

23:4-42.1  
LEGISLATIVE HISTORY CHECKLIST  
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(Crop damage)

NJSA: 23:4-42.1

LAWS OF: 1997 CHAPTER: 123

BILL NO: A1932

SPONSOR(S): Asselta and others

DATE INTRODUCED: May 6, 1996

COMMITTEE: ASSEMBLY: Agriculture  
SENATE: Senior Citizens

AMENDED DURING PASSAGE: Yes Amendments during passage  
Third reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: June 27, 1996 Re-enacted 5-8-97  
SENATE: October 24, 1996 Re-enacted 6-16-97

DATE OF APPROVAL: June 20, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes  
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: Yes

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

[Passed Both Houses]

[Third Reprint]

ASSEMBLY, No. 1932

STATE OF NEW JERSEY

INTRODUCED MAY 6, 1996

By Assemblymen ASSELTA, BODINE, Gibson, Assemblywoman Bark, Assemblymen Blee, LeFevre, Senators Cafiero and Haines

1 AN ACT concerning permits issued to control crop damage caused by  
2 deer and supplementing 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. Notwithstanding <sup>1</sup>the provisions of R.S.23:4-45 or <sup>1</sup>any <sup>1</sup>other<sup>1</sup>  
8 law, rule, regulation, or provision of the State Fish and Game Code to  
9 the contrary, whenever a permit is issued by the State to a person to  
10 kill deer causing crop damage <sup>1</sup>on land under cultivation pursuant to  
11 R.S.23:4-42<sup>1</sup>, it shall be lawful for the permittee or authorized agent  
12 thereof, for the purposes authorized by the permit and only while on  
13 the land or lands <sup>1</sup>under cultivation which are<sup>1</sup> owned or leased by that  
14 <sup>2</sup>[person] permittee<sup>2</sup> <sup>1</sup>, but not on or along any public highway  
15 adjacent thereto.<sup>1</sup> and for which the permit is issued, to:

16 a. Kill either sex deer at any time of day or night <sup>3</sup>except that the  
17 Fish and Game Council may impose such restrictions thereon as may  
18 be necessary to protect the general public<sup>3</sup>;

19 b. <sup>3</sup>[Discharge a firearm <sup>1</sup>authorized pursuant to R.S.23:4-44<sup>1</sup>  
20 from a motor vehicle or any other kind of vehicle <sup>2</sup>provided the vehicle  
21 has come to a complete stop<sup>2</sup>;

22 c.]<sup>3</sup> Transport, possess, have in the permittee's or agent's control,  
23 or keep firearms <sup>1</sup>authorized pursuant to R.S.23:4-44<sup>1</sup> uncased,  
24 <sup>3</sup>[loaded] unloaded<sup>3</sup>, and outside the trunk while in or on a motor

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:

<sup>1</sup> Assembly AAW committee amendments adopted June 17, 1996.

<sup>2</sup> Senate SSV committee amendments adopted September 19, 1996.

<sup>3</sup> Assembly amendments adopted in accordance with Governor's recommendations January 23, 1997.

1 vehicle or any other kind of vehicle <sup>3</sup>~~notwithstanding the provisions~~  
2 ~~of N.J.S.2C:39-6 to the contrary~~<sup>2</sup><sup>3</sup> ;

3 <sup>3</sup>~~[d.] c.~~<sup>3</sup> Utilize an illuminating device or devices, including but  
4 not limited to a spotlight, flashlight, floodlight, or headlight, whether  
5 portable or fixed to a motor vehicle or any other kind of vehicle, to  
6 locate and stun deer; and

7 <sup>3</sup>~~[e.] d.~~<sup>3</sup> Be assisted by the use of a driver for the motor vehicle  
8 or other kind of vehicle, and by a person or persons operating the  
9 illuminating device or devices, none of whom shall be required to  
10 possess a firearms purchaser identification card while providing such  
11 assistance.

12

13 <sup>2</sup>2. The Division of Fish, Game and Wildlife shall include in its  
14 annual report the number of deer killed pursuant to permits issued for  
15 the purposes set forth in R.S.23:4-42.<sup>2</sup>

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17 <sup>2</sup>~~[2.] 3.~~<sup>2</sup> This act shall take effect immediately.

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19

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22 Removes certain conditions imposed on permits to kill deer causing  
23 crop damage.

SENATE  
APPROVED  
MAY 6 1996

STATE OF NEW JERSEY

INTRODUCED MAY 6, 1996

By Assemblymen ASSELTA, BODINE, Gibson,  
Assemblywoman Bark, Assemblymen Blee and LeFevre

1 AN ACT concerning permits issued to control crop damage caused by  
2 deer and supplementing 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. Notwithstanding any law, rule, regulation, or provision of the  
8 State Fish and Game Code to the contrary, whenever a permit is issued  
9 by the State to a person to kill deer causing crop damage, it shall be  
10 lawful for the permittee or authorized agent thereof, for the purposes  
11 authorized by the permit and only while on the land or lands owned or  
12 leased by that person and for which the permit is issued, to:

- 13 a. Kill either sex deer at any time of day or night;  
14 b. Discharge a firearm from a motor vehicle or any other kind of  
15 vehicle;  
16 c. Transport, possess, have in the permittee's or agent's control,  
17 or keep firearms uncased, loaded, and outside the trunk while in or on  
18 a motor vehicle or any other kind of vehicle;  
19 d. Utilize an illuminating device or devices, including but not  
20 limited to a spotlight, flashlight, floodlight, or headlight, whether  
21 portable or fixed to a motor vehicle or any other kind of vehicle, to  
22 locate and stun deer; and  
23 e. Be assisted by the use of a driver for the motor vehicle or other  
24 kind of vehicle, and by a person or persons operating the illuminating  
25 device or devices, none of whom shall be required to possess a  
26 firearms purchaser identification card while providing such assistance.

27  
28 2. This act shall take effect immediately.  
29  
30

31 STATEMENT  
32

33 This bill would provide that whenever a permit is issued by the  
34 State to a person to kill deer causing crop damage, it shall be lawful  
35 for the permittee or authorized agent thereof, for the purposes  
36 authorized by the permit and only while on the land or lands owned or

1 leased by that person and for which the permit is issued, to:

2 (1) Kill either sex deer at any time of day or night;

3 (2) Discharge a firearm from a motor vehicle or any other kind of  
4 vehicle;

5 (3) Transport, possess, have in the permittee's or agent's control,  
6 or keep firearms uncased, loaded, and outside the trunk while in or on  
7 a motor vehicle or any other kind of vehicle;

8 (4) Utilize an illuminating device or devices, including but not  
9 limited to a spotlight, flashlight, floodlight, or headlight, whether  
10 portable or fixed to a motor vehicle or any other kind of vehicle, to  
11 locate and stun deer; and

12 (5) Be assisted by the use of a driver for the motor vehicle or other  
13 kind of vehicle, and by a person or persons operating the illuminating  
14 device or devices, none of whom shall be required to possess a  
15 firearms purchaser identification card while providing such assistance.

16 This bill is necessary to help farmers effectively control massive  
17 crop damage caused by the very large deer population throughout the  
18 State. Current regulations impose too many restrictive conditions  
19 upon the use of special deer permits issued to farmers, thus  
20 significantly inhibiting their ability to achieve the desired goal of  
21 saving their crops from destruction and preventing the serious  
22 economic losses that result therefrom. This bill would make it easier  
23 for farmers to protect their farms from deer damage by removing some  
24 of the permit conditions currently imposed.

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29 Removes certain conditions imposed on permits to kill deer causing  
30 crop damage.

ASSEMBLY AGRICULTURE AND WASTE MANAGEMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1932**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 13, 1996

The Assembly Agriculture and Waste Management Committee favorably reports Assembly Bill No. 1932 with committee amendments.

As amended, Assembly Bill No. 1932 provides that whenever a crop depredation permit is issued by the State to a person to kill deer causing crop damage on land under cultivation pursuant to the provisions of R.S.4-42, it shall be lawful for the permittee or authorized agent thereof, for the purposes authorized by the permit and only while on the land or lands owned or leased by that person, (but not on or along any public highway adjacent thereto) and for which the permit is issued, to:

- (1) Kill either sex deer at any time of day or night;
- (2) Discharge a firearm authorized pursuant to the provisions of R.S.23:4-44 from a motor vehicle or any other kind of vehicle;
- (3) Transport, possess, have in the permittee's or agent's control, or keep firearms uncased, loaded, and outside the trunk while in or on a motor vehicle or any other kind of vehicle;
- (4) Utilize an illuminating device or devices, including but not limited to a spotlight, flashlight, floodlight, or headlight, whether portable or fixed to a motor vehicle or any other kind of vehicle, to locate and stun deer; and
- (5) Be assisted by the use of a driver for the motor vehicle or other kind of vehicle, and by a person or persons operating the illuminating device or devices, none of whom shall be required to possess a firearms purchaser identification card while providing such assistance.

The committee finds that this bill is necessary to help farmers effectively control massive crop damage caused by the very large deer population throughout the State. Current regulations impose too many restrictive conditions upon the use of special deer crop depredation permits issued to farmers, thus significantly inhibiting their ability to achieve the desired goal of saving their crops from destruction and preventing the serious economic losses that result therefrom. This bill would make it easier for farmers to protect their farms from deer damage by removing some of the permit conditions currently imposed.

SENATE SENIOR CITIZENS, VETERANS' AFFAIRS AND  
AGRICULTURE COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 1932**

with committee amendments

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 19, 1996

The Senate Senior Citizens, Veterans' Affairs and Agriculture Committee favorably reports Assembly Bill No. 1932 (1R) with committee amendments.

As amended, Assembly Bill No. 1932 (1R) would provide that whenever a crop depredation permit is issued by the State to a person to kill deer causing crop damage on land under cultivation pursuant to the provisions of R.S.23:4-42, it shall be lawful for the permittee or authorized agent thereof, for the purposes authorized by the permit and only while on the land or lands under cultivation which are owned or leased by that permittee (but not on or along any public highway adjacent thereto), and for which the permit is issued, to:

(1) Kill either sex deer at any time of day or night;

(2) Discharge a firearm authorized pursuant to the provisions of R.S.23:4-44 from a motor vehicle or any other kind of vehicle provided the vehicle has come to a complete stop;

(3) Transport, possess, have in the permittee's or agent's control, or keep firearms uncased, loaded, and outside the trunk while in or on a motor vehicle or any other kind of vehicle notwithstanding the provisions of 2C:39-6 to the contrary;

(4) Utilize an illuminating device or devices, including but not limited to a spotlight, flashlight, floodlight, or headlight, whether portable or fixed to a motor vehicle or any other kind of vehicle, to locate and stun deer; and

(5) Be assisted by the use of a driver for the motor vehicle or other kind of vehicle, and by a person or persons operating the illuminating device or devices, none of whom shall be required to possess a firearms purchaser identification card while providing such assistance.

Finally, the bill would require the Division of Fish, Game and Wildlife shall include in its annual report the number of deer killed pursuant to permits issued for the purposes set forth in R.S.23:4-42.

As reported, Assembly Bill No. 1932 (1R) with committee amendments is identical to the Senate Committee Substitute for Senate Bill No. 1335.



January 9, 1997

ASSEMBLY BILL NO. 1932  
(Second Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 1932 (Second Reprint) with my recommendations for reconsideration.

A. Summary of Bill

This bill changes the authority currently vested in the Department of Environmental Protection's Division of Fish, Game and Wildlife when issuing a crop depredation permit. The State currently issues permits to a person who owns or leases land under cultivation to kill deer causing crop damage provided that crop damage can be verified and certain safety conditions are met. Generally, each permit sets restrictions as to hours, season and occasionally the sex of the deer; approximately 400 such permits are issued annually, with an annual total harvest of approximately 1,800 deer.

This bill permits any permit holder to transport uncased, loaded firearms outside the trunk of a vehicle while on the land or lands owned or leased by the permit holder, and to discharge the firearm, provided the vehicle has come to a complete stop. The permit holder could kill either sex deer at any time of day or night and could utilize an illuminating device, such as a spotlight, to locate and stun deer. The bill further provides that the permit holder could be assisted by a driver and by persons operating illuminating devices; these assistants would not be required to possess a firearms purchaser identification card.

These actions would not be permissible on or along any public highway adjacent to the land of the permit holder.

B. Recommended Action

I commend the sponsors and the Legislature for their recognition of concerns regarding the increasing damage done to agricultural crops by grazing deer and the frequency of vehicular accidents involving deer. Despite these concerns, however, the white-tailed deer resource is a valuable asset, both economically and aesthetically, to our State and intervention through conservation and responsible management is especially important.

In determining appropriate management techniques, both the general public and the holders of crop depredation permits must be protected from harm. By allowing the discharge of a firearm from a vehicle, this bill increases the risk to the public and to any vehicle occupants of potentially fatal firearms accidents. In addition, the Department of Environmental Protection advises me that this bill restricts the authority of the Fish and Game Council when issuing crop depredation permits, reducing its ability to establish and enforce safety standards.

Accordingly, I recommend that this bill be amended to eliminate the authorization for certain individuals to discharge a firearm from a vehicle. Also, in response to concerns raised regarding the carrying of loaded, uncased firearms in a moving vehicle, I further recommend that the bill be amended to only allow permittees or agents to transport and possess uncased firearms that are unloaded while in or on a vehicle. Additionally, I recommend that the bill be amended to provide discretion to the Fish and Game Council to issue crop depredation permits with conditions which appear necessary, on a case-by-case basis, to protect public safety.

Although white-tailed deer are a valuable State resource, I am also cognizant of the harm these animals can wreak, particularly when the deer population is not properly managed in agricultural areas. I therefore direct the Department of Environmental Protection, in consultation with the Department of Agriculture, to

perform a comprehensive analysis of the State's deer population, identify problem areas and evaluate factors contributing to deer over-abundance. The Department will be required to develop a plan to address these factors and provide recommendations to help alleviate deer conflicts in the State, particularly with respect to the agricultural community for which farmland and crop preservation are critical. I direct the Department to submit its findings to me within one year.

Therefore, I herewith return Assembly Bill No. 1932 (Second Reprint) and recommend that it be amended as follows:

- Page 1, Section 1, Line 16: After "night" insert ", except that the Fish and Game Council may impose such restrictions thereon as may be necessary to protect the general public"
- Page 1, Section 1, Lines 17-19: After "b." delete in their entirety
- Page 1, Section 1, Line 20: Delete "c."
- Page 1, Section 1, Line 21: After "uncased," delete "loaded" and insert "unloaded"
- Page 1, Section 1, Line 23: After "vehicle" delete in its entirety
- Page 1, Section 1, Line 24: Delete "contrary"
- Page 1, Section 1, Line 25: Delete "d" and insert "c"
- Page 1, Section 1, Line 29: Delete "e" and insert "d"

Respectfully,

/s/ Christine Todd Whitman

Governor

[seal]

Attest:

/s/ Michael P. Torpey

Chief Counsel to the Governor