

ASSEMBLY, No. 2402

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 6, 2014

Sponsored by:

**Assemblyman SAMUEL L. FIOCCHI
District 1 (Atlantic, Cape May and Cumberland)**

Co-Sponsored by:

Assemblyman Space and Assemblywoman McHose

SYNOPSIS

Increases minimum civil fine for harassing person taking wildlife and increases criminal penalty for subsequent offenses.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/10/2014)

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2

1 AN ACT concerning harassing a person taking wildlife and
2 amending P.L.1993, c.11.

3

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

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7 1. Section 3 of P.L.1993, c.11 (C.23:7A-3) is amended to read
8 as follows:

9 3. a. The Director of the Division of Fish**[, Game]** and Wildlife
10 may institute a civil action in the Superior Court for injunctive and
11 other relief for a violation of this act, and the court may proceed in
12 the action in a summary manner.

13 b. A person who violates this act shall be guilty of a petty
14 disorderly persons offense; however, for a second or subsequent
15 violation, the person shall be guilty of a disorderly persons offense.

16 c. A person who violates this act shall be liable to a civil penalty
17 of not less than **[\$100]** \$250 nor more than \$500 for each offense,
18 to be collected in a summary proceeding under **["the penalty**
19 **enforcement law," N.J.S. 2A:58-1 et seq]** the "Penalty Enforcement
20 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior
21 Court and the municipal court for the municipality in which the
22 violation occurred shall have jurisdiction to enforce **["the penalty**
23 **enforcement law."]** the "Penalty Enforcement Law of 1999."

24 d. For the purposes of subsections b. and c. of this section, if the
25 violation is of a continuing nature, each day during which it
26 continues shall constitute an additional, separate, and distinct
27 offense.

28 e. In addition to bringing a civil action for injunctive relief or any
29 other relief provided by law, a person who is adversely affected by
30 a violation of this act may bring a civil action for damages,
31 including punitive damages and special damages, against the
32 violator. Special damages may include, but need not be limited to,
33 expenditures of the affected person for license and permit fees,
34 travel expenses, guide fees and expenses, and the cost of special
35 equipment and supplies, to the extent any such expenditures were
36 rendered futile by the action or activities of the violator.

37 (cf: P.L.1993, c.11, s.3)

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39 2. This act shall take effect immediately.

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STATEMENT

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44 This bill increases the minimum civil fine for harassing a person
45 lawfully taking wildlife from \$100 to \$250. The bill also

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.

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1 establishes an enhanced penalty for repeat offenders. Under current
2 law, a person who harasses a hunter is guilty of a petty disorderly
3 persons offense, regardless of whether the person is a repeat
4 offender. A petty disorderly persons offense is punishable by
5 imprisonment for up to 30 days, a fine of up to \$500, or both
6 imprisonment and a fine. Under this bill, a subsequent offender
7 would be committing a disorderly persons offense, punishable by
8 imprisonment for up to six months, a fine of up to \$1,000, or both
9 imprisonment and a fine.