

23:4-22.1 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 23:4-22.1 et al (Steel-jaw leghold animal traps - prohibited)

LAWS OF: 1984

CHAPTER: 37

Bill No: S831

Sponsor(s): Orechio

Date Introduced: Pre-filed

Committee: Assembly: /////

Senate: /////

Amended during passage: Yes (Substituted for A790 (attached))

Date of Passage: Assembly: February 6, 1984

Senate: January 30, 1984

Date of Approval: April 27, 1984

Following statements are attached if available:

Sponsor statement: Yes Also attached: Assembly amendments, adopted 2-6-84 (with statement)

Committee statement: Assembly No

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: ///

Hearings: Yes

Hearing on similar proposed bill in previous Legislative session:

974.90 New Jersey. State Legislature. Senate. Natural Resources and Agriculture
F537 Committee.

1983c Public hearing on A3207, held 9-14-83. Salem, NJ, 1983.

4-27-84

[OFFICIAL COPY REPRINT]

SENATE, No. 831

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Senator ORECHIO

AN ACT concerning steel-jaw leghold type animal traps, **supplementing chapter 4 of Title 23 of the Revised Statutes, amending P. L. 1971, c. 405,** and repealing section 2 of P. L. 1971, c. 405.

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

1 1. **(New section)** No person shall manufacture, sell, offer for
2 sale, possess, import or transport an animal trap of the steel-jaw
3 leghold types.

1 2. **(New section)** No person shall take or attempt to take any
2 animal by means of a trap of the steel-jaw leghold type.

1 3. **(New section)** The possession of a trap of the steel-jaw
2 leghold type shall be prima facie evidence of a violation of sec-
3 tion 2 of this **amendatory and supplementary** act except under
4 the circumstances indicated by section 5 of this **amendatory and*
5 *supplementary** act.

1 4. ***[Mouse]*** **(New section) The Board of Governors of Rut-*
2 *gers, The State University, shall direct the Department of Wildlife*
3 *Management at Cook College to conduct a study to identify or de-*
4 *velop an animal trap which substantially reduces injury and pain*
5 *to both targeted and nontargeted animals which are caught in the*
6 *trap and which could serve as an alternative to the steel-jaw leg-*
7 *hold type animal trap. The results of this study shall be published*
8 *in a report to the New Jersey Fish and Game Council, hereinafter*
9 *referred to as the "council," in the Department of Environmental*

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly amendments adopted February 6, 1984.

10 *Protection within one year of the effective date of this amendatory*
 11 *and Supplementary act. For the purposes of this amendatory and*
 12 *supplementary act, the steel-jaw leghold type animal trap does not*
 13 *mean mouse* and rat traps designed for use in or under buildings*
 14 **[shall not be classified as steel-jaw leghold traps for the purposes*
 15 *of this act]*.*

1 5. **(New section)* This *amendatory and supplementary* act*
 2 *shall not be construed to prevent the use of steel-jaw leghold traps*
 3 *for the purpose of exhibition by humane or educational institutions*
 4 *and organizations, or the possession of such traps by a person in*
 5 *the act of turning over the traps to a law enforcement agency.*

1 *6. *(New section) The council shall, pursuant to the "Adminis-*
 2 *trative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.),*
 3 *adopt the rules and regulations necessary to carry out the provi-*
 4 *sions of this amendatory and supplementary act. These regulations*
 5 *shall provide at least the following:*

6 *If the study conducted pursuant to section 4 of this amendatory*
 7 *and supplementary act identifies or develops a suitable alternative*
 8 *animal trap, the council shall establish a program for the phased*
 9 *withdrawal of the steel-jaw leghold animal trap from use in the*
 10 *State which prescribes the conditions under which the suitable*
 11 *alternative may be used, which withdrawal must occur within 18*
 12 *months of the effective date of this amendatory and supplementary*
 13 *act.**

1 ***[6.]*** *7. *(New section)* A person ***[violating]*** *using a steel-*
 2 *jaw leghold type animal trap in violation of any rule or regulation*
 3 *under* this *amendatory and supplementary* act shall*,* for each*
 4 *illegal trap involved*,* be fined not less than \$50.00 nor more than*
 5 *\$250.00 for a first offense; not less than \$250.00 nor more than*
 6 *\$500.00 for a second offense; not less than \$500.00 nor more than*
 7 *\$2,500.00***[***, or imprisonment for six months, or both fine and in-
 8 *prisonment,**]*** for a third ***[and each]*** *or* subsequent offense.*

1 ***[7.]*** *8. *(New section)* All equipment used in, or animals and*
 2 *pelts obtained by a violation of section 2 of this *amendatory and*
 3 *supplementary* act shall be confiscated by any law enforcement*
 4 *agency enforcing ***[the]*** *this amendatory and supplementary**
 5 *act. This bill shall not be construed to authorize the confiscation*
 6 *of animals and pelts other than those which have been obtained in*
 7 *violation of section 2 of this *amendatory and supplementary* act*
 8 *and which are either held by a trap or in the possession of a violator.*

1 *9. Section 4 of P. L. 1971, c. 405 (C. 23:4-38.3) is amended
2 to read as follows:

3 4. Any person violating the provisions of **sections 2 or** *section*
4 3 of this act shall be subject to a fine of not more than \$50.00 for
5 each offense and to the forfeiture of his license to trap.*

1 ***8.*** *10.* Section 2 of P. L. 1971, c. 405 (C. 23:4-38.1) is re-
2 pealed.

1 ***9.*** *11.* This act shall take effect ***60** days following its
2 enactment]* *immediately, except that sections 1, 2, 3, 7, 9 and 10*
3 *shall take effect upon the adoption by the council of regulations*
4 *implementing its duties under section 6 of this act or in 18 months,*
5 *whichever is sooner*.*

2 violation of section 2 of this act shall be confiscated by any law
3 enforcement agency enforcing the act. This bill shall not be con-
4 strued to authorize the confiscation of animals and pelts other than
5 those which have been obtained in violation of section 2 of this act
6 and which are either held by a trap or in the possession of a
7 violator.

1 8. Section 2 of P. L. 1971, c. 405 (C. 23:4-38.1) is repealed.

1 9. This act shall take effect 60 days following its enactment.

STATEMENT

This bill prohibits the manufacture, transportation, sale, possession and use of the steel-jaw leghold trap throughout the State. It repeals a section of the law which permits certain individuals to use this type of animal trap within particular areas. Penalties for each violation are as follows: \$50.00 to \$250.00 for a first offense, \$250.00 to \$500.00 for a second offense and \$500.00 to \$2,500.00 or a six month imprisonment, or both, for each additional offense. The bill provides for the confiscation of illegal traps and any animals or pelts caught with them. Educational and humane organizations may possess traps for exhibition purposes only.

S 837 (1984)

ASSEMBLY, No. 790

STATE OF NEW JERSEY

INTRODUCED JANUARY 10, 1984

By Assemblymen MAZUR, KARCHER, BAER, McENROE,
SCHWARTZ and Assemblywoman OGDEN

AN ACT concerning steel-jaw leghold type animal traps, and re-
pealing section 2 of P. L. 1971, c. 405.

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

1 1. No person shall manufacture, sell, offer for sale, possess,
2 import or transport an animal trap of the steel-jaw leghold type.

1 2. No person shall take or attempt to take any animal by means
2 of a trap of the steel-jaw leghold type.

1 3. The possession of a trap of the steel-jaw leghold type shall
2 be prima facie evidence of a violation of section 2 of this act except
3 under the circumstances indicated by section 5 of this act.

1 4. Mouse and rat traps designed for use in or under buildings
2 shall not be classified as steel-jaw leghold traps for the purposes
3 of this act.

1 5. This act shall not be construed to prevent the use of steel-jaw
2 leghold traps for the purpose of exhibition by humane or educa-
3 tional institutions and organizations, or the possession of such
4 traps by a person in the act of turning over the traps to a law
5 enforcement agency.

1 6. A person violating this act shall for each illegal trap involved
2 be fined not less than \$50.00 nor more than \$250.00 for a first
3 offense; not less than \$250.00 nor more than \$500.00 for a second
4 offense; not less than \$500.00 nor more than \$2,500.00, or imprison-
5 ment for six months, or both fine and imprisonment, for a third
6 and each subsequent offense.

1 7. All equipment used in, or animals and pelts obtained by a
2 violation of section 2 of this act shall be confiscated by any law
3 enforcement agency enforcing the act. This bill shall not be con-
4 trued to authorize the confiscation of animals and pelts other than
5 those which have been obtained in violation of section 2 of this act
6 and which are either held by a trap or in the possession of a
7 violator.

1 8. Section 2 of P. L. 1971, c. 405 (C. 23:4-38.1) is repealed.

1 9. This act shall take effect 60 days following its enactment.

STATEMENT

This bill prohibits the manufacture, transportation, sale, possession and use of the steel-jaw leghold trap throughout the State. It repeals a section of the law which permits certain individuals to use this type of animal trap within particular areas. Penalties for each violation are as follows: \$50.00 to \$250.00 for a first offense, \$250.00 to \$500.00 for a second offense and \$500.00 to \$2,500.00 or a six month imprisonment, or both, for each additional offense. The bill provides for the confiscation of illegal traps and any animals or pelts caught with them. Educational and humane organizations may possess traps for exhibition purposes only.

to

Senate Bill No. 831

Amend: adp # d 2.6 84
Page Sec. Line
~~Amend.~~

Page	Sec.	Line
2	7	Aftu 7
<u>Cl. PL.</u>		
<u>Am. 11.1</u>		
<u>Cm. T</u>		
<u>B. 1971/405/4</u>		
<u>N.</u>		

Insert new section ^{"9"} as follows:

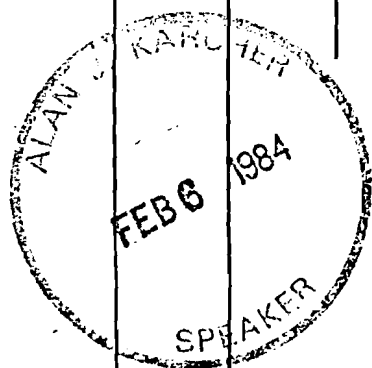
Section 4 of P.L. 1971, c. 405 (C.23:4-38) is amended to read as follows:

4. Any person violating the provisions of sections 2 or 3 of this act shall be subject to a fine of not more than \$50.00 for each offense and to the forfeiture of his license to trap.

Omit "8." insert ^{"10."}

Omit "9." insert ^{"11."}

Omit "60 days following its enactment" and insert "immediately, except that sections 1, 2, 3, 7, ⁹ and ¹⁰ shall take effect upon the adoption by the council of regulations implementing its duties under section of this act or in 18 months, whichever is sooner"



STATEMENT

This amendment directs that a study be conducted by Rutgers, the State University, to identify or develop a suitable alternative to the steel-jaw leghold type animal trap; prohibits the use of the steel-jaw leghold trap 18 months subsequent to the effective date of the act; and prescribes penalties for unlawful use of the steel-jaw leghold trap.



OFFICE OF THE GOVERNOR

NEWS RELEASE

CN-001

Contact: CARL GOLDEN
609-292-8956

TRENTON, N.J. 08625

Release: APRIL 27, 1984

Governor Thomas H. Kean today signed legislation to ban the manufacture, use and sale of the steel jaw leghold trap in New Jersey, legislation which he said would put an end to "needless pain and suffering" by animals --- wild as well as domesticated --- which are caught by them.

Kean signed the bill, S-831, at a public ceremony in the municipal building in Nutley, the hometown of the legislation's sponsor, Senate President Carmen A. Orechio, D-Essex.

The bill also directs the Department of Wildlife Management of Cook College to conduct a one-year study to develop an animal trap which is a more humane alternative to the steel jaw device.

The legislation becomes effective upon adoption of regulations phasing out the trap and implementing the alternative, or in 18 months, whichever occurs sooner.

"The evidence supporting the abolition of the leghold trap is overwhelming," Kean said. "It does cause undue pain and suffering needlessly and it has, in many instances, snapped shut on the legs of dogs, cats and other domesticated pets; maiming and seriously injuring them."

Kean, who sponsored similar legislation to ban the trap when he served in the Legislature in 1975, praised the efforts of humane organizations and animal welfare groups in seeking enactment of the ban.

- more -

Friday, April 27, 1984

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"My signature on this bill culminates years of work by many dedicated and conscientious individuals," the Governor said.

Kean noted the controversy which surrounded the legislation, particularly the economic argument, but pointed out that he was hopeful the study which will be undertaken at Rutgers will provide an acceptable alternative for those engaged in trapping in the State.

"I recognize that there are those who trap animals for a living and it is not --- and never was --- the intention of this bill to drive them out of business," Kean said. "Alternatives which already exist will enable the trapping industry to continue without severe economic loss."

The Governor also noted that 64 nations as well as 11 other states have enacted similar bans on the trap.

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