

23:4-15

**LEGISLATIVE HISTORY CHECKLIST**  
Compiled by the NJ State Law Library

**NJSA:** 23:4-15 (Hunting--bait)

**LAWS OF:** 1997 **CHAPTER:** 424

**BILL NO:** A1933

**SPONSOR(S):** Asselta and others

**DATE INTRODUCED:** May 6, 1996

**COMMITTEE:** **ASSEMBLY:** Agriculture & Waste  
**SENATE:** Senior Citizens

**AMENDED DURING PASSAGE:** Yes ACS (1R) enacted

**DATE OF PASSAGE:** **ASSEMBLY:** June 27, 1996 Re-enacted 1-12-98  
**SENATE:** January 8, 1997 Re-enacted 1-12-98

**DATE OF APPROVAL:** January 19, 1998

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes  
**SENATE:** Yes

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

KBP:pp

---

P.L. 1997, CHAPTER 424, *approved January 19, 1998*  
Assembly Committee Substitute (*First Reprint*) for  
Assembly, No. 1933

1 AN ACT concerning hunting with bait, and supplementing Title 23 of  
2 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. Notwithstanding the provisions of section 1 and section 2 of  
8 P.L.1970, c.180 (C.23:4-24.2 and C.23:4-24.3) <sup>1</sup>[or any other law or  
9 regulation to the contrary]<sup>1</sup>, a person may: (1) use bait to attract,  
10 entice, or lure a deer; and (2) kill, destroy, injure, shoot, shoot at,  
11 take, wound, or attempt to take, kill, or wound, a deer, or have in  
12 possession or control any firearm or other weapon of any kind for such  
13 purposes, within any distance of a baited area. A person may be  
14 elevated in a standing tree or in a structure of any kind when using a  
15 baited area for hunting deer, and the baited area may be within any  
16 distance of the standing tree or structure.

17 The provisions of this subsection shall not apply in counties of the  
18 first class except in such game management zones therein as may be  
19 designated therefor by the Division of Fish, Game and Wildlife and  
20 approved by the Fish and Game Council. <sup>1</sup>The provisions of this  
21 subsection shall expire within eighteen months from the effective date  
22 of this act.<sup>1</sup>

23 b. For the purposes of this section, "baited area" means the  
24 presence of placed, exposed, deposited, distributed, or scattered  
25 agricultural products, salt, or other edible lure whatsoever capable of  
26 attracting, enticing, or luring deer.

**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 amendments adopted in accordance with Governor's recommendations January 12, 1998.**

1       <sup>1</sup>[2. The Division of Fish, Game and Wildlife shall report to the  
2 Fish and Game Council, the Department of Agriculture and the  
3 Legislature no later than three years after the effective date of this act  
4 on the effects of the provisions of section 1 of this act on controlling  
5 the excess deer population.]<sup>1</sup>

6

7       <sup>1</sup>[3.] 2.<sup>1</sup> This act shall take effect immediately.

8

9

10

11

12       \_\_\_\_\_

Expands conditions allowed for use of bait when hunting deer.

ASSEMBLY, No. 1933

STATE OF NEW JERSEY

INTRODUCED MAY 6, 1996

By Assemblymen ASSELTA, BODINE, Gibson and  
Assemblywoman Bark

1 AN ACT concerning hunting with bait, supplementing Title 23 of the  
2 Revised Statutes, and repealing P.L.1970, c.180.

3

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

6

7 1. a. Except as may be otherwise provided with respect to  
8 waterfowl hunting pursuant to R.S.23:4-15 or any rule or regulation  
9 adopted pursuant thereto, it shall be lawful to: (1) use bait to attract,  
10 entice, or lure a game bird or game animal; and (2) kill, destroy, injure,  
11 shoot, shoot at, take, wound, or attempt to take, kill, or wound, a  
12 game bird or game animal, or have in possession or control any firearm  
13 or other weapon of any kind for such purposes, within any distance of  
14 a baited area. A person may be elevated in a standing tree or in a  
15 structure of any kind when using a baited area for hunting, and the  
16 baited area may be within any distance of the standing tree or  
17 structure.

18 The provisions of this subsection shall not apply in counties of the  
19 first class except in such game management zones therein as may be  
20 designated therefor by the Division of Fish, Game and Wildlife and  
21 approved by the Fish and Game Council.

22 b. For the purposes of this section, "baited area" means the  
23 presence of placed, exposed, deposited, distributed, or scattered  
24 agricultural products, salt, or other edible lure whatsoever capable of  
25 attracting, enticing, or luring game birds or game animals.

26

27 2. P.L.1970, c.180 (C.23:4-24.2 and C.23:4-24.3) is repealed.

28

29 3. This act shall take effect immediately.

30

31

32

STATEMENT

33

34 This bill would generally authorize the use of bait when hunting and  
35 repeal current law enacted in 1970 that places certain requirements  
36 and restrictions on the practice.

1 Current law allows the use of bait when hunting if the hunter is on  
2 the ground and is not hunting from a structure such as a blind.  
3 However, if the hunter is elevated in a standing tree, or is in a  
4 structure such as a blind, the use of bait is not allowed unless the  
5 hunter is at least 300 feet from the baited area.

6 The bill would remove all conditions on this hunting method and  
7 again allow hunting with bait without restriction, as was the case prior  
8 to 1970 (except with regard to waterfowl). However, the bill would  
9 not rescind or otherwise affect restrictions on the baiting of waterfowl  
10 as set forth in R.S.23:4-15 and any rules or regulations adopted  
11 pursuant thereto. In addition, the bill's provisions would not allow  
12 hunting with bait in counties of the first class (Bergen, Essex, and  
13 Hudson) except in such game management zones therein as may be  
14 designated therefor by the Division of Fish, Game and Wildlife and  
15 approved by the Fish and Game Council.

16 This bill is necessary because of the extensive deer population in the  
17 State that is damaging crops and landscape plants in many areas. The  
18 bill will make it easier for hunters to control the excess deer  
19 population.

20

21

22

23

24 Expands conditions allowed for use of bait when hunting.

[Passed Both Houses]

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, No. 1933

STATE OF NEW JERSEY

ADOPTED JUNE 17, 1996

Sponsored by Assemblymen ASSELTA, BODINE,  
Gibson, Assemblywoman Bark and Senator Cafiero

1 AN ACT concerning hunting with bait, and supplementing Title 23 of  
2 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. Notwithstanding the provisions of section 1 and section 2 of  
8 P.L.1970, c.180 (C.23:4-24.2 and C.23:4-24.3) <sup>1</sup>**[**or any other law or  
9 regulation to the contrary<sup>1</sup>**]**, a person may: (1) use bait to attract,  
10 entice, or lure a deer; and (2) kill, destroy, injure, shoot, shoot at,  
11 take, wound, or attempt to take, kill, or wound, a deer, or have in  
12 possession or control any firearm or other weapon of any kind for such  
13 purposes, within any distance of a baited area. A person may be  
14 elevated in a standing tree or in a structure of any kind when using a  
15 baited area for hunting deer, and the baited area may be within any  
16 distance of the standing tree or structure.

17 The provisions of this subsection shall not apply in counties of the  
18 first class except in such game management zones therein as may be  
19 designated therefor by the Division of Fish, Game and Wildlife and  
20 approved by the Fish and Game Council. <sup>1</sup>The provisions of this  
21 subsection shall expire within eighteen months from the effective date  
22 of this act.<sup>1</sup>

23 b. For the purposes of this section, "baited area" means the

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 amendments adopted in accordance with Governor's recommendations January 12, 1998.

1 presence of placed, exposed, deposited, distributed, or scattered  
2 agricultural products, salt, or other edible lure whatsoever capable of  
3 attracting, enticing, or luring deer.

4 <sup>1</sup>**【2.** The Division of Fish, Game and Wildlife shall report to the  
5 Fish and Game Council, the Department of Agriculture and the  
6 Legislature no later than three years after the effective date of this act  
7 on the effects of the provisions of section 1 of this act on controlling  
8 the excess deer population.**】**<sup>1</sup>

9

10 <sup>1</sup>**【3.】** 2.<sup>1</sup> This act shall take effect immediately.

11

12

13

14

15 Expands conditions allowed for use of bait when hunting deer.

ASSEMBLY AGRICULTURE AND WASTE MANAGEMENT  
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, No. 1933

**STATE OF NEW JERSEY**

DATED: JUNE 13, 1996

The Assembly Agriculture and Waste Management Committee favorably reports an Assembly Committee Substitute for Assembly Bill No. 1933.

The committee substitute for Assembly Bill No. 1933 would authorize the use of bait when hunting deer. Current law allows the use of bait when hunting if the hunter is on the ground and is not hunting from a structure such as a blind. However, if the hunter is elevated in a standing tree, or is in a structure such as a blind, the use of bait is not allowed unless the hunter is at least 300 feet from the baited area.

The bill would remove all conditions on this hunting method and again allow hunting deer with bait without restriction, as was the case prior to 1970. In addition, the bill's provisions would not allow hunting deer with bait in counties of the first class (Bergen, Essex, and Hudson) except in such game management zones therein as may be designated therefor by the Division of Fish, Game and Wildlife and approved by the Fish and Game Council.

Finally, the bill would require the Division of Fish, Game and Wildlife to report to the Fish and Game Council, the Department of Agriculture and the Legislature no later than three years after the effective date of this bill on the effects of its provisions on controlling the excess deer population.



SENATE SENIOR CITIZENS, VETERANS' AFFAIRS AND  
AGRICULTURE COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, No. 1933

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 19, 1996

The Senate Senior Citizens, Veterans' Affairs and Agriculture Committee favorably reports Assembly Bill No. 1933 (ACS).

This bill would authorize the use of bait when hunting deer. Current law allows the use of bait when hunting if the hunter is on the ground and is not hunting from a structure such as a blind. However, if the hunter is elevated in a standing tree, or is in a structure such as a blind, the use of bait is not allowed unless the hunter is at least 300 feet from the baited area.

The bill would remove all conditions on this hunting method and again allow hunting deer with bait without restriction, as was the case prior to 1970. In addition, the bill's provisions would not allow hunting deer with bait in counties of the first class (Bergen, Essex, and Hudson) except in such game management zones therein as may be designated therefor by the Division of Fish, Game and Wildlife and approved by the Fish and Game Council.

Finally, the bill would require the Division of Fish, Game and Wildlife to report to the Fish and Game Council, the Department of Agriculture and the Legislature no later than three years after the effective date of this bill on the effects of its provisions on controlling the excess deer population.

As reported, Assembly Bill No. 1933 (ACS) is identical to Senate Bill No. 1334 (SCS).

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY BILL NO. 1933

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Committee Substitute for Assembly Bill No. 1933 with my recommendations for reconsideration.

A. Summary of Bill

This bill essentially would repeal the current restrictions on utilizing bait when hunting deer. Current law prohibits the use of bait for hunting if the hunter is elevated or if the hunter is within 300 feet from the baited area. This bill removes all conditions on hunting with bait and would again allow hunting deer with bait without restriction, as was the case prior to 1970. The bill's provisions would not apply in counties of the first class except in game management zones as may be designated by the Division of Fish, Game and Wildlife (the "Division") and the Fish and Game Council ("Council"). The Division would have to report back to the Legislature, the Council and the Department of Agriculture on the effects of the bill on controlling excess deer population within three years after the effective date of the bill.

B. Recommended Action

I commend the sponsors and the Legislature for their concerns regarding the increasing damage done to agricultural crops by grazing deer and their attempt to control deer population. Despite these concerns, however, I believe that the bill is too broad in that it usurps any other law or regulation

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

2

that may be imposed by the Council or the Department of Environmental Protection ("DEP") that reasonably controls both hunting and the disposal of waste. For example, the bill as written may be interpreted to avoid legitimate hunting provisions of the State Game Code. Further, the provisions may prevent DEP from regulating State parks, or controlling solid waste disposal pursuant to the Solid Waste Management Act. Therefore, I recommend that the preclusion from enforcing all other laws or regulations be stricken from the bill.

After considering both the farming community's concerns of being able to bait for deer and the Division's and the Council's concerns for attempting to determine whether there are any adverse affects from baiting, I have concluded that the effect of the baiting provisions in this bill should be studied in conjunction with the comprehensive analysis of the State's deer population that is being performed by DEP in consultation with the Department of Agriculture. I therefore direct that the DEP, in consultation with the Department of Agriculture, as part of their comprehensive analysis of the State's deer population required in P.L. 1997 c. 123, report on the effects of the deer baiting on managing the excess deer population, on managing other wildlife and on the health, safety and welfare of the general population. I further direct that the date of submission of the findings in the report required in P.L. 1997, c. 123, as amended by my directives in this bill, be extended so that it is submitted to me within one year of the effective date of this bill. Finally, I direct that the findings in the report also be submitted to the Council and the Legislature.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

3

I am further recommending that the baiting provisions of this bill sunset within eighteen months of the effective date of the bill so that specific recommendations of the study can be implemented in future legislation.

Therefore, I herewith return Assembly Committee Substitute for Assembly Bill No. 1933 and recommend that it be amended as follows:

Page 1, Section 1.a., Lines 8-9: Delete "or any other law or regulation to the contrary"

Page 1, Section 1.a., Line 20: After "Council." insert "The provisions of this subsection shall expire within eighteen months from the effective date of this act."

Page 1, Section 2, Lines 26-30: Delete in their entirety.

Page 1, Section 3, Line 32: Delete "3." and insert "2."

Respectfully,

/s/ Christine Todd Whitman

GOVERNOR

[seal]

Attest:

/s/ Michael P. Torpey

Chief Counsel to the Governor