

23:4-43

LEGISLATIVE HISTORY CHECKLIST

NJSA 23:4-43; 23:4-63.7 (Dead animals--Public highways or private property--Disposal by police)

LAWS OF 1979 CHAPTER 304

Bill No. A1822

Sponsor(s) Barry, Smith, Stewart and Kavanaugh

Date Introduced Nov. 22, 1978

Committee: Assembly Agriculture and Environment

Senate Energy and Environment

Amended during passage Yes ~~xx~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly Jan. 22, 1979

Senate Dec. 10, 1979

Date of approval i Jan. 17, 1980

Following statements are attached if available:

Sponsor statement Yes ~~xx~~

Committee Statement: Assembly Yes ~~xx~~

Senate ~~Yes~~ No

Fiscal Note ~~Yes~~ No

Veto message ~~Yes~~ No

Message on signing ~~Yes~~ No

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

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Procedures prescribed by Division of Fish, Game and Shellfisheries (mentioned in sponsors' statement):

N.J.A.C. 7:25-17.1 et. seq. (R.1980, d.193)

9/1/78

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1822

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 22, 1978

By Assemblymen BARRY, SMITH, STEWART and KAVANAUGH

Referred to Committee on Agriculture and Environment

AN ACT concerning the disposal of certain deer and **other wild animals and birds** amending R. S. 23:4-43 **and supplementing Title 23 of the Revised Statutes**.

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

1 1. R. S. 23:4-43 is amended to read as follows:

2 23:4-43. Except as provided by this section, no person shall have
 3 in possession in this State any wild deer other than during the open
 4 season for hunting deer as established in the State Fish and Game
 5 Code and such deer in possession must have been killed in the
 6 manner prescribed by the State Fish and Game Code for that
 7 particular open season. A legally killed deer and parts of a legally
 8 killed deer may be possessed until June 1 immediately following the
 9 season in which it was killed, provided the deer was properly
 10 registered and bears the possession tag affixed at the deer checking
 11 station, and any parts that have been separated from legally killed
 12 deer are clearly marked as prescribed in R. S. 23:4-47. A person
 13 desiring to retain a legally killed deer or parts thereof after June 1
 14 may do so by contacting the nearest conservation officer, who
 15 may authorize such retention in a manner prescribed by the
 16 division. No person shall have in possession any deer of any
 17 description, except as provided in the State Fish and Game Code
 18 or as provided in this section.

19 Except as herein provided, the having in possession of any wild
 20 deer or parts thereof the time and periods prohibited in the
 21 State Fish and Game Code, or the having in possession of any deer
 22 of any description, except during such time and periods and of
 23 such description as permitted by the State Fish and Game Code,
 24 shall be prima facie evidence in all courts that such wild deer is in
 25 possession unlawfully.

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

ASSEMBLY, No. 1822

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 22, 1978

By Assemblymen BARRY, SMITH, STEWART and KAVANAUGH

Referred to Committee on Agriculture and Environment

AN ACT concerning the disposal of certain deer and amending
R. S. 23:4-43.

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

1 1. R. S. 23:4-43 is amended to read as follows:

2 23:4-43. Except as provided by this section, no person shall have
3 in possession in this State any wild deer other than during the open
4 season for hunting deer as established in the State Fish and Game
5 Code and such deer in possession must have been killed in the
6 manner prescribed by the State Fish and Game Code for that
7 particular open season. A legally killed deer and parts of a legally
8 killed deer may be possessed until June 1 immediately following the
9 season in which it was killed, provided the deer was properly
10 registered and bears the possession tag affixed at the deer checking
11 station, and any parts that have been separated from legally killed
12 deer are clearly marked as prescribed in R. S. 23:4-47. A person
13 desiring to retain a legally killed deer or parts thereof after June 1
14 may do so by contacting the nearest conservation officer, who
15 may authorize such retention in a manner prescribed by the
16 division. No person shall have in possession any deer of any
17 description, except as provided in the State Fish and Game Code
18 or as provided in this section.

19 Except as herein provided, the having in possession of any wild
20 deer or parts thereof the time and periods prohibited in the
21 State Fish and Game Code, or the having in possession of any deer
22 of any description, except during such time and periods and of
23 such description as permitted by the State Fish and Game Code,
24 shall be prima facie evidence in all courts that such wild deer is in
25 possession unlawfully.

26 This article shall not apply to a deer killed on game preserves,
27 the owners or lessees of which are licensed by the division, or to

28 deer coming from another state, which is properly tagged, showing
29 where the same was killed, *or to the disposal, by State or municipal*
30 *police officers, of deer found dead on or along any public highway*
31 *or on any private property, upon request of the owner thereof,*
32 *provided that any such disposal is undertaken in conformance with*
33 *procedures prescribed by the division.*

1 2. This act shall take effect immediately.

STATEMENT

This bill would authorize State and local police to dispose of deer found dead on or along any public highway, or, upon request of the owner thereof, on any private property. Such disposal would be undertaken in conformance with procedures prescribed by the Division of Fish, Game and Shellfisheries.

This authorization would greatly facilitate the disposal of such deer, which, under present law, can only be accomplished by certain division personnel.

A. 1822 (1979)

ASSEMBLY AGRICULTURE AND ENVIRONMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1822

STATE OF NEW JERSEY

DATED: JANUARY 9, 1979

This bill would authorize State and local police to dispose of deer found dead on or along any public highway, or, upon request of the owner thereof, on any private property. Such disposal would be undertaken in conformance with procedures prescribed by the Division of Fish, Game and Shellfisheries. This authorization would greatly facilitate the disposal of such deer, which, under present law and administrative procedures, can only be accomplished by certain division personnel.

Amendments adopted by the Assembly Agriculture and Environment committee would extend such authorization to the disposal of dead wild birds, animals, fowl, or fur-bearing animal, and would allow State or local police to designate other personnel to conduct any such actual disposal.

ASSEMBLY COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 1822

STATE OF NEW JERSEY

ADOPTED JANUARY 9, 1979

Amend page 1, title, line 1, after "and", insert "other wild animals and birds,".

Amend page 1, title, line 2, after "R. S. 23:4-23", insert "and supplementing Title 23 of the Revised Statutes".

Amend page 2, section 1, line 30, after "officers,", insert "or by personnel authorized thereby,".

Amend page 2, section 1, after line 33, insert new section as follows:

"2. Except as provided in R. S. 23:4-23, nothing contained in the provisions of this Title shall be construed so as to prohibit or limit the disposal, by State or municipal police officers, or by personnel authorized thereby, of any wild bird, animal, fowl, or fur-bearing animal found dead on or along any public highway or on any private property, upon request of the owner thereof."

Amend page 2, section 2, line 1, renumber section 2 as section 3.

A-1410, sponsored by Assemblyman Martin A. Herman (D-Gloucester), which establishes a uniform statutory scheme for determining vacancies in certain appointed offices.

The provisions of the bill apply to appointments for specified terms made by the governing body or chief executive of any county or municipality.

A-1623, sponsored by Assemblyman Vincent Ozzie Pellecchia (D-Passaic), which requires the payment of prevailing wage rates on all Economic Development Authority-assisted construction projects.

A-1822, sponsored by Assemblyman James J. Barry (R-Morris), which authorizes state and local police to dispose of deer and other wild animals or birds found dead on or along any public highway, or upon request of the owner of any private property.

A-1892, sponsored by Assemblywoman Marie A. Muhler (R-Monmouth), which permits a county or municipality to convey to a board of fire commissioners at private sale for a nominal consideration real property not needed for county or municipal purposes.

Real property so conveyed to a board of fire commissioners could be used only for construction of a firehouse.

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