

**ASSEMBLY, No. 4641**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED SEPTEMBER 14, 2020

**Sponsored by:**  
**Assemblyman RAJ MUKHERJI**  
**District 33 (Hudson)**

**SYNOPSIS**

Revises law prohibiting feeding of black bear.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning feeding of black bear and amending  
2 P.L.2002, c.97.

3

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

6

7 1. Section 1 of P.L.2002, c.97 (C.23:2A-14) is amended to read  
8 as follows:

9 1. a. No person shall:

10 (1) feed, give, place, expose, deposit, distribute    or scatter any  
11 food, edible material    or attractant with the intention of feeding,  
12 attracting    or enticing a black bear; or

13 (2) place or store any food, pet food, garbage    or other bear  
14 attractants in a manner that will result in bear feedings when black  
15 bear are known to frequent the area.

16 b. Subsection a. of this section shall not apply **【**in the case of  
17 an unintentional feeding of a black bear. "Unintentional feeding"  
18 means using or placing any material for a purpose other than to  
19 attract or entice black bears but which results in the attraction or  
20 enticement of a black bear, and shall include but need not be limited  
21 to the use and placement of bait for deer in accordance with section  
22 1 of P.L.1997, c.424 (C.23:4-24.4) and the State Fish and Game  
23 Code**】** to:

24 (1) any person licensed pursuant to law to possess wildlife;

25 (2) any crop, agricultural product, or animal feed on the  
26 premises of any person engaged in agricultural or horticultural  
27 activities;

28 (3) a birdfeeder maintained between the dates of April 1 and  
29 November 30, provided that:

30 (a) the birdfeeder is suspended on a cable or other device at  
31 least 10 feet above the ground;

32 (b) the area below the birdfeeder is kept free from bird food,  
33 bird food debris, or any item that may be construed as bird food;

34 (c) the bird feeder is emptied or brought indoors every night;  
35 and

36 (d) if a bear gains access to the bird feeder, the condition  
37 allowing access shall be corrected or the bird feeder removed within  
38 48 hours;

39 (4) the placement of food at a shelter or pound licensed by the  
40 Department of Health or a municipally approved managed cat  
41 colony, provided that any uneaten food is removed every night;

42 (5) the feeding of companion animals, provided that any uneaten  
43 food is removed every night; and

44 (6) any action by federal, State, or local authorities that requires  
45 feeding, baiting, or luring of wildlife for management or scientific  
46 purpose .

**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.

1 c. (1) If any person violates subsection a. of this section, the  
2 department may institute a civil action in a court of competent  
3 jurisdiction for injunctive relief to prohibit and prevent such  
4 violation or violations and the court may proceed in the action in a  
5 summary manner.

6 (2) Any person who violates the provisions of subsection a. of  
7 this section shall be liable to a civil penalty of up to \$1,000 for each  
8 offense, to be collected in a civil action by a summary proceeding  
9 under the "Penalty Enforcement Law of 1999," P.L.1999, c.274  
10 (C.2A:58-10 et seq.) or in any case before a court of competent  
11 jurisdiction wherein injunctive relief has been requested. Civil  
12 penalties recovered for violations hereof shall be remitted [as  
13 provided in R.S.23:10-19] , within 30 days, by the court or by the  
14 clerk or court officer receiving the penalties to the municipality in  
15 which the violation occurred . The Superior Court and municipal  
16 court shall have jurisdiction to enforce the "Penalty Enforcement  
17 Law of 1999."

18 If the violation is of a continuing nature, each day during which  
19 it continues shall constitute an additional, separate and distinct  
20 offense.

21 No person shall be assessed a civil penalty pursuant to this  
22 paragraph unless the person has first been issued a prior written  
23 warning for a violation of subsection a. of this section.

24 (3) The department is hereby authorized and empowered to  
25 compromise and settle any claim for a penalty under this section in  
26 such amount in the discretion of the department as may appear  
27 appropriate and equitable under all of the circumstances.

28 d. The provisions of this section shall be enforced by all  
29 municipal police officers, the State Police, and law enforcement  
30 officers with the Division of Fish and Wildlife and the Division of  
31 Parks and Forestry in the Department of Environmental Protection.

32 e. [Nothing in this section shall be construed to restrict in any  
33 way the attraction, capture, or taking of black bears by or at the  
34 direction of the Division of Fish and Wildlife for management or  
35 research purposes.] (Deleted by amendment, P.L. , c. ) (pending  
36 before the Legislature as this bill)  
37 (cf: P.L.2002, c.97, s1)

38  
39 2. This act shall take effect immediately.  
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42 STATEMENT  
43

44 This bill would amend the law concerning the feeding of black  
45 bear. Under current law, the prohibition on the feeding of black  
46 bear does not apply in the case of an unintentional feeding of a  
47 black bear. "Unintentional feeding" is defined in the law as using  
48 or placing any material for a purpose other than to attract or entice

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1 black bears but which results in the attraction or enticement of a  
2 black bear, and includes the use of bait for deer in accordance with  
3 section 1 of P.L.1997, c.424 (C.23:4-24.4) and the State Fish and  
4 Game Code.

5 This bill clarifies that the prohibition applies to any food and  
6 includes the placement of food. The bill deletes the exemption for,  
7 and the definition of, "unintentional feeding," and replaces it with a  
8 specific list of activities or actions that are not considered to be the  
9 feeding of black bear. The bill provides that the following activities  
10 would not be subject to the prohibition in the bill: (1) any person  
11 licensed pursuant to law to possess wildlife; (2) any crop,  
12 agricultural product, or animal feed on the premises of any person  
13 engaged in agricultural or horticultural activities; (3) a birdfeeder  
14 maintained between the dates of April 1 and November 30,  
15 provided that certain conditions are met; (4) the placement of food  
16 at a shelter or pound licensed by the Department of Health or a  
17 municipally approved managed cat colony, provided that any  
18 uneaten food is removed every night; (5) the feeding of companion  
19 animals, provided that any uneaten food is removed every night;  
20 and (6) any action by federal, State, or local authorities that  
21 requires feeding, baiting, or luring of wildlife for management or  
22 scientific purpose.

23 The bill would also amend the current law concerning the use of  
24 civil penalties recovered for violations. Under current law, any  
25 penalties are to be paid to the Division of Fish and Wildlife. Under  
26 this bill, any penalties collected would be remitted to the  
27 municipality in which the violation occurred.