

ASSEMBLY, No. 4641

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED SEPTEMBER 14, 2020

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

Assemblyman Holley, Assemblywomen Chaparro, Jasey, Assemblyman Benson, Assemblywomen Speight and Swain

SYNOPSIS

Revises law prohibiting feeding of black bear.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/12/2021)

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.

40

41

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

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.