

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 4845

# STATE OF NEW JERSEY

DATED: MARCH 18, 2019

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4845.

This bill prohibits: (1) the sale, trade, or distribution, or the offering for sale, of any shark fin; and (2) the possession of any shark fin that has been separated from a shark prior to its lawful landing. The bill's prohibitions do not apply to lawfully obtained shark fins possessed, sold, traded, or distributed for scientific research or educational purposes, or to lawfully obtained smooth dogfish or spiny dogfish fins. The bill allows commercial and recreational fishermen to possess shark fins from sharks if obtained lawfully in a manner consistent with the fisherman's license or permit. Under the bill, a person is authorized, until January 1 of the year next following the date of enactment of the bill, to possess, sell, trade, or distribute, or offer for sale, any shark fin that is in that person's possession on or before the date of enactment of this bill.

A person who violates the bill's prohibitions against the possession, sale, trade, distribution, or offer for sale of shark fins is subject: (1) for a first offense, to a civil administrative penalty of not less than \$5,000 or more than \$15,000; (2) for a second offense, to a civil administrative penalty of not less than \$15,000 or more than \$35,000; and (3) for a third or subsequent offense, to a civil administrative penalty of not less than \$35,000 or more than \$55,000, or by imprisonment of not more than one year, or both. Each day during which a violation continues constitutes an additional, separate, and distinct offense. The Commissioner of Environmental Protection may assess an additional penalty for an amount up to the value of the economic gain from violating the bill's provisions. Shark fins possessed in violation of the bill's provisions, and vessels, vehicles, equipment, or other property utilized in the commission of a second or subsequent violation of the bill's provisions, are subject to seizure and forfeiture by a summary proceeding. Shark fins determined by a court to be possessed, sold, traded, distributed, or offered for sale in violation of the provisions of the bill would be destroyed. The bill also provides that a person or business holding a commercial or recreational fishing license or permit that violates the provisions of the bill would have their license or permit suspended or revoked.

As reported, Assembly Bill No. 4845 is identical to Senate Bill No. 2905 (1R), as also reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill will result in indeterminate, likely nominal, annual State expenditure increases arising from new enforcement and administrative responsibilities for the Department of Environmental Protection (DEP) related to the new prohibition against the possession, sale, distribution, trade, and offer for sale of shark fins. Considering that a third or subsequent violation of the prohibition will be a crime of the fourth degree, the bill can also be expected to periodically increase the expenditures of the Department of Law and Public Safety, the Judiciary, and the Department of Corrections from prosecuting, trying, and possibly incarcerating violators.

The OLS estimates further that the bill will increase annual State revenue collections by an indeterminate, likely nominal, amount from the assessment of civil administrative penalties by the DEP, the imposition of criminal fines by the courts, and the sale of any confiscated property used in the violation of the prohibition established by the bill.

The OLS lacks the informational basis to determine the number of violations that the DEP may discover in any given year, but available data suggest that the acts prohibited by the bill are not highly prevalent in New Jersey. Consequently, the fiscal impacts of the bill can be anticipated to be nominal in a typical year.