

ASSEMBLY, No. 1660

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

Assemblyman GARY R. CHIUSANO

District 24 (Sussex, Hunterdon and Morris)

Co-Sponsored by:

Assemblymen Doherty, Merkt and DiMaio

SYNOPSIS

Permits use of deadly force against black bears in certain cases.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 11/24/2009)

1 AN ACT concerning black bears and the lawful use of deadly force,
2 and supplementing chapter 4 of Title 23 of the Revised Statutes.

3

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

6

7 1. a. In addition to the lawful taking of a black bear by a
8 licensed hunter during authorized times as fixed by the provisions
9 of the State Fish and Game Code, the use of deadly force upon or
10 toward a black bear is justified when the black bear:

11 (1) is attacking any person or domesticated animal;

12 (2) is entering or has entered the actor's dwelling or the dwelling
13 of a third party; or

14 (3) within 50 feet of the actor's dwelling or the dwelling of a
15 third party and, based upon the black bear's actions or behavior, the
16 actor reasonably believes that the use of deadly force is necessary to
17 protect himself or to protect a third party from a substantial danger
18 of bodily harm.

19 b. Nothing in this section shall be construed to prevent any State
20 or local law enforcement officer or any duly authorized personnel
21 of the New Jersey Division of Fish and Wildlife from using deadly
22 force during the performance of their official duties to dispatch any
23 injured or dangerous black bear.

24

25 2. This act shall take effect immediately.

26

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28 STATEMENT

29

30 This bill sets forth grounds for the lawful use of deadly force
31 against black bears.

32 Under the provisions of the bill, a person may use deadly force if
33 the black bear (1) is attacking a person or domesticated animal, (2)
34 is entering or has entered a dwelling or (3) is within 50 feet of a
35 dwelling and, based upon the black bear's actions or behavior, the
36 person reasonably believes that the use of deadly force is necessary
37 to protect himself or another from a substantial danger of bodily
38 harm.

39 The restrictions set forth in the bill do not apply to licensed
40 hunters during any authorized hunting season.

41 Similarly, the bill's provisions do not apply to State or local law
42 enforcement officers or to duly authorized personnel of the New
43 Jersey Division of Fish and Wildlife who, in the course of
44 performing their official duties, must use deadly force to dispatch
45 any injured or dangerous black bear.