

2C:18-4 to 2C:18-6

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:18-4 to 2C:18-6

(Damage to agricultural or horticultural lands - minimum penalties)

LAWS OF: 1983

CHAPTER: 522

Bill No: A2142

Sponsor(s): Marsella and others

Date Introduced: November 23, 1982

Committee: Assembly: Agriculture and Environment

Senate: Natural Resources and Agriculture

Amended during passage: Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly: March 14, 1983

Senate: December 12, 1983

Date of Approval: January 17, 1984

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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ASSEMBLY, No. 2142

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 23, 1982

By Assemblymen MARSELLA, RILEY, PELLY, JANISZEWSKI,
GORMAN, MATTHEWS and ZIMMER

AN ACT concerning certain intrusive or damaging acts on agricultural or horticultural lands and supplementing Title 2C of the New Jersey Statutes.

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

1 1. As used in this act, "lands" means agricultural or horticultural
2 lands devoted to the production for sale of plants and animals
3 useful to man, encompassing plowed or tilled fields, standing
4 crops or their residues, ****cranberry**** bogs ****and appurtenant**
5 **dams, dikes, canals, ditches and pump houses, including impound-**
6 **ments, man-made reservoirs and the adjacent shorelines thereto****,
7 orchards, ****nurseries,**** and lands with a maintained fence for the
8 purpose of restraining domestic livestock. ****"Lands" shall also include**
9 **lands in agricultural use, as defined in section 3 of P. L. 1983,**
10 **c. 32 (C. 4:1C-13) were public notice prohibiting trespass is given**
11 **by actual communication to the actor, conspicuous posting, or**
12 **fencing or other enclosure manifestly designed to exclude in-**
13 **truders.****

1 2. It is an offense under this act to:

2 a. Knowingly or recklessly operate a motorized vehicle or to
3 ride horseback upon the lands of another without obtaining ***and in**
4 **possession of*** the ***written*** permission of the owner, occupant, or
4A lessee thereof.

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 committee amendments adopted February 14, 1983.**

****—Senate committee amendments adopted June 23, 1983.**

5 b. *~~Knowingly or recklessly enter or leave the lands of another,~~
6 or pass from one portion of a person's land to another, by opening
7 a closed gate without returning the gate to its closed position.

8 c.]* Knowingly or recklessly damage or injure any tangible prop-
9 erty, including, but not limited to, any fence, building, feedstocks,
10 crops, live trees, or any domestic animals, located on the lands of
11 another.

1 3. a. An offense pursuant to section 2 of this act is a crime of the
2 third degree if the actor causes pecuniary loss of \$2,000.00 or
3 more; a crime of the fourth degree if the actor causes pecuniary
4 loss in excess of \$500.00 but less than \$2,000.00; and a disorderly
5 persons offense if he causes pecuniary loss of \$500.00 or less.

6 b. The provisions of N. J. S. 2C:43-3 to the contrary notwith-
7 standing, in addition to any other sentence which the court may
8 impose, a person convicted of an offense under this act shall be
9 sentenced to make restitution, and to pay a fine of not less than
10 \$500.00 if the offense is a crime of the third degree; to pay a fine
11 of not less than \$200.00 if the offense is a crime of the fourth
12 degree; and to pay a fine of not less than \$100.00 when the con-
13 viction is of a disorderly persons offense.

1 4. This act shall take effect immediately **but subsection a. of*
2 *section 2 shall remain inoperative until the effective date of P. L.*
3 *198... , c. ... (C.) (now pending before the Legislature as*
4 *Assembly Bill No. 3130 of 1983)*.*

6 b. The provisions of N. J. S. 2C:43-3 to the contrary notwith-
7 standing, in addition to any other sentence which the court may
8 impose, a person convicted of an offense under this act shall be
9 sentenced to make restitution, and to pay a fine of not less than
10 \$500.00 if the offense is a crime of the third degree; to pay a fine
11 of not less than \$200.00 if the offense is a crime of the fourth
12 degree; and to pay a fine of not less than \$100.00 when the con-
13 viction is of a disorderly persons offense.

1 4. This act shall take effect immediately.

STATEMENT

Vandalism on agricultural and horticultural lands costs the farming community tens of thousands of dollars in property damage each year. Very often the prosecution of a vandal results in further retaliatory actions against the farmer. The farmer frequently is not awarded restitution for the property damage. This measure would impose the penalties of a minimum fine and the obligation to make restitution on any person who knowingly or recklessly damages or injures tangible property on farm lands; operates a motorized vehicle or rides horseback upon agricultural or horticultural lands without permission; or fails to return a gate though which he passes to its previous position.

ASSEMBLY AGRICULTURE AND ENVIRONMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2142

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 14, 1983

This bill would impose the penalties of a minimum fine and the obligation to make restitution on any person who knowingly or recklessly damages or injures tangible property on farm lands; operates a motorized vehicle, or rides horseback on agricultural lands without permission; or enters, leaves or passes from one portion of a farm to another without closing a gate through which he passed.

The Assembly Agriculture and Environment Committee amended the bill to require that, in the case of the operation of a motorized vehicle or horseback riding, the person be in possession of written permission of the owner or operator of the farm. The committee further amended the effective date of the bill to render inoperative that subsection of the bill until the enactment of another bill which would prevent any expansion of the owner or operator's liability by virtue of giving that written permission.

SENATE NATURAL RESOURCES AND AGRICULTURE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2142

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with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 23, 1983

Vandalism on agricultural and horticultural lands costs the farming community tens of thousands of dollars in property damage each year. Very often the prosecution of a vandal results in further retaliatory actions against the farmer. The farmer frequently is not awarded restitution for the property damage. This measure would impose the penalties of a minimum fine and the obligation to make restitution for certain intrusive or damaging acts on agricultural or horticultural lands.

It is the implicit assumption of this bill that certain agricultural and horticultural land supplies the public with a visual cue that the land is privately owned and, thus, that unauthorized entrance is prohibited. Public notice is, therefore, not required before a violation may be found.

The Senate Natural Resources and Agricultural Committee amended the bill to further define "agricultural or horticultural lands." The committee amendments also include under the bill lands under agricultural use where notice prohibiting trespass is provided.