

CHAPTER 291

AN ACT concerning wildlife, amending R.S.23:1-1 and R.S.23:4-27, and repealing R.S.23:5-4 and R.S.23:5-25.

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

1. R.S.23:1-1 is amended to read as follows:

Definitions.

23:1-1. As used in this title:

"Assistant protector" or "assistant fish and game protector" means the Deputy Chief of the Bureau of Law Enforcement in the division;

"Closed season" means the date and time of year when wildlife may not be captured, taken, killed, or had in possession in the field;

"Code" means the State Fish and Game Code;

"Conservation officer" means any sworn, salaried member of the Bureau of Law Enforcement in the division holding the titles of Conservation Officer I, II, or III, and includes the titles of Supervising Conservation Officer and Chief of the Bureau of Law Enforcement;

"Council" means the Fish and Game Council in the Division of Fish, Game and Wildlife in the Department of Environmental Protection;

"Delaware river" means the waters of the Delaware river from the Pennsylvania shore to the New Jersey shore, or in the case of any tributaries or inland bays on the New Jersey side, to the mouths of those tributaries or bays;

"Deputy warden" or "deputy fish and game warden" means any commissioned deputy conservation officer of the Bureau of Law Enforcement in the division;

"Division," "board," or "Board of Fish and Game Commissioners" means the Division of Fish, Game and Wildlife in the Department of Environmental Protection;

"Fishing" means the possession of an instrument used to take fish in a condition that makes the instrument readily usable, while in a place or in proximity thereto where fish may be found;

"Hunting" means the possession of an instrument used to take wildlife in a condition that makes the instrument readily usable, while in a place or in proximity thereto where wildlife may be found;

"Open season" means the date and time of year when wildlife may be captured, taken, killed, or had in possession;

"Protector" or "fish and game protector" means the Chief of the Bureau of Law Enforcement in the division;

"Warden" or "fish and game warden" means a conservation officer;

"Wildlife" means any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean or other wild animal or any part, product, egg or offspring or the dead body or parts thereof.

2. R.S.23:4-27 is amended to read as follows:

Unlawful sale, purchase of wildlife; penalties.

23:4-27. a. No person shall sell or purchase wildlife, except as authorized pursuant to this section or any other law or as may be authorized by rule or regulation adopted by the division pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

b. The provisions of subsection a. of this section shall not apply to the sale or purchase of wildlife authorized or regulated by chapter 2A or 2B of this title, R.S. 23:3-28 through R.S.23:3-39, section 4 of P.L.1970, c.247 (C.23:3-65), R.S.23:4-50, R.S.23:5-2, or Title 50 of the Revised Statutes, or any rule or regulation adopted pursuant thereto, provided that the wildlife was taken and possessed in a lawful manner.

c. Unless prohibited or restricted by rule or regulation adopted by the division, the raw or processed hide of the white-tailed deer (*Odocoileus virginianus*), the tail of the white-tailed deer, the portion of the front leg of a white-tailed deer limited to the carpal, metacarpal, and phalange bones, or the portion of the hind leg of a white-tailed deer limited to the tarsus, metatarsus, and phalange bones may be sold or purchased, provided that those parts or products are from a white-tailed deer that was taken and possessed in a lawful manner.

d. Notwithstanding the provisions of subsection a. of this section to the contrary:

(1) the dead body or any part or product thereof of the following wildlife may be sold or purchased, provided that the wildlife was taken and possessed in a lawful manner:

Virginia Opossum	<i>Didelphis virginiana</i>
Beaver	<i>Castor canadensis</i>
Muskrat	<i>Ondatra zibethicus</i>
Nutria	<i>Myocaster coypus</i>
Coyote	<i>Canis latrans</i>
Red Fox	<i>Vulpes vulpes</i>
Gray Fox	<i>Urocyon cinereoargenteus</i>
Raccoon	<i>Procyon lotor</i>
Long Tail Weasel	<i>Mustela frenata</i>
Short Tail Weasel	<i>Mustela erminea</i>
Mink	<i>Mustela vison</i>
Striped Skunk	<i>Mephitis mephitis</i>
River Otter	<i>Lutra canadensis</i>

(2) wildlife not native to this state that originated from a State or other jurisdiction where it is legal to sell or purchase that wildlife and the wildlife was sold or purchased in accordance with the laws of that state or other jurisdiction, may be sold or purchased in this State unless prohibited by federal law, rule or regulation; provided that the wildlife is labeled with the state or other jurisdiction of origin, the name and address of the exporter, and all applicable permit numbers until the expected final retail transaction has been made.

e. The division shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary to implement this section and to otherwise provide for the control and regulation of the sale and purchase of wildlife, including but not limited to wildlife not specifically listed in this section.

f. In addition to any penalties that may be prescribed by any other applicable law:

(1) a person who violates this section shall be:

(a) subject to a civil penalty of not less than \$200 and not more than \$1,000 for the first offense, and not less than \$500 and not more than \$3,000 for each subsequent offense. If the violation involves the sale or purchase of a black bear (*Ursus americanus*), turkey (*Meleagris gallapavo*), white-tailed deer (*Odocoileus virginianus*), bobcat (*Felis rufus*), or illegally taken river otter (*Lutra canadensis*), the civil penalty shall be not less than \$1,000 and not more than \$2,000 for the first offense, and not less than \$1,500 and not more than \$3,000 for each subsequent offense; and

(b) assessed the replacement value of the animal, as prescribed by section 10 of P.L.1990, c.29 (C.23:3-22.2); and

(2) a person who purposely violates this section when the total value of the sale or purchase is:

(a) less than \$200 shall be guilty of a disorderly persons offense;

(b) \$200 or more, but less than \$500, shall be guilty of a crime of the fourth degree;

(c) \$500 or more shall be guilty of a crime of the third degree.

g. For the purposes of this section, "sell or purchase" means to sell or offer for sale, possess for sale, purchase or agree to purchase, receive compensation, barter or offer to barter, trade or offer to trade, or transfer or offer to transfer, or conspire for any of those purposes.

Repealer.

3. R.S.23:5-4 and R.S.23:5-25 are repealed.

4. This act shall take effect immediately.

Approved January 8, 1998.