

[First Reprint]

SENATE, No. 3146

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED AUGUST 10, 2015

Sponsored by:

Senator RAYMOND J. LESNIAK

District 20 (Union)

Co-Sponsored by:

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 Senate on December 17, 2015.



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

1 AN ACT concerning the possession and transport of ¹the parts and
 2 products of¹ certain animals ¹**【and body parts thereof】**¹ 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 ¹**【any species or subspecies of wildlife**
 16 **that: appears on the list of wildlife determined to be endangered by the**
 17 **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 Species¹ .

32 b. Notwithstanding the provisions of any other law to the
 33 contrary, ¹the parts or products of¹ 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 ¹part or product of a¹ 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:

¹Senate floor amendments adopted December 17, 2015.

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

(1) the ¹["priority species"] part or product¹ was lawfully located or possessed within the State of New Jersey or the State of New York prior to the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), and the legal owner has obtained a certificate of possession from the Commissioner of Environmental Protection, as provided pursuant to subsection e. of this section, within 180 days after the date of enactment of P.L. , c. (C.) (pending before the Legislature as this bill); ¹["or"]¹

(2) the ¹["priority species"] part or product¹ is to be made part of a temporary or permanent collection at a museum or zoo, or similar educational or research facility, provided that the ¹["priority species"] part or product¹ is not thereafter sold, offered for sale, traded, bartered, or distributed to any private party ¹; or

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

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

f. (1) Any ¹part or product of a¹ priority species and any property or item used in connection with a violation of subsection b. of this section shall be held pending criminal proceedings in any court of proper jurisdiction.

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

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

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

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.

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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.