

SENATE, No. 335

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Permits certain deer control activities; establishes check-off donation on hunting license applications to support venison donation program; authorizes issuance of multi-species depredation permit for wildlife control on farmland.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning deer and other animals, amending P.L.1997,
 2 c.123, P.L.1997, c.268, P.L.1997, c.424, and R.S.23:4-42, and
 3 supplementing Title 23 of the Revised Statutes.

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

7
 8 1. Section 1 of P.L.1997, c.424 (C.23:4-24.4) is amended to
 9 read as follows:

10 1. a. Notwithstanding the provisions of section 1 and section 2
 11 of P.L.1970, c.180 (C.23:4-24.2 and C.23:4-24.3) **], a person may]**
 12 to the contrary, the Fish and Game Council may authorize a hunter
 13 to: (1) use bait , for the purposes of hunting, to attract, entice, or
 14 lure a deer; **[and]** (2) kill, destroy, injure, shoot, shoot at, take,
 15 wound, or attempt to take, kill, or wound, a deer, or have in
 16 possession or control any firearm or other weapon of any kind for
 17 such purposes, within any distance of a baited area **[.** A person
 18 may**]** ; and (3) be elevated , when using a baited area, in a standing
 19 tree or **[in a]** structure of any kind **[when using a baited area for**
 20 hunting deer, and the baited area may be within any distance of the
 21 standing tree or structure**]** , which lies within any distance of the
 22 baited area.

23 b. For the purposes of this section, “baited area” means **[the**
 24 **presence of placed, exposed, deposited, distributed, or scattered**]** an
 25 area wherein agricultural products, salt, or any other edible lure
 26 **[whatsoever]** capable of attracting, enticing, or luring deer is**
 27 **placed, exposed, deposited, distributed, or scattered for the purposes**
 28 **of hunting; and “hunter” means any person who has obtained from**
 29 **the Division of Fish and Wildlife: (1) a license or permit to hunt**
 30 **deer, or (2) a permit, issued pursuant to section 4 of P.L.2000, c.46**
 31 **(C.23:4-42.6), to engage in alternative control methods that have**
 32 **been approved by the division for use in a community based deer**
 33 **management plan.**

34 c. The Fish and Game Council shall adopt, pursuant to the
 35 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
 36 seq.), rules and regulations as may be necessary to effectuate the
 37 provisions of this section.

38 (cf: P.L.1999, c.231, s.1)

39
 40 2. R.S.23:4-42 is amended to read as follows:

41 23:4-42. a. Except as provided in subsection b. of this section,
 42 no person shall hunt for, pursue, shoot at, take, kill, wound or
 43 attempt to take, kill or wound a deer of any description prohibited
 44 by the provisions of the State Fish and Game Code, or hunt for,

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 pursue, shoot at, take, kill, wound or attempt to take, kill or wound
2 any wild deer at any time except during the period permitted by the
3 State Fish and Game Code, or kill in any one year more than the
4 number of deer permitted by the State Fish and Game Code.

5 b. **【The】** (1) Notwithstanding the provisions of subsection a. of
6 this section or any other law, rule, or regulation to the contrary, it
7 shall be lawful for the owner or lessee of 【any】 land 【, a portion of
8 which is】 consisting, in part, of forested ground or land under
9 cultivation, who has on their person a written permit issued by the
10 division; or for the authorized 【agents】 agent 【of the owner or
11 lessee having】 thereof, who has on their person a written permit
12 issued by the division and countersigned by the owner or lessee ,
13 **【may】** to kill any deer that 【may be】 is found on 【that land】 the
14 forested ground or land under cultivation, as the case may be,
15 during the period covered by the permit.

16 (2) As a condition precedent to issuing a permit to an owner or
17 lessee of land under cultivation under this subsection, the division
18 may require the owner or lessee of the land to provide evidence that
19 deer damage has occurred on the land under cultivation within the
20 preceding 12 months.

21 As a condition precedent to issuing a permit to an owner or
22 lessee of forested ground under this subsection, the division may
23 require the owner or lessee of the forested ground to submit
24 evidence from a forester that the nature and extent of deer damage
25 within the preceding 12 months interferes with the goals of the
26 woodland management plan, forest management plan, or forest
27 stewardship plan.

28 (3) If so requested by the owner or lessee of the land, the period
29 covered by the permit issued under this subsection to the owner or
30 lessee of the land, or to the authorized agent thereof, shall 【also】
31 include the entire months of February and March.

32 (4) The carcass of a deer that is killed 【under such】 in
33 accordance with a permit issued by the division pursuant to this
34 subsection, shall become the property of the division and may be
35 removed and disposed of in the manner it directs unless the carcass
36 cannot be located after a good faith effort, as defined by the State
37 Fish and Game Code.

38 (5) For the purpose of this 【section】 subsection, “land under
39 cultivation” 【shall mean (1)】 means (a) pasture fields that are
40 seeded with cultivated grass or that have been so seeded within the
41 prior 12 months, or 【(2)】 (b) land on which planted crops are
42 growing or were growing within the prior 12 months 【. The
43 division may require the owner or lessee of the land to provide
44 evidence of deer damage within the prior 12 months as a condition
45 of issuing a permit pursuant to this subsection】 ; and “forested
46 ground” means land that is the subject of a woodland management

1 plan prepared and implemented pursuant to section 3 of
2 P.L.1964, c.48 (C.54:4-23.3), a forest management plan that meets
3 standards adopted by the Natural Resources Conservation Service
4 of the United States Department of Agriculture, or a forest
5 stewardship plan, which has been approved by the department in
6 accordance with section 3 of P.L.2009, c.256 (C.13:1L-31).
7 (cf: P.L.1999, c.327, s.1)

8
9 3. Section 1 of P.L.1997, c.123 (C.23:4-42.1) is amended to
10 read as follows:

11 1. Notwithstanding the provisions of R.S.23:4-45 or any other
12 law, rule, regulation, or provision of the State Fish and Game Code
13 to the contrary, whenever , pursuant to R.S.23:4-42, a permit is
14 issued **【by the State】** to **【a person】** an owner or lessee of land, or
15 the authorized agent thereof, to kill deer causing **【crop】** damage on
16 forested ground or on land under cultivation **【pursuant to R.S.23:4-**
17 **42】** , it shall be lawful for the **【permittee or authorized agent**
18 **thereof】** permit holder, for the purposes authorized by the permit ,
19 and only while on the **【land or lands】** forested ground or land under
20 cultivation , which **【are owned or leased by that permittee】** is the
21 subject of the permit, but not on or along any adjacent public
22 highway **【adjacent thereto, and for which the permit is issued】** , to:

23 a. Kill either sex deer at any time of day or night, except that
24 the Fish and Game Council may impose such restrictions thereon as
25 may be necessary to protect the general public;

26 b. Transport, possess, have in the **【permittee's or agent's】**
27 permit holder's control, or keep firearms authorized pursuant to
28 R.S.23:4-44 uncased, unloaded, and outside the trunk while in or on
29 a motor vehicle or any other kind of vehicle;

30 c. Utilize an illuminating device or devices, including but not
31 limited to a spotlight, flashlight, floodlight, or headlight, whether
32 portable or fixed to a motor vehicle or any other kind of vehicle, to
33 locate and stun deer; and

34 d. Be assisted by the use of a driver for the motor vehicle or
35 other kind of vehicle, and by a person or persons operating the
36 illuminating device or devices, none of whom shall be required to
37 possess a firearms purchaser identification card while providing
38 such assistance.

39 (cf: P.L.1997, c.123, s.1)

40
41 4. Section 1 of P.L.1997, c.268 (C.23:4-42.7) is amended to
42 read as follows:

43 1. a. The Commissioner of Health **【and Senior Services】**, in
44 consultation with the Commissioner of Environmental Protection,
45 the Secretary of Agriculture and the chairman of the Fish and Game
46 Council, shall establish a venison donation program. The program

1 shall permit, under controlled conditions, the slaughter, processing,
2 distribution, and serving of venison donated by recreational hunters
3 to nonprofit charitable organizations, in accordance with guidelines
4 established by the Commissioner of Health **and Senior Services**
5 and the State Fish and Game Code established pursuant to section
6 32 of P.L.1948, c.448 (C.13:1B-30), in order to protect the health
7 and safety of those persons consuming the donated venison.

8 b. The Commissioner of Health **and Senior Services**, in
9 consultation with the Commissioner of Environmental Protection,
10 the Secretary of Agriculture, the chairman of the Fish and Game
11 Council, and the United Bow Hunters of New Jersey, shall study the
12 feasibility of expanding the program to include venison obtained
13 from hunters **licensed** who have been issued a permit by the
14 **Department of Environmental Protection** Division of Fish and
15 Wildlife in the Department of Environmental Protection, pursuant
16 to R.S.23:4-42, to participate in **crop** depredation control
17 activities , or venison obtained as a result of the implementation of
18 other methods to manage and control deer populations, including
19 but not limited to those established by sections 1 through 4 of
20 P.L.2000, c.46 (C.23:4-42.3 through C.23:4-42.6), and shall expand
21 the program accordingly if the **commissioner** Commissioner of
22 Health deems it appropriate.

23 (cf: P.L.2000, c.46, s.6)

24
25 5. (New section) The owner or lessee of any land, a portion of
26 which is land under cultivation, or the authorized agents of the
27 owner or lessee, having on their person a written permit, to be
28 known as a multi-species depredation permit, issued by the division
29 and countersigned by the owner or lessee, may kill any animal of a
30 species identified in the permit which is on the land and known to
31 cause crop damage. A multi-species depredation permit shall list
32 all species to which the permit applies, as determined by the
33 division, but in every case shall include deer, and shall not include
34 the requirement to retrieve the carcass of any animal killed under
35 the authority of the permit, except as otherwise prescribed for deer
36 pursuant to paragraph (4) of subsection b. of R.S.23:4-42. For the
37 purpose of this section, "land under cultivation" means (1) pasture
38 fields that are seeded with cultivated grass or that have been so
39 seeded within the prior 12 months, or (2) land on which planted
40 crops are growing or were growing within the prior 12 months.

41
42 6. (New section) a. There is hereby established within the
43 "hunters' and anglers' license fund," created pursuant to the
44 provisions of R.S.23:3-11 and R.S.23:3-12, a special account to be
45 known as the "Hunters Helping the Hungry Fund."

46 b. The Division of Fish and Wildlife in the Department of
47 Environmental Protection shall, on each new application or renewal

1 application for a hunting license or permit, depredation control
2 permit, or special deer management permit, or any other hunting or
3 fishing license or permit issued by the division, provide the
4 applicant with the opportunity to indicate thereon that an enclosed
5 monetary contribution shall be deposited in the special account
6 established by subsection a. of this section. The division shall
7 allow the applicant's donation preference to be indicated on the
8 license or permit application form in substantially the following
9 way:

10 Hunters Helping the Hungry Fund: I wish to contribute \$10,
11 \$20, other amount \$..... to this fund.

12 c. Any costs incurred by the Department of Environmental
13 Protection for the collection of funds or for the administration of the
14 donation program under this section may be deducted from receipts
15 collected pursuant to this section, as determined by the Director of
16 the Division of Budget and Accounting. The State Treasurer shall
17 deposit net contributions collected pursuant to this section into the
18 "Hunters Helping the Hungry Fund."

19 d. The Legislature shall annually appropriate all funds
20 deposited in the "Hunters Helping the Hungry Fund" to the
21 Department of Environmental Protection for distribution to the
22 nonprofit organization, Hunters Helping the Hungry, or to any other
23 nonprofit organization that, as determined by the department, has a
24 substantially similar purpose and mission. The funds appropriated
25 and distributed pursuant to this subsection shall be used by Hunters
26 Helping the Hungry or by such other, similarly purposed, nonprofit
27 organization, as the case may be, for the purposes of administering,
28 maintaining, facilitating, and expanding the venison donation
29 program that is overseen and managed thereby.

30
31 7. This act shall take effect on the 60th day following the date
32 of enactment, but the Commissioner of Environmental Protection
33 may take any anticipatory administrative action in advance thereof
34 as may be necessary for the implementation of this act.

35
36
37 STATEMENT

38
39 This bill would amend and supplement laws pertaining to
40 hunting. In particular, the bill would: (1) expand the laws relating
41 to hunting to control animals that damage crops; (2) clarify the law
42 pertaining to deer baiting; and (3) establish a uniform procedure by
43 which monetary donations can be made by hunters to the non-profit
44 organization Hunters Helping the Hungry.

45 State law currently allows the Division of Fish and Wildlife in
46 the Department of Environmental Protection to authorize a land
47 owner or lessee, or the authorized agent thereof, through the

1 issuance of a permit, to engage in deer depredation control activities
2 only on land that is “under cultivation,” as defined by statute. The
3 bill would amend the relevant sections of law to additionally allow
4 the division to authorize a land owner or lessee, or the authorized
5 agent thereof, through the issuance of a permit, to engage in deer
6 depredation control activities on forested land that is the subject of
7 a forest stewardship plan, forest management plan, or woodland
8 management plan. The bill would authorize the Division of Fish
9 and Wildlife to require the owner or lessee of land under cultivation
10 to provide evidence that deer damage has occurred on the land
11 under cultivation within the preceding 12 months; and the owner or
12 lessee of forested land to submit evidence from a forester that the
13 nature and extent of deer damage within the preceding 12 months
14 interferes with the goals of the woodland management plan, forest
15 management plan, or forest stewardship plan.

16 The bill would also require the Division of Fish and Wildlife to
17 establish a multi-species depredation permit which would allow an
18 owner or lessee of land, a portion of which is under cultivation, or
19 their authorized agents, to kill an animal of a species listed in the
20 permit which is on the land and known to cause crop damage.

21 The bill would establish within the State’s “hunters’ and anglers’
22 license fund,” a special account to be known as the “Hunters
23 Helping the Hungry Fund.” Hunters Helping the Hungry (HHH) is
24 a nonprofit organization that works with regional food banks to
25 provide hungry State residents with nutritious, high-protein venison
26 meat, which has been donated to the organization by deer hunters.
27 Although, in 2001, HHH received a legislative grant of \$95,000,
28 and in 2003, obtained a \$50,000 grant from the Division of Fish and
29 Wildlife, since that time, the organization has relied upon private
30 donations to effectuate its mission.

31 In order to support the venison donation program that is
32 currently overseen and managed by this organization, and in order
33 to encourage hunters to make the private monetary contributions
34 needed to sustain such a program, the bill would require the
35 Division of Fish and Wildlife, on each new application or renewal
36 application for a recreational hunting license, depredation control
37 permit, or special deer management permit, or on any other hunting
38 or fishing license or permit issued thereby, to provide the applicant
39 with the opportunity to indicate thereon, using a check-off style
40 format, that the applicant wishes an enclosed monetary contribution
41 to be donated to the “Hunters Helping the Hungry Fund.”

42 Although the bill would provide that any costs incurred by the
43 DEP for the collection of funds or the administration of the
44 donation program may be deducted from the receipts obtained from
45 donations, the bill would require the remaining moneys to be
46 deposited into the “Hunters Helping the Hungry Fund” and annually
47 appropriated by the Legislature to the DEP, for distribution to HHH

1 or to another nonprofit organization which, as determined by the
2 department, has a substantially similar purpose and mission. The
3 bill would further require those distributed funds to be used by
4 HHH or by such other, similarly purposed, nonprofit organization,
5 as the case may be, for the purposes of administering, maintaining,
6 facilitating, and expanding the venison donation program.