

ASSEMBLY, No. 2129

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED FEBRUARY 28, 2000

Sponsored by:

Assemblywoman CONNIE MYERS

District 23 (Warren, Hunterdon and Mercer)

Assemblyman LEONARD LANCE

District 23 (Warren, Hunterdon and Mercer)

SYNOPSIS

Provides for community based deer management plans and special deer management permits in certain areas incurring deer damage; makes venison donation demonstration program permanent; and appropriates \$25,000.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning deer management and control, establishing a
2 permanent venison donation program, supplementing Title 23 of the
3 Revised Statutes, amending N.J.S.2C:39-3 and P.L.1997, c.268,
4 repealing section 2 of P.L.1997, c.268, and making an
5 appropriation.

6

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

9

10 1. (New section) a. Whenever a county board of agriculture
11 determines that a farm or farms located within the county has incurred
12 significant crop damage caused by deer, based on evidence submitted
13 by the county board of agriculture or the Center for Wildlife Damage
14 Control in the New Jersey Agriculture Experiment Station at Rutgers,
15 the State University, the county board of agriculture may apply to the
16 Division of Fish and Wildlife for designation of a special deer
17 management area. The application shall describe the nature and extent
18 of crop damage incurred, and delineate the area proposed for
19 designation as a special deer management area. If the division
20 determines that the significant crop damage has been caused by an
21 overpopulation of deer in the area described in the application, it shall
22 designate it as a special deer management area. In designating a special
23 deer management area, the division may, after consultation with the
24 county board of agriculture, modify the area proposed for designation
25 in an application. The county board of agriculture or the division may
26 request the Center for Wildlife Damage Control to coordinate and
27 facilitate the application and designation of a special deer management
28 area pursuant to this subsection.

29 b. Whenever a municipality determines that the deer population has
30 caused significant damage to property, not including damage to
31 agricultural property, in the municipality or has caused a significant
32 number of vehicle collisions therein, the municipality may apply to the
33 Division of Fish and Wildlife for designation of a special deer
34 management area. Two or more municipalities may submit a single
35 application for the designation of an area that includes more than one
36 municipality. The application shall describe the nature and extent of
37 property damage or vehicle collisions caused by deer, and delineate the
38 area proposed for designation as a special deer management area. If
39 the division determines that the significant damage to property or the
40 significant vehicle collisions has been caused by an overpopulation of
41 deer in the area described in the application, it shall designate it as a
42 special deer management area. In designating a special deer
43 management area, the division may, after consultation with the

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 municipality, modify the area proposed for designation in an
2 application.

3 c. Whenever the owner or operator of an airport determines that
4 the existing population of deer within its boundaries and immediately
5 adjacent property constitutes a hazard to the safe operation of aircraft,
6 the owner or operator of the airport may apply to the Division of Fish
7 and Wildlife for designation of a special deer management area. The
8 application shall describe the nature and extent of the hazard to safe
9 operations of aircraft, and delineate the area proposed for designation
10 as a special deer management area. If the division determines that
11 there is a hazard to the safe operation of aircraft at the airport due to
12 deer in the area described in the application, it shall designate it as a
13 special deer management area. In designating a special deer
14 management area, the division may, after consultation with the owner
15 or operator of the airport, modify the area proposed for designation in
16 an application.

17
18 2. (New section) a. A county board of agriculture, municipal
19 governing body or owner or operator of an airport may submit to the
20 division for its approval a community based deer management plan
21 proposing alternative control methods to reduce the number of deer in
22 an area designated as a special deer management area pursuant to
23 section 1 of this act. A county board of agriculture, municipal
24 governing body or owner or operator of an airport may submit a
25 community based deer management plan concurrently with an
26 application to the division for designation of a special deer
27 management area.

28 Two or more municipalities may submit a single community based
29 deer management plan for a special deer management area that covers
30 more than one municipality.

31 The county board of agriculture or the division may request the
32 Center for Wildlife Damage Control in the New Jersey Agricultural
33 Experiment Station at Rutgers, The State University, to coordinate
34 and facilitate the development of a community based deer management
35 plan.

36 b. A community based deer management plan shall:

37 (1) delineate the boundaries of the special deer management area;

38 (2) describe the proposed alternative control methods to reduce the
39 number of deer in the special deer management area, which may
40 include the methods authorized pursuant to section 3 of this act;

41 (3) identify any organization that will participate in the
42 implementation of the alternative control methods proposed in the
43 plan, and describe its qualifications;

44 (4) describe the methods that will be used to notify the public,
45 including residents located within and adjacent to the special deer
46 management area, of the alternative control methods proposed in the

1 plan and the specific times and the specific places when and where
2 they will be used;

3 (5) describe the precautions that will be taken to ensure the safety
4 of the public;

5 (6) document the written consent of each affected landowner for
6 access to that person's land if access to private property is necessary
7 to implement the plan;

8 (7) attach a resolution, adopted by the governing body of the
9 municipality in which the special deer management area is located,
10 which endorses the community based deer management plan; and

11 (8) include such additional information as the division may
12 determine to be necessary to properly review a community based deer
13 management plan.

14 c. The division shall promptly review a community based deer
15 management plan submitted pursuant to this act, and either approve
16 the plan, approve the plan subject to modification, or disapprove the
17 plan and return it to the applicant setting forth in writing the reasons
18 for its decision. If the division approves a community based deer
19 management plan, the division shall submit it to the Fish and Game
20 Council for its review and action pursuant to section 3 of this act.

21 d. Whenever practicable, a community based deer management plan
22 shall provide for the donation of deer in accordance with the venison
23 donation program established pursuant to section 1 of P.L.1997,
24 c.268.

25

26 3. (New section) a. The Fish and Game Council may authorize an
27 exemption or variation from the following laws, rules or regulations
28 to the extent necessary and appropriate to implement the alternative
29 control methods set forth in an approved community based deer
30 management plan:

31 (1) any provision of the State Fish and Game Code;

32 (2) any rule or regulation adopted by the council;

33 (3) the following provisions of Title 23 of the Revised Statutes:

34 (a) R.S. 23:4-13; (b) subsections a., b. and c. of R.S.23:4-16; (c)
35 R.S.23:4-24; (d) P.L.1939, c.172 (C.23:4-24.1); (e) section 11 of
36 P.L.1990, c.29 (C.23:4-24.1a); (f) R.S.23:4-44; (g) R.S.23:4-45; and
37 (h) R.S.23:4-48; and

38 (4) the provisions of subsection c. of N.J.S. 2C:39-3.

39 b. The council shall authorize an exemption or variation from one
40 or more of the laws, rules or regulations set forth in subsection a. of
41 this section only upon a determination that the approved community
42 based deer management plan adequately provides for the safety of the
43 public. The council may condition the exemption or variation from
44 one or more of the laws, rules or regulations set forth in subsection a.
45 of this section on the implementation of one or more specific measures
46 it determines to be reasonably necessary to ensure public safety,

1 including but not limited to the on-site presence of law enforcement
2 officers or on-site inspection by division personnel.

3 c. The council may authorize an exemption or variation from
4 subsection c. of N.J.S. 2C:39-3 only upon the prior written approval
5 of the chief of police of the municipality in which the special deer
6 management area is located or, in the case of a municipality that does
7 not have a chief of police, the county prosecutor. The council may
8 authorize an exemption or variation from R.S.23:4-13 and R.S.23:4-44
9 only upon the receipt of documentation that each individual authorized
10 to administer the alternate control method possesses a valid firearm
11 hunting license and a valid rifle permit issued by the division. The
12 council may authorize an exemption or variation from subsection c. of
13 R.S.23:4-16 only if, for public safety reasons, it is conditioned upon
14 the road or highway being properly closed by law enforcement officers
15 for the time authorized in the special deer management permit issued
16 pursuant to section 4 of this act.

17

18 4. (New section) a. The division shall issue a special deer
19 management permit to any organization authorized to implement an
20 alternative control method set forth in an approved community based
21 deer management plan. The permit shall identify the time, place and
22 alternative control method authorized by the division, the name of
23 each individual authorized to administer the alternate control method,
24 any exemption or variance from a law, rule or regulation authorized by
25 the council pursuant to section 3 of this act, and any special conditions
26 established by the council.

27 b. No person shall implement an alternative control method except
28 when in possession of a special deer management permit issued by the
29 division pursuant to this act. The permittee shall provide a copy of the
30 permit issued by the division to each individual named in the permit
31 who is authorized to administer the alternate control method.

32

33 5. N.J.S.2C:39-3 is amended to read as follows:

34 2C:39-3. Prohibited Weapons and Devices.

35 a. Destructive devices. Any person who knowingly has in his
36 possession any destructive device is guilty of a crime of the third
37 degree.

38 b. Sawed-off shotguns. Any person who knowingly has in his
39 possession any sawed-off shotgun is guilty of a crime of the third
40 degree.

41 c. Silencers. Any person who knowingly has in his possession any
42 firearm silencer is guilty of a crime of the fourth degree.

43 d. Defaced firearms. Any person who knowingly has in his
44 possession any firearm which has been defaced, except an antique
45 firearm or an antique handgun, is guilty of a crime of the fourth
46 degree.

1 e. Certain weapons. Any person who knowingly has in his
2 possession any gravity knife, switchblade knife, dagger, dirk, stiletto,
3 billy, blackjack, metal knuckle, sandclub, slingshot, cestus or similar
4 leather band studded with metal filings or razor blades imbedded in
5 wood, ballistic knife, without any explainable lawful purpose, is guilty
6 of a crime of the fourth degree.

7 f. Dum-dum or body armor penetrating bullets. (1) Any person,
8 other than a law enforcement officer or persons engaged in activities
9 pursuant to subsection f. of N.J.S.2C:39-6, who knowingly has in his
10 possession any hollow nose or dum-dum bullet, or (2) any person,
11 other than a collector of firearms or ammunition as curios or relics as
12 defined in Title 18, United States Code, section 921 (a) (13) and has
13 in his possession a valid Collector of Curios and Relics License issued
14 by the Bureau of Alcohol, Tobacco and Firearms, who knowingly has
15 in his possession any body armor breaching or penetrating ammunition,
16 which means: (a) ammunition primarily designed for use in a handgun,
17 and (b) which is comprised of a bullet whose core or jacket, if the
18 jacket is thicker than .025 of an inch, is made of tungsten carbide, or
19 hard bronze, or other material which is harder than a rating of 72 or
20 greater on the Rockwell B. Hardness Scale, and (c) is therefore
21 capable of breaching or penetrating body armor, is guilty of a crime of
22 the fourth degree. For purposes of this section, a collector may
23 possess not more than three examples of each distinctive variation of
24 the ammunition described above. A distinctive variation includes a
25 different head stamp, composition, design, or color.

26 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j. or
27 k. of this section shall apply to any member of the Armed Forces of the
28 United States or the National Guard, or except as otherwise provided,
29 to any law enforcement officer while actually on duty or traveling to
30 or from an authorized place of duty, provided that his possession of
31 the prohibited weapon or device has been duly authorized under the
32 applicable laws, regulations or military or law enforcement orders.
33 Nothing in subsection h. of this section shall apply to any law
34 enforcement officer who is exempted from the provisions of that
35 subsection by the Attorney General. Nothing in this section shall apply
36 to the possession of any weapon or device by a law enforcement
37 officer who has confiscated, seized or otherwise taken possession of
38 said weapon or device as evidence of the commission of a crime or
39 because he believed it to be possessed illegally by the person from
40 whom it was taken, provided that said law enforcement officer
41 promptly notifies his superiors of his possession of such prohibited
42 weapon or device.

43 (2) Nothing in subsection f. (1) shall be construed to prevent a
44 person from keeping such ammunition at his dwelling, premises or
45 other land owned or possessed by him, or from carrying such
46 ammunition from the place of purchase to said dwelling or land, nor

1 shall subsection f. (1) be construed to prevent any licensed retail or
2 wholesale firearms dealer from possessing such ammunition at its
3 licensed premises, provided that the seller of any such ammunition
4 shall maintain a record of the name, age and place of residence of any
5 purchaser who is not a licensed dealer, together with the date of sale
6 and quantity of ammunition sold.

7 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
8 shall be construed to prevent any licensed retail or wholesale firearms
9 dealer from possessing that ammunition or large capacity ammunition
10 magazine at its licensed premises for sale or disposition to another
11 licensed dealer, the Armed Forces of the United States or the National
12 Guard, or to a law enforcement agency, provided that the seller
13 maintains a record of any sale or disposition to a law enforcement
14 agency. The record shall include the name of the purchasing agency,
15 together with written authorization of the chief of police or highest
16 ranking official of the agency, the name and rank of the purchasing law
17 enforcement officer, if applicable, and the date, time and amount of
18 ammunition sold or otherwise disposed. A copy of this record shall be
19 forwarded by the seller to the Superintendent of the Division of State
20 Police within 48 hours of the sale or disposition.

21 (4) Nothing in subsection a. of this section shall be construed to
22 apply to antique cannons as exempted in subsection d. of
23 N.J.S.2C:39-6.

24 (5) Nothing in subsection c. of this section shall be construed to
25 apply to any person who is specifically identified in a special deer
26 management permit issued by the Division of Fish and Wildlife to
27 utilize a firearm silencer as part of an alternative deer control method
28 implemented in accordance with a special deer management permit
29 issued pursuant to section 4 of P.L. , c. (C.) (now before the
30 Legislature as this bill), while the person is in the actual performance
31 of the permitted alternative deer control method and while going to
32 and from the place where the permitted alternative deer control
33 method is being utilized. This exception shall not, however, otherwise
34 apply to any person to authorize the purchase or possession of a
35 firearm silencer.

36 h. Stun guns. Any person who knowingly has in his possession any
37 stun gun is guilty of a crime of the fourth degree.

38 i. Nothing in subsection e. of this section shall be construed to
39 prevent any guard in the employ of a private security company, who
40 is licensed to carry a firearm, from the possession of a nightstick when
41 in the actual performance of his official duties, provided that he has
42 satisfactorily completed a training course approved by the Police
43 Training Commission in the use of a nightstick.

44 j. Any person who knowingly has in his possession a large capacity
45 ammunition magazine is guilty of a crime of the fourth degree unless
46 the person has registered an assault firearm pursuant to section 11 of

1 P.L.1990, c.32 (C.2C:58-12) and the magazine is maintained and used
2 in connection with participation in competitive shooting matches
3 sanctioned by the Director of Civilian Marksmanship of the United
4 States Department of the Army.

5 k. Handcuffs. Any person who knowingly has in his possession
6 handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2), under
7 circumstances not manifestly appropriate for such lawful uses as
8 handcuffs may have, is guilty of a disorderly persons offense. A law
9 enforcement officer shall confiscate handcuffs possessed in violation
10 of the law.

11 (cf: P.L.1999, c.233, s.2)

12

13 6. Section 1 of P.L.1997, c.268 is amended to read as follows:

14 1. a. The Commissioner of Health and Senior Services, in
15 consultation with the Commissioner of Environmental Protection, the
16 Secretary of Agriculture and the chairman of the Fish and Game
17 Council, shall establish a venison donation [demonstration] program.
18 The program shall permit, under controlled conditions, the slaughter,
19 processing, distribution, and serving of venison donated by
20 recreational hunters to nonprofit charitable organizations, in
21 accordance with guidelines established by the Commissioner of Health
22 and Senior Services and the State Fish and Game Code established
23 pursuant to section 32 of P.L.1948, c.448 (C.13:1B-30), in order to
24 protect the health and safety of those persons consuming the donated
25 venison.

26 b. The Commissioner of Health and Senior Services, in
27 consultation with the Commissioner of Environmental Protection, the
28 Secretary of Agriculture, the chairman of the Fish and Game Council,
29 and the United Bow Hunters of New Jersey, shall study the feasibility
30 of expanding the program to include venison obtained from hunters
31 licensed by the Department of Environmental Protection to participate
32 in crop depredation control activities or obtained as a result of the
33 implementation of other methods to manage and control deer
34 populations, including but not limited to those established by sections
35 1 through 4 of P.L. ., c. (C.) (now before the Legislature as this
36 bill), and shall expand the program accordingly if the commissioner
37 deems it appropriate.

38 (cf: P.L.1997, c.268, s.1)

39

40 7. Section 5 of P.L.1997, c.268 is amended to read as follows:

41 5. This act shall take effect immediately [and shall expire three
42 years after the effective date].

43 (cf: P.L.1997, c.268, s.5)

44

45 8. Section 2 of P.L.1997, c.268 is hereby repealed.

1 9. There is appropriated from the General Fund to the Department
2 of Agriculture the sum of \$25,000 for the purpose of providing grants
3 to county boards of agriculture for expenses resulting from the
4 implementation of community based deer management plans pursuant
5 to the provisions of P.L. , c. (C.) (now before the Legislature
6 as this bill).

7
8 10. This act shall take effect immediately.

9
10
11 STATEMENT

12
13 This bill authorizes the development and implementation of site
14 specific community based deer management plans and special deer
15 management permits in certain areas incurring deer damage.

16 The bill provides that applications may be submitted to the Division
17 of Fish and Wildlife in the Department of Environmental Protection for
18 designation of a special deer management area under one of the
19 following three situations: (1) when a county board of agriculture
20 determines that a farm or farms located within the county has incurred
21 significant crop damage, based on evidence provided by the county
22 board of agriculture or the Center for Wildlife Damage Control at
23 Rutgers University; (2) when a municipality determines that the deer
24 population has caused significant damage to property, not including
25 damage to agricultural property, in the municipality or has caused a
26 significant number of vehicle collisions in the municipality; and (3)
27 when the owner or operator of an airport determines that the existing
28 population of deer within its boundaries and immediately adjacent
29 property constitutes a hazard to the safe operation of aircraft.

30 The bill further provides that a county board of agriculture,
31 municipal governing body or owner or operator of an airport may
32 submit to the division for its approval a community based deer
33 management plan proposing alternative control methods to reduce the
34 number of deer in an area designated as a special deer management
35 area.

36 The bill permits the Fish and Game Council to authorize the
37 issuance of special deer management permits to allow persons to
38 administer alternative deer control methods (i.e., other than traditional
39 hunting, such as controlled hunting, shooting by an authorized agency,
40 capture and euthanization, capture and removal, and fertility control).
41 It also allows the Fish and Game Council to authorize exemptions or
42 variations from certain specified laws or rules regulating the taking of
43 deer when a person is utilizing a special deer management permit,
44 provided that adequate provision is made to address public safety
45 issues. Specifically, this bill would allow the Fish and Game Council
46 to authorize exemptions or variations from the following: (1) any

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1 provision of the State Fish and Game Code; (2) any rule or regulation
2 adopted by the council; (3) specified provisions of Title 23 of the
3 Revised Statutes including those concerning the use of rifles and other
4 firearms, hunting from a motor vehicle, the use of illuminating devices,
5 shooting across public roads, hunting on Sundays, the transport of
6 loaded firearms for hunting purposes, the transport or possession of
7 firearms in a motor vehicle, weapons authorized for hunting deer, and
8 hours for hunting; and (4) the provisions of subsection c. of
9 N.J.S.2C:39-3 concerning the possession and use of silencers.

10 In addition, the bill makes permanent a three-year, statutorily
11 created venison donation demonstration program which otherwise
12 would have been due to expire in December 2000.

13 Lastly, this bill appropriates \$25,000 from the General Fund to the
14 Department of Agriculture for the purpose of providing grants to
15 county boards of agriculture for expenses resulting from the
16 implementation of community based deer management plans.

[First Reprint]

ASSEMBLY, No. 2129

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 28, 2000

Sponsored by:

Assemblywoman CONNIE MYERS

District 23 (Warren, Hunterdon and Mercer)

Assemblyman LEONARD LANCE

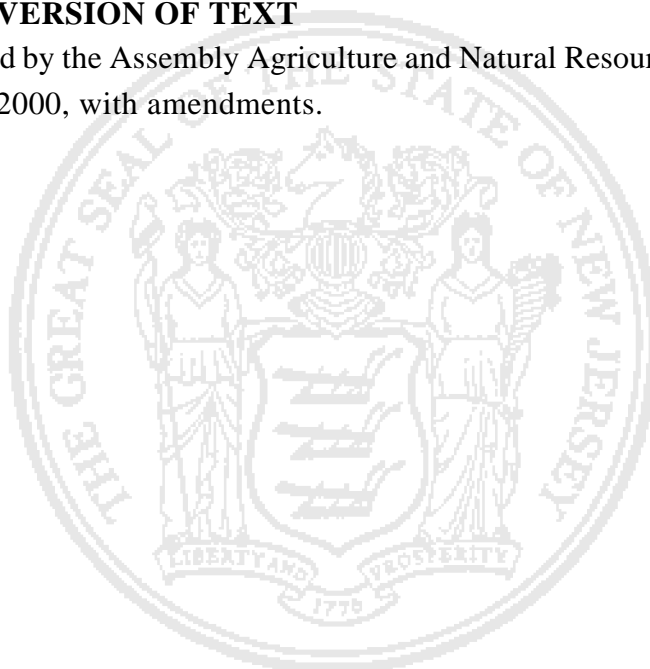
District 23 (Warren, Hunterdon and Mercer)

SYNOPSIS

Provides for community based deer management plans and special deer management permits in certain areas incurring deer damage; makes venison donation demonstration program permanent; and appropriates \$25,000.

CURRENT VERSION OF TEXT

As reported by the Assembly Agriculture and Natural Resources Committee on March 6, 2000, with amendments.



1 AN ACT concerning deer management and control, establishing a
2 permanent venison donation program, supplementing Title 23 of the
3 Revised Statutes, amending N.J.S.2C:39-3 and P.L.1997, c.268,
4 repealing section 2 of P.L.1997, c.268, and making an
5 appropriation.

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

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10 1. (New section) a. Whenever a county board of agriculture
11 determines that a farm or farms located within the county has incurred
12 significant crop damage caused by deer, based on evidence submitted
13 by the county board of agriculture or the Center for Wildlife Damage
14 Control in the New Jersey Agriculture Experiment Station at Rutgers,
15 the State University, the county board of agriculture may apply to the
16 Division of Fish and Wildlife for designation of a special deer
17 management area. The application shall describe the nature and extent
18 of crop damage incurred, and delineate the area proposed for
19 designation as a special deer management area. If the division
20 determines that the significant crop damage has been caused by an
21 overpopulation of deer in the area described in the application, it shall
22 designate it as a special deer management area. In designating a special
23 deer management area, the division may, after consultation with the
24 county board of agriculture, modify the area proposed for designation
25 in an application. The county board of agriculture or the division may
26 request the Center for Wildlife Damage Control to coordinate and
27 facilitate the application and designation of a special deer management
28 area pursuant to this subsection.

29 b. Whenever a municipality determines that the deer population has
30 caused significant damage to property, not including damage to
31 agricultural property, in the municipality or has caused a significant
32 number of vehicle collisions therein, the municipality may apply to the
33 Division of Fish and Wildlife for designation of a special deer
34 management area. Two or more municipalities may submit a single
35 application for the designation of an area that includes more than one
36 municipality. The application shall describe the nature and extent of
37 property damage or vehicle collisions caused by deer, and delineate the
38 area proposed for designation as a special deer management area. If
39 the division determines that the significant damage to property or the
40 significant vehicle collisions has been caused by an overpopulation of
41 deer in the area described in the application, it shall designate it as a
42 special deer management area. In designating a special deer

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAN committee amendments adopted March 6, 2000.

1 management area, the division may, after consultation with the
2 municipality, modify the area proposed for designation in an
3 application.

4 c. Whenever the owner or operator of an airport determines that
5 the existing population of deer within its boundaries and immediately
6 adjacent property constitutes a hazard to the safe operation of aircraft,
7 the owner or operator of the airport may apply to the Division of Fish
8 and Wildlife for designation of a special deer management area. The
9 application shall describe the nature and extent of the hazard to safe
10 operations of aircraft, and delineate the area proposed for designation
11 as a special deer management area. If the division determines that
12 there is a hazard to the safe operation of aircraft at the airport due to
13 deer in the area described in the application, it shall designate it as a
14 special deer management area. In designating a special deer
15 management area, the division may, after consultation with the owner
16 or operator of the airport, modify the area proposed for designation in
17 an application.

18

19 2. (New section) a. ¹[A] Upon submission of an application
20 pursuant to section 1 of this act, or at any time thereafter, a¹ county
21 board of agriculture, municipal governing body or owner or operator
22 of an airport may submit to the division for its approval a community
23 based deer management plan proposing alternative control methods to
24 reduce the number of deer in an area designated as a special deer
25 management area pursuant to section 1 of this act. A county board of
26 agriculture, municipal governing body or owner or operator of an
27 airport may submit a community based deer management plan
28 concurrently with an application to the division for designation of a
29 special deer management area.

30 Two or more municipalities may submit a single community based
31 deer management plan for a special deer management area that covers
32 more than one municipality.

33 The county board of agriculture or the division may request the
34 Center for Wildlife Damage Control in the New Jersey Agricultural
35 Experiment Station at Rutgers, The State University, to coordinate
36 and facilitate the development of a community based deer management
37 plan.

38 b. A community based deer management plan shall:

39 (1) delineate the boundaries of the special deer management area;

40 (2) describe the proposed alternative control methods to reduce the
41 number of deer in the special deer management area, which may
42 include the methods authorized pursuant to section 3 of this act;

43 (3) identify any organization that will participate in the
44 implementation of the alternative control methods proposed in the
45 plan, and describe its qualifications;

46 (4) describe the methods that will be used to notify the public,

1 including residents located within and adjacent to the special deer
2 management area, of the alternative control methods proposed in the
3 plan and the specific times and the specific places when and where
4 they will be used;

5 (5) describe the precautions that will be taken to ensure the safety
6 of the public;

7 (6) document the written consent of each affected landowner for
8 access to that person's land if access to private property is necessary
9 to implement the plan;

10 (7) attach a resolution, adopted by the governing body of the
11 municipality in which the special deer management area is located,
12 which endorses the community based deer management plan; and

13 (8) include such additional information as the division may
14 determine to be necessary to properly review a community based deer
15 management plan.

16 c. The division shall promptly review a community based deer
17 management plan submitted pursuant to this act, and either approve
18 the plan, approve the plan subject to modification, or disapprove the
19 plan and return it to the applicant setting forth in writing the reasons
20 for its decision. If the division approves a community based deer
21 management plan, the division shall submit it to the Fish and Game
22 Council for its review and action pursuant to section 3 of this act.

23 d. Whenever practicable, a community based deer management
24 plan shall provide for the donation of deer in accordance with the
25 venison donation program established pursuant to section 1 of
26 P.L.1997, c.268.

27 ¹e. For the purposes of this act, "alternative control method" or
28 "alternative deer control method" means any technique, other than
29 traditional hunting, employed to reduce a deer population, which may
30 include, but need not be limited to, controlled hunting, shooting by an
31 authorized agent, capture and euthanization, capture and removal, and
32 fertility control.¹

33

34 3. (New section) a. The Fish and Game Council may authorize an
35 exemption or variation from the following laws, rules or regulations
36 to the extent necessary and appropriate to implement the alternative
37 control methods set forth in an approved community based deer
38 management plan:

39 (1) any provision of the State Fish and Game Code;

40 (2) any rule or regulation adopted by the council;

41 (3) the following provisions of Title 23 of the Revised Statutes:

42 (a) R.S.23:4-13; (b) subsections a., b. and c. of R.S.23:4-16; (c)

43 R.S.23:4-24; (d) P.L.1939, c.172 (C.23:4-24.1); (e) section 11 of

44 P.L.1990, c.29 (C.23:4-24.1a); (f) R.S.23:4-44; (g) R.S.23:4-45; and

45 (h) R.S.23:4-48; and

46 (4) the provisions of subsection c. of N.J.S.2C:39-3.

1 b. The council shall authorize an exemption or variation from one
2 or more of the laws, rules or regulations set forth in subsection a. of
3 this section only upon a determination that the approved community
4 based deer management plan adequately provides for the safety of the
5 public. The council may condition the exemption or variation from
6 one or more of the laws, rules or regulations set forth in subsection a.
7 of this section on the implementation of one or more specific measures
8 it determines to be reasonably necessary to ensure public safety,
9 including but not limited to the on-site presence of law enforcement
10 officers or on-site inspection by division personnel.

11 c. The council may authorize an exemption or variation from
12 subsection c. of N.J.S.2C:39-3 only upon the prior written approval of
13 the ¹[chief of police of the] county prosecutor of the county in which
14 the¹ municipality in which the special deer management area is located
15 ¹[or, in the case of a municipality that does not have a chief of police,
16 the county prosecutor]¹ . The council may authorize an exemption or
17 variation from R.S.23:4-13 and R.S.23:4-44 only upon the receipt of
18 documentation that each individual authorized to administer the
19 alternate control method possesses a valid firearm hunting license
20 ¹[and] ¹, a valid rifle permit issued by the division ¹, and a valid New
21 Jersey firearm purchaser identification card or proof that the person is
22 in compliance with the applicable laws of the person's state of
23 residence¹. The council may authorize an exemption or variation from
24 subsection c. of R.S.23:4-16 only if, for public safety reasons, it is
25 conditioned upon the road or highway being properly closed by law
26 enforcement officers for the time authorized in the special deer
27 management permit issued pursuant to section 4 of this act.

28
29 4. (New section) a. The division shall issue a special deer
30 management permit to any ¹[organization] applicant¹ authorized to
31 implement an alternative control method set forth in an approved
32 community based deer management plan. The permit shall identify the
33 time, place and alternative control method authorized by the division,
34 the name of each individual authorized to administer the alternate
35 control method, any exemption or variance from a law, rule or
36 regulation authorized by the council pursuant to section 3 of this act,
37 and any special conditions established by the council.

38 b. No person shall implement an alternative control method except
39 when in possession of a special deer management permit issued by the
40 division pursuant to this act. The permittee shall provide a copy of the
41 permit issued by the division to each individual named in the permit
42 who is authorized to administer the alternate control method.

43

44 5. N.J.S.2C:39-3 is amended to read as follows:

45 2C:39-3. Prohibited Weapons and Devices.

46 a. Destructive devices. Any person who knowingly has in his

1 possession any destructive device is guilty of a crime of the third
2 degree.

3 b. Sawed-off shotguns. Any person who knowingly has in his
4 possession any sawed-off shotgun is guilty of a crime of the third
5 degree.

6 c. Silencers. Any person who knowingly has in his possession any
7 firearm silencer is guilty of a crime of the fourth degree.

8 d. Defaced firearms. Any person who knowingly has in his
9 possession any firearm which has been defaced, except an antique
10 firearm or an antique handgun, is guilty of a crime of the fourth
11 degree.

12 e. Certain weapons. Any person who knowingly has in his
13 possession any gravity knife, switchblade knife, dagger, dirk, stiletto,
14 billy, blackjack, metal knuckle, sandclub, slingshot, cestus or similar
15 leather band studded with metal filings or razor blades imbedded in
16 wood, ballistic knife, without any explainable lawful purpose, is guilty
17 of a crime of the fourth degree.

18 f. Dum-dum or body armor penetrating bullets. (1) Any person,
19 other than a law enforcement officer or persons engaged in activities
20 pursuant to subsection f. of N.J.S.2C:39-6, who knowingly has in his
21 possession any hollow nose or dum-dum bullet, or (2) any person,
22 other than a collector of firearms or ammunition as curios or relics as
23 defined in Title 18, United States Code, section 921 (a) (13) and has
24 in his possession a valid Collector of Curios and Relics License issued
25 by the Bureau of Alcohol, Tobacco and Firearms, who knowingly has
26 in his possession any body armor breaching or penetrating ammunition,
27 which means: (a) ammunition primarily designed for use in a handgun,
28 and (b) which is comprised of a bullet whose core or jacket, if the
29 jacket is thicker than .025 of an inch, is made of tungsten carbide, or
30 hard bronze, or other material which is harder than a rating of 72 or
31 greater on the Rockwell B. Hardness Scale, and (c) is therefore
32 capable of breaching or penetrating body armor, is guilty of a crime of
33 the fourth degree. For purposes of this section, a collector may
34 possess not more than three examples of each distinctive variation of
35 the ammunition described above. A distinctive variation includes a
36 different head stamp, composition, design, or color.

37 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j. or
38 k. of this section shall apply to any member of the Armed Forces of the
39 United States or the National Guard, or except as otherwise provided,
40 to any law enforcement officer while actually on duty or traveling to
41 or from an authorized place of duty, provided that his possession of
42 the prohibited weapon or device has been duly authorized under the
43 applicable laws, regulations or military or law enforcement orders.
44 Nothing in subsection h. of this section shall apply to any law
45 enforcement officer who is exempted from the provisions of that
46 subsection by the Attorney General. Nothing in this section shall apply

1 to the possession of any weapon or device by a law enforcement
2 officer who has confiscated, seized or otherwise taken possession of
3 said weapon or device as evidence of the commission of a crime or
4 because he believed it to be possessed illegally by the person from
5 whom it was taken, provided that said law enforcement officer
6 promptly notifies his superiors of his possession of such prohibited
7 weapon or device.

8 (2) Nothing in subsection f. (1) shall be construed to prevent a
9 person from keeping such ammunition at his dwelling, premises or
10 other land owned or possessed by him, or from carrying such
11 ammunition from the place of purchase to said dwelling or land, nor
12 shall subsection f. (1) be construed to prevent any licensed retail or
13 wholesale firearms dealer from possessing such ammunition at its
14 licensed premises, provided that the seller of any such ammunition
15 shall maintain a record of the name, age and place of residence of any
16 purchaser who is not a licensed dealer, together with the date of sale
17 and quantity of ammunition sold.

18 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
19 shall be construed to prevent any licensed retail or wholesale firearms
20 dealer from possessing that ammunition or large capacity ammunition
21 magazine at its licensed premises for sale or disposition to another
22 licensed dealer, the Armed Forces of the United States or the National
23 Guard, or to a law enforcement agency, provided that the seller
24 maintains a record of any sale or disposition to a law enforcement
25 agency. The record shall include the name of the purchasing agency,
26 together with written authorization of the chief of police or highest
27 ranking official of the agency, the name and rank of the purchasing law
28 enforcement officer, if applicable, and the date, time and amount of
29 ammunition sold or otherwise disposed. A copy of this record shall be
30 forwarded by the seller to the Superintendent of the Division of State
31 Police within 48 hours of the sale or disposition.

32 (4) Nothing in subsection a. of this section shall be construed to
33 apply to antique cannons as exempted in subsection d. of
34 N.J.S.2C:39-6.

35 (5) Nothing in subsection c. of this section shall be construed to
36 apply to any person who is specifically identified in a special deer
37 management permit issued by the Division of Fish and Wildlife to
38 utilize a firearm silencer as part of an alternative deer control method
39 implemented in accordance with a special deer management permit
40 issued pursuant to section 4 of P.L. , c. (C.) (now before the
41 Legislature as this bill), while the person is in the actual performance
42 of the permitted alternative deer control method and while going to
43 and from the place where the permitted alternative deer control
44 method is being utilized. This exception shall not, however, otherwise
45 apply to any person to authorize the purchase or possession of a
46 firearm silencer.

1 h. Stun guns. Any person who knowingly has in his possession any
2 stun gun is guilty of a crime of the fourth degree.

3 i. Nothing in subsection e. of this section shall be construed to
4 prevent any guard in the employ of a private security company, who
5 is licensed to carry a firearm, from the possession of a nightstick when
6 in the actual performance of his official duties, provided that he has
7 satisfactorily completed a training course approved by the Police
8 Training Commission in the use of a nightstick.

9 j. Any person who knowingly has in his possession a large capacity
10 ammunition magazine is guilty of a crime of the fourth degree unless
11 the person has registered an assault firearm pursuant to section 11 of
12 P.L.1990, c.32 (C.2C:58-12) and the magazine is maintained and used
13 in connection with participation in competitive shooting matches
14 sanctioned by the Director of Civilian Marksmanship of the United
15 States Department of the Army.

16 k. Handcuffs. Any person who knowingly has in his possession
17 handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2), under
18 circumstances not manifestly appropriate for such lawful uses as
19 handcuffs may have, is guilty of a disorderly persons offense. A law
20 enforcement officer shall confiscate handcuffs possessed in violation
21 of the law.

22 (cf: P.L.1999, c.233, s.2)

23
24 6. Section 1 of P.L.1997, c.268 is amended to read as follows:

25 1. a. The Commissioner of Health and Senior Services, in
26 consultation with the Commissioner of Environmental Protection, the
27 Secretary of Agriculture and the chairman of the Fish and Game
28 Council, shall establish a venison donation [demonstration] program.
29 The program shall permit, under controlled conditions, the slaughter,
30 processing, distribution, and serving of venison donated by
31 recreational hunters to nonprofit charitable organizations, in
32 accordance with guidelines established by the Commissioner of Health
33 and Senior Services and the State Fish and Game Code established
34 pursuant to section 32 of P.L.1948, c.448 (C.13:1B-30), in order to
35 protect the health and safety of those persons consuming the donated
36 venison.

37 b. The Commissioner of Health and Senior Services, in
38 consultation with the Commissioner of Environmental Protection, the
39 Secretary of Agriculture, the chairman of the Fish and Game Council,
40 and the United Bow Hunters of New Jersey, shall study the feasibility
41 of expanding the program to include venison obtained from hunters
42 licensed by the Department of Environmental Protection to participate
43 in crop depredation control activities or obtained as a result of the
44 implementation of other methods to manage and control deer
45 populations, including but not limited to those established by sections
46 1 through 4 of P.L. , c. (C.) (now before the Legislature as this

1 bill), and shall expand the program accordingly if the commissioner
2 deems it appropriate.

3 (cf: P.L.1997, c.268, s.1)

4

5 7. Section 5 of P.L.1997, c.268 is amended to read as follows:

6 5. This act shall take effect immediately [and shall expire three
7 years after the effective date].

8 (cf: P.L.1997, c.268, s.5)

9

10 8. Section 2 of P.L.1997, c.268 is hereby repealed.

11

12 9. There is appropriated from the General Fund to the Department
13 of Agriculture the sum of \$25,000 for the purpose of providing grants
14 to county boards of agriculture for expenses resulting from the
15 implementation of community based deer management plans pursuant
16 to the provisions of P.L. , c. (C.) (now before the Legislature
17 as this bill).

18

19 10. This act shall take effect immediately.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2129

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 6, 2000

The Assembly Agriculture and Natural Resources Committee reports favorably Assembly Bill No. 2129 with committee amendments.

This bill, as amended by the committee, authorizes the development and implementation of site specific community based deer management plans and special deer management permits in certain areas incurring deer damage.

The bill provides that applications may be submitted to the Division of Fish and Wildlife in the Department of Environmental Protection for designation of a special deer management area under one of the following three situations: (1) when a county board of agriculture determines that a farm or farms located within the county has incurred significant crop damage, based on evidence provided by the county board of agriculture or the Center for Wildlife Damage Control at Rutgers University; (2) when a municipality determines that the deer population has caused significant damage to property, not including damage to agricultural property, in the municipality or has caused a significant number of vehicle collisions in the municipality; and (3) when the owner or operator of an airport determines that the existing population of deer within its boundaries and immediately adjacent property constitutes a hazard to the safe operation of aircraft.

The bill further provides that a county board of agriculture, municipal governing body or owner or operator of an airport may submit to the division for its approval a community based deer management plan proposing alternative control methods to reduce the number of deer in an area designated as a special deer management area.

The bill permits the Fish and Game Council to authorize the issuance of special deer management permits to allow persons to administer alternative deer control methods (i.e., other than traditional hunting, such as controlled hunting, shooting by an authorized agent, capture and euthanization, capture and removal, and fertility control). It also allows the Fish and Game Council to authorize exemptions or

variations from certain specified laws or rules regulating the taking of deer when a person is utilizing a special deer management permit, provided that adequate provision is made to address public safety issues. Specifically, this bill would allow the Fish and Game Council to authorize exemptions or variations from the following: (1) any provision of the State Fish and Game Code; (2) any rule or regulation adopted by the council; (3) specified provisions of Title 23 of the Revised Statutes including those concerning the use of rifles and other firearms, hunting from a motor vehicle, the use of illuminating devices, shooting across certain roads, hunting on Sundays, the transport of loaded firearms for hunting purposes, the transport or possession of firearms in a motor vehicle, weapons authorized for hunting deer, and hours for hunting; and (4) the provisions of subsection c. of N.J.S.2C:39-3 concerning the possession and use of silencers.

In addition, the bill makes permanent a three-year, statutorily created venison donation demonstration program which otherwise would have been due to expire in December 2000.

Lastly, this bill appropriates \$25,000 from the General Fund to the Department of Agriculture for the purpose of providing grants to county boards of agriculture for expenses resulting from the implementation of community based deer management plans.

The committee amended the bill to: (1) include a definition of "alternative control method"; (2) specify that the council may approve an exception or waiver from subsection c. of N.J.S.2C:39-3 only upon written approval of the county prosecutor with jurisdiction for the municipality in which the special deer management area is located; and (3) specify that a special deer management permit shall be issued to the applicant for a community based deer management plan.

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2129

with Assembly Floor Amendments
(Proposed By Assemblywoman MYERS)

ADOPTED: MARCH 16, 2000

These floor amendments would provide that the Fish and Game Council could not authorize an exemption or variation from R.S.23:4-24, concerning hunting on Sundays, for the implementation of alternative control methods set forth in an approved community based deer management plan.

SENATE ECONOMIC GROWTH, AGRICULTURE AND
TOURISM COMMITTEE

STATEMENT TO

[Second Reprint]
ASSEMBLY, No. 2129

STATE OF NEW JERSEY

DATED: MAY 4, 2000

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably Assembly Bill No. 2129 (2R).

This bill authorizes the development and implementation of site specific community based deer management plans and special deer management permits in certain areas incurring deer damage.

The bill provides that applications may be submitted to the Division of Fish and Wildlife in the Department of Environmental Protection for designation of a special deer management area under one of the following three situations: (1) when a county board of agriculture determines that a farm or farms located within the county has incurred significant crop damage, based on evidence provided by the county board of agriculture or the Center for Wildlife Damage Control at Rutgers University; (2) when a municipality determines that the deer population has caused significant damage to property, not including damage to agricultural property, in the municipality or has caused a significant number of vehicle collisions in the municipality; and (3) when the owner or operator of an airport determines that the existing population of deer within its boundaries and immediately adjacent property constitutes a hazard to the safe operation of aircraft.

The bill further provides that a county board of agriculture, municipal governing body or owner or operator of an airport may submit to the division for its approval a community based deer management plan proposing alternative control methods to reduce the number of deer in an area designated as a special deer management area.

The bill permits the Fish and Game Council to authorize the issuance of special deer management permits to allow persons to administer alternative deer control methods (i.e., other than traditional hunting, such as controlled hunting, shooting by an authorized agent, capture and euthanization, capture and removal, and fertility control). It also allows the Fish and Game Council to authorize exemptions or variations from certain specified laws or rules regulating the taking of deer when a person is utilizing a special deer management permit,

provided that adequate provision is made to address public safety issues. Specifically, this bill would allow the Fish and Game Council to authorize exemptions or variations from the following: (1) any provision of the State Fish and Game Code; (2) any rule or regulation adopted by the council; (3) specified provisions of Title 23 of the Revised Statutes including those concerning the use of rifles and other firearms, hunting from a motor vehicle, the use of illuminating devices, shooting across certain roads, the transport of loaded firearms for hunting purposes, the transport or possession of firearms in a motor vehicle, weapons authorized for hunting deer, and hours for hunting; and (4) the provisions of subsection c. of N.J.S.2C:39-3 concerning the possession and use of silencers.

In addition, the bill makes permanent a three-year, statutorily created venison donation demonstration program which otherwise would have been due to expire in December 2000.

Lastly, this bill appropriates \$25,000 from the General Fund to the Department of Agriculture for the purpose of providing grants to county boards of agriculture for expenses resulting from the implementation of community based deer management plans.

As reported by the committee, Assembly Bill No.2129(2R) is identical to Senate Bill No.1090 as amended.

[Second Reprint]

ASSEMBLY, No. 2129

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 28, 2000

Sponsored by:

Assemblywoman CONNIE MYERS
District 23 (Warren, Hunterdon and Mercer)
Assemblyman LEONARD LANCE
District 23 (Warren, Hunterdon and Mercer)

Co-Sponsored by:

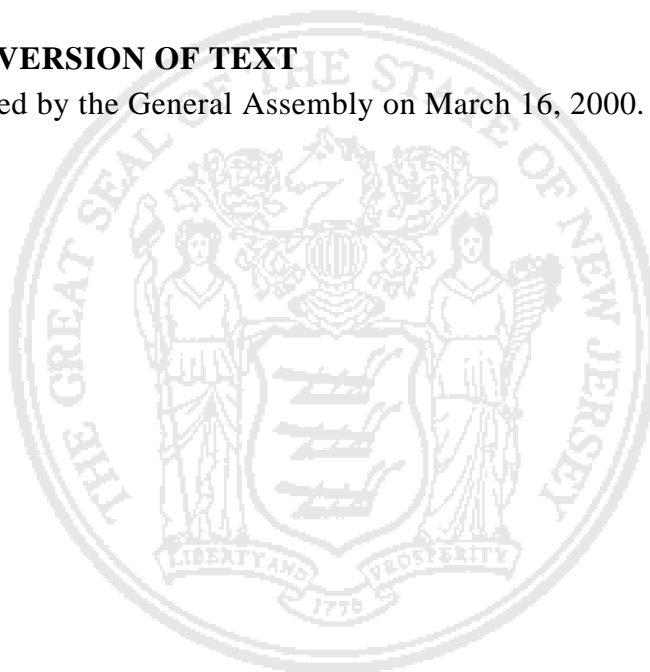
Senators Singer and Bark

SYNOPSIS

Provides for community based deer management plans and special deer management permits in certain areas incurring deer damage; makes venison donation demonstration program permanent; and appropriates \$25,000.

CURRENT VERSION OF TEXT

As amended by the General Assembly on March 16, 2000.



(Sponsorship Updated As Of: 5/19/2000)

1 AN ACT concerning deer management and control, establishing a
2 permanent venison donation program, supplementing Title 23 of the
3 Revised Statutes, amending N.J.S.2C:39-3 and P.L.1997, c.268,
4 repealing section 2 of P.L.1997, c.268, and making an
5 appropriation.

6

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

9

10 1. (New section) a. Whenever a county board of agriculture
11 determines that a farm or farms located within the county has incurred
12 significant crop damage caused by deer, based on evidence submitted
13 by the county board of agriculture or the Center for Wildlife Damage
14 Control in the New Jersey Agriculture Experiment Station at Rutgers,
15 the State University, the county board of agriculture may apply to the
16 Division of Fish and Wildlife for designation of a special deer
17 management area. The application shall describe the nature and extent
18 of crop damage incurred, and delineate the area proposed for
19 designation as a special deer management area. If the division
20 determines that the significant crop damage has been caused by an
21 overpopulation of deer in the area described in the application, it shall
22 designate it as a special deer management area. In designating a special
23 deer management area, the division may, after consultation with the
24 county board of agriculture, modify the area proposed for designation
25 in an application. The county board of agriculture or the division may
26 request the Center for Wildlife Damage Control to coordinate and
27 facilitate the application and designation of a special deer management
28 area pursuant to this subsection.

29 b. Whenever a municipality determines that the deer population has
30 caused significant damage to property, not including damage to
31 agricultural property, in the municipality or has caused a significant
32 number of vehicle collisions therein, the municipality may apply to the
33 Division of Fish and Wildlife for designation of a special deer
34 management area. Two or more municipalities may submit a single
35 application for the designation of an area that includes more than one
36 municipality. The application shall describe the nature and extent of
37 property damage or vehicle collisions caused by deer, and delineate the
38 area proposed for designation as a special deer management area. If
39 the division determines that the significant damage to property or the
40 significant vehicle collisions has been caused by an overpopulation of
41 deer in the area described in the application, it shall designate it as 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.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAN committee amendments adopted March 6, 2000.

² Assembly floor amendments adopted March 16, 2000.

1 special deer management area. In designating a special deer
2 management area, the division may, after consultation with the
3 municipality, modify the area proposed for designation in an
4 application.

5 c. Whenever the owner or operator of an airport determines that
6 the existing population of deer within its boundaries and immediately
7 adjacent property constitutes a hazard to the safe operation of aircraft,
8 the owner or operator of the airport may apply to the Division of Fish
9 and Wildlife for designation of a special deer management area. The
10 application shall describe the nature and extent of the hazard to safe
11 operations of aircraft, and delineate the area proposed for designation
12 as a special deer management area. If the division determines that
13 there is a hazard to the safe operation of aircraft at the airport due to
14 deer in the area described in the application, it shall designate it as a
15 special deer management area. In designating a special deer
16 management area, the division may, after consultation with the owner
17 or operator of the airport, modify the area proposed for designation in
18 an application.

19

20 2. (New section) a. ¹[A] Upon submission of an application
21 pursuant to section 1 of this act, or at any time thereafter, a¹ county
22 board of agriculture, municipal governing body or owner or operator
23 of an airport may submit to the division for its approval a community
24 based deer management plan proposing alternative control methods to
25 reduce the number of deer in an area designated as a special deer
26 management area pursuant to section 1 of this act. A county board of
27 agriculture, municipal governing body or owner or operator of an
28 airport may submit a community based deer management plan
29 concurrently with an application to the division for designation of a
30 special deer management area.

31 Two or more municipalities may submit a single community based
32 deer management plan for a special deer management area that covers
33 more than one municipality.

34 The county board of agriculture or the division may request the
35 Center for Wildlife Damage Control in the New Jersey Agricultural
36 Experiment Station at Rutgers, The State University, to coordinate
37 and facilitate the development of a community based deer management
38 plan.

39 b. A community based deer management plan shall:

40 (1) delineate the boundaries of the special deer management area;

41 (2) describe the proposed alternative control methods to reduce the
42 number of deer in the special deer management area, which may
43 include the methods authorized pursuant to section 3 of this act;

44 (3) identify any organization that will participate in the
45 implementation of the alternative control methods proposed in the
46 plan, and describe its qualifications;

1 (4) describe the methods that will be used to notify the public,
 2 including residents located within and adjacent to the special deer
 3 management area, of the alternative control methods proposed in the
 4 plan and the specific times and the specific places when and where
 5 they will be used;

6 (5) describe the precautions that will be taken to ensure the safety
 7 of the public;

8 (6) document the written consent of each affected landowner for
 9 access to that person's land if access to private property is necessary
 10 to implement the plan;

11 (7) attach a resolution, adopted by the governing body of the
 12 municipality in which the special deer management area is located,
 13 which endorses the community based deer management plan; and

14 (8) include such additional information as the division may
 15 determine to be necessary to properly review a community based deer
 16 management plan.

17 c. The division shall promptly review a community based deer
 18 management plan submitted pursuant to this act, and either approve
 19 the plan, approve the plan subject to modification, or disapprove the
 20 plan and return it to the applicant setting forth in writing the reasons
 21 for its decision. If the division approves a community based deer
 22 management plan, the division shall submit it to the Fish and Game
 23 Council for its review and action pursuant to section 3 of this act.

24 d. Whenever practicable, a community based deer management
 25 plan shall provide for the donation of deer in accordance with the
 26 venison donation program established pursuant to section 1 of
 27 P.L.1997, c.268.

28 ¹e. For the purposes of this act, "alternative control method" or
 29 "alternative deer control method" means any technique, other than
 30 traditional hunting, employed to reduce a deer population, which may
 31 include, but need not be limited to, controlled hunting, shooting by an
 32 authorized agent, capture and euthanization, capture and removal, and
 33 fertility control.¹

34
 35 3. (New section) a. The Fish and Game Council may authorize an
 36 exemption or variation from the following laws, rules or regulations
 37 to the extent necessary and appropriate to implement the alternative
 38 control methods set forth in an approved community based deer
 39 management plan:

40 (1) any provision of the State Fish and Game Code;

41 (2) any rule or regulation adopted by the council;

42 (3) the following provisions of Title 23 of the Revised Statutes:

43 (a) R.S. 23:4-13; (b) subsections a., b. and c. of R.S.23:4-16; (c)

44 ²[R.S.23:4-24; (d)]² P.L.1939, c.172 (C.23:4-24.1); ²[(e)](d)²

45 section 11 of P.L.1990, c.29 (C.23:4-24.1a); ²[(f)](e)² R.S.23:4-44;

46 ²[(g)](f)² R.S.23:4-45; and ²[(h)](g)² R.S.23:4-48; and

- 1 (4) the provisions of subsection c. of N.J.S. 2C:39-3.
- 2 b. The council shall authorize an exemption or variation from one
3 or more of the laws, rules or regulations set forth in subsection a. of
4 this section only upon a determination that the approved community
5 based deer management plan adequately provides for the safety of the
6 public. The council may condition the exemption or variation from
7 one or more of the laws, rules or regulations set forth in subsection a.
8 of this section on the implementation of one or more specific measures
9 it determines to be reasonably necessary to ensure public safety,
10 including but not limited to the on-site presence of law enforcement
11 officers or on-site inspection by division personnel.
- 12 c. The council may authorize an exemption or variation from
13 subsection c. of N.J.S. 2C:39-3 only upon the prior written approval
14 of the ¹[chief of police of the] county prosecutor of the county in
15 which the¹ municipality in which the special deer management area is
16 located ¹[or, in the case of a municipality that does not have a chief
17 of police, the county prosecutor]¹. The council may authorize an
18 exemption or variation from R.S.23:4-13 and R.S.23:4-44 only upon
19 the receipt of documentation that each individual authorized to
20 administer the alternate control method possesses a valid firearm
21 hunting license ¹[and] ¹, ¹a valid rifle permit issued by the division ¹,
22 and a valid New Jersey firearm purchaser identification card or proof
23 that the person is in compliance with the applicable laws of the
24 person's state of residence¹. The council may authorize an exemption
25 or variation from subsection c. of R.S.23:4-16 only if, for public safety
26 reasons, it is conditioned upon the road or highway being properly
27 closed by law enforcement officers for the time authorized in the
28 special deer management permit issued pursuant to section 4 of this
29 act.
30
- 31 4. (New section) a. The division shall issue a special deer
32 management permit to any ¹[organization] applicant¹ authorized to
33 implement an alternative control method set forth in an approved
34 community based deer management plan. The permit shall identify the
35 time, place and alternative control method authorized by the division,
36 the name of each individual authorized to administer the alternate
37 control method, any exemption or variance from a law, rule or
38 regulation authorized by the council pursuant to section 3 of this act,
39 and any special conditions established by the council.
- 40 b. No person shall implement an alternative control method except
41 when in possession of a special deer management permit issued by the
42 division pursuant to this act. The permittee shall provide a copy of the
43 permit issued by the division to each individual named in the permit
44 who is authorized to administer the alternate control method.
45
- 46 5. N.J.S.2C:39-3 is amended to read as follows:

1 2C:39-3. Prohibited Weapons and Devices.

2 a. Destructive devices. Any person who knowingly has in his
3 possession any destructive device is guilty of a crime of the third
4 degree.

5 b. Sawed-off shotguns. Any person who knowingly has in his
6 possession any sawed-off shotgun is guilty of a crime of the third
7 degree.

8 c. Silencers. Any person who knowingly has in his possession any
9 firearm silencer is guilty of a crime of the fourth degree.

10 d. Defaced firearms. Any person who knowingly has in his
11 possession any firearm which has been defaced, except an antique
12 firearm or an antique handgun, is guilty of a crime of the fourth
13 degree.

14 e. Certain weapons. Any person who knowingly has in his
15 possession any gravity knife, switchblade knife, dagger, dirk, stiletto,
16 billy, blackjack, metal knuckle, sandclub, slingshot, cestus or similar
17 leather band studded with metal filings or razor blades imbedded in
18 wood, ballistic knife, without any explainable lawful purpose, is guilty
19 of a crime of the fourth degree.

20 f. Dum-dum or body armor penetrating bullets. (1) Any person,
21 other than a law enforcement officer or persons engaged in activities
22 pursuant to subsection f. of N.J.S.2C:39-6, who knowingly has in his
23 possession any hollow nose or dum-dum bullet, or (2) any person,
24 other than a collector of firearms or ammunition as curios or relics as
25 defined in Title 18, United States Code, section 921 (a) (13) and has
26 in his possession a valid Collector of Curios and Relics License issued
27 by the Bureau of Alcohol, Tobacco and Firearms, who knowingly has
28 in his possession any body armor breaching or penetrating ammunition,
29 which means: (a) ammunition primarily designed for use in a handgun,
30 and (b) which is comprised of a bullet whose core or jacket, if the
31 jacket is thicker than .025 of an inch, is made of tungsten carbide, or
32 hard bronze, or other material which is harder than a rating of 72 or
33 greater on the Rockwell B. Hardness Scale, and (c) is therefore
34 capable of breaching or penetrating body armor, is guilty of a crime of
35 the fourth degree. For purposes of this section, a collector may
36 possess not more than three examples of each distinctive variation of
37 the ammunition described above. A distinctive variation includes a
38 different head stamp, composition, design, or color.

39 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j. or
40 k. of this section shall apply to any member of the Armed Forces of the
41 United States or the National Guard, or except as otherwise provided,
42 to any law enforcement officer while actually on duty or traveling to
43 or from an authorized place of duty, provided that his possession of
44 the prohibited weapon or device has been duly authorized under the
45 applicable laws, regulations or military or law enforcement orders.
46 Nothing in subsection h. of this section shall apply to any law

1 enforcement officer who is exempted from the provisions of that
2 subsection by the Attorney General. Nothing in this section shall apply
3 to the possession of any weapon or device by a law enforcement
4 officer who has confiscated, seized or otherwise taken possession of
5 said weapon or device as evidence of the commission of a crime or
6 because he believed it to be possessed illegally by the person from
7 whom it was taken, provided that said law enforcement officer
8 promptly notifies his superiors of his possession of such prohibited
9 weapon or device.

10 (2) Nothing in subsection f. (1) shall be construed to prevent a
11 person from keeping such ammunition at his dwelling, premises or
12 other land owned or possessed by him, or from carrying such
13 ammunition from the place of purchase to said dwelling or land, nor
14 shall subsection f. (1) be construed to prevent any licensed retail or
15 wholesale firearms dealer from possessing such ammunition at its
16 licensed premises, provided that the seller of any such ammunition
17 shall maintain a record of the name, age and place of residence of any
18 purchaser who is not a licensed dealer, together with the date of sale
19 and quantity of ammunition sold.

20 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
21 shall be construed to prevent any licensed retail or wholesale firearms
22 dealer from possessing that ammunition or large capacity ammunition
23 magazine at its licensed premises for sale or disposition to another
24 licensed dealer, the Armed Forces of the United States or the National
25 Guard, or to a law enforcement agency, provided that the seller
26 maintains a record of any sale or disposition to a law enforcement
27 agency. The record shall include the name of the purchasing agency,
28 together with written authorization of the chief of police or highest
29 ranking official of the agency, the name and rank of the purchasing law
30 enforcement officer, if applicable, and the date, time and amount of
31 ammunition sold or otherwise disposed. A copy of this record shall be
32 forwarded by the seller to the Superintendent of the Division of State
33 Police within 48 hours of the sale or disposition.

34 (4) Nothing in subsection a. of this section shall be construed to
35 apply to antique cannons as exempted in subsection d. of
36 N.J.S.2C:39-6.

37 (5) Nothing in subsection c. of this section shall be construed to
38 apply to any person who is specifically identified in a special deer
39 management permit issued by the Division of Fish and Wildlife to
40 utilize a firearm silencer as part of an alternative deer control method
41 implemented in accordance with a special deer management permit
42 issued pursuant to section 4 of P.L. , c. (C.) (now before the
43 Legislature as this bill), while the person is in the actual performance
44 of the permitted alternative deer control method and while going to
45 and from the place where the permitted alternative deer control
46 method is being utilized. This exception shall not, however, otherwise

1 apply to any person to authorize the purchase or possession of a
2 firearm silencer.

3 h. Stun guns. Any person who knowingly has in his possession any
4 stun gun is guilty of a crime of the fourth degree.

5 i. Nothing in subsection e. of this section shall be construed to
6 prevent any guard in the employ of a private security company, who
7 is licensed to carry a firearm, from the possession of a nightstick when
8 in the actual performance of his official duties, provided that he has
9 satisfactorily completed a training course approved by the Police
10 Training Commission in the use of a nightstick.

11 j. Any person who knowingly has in his possession a large capacity
12 ammunition magazine is guilty of a crime of the fourth degree unless
13 the person has registered an assault firearm pursuant to section 11 of
14 P.L.1990, c.32 (C.2C:58-12) and the magazine is maintained and used
15 in connection with participation in competitive shooting matches
16 sanctioned by the Director of Civilian Marksmanship of the United
17 States Department of the Army.

18 k. Handcuffs. Any person who knowingly has in his possession
19 handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2), under
20 circumstances not manifestly appropriate for such lawful uses as
21 handcuffs may have, is guilty of a disorderly persons offense. A law
22 enforcement officer shall confiscate handcuffs possessed in violation
23 of the law.

24 (cf: P.L.1999, c.233, s.2)

25

26 6. Section 1 of P.L.1997, c.268 is amended to read as follows:

27 1. a. The Commissioner of Health and Senior Services, in
28 consultation with the Commissioner of Environmental Protection, the
29 Secretary of Agriculture and the chairman of the Fish and Game
30 Council, shall establish a venison donation [demonstration] program.
31 The program shall permit, under controlled conditions, the slaughter,
32 processing, distribution, and serving of venison donated by
33 recreational hunters to nonprofit charitable organizations, in
34 accordance with guidelines established by the Commissioner of Health
35 and Senior Services and the State Fish and Game Code established
36 pursuant to section 32 of P.L.1948, c.448 (C.13:1B-30), in order to
37 protect the health and safety of those persons consuming the donated
38 venison.

39 b. The Commissioner of Health and Senior Services, in
40 consultation with the Commissioner of Environmental Protection, the
41 Secretary of Agriculture, the chairman of the Fish and Game Council,
42 and the United Bow Hunters of New Jersey, shall study the feasibility
43 of expanding the program to include venison obtained from hunters
44 licensed by the Department of Environmental Protection to participate
45 in crop depredation control activities or obtained as a result of the
46 implementation of other methods to manage and control deer

1 populations, including but not limited to those established by sections
2 1 through 4 of P.L. , c. (C.) (now before the Legislature as this
3 bill), and shall expand the program accordingly if the commissioner
4 deems it appropriate.

5 (cf: P.L.1997, c.268, s.1)

6

7 7. Section 5 of P.L.1997, c.268 is amended to read as follows:

8 5. This act shall take effect immediately [and shall expire three
9 years after the effective date].

10 (cf: P.L.1997, c.268, s.5)

11

12 8. Section 2 of P.L.1997, c.268 is hereby repealed.

13

14 9. There is appropriated from the General Fund to the Department
15 of Agriculture the sum of \$25,000 for the purpose of providing grants
16 to county boards of agriculture for expenses resulting from the
17 implementation of community based deer management plans pursuant
18 to the provisions of P.L. , c. (C.) (now before the Legislature
19 as this bill).

20

21 10. This act shall take effect immediately.

§§1-4
C.23:4-42.3 to
23:4-42.6
§§1, 3 of P.L.1997,
c.268
C.23:4-42.7 and
23:4-42.8
§8
Repealer
§9
Approp.

P.L. 2000, CHAPTER 46, *approved June 30, 2000*
Assembly, No. 2129 (*Second Reprint*)

1 **AN ACT** concerning deer management and control, establishing a
2 permanent venison donation program, supplementing Title 23 of the
3 Revised Statutes, amending N.J.S.2C:39-3 and P.L.1997, c.268,
4 repealing section 2 of P.L.1997, c.268, and making an
5 appropriation.

6

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

9

10 1. (New section) a. Whenever a county board of agriculture
11 determines that a farm or farms located within the county has incurred
12 significant crop damage caused by deer, based on evidence submitted
13 by the county board of agriculture or the Center for Wildlife Damage
14 Control in the New Jersey Agriculture Experiment Station at Rutgers,
15 the State University, the county board of agriculture may apply to the
16 Division of Fish and Wildlife for designation of a special deer
17 management area. The application shall describe the nature and extent
18 of crop damage incurred, and delineate the area proposed for
19 designation as a special deer management area. If the division
20 determines that the significant crop damage has been caused by an
21 overpopulation of deer in the area described in the application, it shall
22 designate it as a special deer management area. In designating a special
23 deer management area, the division may, after consultation with the
24 county board of agriculture, modify the area proposed for designation
25 in an application. The county board of agriculture or the division may
26 request the Center for Wildlife Damage Control to coordinate and
27 facilitate the application and designation of a special deer management
28 area pursuant to this subsection.

29 b. Whenever a municipality determines that the deer population has
30 caused significant damage to property, not including damage to
31 agricultural property, in the municipality or has caused a significant

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAN committee amendments adopted March 6, 2000.

² Assembly floor amendments adopted March 16, 2000.

1 number of vehicle collisions therein, the municipality may apply to the
2 Division of Fish and Wildlife for designation of a special deer
3 management area. Two or more municipalities may submit a single
4 application for the designation of an area that includes more than one
5 municipality. The application shall describe the nature and extent of
6 property damage or vehicle collisions caused by deer, and delineate the
7 area proposed for designation as a special deer management area. If
8 the division determines that the significant damage to property or the
9 significant vehicle collisions has been caused by an overpopulation of
10 deer in the area described in the application, it shall designate it as a
11 special deer management area. In designating a special deer
12 management area, the division may, after consultation with the
13 municipality, modify the area proposed for designation in an
14 application.

15 c. Whenever the owner or operator of an airport determines that
16 the existing population of deer within its boundaries and immediately
17 adjacent property constitutes a hazard to the safe operation of aircraft,
18 the owner or operator of the airport may apply to the Division of Fish
19 and Wildlife for designation of a special deer management area. The
20 application shall describe the nature and extent of the hazard to safe
21 operations of aircraft, and delineate the area proposed for designation
22 as a special deer management area. If the division determines that
23 there is a hazard to the safe operation of aircraft at the airport due to
24 deer in the area described in the application, it shall designate it as a
25 special deer management area. In designating a special deer
26 management area, the division may, after consultation with the owner
27 or operator of the airport, modify the area proposed for designation in
28 an application.

29

30 2. (New section) a. ¹[A] Upon submission of an application
31 pursuant to section 1 of this act, or at any time thereafter, a¹ county
32 board of agriculture, municipal governing body or owner or operator
33 of an airport may submit to the division for its approval a community
34 based deer management plan proposing alternative control methods to
35 reduce the number of deer in an area designated as a special deer
36 management area pursuant to section 1 of this act. A county board of
37 agriculture, municipal governing body or owner or operator of an
38 airport may submit a community based deer management plan
39 concurrently with an application to the division for designation of a
40 special deer management area.

41 Two or more municipalities may submit a single community based
42 deer management plan for a special deer management area that covers
43 more than one municipality.

44 The county board of agriculture or the division may request the
45 Center for Wildlife Damage Control in the New Jersey Agricultural
46 Experiment Station at Rutgers, The State University, to coordinate

1 and facilitate the development of a community based deer management
2 plan.

3 b. A community based deer management plan shall:

4 (1) delineate the boundaries of the special deer management area;

5 (2) describe the proposed alternative control methods to reduce the
6 number of deer in the special deer management area, which may
7 include the methods authorized pursuant to section 3 of this act;

8 (3) identify any organization that will participate in the
9 implementation of the alternative control methods proposed in the
10 plan, and describe its qualifications;

11 (4) describe the methods that will be used to notify the public,
12 including residents located within and adjacent to the special deer
13 management area, of the alternative control methods proposed in the
14 plan and the specific times and the specific places when and where
15 they will be used;

16 (5) describe the precautions that will be taken to ensure the safety
17 of the public;

18 (6) document the written consent of each affected landowner for
19 access to that person's land if access to private property is necessary
20 to implement the plan;

21 (7) attach a resolution, adopted by the governing body of the
22 municipality in which the special deer management area is located,
23 which endorses the community based deer management plan; and

24 (8) include such additional information as the division may
25 determine to be necessary to properly review a community based deer
26 management plan.

27 c. The division shall promptly review a community based deer
28 management plan submitted pursuant to this act, and either approve
29 the plan, approve the plan subject to modification, or disapprove the
30 plan and return it to the applicant setting forth in writing the reasons
31 for its decision. If the division approves a community based deer
32 management plan, the division shall submit it to the Fish and Game
33 Council for its review and action pursuant to section 3 of this act.

34 d. Whenever practicable, a community based deer management
35 plan shall provide for the donation of deer in accordance with the
36 venison donation program established pursuant to section 1 of
37 P.L.1997, c.268.

38 ¹e. For the purposes of this act, "alternative control method" or
39 "alternative deer control method" means any technique, other than
40 traditional hunting, employed to reduce a deer population, which may
41 include, but need not be limited to, controlled hunting, shooting by an
42 authorized agent, capture and euthanization, capture and removal, and
43 fertility control.¹

44

45 3. (New section) a. The Fish and Game Council may authorize an
46 exemption or variation from the following laws, rules or regulations

1 to the extent necessary and appropriate to implement the alternative
2 control methods set forth in an approved community based deer
3 management plan:

4 (1) any provision of the State Fish and Game Code;

5 (2) any rule or regulation adopted by the council;

6 (3) the following provisions of Title 23 of the Revised Statutes:

7 (a) R.S. 23:4-13; (b) subsections a., b. and c. of R.S.23:4-16; (c)

8 ²[R.S.23:4-24; (d)]² P.L.1939, c.172 (C.23:4-24.1); ²[(e)](d)²

9 section 11 of P.L.1990, c.29 (C.23:4-24.1a); ²[(f)](e)² R.S.23:4-44;

10 ²[(g)](f)² R.S.23:4-45; and ²[(h)](g)² R.S.23:4-48; and

11 (4) the provisions of subsection c. of N.J.S. 2C:39-3.

12 b. The council shall authorize an exemption or variation from one
13 or more of the laws, rules or regulations set forth in subsection a. of
14 this section only upon a determination that the approved community
15 based deer management plan adequately provides for the safety of the
16 public. The council may condition the exemption or variation from
17 one or more of the laws, rules or regulations set forth in subsection a.
18 of this section on the implementation of one or more specific measures
19 it determines to be reasonably necessary to ensure public safety,
20 including but not limited to the on-site presence of law enforcement
21 officers or on-site inspection by division personnel.

22 c. The council may authorize an exemption or variation from
23 subsection c. of N.J.S. 2C:39-3 only upon the prior written approval
24 of the ¹[chief of police of the] county prosecutor of the county in
25 which the¹ municipality in which the special deer management area is
26 located ¹[or, in the case of a municipality that does not have a chief
27 of police, the county prosecutor]¹. The council may authorize an
28 exemption or variation from R.S.23:4-13 and R.S.23:4-44 only upon
29 the receipt of documentation that each individual authorized to
30 administer the alternate control method possesses a valid firearm
31 hunting license ¹[and] ¹a valid rifle permit issued by the division ¹,
32 and a valid New Jersey firearm purchaser identification card or proof
33 that the person is in compliance with the applicable laws of the
34 person's state of residence¹. The council may authorize an exemption
35 or variation from subsection c. of R.S.23:4-16 only if, for public safety
36 reasons, it is conditioned upon the road or highway being properly
37 closed by law enforcement officers for the time authorized in the
38 special deer management permit issued pursuant to section 4 of this
39 act.

40

41 4. (New section) a. The division shall issue a special deer
42 management permit to any ¹[organization] applicant¹ authorized to
43 implement an alternative control method set forth in an approved
44 community based deer management plan. The permit shall identify the
45 time, place and alternative control method authorized by the division,
46 the name of each individual authorized to administer the alternate

1 control method, any exemption or variance from a law, rule or
2 regulation authorized by the council pursuant to section 3 of this act,
3 and any special conditions established by the council.

4 b. No person shall implement an alternative control method except
5 when in possession of a special deer management permit issued by the
6 division pursuant to this act. The permittee shall provide a copy of the
7 permit issued by the division to each individual named in the permit
8 who is authorized to administer the alternate control method.

9
10 5. N.J.S.2C:39-3 is amended to read as follows:

11 2C:39-3. Prohibited Weapons and Devices.

12 a. Destructive devices. Any person who knowingly has in his
13 possession any destructive device is guilty of a crime of the third
14 degree.

15 b. Sawed-off shotguns. Any person who knowingly has in his
16 possession any sawed-off shotgun is guilty of a crime of the third
17 degree.

18 c. Silencers. Any person who knowingly has in his possession any
19 firearm silencer is guilty of a crime of the fourth degree.

20 d. Defaced firearms. Any person who knowingly has in his
21 possession any firearm which has been defaced, except an antique
22 firearm or an antique handgun, is guilty of a crime of the fourth
23 degree.

24 e. Certain weapons. Any person who knowingly has in his
25 possession any gravity knife, switchblade knife, dagger, dirk, stiletto,
26 billy, blackjack, metal knuckle, sandclub, slingshot, cestus or similar
27 leather band studded with metal filings or razor blades imbedded in
28 wood, ballistic knife, without any explainable lawful purpose, is guilty
29 of a crime of the fourth degree.

30 f. Dum-dum or body armor penetrating bullets. (1) Any person,
31 other than a law enforcement officer or persons engaged in activities
32 pursuant to subsection f. of N.J.S.2C:39-6, who knowingly has in his
33 possession any hollow nose or dum-dum bullet, or (2) any person,
34 other than a collector of firearms or ammunition as curios or relics as
35 defined in Title 18, United States Code, section 921 (a) (13) and has
36 in his possession a valid Collector of Curios and Relics License issued
37 by the Bureau of Alcohol, Tobacco and Firearms, who knowingly has
38 in his possession any body armor breaching or penetrating ammunition,
39 which means: (a) ammunition primarily designed for use in a handgun,
40 and (b) which is comprised of a bullet whose core or jacket, if the
41 jacket is thicker than .025 of an inch, is made of tungsten carbide, or
42 hard bronze, or other material which is harder than a rating of 72 or
43 greater on the Rockwell B. Hardness Scale, and (c) is therefore
44 capable of breaching or penetrating body armor, is guilty of a crime of
45 the fourth degree. For purposes of this section, a collector may
46 possess not more than three examples of each distinctive variation of

1 the ammunition described above. A distinctive variation includes a
2 different head stamp, composition, design, or color.

3 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j. or
4 k. of this section shall apply to any member of the Armed Forces of the
5 United States or the National Guard, or except as otherwise provided,
6 to any law enforcement officer while actually on duty or traveling to
7 or from an authorized place of duty, provided that his possession of
8 the prohibited weapon or device has been duly authorized under the
9 applicable laws, regulations or military or law enforcement orders.
10 Nothing in subsection h. of this section shall apply to any law
11 enforcement officer who is exempted from the provisions of that
12 subsection by the Attorney General. Nothing in this section shall apply
13 to the possession of any weapon or device by a law enforcement
14 officer who has confiscated, seized or otherwise taken possession of
15 said weapon or device as evidence of the commission of a crime or
16 because he believed it to be possessed illegally by the person from
17 whom it was taken, provided that said law enforcement officer
18 promptly notifies his superiors of his possession of such prohibited
19 weapon or device.

20 (2) Nothing in subsection f. (1) shall be construed to prevent a
21 person from keeping such ammunition at his dwelling, premises or
22 other land owned or possessed by him, or from carrying such
23 ammunition from the place of purchase to said dwelling or land, nor
24 shall subsection f. (1) be construed to prevent any licensed retail or
25 wholesale firearms dealer from possessing such ammunition at its
26 licensed premises, provided that the seller of any such ammunition
27 shall maintain a record of the name, age and place of residence of any
28 purchaser who is not a licensed dealer, together with the date of sale
29 and quantity of ammunition sold.

30 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
31 shall be construed to prevent any licensed retail or wholesale firearms
32 dealer from possessing that ammunition or large capacity ammunition
33 magazine at its licensed premises for sale or disposition to another
34 licensed dealer, the Armed Forces of the United States or the National
35 Guard, or to a law enforcement agency, provided that the seller
36 maintains a record of any sale or disposition to a law enforcement
37 agency. The record shall include the name of the purchasing agency,
38 together with written authorization of the chief of police or highest
39 ranking official of the agency, the name and rank of the purchasing law
40 enforcement officer, if applicable, and the date, time and amount of
41 ammunition sold or otherwise disposed. A copy of this record shall be
42 forwarded by the seller to the Superintendent of the Division of State
43 Police within 48 hours of the sale or disposition.

44 (4) Nothing in subsection a. of this section shall be construed to
45 apply to antique cannons as exempted in subsection d. of
46 N.J.S.2C:39-6.

1 (5) Nothing in subsection c. of this section shall be construed to
2 apply to any person who is specifically identified in a special deer
3 management permit issued by the Division of Fish and Wildlife to
4 utilize a firearm silencer as part of an alternative deer control method
5 implemented in accordance with a special deer management permit
6 issued pursuant to section 4 of P.L. , c. (C.) (now before the
7 Legislature as this bill), while the person is in the actual performance
8 of the permitted alternative deer control method and while going to
9 and from the place where the permitted alternative deer control
10 method is being utilized. This exception shall not, however, otherwise
11 apply to any person to authorize the purchase or possession of a
12 firearm silencer.

13 h. Stun guns. Any person who knowingly has in his possession any
14 stun gun is guilty of a crime of the fourth degree.

15 i. Nothing in subsection e. of this section shall be construed to
16 prevent any guard in the employ of a private security company, who
17 is licensed to carry a firearm, from the possession of a nightstick when
18 in the actual performance of his official duties, provided that he has
19 satisfactorily completed a training course approved by the Police
20 Training Commission in the use of a nightstick.

21 j. Any person who knowingly has in his possession a large capacity
22 ammunition magazine is guilty of a crime of the fourth degree unless
23 the person has registered an assault firearm pursuant to section 11 of
24 P.L.1990, c.32 (C.2C:58-12) and the magazine is maintained and used
25 in connection with participation in competitive shooting matches
26 sanctioned by the Director of Civilian Marksmanship of the United
27 States Department of the Army.

28 k. Handcuffs. Any person who knowingly has in his possession
29 handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2), under
30 circumstances not manifestly appropriate for such lawful uses as
31 handcuffs may have, is guilty of a disorderly persons offense. A law
32 enforcement officer shall confiscate handcuffs possessed in violation
33 of the law.

34 (cf: P.L.1999, c.233, s.2)

35

36 6. Section 1 of P.L.1997, c.268 is amended to read as follows:

37 1. a. The Commissioner of Health and Senior Services, in
38 consultation with the Commissioner of Environmental Protection, the
39 Secretary of Agriculture and the chairman of the Fish and Game
40 Council, shall establish a venison donation [demonstration] program.
41 The program shall permit, under controlled conditions, the slaughter,
42 processing, distribution, and serving of venison donated by
43 recreational hunters to nonprofit charitable organizations, in
44 accordance with guidelines established by the Commissioner of Health
45 and Senior Services and the State Fish and Game Code established
46 pursuant to section 32 of P.L.1948, c.448 (C.13:1B-30), in order to

1 protect the health and safety of those persons consuming the donated
2 venison.

3 b. The Commissioner of Health and Senior Services, in
4 consultation with the Commissioner of Environmental Protection, the
5 Secretary of Agriculture, the chairman of the Fish and Game Council,
6 and the United Bow Hunters of New Jersey, shall study the feasibility
7 of expanding the program to include venison obtained from hunters
8 licensed by the Department of Environmental Protection to participate
9 in crop depredation control activities or obtained as a result of the
10 implementation of other methods to manage and control deer
11 populations, including but not limited to those established by sections
12 1 through 4 of P.L. , c. (C.) (now before the Legislature as this
13 bill), and shall expand the program accordingly if the commissioner
14 deems it appropriate.

15 (cf: P.L.1997, c.268, s.1)

16

17 7. Section 5 of P.L.1997, c.268 is amended to read as follows:

18 5. This act shall take effect immediately [and shall expire three
19 years after the effective date].

20 (cf: P.L.1997, c.268, s.5)

21

22 8. Section 2 of P.L.1997, c.268 is hereby repealed.

23

24 9. There is appropriated from the General Fund to the Department
25 of Agriculture the sum of \$25,000 for the purpose of providing grants
26 to county boards of agriculture for expenses resulting from the
27 implementation of community based deer management plans pursuant
28 to the provisions of P.L. , c. (C.) (now before the Legislature
29 as this bill).

30

31 10. This act shall take effect immediately.

32

33

34

35

36 Provides for community based deer management plans and special deer
37 management permits in certain areas incurring deer damage; makes
38 venison donation demonstration program permanent; and appropriates
39 \$25,000.

CHAPTER 46

AN ACT concerning deer management and control, establishing a permanent venison donation program, supplementing Title 23 of the Revised Statutes, amending N.J.S.2C:39-3 and P.L.1997, c.268, repealing section 2 of P.L.1997, c.268, and making an appropriation.

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

C.23:4-42.3 Appreciation for special deer management area designation.

1. a. Whenever a county board of agriculture determines that a farm or farms located within the county has incurred significant crop damage caused by deer, based on evidence submitted by the county board of agriculture or the Center for Wildlife Damage Control in the New Jersey Agriculture Experiment Station at Rutgers, The State University, the county board of agriculture may apply to the Division of Fish and Wildlife for designation of a special deer management area. The application shall describe the nature and extent of crop damage incurred, and delineate the area proposed for designation as a special deer management area. If the division determines that the significant crop damage has been caused by an overpopulation of deer in the area described in the application, it shall designate it as a special deer management area. In designating a special deer management area, the division may, after consultation with the county board of agriculture, modify the area proposed for designation in an application. The county board of agriculture or the division may request the Center for Wildlife Damage Control to coordinate and facilitate the application and designation of a special deer management area pursuant to this subsection.

b. Whenever a municipality determines that the deer population has caused significant damage to property, not including damage to agricultural property, in the municipality or has caused a significant number of vehicle collisions therein, the municipality may apply to the Division of Fish and Wildlife for designation of a special deer management area. Two or more municipalities may submit a single application for the designation of an area that includes more than one municipality. The application shall describe the nature and extent of property damage or vehicle collisions caused by deer, and delineate the area proposed for designation as a special deer management area. If the division determines that the significant damage to property or the significant vehicle collisions has been caused by an overpopulation of deer in the area described in the application, it shall designate it as a special deer management area. In designating a special deer management area, the division may, after consultation with the municipality, modify the area proposed for designation in an application.

c. Whenever the owner or operator of an airport determines that the existing population of deer within its boundaries and immediately adjacent property constitutes a hazard to the safe operation of aircraft, the owner or operator of the airport may apply to the Division of Fish and Wildlife for designation of a special deer management area. The application shall describe the nature and extent of the hazard to safe operations of aircraft, and delineate the area proposed for designation as a special deer management area. If the division determines that there is a hazard to the safe operation of aircraft at the airport due to deer in the area described in the application, it shall designate it as a special deer management area. In designating a special deer management area, the division may, after consultation with the owner or operator of the airport, modify the area proposed for designation in an application.

C.23:4-42.4 Submission of deer management plan.

2. a. Upon submission of an application pursuant to section 1 of this act, or at any time thereafter, a county board of agriculture, municipal governing body or owner or operator of an airport may submit to the division for its approval a community based deer management plan proposing alternative control methods to reduce the number of deer in an area designated as a special deer management area pursuant to section 1 of this act. A county board of agriculture, municipal governing body or owner or operator of an airport may submit a community based deer management plan concurrently with an application to the division for designation of a special deer management area.

Two or more municipalities may submit a single community based deer management plan for a special deer management area that covers more than one municipality.

The county board of agriculture or the division may request the Center for Wildlife Damage Control in the New Jersey Agricultural Experiment Station at Rutgers, The State University, to

coordinate and facilitate the development of a community based deer management plan.

b. A community based deer management plan shall:

- (1) delineate the boundaries of the special deer management area;
- (2) describe the proposed alternative control methods to reduce the number of deer in the special deer management area, which may include the methods authorized pursuant to section 3 of this act;
- (3) identify any organization that will participate in the implementation of the alternative control methods proposed in the plan, and describe its qualifications;
- (4) describe the methods that will be used to notify the public, including residents located within and adjacent to the special deer management area, of the alternative control methods proposed in the plan and the specific times and the specific places when and where they will be used;
- (5) describe the precautions that will be taken to ensure the safety of the public;
- (6) document the written consent of each affected landowner for access to that person's land if access to private property is necessary to implement the plan;
- (7) attach a resolution, adopted by the governing body of the municipality in which the special deer management area is located, which endorses the community based deer management plan; and
- (8) include such additional information as the division may determine to be necessary to properly review a community based deer management plan.

c. The division shall promptly review a community based deer management plan submitted pursuant to this act, and either approve the plan, approve the plan subject to modification, or disapprove the plan and return it to the applicant setting forth in writing the reasons for its decision. If the division approves a community based deer management plan, the division shall submit it to the Fish and Game Council for its review and action pursuant to section 3 of this act.

d. Whenever practicable, a community based deer management plan shall provide for the donation of deer in accordance with the venison donation program established pursuant to section 1 of P.L.1997, c.268.

e. For the purposes of this act, "alternative control method" or "alternative deer control method" means any technique, other than traditional hunting, employed to reduce a deer population, which may include, but need not be limited to, controlled hunting, shooting by an authorized agent, capture and euthanization, capture and removal, and fertility control.

C.23:4-42.5 Exemption, variation from certain laws, etc. for implementation of alternative control methods.

3. a. The Fish and Game Council may authorize an exemption or variation from the following laws, rules or regulations to the extent necessary and appropriate to implement the alternative control methods set forth in an approved community based deer management plan:

- (1) any provision of the State Fish and Game Code;
- (2) any rule or regulation adopted by the council;
- (3) the following provisions of Title 23 of the Revised Statutes: (a) R.S. 23:4-13; (b) subsections a., b. and c. of R.S.23:4-16; (c) P.L.1939, c.172 (C.23:4-24.1);(d)section 11 of P.L.1990, c.29 (C.23:4-24.1a);(e)R.S.23:4-44;(f)R.S.23:4-45; and(g)R.S.23:4-48; and
- (4) the provisions of subsection c. of N.J.S. 2C:39-3.

b. The council shall authorize an exemption or variation from one or more of the laws, rules or regulations set forth in subsection a. of this section only upon a determination that the approved community based deer management plan adequately provides for the safety of the public. The council may condition the exemption or variation from one or more of the laws, rules or regulations set forth in subsection a. of this section on the implementation of one or more specific measures it determines to be reasonably necessary to ensure public safety, including but not limited to the on-site presence of law enforcement officers or on-site inspection by division personnel.

c. The council may authorize an exemption or variation from subsection c. of N.J.S. 2C:39-3 only upon the prior written approval of the county prosecutor of the county in which the municipality in which the special deer management area is located. The council may

authorize an exemption or variation from R.S.23:4-13 and R.S.23:4-44 only upon the receipt of documentation that each individual authorized to administer the alternate control method possesses a valid firearm hunting license, a valid rifle permit issued by the division, and a valid New Jersey firearm purchaser identification card or proof that the person is in compliance with the applicable laws of the person's state of residence. The council may authorize an exemption or variation from subsection c. of R.S.23:4-16 only if, for public safety reasons, it is conditioned upon the road or highway being properly closed by law enforcement officers for the time authorized in the special deer management permit issued pursuant to section 4 of this act.

C.23:4-42.6 Special deer management permit; issuance.

4. a. The division shall issue a special deer management permit to any applicant authorized to implement an alternative control method set forth in an approved community based deer management plan. The permit shall identify the time, place and alternative control method authorized by the division, the name of each individual authorized to administer the alternate control method, any exemption or variance from a law, rule or regulation authorized by the council pursuant to section 3 of this act, and any special conditions established by the council.

b. No person shall implement an alternative control method except when in possession of a special deer management permit issued by the division pursuant to this act. The permittee shall provide a copy of the permit issued by the division to each individual named in the permit who is authorized to administer the alternate control method.

5. N.J.S.2C:39-3 is amended to read as follows:

Prohibited weapons and devices.

2C:39-3. Prohibited Weapons and Devices.

a. Destructive devices. Any person who knowingly has in his possession any destructive device is guilty of a crime of the third degree.

b. Sawed-off shotguns. Any person who knowingly has in his possession any sawed-off shotgun is guilty of a crime of the third degree.

c. Silencers. Any person who knowingly has in his possession any firearm silencer is guilty of a crime of the fourth degree.

d. Defaced firearms. Any person who knowingly has in his possession any firearm which has been defaced, except an antique firearm or an antique handgun, is guilty of a crime of the fourth degree.

e. Certain weapons. Any person who knowingly has in his possession any gravity knife, switchblade knife, dagger, dirk, stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus or similar leather band studded with metal filings or razor blades imbedded in wood, ballistic knife, without any explainable lawful purpose, is guilty of a crime of the fourth degree.

f. Dum-dum or body armor penetrating bullets. (1) Any person, other than a law enforcement officer or persons engaged in activities pursuant to subsection f. of N.J.S.2C:39-6, who knowingly has in his possession any hollow nose or dum-dum bullet, or (2) any person, other than a collector of firearms or ammunition as curios or relics as defined in Title 18, United States Code, section 921 (a) (13) and has in his possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco and Firearms, who knowingly has in his possession any body armor breaching or penetrating ammunition, which means: (a) ammunition primarily designed for use in a handgun, and (b) which is comprised of a bullet whose core or jacket, if the jacket is thicker than .025 of an inch, is made of tungsten carbide, or hard bronze, or other material which is harder than a rating of 72 or greater on the Rockwell B. Hardness Scale, and (c) is therefore capable of breaching or penetrating body armor, is guilty of a crime of the fourth degree. For purposes of this section, a collector may possess not more than three examples of each distinctive variation of the ammunition described above. A distinctive variation includes a different head stamp, composition, design, or color.

g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j. or k. of this section shall apply to any member of the Armed Forces of the United States or the National Guard, or except as otherwise provided, to any law enforcement officer while actually on duty or traveling to or

from an authorized place of duty, provided that his possession of the prohibited weapon or device has been duly authorized under the applicable laws, regulations or military or law enforcement orders. Nothing in subsection h. of this section shall apply to any law enforcement officer who is exempted from the provisions of that subsection by the Attorney General. Nothing in this section shall apply to the possession of any weapon or device by a law enforcement officer who has confiscated, seized or otherwise taken possession of said weapon or device as evidence of the commission of a crime or because he believed it to be possessed illegally by the person from whom it was taken, provided that said law enforcement officer promptly notifies his superiors of his possession of such prohibited weapon or device.

(2) Nothing in subsection f. (1) shall be construed to prevent a person from keeping such ammunition at his dwelling, premises or other land owned or possessed by him, or from carrying such ammunition from the place of purchase to said dwelling or land, nor shall subsection f. (1) be construed to prevent any licensed retail or wholesale firearms dealer from possessing such ammunition at its licensed premises, provided that the seller of any such ammunition shall maintain a record of the name, age and place of residence of any purchaser who is not a licensed dealer, together with the date of sale and quantity of ammunition sold.

(3) Nothing in paragraph (2) of subsection f. or in subsection j. shall be construed to prevent any licensed retail or wholesale firearms dealer from possessing that ammunition or large capacity ammunition magazine at its licensed premises for sale or disposition to another licensed dealer, the Armed Forces of the United States or the National Guard, or to a law enforcement agency, provided that the seller maintains a record of any sale or disposition to a law enforcement agency. The record shall include the name of the purchasing agency, together with written authorization of the chief of police or highest ranking official of the agency, the name and rank of the purchasing law enforcement officer, if applicable, and the date, time and amount of ammunition sold or otherwise disposed. A copy of this record shall be forwarded by the seller to the Superintendent of the Division of State Police within 48 hours of the sale or disposition.

(4) Nothing in subsection a. of this section shall be construed to apply to antique cannons as exempted in subsection d. of N.J.S.2C:39-6.

(5) Nothing in subsection c. of this section shall be construed to apply to any person who is specifically identified in a special deer management permit issued by the Division of Fish and Wildlife to utilize a firearm silencer as part of an alternative deer control method implemented in accordance with a special deer management permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6), while the person is in the actual performance of the permitted alternative deer control method and while going to and from the place where the permitted alternative deer control method is being utilized. This exception shall not, however, otherwise apply to any person to authorize the purchase or possession of a firearm silencer.

h. Stun guns. Any person who knowingly has in his possession any stun gun is guilty of a crime of the fourth degree.

i. Nothing in subsection e. of this section shall be construed to prevent any guard in the employ of a private security company, who is licensed to carry a firearm, from the possession of a nightstick when in the actual performance of his official duties, provided that he has satisfactorily completed a training course approved by the Police Training Commission in the use of a nightstick.

j. Any person who knowingly has in his possession a large capacity ammunition magazine is guilty of a crime of the fourth degree unless the person has registered an assault firearm pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) and the magazine is maintained and used in connection with participation in competitive shooting matches sanctioned by the Director of Civilian Marksmanship of the United States Department of the Army.

k. Handcuffs. Any person who knowingly has in his possession handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2), under circumstances not manifestly appropriate for such lawful uses as handcuffs may have, is guilty of a disorderly persons offense. A law enforcement officer shall confiscate handcuffs possessed in violation of the law.

6. Section 1 of P.L.1997, c.268 is amended to read as follows:

C.23:4-42.7 Venison, donation program, permanent.

1. a. The Commissioner of Health and Senior Services, in consultation with the Commissioner of Environmental Protection, the Secretary of Agriculture and the chairman of the Fish and Game Council, shall establish a venison donation program. The program shall permit, under controlled conditions, the slaughter, processing, distribution, and serving of venison donated by recreational hunters to nonprofit charitable organizations, in accordance with guidelines established by the Commissioner of Health and Senior Services and the State Fish and Game Code established pursuant to section 32 of P.L.1948, c.448 (C.13:1B-30), in order to protect the health and safety of those persons consuming the donated venison.

b. The Commissioner of Health and Senior Services, in consultation with the Commissioner of Environmental Protection, the Secretary of Agriculture, the chairman of the Fish and Game Council, and the United Bow Hunters of New Jersey, shall study the feasibility of expanding the program to include venison obtained from hunters licensed by the Department of Environmental Protection to participate in crop depredation control activities or obtained as a result of the implementation of other methods to manage and control deer populations, including but not limited to those established by sections 1 through 4 of P.L.2000, c.46 (C.23:4-42.3 through C.23:4-42.6), and shall expand the program accordingly if the commissioner deems it appropriate.

7. Section 5 of P.L.1997, c.268 is amended to read as follows:

5. This act shall take effect immediately.

Repealer.

8. Section 2 of P.L.1997, c.268 is hereby repealed.

9. There is appropriated from the General Fund to the Department of Agriculture the sum of \$25,000 for the purpose of providing grants to county boards of agriculture for expenses resulting from the implementation of community based deer management plans pursuant to the provisions of P.L.2000, c.46 (C.23:4-42.3 et al.).

10. This act shall take effect immediately.

Approved June 30, 2000.