

APPENDIX



Testimony
Lee C. Seglem
Executive Director
State Commission of Investigation
N.J. Assembly Agriculture Committee
December 4, 2017

Good afternoon, Chairman and members of the Committee. I'm Lee Seglem, Executive Director of the State Commission of Investigation. Joining me are SCI Counsel Lisa Cialino, whose investigative team conducted the SCI's latest inquiry into the NJSPCA, and Communications Director Kathy Riley who served in an instrumental role on that team. Thank you for the opportunity to testify.

By way of background, let me just say that one of the things government agencies don't do very often or very well is to follow up on the results of their actions. Reports get issued and decisions are taken but what does it all add up to over time? What happened as a result of those actions – good and bad? What else needs to be done? The public deserves answers to questions like that.

I raise this because at the SCI we have undertaken the regular and responsible practice of following up on prior investigations. That's the context for the matter on today's agenda.

Nearly two decades ago, we examined the activities and finances of the State and County SPCAs in New Jersey and found a landscape of waste and abuse. Among other things, criminal

wrongdoing referred by the SCI resulted in the prosecution of county SPCA officials for stealing the organization's funds. Taken together, the findings of that investigation raised very serious questions about the ability of these organizations to fulfill their core statutory mission to enforce the State's animal cruelty laws. As a result, we recommended turning over that enforcement role to qualified professionals in government law enforcement.

Early this year, we decided it would be prudent to re-visit this area. What we found, with particular focus on the NJSPCA, was that significant problems and deficiencies first identified by the SCI 17 ago had festered over time and, in some instances, had gotten worse.

Now virtually bankrupt, this is an organization that has spent more money combined on legal bills and lobbying – more than three-quarters of a million dollars over the past five years alone – than on any other expense, including funds that directly impact animal care.

Our findings show that the NJSPCA seems to care more about the appearance of aggressive enforcement rather than the reality of it. It has lavished its personnel with fully-equipped police-type vehicles that they can keep at home, complete with flashing lights, sirens, advanced policing technology, body cameras and the like. Not to mention credentials that purport to identify even its attorney as a “special prosecutor.” And then there are all the guns and ammo. Did you know that during the course of one year, 2014, the NJSPCA spent more than \$25,000 on firearms ammunition – more money than it devoted to animal care expenses such as vaccinations? This, against a disturbing backdrop presented by the fact that the NJSPCA has been negligent in ensuring that its armed officers adhere to statutory provisions allowing them to carry firearms.

Despite these trappings of authority, the NJSPCA's own records contain evidence showing that it still does not do an acceptable job fulfilling its core mission of responding in a timely manner to complaints of animal abuse and cruelty. We reviewed a sample of 120 cases and found many instances in which the response time far exceeded the organization's own policies and procedures. While those procedures require a written record of action taken within 24 hours of receipt of a complaint, it took, on average, 12 days for an officer or agent to perform an initial response. Furthermore, dozens of case records reviewed by our investigators were missing key data, such as details about the nature of the complaint and the time it was received. In a number of instances, it was obvious that NJSPCA personnel had altered or updated a portion of the records after receiving an SCI subpoena. I would point out that lack of timely response to such complaints was the main reason that New York City turned over responsibility for enforcement of animal cruelty laws to the NYPD in 2014. Since the police there began taking the lead in responding to and investigating animal cruelty complaints, response times have significantly improved with most now answered within eight hours.

In 2006, legislation was enacted in an effort to reform this system. The measure mandated significant changes, including provisions designed to require greater transparency, accountability and oversight of the NJSPCA. Unfortunately, this has not happened. These positive objectives have not been realized because elements of the NJSPCA itself have spent the better part of the last 10 years ignoring and undermining them, as outlined in our report.

In closing, and behalf of our investigative Commission, let me say that we stand by the core recommendation we made 17 years ago and that we repeated this past October: Responsibility for enforcing New Jersey's animal cruelty laws – like other legitimate elements of

law enforcement – should be placed within the qualified framework of government and performed by trained professionals. Today, we are pleased to see that salutary objective embodied in a bill, S-3558, which is moving through the legislative process as we speak. This is an important step toward finally bringing some sense and rationality to the fundamentals of enforcing these vital laws.

Thank you, and we would be happy to try to answer any questions you may have.



NJ ASSEMBLY AGRICULTURE & NATURAL RESOURCES COMMITTEE

TESTIMONY BY:

Col. Frank Rizzo

Chief Humane Law Enforcement Officer

NJSPCA

Good afternoon Mr. Chairman and members of the Assembly Agriculture and Natural Resources Committee. My name is Frank Rizzo and I sit before you proudly representing the dedicated men and woman of the NJSPCA. I have been with the NJSPCA for nearly 20 years, and I currently serve as Chief Humane Law Enforcement Officer. I appreciate the opportunity to appear before you today and look forward to a productive dialogue.

I would be derelict in my duty if I did not address this upfront, and I want to be **very** clear to you Mr. Chairman, the members of this committee and the general public – the NJSPCA is **NOT** a broken agency.....it is **NOT** a haven for “wannabes cops”..... is **NOT** an organization that lost sight of its core function.....nor is it an agency that should be disbanded or stripped of the authority granted and reaffirmed by this Legislature. Stated simply, do not always believe what you read in the newspapers, see on second rate local cable TV channels and yes, even what you read in the SCI’s most recent report.

Whether one agrees with intent of this Legislature or not, the NJSPCA was created by this Legislature in 1868 as a public law enforcement agency to enforce Title IV - New Jersey’s animal cruelty statutes. Since 1868 the NJSPCA has performed this function **at no cost to New Jersey’s taxpayers**. Our enabling legislation is crystal clear about what our core mission is – enforcement of Title IV – and what it is not. We were not created to open and operate animal shelters or serve an animal control function.

NJSPCA personnel are not “wannabe cops” as the SCI has attempted to brand the agency. In fact, the exact opposite is true. Our agents and officers undergo training developed by the Department of Law & Public Safety, approved by the Police Training Commission (PTC) and our twenty (20) armed officers are commissioned every two years by the State Police.

The reality is the NJSPCA receives and responds to approximately 5,000 animal cruelty complaints each year. Since January 2015, we have issued approximately 1,250 summonses for animal cruelty, have rescued **thousands** of animals and have successfully resolved thousands of complaints by educating humans about animal cruelty.

The SCI’s conclusion that the NJSPCA is not responding to complaints in a timely manner is **simply not true**. For the record, while the SCI Commissioners claim to have reviewed “thousands of cases,” its report claims the Commission reviewed a mere 120 cases – an inappropriately small sample of the 5,000 cases the NJSPCA handles each year—and based its “finding” on that inadequate review. The SCI’s methodology was flawed and its finding is without merit.

While the SCI concluded that the NJSPCA is dominated by a “wannabe cop” culture, at **no time** did the SCI spend any time with NJSPCA personnel in the field conducting investigations. As I sit here today I still can not explain how the Commission could come to understand the “culture” of a group of professionals it had spent no real time with.

Critics question the NJSPCA’s authority to carry firearms - an authority granted in 1868 and reaffirmed by the Legislature and the Governor in 2006. The NJSPCA is comprised of approximately 60 people - 20 officers and 40 agents. Officers carry firearms, are commissioned by the Superintendent of the State Police, receive the same police training as municipal police officers, have the authority to make arrests related to Title IV and hold several certifications in humane law enforcement. Agents do not carry firearms and are empowered to conduct investigations related to Title IV.

Throughout the 150 year history of the NJSPCA there have been no firearm incidents, accidental or otherwise. The fact is, NJSPCA personnel work in dangerous areas throughout the state on routine cases in crime ridden neighborhoods at any hour, day or night. NJSPCA personnel work on routine cases involving improper shelter to complex cases involving cockfighting or dog fighting, blood sport games where violent gangs, illegal guns, gambling and drugs are typically associated.

For example, approximately 30 days ago, NJSPCA personnel removed **an AK47 assault rifle** off the street working a routine case in Newark. That fact was conveniently ignored by the media. Instead, they disrespect NJSPCA personnel by calling them “**armed pet detectives.**” We have invited the media to come work the cases we work in dangerous areas and invite the members of this committee to do the same.

The SCI alleged that the NJSPCA engages in “aggressive ticketing” and conducts “unauthorized traffic stops,” yet the report provided zero evidence to back those claims. The NJSPCA does not engage in aggressive ticketing, does not have the authority to conduct traffic stops nor has the NJSPCA ever issued a summonses for traffic violations.

In response to the claim that the NJSPCA spends more money on ‘wannabe cop’ toys than on animals, each and every time and NJSPCA Officer or Agent works a case the NJSPCA is spending scarce resources on animals – investigating cruelty complaints, preventing cruelty or working with local prosecutors to secure a conviction. For 150 years NJSPCA personnel have been out in the field responding to citizen complaints, issuing warnings, educating humans, removing animals from hoarding or unhealthy shelter situations or securing necessary veterinary care for animals in distress.....at no cost to the State of New Jersey.

With respect to so-called “exorbitant legal fees,” while the NJSPCA is **in fact** a public law enforcement agency and the Attorney General’s Office has denied multiple requests to assign a Deputy Attorney General (DAG), that has **not** stopped us from making the requests. With no state funding and no in-house legal counsel assigned by the State, the NJSPCA had no choice but to retain outside counsel. More importantly, and I hope this will resonate with this Committee and the entire Legislature, 90% of the litigation the NJSPCA is currently involved in is the direct result of the NJSPCA adhering to the requirements of the SPCA Act of 2006 as they relate to County SPCA compliance and charters. Stated simply, we have been enforcing the provisions of the SPCA Act of 2006.

Finally, the call to disband the NJSPCA or strip the NJSPCA of its authority. This call was made in 2000 by the SCI, debated ad nauseam in 2002 when Governor McGreevey’s Animal Welfare Task Force was released and once again during committee hearings and passage of the SPCA Act of 2006. To be blunt, the question has been asked and answered.

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Throughout those debates it was made clear that county and local law enforcement have no desire to assume the functions of the NJSPCA and the costs associated with their effective execution. We look forward to future debates and working together with all stakeholders to strengthen New Jersey's advocacy efforts for the safety and well-being of animals.

Hopefully, additional reforms will be made to the NJSPCA's enabling legislation and Mr. Chairman, we appreciate your efforts as they relate to improving the enforcement of animal cruelty laws. In response to some recommendations that have been the focus of the current discussion:

- **Provide that all members of the NJSPCA board of trustees be appointed by the Governor with advice and consent of the Senate. Three members would be based on recommendations from North, Central and South Jersey SPCA;**

The SPCA Act of 2006 required that three (3) board of trustees be direct appointments of the Governor. Since 2006, we have had a **very** difficult time getting timely appointments to comply with this requirements and currently waiting on nominees to fill two vacancies. Given our past history, we are very concerned about that the Governors ability to fully populate the full Board of the NJSPCA.

Under the current structure of the NJSPCA Board, we believe the geographic North, Central & South representation is appropriate with County SPCA's having seats on the NJSPCA Board.

- **Require the annual law enforcement report of the NJSPCA to the Attorney General be published on the NJSCPA's website;**

These reports have been provided to the Attorney General's Office on a consistent basis since 2006, as have the monthly reports. We have no problem whatsoever posting these reports on the NJSPCA website.

- **Submit NJSPCA to OPRA;**

Should a public law enforcement agency created by the Legislature in 1868 that receives no state funding whatsoever be subject to OPRA? That is the issue we have been grappling with since the NJSPCA has been barraged by OPRA requests by internet activists.

Yes, it is true we have challenged whether OPRA applies to the NJSPCA in court and that court battle continues. We would be happy to comply with any and all OPRA requests if we have the resources to do it, but without the resources the deluge of predatory and nuisance OPRA requests—fueled only by the desire to harass and divert resources from our core mission—has been extremely challenging and costly. While the public's right to know my trump our legal challenge, at some point a line in the sand must be drawn.

- **Require all humane law enforcement officers semi-annually qualify for gun use as other law enforcement personnel in NJ;**

NJSPCA Officers, commissioned by the State Police, are currently required to qualify with their firearms twice a year. While the SCI and the media are critical on the amount of money spent on ammunition, these funds have been spent to meet the fire arm qualification requirements of the SPCA Act of 2006 for the twenty (20) commissioned Officers of the NJSPCA.

- **Require, in addition to other external audits, that the State Auditor annually perform a financial audit of the NJSPCA to be published on the NJSPCA's website**

No objections whatsoever.

◊ Is there opportunity to improve the system and achieve the goals first envisioned in the 2006 Act? Absolutely. Is the system so “broken” that the time has come to walk away from the resource our dedicated and well trained officers and agents represent? Absolutely not. We ask, Chairman, that this conversation *start* today, not end, and that we work together with you and your colleagues in the coming months and years to preserve and improve a system that continues to serve the people and animals of our great state. Thank you.

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**S3558 Testimony
NJSPCA reform bill
Brian Hackett, HSUS
Senate Budget Committee/Assembly Agriculture and Natural Resources
December 4, 2017**

Thank you members of the Senate Budget Committee for your attention to this issue of crucial importance to the people of our state: how we structure and properly enforce our existing laws regarding criminal animal cruelty. It is well-established fact in criminal science that there is an inextricable link between animal abuse and future crimes, such as child abuse, serial killing, and mass-shootings, for example. We would not look away from properly enforcing our laws against theft, assaults, sex crimes, murders and other egregious offenses. Why are offenses against animals any different? I think it is a paramount concern to human safety that we reform the structure in which we enforce animal cruelty laws.

This is precisely why when given the opportunity to speak twice now before the Senate Economic Growth committee on this issue, I have addressed the broader issue of animal cruelty law enforcement in NJ—it is beyond one organization. I do not believe laying the blame for our state's tremendous flaws in animal cruelty law enforcement solely on the NJSPCA. That would be unfair and paint an incomplete picture of what is going on. I want to be clear, that I do not subscribe, and do not support, the branding of our state's NJSPCA officers as "wannabe cops." We should rather be discussing a framework that fully legitimizes and properly ensures that our humane law enforcement officers get the backing and support they deserve. While this bill disbands the current structure of the NJSPCA, I believe the bill does just that: provides the proper structure for both efficiency, support, respect, and accountability for humane law enforcement that we all deserve as taxpayers and residents of this state.

Let us face the facts: NJ's current structure, based on an 1868 statute, is outdated, inadequate, and insufficient for a state with nearly 9 million people and many more animals than that. Rather than make more fixes to the 2006 law that tried to address these problems, I believe we need to look more

broadly than that. In many conversations with various stakeholders and interested parties since that initial hearing, I heard a resoundingly clear message: the consensus was that we can no longer rely on volunteer, part time enforcement of our state's animal cruelty laws by a nonprofit entity. Quite frankly, it's really bizarre that such a crucial law enforcement matter is not under the full-time, professional law enforcement in which our state's taxpayers are already investing. It is good to see this S3558 bill allows for ample possibilities for existing state and county SPCA officers to perform these duties full-time manner if they so choose under existing law enforcement structures. This brings not only uniformity but also the level of respect in the eyes of the public and elected officials that they deserve.

I want to very clearly emphasize for the committee that I have entertained hours upon hours of conversations with numerous stakeholders in this. I have spoken with county SPCA officers, shelter directors, animal welfare advocates, professional colleagues in other national animal protection organizations, attorneys, retired local and state police officers...the consensus was overwhelming: we must pass legislation modernizing and legitimizing criminal animal cruelty enforcement under bona-fied law enforcement. Much of what the bill stipulates is already emulated in some counties. For example, one official I spoke with in Cape May County explained that they are already enforcing animal cruelty laws on the county level with a full time sheriff's officer who's been designated by the sheriff as the county wide animal cruelty investigator, in part because, they couldn't rely on the current status quo.

The bill, currently prime sponsored by Senators Lesniak, Cruz-Perez, and Sacco, strikes a good balance between creating uniformity and allowing flexibility for county and local law enforcement. Actually, Senator Greenstein and Senator Sacco previously introduced a bill, S2069, which sought to accomplish a component of what S3558 does with establishing that towns appoint a municipal humane law enforcement officer. But this bill goes further by mandating that county prosecutors, who already are charged with being the chief law enforcement officer within their respective county, to create an animal crimes task force, which will oversee and review the criminal animal cruelty complaints. In terms of costs,

much of this can already be done and absorbed within the existing structure; however, there is flexibility for the counties and towns to determine further details. For example, a local police department does not need to hire anyone new. Rather, that town can appoint the existing ACO/ACI as the municipal humane law enforcement officer, or that role can be assigned to an existing officer in the department. Any relatively minimal costs increases this may incur throughout the state, we think, is totally justified. We are not creating new animal cruelty law here, we're restructuring and empowering much of our existing structure to properly enforce animal cruelty laws as they should be. In addition, let's not forget that under this bill, fine monies would go entirely to the county or the municipality which deals with the case. The state can no longer rely on the outdated, ill-equipped status quo.

To this extent, HSUS has a multitude of resources for law enforcement—from our full-scale Humane State Program, which is currently running in Oklahoma, Kansas, and Puerto Rico, which is an extensive 3 year process of training and other resources provided to law enforcement at no cost to them or the taxpayers. We have subsets of this program that can be offered throughout the state and stand ready to have our experts work with the Police Training Commission, the county prosecutors, and other agencies charged with educating on, enforcing, animal cruelty laws. I believe national groups would be more willing to invest into providing support for NJ's law enforcement training if the Legislature instituted a proper and accountable structure, which I believe this bill does.

In closing, I want to thank you all for your time and attention. It is no stretch to say that properly enforcing animal cruelty laws today could prevent a mass shooting in the future, like the one we recently witnessed in Texas—again, the perpetrators in so many of these have histories of animal cruelty. HSUS stands ready to work with all stakeholders and the Legislature in properly updating our state's structure and supporting our law enforcement officials across the state in addressing these concerns. Thank you!

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These bills, if approved, will finally put an end to the current State SPCA over zealous power driven members and will enable all the County organizations throughout the State to return to the mission they were intended to perform by helping the animal population and will allow the Counties to spend its money on that purpose, instead of defending frivolous law suits brought on by the State SPCA for the reasons only to obtain control, power and financial gain from others that have shown fiduciary responsibility in the past.

These Bills are all in the best interest of the animals and the people of the State of New Jersey

S1-429 (Doherty) / A706 (DiMatteo/Romano/Castarelli) — Requires accountability of NJSPCA and county societies for prevention of cruelty to animals to Attorney General and county prosecutors, respectively.

S1-428 (Doherty) / A709 (DiMatteo/DiGiuseppe/Romano/Castarelli) — Revises law concerning disposition of assets of a county Society For The prevention of cruelty to animals that has dissolved or has had its charter revoked, canceled, or suspended.

S1-427 (Doherty) / A707 (DiMatteo/Romano/Castarelli) — Changes membership of, and election process for, NJSPCA board of trustees.

Please post the above bills for a vote. Many people in the Counties support them and want the S.P.C.A. to do what they were intended to do, help animals have cruelty free lives.

Tee Carlson
Hawthorn County S.P.C.A., INC



PHIL AMATO
SELF (N.J.SPCA OFFICER)

52nd ANNUAL MEETING
AND REGIONAL POLICY FORUM
Atlantic City, New Jersey

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To Contact the CSG-ERC NJ Coordinator:
Phone 609.392.5941 • Fax 609.392.6347 • Email JHerkloz@mbi-gs.com

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Phil Amato

From: John J. Burke, III <jburke@co.hunterdon.nj.us>
Sent: Friday, August 01, 2014 3:52 PM
To: Sgt. Amato
Cc: Jeffrey L. Weinstein
Subject: New Charges

Sgt. Amato,

We need you to file these new complaints in the municipal court where the last complaints were filed – Milford.

The dates will all remain the same.

The charges will be on warrants. The bail will be ROR.

1 count of NJSA 4:22-17a(4) – fail as the owner or as a person otherwise charged with the care of a living animal or creature, to provide the living animal or creature, cats, with necessary care.

9 counts of NJSA 4:22-17a(3) – inflict unnecessary cruelty upon a living animal or creature, each of the nine cats individually named, by any direct or indirect means...

1 count of NJSA 4:22-17a(3) - inflict unnecessary cruelty upon a living animal or creature, cats, by any direct or indirect means...

Thanks for all your help,

John

Assistant Prosecutor John Burke
Hunterdon County Prosecutor's Office
Justice Center
P.O. Box 756
Flemington, New Jersey 08822-0756
Telephone: (908) 788-1129



**JOINT COURT OF DELEWARE VALLEY
OF NEW JERSEY**

STATE OF NEW JERSEY)	AFFIDAVIT ON APPLICATION
)SS	FOR
COUNTY OF HUNTERDON)	ARREST WARRANT

1. I, Philip Amato, being of full age and duly sworn according to law, upon our oath depose and say:

That I am Philip Amato, employed as a Humane Police Officer with the New Jersey S.P.C.A. I have been employed with the agency since 2009. I am empowered to issue summons, make arrest and enforce all laws and ordinances enacted for the protection of animals and to investigate alleged acts of cruelty to animals throughout the State of New Jersey.

My formal training includes certification as a HLEO (Humane Law Enforcement Officer) having completed HLEO I (classroom instruction) and HLEO II (firearms). This training includes: Court procedures, Search and Seizure warrants, title 4 laws, interrogation & interview protocols, officer safety, investigation techniques, evidence photography, bio security, high volume breeders, pet store inspections, blood sports, evidence handling, animal body scoring, animal husbandry, large scale raids, hoarding, exotic animals, Santeria, baton training, OC training, circus and traveling shows, disaster responses, cruelty and the family impact, handcuffing and frisking, Attorney General's use of force training and firearms training and qualification conducted by the Department of Criminal Justice.

In my respective capacity as a HLEO with the New Jersey S.P.C.A., this Affiant is empowered, by statute, to conduct investigations, issue summons, and enforce all laws and ordinances enacted for the protection of animals and make arrests for alleged violations of the New Jersey Animal Cruelty Statutes. This Affiant is currently responsible for the investigation hereinafter detailed, involving animal cruelty violations of New Jersey Title 4, for which this Affidavit is made.

2. The facts tending to establish the grounds upon which the arrest warrant sought by this Affiant should be granted are set forth in paragraphs three (3) through thirteen (13) inclusive below.

3. On August 8th 2013 a complainant contacted the NJ SPCA to file a complaint regarding the deplorable conditions, neglect and cruelty to the animals located at Hunterdon Humane Animal Shelter, 576 Stamets Rd. Milford, NJ 08848. Since Affiant is the lead Humane Law Enforcement Officer for Hunterdon County cases, Affiant's zone supervisor forwarded Affiant the case to further investigate.

4. On August 9th 2013, CI provided this Affiant with details, facts, typed statements and photos regarding alleged present title 4 violations and NJ Department of Health violations. The photos presented to me were taken by the CI and labeled with a date and some with a time.

a. One photo shows a pig that has an injury to its right front leg leaving the pig to walk on its two front knees. CI showed me a video from its I-phone of the pig walking on its right front knee.

b. One photo shows two goats with leg injuries with a close up photo of one injury to left front leg.

c. One photo shows a goat with an unusually bloated belly.

d. Several photos and a statement from CI shows a cat that had an eye injury which ruptured more than once in its cage causing a substantial amount of blood loss. CI stated the cat received no medical attention when the ruptures happened. CI stated that CI took it upon itself to take the cat to an outside vet for veterinary care. The cat Boris was humanely euthanized due to its injuries, lack of medical and necessary care.

e. CI provided a statement: CI stated that on or about July 15th 2013 the shelter vet, Dr. Keith Ross who is the owner of Animal Hospital of Clinton-Perryville located at 58 Route 173 West Hampton, NJ 08827 was contacted regarding two sick kittens named Angie and Squeekers. CI stated the kittens appeared to have a severe upper respiratory and eye infection. CI stated Dr. Ross refused to come to shelter to examine kittens and instructed medication over the phone for the staff to administer to kittens.

On or about 7/25/13 the CI stated that the shelter contacted Dr. Ross again requesting for Dr. Ross to examine the kittens because the conditions were not improving. Again Dr. Ross refused to see the kittens and ordered the staff to euthanize them. CI stated that CI and staff refused to euthanize kittens because they felt with the proper medication the kittens would heal. CI stated that staff continued to treat infections with Neomycin and Polymyxin B Sulfates and continued Clavamox drops. CI stated that by the following week the kittens had improved drastically.

f. CI stated that shelter director Theresa Carlson directed CI and staff to never contact any other veterinarian other than Dr. Ross to examine the cats and dogs regardless of his lack of response. CI stated Dr. Ross is the veterinarian on record for the shelter.

g. CI provided a photograph of needles and syringes that are reused by washing them in a dishwasher. CI provided a photograph of thermometers and other instruments that are in a coffee mug with no sterilization. Unsanitary practices as indicated in this section results in the possibilities of spreading infections and contagious diseases resulting in sickness and/or death.

h. CI provided dated photos of broken fencing around the pasture where livestock is located.

i. CI provided photos and statement of a cat "scuffy" who is need of emergency care

regarding a hematoma on its ear that needs to be drained. CI stated Dr. Ross and shelter director/supervisor Theresa Carlson refused to provide emergency and necessary care. CI states that Dr. Ross instructed staff over the phone as how to drain the ear with the hematoma. CI states the staff has no training on surgical procedures.

j. On 7/15/13 – CI provided a statement and photo that of a goat that was viciously killed from a dog that escaped from its dog shelter. CI stated it notified the director Theresa Carlson regarding the situation and the improper shelter but nothing was done to fix the problem. CI stated that Theresa Carlson didn't investigate that matter after it happened.

k. On 7/15/13 – CI contacted this affiant and requested a contact another employee at Hunterdon Humane regarding additional information on the health and neglect of the animals.

l. On 7/17/13 – I contacted the second confidential informant (CI-2). CI-2 stated it is employed as a Animal Control Officer at Hunterdon Humane. CI-2 stated that it has a vast knowledge of livestock. CI-2 suspects the goats have worms in their stomach causing the unusually bloated belly. CI-2 stated it has reported this condition to its shelter director Theresa Carlson and requested to have the goats dewormed. CI-2 stated Theresa Carlson did nothing with the request resulting in the animals to suffer. CI-2 stated the shelter is a hoarding facility.

m. CI-2 stated an employee by the name of Adam Stopper unlawfully carries a loaded handgun in his green dodge durango and a pocket knife. CI-2 stated Stopper may give law enforcement official a hard time if confronted. CI-2 did not have the license plate number of the green dodge durango at the time of conversation.

5. On August 21, 2013 – A probable cause hearing for a search and seizure warrant was heard by the Honorable H. Matthew Curry. The search and seizure warrant was granted and signed at 4:10pm.

6. On August 22, 2013 – Within the jurisdiction of this court, as a result of a search and seizure warrant being served and an investigation, an inspection, and physical veterinary examinations of the animals located at 576 Stamets Rd., Milford, NJ, 08848 - Hunterdon Humane Animal Shelter, did fail, as the owner or as a person otherwise charged with the care of a living animal or creature, to provide the living animal or creature with necessary care, resulting in three (3) cats (#A-6 Andy, #A-2 Frisky, and #A-10 May) suffering serious bodily injury requiring humane euthanasia on August 22, 2013; and six (6) cats (#A14-19), Kitten #1, Kitten #2, Kitten #3, (A#11-13) new born kitten #1, new born kitten #2, new born kitten #3 and (#A-8) Pinnocchio, suffering from serious bodily injury and passed away during veterinary treatment due to their illnesses, totaling nine (9) counts of animal cruelty under this N.J.S.A 4:22-17 a. (4) statute and nine (9) civil counts under this N.J.S.A 4:22-26 (4) statute.

7. N.J.S.A 4:22-17 a. (4) - Fail, as the owner or as a person otherwise charged with the care of a living animal or creature, to provide the living animal or creature with necessary care.
N.J.S.A 4:22-26 (4) - Fail, as the owner or a person otherwise charged with the care of a living animal or creature, to provide the living animal or creature with necessary care, or otherwise cause or procure such an act to be done;

8. On August 22, 2013 – Theresa D. Carlson that is being charged with the violations outlined in section 6. & 7., provided a drivers license as a form of identification. Mrs. Carlson's drivers license has an address of PO Box 199, Milford, NJ, 08848. Ms. Carlson refused to provide this Affiant with its residential address.

9. On August 22, 2013 – Theresa D. Carlson was issued written warning, which was signed by Mrs. Carlson, that instructed Mrs. Carlson to provide all the animals at the shelter with necessary and veterinarian care in accordance with N.J.S.A 4:22-17 a. (4). The warning further request Mrs. Carlson to separate sick cats from healthy by providing an isolation room for sick cats as required by N.J.A.C 8:23 1.9 (f).

10. On August 26, 2013 and September 13, 2013, this Affiant responded to the Hunterdon Humane Animal Shelter to follow up with the written warning issued on August 22, 2013. Mrs. Carlson submitted to a voluntary search and inspection. The search concludes sick and healthy cats commingling together and animals that required veterinary care. Mrs. Carlson failed to comply with the written warning.

11. On August 9, 2013 and October 23, 2013, the NJ State Department of Health conducted an investigation and inspection of the shelter. The shelter failed inspection for several violations including but not limited to: failure to provide a disease control program, failure to provide prompt veterinarian care for injured and/or sick animals and failure to provide proper shelter by isolating sick from healthy cats. Mrs. Carlson failed to comply with the written warning.

12. On January 6, 2014, employee Sara Gibson, provided a photo of a dead cat that was exposed to an open bag of lime. This death was just the most recent to be suffered by the animals of the Hunterdon Humane Animal Shelter and will not be the last.

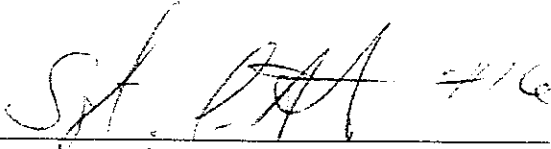
13. In accordance with R.7:2-2. Issuance of Arrest Warrant or Summons.

(2) Law Enforcement Officer Complaint. A summons on a complaint made by a law enforcement officer charging any offense may be issued by a law enforcement officer without a finding by a judicial officer of probable cause for issuance. A law enforcement officer may personally serve the summons on the defendant without making a custodial arrest.

(b) **Determination Whether to Issue a Summons or Warrant.** A summons rather than an arrest warrant shall issue if the defendant is a corporation, partnership or unincorporated association. If the defendant is an individual, a summons rather than an arrest warrant shall issue unless the judge or duly authorized municipal court administrator or deputy court administrator finds that:

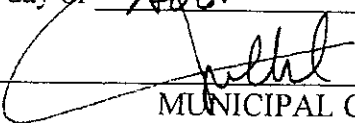
- (2) there is reason to believe that the defendant is a danger to himself or herself, to others, or to property; (animals)
- (4) the address of the defendant is not known, and an arrest warrant is necessary to subject the defendant to the jurisdiction of the court; or
- (5) the defendant cannot be satisfactorily identified; or
- (6) there is reason to believe that the defendant will not appear in response to a summons.

WHEREFORE, this Affiant respectfully request authorization to conduct an arrest of Theresa D. Carlson based on the probable cause described in paragraphs 3 -13 of this affidavit.


Sergeant Philip Amato
NJ State Humane Police

8/4/14

Sworn to and subscribed before me this
4 day of Aug. 2014


MUNICIPAL COURT JUDGE
Joseph S. Nowak, JMC

COMPLAINT - WARRANT

COMPLAINT NUMBER

1020 **W** **2014** **000003**

COURT CODE PREFIX YEAR SEQUENCE NO.

JOINT COURT OF DELAWARE VALLEY
PO BOX 496
MILFORD NJ 08848
(908)995-9100 COUNTY OF: **HUNTERDON**

of CHARGES CO-DEFTS POLICE CASE #:
1 **033552**

COMPLAINANT **PHILL AMATO**
NAME: **1119 LIVINGSTON AVE**

NEW BRUNSWICK NJ 08901

THE STATE OF NEW JERSEY

VS.

THERESA D CARLSON

ADDRESS: **POST OFFICE BOX 199**

MILFORD NJ 08649

DEFENDANT INFORMATION
SEX: **F** EYE COLOR: **GREEN** DOB: **12-20-1929**
DRIVER'S LIC. #: **C06277396462296** DL STATE: **NJ**
SOCIAL SECURITY #: **136-24-1815** SBI #:
TELEPHONE #:

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about **08-22-2013** in **JOINT COURT OF DELAWARE VALLEY, HUNTERDON County, NJ** did: WITHIN THE JURISDICTION OF THIS COURT, AS A RESULT OF A SEARCH AND SEIZURE WARRANT BEING SERVED AND AN INVESTIGATION, AN INSPECTION, AND PHYSICAL VETERINARY EXAMINATIONS OF THE ANIMALS LOCATED AT THE HUNTERDON HUMANE SHELTER, DID FAIL, AS THE OWNER OR AS A PERSON OTHERWISE CHARGED WITH THE CARE OF A LIVING ANIMAL OR CREATURE, TO PROVIDE THE LIVING ANIMAL CREATURE WITH NECESSARY CARE, RESULTING IN THREE (3) CATS (A-6 ANDY, A-2 FRISKY AND A-10 MAY) SUFFERING SERIOUS BODILY INJURY REQUIRING HUMANE EUTHANASIA ON AUGUST 22, 2013; AND SIX (6) CATS (#A14-19), KITTEN #1, KITTEN #2, (#A11-13) NEW BORN KITTEN #1 NEW BORN KITTEN #2, NEW BORN KITTEN #3 AND (#A-8) PINNOCHIO, SUFFERING FROM SERIOUS BODILY INJURY AND PASSED AWAY DURING VETERINARY TREATMENT DUE TO THEIR ILLNESSES, TOTALING NINE COUNTS OF ANIMAL CRUELTY UNDER THIS NJSA TITLE 4 STATUTE.

in violation of:

Original Charge	4:22-17 (A) (4)	2)	3)
Amended Charge			

OATH:

Subscribed and sworn to me this 13th day of January yr 2014

Signed: **PHILL AMATO**
(Signature of Complaining Witness)

Signed: *[Signature]* #812
(Signature of Person Administering Oath and Title)

DATE OF FIRST APPEARANCE TIME DATE OF ARREST

PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT

☐ Probable cause IS NOT found for the issuance of this complaint.

Signature of Court Administrator or Deputy Court Administrator Date Signature of Judge Date

☒ Probable cause IS found for the issuance of this complaint. *[Signature]* *[Signature]* *[Signature]* *[Signature]*

TO ANY PEACE OFFICER OR OTHER AUTHORIZED PERSON: PURSUANT TO THIS WARRANT YOU ARE HEREBY COMMANDED TO ARREST THE NAMED DEFENDANT AND BRING THAT PERSON FORTHWITH BEFORE THE COURT TO ANSWER THE COMPLAINT.

Bail Amount Set: *KOK on condition of providing full contact info.* by: *[Signature]*
(if different from judicial officer that issued warrant)

☐ Domestic Violence - Confidential ☒ Related Traffic Tickets or Other Complaints ☐ Serious Personal Injury/ Death Involved

Special conditions of release:

☐ No phone, mail or other personal contact w/victim
☐ No possession firearms/weapons
☐ Other (specify): *W 2014 000004*

POLICE COPY

COMPLAINT - WARRANT

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. THERESA D CARLSON	
1020	W	2014	000059		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
JOINT COURT OF DELAWARE VALLEY PO BOX 496 MILFORD NJ 08848 (908) 995-9100 COUNTY OF: HUNTERDON				ADDRESS: POST OFFICE BOX 199 MILFORD NJ 08649	
# of CHARGES 1	CO-DEFTS	POLICE CASE #: 033552		DEFENDANT INFORMATION	
COMPLAINANT NAME: SGT. PHILIP AMATO 1119 LIVINGSTON AVE NEW BRUNSWICK NJ 08901				SEX: F EYE COLOR: GREEN DOB: 12-20-1929 DRIVER'S LIC. #: C06277396462296 DL STATE: NJ SOCIAL SECURITY #: 136-24-1815 SBI #: TELEPHONE #:	

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about **08-22-2013** in **JOINT COURT OF DELAWARE VALLEY, HUNTERDON County, NJ** did: WITHIN THE JURISDICTION OF THIS COURT, AS A RESULT OF A SEARCH AND SEIZURE WARRANT BEING SERVED AND AN INVESTIGATION, AN INSPECTION OF THE SHELTER, AND PHYSICAL VETERINARY EXAMINATIONS OF THE ANIMALS LOCATED AT THE HUNTERDON HUMANE SHELTER, DID FAIL, AS THE OWNER OR AS A PERSON OTHERWISE CHARGED WITH THE CARE OF A LIVING ANIMAL OR CREATURE, TO PROVIDE LIVING ANIMAL OR CREATURE, CATS, NECESSARY CARE. TOTALING ONE (1) COUNT OF ANIMAL CRUELTY UNDER THIS N.J.S.A TITLE 4 STATUTE.

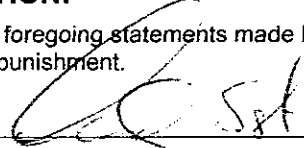
1 COUNT - 4:22-17 A. (4)

in violation of:

Original Charge	1) 4:22-17 (A) (4)	2)	3)
Amended Charge			

CERTIFICATION:

certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, am subject to punishment.

Signed:  **PHILL AMATO** Date: **08-02-2014**

DATE OF FIRST APPEARANCE **08-07-2014** TIME **1:00pm** DATE OF ARREST

PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT

☐ Probable cause IS NOT found for the issuance of this complaint.

Signature of Court Administrator or Deputy Court Administrator

Date

Signature of Judge

Date

☒ Probable cause IS found for the issuance of this complaint.

Signature and Title of Judicial Officer Issuing Warrant

Date

TO ANY PEACE OFFICER OR OTHER AUTHORIZED PERSON: PURSUANT TO THIS WARRANT YOU ARE HEREBY COMMANDED TO ARREST THE NAMED DEFENDANT AND BRING THAT PERSON FORTHWITH BEFORE THE COURT TO ANSWER THE COMPLAINT.

Bail Amount Set: **ROR** by:

(if different from judicial officer that issued warrant)

☐ Domestic Violence - Confidential

☐ Related Traffic Tickets or Other Complaints

☐ Serious Personal Injury/ Death Involved

Special conditions of release:

- ☐ No phone, mail or other personal contact w/victim
- ☐ No possession firearms/weapons
- ☐ Other (specify):

ORIGINAL

COMPLAINT - WARRANT (Court Action)

COMPLAINT NUMBER

1020 **W** **2014** **000059**

COURT CODE PREFIX YEAR SEQUENCE NO.

STATE V.

THERESA D CARLSON

FTA Bail Information

Date Bail Set:

Amount Bail Set: \$

by:

☐ Bail Recog. Attached

Released
on Bail
(v)

R.O.R.

Committed
Default

Committed
w/o Bail

Place Committed:

Date Referred to

County Prosecutor:

Date of First Appearance: **08-07-2014**

☐ Advised of Rights by

Defendant Desires Counsel:

☐ Yes ☐ No

Prosecuting Attorney Information

Defense Counsel Information

Name:

Name:

State County Municipal Other

None Retained Public Def Assigned Waived Other

Original Charge

1) **4:22-17 (A) (4)**

2)

3)

Amended Charge

Waiver Indt/Jury

Plea/Date of Plea

Plea: Date:

Plea: Date:

Plea: Date:

Adjudication (* see code)

Finding Code: Date:

Finding Code: Date:

Finding Code: Date:

Jail Term

Jail time credit

Susp. Imp

Jail time credit

Susp. Imp

Jail time credit

Susp. Imp

Probation Term

Susp. Imp

Susp. Imp

Susp. Imp

Cond. Discharge Term

Community Service

D/L Suspension Term

Fines/Costs

Fines: Costs:

Fines: Costs:

Fines: Costs:

VCCB/SNSF

VCCB: SNSF:

VCCB: SNSF:

VCCB: SNSF:

DEDR/Lab Fee

DEDR: LAB:

DEDR: LAB:

DEDR: LAB:

CD Fee/Drug Ed Fnd

CD: DAEF:

CD: DAEF:

CD: DAEF:

DV Surch/Other Fees

DV: Other:

DV: Other:

DV: Other:

Restitution

Beneficiary:

Miscellaneous Information, Adjournments, Companion Complaints, Co-Defendants, Case Notes:

* Finding Codes

- 1 - Guilty
- 2 - Not Guilty
- 3 - Dismissed - Other
- 4 - Guilty but Merged
- 5 - Dismissed-Rule
- 6 - Dismissed Lack of Prosecution
- 7 - Dismissed - Pros Motion/Vic Req
- 8 - Conditional Discharge
- D - Dismissed- Prosecutor Discretion
- M - Dismissed- Mediation
- P - Dismissed-Plea Agreement
- S - Disposed at Superior
- W - Dismissed-False ID

ORIGINAL - Court Action

COMPLAINT - WARRANT

COMPLAINT NUMBER				THE STATE OF NEW JERSEY	
1020	W	2014	000004	VS.	
<small>COURT CODE</small>	<small>PREFIX</small>	<small>YEAR</small>	<small>SEQUENCE NO.</small>		
JOINT COURT OF DELAWARE VALLEY PO BOX 496 MILFORD NJ 08848 (908)995-9100 COUNTY OF: HUNTERDON				THERESA D CARLSON ADDRESS: POST OFFICE BOX 199 MILFORD NJ 08649	
# of CHARGES 1	CO-DEFTS	POLICE CASE #: 033552		DEFENDANT INFORMATION	
COMPLAINANT PHILL AMATO				SEX: F EYE COLOR: GREEN DOB: 12-20-1929	
NAME: 1119 LIVINGSTON AVE				DRIVER'S LIC. # C06277396462296 DL STATE: NJ	
NEW BRUNSWICK NJ 08901				SOCIAL SECURITY # 136-24-1815 SBI #:	
				TELEPHONE #:	

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about **08-22-2013** in **JOINT COURT OF DELAWARE VALLEY, HUNTERDON County, NJ** did: WITHIN THE JURISDICTION OF THIS COURT, AS A RESULT OF A SEARCH AND SEIZURE WARRANT BEING SERVED AND AN INVESTIGATION, AN INSPECTION, AND PHYSICAL VETERINARY EXAMINATIONS OF THE ANIMALS LOCATED AT THE HUNTERDON HUMANE SHELTER, DID FAIL, AS THE OWNER OR AS A PERSON OTHERWISE CHARGED WITH THE CARE OF A LIVING ANIMAL OR CREATURE, TO PROVIDE THE LIVING ANIMAL CREATURE WITH NECESSARY CARE, RESULTING IN THREE (3) CATS (A-6 ANDY, A-2 FRISKY AND A-10 MAY) SUFFERING SERIOUS BODILY INJURY REQUIRING HUMANE EUTHANASIA ON AUGUST 22, 2013; AND SIX (6) CATS (#A14-19), KITTEN #1, KITTEN #2, (#A11-13) NEW BORN KITTEN #1 NEW BORN KITTEN #2, NEW BORN KITTEN #3 AND (#A-8) PINNOCHIO, SUFFERING FROM SERIOUS BODILY INJURY AND PASSED AWAY DURING VETERINARY TREATMENT DUE TO THEIR ILLNESSES, TOTALING NINE COUNTS OF ANIMAL CRUELTY UNDER THIS NJSA TITLE 4 STATUTE.

in violation of:

Original Charge	4:22-26(A)(4)	2)	3)
Amended Charge			

OATH:
 Subscribed and sworn to me this 13th day of January, yr 2014
 Signed: PHILL AMATO
(Signature of Complaining Witness)
 Signed: [Signature] #811
(Signature of Person Administering Oath and Title)

DATE OF FIRST APPEARANCE	TIME	DATE OF ARREST
--------------------------	------	----------------

PROBABLE CAUSE DETERMINATION AND ISSUANCE OF WARRANT

☐ Probable cause IS NOT found for the issuance of this complaint.

Signature of Court Administrator or Deputy Court Administrator	Date	Signature of Judge	Date
<input checked="" type="checkbox"/> Probable cause IS found for the issuance of this complaint. <u>Is Joseph J. Novakowski</u> <u>1/14/14</u> <small>Signature and Title of Judicial Officer Issuing Warrant Date</small>			
TO ANY PEACE OFFICER OR OTHER AUTHORIZED PERSON: PURSUANT TO THIS WARRANT YOU ARE HEREBY COMMANDED TO ARREST THE NAMED DEFENDANT AND BRING THAT PERSON FORTHWITH BEFORE THE COURT TO ANSWER THE COMPLAINT.			
Bail Amount Set: <u>KOIC on Condition of Providing Full Contact Info.</u> by: <u>[Signature]</u> <small>(if different from judicial officer that issued warrant)</small>			

<input type="checkbox"/> Domestic Violence - Confidential	<input checked="" type="checkbox"/> Related Traffic Tickets or Other Complaints	<input type="checkbox"/> Serious Personal Injury/Death Involved
---	---	---

Special conditions of release: <input type="checkbox"/> No phone, mail or other personal contact w/victim <input type="checkbox"/> No possession firearms/weapons <input type="checkbox"/> Other (specify): <u>W2014 000003</u>	<h2 style="margin: 0;">POLICE COPY</h2>
Page 5 of 7 NJ/CDR2 8/1/2005	

SENATE, No. 3558
STATE OF NEW JERSEY
217th LEGISLATURE
INTRODUCED NOVEMBER 30, 2017

Sponsored by:Senator **RAYMOND J. LESNIAK**

District 20 (Union)

Senator **NILSA CRUZ-PEREZ**

District 5 (Camden and Gloucester)

Senator **NICHOLAS J. SACCO**

District 32 (Bergen and Hudson)

SYNOPSIS

Revises animal cruelty law enforcement in NJ.

CURRENT VERSION OF TEXT

As introduced.

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

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

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

4. As required pursuant to section 3 of P.L.2003, c.67 (C.4:22-57), a [municipal] court adjudging guilt or liability for a violation of any provision of chapter 22 of Title 4 of the Revised Statutes, shall charge the county prosecutor [, officer of the New Jersey Society for the Prevention of Cruelty to Animals or the district (county) society for the prevention of cruelty to animals, or other appropriate person, other than a certified animal control officer,] animal cruelty task force, established pursuant to section 28 of P.L., c. (C.) (pending before the Legislature as this bill), with the responsibility to notify within 30 days the Commissioner of Health [and Senior Services] , in writing, of 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, and the person charged with the responsibility shall provide such notice.

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

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

Care Bonds

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

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

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

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

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

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

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

Dog fighting is a crime of the third degree.

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

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

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

c. (C.) (pending before the Legislature as this bill), and a municipal humane law enforcement officer appointed pursuant to section 27 of P.L. , c. (C.) (pending before the Legislature as this bill), or a kennel, shelter, pound, or other facility.

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

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

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

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

Car Bonds

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

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

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

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

(b) restitution, concerning the dogs or other animals seized and forfeited pursuant to subparagraph (a) of this paragraph, in the form of reimbursing any costs for all the animals' food, drink, shelter, or veterinary care or treatment, or other costs, incurred by any person, agency, entity, or organization, including but not limited to [the New Jersey Society for the Prevention of Cruelty to Animals,] a county society for the prevention of cruelty to animals, any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, a State or local governmental entity, including but not limited to a county prosecutor animal cruelty task force, established pursuant to section 28 of P.L. ,

c. (C.) (pending before the Legislature as this bill), and municipal humane law enforcement officer appointed pursuant to section 27 of P.L. , c. (C.) (pending before the Legislature as this bill), or a kennel, shelter, pound, or other facility.

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

c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction of leader of a dog fighting network shall not merge with the conviction for any offense, nor shall such other conviction merge with a conviction under this section, which is the object of the conspiracy. Nothing contained in this section shall prohibit the court from imposing an extended term pursuant to N.J.S.2C:43-7; nor shall this section be construed in any way to preclude or limit the prosecution or conviction of any person for conspiracy under N.J.S.2C:5-2, or

any prosecution or conviction under N.J.S.2C:41-1 et seq. (racketeering activities) or subsection g. of N.J.S.2C:5-2 (leader of organized crime) or any prosecution or conviction for any such offense.

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

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

f. It shall not be a defense that the defendant was subject to the supervision or management of another, nor that another person or persons were also leaders of a dog fighting network.
(cf: P.L.2015, c.85, s.2)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) A railway policeman, except a transit police officer of the New Jersey Transit Police Department, at all times while in the State of New Jersey, provided that he has passed an approved police academy training

program consisting of at least 280 hours. The training program shall include, but need not be limited to, the handling of firearms, community relations, and juvenile relations;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent any person who is 18 years of age or older and who has not been convicted of a crime, from possession for the purpose of personal self-defense of one pocket-sized device which contains and releases not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, but rather, is intended to

produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air. Any person in possession of any device in violation of this subsection shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than \$100.

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

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

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

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

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

Pub.L. 108-277, domiciled in this State from carrying a handgun in the same manner as law enforcement officers exempted under paragraph (7) of subsection a. of this section under the conditions provided herein:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACI Training

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

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

- (1) The law as it affects animal control, animal welfare, and animal cruelty;
- (2) Animal behavior and the handling of stray or diseased animals; and
- (3) Community safety as it relates to animal control [; and] .

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

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

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

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

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

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

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

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

4. The governing body of a municipality shall, within three years of the effective date of P.L.1983, c.525, appoint a certified animal control officer who shall be responsible for animal control within the jurisdiction of the municipality and who shall enforce and abide by the provisions of section 16 of P.L.1941, c.151 (C.4:19-15.16). The governing body shall not appoint a certified animal control officer, shall not

contract for animal control services with any company that employs a certified animal control officer, and shall revoke the appointment of a certified animal control officer, who has been convicted of, or found civilly liable for, a violation of any provision of chapter 22 of Title 4 of the Revised Statutes or whose name is on the list or any revision thereto established and provided by the Commissioner of Health pursuant to subsection c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a). The governing body shall, within 30 days after receipt thereof, review any such list or revision thereto received by the municipality and shall, within that 30-day period, take action accordingly as required pursuant to this section.

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

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

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

Each member shall be appointed by the Governor, with the advice and consent of the Senate, as follows: two members shall be appointed from persons recommended by the New Jersey Veterinary Medical Association; one member shall be appointed from persons recommended by the New Jersey Health Officers Association; one member shall be appointed from persons recommended by the New Jersey Certified Animal Control Officers Association; one member shall be appointed from persons recommended by the New Jersey Federation of Dog Clubs, Inc.; one member shall be appointed from persons recommended by [the Cat Fanciers' Association] People for Animals, Inc. ; one member shall be appointed from persons recommended by the [New Jersey Society for the Prevention of Cruelty to Animals; one member shall be appointed from persons recommended by the Associated Humane Societies] county societies for the prevention of cruelty to animals in northern New Jersey; one member shall be appointed from persons recommended by the county societies for the prevention of cruelty to animals in southern New Jersey; one member who shall be a volunteer at any county animal shelter within the State; one member shall be a representative of a volunteer animal rescue and welfare organization; and two members shall be appointed from persons recommended by the Humane Society of the United States. Each member shall be appointed for a term of four years and until the member's successor is appointed and qualified.

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

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

For the purposes of this section, "northern New Jersey" means Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union, and Warren counties; and "southern New Jersey"

means Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem counties

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

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

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

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

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

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

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

1. As used in this chapter:

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

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

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

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

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

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

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

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

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

- (1) the law, procedures, and enforcement methods and techniques of investigation, arrest, and search and seizure, specifically in connection with violations of State and local animal cruelty laws and ordinances;
- (2) information and procedures related to animals, including animal behavior and traits and evaluation of animals at a crime scene;
- (3) methods to identify and document animal abuse, neglect, and distress; and
- (4) investigation of animal fighting.

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

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

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

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

d. The Police Training Commission shall provide for the issuance of a certificate to a person who possesses, or acquires, the training and education required to qualify as a chief humane law enforcement officer, other law enforcement officer assigned or appointed to a county prosecutor animal cruelty task force, or municipal humane law enforcement officer. If the person is a municipal humane law enforcement officer, the Police Training Commission shall provide a copy of the certificate to the municipal humane law enforcement officer and to the chief law enforcement officer of the municipality, or, if the municipality does not have a chief law enforcement officer, to the chief humane law enforcement officer in the county. If the person is a law enforcement officer assigned or appointed to a county prosecutor animal cruelty task force, the Police Training Commission shall provide a copy of the certificate to the law enforcement officer and to the chief humane law enforcement officer of the county prosecutor animal cruelty task force.

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

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

12. All State, county, and municipal law enforcement agencies and all county and municipal health agencies shall, upon request, make every reasonable effort to assist [the] any chief humane law enforcement officer, other law enforcement officer assigned or appointed to a county prosecutor animal cruelty task force, or municipal humane law enforcement [officers and agents of a county society for the prevention of cruelty to animals or the New Jersey Society for the Prevention of Cruelty to Animals] officer in the enforcement of all laws and ordinances enacted for the protection of animals. (cf: P.L.2005, c.372, s.12)

Failure!!! Why would this work now?!

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

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

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

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

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

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

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

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

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

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

(a) In the Superior Court; or

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

Acc? (DP?)

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

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

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

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

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

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

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

- (b) the animal or creature suffers serious bodily injury as a result of the violation; or
- (c) the person has a prior conviction for an offense that would constitute a violation of paragraph (1), (2), (3) or (4) of subsection c. of this section.

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

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

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

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

g. If a juvenile is adjudicated delinquent for an act which, if committed by an adult, would constitute a disorderly persons offense, crime of the fourth degree, or crime of the third degree pursuant to this section, the court also shall order the juvenile to receive mental health counseling by a licensed psychologist or therapist named by the court for a period of time to be prescribed by the licensed psychologist or therapist. (cf: P.L.2015, c.133, s.1)

A-712 (Passed 165 votes)

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

Conflicting legislation

7. a. Upon a showing of probable cause that there has been a violation of [this act] P.L.2017, c.189 (C.4:22-17.7) and submission of proof of issuance of a summons, a court of competent jurisdiction may issue, upon request, an order to [any] the chief humane law enforcement officer [or agent of the New Jersey Society for the Prevention of Cruelty to Animals or county society for the prevention of cruelty to animals, certified animal control officer] , any other law enforcement officer assigned or appointed to a county prosecutor animal cruelty task force, a municipal humane law enforcement officer , or other State or local law enforcement officer to enter onto the private property where a dog, domestic companion animal, or service animal is located and take physical custody of the animal.

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

c. Upon taking physical custody of a dog, domestic companion animal, or service animal pursuant to subsection a. or b. of this section, the person taking physical custody of the animal shall: (1) post immediately, in a conspicuous place at the location from which the dog, domestic companion animal, or service animal was taken, the notice required pursuant to subsection d. of this section to the owner or person

with custody or control of the dog, domestic companion animal, or service animal; and (2) send by registered or certified mail and by ordinary mail the notice described in subsection d. of this section to the address of the location from which the dog, domestic companion animal, or service animal was taken into physical custody.

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

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

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

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

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

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

g. Any summons issued for a violation of [this act] P.L.2017, c.189 (C.4:22-17.7) shall contain:

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

(2) contact information identifying, at a minimum (a) the name of the investigating agency or office, and

(b) the name of the officer [or agent] issuing the summons or investigating the alleged violation.

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

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

(2) the action or actions required for compliance;

(3) a demand for immediate compliance; and

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

i. Any chief humane law enforcement officer, other law enforcement officer assigned or appointed to a county prosecutor animal cruelty task force, municipal humane law enforcement officer [or agent of the New Jersey Society for the Prevention of Cruelty to Animals or county society for the prevention of cruelty to animals, certified animal control officer] , or other State or local law enforcement officer may petition a court of competent jurisdiction to have a dog, domestic companion animal, or service animal confiscated, if

not previously seized, and forfeited upon the person being found guilty of, or liable for, a violation of [this act] P.L.2017, c.189 (C.4:22-17.7) . Upon a finding that continued possession of the dog, domestic companion animal, or service animal by the owner or other person authorized to have custody or control of the animal poses a threat to the health or safety of the animal, the court shall order that the animal be forfeited, placed in an animal rescue organization facility, shelter, pound, or kennel operating as a shelter or pound, and made available for adoption.

j. A person found guilty of, or liable for, a violation of any provision of [this act] P.L.2017, c.189 (C.4:22-17.7) shall be responsible for, and pay, the reasonable costs of caring for the dog, domestic companion animal, or service animal from the date on which physical custody of the animal was taken pursuant to this section until the date the animal is surrendered, forfeited, returned, or euthanized, including, but not limited to, the cost of transporting, sheltering, and feeding the animal, the cost of providing the animal with necessary veterinary care, and if the animal is euthanized, the cost of the euthanasia.
(cf: P.L.2017, c.189, s.7)

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

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

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

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

4:22-26. A person who shall:

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

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

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

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

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

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

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

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

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

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

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

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

i. Use a dog or dogs for the purpose of drawing or helping to draw a vehicle for business purposes;

j. Impound or confine or cause to be impounded or confined in a pound or other place a living animal or creature, and shall fail to supply the living animal or creature during such confinement with a sufficient quantity of good and wholesome food and water;

k. Abandon a maimed, sick, infirm or disabled animal or creature to die in a public place;

l. Willfully sell, or offer to sell, use, expose, or cause or permit to be sold or offered for sale, used or exposed, a horse or other animal having the disease known as glanders or farcy, or other contagious or infectious disease dangerous to the health or life of human beings or animals, or who shall, when any such disease is beyond recovery, refuse, upon demand, to deprive the animal of life;

m. Own, operate, manage or conduct a roadside stand or market for the sale of merchandise along a public street or highway; or a shopping mall, or a part of the premises thereof; and keep a living animal or creature confined, or allowed to roam in an area whether or not the area is enclosed, on these premises as an exhibit; except that this subsection shall not be applicable to: a pet shop licensed pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an animal, in a humane manner, for the purpose of the protection of the premises; or a recognized breeders' association, a 4-H club, an educational agricultural program, an equestrian team, a humane society or other similar charitable or nonprofit organization conducting an exhibition, show or performance;

n. Keep or exhibit a wild animal at a roadside stand or market located along a public street or highway of this State; a gasoline station; or a shopping mall, or a part of the premises thereof;

o. Sell, offer for sale, barter or give away or display live baby chicks, ducklings or other fowl or rabbits, turtles or chameleons which have been dyed or artificially colored or otherwise treated so as to impart to them an artificial color;

p. Use any animal, reptile, or fowl for the purpose of soliciting any alms, collections, contributions, subscriptions, donations, or payment of money except in connection with exhibitions, shows or performances conducted in a bona fide manner by recognized breeders' associations, 4-H clubs or other similar bona fide organizations;

q. Sell or offer for sale, barter, or give away living rabbits, turtles, baby chicks, ducklings or other fowl under two months of age, for use as household or domestic pets;

r. Sell, offer for sale, barter or give away living baby chicks, ducklings or other fowl, or rabbits, turtles or chameleons under two months of age for any purpose not prohibited by subsection q. of this section and who shall fail to provide proper facilities for the care of such animals;

s. Artificially mark sheep or cattle, or cause them to be marked, by cropping or cutting off both ears, cropping or cutting either ear more than one inch from the tip end thereof, or half cropping or cutting both ears or either ear more than one inch from the tip end thereof, or who shall have or keep in the person's possession sheep or cattle, which the person claims to own, marked contrary to this subsection unless they were bought in market or of a stranger;

t. Abandon a domesticated animal;

u. For amusement or gain, cause, allow, or permit the fighting or baiting of a living animal or creature;

v. Own, possess, keep, train, promote, purchase, or knowingly sell a living animal or creature for the purpose of fighting or baiting that animal or creature;

w. Gamble on the outcome of a fight involving a living animal or creature;

x. Knowingly sell or barter or offer for sale or barter, at wholesale or retail, the fur or hair of a domestic dog or cat or any product made in whole or in part from the fur or hair of a domestic dog or cat, unless such fur or hair for sale or barter is from a commercial grooming establishment or a veterinary office or clinic or is for use for scientific research;

y. (1) Knowingly sell or barter, or offer for sale or barter, at wholesale or retail, for human consumption, the flesh of a domestic dog or cat, or any product made in whole or in part from the flesh of a domestic dog or cat;

(2) Knowingly slaughter a horse for human consumption;

(3) Knowingly sell or barter, or offer for sale or barter, at wholesale or retail, for human consumption, the flesh of a horse, or any product made in whole or in part from the flesh of a horse, or knowingly accept

or publish newspaper advertising that includes the offering for sale, trade, or distribution of any such item for human consumption;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. [An officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals, or a certified animal control officer,] A municipal humane law enforcement officer or a county prosecutor animal cruelty task force may petition a court of competent jurisdiction to have any animal confiscated and forfeited that is owned or possessed by a person at the time the person is found to be guilty of violating R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20 or R.S.4:22-23. Upon a finding that the continued possession by that person poses a threat to the animal's welfare, the court may, in addition to any other penalty that may be imposed for a violation of R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20 or R.S.4:22-23, adjudge an animal forfeited for such disposition as the court deems appropriate.

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

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

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

a. Make arrests for violations of [this] article 2 of chapter 22 of Title 4 of the Revised Statutes ;

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

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

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

4:22-45. Where an arrest is made [under the provisions of this article] for a violation of subsection c. of R.S.4:22-17 by a constable, sheriff, undersheriff [or] , police officer [in a locality where the New Jersey society, or a district (county) society, for the prevention of cruelty to animals exists, he] , chief humane law enforcement officer, other law enforcement officer assigned or appointed to a county prosecutor animal cruelty task force, or municipal humane law enforcement officer, the officer shall give notice to the [State or district (county) society] county prosecutor animal cruelty task force at once, whereupon [such State or district (county) society] the county prosecutor animal cruelty task force shall take charge of the case and prosecute it under the provisions of [this article] chapter 22 of Title 4 of the Revised Statutes . [No magistrate shall hear any such case until proof is made of the service of such notice on the State or district (county) society.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. [neither] a municipality, municipal humane law enforcement officer, or a certified animal control officer shall not be liable for any civil damages as a result of any act or omission of [the New Jersey Society for the Prevention of Cruelty to Animals, a county society or an officer thereof] a county prosecutor with regard to any investigation, arrest, or prosecution of a violator with which the municipality, municipal humane law enforcement officer, or certified animal control officer was not involved; and

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

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

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

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

b. For the purposes of maintaining the list of persons not eligible to be a certified animal control [officers] officer, municipal humane law enforcement officer, or a prosecutor or law enforcement officer assigned or appointed to a county prosecutor animal cruelty task force, as established pursuant to subsections b. and c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a), the court or other official adjudging the guilt or liability for a violation of any provision of article 2 of chapter 22 of Title 4 of the Revised Statutes, shall charge the county prosecutor animal cruelty task force [, officer of the New Jersey Society for the Prevention of Cruelty to Animals or the county society for the prevention of cruelty to animals,] or other appropriate person, other than a certified animal control officer, with the responsibility to notify within 30 days the commissioner, in writing, of 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, and the person charged with the responsibility shall provide such notice.

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

§

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

(1) appoint at least one municipal humane law enforcement officer pursuant to section 27 of P.L. , c. (C.) (pending before the Legislature as this bill) who shall be responsible for animal welfare within the jurisdiction of the municipality, and who shall enforce and abide by the provisions of chapter 22 of Title 4 of the Revised Statutes and shall be authorized to investigate and sign complaints, arrest violators, and

otherwise act as an officer for detection, apprehension, and arrest of offenders against the animal welfare and animal cruelty laws of the State and ordinances of the municipality; and

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

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

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

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

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

100 Towns Relying on State Police

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

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

LESER STANDARD / New Man

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

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

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

- (1) enforce all animal welfare or animal cruelty laws of the State and ordinances of the municipality;
- (2) investigate and sign complaints concerning any violation of an animal welfare or animal cruelty law of the State or ordinance of the municipality; and
- (3) act as an officer for the detection, apprehension, and arrest of offenders against the animal welfare and animal cruelty laws of the State and ordinances of the municipality.

c. A municipal humane law enforcement officer shall:

- (1) abide by the provisions of chapter 22 of Title 4 of the Revised Statutes;
- (2) satisfactorily complete the training course developed pursuant to subsection a. of section 11 of P.L.2005, c.372 (C.4:22-11.11), or similar course developed pursuant to subsection c. of section 11 of P.L.2005, c.372 (C.4:22-11.11), as soon as practicable, but no later than one year after the date of the officer's appointment;
- (3) satisfactorily complete the retraining course developed pursuant to subsection a. of section 11 of P.L.2005, c.372 (C.4:22-11.11), or similar course developed pursuant to subsection c. of section 11 of P.L.2005, c.372 (C.4:22-11.11), no less than one time in every two-year period, the first two-year period beginning on the day on which the officer satisfactorily completes the animal protection law enforcement

training course developed pursuant to section 11 of P.L.2005, c.372 (C.4:22-11.11) and required pursuant to paragraph (2) of this subsection;

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

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

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

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

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

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

Thanks, but \$ Training?

28. (New section) Any humane law enforcement officer or agent appointed by a county society for the prevention of cruelty to animals or the New Jersey Society for the Prevention of Cruelty to Animals shall be eligible to be appointed as a municipal humane law enforcement officer pursuant to section 27 of P.L. , c. (C.) (pending before the Legislature as this bill), or assigned or appointed as a chief humane law enforcement officer or other law enforcement officer to a county prosecutor animal cruelty task force pursuant to subsection c. of section 29 of P.L. , c. (C.) (pending before the Legislature as this bill).

29. (New section) Each county prosecutor:

MANDATE

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

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

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

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

e. shall not assign or appoint to the county prosecutor animal cruelty task force, and shall terminate the assignment or appointment of, any prosecutor or law enforcement officer who has been convicted of, or

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found civilly liable for, a violation of any provision of article 2 of chapter 22 of Title 4 of the Revised Statutes or whose name is on the list or any revision thereto established and provided by the Commissioner of Health pursuant to subsection c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a).

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

- (1) enforce all animal welfare and animal cruelty laws of the State;
- (2) investigate and sign complaints concerning any violation of an animal welfare or animal cruelty law of the State; and
- (3) act as an officer for the detection, apprehension, and arrest of offenders against the animal welfare and animal cruelty laws of the State and ordinances of any municipality.

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

- (1) abide by the provisions of chapter 22 of Title 4 of the Revised Statutes;
- (2) satisfactorily complete the training course developed pursuant to subsection a. of section 11 of P.L.2005, c.372 (C.4:22-11.11), or similar course developed pursuant to subsection c. of section 11 of P.L.2005, c.372 (C.4:22-11.11), as soon as practicable, but no later than one year after the date of the officer's assignment or appointment; and
- (3) satisfactorily complete the retraining course developed pursuant to subsection a. of section 11 of P.L.2005, c.372 (C.4:22-11.11), or similar course developed pursuant to subsection c. of section 11 of P.L.2005, c.372 (C.4:22-11.11), no less than one time in every two-year period, the first two-year period beginning on the day on which the officer satisfactorily completes the animal protection law enforcement training course developed pursuant to section 11 of P.L.2005, c.372 (C.4:22-11.11) and required pursuant to paragraph (2) of this subsection.

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

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

- a. promote the interests of, and protect and care for, animals within the county;
- b. investigate and prosecute violations of article 2 of chapter 22 of Title 4 of the Revised Statutes;
- c. designate a county society for the prevention of cruelty to animals pursuant to the provisions of section 32 of P.L. , c. (C.) (pending before the Legislature as this bill) with which, to the extent practicable and as needed, the county prosecutor animal cruelty task force shall coordinate shelter and care for animals;

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

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

- (1) the number of complaints received from each municipality for each violation of article 2 of chapter 22 of Title 4 of the Revised Statutes;
- (2) the number of complaints investigated;
- (3) the number of complaints prosecuted or otherwise litigated;
- (4) the number of animals adjudged forfeited;
- (5) the number of animals returned to the owner; and
- (6) proceeds from fines collected for violations of article 2 of chapter 22 of Title 4 of the Revised Statutes.

32. (New section) A county society for the prevention of cruelty to animals which is chartered as such as of the day prior to the date of enactment of P.L. , c. (C.) (pending before the Legislature as this

bill) shall, if the county society so desires, be designated as the county society for the prevention of cruelty to animals upon enactment of P.L. , c. (C.) (pending before the Legislature as this bill). If a chartered county society elects not to be so designated, or no county society is chartered in the county, the county prosecutor animal cruelty task force shall select a non-profit corporation operating within the county that is organized to promote the interests of, and protect and care for, animals to be designated as the county society for the prevention of cruelty to animals. As requested, the county society shall be responsible for efficiently providing or locating humane shelter and care for any animals in the possession of a municipal humane law enforcement officer or county prosecutor animal cruelty task force.

Who Enforces Now?

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

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

We should be doing the opposite

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

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

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

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

STATEMENT

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

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

enforcement officer under the supervision of the chief humane law enforcement officer, who would assist with investigations, arrest violators, and otherwise act as an officer for detection, apprehension, and arrest of offenders against the animal welfare and animal cruelty laws of the State. The county prosecutor may not assign or appoint to the task force any prosecutor or law enforcement officer who has been convicted of, or found civilly liable for, a violation of an animal cruelty law of the State.

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

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

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

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

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

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

Good Afternoon Everyone,

My name is Dawn Marie Fry and I would like to share with you my positive experience that I've with the NJSPCA. This past year I agreed to take in about 30 starved horses from an abuse and hoarding situation that the organization was dealing with. I am thankful for an officer of the SPCA who spent countless hours of his time away from his family so he could help these animals. Before placing the horses with me, he made many calls and extensively checked references to be sure that I was capable of handling these malnourished horses. The officer physically checked in at my farm and frequently called in regards to the health of the horses for weeks. This officer also placed 20 more horses with other rescues, spending indescribable amount of time in checking even more references and physically checking the facilities which were located throughout the state. Contrary to what many people believe, it's immensely difficult to find homes for horses as they are very expensive to upkeep and require a lot of land that most people do not have. It's amazing that the SPCA was able to place so many horses in such a short period of time in suitable homes.

I did not receive any sort of compensation from the state for the horses placed in my care nor did I make any sort of a profit off the horses. I would like to point out that the state does not have any type of a shelter or sanctuary for horses or any other type of livestock even though New Jersey has the largest amount of horses out of every other state per square mile. Perhaps if there was one, horses and livestock could be surrendered by citizens before the animals are neglected.

I am very satisfied with how the SPCA handled the whole situation. A thorough investigation lead by the SPCA resulted in the conviction of the animal cruelty offender which resulted in a 20 year ban from having any contact with animals. This would not have been made possible if it were not for every possible lead followed and every bit of evidence collected by the SPCA. The SPCA officers that I dealt with were very professional and knowledgeable in their animal care. Months later the same officer came to my aid when I had two ponies stolen from me by the convicted offender. The officer helped facilitate their return to me which I am more than grateful for. Without his help I do not believe I would have gotten them back.

Its apparent to me that the officers of the SPCA do their jobs out of passion for helping animals and not for the money since they receive little to no compensation. I do not want to see the SPCA law enforcement turned over to the county sheriff's department and local municipalities as they do not have the knowledge with livestock especially in regards to handling these abuse situations. The officers of the SPCA already have a plethora of knowledge of humane law enforcement that only comes from many years of doing the job and having their contacts.

If this bill gets passed I wonder what will the costs be to the taxpayers when we are paying the salaries of 565 total humane enforcement officers for every New Jersey municipality. The median salary for an officer is \$93,000 in New Jersey so taxpayers would need to come up with \$54 million per year at the least. Or are you just going to deem one police officer already hired within the station to be the humane enforcement officer as someone has to do it, experience or not!

I do agree that reform is needed within the SPCA but it would be a disservice to the animals and the community to disband any type of law enforcement agency especially ones that specialize in animal cruelty and one that has 150 years worth of experience. I can only imagine how extraordinary the SPCA would be if the officers were able to become paid employees which would allow them the time and money to check into every call that comes their way in a timely fashion. If a budget is being given to county and local law enforcement then it makes practical sense to give the budget to the NJSPCA so

1. AM

they can do their job. The Prosecutor's office should also provide direct oversight of all the SPCAs.

When the NJSPCA originally formed in 1868 we certainly did not have the same opinion on animals as we do now. As time passed, our standards for the fair treatment of our pets have increased even though funding necessary to help keep up with that demand has not been given. In the interest of the animals, it appears to me that the SPCA has done the best with what they have. The NJSPCA, as an organization formed by our Legislature should have been receiving funding from the State a long time ago to successfully help our animals.

Thank you for your time,

Dawn Marie Fry



New Jersey Certified Animal Control Officer's Association.

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December 4, 2017

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NJ Certified Animal Control Officer Association
Administrator/Advisor Bd. of Directors

Retired Stafford Township 2012

NJ STATE CERTIFIED ANIMAL CONTROL OFFICER state cert number 0014
NJ STATE CERTIFIED ANIMAL CRUELTY INVESTIGATOR state cert number 001
GRADUATE PASSAIC COUNTY POLICE ACADEMY SPECIAL POLICE OFFICER CLASS II
NJ STATE CERTIFIED INSTRUCTOR "METHODS OF INSTRUCTION" DIV. OF CRIMINAL
JUSTICE
NJ STATE CERTIFIED POLICE TRAINING COMMISSION (PTC) CERTIFIED INSTRUCTOR
CURRENT STATE CERTIFICATION INSTRUCTOR
ANIMAL CONTROL OFFICER
ANIMAL CRUELTY INVESTIGATOR
HUMANE LAW ENFORCEMENT OFFICER
JOHN HOPKINS CERTIFICATE "NON-PROFIT AND BUSINESS MANAGEMENT
GOVERNOR MCGREEVY APPOINTMENT "ANIMAL WELFARE TASK FORCE"
GOVERNOR CORZINE APPOINTMENT "DOMESTIC COMPANION ANIMAL
COUNCIL"
CURRENT MUNICIPAL CONSULTANT
DEEMED EXPERT WITNESS MERCER COUNTY SUPERIOR COURT
FOUNDER NEW JERSEY CERTIFIED ANIMAL CONTROL OFFICERS ASSOCIATION
DESIGNED AND IMPLEMENTED THE GLOUCESTER COUNTY ANIMAL CONTROL
PROGRAM/ANIMAL SHELTER (1990)

**CAREER ENCOMPASSED JURISDICTION IN 5 COUNTIES AND 48 MUNICIPALITIES IN A
SUPERVISORY OR ADMINISTRATIVE CAPACITY
(July 1975-March 1, 2012)**

December 4, 2017

Why we are here

-Past 17 years

-In 2002 A governors "Animal Welfare Taskforce"

-In 2005 Legislation was designed to correct failed and antiquated animal cruelty enforcement system.

-2000 and 2017 two devastating State Commission of Investigation Reports about the **short comings of a system based on "Private Citizen Volunteers with law enforcement authority!"**

-ARE YOU AWARE THAT THERE IS NOT ONE STATE STATUTE THAT REQUIRES THE NJSPCA TO RESPOND "WHEN CALLED UPON"!

-This year alone, outside of the last SCl report, a government agency call the NJSPCA on 3 separate occasions for enforcement help and assistance with a large scale **"Animal Hoarding" operation.**

- THE NJSPCA FAILED TO RESPOND TO A GOVERNMENT AGENCY REQUEST!

-The County Prosecutor was called and intervened!

- The County Prosecutor eventually received a letter from the NJSPCA that stated "they, the NJSPCA **"do not have the resources to handle an operation of that size"!**

-The letter states that the County Prosecutor should take over the lead role in the investigation!

-Does that sound backwards to anyone else?

-Volunteer private citizens giving the government permission???

-Because this is an open case, with no charges being filed at this point, I'm not at liberty to disclose a copy of that letter at this public hearing.

- I will however, in a closed session, **PROVIDE THIS COMMITTEE WITH A COPY OF THAT LETTER AND THE COUNTY PROSECUTOR WHO WAS INVOLVED!**

-It's **"NOT A MATTER OF IF TO REPLACE THE NJSPCA"** as a LEAD ENFORCEMENT AGENCY, BUT A MATTER OF **"WHO TO REPLACE THEM WITH"**!

-In 2000 the State Commissions of Investigations stated;

-The **"enforcement function should be placed in the framework of government"**

-The **"enforcement function properly rest with certified animal control officers"**

-In 2017 the State Commission of Investigations stated;

-**"Assign Enforcement to Local Government"**

-**"This is appropriate for many reasons"**

-Municipalities are required by law to employ animal control officers

-ACO's are properly trained to handle animals

-They possess the necessary resources

-**BUT, MOST IMPORTANTLY ACO's are MANDATED BY LAW TO RESPOND WHEN CALLED UPON!**

-**ANIMAL CONTROL OFFICERS ARE GOVERNMENTS "FIRST RESPONDERS TO ANIMAL ISSUES"!**

-**ANIMAL CONTROL** is the **FOUNDATION** of **ANIMAL WELFARE** and **ANIMAL CRUELTY PREVENTION!**

-A proactive animal control program can curtail many potential animal cruelty episodes at their core level through **"public education"** not enforcement!

-**ONLY a SMALL PERCENTAGE** of animal related calls received by government **require a large animal cruelty enforcement response.**

-Those responses require the resources of **"Law Enforcement"**

-Local Police

-County Sheriff

-County Prosecutor

LEGISLATION REQUIRED

-We've seen some legislation on restructuring the animal control, animal welfare and animal cruelty enforcement system.

-New Jersey is now on the page we need to be!

-The NJCACOA agrees with 95% of this legislations intent.

-ANY LEGISLATION MUST INCLUDE;

-All training requirements shall be developed in consultation with the New Jersey Certified Animal Control Officers Association.

-All levels of personnel must be trained in a similar fashion!

-Create positions and ASCENDING LEVELS of certification based on the "job description" required by the appointing authority!

-Animal Control Officer certification

-Animal Cruelty Investigator Certification

**-Municipal Humane Law Enforcement Officer/Chief
Humane Law enforcement officer**

-Require a Municipal Humane Law Enforcement Officer in EVERY MUNICIPALITY!

-Require all levels of animal control, animal welfare and animal cruelty enforcement to work cooperatively!

Mandate Continuing Education is required at ALL LEVELS!

FUNDING

- 1) Increase municipal dog licensing fees to the State Treasury and municipalities by \$1.00 (this alone would bring in hundreds of thousands of dollars in many municipalities and cities)
- 2) Make Cat licensing mandatory in every municipality! Require municipalities to contribute \$1.00 to the State Treasury (again this will generate hundreds of thousands of dollars in many municipalities and cities)
- 3) Every day Animal Control Officer and Police issue summons for:
 - a. Dogs running at large
 - b. No license
 - c. Barking
 - d. Sanitary conditions
 - e. Nuisance

Include a mandatory sur-charge on each penalty/charge! (at \$10 this would generate thousands of dollars a year) to go to either the municipality or the State Treasurer to administrate the "Animal Protection Officer" Act. Imagine if the sur-charge was \$25. Think about how much money would be generated! **(All paid by violators, NOT tax payers!)**

A win, win.