

[Passed Both Houses]

SENATE, No. 1032

STATE OF NEW JERSEY

INTRODUCED MAY 2, 1996

By Senators GORMLEY and ZANE

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

3

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

6

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

8 23:1-1. As used in this [Title] title :

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

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

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

18 "Code" means the State Fish and Game Code;

19 "Protector" or "fish and game protector" means chief conservation  
20 officer;

21 "Assistant protector" or "assistant fish and game protector" means  
22 district conservation officer;

23 "Warden" or "fish and game warden" means assistant district  
24 conservation officer or conservation officer;

25 "Deputy warden" or "deputy fish and game warden" means deputy  
26 conservation officer;

27 "Open season" means the time during the year when fish, game,  
28 birds or animals, as the case may be, may be captured, taken, killed or  
29 had in possession; and

30 "Closed season" means the time during the year when fish, game,  
31 birds or animals, as the case may be, may not be captured, taken, killed

**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 or had in possession.]

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

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

6 "Code" means the State Fish and Game Code;

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

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

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

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

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

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

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

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

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

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

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

37 (cf: P.L.1993, c.20, s.1)

38

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

40 23:4-27. a. No person shall sell [, offer for sale or possess for sale  
41 in this State, whether killed or taken within or without the State, a  
42 dead body, or part thereof, of any species of squirrel, wild rabbit, wild  
43 hare, or wild deer, or of a game bird or song bird belonging to a  
44 species or subspecies native to this State and protected by the  
45 provisions of the State Fish and Game Code, or, in the absence of any  
46 provision in said code to the contrary protected by law or belonging

1 to a family, any species or subspecies of which is native to this State  
 2 and protected by the provisions of the State Fish and Game Code, or,  
 3 in the absence of any provision in said code to the contrary, protected  
 4 by law, under a penalty of \$20.00 for each such squirrel, wild rabbit,  
 5 wild hare, wild deer or bird so sold, offered for sale or possessed for  
 6 sale; and under a penalty of not less than \$100.00 and not more than  
 7 \$300.00 for each such wild deer so sold, offered for sale or possessed  
 8 for sale; provided, however, that wild rabbits or wild hares legally  
 9 killed in another State may be brought into this State at any time for  
 10 possession, sale and consumption; and provided, further, however, that  
 11 nothing herein contained shall prohibit the sale of commercially raised  
 12 wild rabbits and wild hares. The carcasses of deer and the unplucked  
 13 carcasses of mallard, black and wood ducks, Canada geese, ruffed  
 14 grouse, squirrels, rabbits, hares, quails and pheasants of all species  
 15 raised on licensed game preserves and properly tagged, and the  
 16 unplucked carcasses of Scotch grouse, European black grouse,  
 17 European black plover, redlegged partridge and Egyptian quail coming  
 18 from a foreign country, which are properly tagged by the State  
 19 authorities, may be sold at any time for food purposes.] or purchase  
 20 wildlife, except as authorized pursuant to this section or any other law  
 21 or as may be authorized by rule or regulation adopted by the division  
 22 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
 23 (C.52:14B-1 et seq.).

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

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

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

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

44

45 Virginia Opossum*Didelphis virginiana*46 Beaver*Castor canadensis*

1	<u>Muskrat</u>	<u><i>Ondatra zibethicus</i></u>
2	<u>Nutria</u>	<u><i>Myocaster coypus</i></u>
3	<u>Coyote</u>	<u><i>Canis latrans</i></u>
4	<u>Red Fox</u>	<u><i>Vulpes vulpes</i></u>
5	<u>Gray Fox</u>	<u><i>Urocyoncinereoargenteus</i></u>
6	<u>Raccoon</u>	<u><i>Procyon lotor</i></u>
7	<u>Long Tail Weasel</u>	<u><i>Mustela frenata</i></u>
8	<u>Short Tail Weasel</u>	<u><i>Mustela erminea</i></u>
9	<u>Mink</u>	<u><i>Mustela vison</i></u>
10	<u>Striped Skunk</u>	<u><i>Mephitis mephitis</i></u>
11	<u>River Otter</u>	<u><i>Lutra canadensis</i></u>

12  
 13 (2) wildlife not native to this state that originated from a state or  
 14 other jurisdiction where it is legal to sell or purchase that wildlife and  
 15 the wildlife was sold or purchased in accordance with the laws of that  
 16 state or other jurisdiction, may be sold or purchased in this State  
 17 unless prohibited by federal law, rule or regulation; provided that the  
 18 wildlife is labeled with the state or other jurisdiction of origin, the  
 19 name and address of the exporter, and all applicable permit numbers  
 20 until the expected final retail transaction has been made.

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

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

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

30 (a) subject to a civil penalty of not less than \$200 and not more  
 31 than \$1,000 for the first offense, and not less than \$500 and not more  
 32 than \$3,000 for each subsequent offense. If the violation involves the  
 33 sale or purchase of a black bear (*Ursus americanus*), turkey  
 34 (*Meleagris gallapavo*), white-tailed deer (*Odocoileus virginianus*),  
 35 bobcat (*Felis rufus*), or illegally taken river otter (*Lutra canadensis*),  
 36 the civil penalty shall be not less than \$1,000 and not more than  
 37 \$2,000 for the first offense, and not less than \$1,500 and not more  
 38 than \$3,000 for each subsequent offense; and

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

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

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

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

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

