

23:4-16

LEGISLATIVE HISTORY CHECKLIST
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(Fish & game--
violations)

LAWS OF: 1990

CHAPTER: 29

Bill No: S116

Sponsor(s): Zimmer

Date Introduced: Pre-filed

Committee: Assembly: Natural Resources

Senate: Natural Resources

Amended during passage: No

Date of Passage: Assembly: April 30, 1990

Senate: March 22, 1990

Date of Approval: May 24, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

P.L.1990, CHAPTER 29, approved May 24, 1990
1990 Senate No. 116

1 **AN ACT** increasing penalties for violations of certain fish and
2 game laws, establishing a remedial sportsmen education
3 program, amending P.L.1955, c.96, R.S.23:4-16, R.S.23:7-1,
4 R.S.23:7-2, R.S.23:7-3, P.L.1954, c.38, and P.L.1957, c.196,
5 and repealing R.S.23:7-4.

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

9 1. Section 2 of P.L.1955, c.96 (C.23:3-22.1) is amended to read
10 as follows:

11 2. Any person aggrieved by the voiding of [his] a fishing
12 license, hunting license, [or] bow and arrow license, or any other
13 license held by that person for a second conviction of a violation
14 of the fish and game laws of this or any other State, or of any
15 provisions of the State Fish and Game Code of this State, or for
16 conviction of negligently causing injury or death to another by
17 gunfire [or by], bow and arrow, or other weapon, may appeal to
18 the Fish and Game Council for an order restoring such license. If
19 the council, after hearing shall, in its discretion, determine that
20 by reason of the minor nature of the violations involved, or of
21 other extenuating circumstances, such license should be restored,
22 it shall direct the director to cause to be endorsed upon said
23 license that the same has been restored and to return such license
24 to said person, but only if the person first completes, to the
25 satisfaction of the Division of Fish, Game and Wildlife, the
26 approved remedial sportsmen education program established and
27 conducted by the division pursuant to section 12 of P.L....., c.....
28 (C.....) (now before the Legislature as this bill). Thereafter said
29 license shall be in full force and effect and licenses may be issued
30 to such person notwithstanding said hunting accident or said
31 second conviction, but said conviction shall be counted as a
32 second conviction in determining a third or subsequent conviction.
33 (cf: P.L.1957, c.196, s.2)

34 2. R.S.23:4-16 is amended to read as follows:

35 23:4-16. a. No person, either in [an automobile] or on a motor
36 vehicle or vehicle of any kind whatsoever, or by the aid or use of
37 a light carried on or attached to a motor vehicle or vehicle of any

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 kind, shall hunt for, pursue, shoot, shoot at, kill, capture, injure
2 or destroy [a bird or animal in this State, and no] wildlife.

3 b. No person shall use any portable light or lights for the
4 purpose of hunting for any [game bird or animal] wildlife
5 excepting raccoon and opossum, or other species as provided by
6 the State Game Code. [and no]

7 c. No person shall, for the purpose of hunting, taking or killing
8 any [bird or animal] wildlife, cast an arrow or discharge any
9 firearm [upon] from or across any [State] state, county, [or]
10 municipal, or publicly travelled road or highway [, and no].

11 d. No person, except the owner or lessee of the [property]
12 building and persons specifically authorized by him in writing,
13 which writing shall be in the person's possession, shall, for the
14 purpose of hunting, taking or killing any [bird or animal] wildlife,
15 have in his possession a loaded [gun] firearm or nocked arrow
16 while within 450 feet of any occupied [dwelling] building in this
17 State, or of [a] any school playground [, under a penalty of not
18 less than \$50.00 and not more than \$100.00 for each offense].
19 For the purposes of this section, "occupied building" means any
20 building constructed or adapted for overnight accommodation of
21 a person, or for operating a business or engaging in an activity
22 therein, whether or not a person is actually present.

23 e. A person who violates subsection a., b., or c. of this section
24 shall be liable to a civil penalty of not less than \$100.00 nor more
25 than \$200.00 for the first offense, and not less than \$200.00 nor
26 more than \$500.00 for each subsequent offense. A person who
27 violates subsection d. of this section shall be liable to a civil
28 penalty of not less than \$100.00 nor more than \$300.00 for the
29 first offense, and not less than \$300.00 nor more than \$1,500.00
30 and permanent revocation of all license certificates required, and
31 all privileges, to take or possess wildlife for each subsequent
32 offense.

33 (cf: P.L.1979, c.385, s.4)

34 3. R.S.23:7-1 is amended to read as follows:

35 23:7-1. A person who trespasses on the [occupied] lands of
36 another [person in this State,] for the purpose of hunting [with a
37 firearm or], fishing, [killing,] trapping, or [catching any game or
38 fish] taking wildlife, or attempting to hunt, fish, trap, or take
39 wildlife, after notice bearing the name of the owner, occupant, or
40 lessee [or licensee] thereof, forbidding the trespass, has been
41 conspicuously posted by the owner, occupant, or lessee [or
42 licensee] with intervisible signs displayed not fewer than ten to a
43 mile along the exterior boundaries and [along] at all roads, trails
44 and rights-of-way entering such land, or after having been
45 forbidden so to trespass by the owner, occupant, or lessee [or
46 licensee], shall be [punished by a fine] liable to a civil penalty of
47 not less than [twenty-five dollars (\$25.00)] \$100.00 [and not
48 exceeding fifty dollars (\$50.00) and costs] nor more than \$200.00

1 for the first offense, and not less than \$200.00 nor more than
2 \$500.00 and the suspension of all license certificates required,
3 and all privileges, to take or possess wildlife for a period of five
4 years, in addition to any applicable penalty prescribed pursuant to
5 R.S.23:3-22, for each subsequent offense.

6 A license certificate or privilege suspended pursuant to this
7 section shall not be reinstated until the holder thereof has first
8 completed, to the satisfaction of the Division of Fish, Game and
9 Wildlife, the approved remedial sportsmen education program
10 established and conducted by the division pursuant to section 12
11 of P.L....., c..... (C.....) (now before the Legislature as this bill).

12 (cf: P.L.1948, c.229, s.1)

13 4. (New section) A person entering the lands of another for
14 the purpose of hunting, fishing, trapping, or taking wildlife, or
15 attempting to hunt, fish, trap, or take wildlife, who litters,
16 dumps, or discards refuse of any kind shall be liable to a civil
17 penalty of not less than \$25.00 nor more than \$500.00 for each
18 offense.

19 5. R.S.23:7-2 is amended to read as follows:

20 23:7-2. A person violating the provisions of [section]
21 R.S.23:7-1 [of this Title] may be arrested without warrant by the
22 owner, occupant, lessee, [licensee] or [an] any police officer [of
23 the law] and taken for trial before any [county district court]
24 Superior Court or municipal court which shall have jurisdiction to
25 try such offender [and pronounce sentence].

26 In a prosecution in a court of competent jurisdiction for
27 violation hereof, the failure of the defendant to produce [a]
28 written [permit] permission to hunt [and], fish, trap, or take
29 wildlife, as the case may be, on the lands on which he is charged
30 with trespassing, signed by the owner, occupant, or lessee [or
31 licensee] thereof, shall be prima facie proof that he was
32 forbidden so to trespass.

33 (cf: P.L.1953, c.23, s.4)

34 6. R.S.23:7-3 is amended to read as follows:

35 23:7-3. A person who, while [on the property of others for the
36 purpose of] hunting [or], fishing, trapping, or taking wildlife,
37 [willfully and deliberately] causes or assists in causing damage or
38 injury to [or destroys cultivated crops, orchards, fences, signs,
39 sign boards, or any notice forbidding trespass, or any building or
40 live stock or poultry thereon, may be arrested without warrant by
41 the owner, occupant, lessee, licensee or any officer of the law,
42 and] real or personal property of another, including pet animals,
43 shall be [punished by a fine not exceeding five hundred dollars
44 (\$500.00) or imprisonment for six months] liable to a civil penalty
45 not to exceed \$2,000.00, which sum shall be paid to the Division
46 of Fish, Game and Wildlife for deposit in the hunters' and
47 anglers' license fund established pursuant to R.S. 23:3-11, and (1)
48 for a first offense, suspension of all license certificates required,

1 and all privileges, to take or possess wildlife for a period of five
2 years, or (2) for a second offense, permanent revocation of all
3 such license certificates and privileges. A court may also order
4 the violator to pay restitution to the victim for any such damage
5 or injury caused. [Any person violating the provisions of this
6 section shall forfeit his license for a period of two years from the
7 date of his said conviction, and upon conviction for a second
8 violation shall permanently forfeit his said license.]

9 A license certificate or privilege suspended pursuant to this
10 section shall not be reinstated until the holder thereof has first
11 completed, to the satisfaction of the Division of Fish, Game and
12 Wildlife, the approved remedial sportsmen education program
13 established and conducted by the division pursuant to section 12
14 of P.L....., c..... (C.....) (now before the Legislature as this bill).
15 (cf: P.L.1948, c.229, s.2)

16 7. Section 1 of P.L.1954, c.38 (C.23:7-9) is amended to read as
17 follows:

18 1. [Any person who while on a public hunting and fishing tract
19 or other State-owned lands under the control of the Division of
20 Fish and Game in the Department of Environmental Protection,
21 shall without written permission from a duly authorized
22 representative of the Division of Fish, Game and Shell Fisheries,
23 remove any vegetation, soil, equipment, structures or buildings
24 therefrom, dump or discard any refuse of any kind upon, or cause
25 injury to or destroy any equipment, structures or buildings
26 situated thereon or use such lands contrary to regulations which
27 may be established by the division shall be punished by a penalty
28 of not less than \$50.00 nor more than \$100.00 for the first
29 offense, and not less than \$100.00 nor more than \$300.00 for any
30 subsequent offense, to be recovered in accordance with the
31 provisions of chapter 10 of this Title (section 23:10-1 et seq.).

32 Upon a second or any subsequent conviction for violation of the
33 provisions of this section by any person licensed to hunt or fish, in
34 addition to the penalty prescribed, all licenses to hunt or fish
35 issued to such person may be revoked for a period of 1 year from
36 the date of the second or subsequent conviction.]

37 With respect to or on property under the control of the Division
38 of Fish, Game and Wildlife, no person may:

- 39 a. remove or disturb any vegetation, soil, water, minerals, or
40 other property of the State; or
41 b. litter, dump, or discard refuse of any kind; or
42 c. cause injury or damage to any equipment, structure,
43 building, or other property; or
44 d. use such property contrary to regulations established by the
45 division.

46 A person who violates this section shall be liable to a civil
47 penalty of not less than \$50.00 nor more than \$200.00 for each
48 offense, unless the pecuniary gain to the violator or the injury or

1 damage to property exceeds \$100.00, in which case the civil
2 penalty shall be three times the amount of that gain or injury or
3 damage to property. In addition, for each subsequent violation,
4 all license certificates required, and all privileges, to take or
5 possess wildlife shall be suspended for a period of five years.

6 A license certificate or privilege suspended pursuant to this
7 section shall not be reinstated until the holder thereof has first
8 completed, to the satisfaction of the Division of Fish, Game and
9 Wildlife, the approved remedial sportsmen education program
10 established and conducted by the division pursuant to section 12
11 of P.L....., c..... (C.....) (now before the Legislature as this bill):
12 (cf: P.L.1970, c.317, s.1)

13 8. Section 3 of P.L.1957, c.196 (C.23:9A-1) is amended to read
14 as follows:

15 3. [Any] A person engaged in hunting, fishing, [or] trapping, or
16 taking wildlife, who, through the negligent use of a [gun or]
17 firearm, bow and arrow, or other weapon shall cause injury or
18 death to another person, shall be [subject] liable to a civil penalty
19 of not [more] less than \$500.00 [and any hunting or bow and arrow
20 license issued to the person so convicted shall be void upon such
21 conviction and it shall be the duty of such person to surrender the
22 same to the Division of Fish and Game for cancellation. Any
23 such license issued to such person within a period of 5 years from
24 the date of such conviction, except as otherwise provided by law,
25 shall be void. If a person shall be convicted of hunting under any
26 license so made void or without a license during such period, he
27 shall be punished by a penalty of \$100.00 for each offense] not
28 more than \$2,000.00 and suspension of all license certificates,
29 and all privileges, to take or possess wildlife for a period of five
30 years for a first offense, and not less than \$1,000.00 nor more
31 than \$4,000.00 and permanent revocation of all such license
32 certificates and privileges for each subsequent offense.

33 A license certificate or privilege suspended pursuant to this
34 section shall not be reinstated until the holder thereof has first
35 completed, to the satisfaction of the Division of Fish, Game and
36 Wildlife, the approved remedial sportsmen education program
37 established and conducted by the division pursuant to section 12
38 of P.L....., c..... (C.....) (now before the Legislature as this bill).
39 (cf: P.L.1957, c.196, s.3)

40 9. (New section) A person engaged in hunting, fishing,
41 trapping, or taking wildlife who shoots or discharges a firearm,
42 bow and arrow, or other weapon in a careless manner or without
43 due caution and circumspection shall be liable to a civil penalty
44 of not less than \$100.00 nor more than \$500.00 and the suspension
45 of all license certificates, and all privileges, to take or possess
46 wildlife for a period of two years, in addition to any suspension
47 required under the authority of R.S.23:3-22.

48 A license certificate or privilege suspended pursuant to this

1 section shall not be reinstated until the holder thereof has first
2 completed, to the satisfaction of the Division of Fish, Game and
3 Wildlife, the approved remedial sportsmen education program
4 established and conducted by the division pursuant to section 12
5 of P.L....., c..... (C.....) (now before the Legislature as this bill).

6 10. (New section) The Commissioner of Environmental
7 Protection shall establish a range of costs incurred by the
8 department for the replacement value of any animal taken or
9 possessed in violation of law. In addition to the civil and other
10 penalties and costs imposed for a violation of law enforced by the
11 department, a court may assess the violator thereof for costs
12 pursuant to the schedule established pursuant to this section,
13 which sums shall be paid to the Division of Fish, Game and
14 Wildlife for deposit in the hunters' and anglers' license fund
15 established pursuant to R.S.23:3-11.

16 a. The commissioner shall establish costs within the following
17 ranges:

18 (1) Animals for which open or closed seasons or methods of
19 taking have been prescribed in the State Game Code \$20.00
20 to \$2,000.00.

21 (2) Fish for which open or closed seasons or methods of taking
22 have been prescribed in the State Fish Code \$20.00 to
23 \$200.00.

24 (3) Nongame or exotic wildlife as listed in the New Jersey
25 Administrative Code \$20.00 to \$500.00.

26 (4) Potentially dangerous species of nongame or exotic wildlife
27 as listed or described in the New Jersey Administrative Code
28 \$20.00 to \$500.00.

29 (5) Endangered species as listed in the New Jersey
30 Administrative Code \$500.00 to \$5,000.00.

31 (6) Marine finfish \$20.00 to \$500.00.

32 (7) Marine shellfish \$20.00 to \$200.00.

33 (8) Lobster \$20.00 to \$200.00.

34 b. The commissioner may, pursuant to the "Administrative
35 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules
36 and regulations necessary to carry out the provisions of this
37 section.

38 11. (New section) In addition to the requirements of section 1
39 of P.L.1939, c.172 (C.23:4-24.1), no person may transport,
40 possess, or have in their control a firearm in a motor vehicle
41 unless the firearm is unloaded and contained in a closed and
42 securely fastened case, or locked in the trunk of the motor
43 vehicle. A person violating this section shall be liable to a civil
44 penalty of not less than \$50.00 nor more than \$200.00.

45 12. (New section) The Division of Fish, Game and Wildlife
46 shall establish and conduct a remedial sportsmen education
47 program.

48 13. R.S.23:7-4 is repealed.

1 14. This act shall take effect immediately.

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3

4

NATURAL RESOURCES

5

6 Revises penalties for violations of certain fish and game laws and
7 establishes remedial sportsmen education program.

1 14. This act shall take effect immediately.
2
3

4 STATEMENT
5

6 This bill amends and supplements various sections of Title 23 of
7 the Revised Statutes to provide for increased or changed
8 penalties and license suspension or revocation for various
9 violations of the fish and game laws. The bill also would require
10 an individual who has had a license suspended to complete a
11 remedial sportsmen education program to be established and
12 conducted by the Division of Fish, Game and Wildlife before any
13 license issued by the division may be restored after the period of
14 suspension has expired.

15 The penalties in the bill would be increased as follows:

16 • For illegal hunting by vehicle, for hunting by firing a weapon
17 across a road, and for illegal hunting with a light the penalty
18 would be increased from between \$50 and \$100 to between \$100
19 and \$200 for the first offense and between \$200 and \$500 for
20 each subsequent offense;

21 • For illegally hunting within 450 feet of an occupied building
22 or school playground the penalty would be increased from
23 between \$50 and \$100 for each offense to between \$100 and \$300
24 for the first offense and between \$300 and \$1500 and permanent
25 revocation of all hunting licenses for a subsequent offense;

26 • For trespassing while hunting or fishing the penalty would be
27 increased from between \$25 and \$50 to between \$100 and \$200
28 for the first offense and between \$200 and \$500 plus license
29 suspension for five years for a subsequent offense;

30 • For destroying real or personal property while hunting or
31 fishing the penalty would be changed from a maximum of a \$500
32 fine or imprisonment for six months to a civil penalty not to
33 exceed \$2000. Violators would also be required to pay restitution
34 to the victim for any damage or injury caused. In addition, the
35 bill provides that first offenders would be subject to a five year
36 license suspension and a permanent suspension for a subsequent
37 offense;

38 • For damaging or removing land or property owned by the
39 Division of Fish, Game and Wildlife or for improperly using that
40 property or for littering on that land the penalties would be
41 increased from between \$50 and \$100 for the first offense and
42 between \$100 and \$300 and a one year license revocation for a
43 subsequent offense to between \$50 and \$200 for each offense, or
44 three times the property damage or pecuniary gain if greater than
45 \$100. A subsequent offense would also subject the violator to a
46 five year license revocation;

47 • For negligently injuring or killing a person with a weapon
48 while hunting the penalty would be increased from \$500 and a

1 five year license revocation to between \$500 and \$2000 and a five
2 year license suspension for the first offense and between \$1000
3 and \$4000 and permanent revocation of all licenses for a
4 subsequent offense.

5 The bill also proscribes certain additional behavior and sets
6 penalties for violations. The new proscriptions entail a penalty of
7 between \$25 and \$500 for littering on someone's land while
8 hunting or fishing, a penalty of between \$100 and \$500 and a two
9 year suspension of all licenses for carelessly discharging a
10 weapon, and a penalty of between \$50 and \$200 for improperly
11 transporting a firearm in a trunk of an automobile.

12 Finally, in keeping with the change to civil rather than criminal
13 penalties, the bill repeals a 1912 law that allowed violators to be
14 imprisoned if they failed to pay any fine imposed.

15

16

NATURAL RESOURCES

17

18 Increases penalties for violations of certain fish and game laws
19 and establishes remedial sportsmen education program.

ASSEMBLY CONSERVATION AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

SENATE, No. 116

STATE OF NEW JERSEY

DATED: APRIL 5, 1990

The Assembly Conservation and Natural Resources Committee favorably reports Senate Bill No. 116.

This bill amends and supplements various sections of Title 23 of the Revised Statutes to provide for increased or changed penalties and for license suspensions or revocations for various violations of the fish and game laws. The bill also would require an individual who has had a license suspended to complete a remedial sportsmen education program to be established and conducted by the Division of Fish, Game and Wildlife before any license issued by the division may be restored after the period of suspension has expired.

The bill would increase or change penalties provided by law as follows:

- For illegal hunting by vehicle, for hunting by firing a weapon from or across a road, and for illegal hunting with a light the penalty would be increased from between \$50 and \$100 to between \$100 and \$200 for the first offense and between \$200 and \$500 for each subsequent offense;
- For illegally hunting within 450 feet of an occupied building or school playground the penalty would be increased from between \$50 and \$100 for each offense to between \$100 and \$300 for the first offense and between \$300 and \$1500 and permanent revocation of all licenses for a subsequent offense;
- For trespassing while hunting, fishing, trapping, or taking wildlife, the penalty would be increased from between \$25 and \$50 plus costs to between \$100 and \$200 for the first offense and between \$200 and \$500 plus suspension of all licenses for five years for a subsequent offense;
- For damaging or injuring real or personal property of another while hunting, fishing, trapping, or taking wildlife, the penalty would be changed from a maximum of a \$500 fine or imprisonment for six months to a civil penalty not to exceed \$2000. Fines collected would be deposited in the "hunters' and anglers' license fund. Violators would also be required to pay restitution to the victim for any damage or injury caused. In addition, the bill provides that first offenders would be subject to suspension of all licenses for five years and that subsequent offenders would be subject to permanent revocation of all licenses;
- For damaging or removing property under the control of the Division of Fish, Game and Wildlife, for improperly using that property, or for littering on division-controlled land, the penalties

would be increased from between \$50 and \$100 for the first offense and between \$100 and \$300 and a one-year license revocation for a subsequent offense to between \$50 and \$200 for each offense, or three times the property damage or pecuniary gain if greater than \$100. A subsequent offense would also subject the violator to suspension of all licenses for five years;

- For negligently injuring or killing a person with a weapon while hunting, fishing, trapping, or taking wildlife, the penalty would be increased from a maximum fine of \$500 and a five-year license revocation to a fine of between \$500 and \$2000 and suspension of all licenses for five years for the first offense and a fine of between \$1000 and \$4000 and permanent revocation of all licenses for a subsequent offense.

The bill also proscribes certain behavior and sets penalties for violations. The new proscriptions entail a penalty of between \$25 and \$500 for littering while hunting, fishing, trapping, or taking wildlife; a penalty of between \$100 and \$500 and suspension of all licenses for two years for carelessly discharging a weapon; and a penalty of between \$50 and \$200 for improperly transporting a firearm.

Additionally, the bill would set a range of costs incurred by the Department of Environmental Protection that reflect the replacement value of any animal taken or possessed in violation of law. In addition to imposing statutorily prescribed civil and other penalties and costs for violations of the fish and game laws, a court would be authorized to assess a violator for the replacement cost of an illegally taken animal according to the schedule prescribed by the commissioner within the range set forth in the bill.

Finally, in keeping with the change to civil rather than criminal penalties, the bill repeals a 1912 law that allowed violators to be imprisoned if they failed to pay any fine imposed.

The Division of Fish, Game and Wildlife and the New Jersey State Federation of Sportsmen's Clubs testified at the committee meeting in support of the bill.

This bill is identical to Assembly Bill No. 33 of 1990.

SENATE NATURAL RESOURCES AND
AGRICULTURE COMMITTEE

STATEMENT TO

SENATE, No. 116

STATE OF NEW JERSEY

DATED: FEBRUARY 5, 1990

The Senate Natural Resources and Agriculture Committee favorably reports Senate Bill No. 116.

This bill would amend and supplement various sections of Title 23 of the Revised Statutes to provide for increased or otherwise changed penalties and license suspension or revocation for various violations of the fish and game laws. The bill also would require an individual who has had a license suspended to complete a remedial sportsmen education program to be established and conducted by the Division of Fish, Game and Wildlife before any license issued by the division may be restored after the period of suspension has expired.

The bill would increase or otherwise change the penalties as follows:

- For illegal hunting by vehicle, for hunting by firing a weapon across a road, and for illegal hunting with a light the penalty would be increased from between \$50 and \$100 to between \$100 and \$200 for the first offense and between \$200 and \$500 for each subsequent offense;
- For illegally hunting within 450 feet of an occupied building or school playground the penalty would be increased from between \$50 and \$100 for each offense to between \$100 and \$300 for the first offense and between \$300 and \$1500 and permanent revocation of all hunting licenses for a subsequent offense;
- For trespassing while hunting or fishing the penalty would be increased from between \$25 and \$50 to between \$100 and \$200 for the first offense and between \$200 and \$500 plus license suspension for five years for a subsequent offense;
- For damaging or injuring real or personal property of another while hunting or fishing the penalty would be changed from a maximum of a \$500 fine or imprisonment for six months to a civil penalty not to exceed \$2000. Fines collected would be deposited in the "hunters' and anglers' license fund." Violators would also be required to pay restitution to the victim for any damage or injury caused. In addition, the bill provides that first offenders would be subject to a suspension of all licenses for five years and a permanent revocation of all licenses for subsequent offenders;
- For damaging or removing land or property owned by the Division of Fish, Game and Wildlife or for improperly using that property or for littering on division-controlled land, the penalties would be increased from between \$50 and \$100 for the first offense

and between \$100 and \$300 and a one-year license revocation for a subsequent offense to between \$50 and \$200 for each offense, or three times the property damage or pecuniary gain if greater than \$100. A subsequent offense would also subject the violator to suspension of all licenses for five years;

- For negligently injuring or killing a person with a weapon while hunting, fishing, trapping or taking wildlife, the penalty would be increased from a maximum fine of \$500 and a five-year license revocation to a fine of between \$500 and \$2000 and suspension of all licenses for five years for the first offense and a fine of between \$1000 and \$4000 and permanent revocation of all licenses for a subsequent offense.

The bill also proscribes certain behavior and sets penalties for violations. The new proscriptions entail a penalty of between \$25 and \$500 for littering on someone's land while hunting, fishing, trapping or taking wildlife; a penalty of between \$100 and \$500 and suspension of all licenses for two years for carelessly discharging a weapon; and a penalty of between \$50 and \$200 for improperly transporting a firearm.

Additionally, the bill would set a range of costs incurred by the Department of Environmental Protection that reflect the replacement value of any animal taken or possessed in violation of law. In addition to imposing statutorily prescribed civil and other penalties and costs for violations of the fish and game laws, a court would be authorized to assess a violator for the replacement cost of an illegally taken animal according to the schedule prescribed by the commissioner within the range set forth in the bill.

Finally, in keeping with the change to civil rather than criminal penalties, the bill repeals a 1912 law that allowed violators to be imprisoned if they failed to pay any fine imposed.

This bill was prefiled for introduction in the 1990 session pending technical review. As reported the bill includes the changes required by technical review, which has been performed.