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SENATE, No. 20

STATE OF NEW JERSEY

INTRODUCED JANUARY 13, 1953

By Mr. CLAPP

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning fish and game, wild birds and animals, and revising parts of
the statutory law.

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

1 1. Section 23:2-8 of the Revised Statutes is amended to read as follows:

2 23:2-8. The council, the wardens, the deputy wardens and the protector
3 shall have the power of summary arrest in cases of flagrant violation of this
4 Title, or of the provisions of the State Fish and Game Code, and may, in the
5 discharge of their duties, call in the aid of a constable, sheriff or other
6 peace officer when deemed necessary. An officer neglecting or refusing to aid
7 when so required shall forfeit twenty-five dollars (\$25.00) to be recovered in
8 a civil action.

1 2. Section 23:4-36 of the Revised Statutes is amended to read as
2 follows:

3 23:4-36. No person shall go into the woods or fields at any time with a
4 gun or firearm when under the influence of a drug or intoxicating liquor,
5 under a penalty of fifty dollars (\$50.00) for each offense. Upon the con-
6 viction of a person for violating this section, the license to hunt and fish
7 of that person issued to him in accordance with article one of chapter
8 three of this Title (§ 23:3-1 et seq.), shall become void, and the municipal
9 court or other court before which the conviction is had, shall take the license

10 from the person so convicted, mark it "revoked" and send it to the board.
 11 If the conviction is reversed on appeal the license shall be restored to the
 12 defendant. Any license to hunt or fish issued to a person convicted of a
 13 violation of this section during the calendar year in which the offense
 14 occurred shall be null and void.

1 3. Section nine of chapter three hundred eighteen of the laws of one
 2 thousand nine hundred and thirty-eight is amended to read as follows:

3 9. This act shall be enforced in the manner and by the persons authorized
 4 under chapter ten of Title 23 of the Revised Statutes.

1 4. Section 23:7-2 of the Revised Statutes is amended to read as follows:

2 23:7-2. A person violating the provisions of section 23:7-1 of this Title
 3 may be arrested without warrant by the owner, occupant, lessee, licensee or an
 4 officer of the law and taken for trial before any county district court or mu-
 5 nicipal court which shall have jurisdiction to try such offender and pro-
 5a nounce sentence.

6 In a prosecution for violation hereof, the failure of the defendant to
 7 produce a written permit to hunt and fish on the lands on which he is charged
 8 with trespassing, signed by the owner, occupant, lessee or licensee thereof
 9 shall be prima facie proof that he was forbidden so to trespass.

1 5. Section 23:7-4 of the Revised Statutes is amended to read as follows:

2 23:7-4. If any person shall fail to pay any fine imposed by this article,
 3 the court before which the conviction is had may commit such person to the
 4 county jail until such fine is paid.

1 6. Section 23:10-2 of the Revised Statutes is amended to read as
 2 follows:

3 23:10-2. Every county district court and municipal court, hereinafter
 4 in this chapter referred to as the "court," shall, except as otherwise spe-
 5 cifically provided, have jurisdiction to try and punish any person violat-
 6 ing any provision of this Title, any provision of any law supplementary
 7 thereto or any provision of the State Fish and Game Code, and every pen-
 8 alty prescribed for such violation may be enforced and recovered before

9 such court in a summary proceeding in accordance with the Penalty Enforce-
 10 ment Law (N. J. S. 2A:58-1 et seq.) either in the county or municipality
 11 where the offense is committed or where the offender is first apprehended or
 12 where he may reside.

1 7. Section 23:10-5 of the Revised Statutes is amended to read as
 2 follows:

3 23:10-5. Any constable, police officer, fish and game warden, protector,
 4 or deputy warden, or any officer or member of any incorporated game protec-
 5 tive society may, for a violation of any provision of this Title, or any provi-
 6 sion of any law supplementary thereto, or of any provision of the State Fish
 7 and Game Code committed within the view of any such officer or person, ar-
 8 rest, without warrant, the offender and carry him before a court in the
 9 county wherein such arrest is made. Any person or persons who shall, by
 10 threat, menace or force, or in any manner, attempt to deter or prevent any
 11 fish and game warden or other person authorized to make arrests for viola-
 12 tion of the fish and game laws of this State, or any provision of any law sup-
 13 plementary thereto, or any provision of the State Fish and Game Code from
 14 enforcing or carrying into effect any provisions of this Title, or any provi-
 15 sion of any law supplementary thereto, or any provision of the State Fish
 16 and Game Code or who shall resist arrest or the seizure of boats or nets or
 17 other apparatus illegally used, shall be subject to a fine of one hundred dol-
 18 lars (\$100.00).

1 8. Section 23:10-6 of the Revised Statutes is hereby repealed.

1 9. Section 23:10-7 of the Revised Statutes is hereby repealed.

1 10. Section 23:10-8 of the Revised Statutes is hereby repealed.

1 11. Section 23:10-9 of the Revised Statutes is hereby repealed.

1 12. Section 23:10-10 of the Revised Statutes is hereby repealed.

1 13. Section 23:10-11 of the Revised Statutes is hereby repealed.

1 14. Section 23:10-13 of the Revised Statutes is hereby repealed.

1 15. Section 23:10-16 of the Revised Statutes is hereby repealed.

1 16. Section 23:10-18 of the Revised Statutes is hereby repealed.

1 17. Section 23:10-21 of the Revised Statutes is amended to read as
2 follows:

3 23:10-21. A person found using a seine, gill, drift, anchor or sink net, fixed
4 net, trap, pot, pound, set line, fyke, weir or other apparatus for the taking of
5 fish in any waters of this State in violation of this Title, or any provision of
6 any law supplementary thereto, or any provision of the State Fish and Game
7 Code shall, in addition to the penalties prescribed, forfeit the same.

8 All constables, sheriffs, fish and game wardens and the fish and game
9 protector shall, and any other person may, seize and secure the same, and
10 shall immediately thereafter institute a proceeding for the confiscation
11 thereof in a county district court of the county wherein, or in the municipal
12 court within the jurisdiction of which, the seizure is made. The court may
13 proceed in a summary manner and may make direct confiscation and for-
14 feiture of the same to the division's use, which division may dispose thereof
15 at its discretion.

1 18. Section 23:10-22 of the Revised Statutes is hereby repealed.

1 19. Section 23:10-23 of the Revised Statutes is hereby repealed.

1 20. This act shall take effect immediately.

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