

LEGISLATIVE HISTORY OF R.S. 23:10-20  
(Fish and game commissioners; searches and seizures; immunity  
from civil suit)

L.1902 - chap.207 - S109.  
No statement.

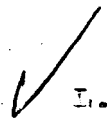
Amended by:

*copy 2*

L.1906 - chap.63 - A86  
No statement.

1937 Revision.

The wording of this section is identical in all three drafts.



L.1948 - chap.448 - S29 - §33.  
Amended during passage but this section was not affected.  
Statement (copy enclosed).

L.1972 - chap.184 - A859  
Amended during passage (copy enclosed)  
Statement (copy enclosed)

No hearings or reports were located.

NOTE: There was considerable discussion of the search and seizure powers of fish and game wardens in the report listed below but there was no discussion of legislative intent.

974.90 New Jersey Department of Law and Public  
P537 Safety  
1949 First Annual Training Conference for  
Fish and Game Wardens.  
1949.

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JH/EE  
Encl.

ASSEMBLY, No. 859

STATE OF NEW JERSEY

INTRODUCED MARCH 20, 1972

By Assemblyman LITTELL and Assemblywoman MARGETTS

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning searches and seizures of equipment and apparatus used in violation of fish and game statutes and regulations and amending R. S. 23:10-20.

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

1 1. R. S. 23:10-20 is amended to read as follows:

2 23:10-20. A member of the Fish and Game Council<sup>1</sup>, the fish  
3 and game protector or a warden<sup>2</sup> and any conservation officer may,  
4 without warrant search and examine any boat, conveyance, vehicle,  
5 fish box, fish basket, game bag, game coat or other receptacle for  
6 game and fish, when he has reason to believe that a provision of  
7 this Title, or any law supplementary thereto, or the State Fish and  
8 Game Code has been violated, and shall seize and take possession  
9 of any *firearms, bows and arrows, shells or cartridges, fishing rods*  
10 *and reels, fishing lines, knives, lights, slingshots, traps, spears,*  
11 *spear guns or any other article or equipment that has been illegally*  
12 *used or any bird, animal or fish unlawfully caught, taken, killed,*  
13 *had in possession or under control, shipped or about to be shipped.*  
14 A court, upon receiving proof of probable cause for believing in  
15 the concealment of a bird, animal or fish so unlawfully caught,  
16 taken, killed, had in possession or under control, shipped or about  
17 to be shipped, shall issue a search warrant and cause a search to  
18 be made in any place, and to that end, may, after demand and  
19 refusal, cause any building, inclosure or car to be entered, and any  
20 apartment, chest, box, locker, crate, basket or package to be broken  
21 open and its contents examined by a member of the Fish and Game  
22 Council<sup>1</sup>, the fish and game protector or a warden<sup>2</sup> or any con-  
23 *servation officer. All firearms, bows and arrows, shells or cartridges,*

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



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24 *fishing rods and reels, fishing lines, knives, lights, slingshots, traps,*  
25 *spears, spear guns or any other article or equipment that has been*  
26 *illegally used or any birds, animals or fish, seized by a member of*

27 the council[, the protector or a warden] or any conservation officer  
28 shall be disposed of in such manner as the court before which the  
29 offense is tried directs.

30 The member of the council[, protector or warden] or conserva-  
31 tion officer shall not be liable for damages by reason of any such  
32 search or the destruction of any nets or fishing, hunting or trapping  
33 apparatus in accordance herewith.

1 2. This act shall take effect immediately.

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#### STATEMENT

The purpose of this amendment is to provide conservation officers with authority to seize equipment used in the violation of statutes and regulations, and to insure its presentation in court as evidence.

SENATE AMENDMENTS TO  
ASSEMBLY, No. 859

STATE OF NEW JERSEY

ADOPTED NOVEMBER 20, 1972

Amend page 1, section 1, line 26, omit "or any birds, animals or fish," insert "and".

Amend page 2, section 1, lines 28 and 29, omit "disposed of in such manner as the court before which the offense is tried directs", insert "returned to the defendant when and if the case has been dismissed, if he has been found not guilty, or if he has been convicted and has paid the penalty and costs imposed, if any".

Amend page 2, section 1, line 32, omit "destruction", insert "seizure".

SENATE REPRINT

ASSEMBLY, No. 859

with Senate amendments adopted November 20, 1972

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23 servation officer. All firearms, bows and arrows, shells or cartridges,

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 25 spears, spear guns or any other article or equipment that has been  
 26 illegally used *\*[or any birds, animals or fish,]\** *\*and\** seized by a  
 27 member of the council[, the protector or a warden] or any conserva-  
 28 tion officer shall be *\*[disposed of in such manner as the court before*  
 29 *which the offense is tried directs]\** *\*returned to the defendant when*  
 30 *and if the case has been dismissed, if he has been found not guilty,*  
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