

# 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**

As reported by the Senate Environment and Energy Committee with technical review.



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,  
45 pursue, shoot at, take, kill, wound or attempt to take, kill or wound

**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 any wild deer at any time except during the period permitted by the  
2 State Fish and Game Code, or kill in any one year more than the  
3 number of deer permitted by the State Fish and Game Code.

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

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

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

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

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

37 (5) For the purpose of this 【section】 subsection, “land under  
38 cultivation” 【shall mean (1)】 means (a) pasture fields that are  
39 seeded with cultivated grass or that have been so seeded within the  
40 prior 12 months, or 【(2)】 (b) land on which planted crops are  
41 growing or were growing within the prior 12 months 【. The  
42 division may require the owner or lessee of the land to provide  
43 evidence of deer damage within the prior 12 months as a condition  
44 of issuing a permit pursuant to this subsection】 ; and “forested  
45 ground” means land that is the subject of a woodland management  
46 plan prepared and implemented pursuant to section 3 of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40  
41 6. (New section) a. There is hereby established within the  
42 "hunters' and anglers' license fund," created pursuant to the  
43 provisions of R.S.23:3-11 and R.S.23:3-12, a special account to be  
44 known as the "Hunters Helping the Hungry Fund."

45 b. The Division of Fish and Wildlife in the Department of  
46 Environmental Protection shall, on each new application or renewal  
47 application for a hunting license or permit, depredation control

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

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

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

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

29  
30 7. This act shall take effect on the 60th day following the date  
31 of enactment, but the Commissioner of Environmental Protection  
32 may take any anticipatory administrative action in advance thereof  
33 as may be necessary for the implementation of this act.