

P.L. 2005, CHAPTER 330, *approved January 12, 2006*

Senate, No. 2027

1 AN ACT concerning penalties for damaging property and for certain
2 other violations committed on lands administered by the
3 Department of Environmental Protection or the Palisades Interstate
4 Park Commission, and amending P.L.1983, c.324, P.L.1954, c.38,
5 and R.S.32:14-20.

6

7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:

9

10 1. Section 23 of P.L.1983, c.324 (C.13:1L-23) is amended to read
11 as follows:

12 23. a. If ~~[any person violates any of the provisions of this~~
13 ~~amendatory and supplementary act]~~ a person violates any provision of
14 P.L.1983, c.324 (C.13:1L-1 et seq.), or any rule, regulation, or order
15 ~~[promulgated]~~ adopted or issued pursuant thereto, the department
16 may institute a civil action in a court of competent jurisdiction for
17 injunctive relief to prohibit and prevent the violation and the court may
18 proceed in a summary manner.

19 ~~[Any]~~ b. A person who violates any [of the provisions of this
20 amendatory and supplementary act] provision of P.L.1983, c.324
21 (C.13:1L-1 et seq.), or any rule, regulation, or order ~~[promulgated]~~
22 adopted or issued pursuant thereto, shall be liable to a civil penalty of
23 not ~~[more than \$1,000.00]~~ less than \$50 nor more than \$1,500, plus
24 restitution if applicable, for each offense, to be collected in a civil
25 action by a summary proceeding under ~~["the penalty enforcement law"~~
26 ~~(N.J.S.2A:58-1 et seq.)]~~ the "Penalty Enforcement Law of 1999,"
27 P.L.1999, c. 274 (C.2A:58-10 et seq.) or in any case before a court of
28 competent jurisdiction wherein injunctive relief has been requested.
29 The Superior Court and municipal courts shall have jurisdiction to hear
30 and determine violations of ~~[the provisions of this amendatory and~~
31 ~~supplementary act]~~ P.L.1983, c.324 (C.13:1L-1 et seq.) . If the
32 violation is of a continuing nature, each day during which it continues
33 shall constitute an additional, separate, and distinct offense. ~~[If the~~
34 ~~damage resulting from any violation of this amendatory and~~
35 ~~supplementary act or from any violation of any rule, regulation or~~
36 ~~order promulgated pursuant thereto exceeds \$1,000.00, the person~~
37 ~~causing the damage shall be liable to a penalty equal to the value of the~~
38 ~~damage so caused.]~~ If the violation results in pecuniary gain to the
39 violation, or the violator willfully or wantonly causes injury or damage
40 to property, including but not limited to natural resources, the violator

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.

1 shall be liable to an additional civil penalty equal to three times the
2 value of the pecuniary gain or injury or damage to property.

3 c. Penalties assessed pursuant to this section shall be in addition to
4 any other civil or criminal penalties that may be applicable pursuant to
5 law.

6 (cf: P.L.1991, c.91, s.225)

7
8 2. Section 1 of P.L.1954, c.38 (C.23:7-9) is amended to read as
9 follows:

10 1. a. With respect to or on property under the control of the
11 Division of Fish [, Game] and Wildlife, no person may:

12 [a.] (1) remove or disturb any vegetation, soil, water, minerals, or
13 other property of the State; [or]

14 [b.] (2) litter, dump, or discard refuse of any kind; [or]

15 [c.] (3) cause injury or damage to any equipment, structure,
16 building, or other property; or

17 [d.] (4) use such property contrary to rules or regulations
18 established by the division.

19 [A person who violates this section shall be liable to a civil penalty
20 of not less than \$50.00 nor more than \$200.00 for each offense, unless
21 the pecuniary gain to the violator or the injury or damage to property
22 exceeds \$100.00, in which case the civil penalty shall be three times
23 the amount of that gain or injury or damage to property.]

24 b. (1) If a person violates any provision of subsection a. of this
25 section, the division may institute a civil action in a court of competent
26 jurisdiction for injunctive relief to prohibit and prevent the violation
27 and the court may proceed in a summary manner.

28 (2) (a) A person who violates any provision of subsection a. of this
29 section shall be liable to a civil penalty of not less than \$50 nor more
30 than \$1,500, plus restitution if applicable, for each offense, to be
31 collected in a civil action by a summary proceeding under the "Penalty
32 Enforcement Law of 1999," P.L.1999, c. 274 (C.2A:58-10 et seq.) or
33 in any case before a court of competent jurisdiction wherein injunctive
34 relief has been requested. The Superior Court and municipal courts
35 shall have jurisdiction to hear and determine violations of subsection
36 a. of this section. If the violation is of a continuing nature, each day
37 during which it continues shall constitute an additional, separate, and
38 distinct offense. If the violation results in pecuniary gain to the
39 violator, or the violator willfully or wantonly causes injury or damage
40 to property, including but not limited to natural resources, the violator
41 shall be liable to an additional civil penalty equal to three times the
42 value of the pecuniary gain or injury or damage to property.

43 (b) In addition, for each subsequent violation, all license certificates
44 required, and all privileges, to take or possess wildlife shall be
45 suspended for a period of five years. A license certificate or privilege

1 suspended pursuant to this [section] subparagraph shall not be
2 reinstated until the holder thereof has first completed, to the
3 satisfaction of the Division of Fish [, Game] and Wildlife, the
4 approved remedial sportsmen education program established and
5 conducted by the division pursuant to section 12 of P.L.1990, c.29
6 (C.23:3-22.3).

7 (3) Penalties assessed pursuant to this subsection shall be in
8 addition to any other civil or criminal penalties that may be applicable
9 pursuant to law.

10 (cf: P.L.1990, c.29, s.7)

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12 3. R.S.32:14-20 is amended to read as follows:

13 32:14-20. a.(1) Palisades Interstate Park Commission may erect
14 and operate elevators and escalators at such places in the park as it
15 may deem necessary or expedient. The commission may provide and
16 operate or provide by lease, charter, concession, exclusive or
17 nonexclusive privilege, or otherwise, for the operation of such other
18 facilities, including hotels, restaurants, stands, booths, amusements,
19 docks, wharves, and any and all means of transportation to, from or in
20 [said] the park, for the use and enjoyment of [such] the park by the
21 public and for increasing the accessibility thereof to the public as it
22 may deem to be necessary or expedient. The commission may also
23 provide at its discretion, by proper rules or regulations, the terms upon
24 and the manner in which [all of such] those facilities may be used.
25 The commission shall not issue or consent to licenses, privileges _₪ or
26 franchises to individuals or corporations for the operation for private
27 profit of any facility, utility _₪ or device within the portions of the park
28 in this State, except upon terms which will limit the operation of
29 [such] those licenses, franchises _₪ or privileges to a period not
30 exceeding 20 years in any event.

31 (2) No such license, privilege _₪ or franchise shall be authorized or
32 awarded except after proper advertisement and to the responsible
33 person who will, in open competition, offer to pay to the commission
34 the highest return therefor.

35 (3) All proceeds derived from the operation of [such] those
36 facilities or from any of the operations of the commission in this State
37 shall be used by the commission for the development and management
38 of the portions of the park in this State.

39 b.(1) The commission shall have power to make, alter, amend _₪
40 and repeal rules and regulations for the use and government of the
41 park as located within the limits of the State of New Jersey, and of
42 [such] those parts of the State, county _₪ and other public highways as
43 lie within the boundaries of [such] those portions of the park and of
44 all lands, parks _₪ and parkways in this State under the jurisdiction of
45 the commission. No [such] rule or regulation made by the

1 commission relating to traffic on the roads under the jurisdiction of the
2 commission in the State of New Jersey shall require the approval of
3 any other commission or of any board, nor the holding of a public
4 hearing in connection with the adoption of [such] the rule or
5 regulation. No [such] rule or regulation heretofore made by the
6 commission relating to [such] traffic shall be deemed to have required
7 the approval of any other commission or board, or the holding of any
8 public hearing in connection with the adoption of [such] the rule or
9 regulation. [Every person who shall violate any of the provisions of
10 such rules and regulations shall be liable to a penalty for each offense
11 to a fine of not more than \$200.00 or imprisonment in the county jail
12 for a term of not more than 30 days, or both.]

13 c. (1) If a person violates any rule or regulation adopted or issued
14 by the commission pursuant to subsection b. of this section, the
15 commission may institute a civil action in a court of competent
16 jurisdiction for injunctive relief to prohibit and prevent the violation
17 and the court may proceed in a summary manner.

18 (2) (a) A person who violates any rule or regulation adopted or
19 issued by the commission pursuant to subsection b. of this section shall
20 be guilty of a petty disorderly persons offense.

21 (b) In addition, a person who violates any rule or regulation
22 adopted or issued by the commission pursuant to subsection b. of this
23 section shall be liable to a civil penalty of not less than \$50 nor more
24 than \$1,500, plus restitution if applicable, for each offense, to be
25 collected in a civil action by a summary proceeding under the "Penalty
26 Enforcement Law of 1999," P.L.1999, c. 274 (C.2A:58-10 et seq.) or
27 in any case before a court of competent jurisdiction wherein injunctive
28 relief has been requested. The Superior Court and municipal courts
29 shall have jurisdiction to hear and determine violations of subsection
30 a. of this section. If the violation is of a continuing nature, each day
31 during which it continues shall constitute an additional, separate, and
32 distinct offense. If the violation results in pecuniary gain to the
33 violator, or the violator willfully or wantonly causes injury or damage
34 to property, including but not limited to natural resources, the violator
35 shall be liable to an additional civil penalty equal to three times the
36 value of the pecuniary gain or injury or damage to property.

37 (c) Penalties assessed pursuant to this paragraph shall be in addition
38 to any other civil or criminal penalties that may be applicable pursuant
39 to law.

40 (cf: P.L.1956, c.84, s.1)

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42 4. This act shall take effect immediately.

STATEMENT

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This bill increases penalties for violating various regulations on lands administered by the Department of Environmental Protection or the Palisades Interstate Park Commission (PIPC), especially those pertaining to the damaging of property. The bill also generally makes those penalties uniform whether they are committed on State park or forest land, a wildlife management area, or PIPC land.

The bill specifically provides for civil fines of between \$50 and \$1,500, plus restitution if applicable, for a violation. If the violation results in pecuniary gain to the violator, or the violator willfully or wantonly causes injury or damage to property, including but not limited to natural resources, the violator would be liable to an additional civil penalty equal to three times the value of the pecuniary gain or injury or damage to property.

The bill also updates the criminal offense and penalties described in the current PIPC law by converting it to a petty disorderly persons offense, which provides for a criminal fine of up to \$500 or a jail term of up to 30 days, or both.

The penalties established in this bill would be in addition to any civil or criminal penalties prescribed by any other applicable laws.

Increases penalties for damaging property and for certain other violations committed on DEP or Palisades Interstate Park Commission lands.

SENATE, No. 2027

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED NOVEMBER 8, 2004

Sponsored by:

Senator HENRY P. MCNAMARA

District 40 (Bergen, Essex and Passaic)

Senator LEONARD T. CONNORS, JR.

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Increases penalties for damaging property and for certain other violations committed on DEP or Palisades Interstate Park Commission lands.

CURRENT VERSION OF TEXT

As introduced.



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2 other violations committed on lands administered by the
3 Department of Environmental Protection or the Palisades Interstate
4 Park Commission, and amending P.L.1983, c.324, P.L.1954, c.38,
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13 ~~amendatory and supplementary act]~~ a person violates any provision of
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15 [promulgated] adopted or issued pursuant thereto, the department
16 may institute a civil action in a court of competent jurisdiction for
17 injunctive relief to prohibit and prevent the violation and the court may
18 proceed in a summary manner.

19 ~~[Any]~~ b. A person who violates any [of the provisions of this
20 amendatory and supplementary act] provision of P.L.1983, c.324
21 (C.13:1L-1 et seq.), or any rule, regulation , or order [promulgated]
22 adopted or issued pursuant thereto , shall be liable to a civil penalty of
23 not ~~[more than \$1,000.00]~~ less than \$50 nor more than \$1,500, plus
24 restitution if applicable, for each offense, to be collected in a civil
25 action by a summary proceeding under ~~["the penalty enforcement law"~~
26 ~~(N.J.S.2A:58-1 et seq.)]~~ the "Penalty Enforcement Law of 1999,"
27 P.L.1999, c. 274 (C.2A:58-10 et seq.) or in any case before a court of
28 competent jurisdiction wherein injunctive relief has been requested.
29 The Superior Court and municipal courts shall have jurisdiction to hear
30 and determine violations of ~~[the provisions of this amendatory and~~
31 ~~supplementary act]~~ P.L.1983, c.324 (C.13:1L-1 et seq.) . If the
32 violation is of a continuing nature, each day during which it continues
33 shall constitute an additional, separate , and distinct offense. ~~[If the~~
34 ~~damage resulting from any violation of this amendatory and~~
35 ~~supplementary act or from any violation of any rule, regulation or~~
36 ~~order promulgated pursuant thereto exceeds \$1,000.00, the person~~
37 ~~causing the damage shall be liable to a penalty equal to the value of the~~
38 ~~damage so caused.]~~ If the violation results in pecuniary gain to the
39 violation, or the violator willfully or wantonly causes injury or damage
40 to property, including but not limited to natural resources, the violator
41 shall be liable to an additional civil penalty equal to three times the
42 value of the pecuniary gain or injury or damage to property.

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.

1 c. Penalties assessed pursuant to this section shall be in addition to
2 any other civil or criminal penalties that may be applicable pursuant to
3 law.

4 (cf: P.L.1991, c.91, s.225)

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7 follows:

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9 Division of Fish [, Game] and Wildlife, no person may:

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11 other property of the State; [or]

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13 [c.] (3) cause injury or damage to any equipment, structure,
14 building, or other property; or

15 [d.] (4) use such property contrary to rules or regulations
16 established by the division.

17 [A person who violates this section shall be liable to a civil penalty
18 of not less than \$50.00 nor more than \$200.00 for each offense, unless
19 the pecuniary gain to the violator or the injury or damage to property
20 exceeds \$100.00, in which case the civil penalty shall be three times
21 the amount of that gain or injury or damage to property.]

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

26 (2) (a) A person who violates any provision of subsection a. of this
27 section shall be liable to a civil penalty of not less than \$50 nor more
28 than \$1,500, plus restitution if applicable, for each offense, to be
29 collected in a civil action by a summary proceeding under the "Penalty
30 Enforcement Law of 1999," P.L.1999, c. 274 (C.2A:58-10 et seq.) or
31 in any case before a court of competent jurisdiction wherein injunctive
32 relief has been requested. The Superior Court and municipal courts
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34 a. of this section. If the violation is of a continuing nature, each day
35 during which it continues shall constitute an additional, separate, and
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37 violator, or the violator willfully or wantonly causes injury or damage
38 to property, including but not limited to natural resources, the violator
39 shall be liable to an additional civil penalty equal to three times the
40 value of the pecuniary gain or injury or damage to property.

41 (b) In addition, for each subsequent violation, all license certificates
42 required, and all privileges, to take or possess wildlife shall be
43 suspended for a period of five years. A license certificate or privilege
44 suspended pursuant to this [section] subparagraph shall not be
45 reinstated until the holder thereof has first completed, to the

1 satisfaction of the Division of Fish [, Game] and Wildlife, the
2 approved remedial sportsmen education program established and
3 conducted by the division pursuant to section 12 of P.L.1990, c.29
4 (C.23:3-22.3).

5 (3) Penalties assessed pursuant to this subsection shall be in
6 addition to any other civil or criminal penalties that may be applicable
7 pursuant to law.

8 (cf: P.L.1990, c.29, s.7)

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10 3. R.S.32:14-20 is amended to read as follows:

11 32:14-20. a. (1) Palisades Interstate Park Commission may erect
12 and operate elevators and escalators at such places in the park as it
13 may deem necessary or expedient. The commission may provide and
14 operate or provide by lease, charter, concession, exclusive or
15 nonexclusive privilege, or otherwise, for the operation of such other
16 facilities, including hotels, restaurants, stands, booths, amusements,
17 docks, wharves, and any and all means of transportation to, from or in
18 [said] the park, for the use and enjoyment of [such] the park by the
19 public and for increasing the accessibility thereof to the public as it
20 may deem to be necessary or expedient. The commission may also
21 provide at its discretion, by proper rules or regulations, the terms upon
22 and the manner in which [all of such] those facilities may be used.
23 The commission shall not issue or consent to licenses, privileges ₂ or
24 franchises to individuals or corporations for the operation for private
25 profit of any facility, utility ₂ or device within the portions of the park
26 in this State, except upon terms which will limit the operation of
27 [such] those licenses, franchises ₂ or privileges to a period not
28 exceeding 20 years in any event.

29 (2) No such license, privilege ₂ or franchise shall be authorized or
30 awarded except after proper advertisement and to the responsible
31 person who will, in open competition, offer to pay to the commission
32 the highest return therefor.

33 (3) All proceeds derived from the operation of [such] those
34 facilities or from any of the operations of the commission in this State
35 shall be used by the commission for the development and management
36 of the portions of the park in this State.

37 b. (1) The commission shall have power to make, alter, amend ₂
38 and repeal rules and regulations for the use and government of the
39 park as located within the limits of the State of New Jersey, and of
40 [such] those parts of the State, county ₂ and other public highways as
41 lie within the boundaries of [such] those portions of the park and of
42 all lands, parks ₂ and parkways in this State under the jurisdiction of
43 the commission. No [such] rule or regulation made by the
44 commission relating to traffic on the roads under the jurisdiction of the
45 commission in the State of New Jersey shall require the approval of
46 any other commission or of any board, nor the holding of a public

1 hearing in connection with the adoption of [such] the rule or
2 regulation. No [such] rule or regulation heretofore made by the
3 commission relating to [such] traffic shall be deemed to have required
4 the approval of any other commission or board, or the holding of any
5 public hearing in connection with the adoption of [such] the rule or
6 regulation. [Every person who shall violate any of the provisions of
7 such rules and regulations shall be liable to a penalty for each offense
8 to a fine of not more than \$200.00 or imprisonment in the county jail
9 for a term of not more than 30 days, or both.]

10 c. (1) If a person violates any rule or regulation adopted or issued
11 by the commission pursuant to subsection b. of this section, the
12 commission may institute a civil action in a court of competent
13 jurisdiction for injunctive relief to prohibit and prevent the violation
14 and the court may proceed in a summary manner.

15 (2) (a) A person who violates any rule or regulation adopted or
16 issued by the commission pursuant to subsection b. of this section shall
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21 than \$1,500, plus restitution if applicable, for each offense, to be
22 collected in a civil action by a summary proceeding under the "Penalty
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24 in any case before a court of competent jurisdiction wherein injunctive
25 relief has been requested. The Superior Court and municipal courts
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27 a. of this section. If the violation is of a continuing nature, each day
28 during which it continues shall constitute an additional, separate, and
29 distinct offense. If the violation results in pecuniary gain to the
30 violator, or the violator willfully or wantonly causes injury or damage
31 to property, including but not limited to natural resources, the violator
32 shall be liable to an additional civil penalty equal to three times the
33 value of the pecuniary gain or injury or damage to property.

34 (c) Penalties assessed pursuant to this paragraph shall be in addition
35 to any other civil or criminal penalties that may be applicable pursuant
36 to law.

37 (cf: P.L.1956, c.84, s.1)

38
39 4. This act shall take effect immediately.
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41

42 STATEMENT
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44 This bill increases penalties for violating various regulations on
45 lands administered by the Department of Environmental Protection or
46 the Palisades Interstate Park Commission (PIPC), especially those

1 pertaining to the damaging of property. The bill also generally makes
2 those penalties uniform whether they are committed on State park or
3 forest land, a wildlife management area, or PIPC land.

4 The bill specifically provides for civil fines of between \$50 and
5 \$1,500, plus restitution if applicable, for a violation. If the violation
6 results in pecuniary gain to the violator, or the violator willfully or
7 wantonly causes injury or damage to property, including but not
8 limited to natural resources, the violator would be liable to an
9 additional civil penalty equal to three times the value of the pecuniary
10 gain or injury or damage to property.

11 The bill also updates the criminal offense and penalties described in
12 the current PIPC law by converting it to a petty disorderly persons
13 offense, which provides for a criminal fine of up to \$500 or a jail term
14 of up to 30 days, or both.

15 The penalties established in this bill would be in addition to any civil
16 or criminal penalties prescribed by any other applicable laws.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 2027

STATE OF NEW JERSEY

DATED: JANUARY 5, 2006

The Assembly State Government Committee reports favorably Senate, No. 2027.

This bill increases penalties for violating various regulations on lands administered by the Department of Environmental Protection or the Palisades Interstate Park Commission (PIPC), especially those pertaining to the damaging of property. The bill also generally makes those penalties uniform whether they are committed on State park or forest land, a wildlife management area, or PIPC land.

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SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 2027

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 2005

The Senate Environment Committee reports favorably Senate Bill No. 2027.

This bill increases penalties for violating various regulations on lands administered by the Department of Environmental Protection or the Palisades Interstate Park Commission (PIPC), especially those pertaining to the damaging of property. The bill also generally makes those penalties uniform whether they are committed on State park or forest land, a wildlife management area, or PIPC land.

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