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"Christie signs law banning 'trophy animals' in N.J.," nj.com, June 2, 2016

"Christie signs bills banning import of threatened trophy animals," NorthJersey.com, June 2, 2016

"Christie signs law banning trophy animals," Star-Ledger, June 3, 2016

RWH/CL

# SENATE, No. 978

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 4, 2016

**Sponsored by:**

**Senator RAYMOND J. LESNIAK**

**District 20 (Union)**

**Senator PAUL A. SARLO**

**District 36 (Bergen and Passaic)**

**Assemblyman TIM EUSTACE**

**District 38 (Bergen and Passaic)**

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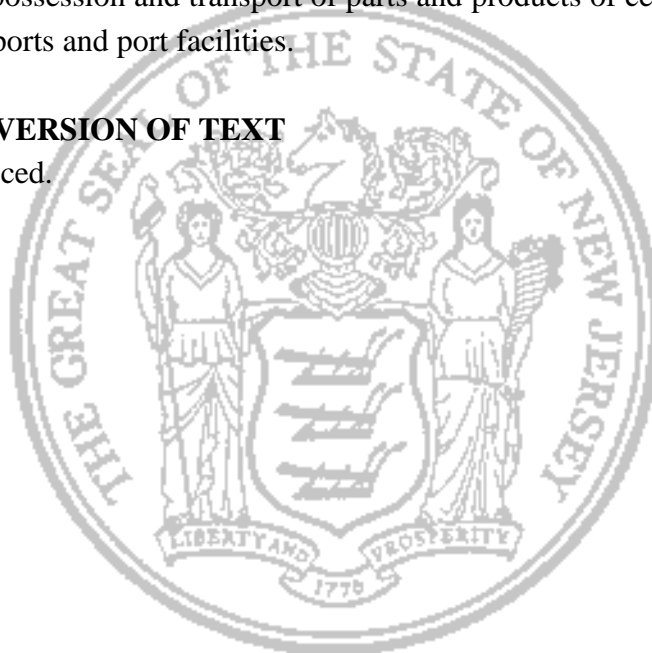
**Senators Whelan, Allen and Assemblywoman Quijano**

**SYNOPSIS**

Prohibits possession and transport of parts and products of certain animals at PANYNJ airports and port facilities.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/15/2016)**

1 AN ACT concerning the possession and transport of the parts and  
2 products of certain animals at certain airports and port facilities  
3 and supplementing Title 32 of the Revised Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. a. As used in P.L. , c. (C. ) (pending before the  
9 Legislature as this bill):

10 "Big five African species" means the African elephant, *Loxodonta*  
11 *africana*; African leopard, *Panthera pardus*; African lion, *Panthera*  
12 *leo*; black rhinoceros, *Diceros bicornis*, and white rhinoceros,  
13 *Ceratotherium simum*; and Cape buffalo, *Syncerus caffer*.

14 "Priority species" means: (1) any big five African species; or (2)  
15 any species or subspecies of elephant, rhinoceros, tiger, lion, leopard,  
16 cheetah, pangolin, marine turtle, or ray listed: (a) in Appendix I or  
17 Appendix II of the Convention on International Trade in Endangered  
18 Species of Wild Fauna and Flora; or (b) as critically endangered,  
19 endangered, or vulnerable on the International Union for Conservation  
20 of Nature and Natural Resources Red List of Threatened Species

21 b. Notwithstanding the provisions of any other law to the  
22 contrary, the parts or products of priority species shall not be imported,  
23 exported, shipped, received, possessed, processed, sold, offered for  
24 sale, or transported by any individual, firm, corporation, association, or  
25 partnership at any airport or port facility owned or operated by the Port  
26 Authority of New York and New Jersey.

27 c. Any Port Authority agent or Port Authority police officer shall  
28 have authority to enforce the prohibition in subsection b. of this  
29 section and, where necessary, to apply for and execute any warrant to  
30 search for and seize any part or product of a priority species and any  
31 property or item used in connection with a violation of subsection b. of  
32 this section.

33 d. Unless the activity is prohibited by federal law, the following  
34 exceptions and defenses shall apply to the prohibition in subsection b.  
35 of this section:

36 (1) the part or product was lawfully located or possessed within  
37 the State of New Jersey or the State of New York prior to the effective  
38 date of P.L. , c. (C. ) (pending before the Legislature as this  
39 bill), and the legal owner has obtained a certificate of possession from  
40 the Commissioner of Environmental Protection, as provided pursuant  
41 to subsection e. of this section, within 180 days after the date of  
42 enactment of P.L. , c. (C. ) (pending before the Legislature as  
43 this bill);

44 (2) the part or product is to be made part of a temporary or  
45 permanent collection at a museum or zoo, or similar educational or  
46 research facility, provided that the part or product is not thereafter  
47 sold, offered for sale, traded, bartered, or distributed to any private  
48 party ; or

1 (3) the part or product is to be used for purposes related to the  
2 conduct of biomedical research at a facility licensed by the United  
3 States Department of Agriculture pursuant to the federal "Animal  
4 Welfare Act," 7 U.S.C. s.2131 et seq., or at a facility conducting  
5 biomedical research in compliance with the "Public Health Service  
6 Policy on Humane Care and Use of Laboratory Animals" issued by the  
7 United States National Institutes of Health.

8 e. The Department of Environmental Protection shall adopt,  
9 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
10 (C.52:14B-1 et seq.), such rules and regulations as may be necessary to  
11 implement this section. These rules and regulations shall include a  
12 process for applying for the certificate of possession required pursuant  
13 to paragraph (1) of subsection d. of this section. The department may  
14 charge a reasonable fee to defray the cost of issuing a certificate of  
15 possession.

16 f. (1) Any part or product of a priority species and any property  
17 or item used in connection with a violation of subsection b. of this  
18 section shall be held pending criminal proceedings in any court of  
19 proper jurisdiction.

20 (2) A person who violates subsection b. of this section shall be  
21 guilty of a crime of the fourth degree and, notwithstanding the  
22 provisions of N.J.S.2C:43-3 to the contrary, shall be subject to  
23 imprisonment not to exceed 18 months and a fine of up to \$100,000.

24 (3) Upon conviction, or upon the entry of a judgment restraining a  
25 person from any activity that is or would be in violation of subsection  
26 b. of this section, any seized property shall be forfeited, and upon  
27 forfeiture, disposed of in a manner consistent with the best interest of  
28 the public as determined by the court.

29 (4) Any penalty imposed pursuant to this section shall be in  
30 addition to any applicable penalty that may be imposed for a violation  
31 of "The Endangered and Nongame Species Conservation Act,"  
32 P.L.1973, c.309 (C.23:2A-1 et seq.), P.L.2014, c.22 (C.23:2A-13.1 et  
33 seq.), R.S.23:4-27, and any other applicable law.

34

35 2. This act shall take effect upon the enactment by the State of  
36 New York of legislation having an identical effect, but if such  
37 legislation has already been enacted by the State of New York then  
38 this act shall take effect immediately.

39

40

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STATEMENT

42

43 This bill would prohibit the import, export, shipment, receipt,  
44 possession, processing, sale, offer for sale, or transport of the parts or  
45 products of priority species at any airport or port facility owned or  
46 operated by the Port Authority of New York and New Jersey. A  
47 priority species is: (1) any big five African species; or (2) any species  
48 or subspecies of elephant, rhinoceros, tiger, lion, leopard, cheetah,

1 pangolin, marine turtle, or ray listed: (a) in Appendix I or Appendix II  
2 of the Convention on International Trade in Endangered Species of  
3 Wild Fauna and Flora; or (b) as critically endangered, endangered, or  
4 vulnerable on the International Union for Conservation of Nature and  
5 Natural Resources Red List of Threatened Species. The big five  
6 African species are the African elephant, African leopard, African lion,  
7 black and white rhinoceros, and Cape buffalo.

8 A person who violates the bill would be guilty of a fourth degree  
9 crime and be subject to imprisonment for up to 18 months and a fine of  
10 up to \$100,000. Upon conviction, any property used in connection  
11 with the violation would be forfeited and disposed of in a manner  
12 consistent with the best interest of the public. Any penalty imposed  
13 under the bill would be in addition to any penalty that may be imposed  
14 pursuant to any other applicable law.

15 The bill would not apply to a part or product: 1) that was lawfully  
16 possessed prior to the effective date of the bill, provided the legal  
17 owner obtains a certificate of possession from the commissioner  
18 within 180 days after the date of enactment of the bill, 2) that is to be  
19 used at a museum, zoo, or similar facility, or 3) that is to be used for  
20 purposes related to the conduct of biomedical research at an  
21 appropriately licensed facility. The commissioner would be directed  
22 to adopt rules and regulations that include a process for applying for  
23 the certificate of possession. The commissioner could charge a  
24 reasonable fee to defray the cost of issuing a certificate of possession.

Title 32.  
Chapter 1.  
Article 11. (New)  
“Miscellaneous  
Provisions”  
§§1,2 -  
C.32:1-177 &  
32:1-178

P.L.2016, CHAPTER 7, *approved June 1, 2016*  
Senate, No. 978 (*First Reprint*)

1 AN ACT concerning the possession and transport of the parts and  
2 products of certain animals at certain airports and port facilities  
3 and supplementing Title 32 of the Revised Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. a. As used in P.L. , c. (C. ) (pending before the  
9 Legislature as this bill):

10 “ <sup>1</sup>**[Big five]** Specified<sup>1</sup> African species” means the African  
11 elephant, *Loxodonta africana*; African leopard, *Panthera pardus*;  
12 African lion, *Panthera leo*; black rhinoceros, *Diceros*  
13 *bicornis* <sup>1</sup>**[,]** <sup>1</sup>; and white rhinoceros, *Ceratotherium simum* <sup>1</sup>**[;** and  
14 Cape buffalo, *Syncerus caffer* <sup>1</sup>**]** .

15 "Priority species" means: (1) any <sup>1</sup>**[big five]** specified<sup>1</sup> African  
16 species; or (2) any species or subspecies of elephant, rhinoceros,  
17 tiger, lion, leopard, cheetah, pangolin, marine turtle, or ray listed <sup>1</sup>**[;**  
18 (a) <sup>1</sup>**]** in Appendix I or Appendix II of the Convention on  
19 International Trade in Endangered Species of Wild Fauna and Flora  
20 <sup>1</sup>**[;** or (b) as critically endangered, endangered, or vulnerable on the  
21 International Union for Conservation of Nature and Natural  
22 Resources Red List of Threatened Species <sup>1</sup>**]** .<sup>1</sup>

23 b. Notwithstanding the provisions of any other law to the  
24 contrary, the parts or products of priority species shall not be  
25 imported, exported, shipped, received, possessed, processed, sold,  
26 offered for sale, or transported by any individual, firm, corporation,  
27 association, or partnership at any airport or port facility owned or  
28 operated by the Port Authority of New York and New Jersey.

29 c. Any Port Authority agent or Port Authority police officer  
30 shall have authority to enforce the prohibition in subsection b. of  
31 this section and, where necessary, to apply for and execute any  
32 warrant to search for and seize any part or product of a priority

**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:

<sup>1</sup>Senate amendments adopted in accordance with Governor's  
recommendations May 9, 2016.

1 species and any property or item used in connection with a violation  
2 of subsection b. of this section.

3 d. <sup>1</sup>【Unless the activity is prohibited by federal law, the】 The<sup>1</sup>  
4 following exceptions and defenses shall apply to the prohibition in  
5 subsection b. of this section:

6 (1) the part or product was lawfully located or possessed within  
7 the State of New Jersey or the State of New York prior to the  
8 effective date of P.L. , c. (C. ) (pending before the  
9 Legislature as this bill) <sup>1</sup>【, and the legal owner has obtained a  
10 certificate of possession from the Commissioner of Environmental  
11 Protection, as provided pursuant to subsection e. of this section,  
12 within 180 days after the date of enactment of P.L. ,  
13 c. (C. ) (pending before the Legislature as this bill)】<sup>1</sup> ;

14 (2) the part or product is to be made part of a temporary or  
15 permanent collection at a museum or zoo, or similar educational or  
16 research facility <sup>1</sup>【, provided that the part or product is not  
17 thereafter sold, offered for sale, traded, bartered, or distributed to  
18 any private party】<sup>1</sup> ; <sup>1</sup>【or】<sup>1</sup>

19 (3) the part or product is to be used for purposes related to the  
20 conduct of biomedical research at a facility licensed by the United  
21 States Department of Agriculture pursuant to the federal “Animal  
22 Welfare Act,” 7 U.S.C. s.2131 et seq., or at a facility conducting  
23 biomedical research in compliance with the “Public Health Service  
24 Policy on Humane Care and Use of Laboratory Animals” issued by  
25 the United States National Institutes of Health <sup>1</sup>【.】 ;

26 (4) the part or product is imported, exported, shipped, received,  
27 possessed, processed, sold, offered for sale, or transported by an  
28 employee or agent of the federal government, the State government,  
29 or a bi-state agency, in the course of undertaking any law  
30 enforcement activities pursuant to federal or State law, or other  
31 mandatory duties required by federal or State law; or

32 (5) the part or product entered the State of New Jersey or the  
33 State of New York from a point outside either state, including a  
34 point outside the territorial limits of the United States, was intended  
35 for transport across the State of New Jersey or the State of New  
36 York, but was destined for a point beyond the State of New Jersey  
37 or the State of New York, and the part or product conforms with the  
38 terms of any federal permit or permit issued under the laws or  
39 regulations of a state other than the State of New Jersey or the State  
40 of New York.<sup>1</sup>

41 e. The Department of Environmental Protection <sup>1</sup>【shall】 may<sup>1</sup>  
42 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,  
43 c.410 (C.52:14B-1 et seq.), such rules and regulations as may be  
44 necessary to implement this section. <sup>1</sup>【These rules and regulations  
45 shall include a process for applying for the certificate of possession  
46 required pursuant to paragraph (1) of subsection d. of this section.



1 The department may charge a reasonable fee to defray the cost of  
2 issuing a certificate of possession.】<sup>1</sup>

3 f. (1) Any part or product of a priority species and any  
4 property or item used in connection with a violation of subsection b.  
5 of this section shall be held pending criminal proceedings in any  
6 court of proper jurisdiction.

7 (2) A person who violates subsection b. of this section shall be  
8 guilty of a crime of the fourth degree <sup>1</sup>【and, notwithstanding the  
9 provisions of N.J.S.2C:43-3 to the contrary, shall be subject to  
10 imprisonment not to exceed 18 months and a fine of up to  
11 \$100,000.】<sup>1</sup>

12 (3) Upon conviction, or upon the entry of a judgment restraining  
13 a person from any activity that is or would be in violation of  
14 subsection b. of this section, any seized property shall be forfeited,  
15 and upon forfeiture, disposed of in a manner consistent with the  
16 best interest of the public as determined by the court.

17 (4) Any penalty imposed pursuant to this section shall be in  
18 addition to any applicable penalty that may be imposed for a  
19 violation of "The Endangered and Nongame Species Conservation  
20 Act," P.L.1973, c.309 (C.23:2A-1 et seq.), P.L.2014, c.22 (C.23:2A-  
21 13.1 et seq.), R.S.23:4-27, and any other applicable law.

22

23 2. This act shall take effect upon the enactment by the State of  
24 New York of legislation having an identical effect, but if such  
25 legislation has already been enacted by the State of New York then  
26 this act shall take effect immediately.

27

28

29

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31 \_\_\_\_\_  
32 Prohibits possession and transport of parts and products of  
certain animals at PANYNJ airports and port facilities.

May 2, 2016

**SENATE BILL NO. 978**

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 978 with my recommendations for reconsideration.

Senate Bill No. 977 and Senate Bill No. 978 were introduced after the death of "Cecil the Lion," whose killing by a big game hunter in Zimbabwe sparked anger around the world. In essence, these bills seek to discourage big game hunting overseas by prohibiting the trophies from these hunts from entering New Jersey. In general, Senate Bill No. 977 would prohibit the possession, import or sale of the parts of certain species in New Jersey. Senate Bill No. 978 would specifically prohibit the parts of the same species from entering the ports and airports operated by the Port Authority of New York and New Jersey.

More specifically, Senate Bill No. 977 would ban the importation or possession of the parts of any of the "Big Five" African species, i.e., the African lion, the African leopard, the African elephant, the white and black rhinoceros, and the Cape buffalo. The bill would also prohibit a person from bringing into the State the parts of any lion, tiger, elephant, or other specified types of animals that are listed in Appendix I or II of the Convention on International Trade in Endangered Species ("CITES"), an international treaty to which the United States is a signatory. The bill would also bar the parts of these types of animals from the State if they are listed as vulnerable, endangered, or critically endangered by the International Union for Conservation of Nature ("IUCN"), a well-known nongovernmental organization that, among other things, classifies species based on their risk of extinction.

I will endorse reasonable measures that help protect threatened species. Unfortunately, these bills contain

provisions that are not reasonable, and therefore, I cannot sign these bills in their current form. Perhaps most troubling are the provisions that would require existing owners of covered items to register them with the Department of Environmental Protection, or else face daily fines. It is not hard to imagine how this unwieldy and potentially costly registration scheme could catch many by surprise, subjecting them to unfair penalties. Accordingly, I recommend that the bills impose a prospective ban, but not apply new prohibitions on covered animal parts already possessed within our State.

I am also concerned that the bills could interfere with interstate and international commerce, since the bills contain provisions that would prevent covered products, even with appropriate permits, from merely passing through the State, its ports, or airports. These provisions would not only necessitate impractical inspection procedures, but again, could sweep up unsuspecting persons (particularly those from out-of-state) who logically assume that a federal permit would enable them to transport covered products through the State or port facility therein. Therefore, I recommend changes that would allow a covered product to be brought into the State, under appropriate permit, but only if it is destined for a location outside the State.

I further propose other changes that will improve these bills. For example, I recommend that the bills protect the CITES-listed species, but not incorporate by reference the IUCN's list of vulnerable, threatened and endangered species. This is because the IUCN is an independent organization whose lists are subject to change and therefore should not carry the force of law in our State. CITES, by contrast, is a formal treaty signed by our government. Another change I propose is to

remove specific references to the Cape buffalo, a species that the IUCN itself considers to be of "least concern" when it comes to extinction risk. I believe it important that the bills remain focused on species threatened with extinction, consistent with their stated purpose. Finally, I recommend changes that would expressly allow law enforcement agents to carry out their duties without inadvertently running afoul of the prohibitions set forth in these bills. These latter amendments are modeled after an exception included within the aforementioned legislation concerning ivory and rhinoceros horn.

Importantly, with my amendments, these bills prospectively would prohibit a person from importing parts of covered species (including the African lion) and keeping them in our State. Of course, no state legislation could ever, by itself outlaw trophy hunts conducted overseas. There are significant questions whether such bans help or actually hurt wildlife conservation. If these bills are returned to me as I propose, however, we can be confident that the body parts of endangered animals will no longer be welcome in New Jersey.

Accordingly, I herewith return Senate Bill No. 978 and recommend that it be amended as follows:

<u>Page 2, Section 1, Line 10:</u>	Delete "Big five" and insert "Specified"
<u>Page 2, Section 1, Line 12:</u>	After " <i>diceros bicornis</i> " delete "," and insert ";"
<u>Page 2, Section 1, Line 13:</u>	Delete "; and Cape buffalo, <i>Syncerus caffer</i> "
<u>Page 2, Section 1, Line 18:</u>	Delete "; or (b) as critically endangered," and insert "."
<u>Page 2, Section 1, Lines 19-20:</u>	Delete in their entirety
<u>Page 2, Section 1, Line 33:</u>	Delete "Unless the activity is prohibited by federal law, the" and insert "The"
<u>Page 2, Section 1, Line 39:</u>	Delete ", and the legal owner has obtained a

certificate of possession from" and insert ";"

Page 2, Section 1, Lines 40-43: Delete in their entirety

Page 2, Section 1, Line 46: Delete ", provided that the part or product is not thereafter" and insert ";"

Page 2, Section 1, Lines 47-48: Delete in their entirety

Page 3, Section 1, Line 7: Delete "." and insert "  
 (4) the part or product is imported, exported, shipped, received, possessed, processed, sold, offered for sale, or transported by an employee or agent of the federal government, the State government, or a bi-state agency, in the course of undertaking any law enforcement activities pursuant to federal or State law, or other mandatory duties required by federal or State law; or  
 (5) the part or product entered the State of New Jersey or the State of New York from a point outside either state, including a point outside the territorial limits of the United States, was intended for transport across the State of New Jersey or the State of New York, but was destined for a point beyond the State of New Jersey or the State of New York, and the part or product conforms with the terms of any federal permit or permit issued under the laws or regulations of a state other than the State of New Jersey or the State of New York."

Page 3, Section 1, Line 8: Delete "shall" and insert "may"

Page 3, Section 1, Line 11: Delete "These rules and regulations shall include a"

Page 4, Section 1, Lines 12-15: Delete in their entirety

Page 4, Section 1, Line 21: Delete "and, notwithstanding the" and insert "."

Page 4, Section 1, Lines 22-23: Delete in their entirety

[seal]

Respectfully,  
/s/ Chris Christie  
Governor

Attest:

/s/ Thomas P. Scrivo  
Chief Counsel to the Governor

**CORRECTED COPY**

**SENATE BILL NO. 978**

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I will endorse reasonable measures that help protect threatened species. Unfortunately, these bills contain provisions that are not reasonable, and therefore, I cannot sign these bills in their current form. Perhaps most troubling are the provisions that would require existing owners of covered items to register them with the Department of Environmental Protection, or else face daily fines. It is not hard to imagine how this unwieldy and potentially costly registration scheme could catch many by surprise, subjecting them to unfair penalties. Accordingly, I recommend that the bills impose a prospective ban, but not apply new prohibitions on covered animal parts already possessed within our State.

I am also concerned that the bills could interfere with interstate and international commerce, since the bills contain provisions that would prevent covered products, even with appropriate permits, from merely passing through the State, its ports, or airports. These provisions would not only necessitate impractical inspection procedures, but again, could sweep up unsuspecting persons (particularly those from out-of-state) who logically assume that a federal permit would enable them to transport covered products through the State or port facility therein. Therefore, I recommend changes that would allow a covered product to be brought into the State, under appropriate permit, but only if it is destined for a location outside the State.

I further propose other changes that will improve these bills. For example, I recommend that the bills protect the CITES-listed species, but not incorporate by reference the IUCN's list of vulnerable, threatened and endangered species. This is because the IUCN is an independent organization whose lists are subject to change and therefore should not carry the



force of law in our State. CITES, by contrast, is a formal treaty signed by our government. Another change I propose is to remove specific references to the Cape buffalo, a species that the IUCN itself considers to be of "least concern" when it comes to extinction risk. I believe it important that the bills remain focused on species threatened with extinction, consistent with their stated purpose. Finally, I recommend changes that would expressly allow law enforcement agents to carry out their duties without inadvertently running afoul of the prohibitions set forth in these bills. These latter amendments are modeled after an exception included within the aforementioned legislation concerning ivory and rhinoceros horn.

Importantly, with my amendments, these bills prospectively would prohibit a person from importing parts of covered species (including the African lion) and keeping them in our State. Of course, no state legislation could ever, by itself outlaw trophy hunts conducted overseas. There are significant questions whether such bans help or actually hurt wildlife conservation. If these bills are returned to me as I propose, however, we can be confident that the body parts of endangered animals will no longer be welcome in New Jersey.

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<u>Page 2, Section 1, Line 10:</u>	Delete "Big five" and insert "Specified"
<u>Page 2, Section 1, Line 12:</u>	After " <i>diceros bicornis</i> " delete "," and insert ";"
<u>Page 2, Section 1, Line 13:</u>	Delete "; and Cape buffalo, <i>Syncerus caffer</i> "
<u>Page 2, Section 1, Line 14:</u>	Delete "big five" and insert "specified"
<u>Page 2, Section 1, Line 16:</u>	Delete ": (a)"
<u>Page 2, Section 1, Line 18:</u>	Delete "; or (b) as critically endangered," and insert "."

<u>Page 2, Section 1, Lines 19-20:</u>	Delete in their entirety
<u>Page 2, Section 1, Line 33:</u>	Delete "Unless the activity is prohibited by federal law, the" and insert "The"
<u>Page 2, Section 1, Line 39:</u>	Delete ", and the legal owner has obtained a certificate of possession from" and insert ";
<u>Page 2, Section 1, Lines 40-43:</u>	Delete in their entirety
<u>Page 2, Section 1, Line 46:</u>	Delete ", provided that the part or product is not thereafter" and insert ";
<u>Page 2, Section 1, Lines 47-48:</u>	Delete in their entirety
<u>Page 3, Section 1, Line 7:</u>	Delete "." and insert " (4) the part or product is imported, exported, shipped, received, possessed, processed, sold, offered for sale, or transported by an employee or agent of the federal government, the State government, or a bi-state agency, in the course of undertaking any law enforcement activities pursuant to federal or State law, or other mandatory duties required by federal or State law; or (5) the part or product entered the State of New Jersey or the State of New York from a point outside either state, including a point outside the territorial limits of the United States, was intended for transport across the State of New Jersey or the State of New York, but was destined for a point beyond the State of New Jersey or the State of New York, and the part or product conforms with the terms of any federal permit or permit issued under the laws or regulations of a state other than the State of New Jersey or the State of New York."
<u>Page 3, Section 1, Line 8:</u>	Delete "shall" and insert "may"
<u>Page 3, Section 1, Line 11:</u>	Delete "These rules and regulations shall include a"

Page 4, Section 1, Lines 12-15:

Delete in their entirety

Page 4, Section 1, Line 21:

Delete "and,  
notwithstanding the" and  
insert "."

Page 4, Section 1, Lines 22-23:

Delete in their entirety

[seal]

Respectfully,

/s/ Chris Christie

Governor

Attest:

/s/ Thomas P. Scrivo

Chief Counsel to the Governor

# SENATE ECONOMIC GROWTH COMMITTEE

## STATEMENT TO

### SENATE, No. 978

# STATE OF NEW JERSEY

DATED: JANUARY 28, 2016

The Senate Economic Growth Committee reports favorably Senate Bill No. 978.

As reported, this bill prohibits the import, export, shipment, receipt, possession, processing, sale, offer for sale, or transport of the parts or products of priority species at any airport or port facility owned or operated by the Port Authority of New York and New Jersey. A priority species is: (1) any big five African species; or (2) any species or subspecies of elephant, rhinoceros, tiger, lion, leopard, cheetah, pangolin, marine turtle, or ray listed: (a) in Appendix I or Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora; or (b) as critically endangered, endangered, or vulnerable on the International Union for Conservation of Nature and Natural Resources Red List of Threatened Species. The big five African species are the African elephant, African leopard, African lion, black and white rhinoceros, and Cape buffalo.

A person who violates the bill is guilty of a fourth degree crime and subject to imprisonment for up to 18 months and a fine of up to \$100,000. Upon conviction, any property used in connection with the violation is to be forfeited and disposed of in a manner consistent with the best interest of the public. Any penalty imposed under the bill is in addition to any penalty that may be imposed pursuant to any other applicable law.

The bill does not apply to a part or product of a priority species: 1) that was lawfully possessed prior to the effective date of the bill, provided the legal owner obtains a certificate of possession from the New Jersey Commissioner of Environmental Protection (commissioner) within 180 days after the date of enactment of the bill, 2) that is to be used at a museum, zoo, or similar facility, or 3) that is to be used for purposes related to the conduct of biomedical research at an appropriately licensed facility. The commissioner is directed to adopt rules and regulations that include a process for applying for the certificate of possession. The commissioner may charge a reasonable fee to defray the cost of issuing a certificate of possession.

ASSEMBLY ENVIRONMENT AND SOLID WASTE  
COMMITTEE

STATEMENT TO

**SENATE, No. 978**

**STATE OF NEW JERSEY**

DATED: MARCH 3, 2016

The Assembly Environment and Solid Waste Committee reports favorably Senate Bill No. 978.

This bill prohibits the import, export, shipment, receipt, possession, processing, sale, offer for sale, or transport of the parts or products of priority species at any airport or port facility owned or operated by the Port Authority of New York and New Jersey. A priority species is: (1) any big five African species; or (2) any species or subspecies of elephant, rhinoceros, tiger, lion, leopard, cheetah, pangolin, marine turtle, or ray listed (a) in Appendix I or Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, or (b) as critically endangered, endangered, or vulnerable on the International Union for Conservation of Nature and Natural Resources Red List of Threatened Species. The big five African species are the African elephant, African leopard, African lion, black rhinoceros and white rhinoceros, and Cape buffalo.

A person who violates the bill would be guilty of a fourth degree crime and subject to imprisonment for up to 18 months and a fine of up to \$100,000. Upon conviction, any property used in connection with the violation is to be forfeited and disposed of in a manner consistent with the best interest of the public. Any penalty imposed under the bill is in addition to any penalty that may be imposed pursuant to any other applicable law.

The bill does not apply to a part or product of a priority species that: (1) was lawfully possessed prior to the effective date of the bill, provided the legal owner obtains a certificate of possession from the Commissioner of Environmental Protection within 180 days after the date of enactment of the bill into law; (2) is to be used at a museum, zoo, or similar facility, provided the part or product is not thereafter sold, offered for sale, traded, bartered, or distributed to any private party; or (3) is to be used for purposes related to the conduct of biomedical research at an appropriately licensed facility. The commissioner is directed to adopt regulations that include a process for applying for the certificate of possession. The commissioner may charge a reasonable fee to defray the cost of issuing a certificate of possession.

As reported by the committee, this bill is identical to Assembly Bill No. 2510 as also reported by the committee.

# ASSEMBLY, No. 2510

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 4, 2016

**Sponsored by:**

**Assemblyman TIM EUSTACE**

**District 38 (Bergen and Passaic)**

**Assemblyman JAMEL C. HOLLEY**

**District 20 (Union)**

**Assemblyman REED GUSCIORA**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Assemblywoman Quijano**

**SYNOPSIS**

Prohibits possession and transport of parts and products of certain animals at PANYNJ airports and port facilities.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/15/2016)**

1 AN ACT concerning the possession and transport of the parts and  
2 products of certain animals at certain airports and port facilities  
3 and supplementing Title 32 of the Revised Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. a. As used in P.L. , c. (C. ) (pending before the  
9 Legislature as this bill):

10 "Big five African species" means the African elephant, *Loxodonta*  
11 *africana*; African leopard, *Panthera pardus*; African lion, *Panthera*  
12 *leo*; black rhinoceros, *Diceros bicornis*, and white rhinoceros,  
13 *Ceratotherium simum*; and Cape buffalo, *Syncerus caffer*.

14 "Priority species" means: (1) any big five African species; or (2)  
15 any species or subspecies of elephant, rhinoceros, tiger, lion, leopard,  
16 cheetah, pangolin, marine turtle, or ray listed: (a) in Appendix I or  
17 Appendix II of the Convention on International Trade in Endangered  
18 Species of Wild Fauna and Flora; or (b) as critically endangered,  
19 endangered, or vulnerable on the International Union for Conservation  
20 of Nature and Natural Resources Red List of Threatened Species.

21 b. Notwithstanding the provisions of any other law to the  
22 contrary, the parts or products of priority species shall not be imported,  
23 exported, shipped, received, possessed, processed, sold, offered for  
24 sale, or transported by any individual, firm, corporation, association, or  
25 partnership at any airport or port facility owned or operated by the Port  
26 Authority of New York and New Jersey.

27 c. Any Port Authority agent or Port Authority police officer shall  
28 have authority to enforce the prohibition in subsection b. of this  
29 section and, where necessary, to apply for and execute any warrant to  
30 search for and seize any part or product of a priority species and any  
31 property or item used in connection with a violation of subsection b. of  
32 this section.

33 d. Unless the activity is prohibited by federal law, the following  
34 exceptions and defenses shall apply to the prohibition in subsection b.  
35 of this section:

36 (1) the part or product was lawfully located or possessed within the  
37 State of New Jersey or the State of New York prior to the effective  
38 date of P.L. , c. (C. ) (pending before the Legislature as this  
39 bill), and the legal owner has obtained a certificate of possession from  
40 the Commissioner of Environmental Protection, as provided pursuant  
41 to subsection e. of this section, within 180 days after the date of  
42 enactment of P.L. , c. (C. ) (pending before the Legislature as  
43 this bill);

44 (2) the part or product is to be made part of a temporary or  
45 permanent collection at a museum or zoo, or similar educational or  
46 research facility, provided that the part or product is not thereafter  
47 sold, offered for sale, traded, bartered, or distributed to any private  
48 party; or

1 (3) the part or product is to be used for purposes related to the  
2 conduct of biomedical research at a facility licensed by the United  
3 States Department of Agriculture pursuant to the federal "Animal  
4 Welfare Act," 7 U.S.C. s.2131 et seq., or at a facility conducting  
5 biomedical research in compliance with the "Public Health Service  
6 Policy on Humane Care and Use of Laboratory Animals" issued by the  
7 United States National Institutes of Health.

8 e. The Department of Environmental Protection shall adopt,  
9 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
10 (C.52:14B-1 et seq.), such rules and regulations as may be necessary to  
11 implement this section. These rules and regulations shall include a  
12 process for applying for the certificate of possession required pursuant  
13 to paragraph (1) of subsection d. of this section. The department may  
14 charge a reasonable fee to defray the cost of issuing a certificate of  
15 possession.

16 f. (1) Any part or product of a priority species and any property  
17 or item used in connection with a violation of subsection b. of this  
18 section shall be held pending criminal proceedings in any court of  
19 proper jurisdiction.

20 (2) A person who violates subsection b. of this section shall be  
21 guilty of a crime of the fourth degree and, notwithstanding the  
22 provisions of N.J.S.2C:43-3 to the contrary, shall be subject to  
23 imprisonment not to exceed 18 months and a fine of up to \$100,000.

24 (3) Upon conviction, or upon the entry of a judgment restraining a  
25 person from any activity that is or would be in violation of subsection  
26 b. of this section, any seized property shall be forfeited, and upon  
27 forfeiture, disposed of in a manner consistent with the best interest of  
28 the public as determined by the court.

29 (4) Any penalty imposed pursuant to this section shall be in  
30 addition to any applicable penalty that may be imposed for a violation  
31 of "The Endangered and Nongame Species Conservation Act,"  
32 P.L.1973, c.309 (C.23:2A-1 et seq.), P.L.2014, c.22 (C.23:2A-13.1 et  
33 seq.), R.S.23:4-27, and any other applicable law.

34  
35 2. This act shall take effect upon the enactment by the State of  
36 New York of legislation having an identical effect, but if such  
37 legislation has already been enacted by the State of New York then  
38 this act shall take effect immediately.

39  
40  
41 STATEMENT

42  
43 This bill would prohibit the import, export, shipment, receipt,  
44 possession, processing, sale, offer for sale, or transport of the parts or  
45 products of priority species at any airport or port facility owned or  
46 operated by the Port Authority of New York and New Jersey. A  
47 priority species is: (1) any big five African species; or (2) any species  
48 or subspecies of elephant, rhinoceros, tiger, lion, leopard, cheetah,



**A2510 EUSTACE, HOLLEY**

1 pangolin, marine turtle, or ray listed: (a) in Appendix I or Appendix II  
2 of the Convention on International Trade in Endangered Species of  
3 Wild Fauna and Flora; or (b) as critically endangered, endangered, or  
4 vulnerable on the International Union for Conservation of Nature and  
5 Natural Resources Red List of Threatened Species. The big five  
6 African species are the African elephant, African leopard, African lion,  
7 black and white rhinoceros, and Cape buffalo.

8 A person who violates the bill would be guilty of a fourth degree  
9 crime and be subject to imprisonment for up to 18 months and a fine of  
10 up to \$100,000. Upon conviction, any property used in connection  
11 with the violation would be forfeited and disposed of in a manner  
12 consistent with the best interest of the public. Any penalty imposed  
13 under the bill would be in addition to any penalty that may be imposed  
14 pursuant to any other applicable law.

15 The bill would not apply to a part or product: (1) that was lawfully  
16 possessed prior to the effective date of the bill, provided the legal  
17 owner obtains a certificate of possession from the Commissioner of  
18 Environmental Protection (commissioner) within 180 days after the  
19 date of enactment of the bill, (2) that is to be used at a museum, zoo, or  
20 similar facility, or (3) that is to be used for purposes related to the  
21 conduct of biomedical research at an appropriately licensed facility.  
22 The commissioner is directed to adopt rules and regulations that  
23 include a process for applying for the certificate of possession. The  
24 commissioner is authorized to charge a reasonable fee to defray the  
25 cost of issuing a certificate of possession.

ASSEMBLY ENVIRONMENT AND SOLID WASTE  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2510**

**STATE OF NEW JERSEY**

DATED: MARCH 3, 2016

The Assembly Environment and Solid Waste Committee reports favorably Assembly Bill No. 2510.

This bill prohibits the import, export, shipment, receipt, possession, processing, sale, offer for sale, or transport of the parts or products of priority species at any airport or port facility owned or operated by the Port Authority of New York and New Jersey. A priority species is: (1) any big five African species; or (2) any species or subspecies of elephant, rhinoceros, tiger, lion, leopard, cheetah, pangolin, marine turtle, or ray listed (a) in Appendix I or Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, or (b) as critically endangered, endangered, or vulnerable on the International Union for Conservation of Nature and Natural Resources Red List of Threatened Species. The big five African species are the African elephant, African leopard, African lion, black rhinoceros and white rhinoceros, and Cape buffalo.

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The bill does not apply to a part or product of a priority species that: (1) was lawfully possessed prior to the effective date of the bill, provided the legal owner obtains a certificate of possession from the Commissioner of Environmental Protection within 180 days after the date of enactment of the bill into law; (2) is to be used at a museum, zoo, or similar facility, provided the part or product is not thereafter sold, offered for sale, traded, bartered, or distributed to any private party; or (3) is to be used for purposes related to the conduct of biomedical research at an appropriately licensed facility. The commissioner is directed to adopt regulations that include a process for applying for the certificate of possession. The commissioner may charge a reasonable fee to defray the cost of issuing a certificate of possession.

As reported by the committee, this bill is identical to Senate Bill No. 978 as also reported by the committee.

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## Governor Chris Christie Takes Action On Pending Legislation

Thursday, June 2, 2016 Tags: [Bill Action](#)



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Trenton, NJ – Governor Chris Christie announced action that has been taken on the following legislation:

**BILL SIGNING:**

**S-977/A-2447 (Lesniak, Sarlo/Eustace, Holley, Gusciora)** – Prohibits possession, transport, import, export, processing, sale or shipment of parts and products of certain animal species threatened with extinction

**S-978/A-2510 (Lesniak, Sarlo/Eustace, Holley, Gusciora)** – Prohibits possession and transport of parts and products of certain animals at PANYNJ airports and port facilities

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609-777-2600



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