

ASSEMBLY, No. 104

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman HOLZAPFEL

1 AN ACT concerning endangered and nongame species and amending
2 P.L.1973, c.309.

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

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7 1. Section 10 of P.L.1973, c.309 (C.23:2A-10) is amended to read
8 as follows:

9 10. a. If any person violates any of the provisions of this act or
10 any rule, regulation or order **[promulgated]** adopted or issued pursuant
11 to the provisions of this act, the department may institute a civil action
12 in a court of competent jurisdiction for injunctive relief to prohibit and
13 prevent such violation or violations and the **[said]** court may proceed
14 in the action in a summary manner.

15 b. Any person who violates the provisions of this act or any rule,
16 regulation or order **[promulgated]** adopted or issued pursuant to this
17 act shall be liable to a civil penalty of not less than **[\$100.00]** \$250 and
18 not more than **[\$3,000.00]** \$5,000 for each offense, to be collected in
19 a civil action by a summary proceeding under "the penalty enforcement
20 law" (N.J.S.2A:58-1 et seq.) or in any case before a court of
21 competent jurisdiction wherein injunctive relief has been requested.
22 **[Penalties]** Civil penalties recovered for violations hereof shall be
23 remitted as provided in R.S.23:10-19. The Superior Court and
24 municipal court shall have jurisdiction to enforce **[said penalty**
25 **enforcement law.]** "the penalty enforcement law."

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

28 c. The department is hereby authorized and empowered to
29 compromise and settle any claim for a penalty under this section in
30 such amount in the discretion of the department as may appear
31 appropriate and equitable under all of the circumstances.

32 (cf: P.L.1991, c.91, s.278)

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 2. This act shall take effect immediately.

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STATEMENT

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6 This bill would increase the civil penalty for violating "The
7 Endangered and Nongame Species Conservation Act" to a minimum
8 of \$250 and a maximum of \$5,000. Currently, the minimum civil
9 penalty is \$100 and the maximum is \$3,000.

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14 Increases penalty for violation of "The Endangered and Nongame
15 Species Conservation Act."

WITHDRAWN