

[Second Reprint]

ASSEMBLY, No. 4773

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED NOVEMBER 16, 2015

Sponsored by:

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District 38 (Bergen and Passaic)

Assemblyman CARMELO G. GARCIA

District 33 (Hudson)

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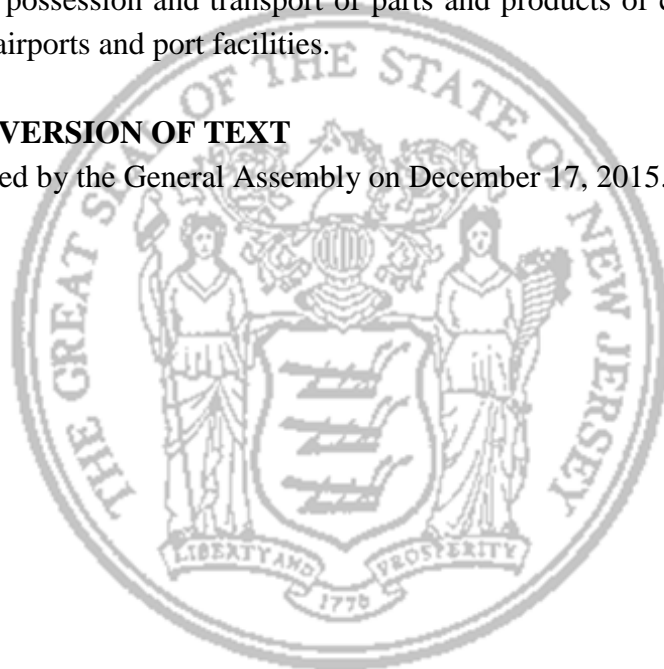
Senator Gordon

SYNOPSIS

Prohibits possession and transport of parts and products of certain animals at PANYNJ airports and port facilities.

CURRENT VERSION OF TEXT

As amended by the General Assembly on December 17, 2015.



(Sponsorship Updated As Of: 1/12/2016)

1 AN ACT concerning the possession and transport of ²the parts and
2 products of² certain animals ²**【and body parts thereof】**² at certain
3 airports and port facilities and supplementing Title 32 of the
4 Revised Statutes.

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

8
9 1. a. As used in P.L. , c. (C.) (pending before the
10 Legislature as this bill):

11 "Big five African species" means the African elephant, *Loxodonta*
12 *africana*; African leopard, *Panthera pardus*; African lion, *Panthera*
13 *leo*; black rhinoceros, *Diceros bicornis*, and white rhinoceros,
14 *Ceratotherium simum*; and Cape buffalo, *Syncerus caffer*.

15 "Priority species" means ²**【any species or subspecies of wildlife**
16 **that: appears on the list of wildlife determined to be endangered by**
17 **the Commissioner of Environmental Protection pursuant to P.L.1973,**
18 **c.309 (C.23:2A-1 et seq.); appears on the list of nongame species**
19 **regulated pursuant to P.L.1973, c.309 (C.23:2A-1 et seq.); appears on**
20 **any federal list of endangered or threatened species, or has been**
21 **proposed to be included on any such list; or is a big five African**
22 **species. "Priority species" shall include the whole animal or any part,**
23 **product, egg, or offspring of such species, or the dead body or parts**
24 **thereof, excluding fossils, whether or not included in a manufactured**
25 **product or in a food product】**: (1) any big five African species; or (2)
26 any species or subspecies of elephant, rhinoceros, tiger, lion, leopard,
27 cheetah, pangolin, marine turtle, or ray listed: (a) in Appendix I or
28 Appendix II of the Convention on International Trade in Endangered
29 Species of Wild Fauna and Flora; or (b) as critically endangered,
30 endangered, or vulnerable on the International Union for Conservation
31 of Nature and Natural Resources Red List of Threatened Species².

32 b. Notwithstanding the provisions of any other law to the
33 contrary, ²the parts or products of² priority species shall not be
34 imported, exported, shipped, received, possessed, processed, sold,
35 offered for sale, or transported by any individual, firm, corporation,
36 association, or partnership at any airport or port facility owned or
37 operated by the Port Authority of New York and New Jersey.

38 c. Any Port Authority agent or Port Authority police officer shall
39 have authority to enforce the prohibition in subsection b. of this
40 section and, where necessary, to apply for and execute any warrant to
41 search for and seize any ²part or product of a² priority species and any
42 property or item used in connection with a violation of subsection b. of
43 this section.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AEN committee amendments adopted December 14, 2015.

²Assembly floor amendments adopted December 17, 2015.

1 d. Unless the activity is prohibited by federal law, the following
2 exceptions and defenses shall apply to the prohibition in subsection b.
3 of this section:

4 (1) the ²**[priority species]** part or product² was lawfully located or
5 possessed within the State of New Jersey or the State of New York
6 prior to the effective date of P.L. , c. (C.) (pending before the
7 Legislature as this bill), and the legal owner has obtained a certificate
8 of possession from the Commissioner of Environmental Protection, as
9 provided pursuant to subsection e. of this section, within 180 days
10 after the date of enactment of P.L. , c. (C.) (pending before
11 the Legislature as this bill); ¹**[or]**¹

12 (2) the ²**[priority species]** part or product² is to be made part of a
13 temporary or permanent collection at a museum or zoo, or similar
14 educational or research facility, provided that the ²**[priority species]**
15 part or product² is not thereafter sold, offered for sale, traded, bartered,
16 or distributed to any private party ¹; or

17 (3) the ²**[priority species]** part or product² is to be used for
18 purposes related to the conduct of biomedical research at a facility
19 licensed by the United States Department of Agriculture pursuant to
20 the federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq., or at a
21 facility conducting biomedical research in compliance with the "Public
22 Health Service Policy on Humane Care and Use of Laboratory
23 Animals" issued by the United States National Institutes of Health¹ .

24 e. The Department of Environmental Protection shall adopt,
25 pursuant to the "Administrative Procedure Act," P.L.1968, c. 410
26 (C.52:14B-1 et seq.), such rules and regulations as may be necessary to
27 implement this section. These rules and regulations shall include a
28 process for applying for the certificate of possession required pursuant
29 to paragraph (1) of subsection d. of this section. The department may
30 charge a reasonable fee to defray the cost of issuing a certificate of
31 possession.

32 f. (1) Any ²part or product of a² priority species and any property
33 or item used in connection with a violation of subsection b. of this
34 section shall be held pending criminal proceedings in any court of
35 proper jurisdiction.

36 (2) A person who violates subsection b. of this section shall be
37 guilty of a crime of the fourth degree and, notwithstanding the
38 provisions of N.J.S.2C:43-3 to the contrary, shall be subject to
39 imprisonment not to exceed 18 months and a fine of up to \$100,000.

40 (3) Upon conviction, or upon the entry of a judgment restraining a
41 person from any activity that is or would be in violation of subsection
42 b. of this section, any seized property shall be forfeited, and upon
43 forfeiture, disposed of in a manner consistent with the best interest of
44 the public as determined by the court.

45 (4) Any penalty imposed pursuant to this section shall be in
46 addition to any applicable penalty that may be imposed for a violation
47 of "The Endangered and Nongame Species Conservation Act,"

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1 P.L.1973, c.309 (C.23:2A-1 et seq.), P.L.2014, c.22 (C.23:2A-13.1 et
2 seq.), R.S.23:4-27, and any other applicable law.

3

4 2. This act shall take effect upon the enactment by the State of
5 New York of legislation having an identical effect, but if such
6 legislation has already been enacted by the State of New York then
7 this act shall take effect immediately.