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

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

1. As used in this act:

"Competitive event" means any activity, competition, contest,
derby, tournament, or other organized activity where participants
are encouraged to take wildlife and are rewarded by the receipt of a
prize or any kind of inducement or reward.
"Covered wildlife" means all animal life existing in a wild state,
or any part, product, egg, or offspring, or the dead body or parts,
thereof, except for fish, shellfish, mollusks, or crustaceans.
"Division" means the Division of Fish and Wildlife in the
Department of Environmental Protection.
"Harass" means to annoy, attack, disrupt normal behavior
patterns of, or otherwise disturb wildlife without taking it.
"Person" means any individual, association, estate, firm, joint
venture, limited liability corporation organization, partnership,
receiver, syndicate, trust, or other legal entity.
"Take" means to hunt, capture, kill, trap, catch, net, possess, or
collect, or to attempt to hunt, capture, kill, trap, catch, net, possess,
or collect, wildlife.

2. a. It shall be unlawful to harass or take covered wildlife at a
competitive event. It shall be unlawful for any person to organize,
sponsor, promote, conduct, or participate in a competitive event at
which the participants harass or take covered wildlife.
b. A person who violates this section shall be guilty of a
disorderly persons offense and, in addition to the applicable
penalties pursuant to Title 2C of the New Jersey Statutes, shall be
subject to a five-year suspension of:
(1) any license or permit issued to the person by the Division of
Fish and Wildlife; and
(2) all privileges to take or possess wildlife.
c. Any covered wildlife injured as a result of a competitive
event held in violation of this section shall be transported to a
licensed wildlife rehabilitator or State licensed veterinarian for
proper treatment or, if necessary, the administration of humane
euthanasia. Euthanasia shall only be administered after the best
efforts to rehabilitate and release the animal have failed.
d. The Division of Fish and Wildlife shall forfeit the remains of
any covered wildlife killed at a competitive event held in violation
of this section, or euthanized pursuant to subsection c. of this
section, from the organizer, participant, or promoter in possession
thereof, as applicable. It shall become the property of the division.
e. The provisions of this section may be enforced by municipal
police officers, the State Police, and law enforcement officers in the
Division of Fish and Wildlife and the Division of Parks and
Forestry in the Department of Environmental Protection.

3. This act shall take effect immediately.

STATEMENT

This bill prohibits the harassing or taking of certain wildlife
(defined as "covered wildlife" in the bill) at a competitive event,
and any person from organizing, sponsoring, promoting,
conducting, or participating in a competitive event at which the
participants harass or take covered wildlife. "Covered wildlife" is
defined in the bill as all animal life existing in a wild state, or any
part, product, egg, or offspring, or the dead body or parts, thereof,
except for fish, shellfish, mollusks, or crustaceans.

The bill provides that a person who violates the prohibitions in
the bill would be guilty of a disorderly persons offense and, in
addition to the applicable penalties pursuant to Title 2C of the New
Jersey Statutes, would also have suspended for five years:
1) any license or permit issued to the person by the Division of
Fish and Wildlife; and
2) all privileges to take or possess wildlife.

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

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