

PEOPLE WHO HURT ANIMALS DON'T STOP WITH ANIMALS: THE USE OF CROSS-CHECKING DOMESTIC VIOLENCE AND ANIMAL ABUSE REGISTRIES IN NEW JERSEY TO PROTECT THE VULNERABLE

By
Emerald Sheay*

This Note explores the link between domestic violence and animal abuse and argues that due to such a link, New Jersey should enact a publicly searchable, cross-checking animal abuse registry and a domestic violence registry. Numerous studies confirm the connection between domestic violence and animal abuse. By examining the scope and history of these abuses, and exploring the status of registries in various states, this Note aims to explain the problems these issues pose to our society. Enacting these registries in New Jersey could keep law enforcement aware of illegal activity, reveal child abuse, and prevent the online selling of animals by puppy mills and animal fighting rings. The public has an interest and need for domestic violence and animal abuse registries, but these registries either do not exist in many states or are not publicly searchable. Additionally, current registries provide no mechanism for cross-referencing, so a person listed in a domestic violence registry, but not an animal abuse registry, can obtain a pet despite the correlation between domestic violence and animal cruelty. Cross-checking registries in New Jersey would serve to increase these benefits and further protect potential victims of either type of abuse. Registries continue to gain momentum into the twenty-first century; the analysis in this Note serves to provide valuable insight into how they can be used fairly to protect the vulnerable.

I. INTRODUCTION 446
II. ANIMAL ABUSE AND DOMESTIC VIOLENCE 448
 A. *The Scope of Animal Abuse* 448
 B. *The Impact of Domestic Violence* 449
 C. *Sexual Abuse* 449
 D. *The Link Between Domestic Violence and Animal Abuse* . 450
 E. *Extension to Child Abuse* 452
III. ABUSE REGISTRIES 453

* © J.D. Candidate, Seton Hall University School of Law, 2020. B.A., Rowan University, 2017. I am deeply appreciative to my advisor, Professor Solangel Maldonado, for her advice and guidance as I developed this work. Thank you also to Justin Lavan, Amy Eng, Elisa Khan, and my parents for encouraging and supporting me in all my endeavors. I dedicate this Note and offer a final word of gratitude to my Popsi, Fredric Vespe, who has always inspired my love of animals and deep appreciation for the world around us.

A. <i>Status of Domestic Violence Registries in New Jersey and Beyond</i>	453
1. <i>New Jersey's Domestic Violence Registry</i>	454
2. <i>Domestic Violence Registries Nationwide</i>	455
B. <i>Status of Animal Abuse Registries in New Jersey and Beyond</i>	457
1. <i>The New Jersey Animal Abuser Registry</i>	458
2. <i>Nationwide: Tennessee and Beyond</i>	459
IV. CREATING PUBLICLY ACCESSIBLE DOMESTIC VIOLENCE AND ANIMAL ABUSE REGISTRIES	461
A. <i>Encouraging Adoption of a Publicly Accessible Domestic Violence Registry in New Jersey</i>	461
B. <i>Encouraging Adoption of a Publicly Accessible Animal Abuser Registry in New Jersey</i>	463
C. <i>The Use of Cross-Checking Registries</i>	466
D. <i>Challenges Resolved</i>	468
1. <i>Protecting the Rights of the Accused</i>	468
2. <i>Protecting the Privacy of Domestic Violence Victims</i>	470
3. <i>Fiscal Challenges</i>	471
V. CONCLUSION	473

I. INTRODUCTION

In August of 2018, the news of a dog left in a cage on the edge of Sandy Hook Bay shocked New Jersey.¹ Even more shocking was the revelation that the man responsible was attempting to drown the dog to get back at an ex-lover.² Assistant Monmouth County Prosecutor Amanda Dalton Clark commented at the perpetrator's detention hearing that "dogs and pets are often used as pawns to get at a paramour to show control and to show power."³

Numerous studies have confirmed a link between animal abuse and domestic violence.⁴ Victims of intimate partner violence frequently report the use of animal abuse as a method for abusers to further their

¹ See Andrew Ramos, *Dog Left to Drown in Cage at Waters Edge in New Jersey*, PIX 11 (updated Aug. 1, 2018, 8:31 AM), <https://pix11.com/2018/07/31/dog-left-to-drown-in-cage-at-waters-edge-in-new-jersey/> [<https://perma.cc/KR4P-VQEE>] (accessed Apr. 18, 2020) (describing the community's disbelief about the incident).

² Dan Alexander, *Man Left Romantic Rival's Dog to Die in Bay Prosecutor Says*, N.J. 101.5 (Aug. 14, 2018), <http://nj1015.com/man-left-romantic-rivals-dog-to-die-in-bay-prosecutor-says/> [<https://perma.cc/T3L4-GRCL>] (accessed Apr. 18, 2020).

³ Ken Serrano, *Caged Dog Left to Drown: Should a Judge Have Jailed Long Branch Man?*, ASBURY PARK PRESS (updated Aug. 28, 2018, 8:43 PM), <https://www.app.com/story/news/crime/jersey-mayhem/2018/08/28/caged-dog-left-drown-should-judge-have-jailed-long-branch-man/1067777002/> [<https://perma.cc/PBX4-8QGR>] (accessed Apr. 18, 2020).

⁴ Frank Ascione, *Battered Women's Reports of Their Partners' and Their Children's Cruelty to Animals*, 1 J. EMOTIONAL ABUSE 119, 119 (1998); Catherine Simmons & Peter Lehmann, *Exploring the Link Between Pet Abuse and Controlling Behaviors in Violent Relationships*, 22 J. INTERPERSONAL VIOLENCE 1211, 1211–13, 1218–19, 1221 (2007); B. Gallagher et al., *Animal Abuse and Intimate Partner Violence: Researching the Link and Its Significance in Ireland—A Veterinary Perspective*, 61 IRISH VETERINARY J. 658, 660 (2008).

control.⁵ In proposing the enactment of a New Jersey animal abuse registry, the legislature notably cited to concerns of “patterns of animal cruelty and abuse in the criminal histories of perpetrators of other forms of abuse, including . . . spousal abuse” as a justification for the enactment of the registry.⁶ The legislature also notes a registry would allow the public to protect themselves and their families, provide law enforcement with additional information in responding to violence, and safeguard at-risk animals.⁷ In the words of the New Jersey Legislature, the registry accomplishes these goals as “the technology afforded by the Internet [registry] would make this information readily accessible to private persons and entities, and enable them to undertake appropriate remedial precautions to prevent or avoid placing potential victims at risk.”⁸

This Note argues that due to the link between domestic violence and animal abuse, New Jersey should enact an animal abuse registry and a domestic violence registry, which are publicly searchable and can show results from both registries together in a cross-checking interface. Animal abuse registries could keep law enforcement aware of illegal activity, and subsequently prevent abusers from selling animals online, a tactic frequently used by puppy mills and animal fighting rings.⁹ While New Jersey law enforcement has access to a registry for domestic violence restraining orders, this database is run by the state and the public cannot search this database.¹⁰ Publicly searchable domestic violence registries also serve the important purpose of keeping the public informed as to who may cause them harm, lessening the chance of future victims.¹¹ Cross-checking between both domestic violence and animal welfare agencies has been a feature in several states for years and has proven useful in preventing future violence.¹² Cross-checking registries in New Jersey would serve to increase these benefits and further protect potential victims of either type of abuse.

⁵ Simmons & Lehmann, *supra* note 4, at 1219, 1221; Gallagher et al., *supra* note 4, at 661.

⁶ S.B. 278, 218th Leg., Reg. Sess. (N.J. 2018).

⁷ *Id.* This bill died in chamber at the end of the 2018 session. See *S278: Bills 2018-2019*, NEW JERSEY LEGISLATURE, <https://www.njleg.state.nj.us/bills/BillView.asp> (accessed May 9, 2020) (showing no further updates after bill was referred to Senate Economic Growth Committee).

⁸ *Id.*

⁹ See Stacy A. Nowicki, Comment, *On the Lamb: Toward a National Animal Abuser Registry*, 17 ANIMAL L. 197, 218, 235, 236 (2010) (discussing some of the benefits of law enforcement tracking animal abusers).

¹⁰ N.J. STAT. ANN. § 2C:25-34 (West 2020).

¹¹ See *infra* Part IV.A (discussing the benefits of domestic violence registries).

¹² See Nowicki, *supra* note 9, at 217 (discussing the increase of states enacting laws that mandate cross-reporting and how these states “are beginning to acknowledge animal abuse as an indicator of violence against humans”); see also *infra* Part IV.C (discussing the benefits of cross-checking).

II. ANIMAL ABUSE AND DOMESTIC VIOLENCE

This Part describes the scope of both animal abuse and domestic violence, then explains the problems these issues pose to our society. It then provides a review of studies that examine the connection between both types of abuse. Finally, it explores the extension of these issues into the realm of child abuse. Overall, the section will illustrate that “people who hurt animals don’t stop with animals.”¹³

A. *The Scope of Animal Abuse*

The Humane Society of the United States (HSUS) defines animal abuse as either deliberate abuse or neglect in failing to care for an animal properly.¹⁴ HSUS further explains that intentional animal cruelty can range from “knowingly depriving an animal of food, water, shelter, socialization, or veterinary care to maliciously torturing . . . or killing an animal” while animal neglect can be “deliberate or unintentional, but either way can lead to seriously compromised health or even death.”¹⁵ It is important to note that both forms of abuse are illegal in New Jersey.¹⁶ Nationally, animals retain legal status as property of their owners under tort law of all states, and animals do not have independent legal rights.¹⁷ However, all fifty states have enacted laws prohibiting animal cruelty.¹⁸

Today, 84.6 million households in the United States include pets.¹⁹ According to the result of a recent Harris poll, 88% of pet owners consider their pet as a family member.²⁰ These results help clarify why today, many professionals consider the full spectrum of family vio-

¹³ *The Link Between Cruelty to Animals and Violence Toward Humans*, ANIMAL LEGAL DEF. FUND, <https://aldf.org/article/animal-cruelty-and-domestic-violence/> [https://perma.cc/9PB6-SGPY] (accessed Apr. 18, 2020).

¹⁴ See *Fighting Animal Abuse and Neglect*, HUMANE SOC’Y U.S., http://www.humane-society.org/issues/abuse_neglect/ [https://perma.cc/3RYG-PJHG] (accessed Apr. 18, 2020) (“Animal cruelty includes intentional, malicious acts of harm and less clear-cut situations where the needs of an animal are neglected. Violence against animals has been linked to a higher likelihood of criminal violence and domestic abuse.”).

¹⁵ *Animal Cruelty and Neglect FAQ*, HUMANE SOC’Y U.S., <https://www.humanesociety.org/resources/animal-cruelty-and-neglect-faq> [https://perma.cc/S9VC-BU5M] (accessed Apr. 18, 2020).

¹⁶ N.J. STAT. ANN. § 4:22-17(a) (West 2020).

¹⁷ Debra Squires-Lee, Note, *In Defense of Floyd: Appropriately Valuing Companion Animals in Tort*, 70 N.Y.U. L. REV. 1059, 1071 (1995).

¹⁸ *Id.*

¹⁹ Tim Wall, *Millennials Led US Pet Ownership to 84.6 Million in 2016*, PETFOODINDUSTRY.COM (Apr. 7, 2017), <https://www.petfoodindustry.com/articles/6386-millennials-led-us-pet-ownership-to-846-million-in-2016> [https://perma.cc/TYM8-SQRS] (accessed Apr. 18, 2020).

²⁰ Press Release, Regina A. Corso, Dir., The Harris Poll, Harris Interactive, *Pets Are ‘Members of the Family’ and Two-Thirds of Pet Owners Buy Their Pets Holiday Presents* (Dec. 4, 2017), <https://theharrispoll.com/wp-content/uploads/2017/12/Harris-Interactive-Poll-Research-Pets-2007-12.pdf> [https://perma.cc/CE6A-LSMX] (accessed Apr. 18, 2020).

lence to include violence towards companion animals.²¹ As one illustration of the extent of animal abuse, the Royal Society for the Prevention of Animals reported that it received calls to its animal cruelty hotline every twenty-seven seconds in 2016.²² New Jersey citizens alone report over five thousand cases of animal cruelty per year to the New Jersey Society for the Prevention of Cruelty to Animals.²³

B. *The Impact of Domestic Violence*

The definition of domestic violence involves “a pattern of abusive and controlling behavior injurious to its victims.”²⁴ Domestic violence is such a pervasive problem that it constitutes the most frequent cause of injury for women aged fifteen to forty-four.²⁵ In the United States, there are an estimated 10 million victims annually.²⁶ The New Jersey Coalition to End Domestic Violence reported 94,855 help calls to domestic violence hotlines in 2017.²⁷ The economic cost of domestic violence is huge, with missed workdays accounting for up to 0.125% of the national gross domestic product.²⁸

C. *Sexual Abuse*

Those convicted of a sexual offense in New Jersey are registered to a public database under Megan’s Law.²⁹ This database is accessible by any member of the public via the New Jersey State Police Website.³⁰ *Sex offense* is defined broadly in the statute and includes aggravated sexual assault, distribution of child pornography, and kidnapping, among other crimes.³¹ Studies have found a common history between

²¹ Randall Lockwood, *Animal Cruelty and Societal Violence: A Brief Look Back from the Front*, in CHILD ABUSE, DOMESTIC VIOLENCE AND ANIMAL ABUSE: LINKING THE CIRCLES OF COMPASSION FOR PREVENTION AND INTERVENTION 3, 6 (Frank R. Ascione & Phil Arkow eds., 1999).

²² Matthew Taylor, *RSPCA Animal Cruelty Caseload Rises to Almost 150,000 Investigations*, THE GUARDIAN (Mar. 28, 2017), <https://www.theguardian.com/world/2017/mar/29/rspca-animal-cruelty-caseload-rises-to-almost-150000-investigations> [https://perma.cc/C9CD-C4CP] (accessed Apr. 18, 2020).

²³ S.P. Sullivan, *What State Investigation Revealed About Troubled N.J. Animal Cruelty Police*, NJ.COM (updated May 15, 2019), https://www.nj.com/politics/index.ssf/2017/10/here_are_the_problems_a_state_investigation_found.html [https://perma.cc/CP3M-UWVA] (accessed Apr. 18, 2020).

²⁴ ALAN M. GROSMAN & CARY B. CHIEFETZ, NEW JERSEY FAMILY LAW § 14-4 (Matthew Bender & Co., 2d ed. 2019), Lexis (database updated 2020).

²⁵ Joyce Y. Young, Note, *Three Strikes and You’re In: Why the States Need Domestic Violence Databases*, 90 TEX. L. REV. 771, 777 (2012).

²⁶ *National Statistics Domestic Violence Fact Sheet*, NAT’L COAL. AGAINST DOMESTIC VIOLENCE, https://www.speakcdn.com/assets/2497/domestic_violence2.pdf [https://perma.cc/H6BS-Y98A] (accessed Apr. 18, 2020).

²⁷ N.J. COAL. END DOMESTIC VIOLENCE, NJCEDV 2017 ANNUAL REPORT (2017).

²⁸ *National Statistics Domestic Violence Fact Sheet*, supra note 26, at 2.

²⁹ N.J. STAT. ANN. § 2C:7-2(a)(1) (West 2020).

³⁰ *Offender Search*, N.J. ST. POLICE, <http://www.icrimewatch.net/index.php?AgencyID=55260> [https://perma.cc/64RY-H854] (accessed Apr. 18, 2020).

³¹ N.J. STAT. ANN. § 2C:7-2(b).

animal abusers and sexually violent offenders, with one half of rapists and one-third of pedophiles engaging in cruelty to animals.³² However, in many states (including New Jersey), those who sodomize animals do not register on sex offender registries because they have not committed a crime against a human.³³

The Bureau of Justice Statistics reported after a study of over 270,000 prisoners that “[c]ompared to non-sex offenders released from State prisons, released sex offenders were 4 times more likely to be rearrested for a sex crime.”³⁴ The New Jersey Legislature noted this high rate of recidivism as a prime reason for their enactment of a sex offender registry.³⁵

D. *The Link Between Domestic Violence and Animal Abuse*

Studies have repeatedly confirmed the existence of a link between domestic violence and animal abuse.³⁶ The Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) undertook the first major study on this subject in 1997 in which they examined 80,000 case files involving animal cruelty between 1975 and 1996.³⁷ Their research revealed that people who abused animals were five times more likely also to commit violent crimes against humans.³⁸ Numerous animal advocacy organizations cited this study in particular to encourage support of animal abuse penalties.³⁹ The Animal Legal Defense Fund refers to the correlation of these types of abuses as “The Link.”⁴⁰

Frank Ascione, a professor at Utah State University, followed with another major study on the connection between animal abuse and

³² See S.B. 278, 218th Leg., Reg. Sess. (N.J. 2018) (“Studies in this area have additionally found a common history of documented animal abuse among sexually violent offenders, with one study showing that nearly one-half of rapists and almost one-third of pedophiles had also engaged in acts of cruelty towards animals.”).

³³ Nowicki, *supra* note 9, at 200.

³⁴ PATRICK A. LANGAN ET AL., U.S. DEPT. OF JUSTICE, *RECIDIVISM OF SEX OFFENDERS RELEASED FROM PRISON IN 1994* 1 (2003).

³⁵ See N.J. STAT. ANN. § 2C:7-1 (West 2020) (“The danger of recidivism posed by sex offenders and offenders who commit other predatory acts against children . . . require a system of registration that will permit law enforcement officials to identify and alert the public when necessary for the public safety.”).

³⁶ Ascione, *supra* note 4, at 119; Simmons & Lehmann, *supra* note 4, at 1215; Gallagher et al., *supra* note 4, at 660; Arnold Arluke & Carter Luke, *Physical Cruelty Toward Animals in Massachusetts, 1975–1996*, 5 *SOC’Y & ANIMALS* 195, 197 (1997).

³⁷ Arluke & Luke, *supra* note 36.

³⁸ ANIMAL LEGAL DEF. FUND, *supra* note 13 (“A landmark 1997 study by Massachusetts Society for the Prevention of Cruelty to Animals and Northeastern University found that animal abusers are in fact five times as likely to also harm other humans.”). It does not appear that this study defines what types of violent crimes, nor to which individuals, animal abusers are more likely to engage. However, it does distinguish violent crimes from property crimes, drug crimes, and disorder crimes. ANIMAL CRUELTY & PROT. TASK FORCE, *FINDINGS & RECOMMENDATIONS* 3 (July 2016).

³⁹ See, e.g., ANIMAL LEGAL DEF. FUND, *supra* note 13.

⁴⁰ *Id.*

domestic violence in 1998.⁴¹ After interviewing thirty-eight women at a women's shelter, his findings were significant: twenty of the twenty-eight women who owned animals revealed that their partner had hurt or threatened to hurt their pets.⁴² Examples included drowning a cat in a bathtub and pouring lighter fluid on a kitten and lighting it on fire.⁴³ Eighteen percent of the women who owned pets stated that fear for their pet's welfare kept them from coming to the shelter sooner.⁴⁴

More recent studies show that animal abuse continues to be a prevalent issue in the twenty-first century. Ascione published another study in 2007 of 101 women in 5 domestic violence programs across Utah.⁴⁵ Over half of the women interviewed reported that their partners had hurt or threatened to hurt their pets.⁴⁶ As in Ascione's earlier study, around 23% of the women with pets reported that they delayed going to the domestic violence shelter due to concern for their pets' welfare.⁴⁷

Additionally, a study published in 2007 surveyed 1,300 women at a Texas domestic violence shelter and revealed that 25% of those who owned pets witnessed some form of pet abuse from their partner.⁴⁸ The study found that men who abused pets demonstrate more 'controlling' behaviors towards their partners than those who did not; controlling behaviors include isolation, physical and sexual mistreatment, blaming, and minimizing.⁴⁹ The results of the study may have been limited, as it could not include instances of animal cruelty unknown to the abused partner.⁵⁰ Thus, there may be an even more far-reaching effect of animal cruelty than is revealed through this study.

The relation of domestic violence and animal abuse is not limited to the United States.⁵¹ A study published in 2008 was conducted in Ireland, and found that thirteen of the twenty-three women interviewed at a women's refuge center had witnessed their abusive partner threaten or harm their pets.⁵² One woman reported the abuse continued even after she entered into a women's shelter, relaying that "my partner contacted me after I left, whilst still in the refuge to tell me

⁴¹ See Ascione, *supra* note 4, at 119 (specifying that 71% of the women in the study who identified as current or past pet owners reported that the abusing partner had "threatened and/or actually hurt or killed one or more of their pets").

⁴² *Id.* at 123, 125.

⁴³ *Id.* at 125.

⁴⁴ *Id.*

⁴⁵ Frank Ascione et al., *Battered Pets and Domestic Violence*, 13 VIOLENCE AGAINST WOMEN 354, 358 (2007).

⁴⁶ *Id.* at 361.

⁴⁷ See *id.* at 364 ("Overall, 22.8% of the [shelter] group women reported that concern for their pets' welfare had kept them from going to the domestic violence shelter sooner than they did.").

⁴⁸ Simmons & Lehmann, *supra* note 4, at 1214–15.

⁴⁹ *Id.* at 1212, 1219.

⁵⁰ *Id.* at 1220.

⁵¹ See, e.g., Gallagher et al., *supra* note 4, at 658 (describing a study of correlations between animal abuse and intimate partner violence in Dublin, Ireland).

⁵² *Id.* at 660.

that he had killed my dog, a dog I loved and had trained. He alleged that he had drowned him in a bog hole.”⁵³ All but one woman who saw their partner abuse their pet agreed the animal abuse was used to control themselves or their children.⁵⁴ This type of abuse is an example of controlling behavior in which the abuser uses the harm to the animal as a form of emotional abuse to the victim.⁵⁵ Overall, it is clear that domestic violence and animal cruelty frequently go hand in hand, causing harm to humans and animals who get too close to the perpetrator.

E. Extension to Child Abuse

There is a complex relationship between domestic violence, animal abuse, and child abuse. First, domestic violence itself can be child abuse, as allowing a child to witness domestic violence is a form of psychological maltreatment of the child.⁵⁶ But additionally, animal abuse can be used as a form of child abuse.⁵⁷ One such example involved a man repeatedly punching his dog in front of his girlfriend’s daughter and telling her that “[this is] what you do to dogs or kids who don’t do what they are supposed to do.”⁵⁸ In this instance, the abuse of the dog was a proxy for abuse to the child. Children in these situations are not only experiencing abuse but also witnessing their pets being injured or even killed. The loss of an animal can be extremely traumatic to children, with one study reporting that two-thirds of adolescents in an inpatient psychiatric unit shared that they had experienced the loss of a favorite pet and that it was perceived to be as bad as physical or verbal abuse.⁵⁹

A third connection appears in many of the above studies, which suggest that children who witness domestic violence are more likely to abuse animals.⁶⁰ Ascione’s 1998 study showed that 32% of women in the shelter reported their children had hurt or killed a pet.⁶¹ In his

⁵³ *Id.* at 661. According to Merriam-Webster’s dictionary, a bog hole is a hole or depression in the land with a spongy bottom. *Boghole*, WEBSTER’S THIRD NEW INTERNATIONAL DICTIONARY (1993).

⁵⁴ Gallagher et al., *supra* note 4, at 661.

⁵⁵ Jennifer Robbins, Note, *Recognizing the Relationship Between Domestic Violence and Animal Abuse: Recommendations for Change to the Texas Legislature*, 16 TEX. J. WOMEN & L. 129, 134 (2006).

⁵⁶ Barbara W. Boat, *Abuse of Children and Abuse of Animals: Using the Links to Inform Child Assessment and Protection*, in CHILD ABUSE, DOMESTIC VIOLENCE AND ANIMAL ABUSE: LINKING THE CIRCLES OF COMPASSION FOR PREVENTION AND INTERVENTION 83, 84 (Frank R. Ascione & Phil Arkow eds., 1999).

⁵⁷ Robbins, *supra* note 55, at 134, 140, 144.

⁵⁸ *Id.* at 129.

⁵⁹ Boat, *supra* note 56, at 91–92.

⁶⁰ Ascione, *supra* note 4, at 125; Ascione et al., *supra* note 45, at 362; see also Alberta Girardi & Joanna D. Pozzulo, *The Significance of Animal Cruelty in Child Protection Investigations*, 34 SOC. WORK RES. 53, 53 (2012) (citing multiple recent studies demonstrating that abused children are more likely to engage in animal abuse).

⁶¹ Ascione, *supra* note 4, at 125.

2007 study, Ascione reported that 35.7% of women in domestic violence programs witnessed their children abusing a pet.⁶² Possible reasons for this include children imitating the abuse they witness, or children unleashing anger and aggression towards animals who cannot fight back.⁶³ In all of these circumstances, the connection to child abuse has not gone unnoticed as several animal welfare agencies now participate in cross-coverage programs in which animal control officers called to an abuse scene will check not just on animal victims, but children as well.⁶⁴

As shown, the problems posed by animal abuse, sexual abuse, domestic violence, and child abuse are pervasive and interconnected. They are often difficult to detect, but when an offender is present in the household, it is likely to affect all members of the family. This impact on the family unit makes the connection between animal abuse and domestic violence one that requires a unique solution moving forward.

III. ABUSE REGISTRIES

Since the advent of modern sex offender registries in the 1990s, registries of all types have increased in breadth and popularity.⁶⁵ While earlier sex offender registries stemmed from a series of widely publicized and violent crimes towards children, today, a common theory for the popularity of registries is the need for individuals to feel safe through heightened control over potentially violent individuals.⁶⁶ This Part will examine the history and current status of both domestic violence registries and animal abuse registries in New Jersey and nationwide. This Part will also describe how states have handled the implementation of registries in the past and look at the language of the bills that have passed. Finally, this Part will share the criticisms of unintended collateral effects and ineffectiveness such registries faced upon introduction.

A. *Status of Domestic Violence Registries in New Jersey and Beyond*

While no state has enacted a publicly searchable domestic violence registry, law enforcement in many states are already utilizing their own state-run, but only privately-accessible, databases of domestic violence charges as a tool to combat this problem.⁶⁷ Several states, includ-

⁶² Ascione et al., *supra* note 45, at 362.

⁶³ Robbins, *supra* note 55, at 135.

⁶⁴ Boat, *supra* note 56, at 89–90.

⁶⁵ Elizabeth Reiner Platt, *Gangsters to Greyhounds: The Past, Present, and Future of Offender Registration*, 37 N.Y.U. REV. L. & SOC. CHANGE 727, 736–38 (2013).

⁶⁶ *See id.* at 736 (“[R]egistries make the public ‘feel safer by providing an increased sense of control over the sources of risk that seem most threatening.’”).

⁶⁷ *See, e.g.,* Young, *supra* note 25, at 780, 783 (“[N]o state has implemented a domestic violence database. As such, there is no empirical evidence on the effects of such a bill that can be analyzed.”).

ing Texas and New York, have considered an expansion of this program with the implementation of publicly searchable domestic violence registries as a solution to the limits of a privately-accessible database, but none have been successful thus far.⁶⁸ Challenges to domestic violence registries have included cost, victims' rights, and rights of the accused.⁶⁹ However, despite these challenges, registries also offer substantial benefits.⁷⁰

1. *New Jersey's Domestic Violence Registry*

In 1991, New Jersey passed the Prevention of Domestic Violence Act.⁷¹ After labeling domestic violence a "serious crime against society," the Act encouraged increasing the protection of victims through increased training of law enforcement in responding to domestic violence calls.⁷² As part of this mission, the Act requires the administrative office of the courts to maintain a private centralized domestic violence registry.⁷³ This registry is only accessible to authorized public agencies, law enforcement, certain parties to adoption proceedings, and the Division of Child Protection and Permanency.⁷⁴

In 2014, Assemblyman Reed Gusciora introduced a bill to the New Jersey General Assembly that would have created a *publicly* accessible domestic violence Internet registry.⁷⁵ Only certain offenses would have placed an abuser on the registry: the entry of a domestic violence-related restraining order for aggravated assault, domestic violence-related homicide, sexual assault, or aggravated assault involving domestic violence.⁷⁶ There was no community notification requirement associated with this registry; rather, it was formulated as a database the public could access at any time.⁷⁷ The extent of the information posted on the website would depend on the crime of the offender, but under no circumstance would the address of the offender be listed online.⁷⁸

⁶⁸ *Id.* at 771–72.

⁶⁹ *See infra* Part IV.D.

⁷⁰ *See infra* Part IV.A.

⁷¹ N.J. STAT. ANN. § 2C:25-17 (West 2020).

⁷² N.J. STAT. ANN. § 2C:25-18 (West 2020).

⁷³ N.J. STAT. ANN. § 2C:25-34 (West 2020).

⁷⁴ N.J. STAT. ANN. § 2C:25-34 (West 2020).

⁷⁵ Assemb. B. 2539, 216th Leg., Reg. Sess. (N.J. 2014).

⁷⁶ *Id.* at 2. The bill was edited to only include those three offenses, but originally included "all persons who have been charged with a crime or offense involving domestic violence, [and] all persons who have been charged with a violation of a court order involving domestic violence and all persons convicted of a domestic violence-related homicide, sexual assault or aggravated assault or a conspiracy or attempt to commit a domestic violence-related homicide, sexual assault or aggravated assault." *Id.* at 2.

⁷⁷ *Id.* at 3.

⁷⁸ *Id.* at 3–4.

After the bill was proposed, several negative comments about the registry came to the forefront.⁷⁹ The former chair of the Family Law Section at the New Jersey State Bar cited concerns that domestic violence convictions do not require a jury, and thus only the decision of a judge precedes a listing on the registry.⁸⁰ A family law attorney noted that children could access the registry and “[create] all kinds of problems.”⁸¹ Yet another attorney referred to the solution as a slippery slope in which anyone convicted of any type of assault could be added to a registry.⁸² While the committee approved the bill, it was never brought for a vote and has not been re-introduced.⁸³ However, in January of 2020, Assemblyman Wimberly sponsored a new bill establishing a public domestic violence internet registry, which is currently pending in committee.⁸⁴

2. Domestic Violence Registries Nationwide

Many states already utilize state-run registries of domestic violence-related protective orders, which are typically accessible only by law enforcement and the courts.⁸⁵ While no states thus far have online, publicly searchable registries, several states have proposed them, including Texas, New York, and Virginia.⁸⁶ The bill proposed in Texas

⁷⁹ See Matt Friedman, *N.J. Lawmaker Wants to Create Domestic Violence Offender Registry*, NJ.COM (updated Apr. 18, 2020), https://www.nj.com/politics/index.ssf/2013/11/nj_lawmaker_wants_to_create_domestic_violence_offender_registry.html [https://perma.cc/U6QJ-V6S5] (accessed Feb. 16, 2020) (“Patricia Barbarito, a former chair of the Family Law Section at the New Jersey State Bar, said Gusciora’s idea may be ‘overkill.’”); see also Kevin Mazza, *A Domestic Violence Registry: Solution or Slippery Slope?*, N.J. DIVORCE & FAM. LAW. BLOG (Dec. 6, 2013), <https://www.newjerseydivorcelawyer-blog.com/domestic-violence-registry-solution-slippery-slope/> [https://perma.cc/7TWS-L3RD] (accessed Jan. 20, 2020) (“[T]hose subject to the registry requirements under Megan’s Law either pled guilty to or were convicted of certain enumerated sex crimes. On the other hand, . . . the Prevention of Domestic Violence Act is not a criminal statute per se. . . . The kinds of offenses which would give rise to Megan’s Law would be tried in the Criminal Division of the Superior Court with a constitutional right to a trial by jury and where the state’s burden of proof must be established beyond a reasonable doubt. On the other hand, proceedings under the Prevention of Domestic Violence Act would be tried in the Family Division of the Superior Court without a jury, the State is not a party to the proceeding, rather it is a contest between the victim and the accused, and the burden of proof is only by the preponderance of the evidence.”).

⁸⁰ Friedman, *supra* note 79.

⁸¹ *Id.*

⁸² Mazza, *supra* note 79.

⁸³ N.J. Assemb. B. 2539.

⁸⁴ Assemb. B. 1921, 219th Leg., Reg. Sess. (N.J. 2020).

⁸⁵ See, e.g., W. VA. CODE ANN. § 48-27-802 (2019); N.Y. EXEC. LAW § 221-a (Consol. 2019); WYO. STAT. ANN. § 35-21-110 (2019); MISS. CODE ANN. § 93-21-25 (2019); IND. CODE ANN. § 5-2-9-5.5 (2019); CONN. GEN. STAT. § 51-5c (2019).

⁸⁶ See, e.g., H.B. 100, 82nd Leg., Reg. Sess. (Tex. 2011) (relating to a central database containing information on certain offenders committing dating or familial violence offenses); Assemb. B. S3819, 2011–12 Leg., Reg. Sess. (N.Y. 2011) (establishing the Domestic Violence Registration Act); H.B. 1932, 2011 Gen. Assemb., Reg. Sess. (Va. 2011) (requiring any previously registered domestic abuser to register with the sheriff or county (who will forward information to the State Police to be entered on the domes-

included a ‘three-strike’ provision, in which only offenders with three or more domestic violence convictions would be added to the registry.⁸⁷ In contrast, New York’s bill only required one felony conviction of a domestic violence offense for the offender to be listed on the registry.⁸⁸ Virginia’s bill included any “domestic abuser” convicted of one offense, but specified only three types of offenses that would result in addition to the registry: violation of a protective order, assault on a family or household member, or battery on a family or household member.⁸⁹ None of these bills were ever brought to the floor for a vote.⁹⁰

After the introduction of the New York bill, the New York City Bar Association issued a report opposing the registry, citing to the lack of evidence showing registries are effective at reducing crime.⁹¹ However, much of the existing research on the effectiveness of registries—this report included—is based solely on sex offender registries.⁹² The reasons for the ineffectiveness of sex offender registries may not apply to domestic violence registries, especially given the success of batterer intervention programs, which do show a lower rate of recidivism for those who complete the program.⁹³ Likewise, as no states have thus far enacted a domestic violence registry, the impact or effectiveness of these registries cannot be researched.⁹⁴

The Bar Association’s report also opposed the inclusion of disorderly conduct as an offense, which would lead to registration on the domestic violence registry, calling it a “red flag” that could vastly increase the number of individuals listed in the registry.⁹⁵ Virginia’s bill failed primarily due to difficulties in funding the registry.⁹⁶ The committee evaluating the bill released a fiscal impact statement estimating the cost of implementing such a registry at over four million

tic abuser registry) no later than 10 days after moving to a location within the Commonwealth).

⁸⁷ Tex. H.B. 100.

⁸⁸ N.Y. S3819, § 2 (defining a domestic violence offender as someone who is convicted of “any of the domestic violence offenses” set forth in the bill).

⁸⁹ Va. H.B. 1932.

⁹⁰ Tex. H.B. 100; N.Y. Assemb. B. S3819.

⁹¹ KERRY WARD, ASS’N B. CITY N.Y., REPORT ON LEGISLATION BY THE CRIMINAL COURTS COMMITTEE 2 (2018), <https://s3.amazonaws.com/documents.nycbar.org/files/2017284-BrittanyLaw.pdf> [<https://perma.cc/EU7G-QSDG>] (accessed Apr. 18, 2020).

⁹² See *id.* at 2–3 (“[W]e nonetheless believe that a review of the literature studying New York’s *Sex Offender Registry* provides strong support that a violent felony offender registry would be ineffective . . .”) (emphasis added).

⁹³ See Young, *supra* note 25, at 790 (“Studies have been conducted on the effectiveness of BIPs in reducing domestic violence recidivism. A study in 1989 found that batterers who actually completed abuser-treatment programs were less likely to recidivate. A more recent study found that batterer programs have a significant effect on reducing recidivism but concluded that a program on its own was not enough . . . The domestic violence offender database could be the solution to this problem.”).

⁹⁴ *Id.* at 783.

⁹⁵ WARD, *supra* note 91, at 6.

⁹⁶ Young, *supra* note 25, at 772.

dollars.⁹⁷ However, this cost was due to the creation of a new felony charge for abusers who failed to notify law enforcement of a change in their information, which increased a need for prison beds.⁹⁸ Otherwise, the registry was expected to be maintained by the state police, and the fiscal impact statement did not include any other anticipated costs.⁹⁹ In contrast, the Texas bill would not have created a new felony charge, and thus the legislative budget board reported the registry posed no significant fiscal impact to the state.¹⁰⁰

In 2007, the National Domestic Violence Registry created a website advertising a privately-run national domestic violence database.¹⁰¹ However, despite requesting submissions of domestic violence offenders and their physical characteristics, birthdate, county in which the offense occurred, and other information, the website does not currently provide access to any such listing of convicted offenders.¹⁰² The website explains that it is an incomplete record of those who have domestic violence charges.¹⁰³ This is likely due to the fact that the registry relies on volunteers and individual submissions to update the list of offenders.¹⁰⁴ Compare this to the New Jersey state-run registry, which requires the administrative office of the courts to update the registry upon convictions and the entry of civil protection orders.¹⁰⁵ The website itself ends its disclaimer by announcing that it is “interested in helping state legislators strengthen their domestic violence registry legislation,” indicating its support for public, state-run registries.¹⁰⁶

B. Status of Animal Abuse Registries in New Jersey and Beyond

Animal abuse registries have garnered national attention as, in the 2018 session, eleven states proposed or further considered animal

⁹⁷ See VA. CRIM. SENT'G COMM'N, FISCAL IMPACT STATEMENT FOR PROPOSED LEGISLATION 1 (2010), <https://lis.virginia.gov/cgi-bin/legp604.exe?111+oth+HB1932F160+PDF> [<https://perma.cc/H6HT-9LLW>] (accessed Apr. 18, 2020).

⁹⁸ *Id.* at 3.

⁹⁹ *Id.* at 1.

¹⁰⁰ TEX. H.B. 100; LEGIS. BUDGET BD., FISCAL NOTE, H.B. 100, 82nd Reg. Sess., at 1 (2011), <https://capitol.texas.gov/tlodocs/82R/fiscalnotes/pdf/HB00100I.pdf#navpanes=0> [<https://perma.cc/J36J-3UEX>] (accessed Apr. 18, 2020).

¹⁰¹ NAT'L DOMESTIC VIOLENCE REGISTRY, <https://www.domesticviolencedatabase.net/> (accessed Apr. 18, 2020); see also Amanda Gordon, *Domestic Violence Registries*, CONN. GEN. ASSEMBLY OFF. OF LEGIS. RES. (June 27, 2011), <https://www.cga.ct.gov/2011/rpt/2011-R-0196.htm> [<https://perma.cc/SGG5-4KPB>] (accessed Feb. 1, 2020) (“Currently, there are no state-run domestic violence registries, although legislation creating them in Texas and New York was considered earlier this year. But a private enterprise, The National Domestic Violence Registry (NDVR) (which began as and was formerly under The Weaker Vessel Ministry, Inc.) recently created the ‘first national database model for domestic violence convictions.’”).

¹⁰² NAT'L DOMESTIC VIOLENCE REGISTRY, *supra* note 101.

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ N.J. STAT. ANN. § 2C:25-34 (West 2012).

¹⁰⁶ NAT'L DOMESTIC VIOLENCE REGISTRY, *supra* note 101.

abuse registry legislation.¹⁰⁷ In the 2018 legislative session, New Jersey proposed an animal abuse registry for the fifth time in its history.¹⁰⁸ However, despite the increase in registry interest, Tennessee remains the only state to have enacted an animal abuse registry.¹⁰⁹

1. *The New Jersey Animal Abuser Registry*

Currently, a bill for an Animal Abuser Registry is pending in the New Jersey Senate and General Assembly.¹¹⁰ This bill would require the Attorney General to establish a centralized registry containing information for all registered animal abusers.¹¹¹ The proposed registry would not be open to the public, but rather only be available to law enforcement agencies and several family-oriented divisions within the state.¹¹²

When an offender moves into the municipality, law enforcement may be required to notify the public of their presence in a two-tiered system based on their risk of re-offending.¹¹³ Only law enforcement agencies will have notification of low-risk re-offenders.¹¹⁴ However, if the offender is defined as high-risk, a broader range of individuals will be contacted: law enforcement, members of the public who are likely to encounter the offender, animal shelters, animal welfare groups, and a variety of other organizations.¹¹⁵ The bill leaves the task of defining

¹⁰⁷ S.B. 2014, 29th Leg., Reg. Sess. (Haw. 2018); H.B. 1332, 120th Gen. Assemb., 2nd Reg. Sess. (Ind. 2018); H.B. 1629, 2018 Gen. Assemb., 438th Sess. (Md. 2018); Assemb. B. 317, 2018 Assemb., 2017–18 Reg. Sess. (N.Y. 2017); S.B. 278, 218th Leg., 2018 Sess. (N.J. 2018); H.B. 852, 190th Gen. Court, 2017–18 Sess. (Mass. 2017); S.B. 2474, 2018 Leg., Reg. Sess. (Miss. 2018); H.B. 2614, 56th Leg., 2nd Sess. (Okla. 2018); H.B. 7025, Gen. Assemb., Jan. Sess. (R.I. 2018); S.B. 32, 2018 Gen. Assemb., 2018 Sess. (Va. 2018); S.B. 5804, 65th Leg., 2017 Reg. Sess., (Wash. 2017).

¹⁰⁸ Assemb. B. 719, 218th Leg., Reg. Sess. (N.J. 2018); Assemb. B. 1291, 217th Leg., Reg. Sess. (N.J. 2016); Assemb. B. 1221, 216th Leg., Reg. Sess. (N.J. 2014); Assemb. B. 2528, 215th Leg., Reg. Sess. (N.J. 2012); Assemb. B. 3082, 214th Leg., Reg. Sess. (N.J. 2010).

¹⁰⁹ TENN. CODE ANN. § 40-39-103 (2016); *see also* Jonathan Maes, *New Law Will Require Animal Abusers to Be Registered Like Sex Offenders*, ANIMAL CHANNEL (Dec. 22, 2017), <https://animalchannel.co/prevent-animal-cruelty-registry/> [<https://perma.cc/G7XW-HMMN>] (accessed Apr. 18, 2020) (“Tennessee is the first and currently only state with an animal abuse registry, although large cities are using the idea as well.”).

¹¹⁰ N.J. S.B. 278; N.J. Assemb. B. 719.

¹¹¹ N.J. Assemb. B. 719.

¹¹² *See id.* (“Records maintained pursuant to this act shall be open to any law enforcement agency in this State, any other state, or the United States government, and may be released to the Office of Animal Welfare in the Department of Health and Senior Services, or to the Division of Child Behavioral Health Services, the Division of Prevention and Community Partnerships, or the Division of Youth and Family Services in the Department of Children and Families, for use in carrying out the office’s and the divisions’ respective responsibilities under law.”).

¹¹³ *Id.* at 10–11.

¹¹⁴ *Id.* at 12.

¹¹⁵ *Id.* (“If the risk of re-offense is moderate or high, members of the public likely to encounter the person registered, as well as animal shelters, pet adoption societies, Societies for the Prevention of Cruelty to Animals, humane societies, veterinarian’s offices,

factors for low and high risk to the Attorney General; however, the bill suggests including remorse, repetitive offenses, prior criminal history, and the use of the animal abuse to harm others emotionally as items to consider.¹¹⁶

This is not the first time the New Jersey legislature proposed an animal abuser registry.¹¹⁷ The first four times the bill was proposed, it died in committee.¹¹⁸ Interestingly, the 2016 to 2017 session introduced two bills regarding an animal abuse registry.¹¹⁹ One of them made it past committee, and was unanimously approved in both the House and Assembly.¹²⁰ However, it was ultimately pocket vetoed by Governor Chris Christie on his way out of office.¹²¹ While in office, Christie rejected several animal-friendly bills, including a bill aimed at limiting puppy mills and a bill banning gestation crates for pregnant pigs.¹²² Governor Phil Murphy has not made a statement to date on his intent to veto or sign the current animal abuse registry bill, but his action on other animal rights issues—such as his ban on the New Jersey bear hunt—is a positive sign for the future of the bill.¹²³

2. *Nationwide: Tennessee and Beyond*

Currently, Tennessee is the only state to have enacted an animal abuser registry.¹²⁴ Tennessee's registry is publicly accessible and includes the abuser's name, photograph, and other identifying information.¹²⁵ An abuser is listed on the registry after the first offense and

and any other private or government sponsored animal welfare or animal control groups in the offender's community, shall be notified").

¹¹⁶ N.J. S.B. 278.

¹¹⁷ N.J. Assemb. B. 1291; N.J. Assemb. B. 1221; N.J. Assemb. B. 2528; N.J. Assemb. B. 3082.

¹¹⁸ See N.J. Assemb. B. 3082 (attempting to establish the N.J. Animal Abuser Registry); see also N.J. Assemb. B. 2528 (showing that the bill establishing the New Jersey Animal Abuser Registry was introduced and subsequently died in committee); N.J. Assemb. B. 1221 (showing the bill was introduced and referred to Assembly Agriculture and Natural Resources Committee but no further action was taken); N.J. Assemb. B. 1291 (showing that the bill attempting to establish the N.J. Animal Abuser Registry was referred to committee with no action following).

¹¹⁹ N.J. Assemb. B. 1291; Assemb. B. 3421, 217th Leg., Reg. Sess. (N.J. 2018).

¹²⁰ N.J. Assemb. B. 3421.

¹²¹ *Unleash Animal Abuse Registry*, BURLINGTON CTY. TIMES (June 13, 2018), <https://www.burlingtoncountytimes.com/opinion/20180613/editorial-unleash-animal-abuse-registry> [<https://perma.cc/YH2C-WQNL>] (accessed Apr. 18, 2020).

¹²² Susan K. Livio, *Christie Rejects Bill Regulating Puppy Mills, Saying It Goes 'Too Far'*, NJ.COM (updated Jan. 16, 2019), https://www.nj.com/politics/index.ssf/2017/05/christie_rejects_bill_that_goes_too_far_regulating.html [<https://perma.cc/T99T-5NW2>] (accessed Feb. 1, 2020); Mark Bittman, *Christie's Pig-Crate Politics*, N.Y. TIMES (Dec. 2, 2014), <https://www.nytimes.com/2014/12/03/opinion/christies-pig-crate-politics.html> [<https://perma.cc/9J4R-PBQZ>] (accessed Apr. 18, 2020).

¹²³ N.J. Exec. Order No. 34 (2018).

¹²⁴ Mary Esch, *Early Warning Sign? More States Consider Animal Abuser Lists*, DENV. POST (Feb. 26, 2018, 9:26 PM), <https://www.denverpost.com/2018/02/26/animal-abuse-public-online-registries/> [<https://perma.cc/MRW7-8SP9>] (accessed Apr. 18, 2020).

¹²⁵ TENN. CODE ANN. § 40-39-103 (2019).

remains on the registry for two years; following a second offense, they remain on the registry for five years.¹²⁶ However, there are only three types of animal abuse that result in an offender appearing on the registry: aggravated cruelty to animals, animal fighting, or criminal offenses against animals.¹²⁷

To date, sixteen individuals appear on the registry.¹²⁸ This low number may be due to its relatively new enactment, with only four years thus far of implementation.¹²⁹ Additionally, a frequent criticism of registries is that they are widely over-inclusive, resulting in an “ever-increasing number of crimes” that result in registration.¹³⁰ By limiting crimes that result in registration to just three of the most severe animal abuse crimes, Tennessee’s registry could be working as intended to prevent such over-registration.¹³¹

Ten other states have considered legislation to create an animal abuser registry: Hawaii, Indiana, Maryland, Massachusetts, Mississippi, New York, Oklahoma, Rhode Island, Virginia, and Washington.¹³² Many of these bills died in committee or were never brought for a vote.¹³³ Several municipalities have also enacted animal abuse registries; this includes New York City, which created a municipality-run registry only accessible by law enforcement, district attorneys, and organizations that sell or transfer animals.¹³⁴ Notably, this law mandates that pet shops and animal shelters consult the registry prior to transferring ownership of an animal.¹³⁵ Abusers listed on the registry

¹²⁶ *Id.*

¹²⁷ *Id.* § 40-39-102.

¹²⁸ *Tennessee Animal Abuser Registry*, TENN. BUREAU OF INVESTIGATION, <https://www.tn.gov/tbi/tennessee-animal-abuse-registry.html> [<https://perma.cc/NJ6K-KVLX>] (accessed Apr. 18, 2020).

¹²⁹ *See* TENN. CODE ANN. § 40-39-103 (mandating that the registry’s effective date was January 1, 2016).

¹³⁰ Platt, *supra* note 65, at 755.

¹³¹ TENN. CODE ANN. § 40-39-102.

¹³² Haw. S.B. 2014; Ind. H.B. 1332; Md. H.B. 1629; Mass. H.B. 852; Miss. S.B. 2474; N.Y. A.B. 317; Okla. H.B. 2614; R.I. H.B. 7025; Va. S.B. 32; Wash. S.B. 5804.

¹³³ *See Hawaii Senate Bill 2014*, LEGISCAN, <https://legiscan.com/HI/bill/SB2014/2018> [<https://perma.cc/PYD2-4H66>] (accessed Apr. 18, 2020) (showing bill died in committee); *see also Indiana House Bill 1332*, LEGISCAN, <https://legiscan.com/IN/bill/HB1332/2018> [<https://perma.cc/3JT7-KPUK>] (accessed Apr. 18, 2020) (showing bill died in committee); *see also Maryland House Bill 1629*, LEGISCAN, <https://legiscan.com/MD/bill/HB1629/2018> [<https://perma.cc/RR7D-XD6V>] (accessed Apr. 18, 2020) (showing bill died in chamber); *see also New York Senate Bill 1485*, LEGISCAN, <https://legiscan.com/NY/bill/S01485/2017> [<https://perma.cc/JNV4-FBB5>] (accessed Apr. 18, 2020) (showing bill died in committee). While it is not clear exactly why these bills fail so frequently, animal rights are often a highly-politicized issue, with Democrats typically supporting animal rights measures and Republicans—allied with the hunting lobby and National Rifle Association—typically opposing them. *See, e.g.,* Rebecca Rifkin, *In U.S., More Say Animals Should Have Same Rights as People*, GALLUP (May 18, 2015), <https://news.gallup.com/poll/183275/say-animals-rights-people.aspx> [<https://perma.cc/YR3N-CCQC>] (accessed Apr. 18, 2020).

¹³⁴ N.Y. COMP. CODES R. & REGS. tit. 17, § 1602 (2019).

¹³⁵ *Id.* § 1605.

are not permitted to own or physically interact with any animal, and if they are found to violate this rule, they could be jailed for up to one year or face a \$1,000 fine.¹³⁶

At one time, two privately-run, publicly accessible registries existed.¹³⁷ These were Through Their Eyes, a non-profit based out of New Hampshire, and Pet-Abuse.com, which included animal abusers from other countries as well as the United States.¹³⁸ However, neither website remains in existence today, indicating that private registries are not as reliable as government-run registries.¹³⁹ Nevertheless, the fact that these websites once existed shows that the public is interested in having access to an animal abuse registry.

IV. CREATING PUBLICLY ACCESSIBLE DOMESTIC VIOLENCE AND ANIMAL ABUSE REGISTRIES

As this Note will show, while the public has an interest in and need for domestic violence and animal abuse registries, these registries either do not exist in many states or are not publicly searchable.¹⁴⁰ In addition, these registries provide no mechanism for cross-referencing.¹⁴¹ This means that a person listed in a domestic violence registry, but not an animal abuse registry, can obtain a pet despite the correlation between domestic violence and animal cruelty. This Part proposes that New Jersey create publicly searchable domestic violence and animal abuse registries, and provide a mechanism for cross-reporting between the registries such that the name of an individual who is registered in the domestic violence registry would show up in a search of the animal abuse registry and vice versa. First, this Part will discuss the benefits of both domestic violence registries and animal abuse registries. Following this, it will discuss the benefits of cross-reporting these two registries, and what potential cross-reporting could look like. Finally, it will examine the challenges posed by registries and ways in which to remedy these concerns.

A. *Encouraging Adoption of a Publicly Accessible Domestic Violence Registry in New Jersey*

As shown in Part II, the human and economic costs of domestic violence are significant and require creative solutions. A domestic violence registry will help potential victims protect themselves, break the cycle of abusive relationships, assist law enforcement in responding to

¹³⁶ *Id.* §§ 1604, 1607.

¹³⁷ Nowicki, *supra* note 9, at 229.

¹³⁸ *Id.*

¹³⁹ A search in Google for either of these websites reveals they are no longer up and running. *See, e.g.*, PET-ABUSE.COM, <https://www.pet-abuse.com/> [<https://perma.cc/88CD-GJDC>] (accessed Feb. 26, 2020) (showing that the website is unavailable).

¹⁴⁰ *See supra* Part III (discussing the lack of, or deficiencies with, abuse registries).

¹⁴¹ *Id.*

domestic violence calls, and help with the administration of domestic violence court cases.

First, registries provide benefits to law enforcement officers.¹⁴² The New Jersey Judiciary explains that their court-run registry, which is only accessible by “law enforcement agencies and family court domestic violence personnel”, helps to enhance the safety of both domestic violence victims and the officer in responding to a call.¹⁴³ The West Virginia Judiciary affirms this sentiment concerning its registry.¹⁴⁴ Consider that officers are more likely to be shot answering domestic disturbance calls than any other call.¹⁴⁵ A registry provides a warning to police before responding to a particularly dangerous domestic disturbance call as it provides the party’s history and the possible presence of a weapon in the home.¹⁴⁶ Admittedly, this is a benefit regardless of whether the registry is public or private.

A second benefit is that registries assist with facilitating protective orders.¹⁴⁷ One way they help is by sharing information on existing protective orders to law enforcement across municipalities and counties.¹⁴⁸ Another benefit is that a registry can prevent duplicative protective orders.¹⁴⁹ In the words of Judge Colleen White, “[f]or a judge who presides over domestic violence cases, it is critical to have the ability to get immediate online access to court protective orders. This registry will enhance victim safety and help ensure that judges do not make duplicate or conflicting court orders.”¹⁵⁰ This makes clear that by using an organized system, protective order registries work not only to protect victims of domestic violence, but also to protect perpetrators from repetitious orders from multiple judges.¹⁵¹ Again, this benefit is possible through an entirely private registry, but it is more difficult

¹⁴² *Domestic Violence Registry*, W. VA. JUDICIARY, <http://www.courtswv.gov/public-resources/domestic/domestic-violence-registry.html> [https://perma.cc/3TNH-9VUB] (accessed Apr. 18, 2020); *New Jersey Judiciary Domestic Violence Program*, N.J. CTS., <https://njcourts.gov/courts/family/dv.html> [https://perma.cc/U2WZ-9W93] (accessed Apr. 18, 2020).

¹⁴³ *New Jersey Judiciary Domestic Violence Program*, *supra* note 142.

¹⁴⁴ *Domestic Violence Registry*, *supra* note 142.

¹⁴⁵ Natalie Schreyer, *Domestic Abusers: Dangerous for Women—and Lethal for Cops*, USA TODAY (updated Apr. 9, 2018, 7:30 AM), <https://www.usatoday.com/story/news/nation/2018/04/09/domestic-abusers-dangerous-women-and-lethal-cops/479241002/> [https://perma.cc/VBL6-HY5 E] (accessed Apr. 18, 2020).

¹⁴⁶ See Carolyne R. Dilgard, *Crossing the Line: The Interstate Implications of Issuing and Enforcing Domestic Violence Protection Orders: An Examination of New Jersey*, 35 RUTGERS L. J. 253, 289 (2003) (“[Registries are] key to effective enforcement because it is unclear when, where, and if the abuser will strike again. Any officer responding to a domestic violence call must have access to the parties’ past history and information on the likelihood that a weapon is in the home.”).

¹⁴⁷ *New Jersey Judiciary Domestic Violence Program*, *supra* note 142.

¹⁴⁸ *Id.*

¹⁴⁹ *One Branch: California Courts Protective Order Registry*, CAL. CTS., https://www.courts.ca.gov/documents/2011_Innovations_final_web_101411.pdf [https://perma.cc/AMK5-763X] (accessed Feb. 5, 2020).

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

when not all states or municipalities have enacted one and cannot easily share data on protective orders.¹⁵²

One final benefit can only be achieved through a public registry: preventing domestic violence in the first place.¹⁵³ Registries allow women to see if a potential partner has a history of domestic violence, providing a tool to avoid violent relationships before they start.¹⁵⁴ A registry can work remedially as well. Often, domestic violence is cyclic, in which the abuser acts violently, then follows his abuse with remorse and promises to change.¹⁵⁵ If a victim of domestic violence checks a registry and sees her abuser's name listed with a previous conviction, this may allow her to accept that her partner will not change his abusive behavior.¹⁵⁶ This information could also come from a concerned friend or family member who searches the registry.¹⁵⁷ Publicly-searchable registries provide this benefit while private registries, inaccessible to most citizens, cannot. Overall, registries assist in facilitating the justice system while protecting victims and police officers from harm.

B. *Encouraging Adoption of a Publicly Accessible Animal Abuser Registry in New Jersey*

The ideal animal abuse registry would mirror the domestic violence database argued for above: it would be state-run and publicly accessible. A frequent criticism of animal abuse laws is that they do not go far enough and instead institute only cursory punishments.¹⁵⁸ Currently, in New Jersey, the penalty for needlessly killing an animal

¹⁵² The Violence Against Women Act (VAWA), as of 2013, required the states to facilitate private protective order and domestic violence registries in order to receive federal funding. 34 U.S.C.S. §§ 12441–12444 (LexisNexis 2019). However, VAWA has expired and is yet to be renewed, leaving the future of this short-lived registry incentive in the balance. See Ella Ceron, *The Violence Against Women Act Was Stalled in Congress. Rep. Deb. Haaland Isn't Letting that Stop Her*, MTV (Sept. 23, 2019), <http://www.mtv.com/news/3140073/rep-deb-haaland-interview-violence-against-women-act-native-voices/> [<https://perma.cc/EFF4-MUQY>] (accessed Apr. 18, 2020) (arguing for the renewal of VAWA).

¹⁵³ Young, *supra* note 25, at 772.

¹⁵⁴ *Id.* at 773.

¹⁵⁵ *Id.* at 777.

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ See, e.g., Heather Catalo, *Torture of Dogs in Oakland County Prompts Prosecutors to Call for Tougher Animal Abuse Laws*, WXYZ DET. (updated Dec. 21, 2018, 9:01 AM), <https://www.wxyz.com/news/local-news/investigations/torture-of-dogs-in-oakland-county-prompts-prosecutors-to-call-for-tougher-animal-abuse-laws> [<https://perma.cc/2ACC-T35C>] (accessed Apr. 18, 2020) (discussing two Michigan bills that seek to remedy issues with current animal cruelty laws that “don’t go far enough”); Jordan Fenster, *Animal Abuse Laws are Ineffective and Outdated, Advocates Say*, LOHUD (updated Feb. 1, 2018, 9:11 AM), <https://www.lohud.com/story/news/local/2018/02/01/animal-cruelty-laws-ineffective/1083847001/> [<https://perma.cc/YHD3-R3T4>] (accessed Apr. 18, 2020); Briana Greco, *Weak Animal Cruelty Laws and Their Negative Effects*, TANGERINE (Mar. 24, 2017), <https://uctangerine.com/2017/03/24/weak-animal-cruelty-laws-and-their-negative-effects/> [<https://perma.cc/PG9U-PPDV>] (accessed Apr. 18, 2020).

cannot exceed a fine of \$1,000 and imprisonment of six months.¹⁵⁹ Supporting this contention is the New Jersey Animal Abuser Registry Bill, which explains that even after jail time and fines, those who participate in animal fighting are likely to continue with such behavior.¹⁶⁰ An animal abuse registry, on the other hand, could provide a powerful discouragement for choosing to break the law, instead of just a simple fine. Public backlash to cases of animal cruelty is often widespread and aggressive. Consider the public response following Michael Vick being signed to the Eagles despite a dog-fighting conviction—creation of apparel reading “Hide Your Beagles, Vick’s An Eagle” and a website entitled “sackvick.net” as just two examples of such backlash.¹⁶¹ As opposed to a monetary fine, this public response accompanies a listing on a publicly accessible registry, and thus heightens the deterrence for such acts.

Another criticism is that the New Jersey sex offender registry does not include those who sexually assault animals.¹⁶² According to licensed psychologists, “a history of bestiality [is] the single greatest predictor for engaging in future child sexual abuse.”¹⁶³ In general, it is clear that a significant relationship exists between sexual offenders and sexual abusers of animals.¹⁶⁴ The primary justification for the New Jersey sex offender registry was to allow the public to see if sex offenders live nearby, alerting them if they need to take extra precautions in protecting their families.¹⁶⁵ This inconsistency with bestiality places children at risk, as those who sexually assault animals will not appear on the sex offender registry. Nonhuman family members are also at risk from this inconsistency, as stories of neighbors sexually assaulting nearby pets are common.¹⁶⁶ While sexual abusers of ani-

¹⁵⁹ N.J. STAT. ANN. §§ 4:22-17 (West 2019).

¹⁶⁰ N.J. S.B. 278 § 2.

¹⁶¹ *Vick Reaction? Via E-commerce, Protest*, ESPN (Aug. 15, 2009), <http://www.espn.com/nfl/news/story?id=4401105> [<https://perma.cc/AS3A-FSHN>] (accessed Apr. 18, 2020).

¹⁶² See N.J. STAT. ANN. § 2C:7-2(b) (West 2018) (defining “sex offense” with no reference to the sexual assault of animals).

¹⁶³ Scott A. Johnson, *Animal Cruelty, Pet Abuse & Violence: The Missed Dangerous Connection*, 6 FORENSIC RES. & CRIMINOLOGY INT’L J. 403, 409 (2018).

¹⁶⁴ *Id.*

¹⁶⁵ See N.J. STAT. ANN. § 2C:7-12 (West 2018) (“Knowledge of whether a person is a convicted sex offender at risk of re-offense could be a significant factor in protecting oneself and one’s family members . . .”).

¹⁶⁶ See, e.g., Taylor Corbett, *Bellmead Man Indicted for Sexually Abusing Neighbor’s Dog*, CENT. TEX. NEWS NOW (updated Aug. 30, 2018, 8:04 AM), <http://www.kxxv.com/story/38602058/bellmead-man-indicted-for-sexually-abusing-neighbors-dog> [<https://perma.cc/696T-MBJL>] (accessed Apr. 18, 2020); *St. Johns Sex Predator Charged with Having Sex with Neighbor’s Dog*, FL. TIMES-UNION (July 26, 2013, 3:50 PM), <https://www.jacksonville.com/news/crime/2013-07-26/story/st-johns-sex-predator-charged-having-sex-neighbors-dog> [<https://perma.cc/5EU6-RR6W>] (accessed Apr. 18, 2020); *Woman Says Man Sexually Assaulted Her Dog*, WIS NEWS (updated June 26, 2012, 7:27 AM), <http://www.wistv.com/story/16477094/woman-says-man-sexually-assaulted-her-dog/> [<https://perma.cc/4BJA-JSEA>] (accessed Apr. 18, 2020).

imals are not on the sex offender registry due to their different victims, their names could still appear on the animal abuse registry in the interests of informing the public of their crimes.

Additionally, as New York City shows, a registry can be used to prevent animal abusers from buying pets.¹⁶⁷ While not common, it is possible for people to adopt pets and eventually harm them.¹⁶⁸ Requiring pet shops and shelters to check a comprehensive, state-run registry could prevent abuse from happening in the first place where such adopters had existing animal abuse charges or convictions. It could also make it more difficult for hoarders, who have a recidivism rate of nearly 100%, to acquire more animals.¹⁶⁹ Animal hoarding currently accounts for more animal abuse cases than all acts of intentional cruelty combined.¹⁷⁰ Reducing hoarding through this registry-checking requirement could thus prevent many cases of animal cruelty.

A final benefit is that registries could make it more difficult for animal abusers—such as puppy mills—to sell animals online.¹⁷¹ The online sale of animals is currently unregulated.¹⁷² The Humane Society of the United States (HSUS) reports that in almost all of their puppy mill rescue cases, “the puppy mills sold puppies via the internet using legitimate-looking ads or websites that made it look like the dogs came from somewhere happy and beautiful, claims that could not have been further from the truth.”¹⁷³ Animal abusers running puppy mills could be discouraged from selling animals this way if the public could easily search their names and find out that the seller has a past animal abuse charge.¹⁷⁴ Thus, the addition of a registry could prevent the public from supporting such crimes.

¹⁶⁷ N.Y. COMP. CODES R. & REGS. tit. 17, § 1605 (2019).

¹⁶⁸ See, e.g., Erika Ritchie, *LAPD Issues Search Warrant in Alleged Sexual Assault and Battery of Pit Bull Adopted from OC Shelter*, ORANGE COUNTY REG. (Aug. 13, 2018), <https://www.ocregister.com/2018/08/13/lapd-issues-search-warrant-in-alleged-sexual-assault-and-battery-of-pit-bull-adopted-from-oc-shelter/> [<https://perma.cc/K6UL-PC8T>] (accessed Apr. 18, 2020) (detailing the story of a pit bull who was adopted from a shelter and later found dying from wounds sustained through sexual assault and battery); Lorena Mongelli & Jackie Salo, *Long Island Couple Tortured and Viciously Beat Adopted Dogs to Death: DA*, NEW YORK POST (May 15, 2019), <https://nypost.com/2019/05/15/long-island-couple-tortured-and-killed-adopted-dogs-da/> [<https://perma.cc/K89K-FAW8>] (accessed Apr. 18, 2020) (detailing the story of a couple who tortured and beat three adopted dogs, two of which died from their injuries); Kimberly Craig, *Man Accused of Killing Adopted Dog Told Roommate Dog Went to a Good Home*, WXYZ DETROIT (Jan. 31, 2019), <https://www.wxyz.com/man-accused-of-killing-adopted-dog-told-roommate-dog-went-to-a-good-home> [<https://perma.cc/78ZF-2FA6>] (accessed Apr. 18, 2020) (discussing the case of a man who stabbed an adopted dog to death).

¹⁶⁹ Courtney G. Lee, *Never Enough: Animal Hoarding Law*, 47 U. BALT. L. REV. 23, 23 (2017).

¹⁷⁰ *Id.* at 33.

¹⁷¹ Nowicki, *supra* note 9, at 217.

¹⁷² *Id.*

¹⁷³ *Where to Get a Puppy*, HUMANE SOC'Y U.S., <https://www.humanesociety.org/resources/where-get-puppy> [<https://perma.cc/M8BP-CVQ2>] (accessed Apr. 18, 2019).

¹⁷⁴ See Nowicki, *supra* note 9, at 217 (discussing how an animal abuse registry will discourage animal abusers from selling on the internet).

Finally, animal abuse registries can also address domestic violence and child abuse.¹⁷⁵ As noted above, several animal welfare agencies now require humane officers, when responding to animal abuse allegations, to also check on the welfare of children in the home.¹⁷⁶ Animal abusers are at a heightened risk of harming other members in the home, and thus a registry can signal to humane officers to be on the lookout for family violence. This is discussed in detail below.¹⁷⁷ The benefits that animal abuse registries provide include increasing punishments for abusers, lessening the risk posed by sex offenders, keeping animals out of the hands of abusers, and preventing puppy mills from selling animals online. Subsequently, they work to protect both humans and animals that are vulnerable to violent abusers.

C. *The Use of Cross-Checking Registries*

Cross-checking programs encourage animal control officers, child abuse investigators, and domestic violence investigators to share information when they believe other types of abuse could be present.¹⁷⁸ In these programs: “[I]f an animal control officer determines that an animal is suffering, the officer also checks on how the children are doing. Child protective services workers reciprocate by noting the condition of animals when they investigate a case. Even where the connection is not formalized, professionals are cooperating.”¹⁷⁹

Through this process, cross-checking registries can help to catch abuse that otherwise would have remained unnoticed.¹⁸⁰ Child and animal abuse, in particular, typically go unreported, as their victims are not as able to report maltreatment.¹⁸¹ While twelve states and the District of Columbia currently mandate cross-reporting between animal control officers, child abuse investigators, and domestic violence investigators, New Jersey is not currently one of them.¹⁸² Mandated cross-checking of the registries, rather than relying on notification by the agencies involved, would ensure that other forms of abuse are caught as early as possible.

Cross-checking registries could also work to catch violence graduation among young abusers. Violence graduation theory suggests that children with violent tendencies first assault animals, then become desensitized to the consequences of this behavior, and graduate to harm-

¹⁷⁵ See *supra* Part II.E (discussing the connection between animal abuse, domestic violence, and child abuse).

¹⁷⁶ Boat, *supra* note 56, at 89–90.

¹⁷⁷ See *infra* Part IV.C (discussing the benefits of cross-checking registries).

¹⁷⁸ Nowicki, *supra* note 9, at 216–17.

¹⁷⁹ Boat, *supra* note 56, at 89–90.

¹⁸⁰ Olivia Garber, Note, *Animal Abuse and Domestic Violence: Why the Connection Justifies Increased Protection*, 47 U. MEM. L. REV. 359, 372 (2016).

¹⁸¹ *Id.*

¹⁸² *Cross-Reporting of Animal and Child Abuse*, AVMA (Apr. 2018), <https://www.avma.org/Advocacy/StateAndLocal/Pages/sr-animal-abuse-cross-reporting.aspx> [<https://perma.cc/C8EE-UBZA>] (accessed Apr. 18, 2020).

ing humans.¹⁸³ The FBI has long recognized that animal abuse and domestic violence are warning signs of highly dangerous individuals.¹⁸⁴ For example, Albert DeSalvo—the “Boston Strangler”—infamously shot arrows into crates of dogs and cats before ultimately committing thirteen murders.¹⁸⁵ Likewise, consider the secret childhood animal abuse committed by the Milwaukee Cannibal, Jeffrey Dahmer.¹⁸⁶ However, catching very young children as they graduate from animal abuse to domestic violence would require registering children to databases, similar to their registration on a sex offender database under Meagan’s Law.¹⁸⁷

Registering children to abuse databases is problematic, and will not be argued for here. However, in cases involving young adults over the age of eighteen, the graduation hypothesis could still apply. Consider Nikolas Cruz, who was nineteen years old when he committed a school shooting in Parkland, Florida.¹⁸⁸ Prior to the school shooting, Cruz killed small animals and engaged in violent behavior towards his ex-girlfriend.¹⁸⁹ In cases like this, where a young adult had a prior violent history, access to easily cross-checked registries for animal abuse and domestic violence could alert officials of ensuing danger.

Finally, mandated checking by shelters and pet shops could keep animals out of the hands of domestic violence offenders, who, as shown above, are very dangerous to the animal’s safety. The New York City Animal Abuse Registry provides an example of how this could function, as it mandates consulting the animal abuse registry “prior to the exchange or transfer of ownership of any animal in the care of an authorized entity operating in the city of New York.”¹⁹⁰ A cross-checking registry would prohibit anyone with either a domestic violence or animal abuse offense from adopting or purchasing an animal, offering further protection and prevention from future cruelty. Cross-checking registries provide an overall benefit in detecting ongoing abuse, as well as preventing future danger to society and animals.

¹⁸³ Johnson, *supra* note 163, at 407.

¹⁸⁴ Garber, *supra* note 180, at 365–66.

¹⁸⁵ *Id.* at 364–65.

¹⁸⁶ *Id.* at 365.

¹⁸⁷ See N.J. STAT. ANN. § 2C:7-2a(1) (West 2018) (including a convicted juvenile—referred to as an “adjudicated delinquent”—in the definition of who is registered to the sex offender registry).

¹⁸⁸ Sabrina Lolo & Al Pefley, *Parkland School Shooter Nikolas Cruz’s Confession Released*, KATU (Aug. 6, 2018), <https://katu.com/news/nation-world/parkland-school-shooter-nikolas-cruzs-confession-released> [<https://perma.cc/QZ5N-SQU3>] (accessed Apr. 18, 2020).

¹⁸⁹ See *id.* (describing briefly Cruz shooting small animals); see also Max de Haldevang, *Florida Shooter Nikolas Cruz Shared a Trait with Other Mass Killers: He Abused Women*, QUARTZ (Feb. 15, 2018), <https://qz.com/1208345/parkland-florida-at-tack-school-shooter-nikolas-cruz-abused-women-like-most-mass-killers> [<https://perma.cc/Q7UW-W43H>] (accessed Apr. 18, 2020) (describing Cruz’s abusive behavior toward his ex-girlfriend).

¹⁹⁰ N.Y. COMP. CODES R. & REGS. tit. 17, § 1605.

D. Challenges Resolved

Domestic violence and animal abuse registries raise significant concerns about defendant's rights, protection of victims, and costs to the state. Collateral consequences to those with domestic violence protective orders alone can include difficulty in finding employment, negative impacts on admission to higher education, restrictions on travel, and potential misuse in future family law cases.¹⁹¹ Domestic violence victims also express a fear of registries out of potential embarrassment and retaliation if a partner is listed.¹⁹² Cost is also named as an impediment in instituting registries and maintaining new prison beds when new felony charges are added for violating the registry requirements.¹⁹³ A public but limited registry with a three-strike policy provides the most protection for those in abusive relationships while limiting the fiscal costs and collateral costs to those listed on the registry.

1. Protecting the Rights of the Accused

Registries, in general, can pose constitutional privacy challenges. No cases have challenged the constitutionality of animal abuse or domestic violence registries. However, sex offender registries have been challenged in two Supreme Court cases: *Smith v. Doe I* and *Connecticut Department of Public Safety v. Doe I*.¹⁹⁴ Respondents in *Smith* argued that the Alaska sex offender registry violated the ex post facto clause, as the registry applied to them retroactively.¹⁹⁵ However, the majority held that the registry was not punitive, and therefore not unconstitutional.¹⁹⁶ The justices explained that where the state enacted the restriction as part of an effort to protect public safety and health, the restriction appears to be a regulatory power rather than an addition to the punishment.¹⁹⁷ The codification of the registry in the state's criminal procedure code was not sufficient to indicate a punitive intent.¹⁹⁸

Petitioners in *Connecticut Department of Public Safety* raised a due process challenge to Connecticut's sex offender registry, arguing that the registry did not allow them a hearing to determine if they

¹⁹¹ Jessica Miles, *We Are Never Ever Getting Back Together: Domestic Violence Victims, Defendants, and Due Process*, 35 CARDOZO L. REV. 141, 151–52 (2013).

¹⁹² See, e.g., Jennifer McLogan, *N.Y. Domestic Violence Registry Proposal Met with Big Concerns*, CBS N.Y. (Apr. 18, 2011, 8:10 PM), <https://newyork.cbslocal.com/2011/04/18/n-y-domestic-violence-registry-proposal-met-with-big-concerns/> [https://perma.cc/V4YB-YZCL] (accessed Apr. 18, 2020).

¹⁹³ See Part IV.D.3 (describing continuous fiscal challenges that are raised regarding registries).

¹⁹⁴ *Smith v. Doe I*, 538 U.S. 84, 92 (2003); *Conn. Dep't of Pub. Safety v. Doe*, 538 U.S. 1, 3–4 (2003).

¹⁹⁵ *Smith*, 538 U.S. at 91–92.

¹⁹⁶ See *id.* at 95.

¹⁹⁷ *Id.* at 93–94.

¹⁹⁸ *Id.* at 95.

were dangerous.¹⁹⁹ Once again, the Supreme Court upheld the registry, noting that the registry website itself expressly admitted it was not proclaiming the dangerousness of any individual listed on the registry.²⁰⁰ In yet another case, *Paul v. Davis*, the court declined the petitioner's request to reverse the holding that injury to reputation does not constitute the deprivation of a liberty interest.²⁰¹ So far, these cases indicate that registries are not a violation of the constitution.²⁰² The New Jersey Animal Abuse Registry Bill does not include punishment to the offender as the state's reason for instituting the registry, but rather focuses on promoting public safety.²⁰³ This fact is in line with the reasoning in *Smith*, where the court looked to the evidence of legislative intent and the provisions of the challenged act in concluding that the act was nonpunitive and instead promoted public safety.²⁰⁴

A second issue regards the shame accompanying a listing on a registry. Wayne Pacelle, president of the HSUS, expressed reservations regarding an animal abuse registry, mainly noting that shaming abusers does not do any good for the animals.²⁰⁵ Several scholars reviewed a number of studies and determined that while guilt-inducing punishment could serve as an important step in the process of rehabilitating offenders, shame alone does not.²⁰⁶ This is because, while guilt is accompanied by a reflection on one's behavior and its consequences, shame is self-focused and makes people feel small and powerless; it is not accompanied by self-reflection.²⁰⁷

On the other hand, a key goal of the anti-interpersonal violence movement is increasing perpetrator accountability, whereby consequences for the offender's action allows them to recognize their wrongdoing.²⁰⁸ One form of accountability that the movement recognizes is "a public declaration or public action that a person or organization has

¹⁹⁹ *Conn. Dep't of Pub. Safety*, 538 U.S. at 6.

²⁰⁰ *See id.* at 7 (reaffirming that "mere injury to reputation, even if defamatory, does not constitute the deprivation of a liberty interest").

²⁰¹ *Id.* at 6–7.

²⁰² *See* Danielle K. Campbell, Note, *Animal Abusers Beware: Registry Laws in the Works to Curb Your Abuse*, 48 VAL. U. L. REV. 271, 312–13 (2013) (explaining that there have been similar constitutional challenges against child abuse registries which have also survived the attacks; the arguments against such registries include questions of equal protection, due process, and cruel and unusual punishment).

²⁰³ *See* N.J. Assemb. B. 719 (findings do not include any punitive purpose).

²⁰⁴ *Smith*, 538 U.S. at 93.

²⁰⁵ Wayne Pacelle, *Reservations About the Animal Abuse Registry*, HUMANE SOC'Y U.S.: A HUMANE WORLD (Dec. 3, 2010), <https://blog.humanesociety.org/2010/12/animal-cruelty-registry-list.html> [<https://perma.cc/4T5U-TDZF>] (accessed Apr. 18, 2020).

²⁰⁶ *See* June Tangney et al., *Shame, Guilt and Remorse: Implications for Offender Populations*, 22 J. FORENSIC PSYCHIATRY PSYCHOL. 706, 716–18 (Oct. 2011) ("Restorative justice approaches emphasize the need to acknowledge and take responsibility for one's wrongdoings, and act to make amends for the negative consequences of one's behavior.").

²⁰⁷ *Id.* at 708.

²⁰⁸ Rachel Camp, *Pursuing Accountability for Perpetrators of Intimate Partner Violence: The Peril (and Utility?) of Shame*, 98 B.U. L. REV. 1680, 1707 (Dec. 2018).

complied with norms or expectations, or failed to comply, followed by a reinforcer.”²⁰⁹ Per this definition, listings on a registry indicate that a person failed to comply with expectations against interpersonal violence, but complying with expectations results in the removal of their name from the registry after a specified period of time. While shame may accompany this listing, the ultimate outcome could be one of accountability and internal learning.

Finally, registries could harm those who are falsely accused, convicted, and ultimately end up on the registry.²¹⁰ A “three-strike” policy lessens this chance by safeguarding the registry listings so that only those who are repeatedly guilty will appear on the database.²¹¹ Texas’s proposed domestic violence registry followed this suggestion in requiring three convictions of domestic violence offenses prior to placing those individuals on the registry.²¹² This policy also ensures that only those with the highest likelihood of re-offending, a main concern for enacting registries to begin with, are impacted by the negative effects of a public listing.²¹³

2. *Protecting the Privacy of Domestic Violence Victims*

Registries pose a challenge to domestic violence victims in that, if a former partner is listed, it could be embarrassing to a victim who did not want this information public.²¹⁴ When New York was considering its registry in 2011, some victims expressed fear that their abusers would retaliate with violence against them.²¹⁵ However, court records of civil and criminal proceedings involving domestic violence proceedings are already public in the “vast majority” of states.²¹⁶ Most public records of court cases include party names.²¹⁷ Thus, a public domestic

²⁰⁹ *Id.*

²¹⁰ See Young, *supra* note 25, at 782 (“[A] commonly voiced concern in the debate over these registries is the chance that a wrongful accusation could land an innocent person on the list. Another concern is that a one-time domestic spat could land a normally peaceful person on a list of supposedly violent individuals, damaging that individual’s reputation as well as future employment and relationship prospects.”).

²¹¹ *Id.* at 781–82.

²¹² See Tex. H.B. 100 (“The department shall maintain a computerized central database containing information regarding persons who on three or more occasions have been convicted of an offense for which an affirmative finding of family violence was made under Article 42.013, Code of Criminal Procedure.”).

²¹³ Young, *supra* note 25, at 782.

²¹⁴ *Id.*

²¹⁵ See McLogan, *supra* note 192 (“Some experts said though they like the shame factor of the legislation, they worry it would cause more pain and suffering for the victims.”).

²¹⁶ See Rebecca Hulse, *Privacy and Domestic Violence in Court*, 16 WM. & MARY J. WOMEN & L. 237, 261 (2010) (“Because each state, jurisdiction, and sometimes each court within a jurisdiction adopts its own rules and procedures for managing direct domestic violence cases, it can be difficult to draw general conclusions about how these cases are dispensed . . . That said, proceedings and records of cases containing criminal and civil direct domestic violence matters are public in the vast majority of states.”).

²¹⁷ *Id.* at 267.

violence database listing an offender's name does not reveal any information that is not already public, although admittedly, it becomes more easily accessible. New Jersey's proposed domestic violence registry would not include victim's names, but rather only information regarding the abuser.²¹⁸ In this way, victim's privacy is more protected in New Jersey's proposed domestic violence database than in current court record procedures.

Registries can also be an empowering tool for potential victims. As one journal author puts it:

These days, talk of “empowering” the victims of domestic violence focuses entirely on empowerment after abuse has already occurred—basically, empowerment in prosecuting the abuser, severing ties with him, and building a new life on one's own. The [domestic violence registry] bills introduced in Texas and New York, conversely, propose an entirely new kind of empowerment by giving potential victims the chance to make informed decisions about their dating partners and thus to avoid abusive relationships entirely.²¹⁹

As discussed above, a main benefit of domestic violence registries is to inform individuals of a potential partner's abusive past before entering into new relationships.²²⁰ The benefits to potential victims are powerful, and when coupled with privacy protections for past victims, domestic violence registries can be instituted while resolving asserted concerns.

3. *Fiscal Challenges*

Registries often face challenges in their cost.²²¹ For example, a study on New Jersey's Megan's Law by the U.S. Department of Justice found that “[c]osts associated with the initial implementation as well as ongoing expenditures continue to grow over time,” despite the fact that the law “showed no demonstrable effect in reducing sexual re-offenses.”²²² However, Tennessee estimated that instituting their animal abuse registry would only require a one-time payment of \$22,500 and yearly costs of \$4,800 for website maintenance, indicating no such growing expenditures.²²³ Likewise, the fiscal note for Texas's

²¹⁸ Assemb. B. A1317, 218th Leg., Reg. Sess. (N.J. 2018).

²¹⁹ Young, *supra* note 25, at 773.

²²⁰ See *supra* Part IV.A (discussing the benefits of a publicly accessible domestic violence registry).

²²¹ Nowicki, *supra* note 9, at 238–40.

²²² KRISTEN ZGOBA ET AL., U.S. DEP'T OF JUSTICE & N.J. DEP'T CORR., DOC. NO. 225370, MEGAN'S LAW: ASSESSING THE PRACTICAL AND MONETARY EFFICACY 2 (2008), <https://www.ncjrs.gov/pdffiles1/nij/grants/225370.pdf> [<https://perma.cc/E44E-5T9X>] (accessed Apr. 18, 2020) (concluding that “given the lack of demonstrated effect of Megan's Law on sexual offenses, the growing costs may not be justifiable”).

²²³ JAMES W. WHITE, 105TH SESS., FISCAL NOTE SB 2676-HB 2803 (Tenn. 2008).

proposed domestic violence registry found that “[n]o significant fiscal implication to the State is anticipated.”²²⁴

Additionally, investment in well implemented registries may reduce other expenses by preventing animal abuse—such as hoarding—from occurring in the first place.²²⁵ For example, one animal hoarding case in New Jersey cost the township \$22,000 in removal expenses alone after the hoarder was unable to pay these costs.²²⁶ The ASPCA estimates that there are 250,000 animals involved in hoarding every year.²²⁷ The compounded costs of animal hoarding cleanup nationwide are not hard to imagine. As indicated above, laws which require pet shops and shelters to consult registries first could make it more difficult for hoarders to accumulate animals and reduce these cleanup costs.²²⁸

Eliminating felony charges for failing to register can also reduce implementation costs in several ways. First, not listing the crime of failure to register as a felony would result in a smaller drain on prison and law enforcement resources, reducing cost and numerous other burdens to society.²²⁹ Secondly, as expressed in an opinion piece by a senior state legislative director for the ASPCA, felony charges can be very burdensome on the court system, possibly deterring humane officer responses.²³⁰ The New Jersey bill has already addressed these issues, as failing to register on the animal abuse registry is proposed as only a fourth degree crime.²³¹ This lessened penalty eliminates the concerns posed by Virginia’s failed domestic violence registry as well as the ASPCA. In light of these considerations, cost should not impede the enactment of animal abuse and domestic violence registries.

²²⁴ JOHN S. O'BRIEN, LEGIS. BUDGET BD., 82ND SESS., FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION: IN RE HB 100 (Tex. 2011).

²²⁵ See, e.g., Nowicki, *supra* note 9, at 239 (explaining how the costs of running a national animal abuser registry would be less than the costs incurred to clean up the consequences of animal abuse, noting an Ohio hoarder case in which the county spent \$1.2 million to rescue and care for 170 dogs taken from the hoarder’s home).

²²⁶ Jim Lockwood, *Chester Township Sues Cat Hoarder for Failure to Pay Removal Costs*, NJ.COM (updated Apr. 1, 2019), https://www.nj.com/news/index.ssf/2009/12/chester_township_sues_cat_hoar.html [<https://perma.cc/GTL8-NDED>] (accessed Apr. 18, 2020).

²²⁷ *Animal Hoarding*, ASPCA, <https://www.aspc.org/animal-cruelty/animal-hoarding> [<https://perma.cc/88MW-GZ9A>] (accessed Apr. 18, 2020).

²²⁸ See *supra* Part IV.B.

²²⁹ VA. CRIM. SENT’G COMM’N., *supra* note 97, at 3 (explaining that adding a new felony for failing to register in Virginia may increase the need for beds in state prison).

²³⁰ Deborah Bresch, *Malloy Should Veto Animal Abuse Registry*, HARTFORD COURANT (June 12, 2018, 6:00 AM), <http://www.courant.com/opinion/op-ed/hc-op-bresch-ct-animal-protection-law-consequences20180531-story.html> [<https://perma.cc/LPX4-YHB4>] (accessed Apr. 18, 2020).

²³¹ N.J. S.B. 278.

V. CONCLUSION

States across the country continue to promulgate registries of all kinds.²³² Animal abuse and domestic violence registries are of particular importance due to their overlap in victims and effect on the family unit. When these registries are used together with a cross-checking feature, abuse that may have otherwise gone undiscovered can come to light. Law enforcement could identify violent individuals and potentially prevent catastrophes from occurring. Shelters and sellers of animals could prevent abusive members of society from adopting animals. While recognizing the challenges these registries pose, cross-checked registries could utilize a three-strike policy to prevent unfair registries and focus on identifying offenders with the highest recidivism rates. Ultimately, the benefits of such registries strongly outweigh the challenges. New Jersey is one of the few states that have proposed both a domestic violence registry and an animal abuse registry. These bills are encouraging, and the state's residents face a future of stronger protections whereby fewer individuals will be subject to the cruelty of violent offenders.

²³² See Platt, *supra* note 65, at 782 (“States are competing with each other in a race to the bottom to register more and more offenders, and place increasingly burdensome restrictions on registrants.”).