

**OFFICE OF THE BERGEN COUNTY PROSECUTOR
LAW ENFORCEMENT DIRECTIVE 2007-1
EFFECTIVE JULY 17, 2008**

REGARDING LAW ENFORCEMENT [ONLY] OPERATIONS OF THE BERGEN COUNTY SPCA AND THE BERGEN COUNTY ANIMAL CRUELTY TASK FORCE INCLUDING PROVISIONS FOR THE CREATION AND OPERATION THEREOF, SUPERCEDING A PREVIOUS MEMORANDUM OF UNDERSTANDING ["MOU"] DATED DECEMBER 17, 2004.

WHEREAS, under New Jersey law, the Bergen County Prosecutor is the Chief Law Enforcement Officer for the County of Bergen. The office is a constitutional office charged with broad obligations "to use all reasonable and lawful diligence for the detection, arrest, indictment and conviction of offenders against the laws." As such, the Prosecutor's Office has wide-ranging authority over all law enforcement issues within the County; and,

WHEREAS, the Bergen County Chapter of the New Jersey Society for the Prevention of Cruelty to Animals ("Chapter") is an organization organized as a Society for the Prevention of Cruelty to Animals in accordance with the provisions of N.J.S.A. 4:22-5 and has, as its members, unpaid volunteer individuals which at some time or another have exercised certain powers and authority both as an organized Society and as agents authorized to perform law enforcement functions in accordance with N.J.S.A. 4:22-43; and

WHEREAS, for reasons not set forth in this Directive, on June 11, 2003 Bergen County Prosecutor John L. Molinelli issued a previous Directive, number 2003-01, which suspended all law enforcement functions of any member, past, present or future, of the Chapter, effective June 12, 2003, which directive included but was not limited to the suspension of the Chapter's ability to make arrests, to investigate crimes, or to possess or use firearms. As of December 17, 2004, a Memorandum of Understanding ("MOU") was entered into by and between the County Prosecutor's office and the individual members of the Bergen Chapter, which in pertinent part established an appropriate set of rules of conduct and procedure by which agents engaged in the enforcement of animal cruelty laws under title 4 would be coordinated, reviewed, evaluated and monitored; and

WHEREAS, at all times from the effective date of the MOU and to the date of this Directive, the enforcement of animal cruelty laws has been effected by and through the Bergen Chapter Law Enforcement members, acting in collaboration with the Bergen County Prosecutor's Office and shall continue to operate as such, and in the same manner, but now as prescribed by the terms of this Directive and any further Directives issued by this office. The terms of the former MOU are substantially similar to the terms and provisions of this Directive 2007-1, except for the collection of fines and payments thereof, as the purpose of this Directive is to replace the former MOU with a law enforcement directive from this office. By this Directive, it is intended that the provisions of the MOU shall no longer apply.

WHEREAS, in addition to this Directive establishing rules and procedures governing all

members exercising law enforcement functions within Bergen County and authorized under Title 4 of the New Jersey Statutes, this Directive shall also comprise and constitute the establishment of and basic operating procedure for an "Animal Cruelty Task Force" within the direct supervision of the Bergen County Prosecutor's Office.

1. **Lawful Exercise by Members.** Authorized members of the Bergen Chapter of the SPCA that exercise law enforcement powers and functions as Humane Officers (as defined under Title 4) shall exercise all rights as established under N.J.S.A. 4:22-1 et. seq. except as may be limited or further defined herein.
 - 1.1 This document is intended to establish the sole and exclusive mechanism by which non-sworn law enforcement personnel may exercise law enforcement functions within the County of Bergen under the auspices of Title 4 of the New Jersey Statutes. However, where the terms of this Directive are supplemented by the provisions of Title 4, including provisions relative to training requirements under the authority of the Police Training Commission, this Directive shall be interpreted to coexist with such statutes, which are not intended to be abridged by the within Directive. This Directive may be superceded by further clarifications and Directives as procedures are put in place in response to recent statutory changes to Title 4. As it pertains to the use of law enforcement powers in Bergen County by Bergen Chapter members, however, the terms of this Directive shall not be abridged nor altered without the express written authority of the Bergen County Prosecutor's Office.
 - 1.2 The Office of the County Prosecutor may unilaterally amend this Directive at any time based upon any statutory changes or alterations which may be made to Title 4 of the New Jersey Statutes, or based upon any directive issued from the Office of the Attorney General or the Attorney General's representatives. This document is not intended to impair, alter, or in any way supercede the right and authority of the Attorney General of the State of New Jersey as the Chief Law Enforcement Officer for the entire State.
2. Any individual who satisfies the training requirements and qualifications of this Directive and such statutes providing for the training and qualification of Humane Officers, to the satisfaction of the Bergen County Prosecutor and Police Training Commission, shall be authorized to exercise all powers and authority, including the power to make arrests, to conduct searches and to seize property under N.J.S.A.4:22-43. This individual, who shall for purposes of the Bergen County Task Force be referred to as an Animal Cruelty Investigator shall continue to hold such power for so long as they continue to abide by the terms and provisions of this Directive. The determination of whether or not the individual satisfies the requirements of this Directive shall be within the sole and exclusive authority of the Bergen County Prosecutor.
3. In order to meet the requirements to be able to exercise the authority of an Animal Cruelty Investigator within the terms of this Directive, the following provisions and qualifications shall apply.

- 3.1 Each candidate shall attend and successfully complete courses for the training and qualification of Humane Officers as approved by the Police Training Commission or, in the absence of such courses or training, by a Course as established by the Bergen County Prosecutor working with the PTC. The course and instructors shall be provided by the BCPO at a site chosen by the BCPO. In the event that the Member does not satisfactorily complete the class within in a term as prescribed by the Prosecutor, they shall automatically lose all rights and privileges as an Animal Cruelty Investigator under the terms of this agreement.
- 3.2 Each Member shall successfully complete the forty-hour course as an animal control officer, certified in accordance with N.J.S.A.4:19-15.16 and N.J.S.A. 4:22-44 or an abbreviated course to be approved by the Office of the Prosecutor and/or PTC that will eliminate any overlap between the ACI and the ACO course.. In this regard, the Office of the Bergen County Prosecutor shall be considered as the "other entity making the request" for purposes of an individuals appointment as an animal control officer under N.J.S.A. 4:19-15.16. That is, the ACO shall not be required to receive appointment by any municipality or other government entity to exercise the rights of a certified animal control officer under the aforementioned statute. The provision of certifying a member as an ACO shall not, however, apply to the impoundment of any animals or the exercise of any functions other than law enforcement functions as is intended by this agreement. To the extent that any member may wish to exercise rights and authorities for the impoundment, seizure, or sale of any animals, or any other such rights other than law enforcement functions, they shall do so under an appointment derived from an agency other than the Office of the Bergen County Prosecutor, as this agreement is intended only to apply to the exercise of law enforcement functions and none others.
- 3.3 The attendance and successful completion of the eighty-hour firearms training course, to be taken at the Bergen County Police and Fire Academy in Mahwah, New Jersey, or any other facility approved by the Office of the Bergen County Prosecutor. Those members who have previously qualified to carry firearms and have re-qualified within the required time frames at a site approved by the BCPO under supervision approved by the BCPO, may carry firearms in the actual performance of their duty. They may only carry that firearm with which they re-qualified. All members, regardless of any previous qualifications, will be required to undergo the eighty (80) hour firearms training course. Those members who have not previously qualified to carry firearms or have not successfully completed the eighty (80) hour firearms training course may not carry firearms in the performance of their duties. To the extent that the PTC shall prescribe a different set of standards for the purpose of firearm qualification, then the provisions of the PTC course shall superceded this Directive.

4. FIREARMS

- 4.1 Each Animal Cruelty Investigator and Humane Officer shall comply with all regulations with regard to the use of firearms, including, but not limited to the Firearms Policy for Members of the Bergen County Prosecutor's Office Animal Cruelty Task Force, which is appended hereto and made part of this Law Enforcement Directive.
- 4.2 Members of the Animal Cruelty Task Force who qualify in all regards to carry a firearm while acting in the performance of their duties, may carry only that pistol and ammunition as more fully set forth in the appended firearms policy.
- 4.3 In addition, no member may carry or use such firearm unless they are actually engaged in an animal cruelty investigation under title 4 of the New Jersey statutes and in the actual course of that investigation. This provision shall not apply to any individual Animal Cruelty Investigators that has independent authority to use and carry a firearm, including any sworn police officer or other individual that possesses the necessary carrying permit qualifications. The provisions with regard to the use of firearms issued by the Bergen County Prosecutor's Office shall, however, apply to all such individuals and no individual shall be authorized to carry any firearm not expressly approved by the Bergen County Prosecutor.

5. BACKGROUND CHECK

- 5.1 Prior to becoming an Animal Cruelty Investigator, each individual shall provide the New Jersey State Police and Bergen County Prosecutor's Office with the necessary application in accordance with standard procedures of the BCPO and NJSP and shall meet all satisfactory background requirements currently utilized by the New Jersey State Police and BCPO. The requirements of the BCPO shall not vary from that of the NJSP but may be more extensive, in the sole discretion of the BCPO.
- 5.2 This background check shall include, but will not be limited to, the providing of a urine sample and a complete criminal background investigation and shall be in addition to any background check undertaken by the N.J.S.P. .
- 5.3 The decision as to what constitutes a satisfactory background check shall be within the sole and exclusive authority of the Bergen County Prosecutor and/or the NJSP.
- 5.4 All background checks conducted shall be maintained with the utmost security and in the same manner as such background investigations are contained for all BCPO personnel.
- 5.5 The standards utilized by the Prosecutor's Office in the conduct of assembling and maintaining background checks is done in accordance with current Attorney General

guidelines and the Police Chiefs Manual.

6. IDENTIFICATION

All Animal Cruelty Investigators shall receive an identification and badge issued by the Prosecutor's Office in a form as shall be established by the BCPO. The identification and badge shall specifically identify the individuals as an "Animal Cruelty Investigator" and such identification shall be carried and used in accordance with the policies and procedures of the Bergen County Prosecutor's Office. Under no circumstances shall an Animal Cruelty Investigator utilize the identification or badge for any purpose other than as an Animal Cruelty Investigator and under the strict terms of this Directive.

7. CASE ASSIGNMENTS/FOLLOW-UPS

- 7.1 The individual members who are qualified as an Animal Cruelty Investigator under this Directive shall, through a representative, supply to the Bergen County Prosecutor's Office a monthly report indicating all new cases and closed cases during the proceeding 30 day period, the status of all such cases and their dispositions and a report documenting the activities of all members, including the individual cases and case load assigned to each member.
- 7.2 The members shall be responsible for all record keeping of case assignments, including those cases currently pending in court. The report shall also indicate the assessment of fines and penalties as imposed upon individuals found guilty for violating any provisions of animal cruelty laws.
- 7.3 All complaints issued by any member as an Animal Cruelty Investigator shall be filed with the Central Municipal Court, in Hackensack, New Jersey, and no Animal Cruelty Investigator shall file any complaint out of any municipal court or other court within Bergen County. The purpose of this is to ensure consistency in the Prosecution of all Title 4 cases.
- 7.4 Each member acknowledges that any fines or penalties to be assessed by the Central Municipal Court against individuals found guilty of violating New Jersey's animal cruelty laws shall be paid in accordance with statutes.

8.. RIGHTS OF THE SOCIETY

The provisions of this Directive expressly applies only to the exercise of law enforcement functions by Animal Cruelty Investigators or Humane Officers in Bergen County. This document shall not affect, alter, or in any way impair individuals who are Animal Cruelty Investigators to assemble or operate as a "Society" formed under N.J.S.A.4:22-1, and such Society may exercise all powers and functions as prescribed in the aforementioned statute, except as same are not inconsistent with any of the provisions set forth in this Memorandum. To the extent that there are any conflicts between powers given to a society and the law enforcement functions specifically set forth in this document, the Bergen County Prosecutor shall resolve same and the decision of the Prosecutor shall be final.

9. PENALTIES

All civil penalties pursued by an Animal Cruelty Investigator shall be done in the name of the County Chapter under the penalty enforcement law set forth at N.J.S.A. 2A:58-1 et seq. All fines collected under N.J.S.A. 4:22-55 shall also be fines collected on behalf of and paid through the Central Municipal Court to the County of Bergen.

10. ARRESTS

10.1 An Animal Cruelty Investigator or Humane officer shall be authorized to make arrests in accordance with N.J.S.A. 4:22-44. However, in the event that an Animal Cruelty Investigator shall deem probable cause to arrest an individual without a warrant, no such arrest shall be undertaken nor any attempt be made thereof without first notifying the Bergen County Prosecutor's Office and receiving express authorization for the warrant-less arrest from a representative of that office.

10.2 In addition, no arrest of any individual within the County of Bergen shall be undertaken, with or without warrant, in, at a structure designed for or being actually used for habitation ("residence"), outside the presence of a uniformed, sworn law enforcement officer, which may be a sworn law enforcement officer under the employ of the Bergen County Prosecutor's Office or any municipal police officer, county police officer, or sheriff officer.

11. ENTRY, SEARCH AND SEIZURE

All search warrants shall be applied for through procedures currently set forth at the Bergen County Prosecutor's Office and utilizing BCPO legal staff. In addition, any entry, arrest, or seizure conducted in accordance with N.J.S.A. 4:22-47 shall not be done without the express prior approval of sworn personnel at the Bergen County Prosecutor's Office.

12. FORFEITURES

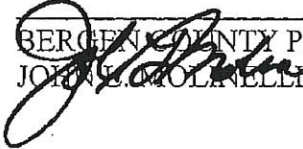
The provisions of forfeiting property seized in connection with an arrest and conviction of an individual for violating animal cruelty laws shall be done in accordance with N.J.S.A. 4:22-48 and such forfeiture shall be undertaken by the BCPO. However, it is acknowledged that forfeiture and seizure procedures undertaken by the BCPO are currently set forth under existing statute, rules and guidelines as prescribed by the legislature and the Office of the Attorney General. This paragraph may be amended, as it is intended that an opinion may be sought from the Office of the Attorney General as to whether the standard forfeiture procedures set forth in the Attorney General guidelines are to be utilized or the provisions of the aforementioned title 4 forfeiture provision.

13. TASK FORCE

- 13.1 An Animal Cruelty Task Force has been created under the supervision and authority of the Bergen County Prosecutor's Office.
- 13.2 The Bergen County Prosecutor's Office shall oversee all record keeping, firearm qualifications, and other administrative functions of the Animal Cruelty Investigators, including the continuing satisfaction of all requirements of each investigator as set forth in this agreement.
- 13.3 Intentionally left blank.
- 13.4 Notwithstanding the existence of the task force, the Bergen Chapter as a Society may continue and may exercise all corporate functions as an organization. However, under no circumstances shall any individual Animal Cruelty Investigator or member of the task force conduct fund raising activities that advertises their affiliation as a task force with the Bergen County Prosecutor's Office, nor shall any individual Animal Cruelty Investigator utilize the name of the Bergen County Prosecutor's Office in any way in the engagement as a Society.
- 13.5 The Bergen County Prosecutor's Office is exercising supervisory functions of the task force solely insofar as they provide law enforcement services in the County of Bergen and the Bergen County Prosecutor's Office shall in no way attempt to oversee, supervise or exercise any control over the actions of the individual members as a Society.
- 13.6 Upon the assembly of an Animal Cruelty Task Force, each Animal Cruelty Investigator shall be entitled to utilize the facilities of the BCPO at Paramus, New Jersey, for the engagement of law enforcement functions. The BCPO will permit the proper and appropriate use of BCPO equipment, including but not limited to vehicles, for use in investigations under the supervision of a representative of the BCPO. They shall be supervised, on a day-to-day basis, by an employee agent of the Bergen County Prosecutor who shall have complete control and authority over the conduct of all members, including the assignment of cases therein. The agent shall establish on-call systems to insure that notifications of any potential Title 4 violations in Bergen County are appropriately handled through the task force. The agent shall also insure that any animal cruelty investigations or other law enforcement functions being undertaken in the County of Bergen will be appropriately reported to the local police authorities, who will continue to possess the primary law enforcement function within their individual municipality.
- 13.7 The Bergen County Prosecutor's Office has previously notified all Chiefs of Police in Bergen County that, in lieu of their individual office undertaking responsibility for

the investigation into an alleged act of animal cruelty, such matters may be referred to the Bergen County Prosecutor's Office, Animal Cruelty Task Force.

Dated July 18, 2008


BERGEN COUNTY PROSECUTOR
JOSEPH L. MOLINELLI



DENNIS CALO
Acting Bergen County Prosecutor

Office of the County Prosecutor

ROBERT ANZILOTTI
Chief of Detectives

County of Bergen

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(201) 646-2300

TO: ALL BERGEN COUNTY CHIEFS OF POLICE, POLICE DIRECTORS, OFFICERS-IN-CHARGE, SHERIFF, AND THE BERGEN COUNTY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

FROM: ACTING PROSECUTOR DENNIS CALO

SUBJECT: ENFORCEMENT OF ANIMAL CRUELTY LAWS AND AMENDMENT TO LAW ENFORCEMENT DIRECTIVE 2007-1

DATE: APRIL 25, 2018

I. INTRODUCTION AND OVERVIEW

On January 16, 2018, Governor Christie signed L. 2017, c. 331 ("Animal Cruelty Act" or the "Act"), which will take effect on May 1, 2018 and restructures the enforcement of animal cruelty laws in the State. A copy of the Act is attached. Among the changes effected, the Act transfers the power to enforce animal cruelty laws from the New Jersey Society for the Prevention of Cruelty to Animals ("NJSPCA") to county prosecutors and chief law enforcement officers of municipalities.

The Bergen County Prosecutor's Office ("BCPO") is already in control of animal cruelty law enforcement in Bergen County. As outlined in Law Enforcement Directive 2007-1, our Animal Cruelty Task Force enforces animal cruelty laws under the direct supervision of the BCPO. The Task Force is comprised of members of the Bergen County Society for the Prevention of Cruelty to Animals ("BCSPCA") under the supervision of a Prosecutor's Agent. This Directive amends Law Enforcement Directive 2007-1 to bring that Directive into compliance with the Act and clarifies the responsibilities of the Animal Cruelty Task Force, BCSPCA, and BCPO under the new scheme.



A State Accredited and Nationally Recognized Law Enforcement Agency



AMENDMENTS TO LAW ENFORCEMENT DIRECTIVE 2007-1

a. Animal Cruelty Prosecutor

As required by the Act, the BCPO has appointed Assistant Prosecutor Jenny Zhang to serve as the county's "Animal Cruelty Prosecutor ("ACP")." The ACP will control prosecutions and take other appropriate actions regarding violations of animal cruelty laws within the county. The ACP will decide if animal cruelty violations will be prosecuted in Superior Court or municipal court and will have the authority to designate municipal prosecutors to handle municipal court prosecutions. The ACP will also submit, by January 1st of each year, a report to the Attorney General listing the number of complaints issued by each municipality and the Animal Cruelty Task Force, the outcome of those complaints, the number of animals adjudged forfeited, the number of animals returned to the owner, proceeds from fines collected for violations of animal cruelty laws, and any policy recommendations or concerns.

b. BCSPCA & Animal Cruelty Task Force

This Directive designates that the BCSPCA will remain the county society for the prevention of cruelty to animals. As required by the Act, the BCSPCA's responsibilities include efficiently providing or locating humane shelter and care for any animals at the request of the County Prosecutor, the Sheriff, or a Municipal Humane Law Enforcement Officer ("MHLEO"), see Sec. II.

The Animal Cruelty Task Force continues to be authorized, under the direct supervision of the BCPO, to enforce animal cruelty laws. Its members are now designated Humane Law Enforcement Officers ("HLEOs") with all the powers granted under the Act, subject to the limitations set forth in Law Enforcement Directive 2007-1, including the limitations on the power to search or arrest and on the use of firearms.

Every HLEO must satisfactorily complete animal protection law enforcement training approved by the Police Training Commission within one year after the date of the officer's designation. An HLEO may obtain an exemption from the Police Training Commission from applicable parts of the training by completing a substantially similar police-training course. The HLEO must provide a certificate of completion issued by the Police Training Commission to the Prosecutor's Agent who supervises the Animal Cruelty Task Force (currently Agent William Hollenfer).

When an HLEO makes an arrest for a violation of N.J.S.A. 4:22-17, the officer shall give notice to the BCPO Agent. The ACP will then determine whether the offense should be handled in the Superior Court or municipal court. If the offender is found guilty of an animal cruelty offense, the HLEO must provide notice to the Commissioner of Health within 30 days, in writing, of the full name of the offender. The Animal Cruelty Task Force must provide by October 1st of each year, a report to the BCPO Agent, which shall include, for the most recently concluded State fiscal year, the number of complaints issued for each animal cruelty offense, the outcome of those complaints, the number of animals adjudged forfeited, the number of animals returned to the owner, proceeds from fines and violations of animal cruelty laws, the number of cases referred to the BCPO, and any policy recommendations and concerns.

All provisions of Law Enforcement Directive 2007-1 that do not directly conflict with the provisions of this Directive remain in effect.

II. MHLEO

a. Designation

The Act requires that each governing body of a municipality with a police department submit a qualified person's application for designation as a Municipal Humane Law Enforcement Officer ("MHLEO") to the chief law enforcement officer of the municipality for approval. A police officer or animal control officer may serve concurrently as the MHLEO and that is the preferred arrangement. Upon receipt of the application, the chief law enforcement officer shall examine the character, competency, and fitness of the applicant and initiate a criminal background check at the expense of the applicant. Upon completion of the examination, the chief law enforcement officer shall approve or reject the application 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. Powers

Once appointed by the governing body, the MHLEO shall have the power and authority within the municipality to enforce the animal cruelty laws of the State and animal cruelty ordinances of the municipality; investigate and sign complaints concerning a violation of those laws and ordinances; and act as an officer for detention, apprehension, and arrest of offenders of those laws and ordinances. The governing body may authorize an MHLEO to possess, carry, and use a firearm while enforcing animal cruelty laws, if the MHLEO has satisfactorily completed a firearms training course approved by the Police Training Commission and twice annually qualifies in the use of a revolver or similar weapon.

The MHLEO is authorized to arrest any person found violating an animal cruelty law without a warrant. However, this Directive limits that, unless the MHLEO concurrently serves as a police officer, no such arrest shall occur without notifying a municipal police officer and receiving express authorization for a warrantless arrest. This Directive further limits that, unless the MHLEO concurrently serves as a police officer, the MHLEO shall not arrest a person, with or without a warrant, in a residence without the presence of a sworn law enforcement officer.

c. Training

Every MHLEO of the Animal Cruelty Task Force must satisfactorily complete animal protection law enforcement training approved by the Police Training Commission within one year of the date of the officer's designation. The MHLEO may obtain an exemption from the Police Training Commission from applicable parts of the animal protection law enforcement-training course by completing a substantially similar police-training course. This Directive requires that the MHLEO must provide the certificate of completion issued by the Police Training Commission to the BCPO Agent.

III. Notice and Reporting Requirements

Where an arrest is made for a violation of N.J.S.A. 4:22-17 by a law enforcement officer, HLEO, or MHLEO, the officer must give immediate notice to the BCPO Agent. When a complaint is issued for any animal cruelty offense, the officer must give notice to the BCPO Agent within five business days. When an indictable animal cruelty offense is charged, the complaint must be delivered to the BCPO for screening, investigation, and prosecution. If an offender is found guilty of an animal cruelty offense, the MHLEO or HLEO, as appropriate, must provide notice to the Commissioner of Health within 30 days, in writing, of the full name of the offender.

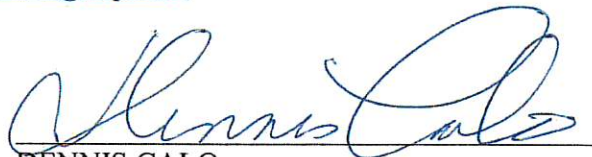
The Animal Control Task Force and MHLEOs must provide by October 1st of each year, reports to the Prosecutor's Agent, which shall include, for the most recently concluded State fiscal year, the number of complaints issued for each animal cruelty offense, the outcome of those complaints, the number of animals adjudged forfeited, the number of animals returned to the owner, proceeds from fines and violations of animal cruelty laws, the number of cases referred to the BCPO, and any policy recommendations and concerns.

We request that you contact and confer with your municipal governing bodies with respect to the appointment of MHLEOs and have the appointees contact Prosecutor's Agent Hollenfer upon approval of their applications.

Contact information for Assistant Prosecutor Jenny Zhang and Prosecutor's Agent William Hollenfer are as follows:

Assistant Prosecutor Jenny Zhang
Office: 201-226-5539
Cell: 551-238-5256
Fax: 201-646-3794
jzhang@bcpo.net

Agent William Hollenfer
Office: 201-226-5632
Cell: 551-228-9684
Fax: 201-845-1599
whollenfer@bcpo.net

A handwritten signature in blue ink, appearing to read "Dennis Calo", is written over a horizontal line.

DENNIS CALO
ACTING BERGEN COUNTY PROSECUTOR

Attachment

CHAPTER 331
(CORRECTED COPY)

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:

C.2B:12-17.1 Responsibility for notification.

4. As required pursuant to section 3 of P.L.2003, c.67 (C.4:22-57), a court adjudging guilt or liability for a violation of any provision of chapter 22 of Title 4 of the Revised Statutes, shall charge the prosecutor or other appropriate person, other than a certified animal control officer, with the responsibility to notify within 30 days the Commissioner of Health, 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.

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

C.2C:33-31 Crime of dog fighting, penalties.

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 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, 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.

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

C.2C:33-32 Leader, financier of dog fighting network; penalties.

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 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, 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.

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

Exemptions.

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 State correctional police officer, or 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, authorized pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-14.1), or humane law enforcement officer of a county society for the prevention of cruelty to animals authorized pursuant to subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while in the actual performance of 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 correctional police officer 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.

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

C.4:19-15.16a Rules, regulations concerning training, educational qualifications for animal control officers.

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.
- (4) (Deleted by amendment, P.L.2017, c.331)

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.

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

C.4:19-15.16b Appointment of certified animal control officer.

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 serve concurrently as a municipal humane law enforcement officer pursuant to subsection c. of section 25 or subsection e. of section 26 of P.L.2017, c.331 (C.4:22-14.1 or C.4:22-14.2).

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

C.4:19A-16 Domestic Companion Animal Council.

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 People for Animals, Inc.; one member shall be appointed from persons recommended by the 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.

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

C.4:22-11.11 Training course for animal protection law enforcement.

11. a. The Police Training Commission, in collaboration with the 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.

b. Every municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, and chief humane law enforcement officer or other officer designated pursuant to subparagraph (a) of paragraph (2) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4) shall satisfactorily complete the animal protection law enforcement training course as soon as practicable, but no later than one year after the date of the officer's designation.

c. (1) The chief law enforcement officer of a municipality, or of a county, as applicable, may request from the Police Training Commission an exemption from applicable law enforcement parts of the animal protection law enforcement training course on behalf of a current or prospective municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or chief humane law enforcement officer or other officer designated pursuant to subparagraph (a) of paragraph (2) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4) 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.

(2) The chief law enforcement officer of a municipality, or of a county, as applicable, may request from the Police Training Commission an exemption from applicable animal control parts of the animal protection law enforcement training course on behalf of a current or prospective municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or chief humane law enforcement

officer or other officer designated pursuant to subparagraph (a) of paragraph (2) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4) who demonstrates successful completion of an animal control course pursuant to section 3 of P.L.1983, c.525 (C.4:19-15.16a).

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 municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or chief humane law enforcement officer or other officer designated pursuant to subparagraph (a) of paragraph (2) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4) and shall provide a copy of the certificate to, as applicable, the municipal humane law enforcement officer and the chief law enforcement officer of the municipality or county, or to the humane law enforcement officer and the county society for the prevention of cruelty to animals, or to the chief humane law enforcement officer or other officer designated pursuant to subparagraph (a) of paragraph (2) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4) and the county prosecutor.

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

C.4:22-11.12 Assistance from governmental entities.

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 any municipal humane law enforcement officer or humane law enforcement officer of a county society for the prevention of cruelty to animals in the enforcement of all laws and ordinances enacted for the protection of animals.

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

Cruelty; certain acts, crime; degrees.

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 in the municipal court of the municipality wherein the defendant resides or where the offense was committed, except that the municipality may elect to refer the offense to the county prosecutor to determine if the offense should be handled in the Superior Court or in municipal court.

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 this subsection 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 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 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, 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.

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

C.4:22-17.7 Violations, remedies, required actions.

7. a. Upon a showing of probable cause that there has been a violation of P.L.2017, c.189 (C.4:22-17.1 et seq.) and submission of proof of issuance of a summons, a court of competent jurisdiction may issue, upon request, an order to any municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, 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 municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, 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 has reasonable suspicion to believe that the animal is at risk of imminent harm due to a violation of P.L.2017, c.189 (C.4:22-17.1 et seq.).

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 P.L.2017, c.189 (C.4:22-17.1 et seq.) 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 P.L.2017, c.189 (C.4:22-17.1 et seq.) 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 issuing the summons or investigating the alleged violation.

h. Any municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or other State or local law enforcement officer issuing a summons for a violation of P.L.2017, c.189 (C.4:22-17.1 et seq.) 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 municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, 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 P.L.2017, c.189 (C.4:22-17.1 et seq.). 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 P.L.2017, c.189 (C.4:22-17.1 et seq.) 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.

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

C.4:22-25.1 Motorist hitting domestic animal to stop; report.

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, municipal humane law enforcement officer, chief humane law enforcement officer, or humane law enforcement officer of a county society for the prevention of cruelty to animals and give his name, address, operator's license and registration number, and also give the location of the injured animal.

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

Penalties for various acts constituting cruelty.

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 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;

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 municipality or 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.

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

C.4:22-26.1 Confiscation, forfeiture of animal.

1. A certified animal control officer, municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, chief humane law enforcement officer, or animal cruelty prosecutor designated pursuant to paragraph (1) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4) 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.

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

Arrests with, without warrant.

4:22-44. Any municipal humane law enforcement officer, chief humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, sheriff, undersheriff, constable, or police officer may:

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

b. Arrest without warrant any person found violating the provisions of article 2 of chapter 22 of Title 4 of the Revised Statutes in the presence of such humane law enforcement officer, sheriff, undersheriff, constable, or police officer.

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

Notice to county prosecutor, designee.

4:22-45. Where an arrest is made for a violation of subsection c. of R.S.4:22-17 by a constable, sheriff, undersheriff, police officer, municipal humane law enforcement officer, chief humane law enforcement officer, or humane law enforcement officer of a county society for the prevention of cruelty to animals, the officer shall give notice to the county prosecutor, or designee of the county prosecutor, at once, whereupon the county prosecutor, or designee of the county prosecutor, shall determine whether the offense should be handled in the Superior Court or in municipal court.

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

Warrantless arrest for fighting or baiting offenses.

4:22-47. A sheriff, undersheriff, constable, police officer, municipal humane law enforcement officer, chief humane law enforcement officer, or humane law enforcement officer 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.

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

C.4:22-48.2 Owner of confiscated animal responsible for certain costs.

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 a municipal humane law enforcement officer, a chief humane law enforcement officer, a humane law enforcement officer of a county society for the prevention of cruelty to animals, 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.

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

C.4:22-50.1 Petition for animal pound receivership.

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 a municipal humane law enforcement officer, a chief humane law enforcement officer, a humane law enforcement officer of a county society for the prevention of cruelty to animals, 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 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 pursuant to subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4), 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.

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

Sale of animals abandoned in disabled condition.

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 animal cruelty prosecutor designated pursuant to paragraph (1) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4).

The proceeds, after deducting expenses, shall be paid to the county to be used for the purpose of protecting animals in the county.

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

Destruction of animals found in disabled condition.

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, sheriff of the county, chief humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or municipal humane law enforcement officer may appoint a suitable person to examine and destroy such animal or creature if unfit for further use.

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

Payment, disposition of fines, penalties, moneys, imposed and collected.

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 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 30 days and without demand, to the county to be used for the purpose of protecting animals in the county.

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

(1) in Superior Court primarily as a result of the reporting of the violation to the county prosecutor 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 to be used for the purpose of protecting animals in the county.

(2) in a municipal court of a municipality in which a municipal humane law enforcement officer has been designated pursuant to section 25 of P.L.2017, c.331 (C.4:22-14.1), the fines, penalties, or moneys collected shall be paid without demand, to the municipality in which the violation occurred.

(3) in a municipal court of a municipality in which a municipal humane law enforcement officer has not been designated pursuant to section 25 of P.L.2017, c.331 (C.4:22-14.1), 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 to be used for the purpose of protecting animals in the county.

c. Any fines, penalties, or moneys paid to a municipality pursuant to subsection b. of this section shall be allocated by the municipality 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.

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

C.4:22-56 Immunity from liability.

10. Although a municipality and a county 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. a municipality or any official or officer thereof, municipal prosecutor, municipal humane law enforcement officer, or certified animal control officer shall not be liable for any civil damages as a result of any act or omission of a county or any official or officer thereof, county prosecutor, county animal cruelty prosecutor, chief humane law enforcement officer, or county society for the prevention of cruelty to animals or any humane law enforcement officer thereof with regard to any investigation, arrest, or prosecution of a violator with which the municipality or any official or officer thereof, municipal prosecutor, municipal humane law enforcement officer, or certified animal control officer was not involved; and

b. a county or any official or officer thereof, county prosecutor, county animal cruelty prosecutor, chief humane law enforcement officer, or county society for the prevention of cruelty to animals or any humane law enforcement officer thereof shall not be liable for any civil damages as a result of any act or omission of a municipality or any official or officer thereof, municipal prosecutor, municipal humane law enforcement officer, or certified animal control officer with regard to any investigation, arrest, or prosecution of a violator with which the county or any official or officer thereof, county prosecutor, county animal cruelty prosecutor, chief humane law enforcement officer, or county society for the prevention of cruelty to animals or any humane law enforcement officer thereof was not involved.

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

C.4:22-57 Notice of persons ineligible to be certified animal control officers.

3. a. (Deleted by amendment, P.L.2017, c.331)

b. For the purposes of maintaining the list of persons not eligible to be a certified animal control officer, municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or designee pursuant to subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4), 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 prosecutor 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.

C.4:22-14.1 Responsibilities of municipal governing body.

25. a. Except as provided in subsection c. of this section, each governing body of a municipality shall:

(1) submit at least one applicant for designation as a municipal humane law enforcement officer pursuant to section 26 of P.L.2017, c.331 (C.4:22-14.2) 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 submit an applicant for designation as, and shall terminate the designation 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. The governing body of a municipality may designate as a municipal humane law enforcement officer any qualified individual. An animal control officer or a police officer may 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.

d. (1) The governing body of a municipality with a full time municipal police department 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) twice annually qualifies in the use of a revolver or similar weapon.

(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 of the municipality.

e. A municipality that does not have a municipal police department shall not be required to comply with the provisions of paragraph (1) of subsection a. of this section; however, the municipality shall make every reasonable effort to designate a municipal humane law enforcement officer pursuant to this section.

f. In a municipality without a designated municipal humane law enforcement officer pursuant to this section, animal cruelty law enforcement shall be the responsibility of the chief humane law enforcement officer of the county, or the county society for the prevention of cruelty to animals if authorized to conduct law enforcement activity pursuant to subparagraph (b) of paragraph (2) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4).

C.4:22-14.2 Application for designation as municipal humane law enforcement officer.

26. a. (1) An application for designation 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, the Superintendent of State Police. Upon receipt of the application, the chief law enforcement officer of the municipality or the superintendent, 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 of the municipality or the superintendent, 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 municipality in which the officer is designated, or otherwise authorized to act, as a municipal humane law enforcement officer to:

(1) enforce all animal welfare and 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), subject to the provisions of subsection c. of section 11 of P.L.2005, c.372 (C.4:22-11.11) as applicable, as soon as practicable, but no later than one year after the date on which the officer's designation is approved by the chief law enforcement officer in the municipality or the superintendent, as applicable;

(3) refer all complaints for violations of the provisions of subsection c. of R.S.4:22-17 to the county prosecutor 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;

(4) provide notice to the county animal cruelty prosecutor designated pursuant to paragraph (1) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4) within five business days after 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 pursuant to paragraph (3) of this subsection. The notice shall contain, at minimum, a brief description of the offense alleged; and

(5) submit, by October 1 of each year, a report to the animal cruelty prosecutor designated pursuant to subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4), 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 of Title 4 of the Revised Statutes and the number of cases referred to the county prosecutor, and may contain any policy recommendations or concerns of the municipal humane law enforcement officer related to animal cruelty law enforcement in the municipality. The animal cruelty prosecutor shall compile these reports and submit them to the Attorney General as part of the annual report required pursuant to subsection d. of section 31 of P.L.2017, c.331 (C.4:22-14.7).

d. A municipal humane law enforcement officer may, upon receipt of a request for assistance by a municipality, county, or other entity that did not designate the municipal humane law enforcement officer pursuant to this section, exercise the powers and authority

granted pursuant to this section within the jurisdiction of the municipality, county, or other entity making the request.

e. A municipal humane law enforcement officer may be so designated concurrently by more than one municipality, provided the officer is able to effectively carry out the duties and responsibilities required of each designation, except that a municipal humane law enforcement officer who serves concurrently as a police officer shall not be designated as a municipal humane law enforcement officer in more than one municipality at any one time.

f. Any rule or regulation concerning animal cruelty investigators, in effect on the date of enactment of P.L.2017, c.331 (C.4:22-14.1 et al.), shall be applicable to municipal humane law enforcement officers until otherwise revised or repealed by the Department of Health.

C.4:22-14.3 Eligibility.

27. Any humane law enforcement officer or agent appointed by a county society for the prevention of cruelty to animals, prior to the date of enactment of P.L.2017, c.331 (C.4:22-14.1 et al.), or the New Jersey Society for the Prevention of Cruelty to Animals shall be eligible for designation as a municipal humane law enforcement officer pursuant to section 26 of P.L.2017, c.331 (C.4:22-14.2) or as a humane law enforcement officer of a county society for the prevention of cruelty to animals pursuant to section 29 of P.L.2017, c.331 (C.4:22-14.5).

C.4:22-14.4 Actions of county prosecutor.

28. a. Each county prosecutor shall:

(1) designate any municipal or county prosecutor as the animal cruelty prosecutor of the county, and may designate any assistant animal cruelty prosecutor as needed, who shall investigate, prosecute, and take other legal action as appropriate for violations of any provision of article 2 of chapter 22 of Title 4 of the Revised Statutes, and who may serve in such capacity on a part-time basis if the responsibilities of the position allow;

(2) (a) designate, 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 designate 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; or

(b) enter into a memorandum of understanding with the county society for the prevention of cruelty to animals designated pursuant to section 32 of P.L.2017, c.331 (C.4:22-14.8), which authorizes the county society, under the supervision of the county prosecutor, to assist with enforcement of article 2 of chapter 22 of Title 4 of the Revised Statutes, and to designate humane law enforcement officers, subject to the provisions of section 29 of P.L.2017, c.331 (C.4:22-14.5), to 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; and

(3) designate a county society for the prevention of cruelty to animals pursuant to the provisions of section 32 of P.L.2017, c.331 (C.4:22-14.8) with which, to the extent practicable and as needed, the county prosecutor and county sheriff shall coordinate shelter and care for animals.

b. A person 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) shall not be designated by the county prosecutor for any position provided in subsection a. of this section.

C.4:22-14.5 Submission of application.

29. a. (1) An application for designation as a humane law enforcement officer of a county society for the prevention of cruelty to animals pursuant to subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4) shall be submitted by the governing body of the county society to the county prosecutor. Upon receipt of the application, the county prosecutor 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 county prosecutor shall approve or reject the applicant and provide a written determination, to the applicant and to the county society for the prevention of cruelty to animals, which, if applicable, shall state any reasons for rejecting the applicant.

b. The governing body of a county society for the prevention of cruelty to animals shall not submit an applicant for designation as, and shall terminate the designation of, a 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. A county prosecutor may authorize a 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:

(1) 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

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

d. A county society for the prevention of cruelty to animals that has entered into a memorandum of agreement with the county prosecutor pursuant to subparagraph (b) of paragraph (2) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4) shall submit by October 1 of each year, a report to the animal cruelty prosecutor designated pursuant to subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4) 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 of Title 4 of the Revised Statutes and the number of cases referred to the county prosecutor, and may contain any policy recommendations or concerns of the county society related to animal cruelty law enforcement in the county. The animal cruelty prosecutor shall compile these reports and submit them to the Attorney General as part of the annual report required pursuant to subsection d. of section 31 of P.L.2017, c.331 (C.4:22-14.7).

C.4:22-14.6 Power, authority of designated officer.

30. a. Any law enforcement officer designated pursuant to paragraph (2) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4), or humane law enforcement officer of a county society for the prevention of cruelty to animals designated pursuant to section 29 of P.L.2017, c.331 (C.4:22-14.5) shall have the power and authority within the jurisdiction in which the officer is designated, or otherwise authorized to act, to:

(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 law enforcement officer designated pursuant to paragraph (2) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4), or humane law enforcement officer of a county society for the prevention of cruelty to animals designated pursuant to section 29 of P.L.2017, c.331 (C.4:22-14.5), shall:

(1) abide by the provisions of chapter 22 of Title 4 of the Revised Statutes; and

(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), subject to the provisions of subsection c. of section 11 of P.L.2005, c.372 (C.4:22-11.11) as applicable, as soon as practicable, but no later than one year after the date of the officer's designation.

c. Upon request for assistance by a municipality, county, or other entity that did not designate the humane law enforcement officer of a county society for the prevention of cruelty to animals pursuant to section 29 of P.L.2017, c.331 (C.4:22-14.5), or other law enforcement officer pursuant to paragraph (2) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4), the 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.

C.4:22-14.7 Duties of animal cruelty prosecutor.

31. An animal cruelty prosecutor 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. request the assistance of the Department of Agriculture in the investigation of any violation concerning livestock; and

d. submit, by January 1 of each year, a report to the Attorney General which shall include the following information pertaining to animal cruelty law enforcement in the county for the most recently concluded State fiscal year:

(1) the number of complaints received from each municipality and from the county society for the prevention of cruelty to animals, as applicable, for each violation of any provision 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;

(6) proceeds from fines collected for violations of any provision of article 2 of chapter 22 of Title 4 of the Revised Statutes; and

(7) as applicable, any policy recommendations or concerns related to animal cruelty law enforcement in the county, or as described by a municipal humane law enforcement officer in the annual report required pursuant to paragraph (5) of subsection c. of section 26 of P.L.2017, c.331 (C.4:22-14.2) or by a humane law enforcement officer of a county society for the prevention of cruelty to animals in the annual report required pursuant to subsection d. of section 29 of P.L.2017, c.331 (C.4:22-14.5).

C.4:22-14.8 Designation as county society for the prevention of cruelty to animals.

32. 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.2017, c.331 (C.4:22-14.1 et al.) 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.2017, c.331 (C.4:22-14.1 et al.). If a chartered county society elects not to be so designated, or no county society is chartered in the county, the county prosecutor shall select a non-profit corporation 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. The county society shall be responsible for efficiently providing or locating humane shelter and care for any animals at the request of the county prosecutor, the county sheriff, or a municipal humane law enforcement officer.

C.4:22-14.9 Construction of act.

33. 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.2017, c.331 (C.4:22-14.1 et al.) 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.2017, c.331 (C.4:22-14.1 et al.) to surrender any assets to the State, or any political subdivision or other entity thereof.

C.4:22-14.10 Actions by Attorney General.

34. 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 for the prevention of cruelty to animals 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 from which the assets were originally transferred.

Repealer.

35. Sections 8 and 9 of P.L.1997, c.247 (C.4:19-15.16c and C.4:19-15.16d), sections 1 through 10 and 13 of P.L.2005, c.372 (C.4:22-11.1 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 seventh month following the date of enactment, except that sections 25, 26, 27, and 28 of this act shall take effect on the first day of the fourth month following the date of enactment, sections 33, 34, and 36 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.

Approved January 16, 2018.