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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"New law makes it illegal to feed bears," 11-14-2002 Trentonian, p.11

"Feeding bear now carries a fine," 11-14-2002 The Record, p.A3

"State puts bite on bear feeders," 11-14-2002 Home News p.A3

"New law puts the bite on folks who serve up food for bears," 11-14-2002 Star Ledger, p17

P.L. 2002, CHAPTER 97, *approved November 13, 2002*
Assembly, No. 1109 (*First Reprint*)

1 AN ACT concerning ¹the¹ feeding ¹of¹ black bears and supplementing
2 ¹[chapter 40 of]¹ Title ¹[2C] 23¹ of the ¹[New Jersey] Revised¹
3 Statutes.

4

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

7

8 1. a. ¹[Except as provided in subsection c., a person is guilty of
9 a disorderly persons offense if the] No¹ person shall:

10 (1) feed, give, place, expose, deposit, distribute or scatter any
11 ¹[edible] edible¹ material or attractant with the intention of feeding,
12 attracting or enticing a black bear ¹[.]; or¹

13 (2) store pet food, garbage or other bear attractants in a manner
14 that will result in bear feedings when black bear are known to frequent
15 the area.

16 b. Subsection a. of this section shall not apply in the case of an
17 unintentional feeding of a black bear. ¹[Unintentional feeding]
18 "Unintentional feeding"¹ means using or placing any material for a
19 purpose other than to attract or entice black bears but which results in
20 the attraction or enticement of a black bear¹, and shall include but
21 need not be limited to the use and placement of bait for deer in
22 accordance with section 1 of P.L.1997, c.424 (C.23:4-24.4) and the
23 State Fish and Game Code¹.

24 c. ¹[A person convicted of a second or subsequent violation of the
25 provisions of this section is guilty of a crime of the fourth degree]

26 (1) If any person violates subsection a. of this section, the
27 department may institute a civil action in a court of competent
28 jurisdiction for injunctive relief to prohibit and prevent such violation
29 or violations and the court may proceed in the action in a summary
30 manner.

31 (2) Any person who violates the provisions of subsection a. of this
32 section shall be liable to a civil penalty of up to \$1,000 for each
33 offense, to be collected in a civil action by a summary proceeding
34 under the "Penalty Enforcement Law of 1999," P.L.1999, c.274
35 (C2A:58-10 et seq.) or in any case before a court of competent
36 jurisdiction wherein injunctive relief has been requested. Civil
37 penalties recovered for violations hereof shall be remitted as provided
38 in R.S.23:10-19. The Superior Court and municipal court shall have
39 jurisdiction to enforce the "Penalty Enforcement Law of 1999."

40 If the violation is of a continuing nature, each day during which it

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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 February 28, 2002.

1 continues shall constitute an additional, separate and distinct offense.

2 No person shall be assessed a civil penalty pursuant to this
3 paragraph unless the person has first been issued a prior written
4 warning for a violation of subsection a. of this section.

5 (3) The department is hereby authorized and empowered to
6 compromise and settle any claim for a penalty under this section in
7 such amount in the discretion of the department as may appear
8 appropriate and equitable under all of the circumstances¹.

9 d. The provisions of this section shall be enforced by all municipal
10 police officers, the State Police ¹,¹ and law enforcement ¹[officials]
11 officers¹ with the Division of Fish and Wildlife and the Division of
12 Parks and Forestry ¹in the Department of Environmental Protection¹.

13 ¹e. Nothing in this section shall be construed to restrict in any way
14 the attraction, capture, or taking of black bears by or at the direction
15 of the Division of Fish and Wildlife for management or research
16 purposes.¹

17

18 2. This act shall take effect immediately.

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22

23 Bans intentional feeding of black bears.

ASSEMBLY, No. 1109

STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Assemblyman E. SCOTT GARRETT

District 24 (Sussex, Hunterdon and Morris)

Assemblyman GUY R. GREGG

District 24 (Sussex, Hunterdon and Morris)

SYNOPSIS

Bans intentional feeding of black bear population.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning feeding black bears and supplementing chapter 40
2 of Title 2C of the New Jersey Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. a. Except as provided in subsection c., a person is guilty of a
8 disorderly persons offense if the person shall:

9 (1) feed, give, place, expose, deposit, distribute or scatter any
10 edible material or attractant with the intention of feeding, attracting
11 or enticing a black bear.

12 (2) store pet food, garbage or other bear attractants in a manner
13 that will result in bear feedings when black bear are known to frequent
14 the area.

15 b. Subsection a. of this section shall not apply in the case of an
16 unintentional feeding of a black bear. Unintentional feeding means
17 using or placing any material for a purpose other than to attract or
18 entice black bears but which results in the attraction or enticement of
19 a black bear.

20 c. A person convicted of a second or subsequent violation of the
21 provisions of this section is guilty of a crime of the fourth degree.

22 d. The provisions of this section shall be enforced by all municipal
23 police officers, the State Police and law enforcement officials with the
24 Division of Fish and Wildlife and the Division of Parks and Forestry.

25
26 2. This act shall take effect immediately.

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29 STATEMENT

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31 This bill makes it a disorderly persons offense for a person to
32 intentionally feed, give, place, expose, deposit, distribute or scatter
33 any edible material or attractant with the intention of feeding,
34 attracting or enticing a black bear; or, to store pet food, garbage or
35 other bear attractants in a manner that will result in bear feedings when
36 black bear are known to frequent the area. Under the bill, a second or
37 subsequent violation for feeding a wild bear would be punishable as a
38 crime of the fourth degree. A disorderly persons offense is punishable
39 by up to six months imprisonment, a fine of up to \$1,000 or both. A
40 crime of the fourth degree is punishable by up to 18 months
41 imprisonment, a fine of up to \$10,000 or both.

42 The provisions of the bill shall not apply in the case of an
43 unintentional feeding of a bear. Unintentional feeding is defined to
44 mean using or placing any material for a purpose other than to attract
45 or entice black bears but which results in the attraction or enticement
46 of a black bear. The provisions of this bill shall be enforced by all

A1109 GARRETT, GREGG

3

1 municipal police officers, State Police and law enforcement officials
2 with the Division of Fish and Wildlife and the Division of Parks and
3 Forestry.

4 It is the sponsors view that in light of the significant investment of
5 effort and expense the State has expended to control the black bear
6 population, intentional feedings by individuals only serve to hamper
7 these efforts.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1109

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 28, 2002

The Assembly Agriculture and Natural Resources Committee reports favorably and with committee amendments Assembly Bill No. 1109.

As amended by the committee, this bill would make it illegal for a person to (1) intentionally feed, give, place, expose, deposit, distribute or scatter any edible material or attractant with the intention of feeding, attracting or enticing a black bear, or (2) store pet food, garbage or other bear attractants in a manner that will result in bear feedings when black bear are known to frequent the area. A person violating the bill's provisions would be subject to a civil fine of up to \$1,000, with each day during which a violation continues constituting a separate offense.

The provisions of the bill would not apply in the case of an unintentional feeding of a bear. "Unintentional feeding" is defined in the bill as amended by the committee to mean using or placing any material for a purpose other than to attract or entice black bears but which results in the attraction or enticement of a black bear, and would include but need not be limited to the use and placement of bait for deer for deer hunting purposes as allowed by law and the State Fish and Game Code. The bill would be enforceable by municipal police officers, the State Police, and law enforcement officers with the Division of Fish and Wildlife and the Division of Parks and Forestry in the Department of Environmental Protection.

The committee amended the bill to (1) change the penalty for a violation from a disorderly persons offense to a civil penalty, (2) clarify the definition of "unintentional feeding" of black bear to include baiting of deer for deer hunting purposes, (3) require that a written warning be issued first for a violation before a civil penalty could be assessed for a subsequent violation; and (4) exempt actions taken by or at the direction of the Division of Fish and Wildlife from the bill's provisions. The committee also made technical amendments to the bill.

This bill was pre-filed for introduction in the 2002-2003 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1109

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 2002

The Senate Environment Committee reports favorably Assembly Bill No. 1109 (1R).

This bill would make it illegal for a person to (1) intentionally feed, give, place, expose, deposit, distribute or scatter any edible material or attractant with the intention of feeding, attracting or enticing a black bear, or (2) store pet food, garbage or other bear attractants in a manner that will result in bear feedings when black bear are known to frequent the area. A person violating the bill's provisions would be subject to a civil fine of up to \$1,000, with each day during which a violation continues constituting a separate offense. The provisions of the bill require that a written warning must first be issued for a violation before a civil penalty could be assessed for a subsequent violation.

Actions taken by or at the direction of the Division of Fish and Wildlife in the Department of Environmental Protection for bear management or research purposes would be exempt from the bill's provisions.

The provisions of the bill would not apply in the case of an unintentional feeding of a bear. "Unintentional feeding" is defined in the bill to mean using or placing any material for a purpose other than to attract or entice black bears but which results in the attraction or enticement of a black bear, and would include, but need not be limited to, the use and placement of bait for deer for deer hunting purposes as allowed by law and the State Fish and Game Code. The bill would be enforceable by municipal police officers, the State Police, and law enforcement officers with the Division of Fish and Wildlife and the Division of Parks and Forestry in the Department of Environmental Protection.

This bill is identical to Senate Bill No. 1848.

SENATE, No. 1848

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED SEPTEMBER 12, 2002

Sponsored by:

Senator ROBERT E. LITTELL

District 24 (Sussex, Hunterdon and Morris)

SYNOPSIS

Bans intentional feeding of black bears.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the feeding of black bears and supplementing
2 Title 23 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. a. No person shall:

8 (1) feed, give, place, expose, deposit, distribute or scatter any
9 edible material or attractant with the intention of feeding, attracting
10 or enticing a black bear; or

11 (2) store pet food, garbage or other bear attractants in a manner
12 that will result in bear feedings when black bear are known to frequent
13 the area.

14 b. Subsection a. of this section shall not apply in the case of an
15 unintentional feeding of a black bear. "Unintentional feeding" means
16 using or placing any material for a purpose other than to attract or
17 entice black bears but which results in the attraction or enticement of
18 a black bear, and shall include but need not be limited to the use and
19 placement of bait for deer in accordance with section 1 of P.L.1997,
20 c.424 (C.23:4-24.4) and the State Fish and Game Code.

21 c. (1) If any person violates subsection a. of this section, the
22 department may institute a civil action in a court of competent
23 jurisdiction for injunctive relief to prohibit and prevent such violation
24 or violations and the court may proceed in the action in a summary
25 manner.

26 (2) Any person who violates the provisions of subsection a. of this
27 section shall be liable to a civil penalty of up to \$1,000 for each
28 offense, to be collected in a civil action by a summary proceeding
29 under the "Penalty Enforcement Law of 1999," P.L.1999, c.274
30 (C.2A:58-10 et seq.) or in any case before a court of competent
31 jurisdiction wherein injunctive relief has been requested. Civil
32 penalties recovered for violations hereof shall be remitted as provided
33 in R.S.23:10-19. The Superior Court and municipal court shall have
34 jurisdiction to enforce the "Penalty Enforcement Law of 1999."

35 If the violation is of a continuing nature, each day during which it
36 continues shall constitute an additional, separate and distinct offense.

37 No person shall be assessed a civil penalty pursuant to this
38 paragraph unless the person has first been issued a prior written
39 warning for a violation of subsection a. of this section.

40 (3) The department is hereby authorized and empowered to
41 compromise and settle any claim for a penalty under this section in
42 such amount in the discretion of the department as may appear
43 appropriate and equitable under all of the circumstances.

44 d. The provisions of this section shall be enforced by all municipal
45 police officers, the State Police, and law enforcement officers with the
46 Division of Fish and Wildlife and the Division of Parks and Forestry

1 in the Department of Environmental Protection.

2 e. Nothing in this section shall be construed to restrict in any way
3 the attraction, capture, or taking of black bears by or at the direction
4 of the Division of Fish and Wildlife for management or research
5 purposes.

6

7 2. This act shall take effect immediately.

8

9

10 STATEMENT

11

12 This bill would make it illegal for a person to (1) intentionally feed,
13 give, place, expose, deposit, distribute or scatter any edible material
14 or attractant with the intention of feeding, attracting or enticing a
15 black bear, or (2) store pet food, garbage or other bear attractants in
16 a manner that will result in bear feedings when black bear are known
17 to frequent the area. A person violating the bill's provisions would be
18 subject to a civil fine of up to \$1,000, with each day during which a
19 violation continues constituting a separate offense.

20 The provisions of the bill would not apply in the case of an
21 unintentional feeding of a bear. "Unintentional feeding" is defined in
22 the bill to mean using or placing any material for a purpose other than
23 to attract or entice black bears but which results in the attraction or
24 enticement of a black bear, and would include but need not be limited
25 to the use and placement of bait for deer for deer hunting purposes as
26 allowed by law and the State Fish and Game Code. The bill would be
27 enforceable by municipal police officers, the State Police, and law
28 enforcement officers with the Division of Fish and Wildlife and the
29 Division of Parks and Forestry in the Department of Environmental
30 Protection.

31 The bill would require that a written warning be issued first for a
32 violation before a civil penalty could be assessed for a subsequent
33 violation and exempt actions taken by or at the direction of the
34 Division of Fish and Wildlife from the bill's provisions.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1848

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 2002

The Senate Environment Committee reports favorably Senate Bill No. 1848.

This bill would make it illegal for a person to (1) intentionally feed, give, place, expose, deposit, distribute or scatter any edible material or attractant with the intention of feeding, attracting or enticing a black bear, or (2) store pet food, garbage or other bear attractants in a manner that will result in bear feedings when black bear are known to frequent the area. A person violating the bill's provisions would be subject to a civil fine of up to \$1,000, with each day during which a violation continues constituting a separate offense. The provisions of the bill require that a written warning must first be issued for a violation before a civil penalty could be assessed for a subsequent violation.

Actions taken by or at the direction of the Division of Fish and Wildlife in the Department of Environmental Protection for bear management or research purposes would be exempt from the bill's provisions.

The provisions of the bill would not apply in the case of an unintentional feeding of a bear. "Unintentional feeding" is defined in the bill to mean using or placing any material for a purpose other than to attract or entice black bears but which results in the attraction or enticement of a black bear, and would include, but need not be limited to, the use and placement of bait for deer for deer hunting purposes as allowed by law and the State Fish and Game Code. The bill would be enforceable by municipal police officers, the State Police, and law enforcement officers with the Division of Fish and Wildlife and the Division of Parks and Forestry in the Department of Environmental Protection.

This bill is identical to Assembly Bill No. 1109 (1R).

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Press Releases

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Contact: Kevin Davitt
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RELEASE: November 13, 2002

[Previous Screen](#)

McGreevey: Don't Feed the Bears

Governor signs legislation making it illegal to intentionally feed black bears

(TRENTON) - Moving forward on a preventive measure that will help protect families from black bears, Governor James E. McGreevey today signed Assembly Bill 1109 into law, which bans the intentional feeding of black bears in New Jersey.

"The point of the new law is simple: Don't feed the bears. Feeding bears has needlessly created risks to property, pets, livestock and the public," said McGreevey. "One person who feeds a bear creates a risk for the entire neighborhood. Clearly, this is a preventive measure that seeks to reduce unsafe human and bear contact."

Currently, there are an estimated 1, 900 black bears concentrated in Sussex, Passaic and Morris counties. In 2002, there have been 55 different incidents in which bears have broken into a house to search for food or have tried to gain entry. There were 28 such incidents in 2001. Many of these incidents were directly caused by feeding of bears.

The Governor was joined by Department of Environmental Protection Commissioner Bradley Campbell and Assemblyman Guy Gregg.

"New Jersey's thriving black bear population is really a success story. Black bears are majestic animals that reflect our state's rich natural resources but they are also powerful, wild animals," said Commissioner Campbell.

The new law will make it illegal for a person to intentionally feed a black bear or to store food and garbage in such a way that will result in bear feedings. Instead, persons should store garbage in air-tight containers in a secure area like a shed or garage, or should dispose of their garbage the day of pick-up, not the night before.

Violators will first receive a written warning before civil penalties will be assessed. Subsequent violations will result in a civil fine of up to \$1,000. Municipal police, State Police, law enforcement within the Division of Fish and Wildlife and the Division of Parks and Forestry will enforce the new law.

"We must also work to preserve the open spaces that provide the necessary habitat for bears and other wildlife resources, which means we must be smarter in how we support

growth and development in our state," added McGreevey.

A-1109 passed the Assembly on May 6th and was substituted for S-1848 on September 30th, when it passed the Senate.



State of New Jersey Governor's Office

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