

ASSEMBLY, No. 351

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 18, 1957

By Assemblyman BARKALOW

Referred to Committee on Agriculture, Conservation and Economic Development

AN Act to provide for the revocation of any hunting or trapping license or bow and arrow license when a person so licensed shall cause injury or death to another person, amending section 23:3-22 of the Revised Statutes, and amending "An act respecting the revocation of license for violation of the fish and game laws, and amending section 23:3-22 and supplementing chapter 3 of Title 23 of the Revised Statutes," approved June 24, 1955 (P. L. 1955, c. 96).

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

1 1. Section 23:3-22 of the Revised Statutes is amended to read as follows:
2 23:3-22. If a person shall, after conviction of any violation of the fish
3 and game laws [.] or of any provision of the State Fish and Game Code of
4 *this State or any other State*, be again convicted of another violation of the
5 fish and game laws [.] or of any provision of the State Fish and Game Code
6 *of this State or any other State*, any fishing license or hunting license or
7 bow and arrow license held by the person so convicted shall be void upon
8 such conviction [and it] . *It shall be the duty of such person to surrender*
9 *the same to the Division of Fish and Game for cancellation [and a] . A*
10 *license issued to [a] such person within a period of 2 years from the date*
11 *of his second conviction, except as otherwise provided by law, or of 3 years*

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

12 from the date of his third or subsequent conviction, shall be void [, and if] .
 13 *If he shall be convicted of fishing or hunting under any license so made void,*
 14 *or without a license, during any such period, he shall be punished by a pen-*
 15 *alty of \$100.00 for each offense.*

16 *If a person, while engaged in hunting or trapping, shall cause injury or*
 17 *death to another by gunfire or by bow and arrow, any hunting and trapping*
 18 *or bow and arrow license issued to such person shall be void. It shall be the*
 19 *duty of such person to surrender the same to the Division of Fish and Game*
 20 *for cancellation. A license issued to such person within a period of 5 years*
 21 *from the date of such injury or death, except as otherwise provided, shall be*
 22 *void. If a person shall be convicted of hunting under any license so made*
 23 *void, or without a license, during such period, he shall be punished by a pen-*
 24 *alty of \$100.00 for each offense.*

1 2. Section 2 of the act of which this act is amendatory is amended to
 2 read as follows:

3 2. Any person aggrieved by the voiding of his fishing license, hunting
 4 license or bow and arrow license for a second conviction of a violation of
 5 the fish and game laws, or of any provisions of the State Fish and Game
 6 Code, *or for causing injury or death to another*, may appeal to the Fish and
 7 Game Council for an order restoring such license [, and if]. *If the council,*
 8 *after hearing shall, in its discretion, determine that by reason of the minor*
 9 *nature of the violations involved, or of other extenuating circumstances, such*
 10 *license should be restored, it shall direct the director to cause to be endorsed*
 11 *upon said license that the same has been restored and to return such license*
 12 *to said person [and] . Thereafter said license shall be in full force and ef-*
 13 *fect and licenses may be issued to such person notwithstanding said hunting*
 14 *accident or said second conviction, but said conviction shall be counted as a*
 15 *second conviction in determining a third or subsequent conviction.*

1 3. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to deny the privilege of hunting or fishing in New Jersey to persons who have been convicted of 2 or more violations of fish and game laws of this State or any other State.

At present a person who, while hunting, causes death or injury to another, can continue to hunt. This bill provides for revocation of his license but establishes machinery for reinstatement if such suspension is unjustified by the facts. Recommended by Division of Fish and Game.

ASSEMBLY COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 351

STATE OF NEW JERSEY

ADOPTED MAY 13, 1957

Amend page 1, title, line 1, after "provide" insert "penalties and".

Amend page 1, title, line 7, at end insert "and supplementing chapter 4 of Title 23 of the Revised Statutes".

Amend page 1, section 1, line 3, after "laws" insert "of this or any other State".

Amend page 1, section 1, line 4, omit "or any other State".

Amend page 1, section 1, line 5, after "laws" insert "of this or any other State".

Amend page 1, section 1, line 6, omit "or any other State".

Amend page 1, section 1, line 8, after "conviction" omit ". It", insert "and it".

Amend page 2, section 1, lines 16 to 24, omit.

Amend page 2, section 2, line 5, after "laws" insert "of this or any other State".

Amend page 2, section 2, line 6, after "Code" insert "of this State"; after "for" insert "conviction of negligently"; after "another" insert "by gunfire or by bow and arrow".

Amend page 2, section 2, after line 15, add new section as follows:

"3. Any person engaged in hunting or trapping, who through the negligent use of a gun or bow and arrow shall cause injury or death to another person,

shall be subject to a penalty of not more than \$500.00 and any hunting or bow and arrow license issued to the person so convicted shall be void upon such conviction and it shall be the duty of such person to surrender the same to the Division of Fish and Game for cancellation. Any such license issued to such person within a period of 5 years from the date of such conviction, except as otherwise provided by law, shall be void. If a person shall be convicted of hunting under any license so made void or without a license during such period, he shall be punished by a penalty of \$100.00 for each offense.

Amend page 2, section 3, line 1, omit "3.", insert "4."

APPROVED 12-13-57

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

1 1. Section 23:3-22 of the Revised Statutes is amended to read as follows:

2 23:3-22. If a person shall, after conviction of any violation of the fish
3 and game laws *of this or any other State* [.] or of any provision of the
4 State Fish and Game Code *of this State* [*or any other State*], be again
5 convicted of another violation of the fish and game laws *of this or any other*
6 *State* [.] or of any provision of the State Fish and Game Code *of this*
7 *State* [*or any other State*], any fishing license or hunting license or bow
8 and arrow license held by the person so convicted shall be void upon such
8a conviction [and it] [*. It*] *and it* shall be the duty of such person to surrender
9 the same to the Division of Fish and Game for cancellation [and a] . A

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

10 license issued to [a] such person within a period of 2 years from the date
 11 of his second conviction, except as otherwise provided by law, or of 3 years
 12 from the date of his third or subsequent conviction, shall be void [, and if] .
 13 If he shall be convicted of fishing or hunting under any license so made void,
 14 or without a license, during any such period, he shall be punished by a pen-
 15 alty of \$100.00 for each offense.

16 *[If a person, while engaged in hunting or trapping, shall cause injury or*
 17 *death to another by gunfire or by bow and arrow, any hunting and trapping*
 18 *or bow and arrow license issued to such person shall be void. It shall be the*
 19 *duty of such person to surrender the same to the Division of Fish and Game*
 20 *for cancellation. A license issued to such person within a period of 5 years*
 21 *from the date of such injury or death, except as otherwise provided, shall be*
 22 *void. If a person shall be convicted of hunting under any license so made*
 23 *void, or without a license, during such period, he shall be punished by a pen-*
 24 *alty of \$100.00 for each offense.]*

1 2. Section 2 of the act of which this act is amendatory is amended to
 2 read as follows:

3 2. Any person aggrieved by the voiding of his fishing license, hunting
 4 license or bow and arrow license for a second conviction of a violation of
 5 the fish and game laws of this or any other State, or of any provisions of the
 6 State Fish and Game Code of this State, or for conviction of negligently
 7 causing injury or death to another by gunfire or by bow and arrow, may
 8 appeal to the Fish and Game Council for an order restoring such license
 9 [, and if]. If the council, after hearing shall, in its discretion, determine
 10 that by reason of the minor nature of the violations involved, or of other
 11 extenuating circumstances, such license should be restored, it shall direct
 12 the director to cause to be endorsed upon said license that the same has
 13 been restored and to return such license to said person [and] . Thereafter
 14 said license shall be in full force and effect and licenses may be issued to
 15 such person notwithstanding said hunting accident or said second conviction,
 16 but said conviction shall be counted as a second conviction in determining
 17 a third or subsequent conviction.

1 3. *Any person engaged in hunting or trapping, who through the negli-*
2 *gent use of a gun or bow and arrow shall cause injury or death to another*
3 *person, shall be subject to a penalty of not more than \$500.00 and any hunt-*
4 *ing or bow and arrow license issued to the person so convicted shall be*
5 *void upon such conviction and it shall be the duty of such person to surren-*
6 *der the same to the Division of Fish and Game for cancellation. Any such*
7 *license issued to such person within a period of 5 years from the date of*
8 *such conviction, except as otherwise provided by law, shall be void. If a*
9 *person shall be convicted of hunting under any license so made void or*
10 *without a license during such period, he shall be punished by a penalty of*
11 *\$100.00 for each offense.*

1 **[3.]** 4. This act shall take effect immediately.