S.4:22-26, shall
2 charge the prosecutor, officer of the New Jersey Society for the
3 Prevention of Cruelty to Animals or the district (county) officer of a
4 society for the prevention of cruelty to animals, or other appropriate
5 person, other than a certified animal control officer, with the
6 responsibility to notify the commissioner, in writing, of the full name
7 of the person found liable for, or guilty of, an applicable violation, and
8 the violation for which or of which that person was found liable or
9 guilty, and the person charged with the responsibility shall provide
10 such notice.

11

12 5. Sections 2, 3 and 4 of this act shall take effect immediately, and
13 section 1 shall take effect 30 days after the date of enactment.

14

15

16

STATEMENT

17

18 This bill requires the Commissioner of Health and Senior Services
19 to establish and maintain a list of certified animal control officers who
20 have not been found liable for or guilty of violations of animal cruelty
21 laws. The bill specifies these violations as violations of R.S.4:22-17,
22 R.S.4:22-18, R.S.4:22-19, section 3 of P.L.1982, c.76 (C.4:22-19.1),
23 section 3 of P.L.1982, c.158 (C.4:22-19.2), R.S.4:22-20, R.S.4:22-21,
24 R.S.4:22-22, R.S.4:22-23, R.S.4:22-24, section 1 of P.L.1939 c.315
25 (C.4:22-25.1), or R.S.4:22-26. The bill also requires the commissioner
26 to provide each municipality a copy of this list within the 30 days after
27 it is established and as soon as practicable after it is revised.

28 For the purposes of establishing the list, any court or other official
29 administrative entity maintaining records of such violations adjudged
30 on or before the effective date of the act are required to provide notice
31 of those persons found liable for, or guilty of, violations.

32 For the purposes of maintaining the list, the bill requires the court
33 or other official adjudging the liability or guilt for the violation to
34 charge the prosecutor, officer of the New Jersey Society for the
35 Prevention of Cruelty to Animals or the district (county) officer of a
36 society for the prevention of cruelty to animals, or other appropriate
37 person with the responsibility of providing the required notice required
38 pursuant to this section. The court or other official is required to
39 direct the person charged with the responsibility to notify the
40 commissioner in writing of the full name of the person found liable for,
41 or guilty of, an applicable violation, and the violation for which or of
42 which that person was found liable or guilty, and the person charged
43 with the responsibility is required to provide the notice.

44 Finally, section 1 of the act would not take effect until 30 days after
45 enactment to allow the Commissioner of Health and Senior Services
46 to establish the required list and distribute a copy of the list to each
47 municipality.

SENATE ECONOMIC GROWTH, AGRICULTURE AND
TOURISM COMMITTEE

STATEMENT TO

SENATE, No. 592

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 24, 2002

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably and with committee amendments Senate Bill No. 592.

This bill, as amended by the committee, requires the Commissioner of Health and Senior Services to establish and maintain a list of all persons issued a certificate that qualified them as a certified animal control officer (1) for whom that certificate has been revoked by the commissioner, or (2) who have been convicted of a crime, disorderly persons offense, or petty disorderly offense, or who have been found civilly liable, for a violation of any provision of chapter 22 of Title 4 of the Revised Statutes (i.e., the State's animal cruelty laws). The bill also requires the commissioner to provide each municipality with a copy of this list within 30 days after it is established and with copies of any revisions thereto also within 30 days.

For the purposes of establishing the list, the bill would require any court or other official administrative entity maintaining records of such violations adjudged on or before the effective date of the bill to provide, within 90 days, notice to the commissioner of those persons found guilty of, or liable for, such violations.

For the purposes of maintaining the list, the bill would require the court or other official adjudging the guilt or liability for a violation to charge the prosecutor, an officer of the New Jersey Society for the Prevention of Cruelty to Animals or district (county) society for the prevention of cruelty to animals, or another appropriate person with the responsibility of providing within 30 days the required written notice to the commissioner. The notice would include the full name of the person found guilty of, or liable for, an applicable violation, and the violation for which or of which that person was found guilty or liable.

The bill, as amended by the committee, also provides that a person found guilty or liable for an animal cruelty offense could not become a certified animal control officer, and also requires the commissioner to revoke the certificate of a certified animal control officer in the

event of such a violation.

Finally, the bill, as amended by the committee, amends current law requiring municipal revocation of the appointment of a municipal animal control officer who violates animal cruelty laws, by establishing a 30-day period for the municipality to act if that person is on the animal cruelty violator's list provided to the municipality by the commissioner.

The committee amendments:

(1) provide that the list established by the Commissioner of Health and Senior Services shall be a list of animal cruelty violators rather than a list of nonviolators;

(2) impose certain deadlines for action to be taken under the bill by the commissioner, municipalities, courts, administrative entities, and certain other parties;

(3) provide that a person found guilty or liable for an animal cruelty offense could not become a certified animal control officer, and also require the commissioner to revoke the certificate of a certified animal control officer in the event of such a violation;

(4) include various technical changes, as well as a change in the effective date, that were already made to the Assembly version of the bill; and

(5) make various technical and clarifying amendments.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 2064 (1R) of 2002 as also amended and reported by the committee.

This bill was pre-filed for introduction in the 2002-2003 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

STATEMENT TO

[First Reprint]

SENATE, No. 592

with Senate Floor Amendments
(Proposed By Senator CIESLA)

ADOPTED: NOVEMBER 14, 2002

These amendments would clarify that the provisions of the bill apply only when the person is convicted of or found civilly liable for a violation of an animal cruelty law, and not to convictions or findings of liability for violations of other laws.