

23:7A-1

LEGISLATIVE HISTORY CHECKLIST
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(Hunters--wildlife--harrassment)

NJSA: 23:7A-1
LAWS OF: 1993 CHAPTER: 11
BILL NO: S644
SPONSOR(S) Haines, Connors

DATE INTRODUCED: March 30, 1992
COMMITTEE: ASSEMBLY: Judiciary
SENATE: Senior Citizens

AMENDED DURING PASSAGE: No
DATE OF PASSAGE: ASSEMBLY: November 30, 1992
SENATE: October 15, 1992

DATE OF APPROVAL: January 15, 1993

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

KBG:pp

ORIGINAL COPY

P.L.1993, CHAPTER 11, *approved January 15, 1993*
1992 Senate No. 644

1 AN ACT concerning the taking of wildlife, and supplementing
2 Title 23 of the Revised Statutes.

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

6 1. As used in this act:

7 "Taking" means to hunt, capture, kill, trap, catch, net, possess,
8 or collect, or to attempt to hunt, capture, kill, trap, catch, net,
9 possess, or collect, wildlife.

10 "Wildlife" means any wild mammal, bird, reptile, amphibian,
11 fish, shellfish, mollusk, crustacean, or other wild animal, or any
12 part, product, egg, or offspring, or the dead body or parts,
13 thereof.

14 2. No person may, for the purpose of hindering or preventing
15 the lawful taking of wildlife:

16 a. block, obstruct, or impede, or attempt to block, obstruct, or
17 impede, a person lawfully taking wildlife;

18 b. erect a barrier with the intent to deny ingress to or egress
19 from areas where wildlife may be lawfully taken;

20 c. make, or attempt to make, unauthorized physical contact
21 with a person lawfully taking wildlife;

22 d. engage in, or attempt to engage in, theft, vandalism, or
23 destruction of personal or real property;

24 e. disturb or alter, or attempt to disturb or alter, the condition
25 or authorized placement of personal or real property intended for
26 use in the lawful taking of wildlife;

27 f. enter or remain upon public lands or waters, or upon private
28 lands or waters without permission of the owner thereof or an
29 agent of that landowner, where wildlife may be lawfully taken;

30 g. make or attempt to make loud noises or gestures, set out or
31 attempt to set out animal baits, scents, or lures or human scent,
32 use any other natural or artificial visual, aural, olfactory, or
33 physical stimuli, or engage in or attempt to engage in any other
34 similar action or activity, in order to disturb, alarm, drive,
35 attract, or affect the behavior of wildlife or disturb, alarm,
36 disrupt, or annoy a person lawfully taking wildlife; or

37 h. interject himself into the line of fire of a person lawfully
38 taking wildlife.

39 Subsections a., b., e., f., and g. of this section shall not apply to
40 a law enforcement officer or conservation officer enforcing the
41 laws of this State or any local ordinance, or a private landowner
42 or agent thereof on land or waters owned by that private
43 landowner.

44 3. a. The Director of the Division of Fish, Game and Wildlife
45 may institute a civil action in the Superior Court for injunctive

1 expenditures were rendered futile by the action or activities of
2 the violator.

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7 Prohibits harassment of persons taking wildlife.

1 and other relief for a violation of this act, and the court may
2 proceed in the action in a summary manner.

3 b. A person who violates this act shall be guilty of a petty
4 disorderly persons offense.

5 c. A person who violates this act shall be liable to a civil
6 penalty of not less than \$100 nor more than \$500 for each
7 offense, to be collected in a summary proceeding under "the
8 penalty enforcement law," N.J.S. 2A:58-1 et seq. The Superior
9 Court and the municipal court for the municipality in which the
10 violation occurred shall have jurisdiction to enforce "the penalty
11 enforcement law."

12 d. For the purposes of subsections b. and c. of this section, if
13 the violation is of a continuing nature, each day during which it
14 continues shall constitute an additional, separate, and distinct
15 offense.

16 e. In addition to bringing a civil action for injunctive relief or
17 any other relief provided by law, a person who is adversely
18 affected by a violation of this act may bring a civil action for
19 damages, including punitive damages and special damages,
20 against the violator. Special damages may include, but need not
21 be limited to, expenditures of the affected person for license and
22 permit fees, travel expenses, guide fees and expenses, and the
23 cost of special equipment and supplies, to the extent any such
24 expenditures were rendered futile by the action or activities of
25 the violator.

26 4. This act shall take effect immediately.

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STATEMENT

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31 This bill would prohibit the harassment of hunters, fisherman,
32 shellfishermen, and trappers by persons who are attempting to
33 hinder or prevent the lawful taking of wildlife. Some techniques
34 that are used to disrupt or thwart the activities of sportsmen
35 include buzzing with an airplane, ringing bells, firing guns on the
36 opening day of hunting season to scare away animals, leaving
37 animal or human scents, and standing in the line of fire.

38 A person violating the act's provisions would be guilty of a
39 petty disorderly persons offense, the penalty for which is a term
40 of imprisonment not to exceed 30 days or a fine not to exceed
41 \$500, or both. A violator would also be subject to a civil penalty
42 of between \$100 and \$500. In either case, if the violation is of a
43 continuing nature, each day during which it continues would
44 constitute a separate offense. The Director of the Division of
45 Fish, Game and Wildlife would also be authorized to seek
46 injunctive and other relief against a violator.

47 The bill also provides that, in addition to bringing a civil action
48 for injunctive relief or any other relief provided by law, a person
49 who is adversely affected by a violation of the act would be able
50 to bring a civil action for damages, including punitive damages
51 and special damages, against the violator. Special damages would
52 include, but need not be limited to, expenditures for license and
53 permit fees, travel expenses, guide fees and expenses, and the
54 cost of special equipment and supplies, to the extent any such

1 expenditures were rendered futile by the action or activities of
2 the violator.

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7 Prohibits harassment of persons taking wildlife.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

SENATE, No. 644

STATE OF NEW JERSEY

DATED: NOVEMBER 9, 1992

The Assembly Judiciary, Law and Public Safety Committee reports favorably Senate Bill No. 644.

This bill would prohibit the harassment of hunters, fishermen, shellfishermen and trappers by persons who are attempting to hinder or prevent the lawful taking of wildlife. Some techniques that are used to disrupt or thwart the activities of sportsmen include buzzing with an airplane, ringing bells, firing guns on the opening day of hunting season to scare away animals, leaving animal or human scents, and standing in the line of fire.

A person violating the act's provisions would be guilty of a petty disorderly persons offense, the penalty for which is a term of imprisonment not to exceed 30 days or a fine not to exceed \$500, or both. A violator would also be subject to a civil penalty of between \$100 and \$500. In either case, if the violation is of a continuing nature, each day during which it continues would constitute a separate offense. The Director of the Division of Fish, Game and Wildlife would also be authorized to seek injunctive and other relief against a violator.

The bill also provides that, in addition to bringing a civil action for injunctive relief or any other relief provided by law, a person who is adversely affected by a violation of the act would be able to bring a civil action for damages, including punitive damages and special damages, against the violator. Special damages would include, but need not be limited to, expenditures for license and permit fees, travel expenses, guide fees and expenses, and the cost of special equipment and supplies, to the extent any such expenditures were rendered futile by the action or activities of the violator.

This bill is identical to Assembly Bill No. 1964 of 1992.

SENATE SENIOR CITIZENS, VETERANS AFFAIRS
AND AGRICULTURE COMMITTEE

STATEMENT TO

SENATE, No. 644

STATE OF NEW JERSEY

DATED: JUNE 15, 1992

The Senate Senior Citizens, Veterans Affairs and Agriculture Committee favorably reports Senate Bill No. 644.

This bill would prohibit the harassment of hunters, fishermen, shellfishermen, and trappers by persons who are attempting to hinder or prevent the lawful taking of wildlife. Some techniques that are used to disrupt or thwart the activities of sportsmen include buzzing with an airplane, ringing bells, firing guns on the opening day of hunting season to scare away animals, leaving animal or human scents, and standing in the line of fire.

A person violating the act's provisions would be guilty of a petty disorderly persons offense, the penalty for which is a term of imprisonment not to exceed 30 days or a fine not to exceed \$500, or both. A violator would also be subject to a civil penalty of between \$100 and \$500. In either case, if the violation is of a continuing nature, each day during which it continues would constitute a separate offense. The Director of the Division of Fish, Game and Wildlife would also be authorized to seek injunctive and other relief against a violator.

The bill also provides that, in addition to bringing a civil action for injunctive relief or any other relief provided by law, a person who is adversely affected by a violation of the act would be able to bring a civil action for damages, including punitive damages and special damages, against the violator. Special damages would include, but need not be limited to, expenditures for license and permit fees, travel expenses, guide fees and expenses, and the cost of special equipment and supplies, to the extent any such expenditures were rendered futile by the action or activities of the violator.