

ASSEMBLY, No. 1365

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Co-Sponsored by:

**Assemblyman Clifton, Assemblywomen Vainieri Huttle, Jasey,
Assemblymen Mukherji, Zwicker, Assemblywoman Swain, Assemblymen
Holley and Johnson**

SYNOPSIS

Prohibits harassing or taking of certain wildlife at competitive event;
establishes penalties.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 10/19/2020)

A1365 BENSON, HOUGHTALING

2

1 AN ACT concerning the harassing or taking of certain wildlife at
2 competitive events, and supplementing Title 23 of the Revised
3 Statutes.

4

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

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8 1. As used in this act:

9 "Competitive event" means any activity, competition, contest,
10 derby, tournament, or other organized activity where participants
11 are encouraged to take wildlife and are rewarded by the receipt of a
12 prize or any kind of inducement or reward.

13 "Covered wildlife" means all animal life existing in a wild state,
14 or any part, product, egg, or offspring, or the dead body or parts,
15 thereof, except for fish, shellfish, mollusks, or crustaceans.

16 "Division" means the Division of Fish and Wildlife in the
17 Department of Environmental Protection.

18 "Harass" means to annoy, attack, disrupt normal behavior
19 patterns of, or otherwise disturb wildlife without taking it.

20 "Person" means any individual, association, estate, firm, joint
21 venture, limited liability corporation organization, partnership,
22 receiver, syndicate, trust, or other legal entity.

23 "Take" means to hunt, capture, kill, trap, catch, net, possess, or
24 collect, or to attempt to hunt, capture, kill, trap, catch, net, possess,
25 or collect, wildlife.

26

27 2. a. It shall be unlawful to harass or take covered wildlife at a
28 competitive event. It shall be unlawful for any person to organize,
29 sponsor, promote, conduct, or participate in a competitive event at
30 which the participants harass or take covered wildlife.

31 b. A person who violates this section shall be guilty of a
32 disorderly persons offense and, in addition to the applicable
33 penalties pursuant to Title 2C of the New Jersey Statutes, shall be
34 subject to a five-year suspension of:

35 (1) any license or permit issued to the person by the Division of
36 Fish and Wildlife; and

37 (2) all privileges to take or possess wildlife.

38 c. Any covered wildlife injured as a result of a competitive
39 event held in violation of this section shall be transported to a
40 licensed wildlife rehabilitator or State licensed veterinarian for
41 proper treatment or, if necessary, the administration of humane
42 euthanasia. Euthanasia shall only be administered after the best
43 efforts to rehabilitate and release the animal have failed.

44 d. The Division of Fish and Wildlife shall forfeit the remains of
45 any covered wildlife killed at a competitive event held in violation
46 of this section, or euthanized pursuant to subsection c. of this
47 section, from the organizer, participant, or promotor in possession
48 thereof, as applicable. It shall become the property of the division.

1 e. The provisions of this section may be enforced by municipal
2 police officers, the State Police, and law enforcement officers in the
3 Division of Fish and Wildlife and the Division of Parks and
4 Forestry in the Department of Environmental Protection.

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6 3. This act shall take effect immediately.
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9 STATEMENT
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11 This bill prohibits the harassing or taking of certain wildlife
12 (defined as "covered wildlife" in the bill) at a competitive event,
13 and any person from organizing, sponsoring, promoting,
14 conducting, or participating in a competitive event at which the
15 participants harass or take covered wildlife. "Covered wildlife" is
16 defined in the bill as all animal life existing in a wild state, or any
17 part, product, egg, or offspring, or the dead body or parts, thereof,
18 except for fish, shellfish, mollusks, or crustaceans.

19 The bill provides that a person who violates the prohibitions in
20 the bill would be guilty of a disorderly persons offense and, in
21 addition to the applicable penalties pursuant to Title 2C of the New
22 Jersey Statutes, would also have suspended for five years:

23 1) any license or permit issued to the person by the Division of
24 Fish and Wildlife; and

25 2) all privileges to take or possess wildlife.

26 A disorderly persons offense is subject to a penalty of up to six
27 months of imprisonment, a fine up to \$1,000, or both.

28 This bill requires any covered wildlife injured as a result of a
29 competitive event to be transported to a licensed wildlife
30 rehabilitator or State licensed veterinarian for proper treatment or to
31 be euthanized if necessary. The bill authorizes the Division of Fish
32 and Wildlife to forfeit the remains of any covered wildlife killed at
33 a competitive event held in violation of this bill or euthanized as a
34 result of the competitive event. Forfeited remains would become
35 property of the Division of Fish and Wildlife. The bill directs
36 municipal police officers, the State Police, and law enforcement
37 officers in the Division of Fish and Wildlife and the Division of
38 Parks and Forestry in the Department of Environmental Protection
39 to enforce the bill's provisions.