

23:4-16

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2010 **CHAPTER:** 53

NJSA: 23:4-16 (Changes perimeter for bow and arrow hunting around occupied building)

BILL NO: S1181 (Substituted for A1683)

SPONSOR(S) Van Drew and others

DATE INTRODUCED: February 4, 2010

COMMITTEE: **ASSEMBLY:** ---

SENATE: Environment and Energy

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** June 28, 2010

SENATE: May 21, 2010

DATE OF APPROVAL: August 18, 2010

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced version of enacted)

S1181

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A1683

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/KR

SENATE, No. 1181

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 4, 2010

Sponsored by:

Senator JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

Assemblyman NELSON T. ALBANO

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman MATTHEW W. MILAM

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Co-Sponsored by:

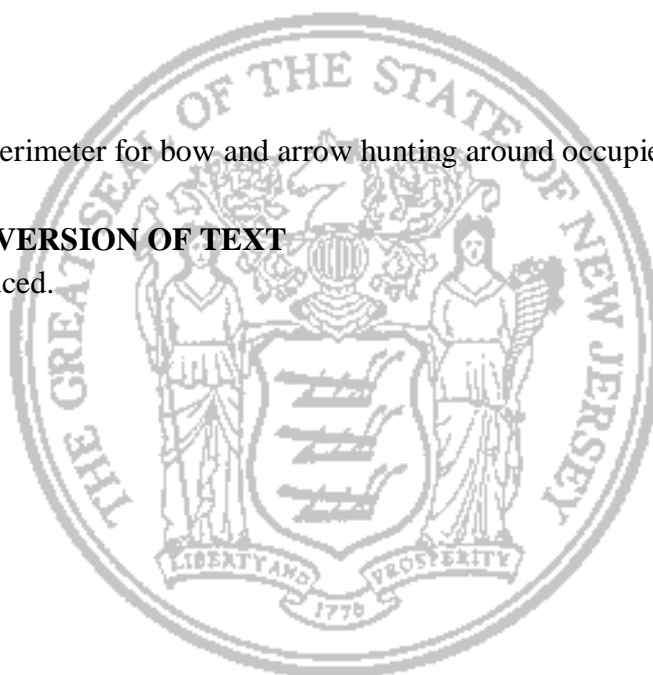
**Senator Oroho, Assemblyman Chiusano, Assemblywoman Addiego,
Assemblyman Rudder and Assemblywoman Riley**

SYNOPSIS

Changes perimeter for bow and arrow hunting around occupied building.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/29/2010)

S1181 VAN DREW

2

1 AN ACT concerning hunting with bow and arrow, and amending
2 R.S.23:4-16.

3

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

6

7 1. R.S.23:4-16 is amended to read as follows:

8 23:4-16. a. No person, either in or on a motor vehicle or vehicle
9 of any kind whatsoever, or by the aid or use of a light carried on or
10 attached to a motor vehicle or vehicle of any kind, shall hunt for,
11 pursue, shoot, shoot at, kill, capture, injure or destroy wildlife.

12 b. No person shall use any portable light or lights for the
13 purpose of hunting for any wildlife excepting raccoon and opossum,
14 or other species as provided by the State Game Code.

15 c. No person shall, for the purpose of hunting, taking or killing
16 any wildlife, cast an arrow or discharge any firearm from or across
17 any State, county, municipal, or publicly travelled road or highway.

18 d. (1) No person, except the owner or lessee of the building
19 and persons specifically authorized by him in writing, which
20 writing shall be in the person's possession, shall, for the purpose of
21 hunting, taking or killing any wildlife, have in his possession a
22 loaded firearm **[or nocked arrow]** while within 450 feet of any
23 occupied building in this State, or of any school playground. **[For**
24 **the purposes of this section, "occupied building" means any**
25 **building constructed or adapted for overnight accommodation of a**
26 **person, or for operating a business or engaging in an activity**
27 **therein, whether or not a person is actually present.]**

28 (2) No person, except the owner or lessee of the building and
29 persons specifically authorized by him in writing, which writing
30 shall be in the person's possession, shall, for the purpose of
31 hunting, taking or killing any wildlife, have in his possession a
32 nocked arrow while within 150 feet of any occupied building in this
33 State, or within 450 feet of any school playground, and a nocked
34 arrow shall only be cast when a person is in an elevated position so
35 that any arrow is aimed in a downward angle.

36 (3) For the purposes of this subsection, "occupied building"
37 means any building constructed or adapted for overnight
38 accommodation of a person, or for operating a business or engaging
39 in an activity therein, whether or not a person is actually present.

40 e. A person who violates subsection a., b., or c. of this section
41 shall be liable to a civil penalty of not less than **[\$100.00]** \$100 nor
42 more than **[\$200.00]** \$200 for the first offense, and not less than
43 **[\$200.00]** \$200 nor more than **[\$500.00]** \$500 for each subsequent
44 offense. A person who violates subsection d. of this section shall be
45 liable to a civil penalty of not less than **[\$100.00]** \$100 nor more

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 than ~~[\$300.00]~~ \$300 for the first offense, and not less than
2 ~~[\$300.00]~~ \$300 nor more than ~~[\$1,500.00]~~ \$1500 and permanent
3 revocation of all license certificates required, and all privileges, to
4 take or possess wildlife for each subsequent offense.

5 (cf: P.L.1990, c.29, s.2)

6

7 2. This act shall take effect immediately.

8

9

10 STATEMENT

11

12 This bill would amend current law to provide that no person,
13 except the owner or lessee of the building and persons specifically
14 authorized by the owner or lessee in writing shall, for the purpose
15 of hunting, taking or killing any wildlife, have in the person's
16 possession a nocked arrow while within 150 feet of any occupied
17 building in this State, or within 450 feet of any school playground.

18 Additionally, a person, while hunting with a bow and arrow in the
19 perimeter established in the bill, would be permitted to be elevated in a
20 tree, on a hill, or at another higher vantage point where the person
21 could angle an arrow downward. New Jersey's diverse topography and
22 landscape includes many naturally higher points which would qualify
23 under the elevation requirement under this bill.

24 Current law provides that no person shall, for the purpose of
25 hunting, taking or killing any wildlife, have in the person's
26 possession a loaded firearm or nocked arrow while within 450 feet
27 of any occupied building in this State, or of any school playground.
28 The bill does not change the 450 foot requirement with respect to a
29 loaded firearm.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 1181

STATE OF NEW JERSEY

DATED: JUNE 3, 2010

The Senate Environment and Energy Committee favorably reports Senate Bill No. 1181.

This bill would amend current law to provide that no person, except the owner or lessee of the building and persons specifically authorized by the owner or lessee in writing would, for the purpose of hunting, taking or killing any wildlife, have in the person's possession a nocked arrow while within 150 feet of any occupied building in this State, or within 450 feet of any school playground.

Additionally, a person, while hunting with a bow and arrow in the perimeter established in the bill, would be required to be elevated so a person could angle an arrow downward.

Current law provides that no person may, for the purpose of hunting, taking or killing any wildlife, have in the person's possession a loaded firearm or nocked arrow while within 450 feet of any occupied building in this State, or of any school playground. The bill does not change the 450 foot requirement with respect to a loaded firearm.

ASSEMBLY, No. 1683

STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

Assemblyman NELSON T. ALBANO

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman MATTHEW W. MILAM

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

**Assemblyman Chiusano, Assemblywoman Addiego, Assemblyman Rudder
and Assemblywoman Riley**

SYNOPSIS

Changes perimeter for bow and arrow hunting around occupied building.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 3/9/2010)

1 AN ACT concerning hunting with bow and arrow, and amending
2 R.S.23:4-16.

3

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

6

7 1. R.S.23:4-16 is amended to read as follows:

8 23:4-16. a. No person, either in or on a motor vehicle or vehicle
9 of any kind whatsoever, or by the aid or use of a light carried on or
10 attached to a motor vehicle or vehicle of any kind, shall hunt for,
11 pursue, shoot, shoot at, kill, capture, injure or destroy wildlife.

12 b. No person shall use any portable light or lights for the
13 purpose of hunting for any wildlife excepting raccoon and opossum,
14 or other species as provided by the State Game Code.

15 c. No person shall, for the purpose of hunting, taking or killing
16 any wildlife, cast an arrow or discharge any firearm from or across
17 any State, county, municipal, or publicly travelled road or highway.

18 d. (1) No person, except the owner or lessee of the building and
19 persons specifically authorized by him in writing, which writing
20 shall be in the person's possession, shall, for the purpose of hunting,
21 taking or killing any wildlife, have in his possession a loaded
22 firearm **[or nocked arrow]** while within 450 feet of any occupied
23 building in this State, or of any school playground. **[For the**
24 purposes of this section, "occupied building" means any building
25 constructed or adapted for overnight accommodation of a person, or
26 for operating a business or engaging in an activity therein, whether
27 or not a person is actually present. **]**

28 (2) No person, except the owner or lessee of the building and
29 persons specifically authorized by him in writing, which writing
30 shall be in the person's possession, shall, for the purpose of
31 hunting, taking or killing any wildlife, have in his possession a
32 nocked arrow while within 150 feet of any occupied building in this
33 State, or within 450 feet of any school playground, and a nocked
34 arrow shall only be cast when a person is in an elevated position so
35 that any arrow is aimed in a downward angle.

36 (3) For the purposes of this subsection, "occupied building"
37 means any building constructed or adapted for overnight
38 accommodation of a person, or for operating a business or engaging
39 in an activity therein, whether or not a person is actually present.

40 e. A person who violates subsection a., b., or c. of this section
41 shall be liable to a civil penalty of not less than **[\$100.00]** \$100 nor
42 more than **[\$200.00]** \$200 for the first offense, and not less than
43 **[\$200.00]** \$200 nor more than **[\$500.00]** \$500 for each subsequent
44 offense. A person who violates subsection d. of this section shall be

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 liable to a civil penalty of not less than ~~[\$100.00]~~ \$100 nor more
2 than ~~[\$300.00]~~ \$300 for the first offense, and not less than
3 ~~[\$300.00]~~ \$300 nor more than ~~[\$1,500.00]~~ \$1,500 and permanent
4 revocation of all license certificates required, and all privileges, to
5 take or possess wildlife for each subsequent offense.

6 (cf: P.L.1990, c.29, s.2)

7

8 2. This act shall take effect immediately.

9

10

11

STATEMENT

12

13 This bill would amend current law to provide that no person,
14 except the owner or lessee of the building and persons specifically
15 authorized by the owner or lessee in writing, shall, for the purpose
16 of hunting, taking or killing any wildlife, have in the person's
17 possession a nocked arrow while within 150 feet of any occupied
18 building in this State, or within 450 feet of any school playground.

19 The bill further provides that any person with a nocked arrow,
20 upon written authorization by the owner or lessee of an occupied
21 building or school playground, would be able to cast an arrow only
22 within the restricted perimeter established in the bill if the person
23 was elevated and the arrow was aimed in a downward angle.

24 Current law provides that no person shall, for the purpose of
25 hunting, taking or killing any wildlife, have in the person's
26 possession a loaded firearm or nocked arrow while within 450 feet
27 of any occupied building in this State, or of any school playground.
28 The bill does not change the 450 foot requirement with respect to a
29 loaded firearm.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1683

STATE OF NEW JERSEY

DATED: JUNE 14, 2010

The Assembly Agriculture and Natural Resources Committee reports favorably Assembly Bill No. 1683.

This bill would amend current law to provide that no person, except the owner or lessee of the building and persons specifically authorized by the owner or lessee in writing, shall, for the purpose of hunting, taking or killing any wildlife, have in the person's possession a nocked arrow while within 150 feet of any occupied building in this State, or within 450 feet of any school playground.

The bill further provides that any person with a nocked arrow, upon written authorization by the owner or lessee of an occupied building or school playground, would be able to cast an arrow only within the restricted perimeter established in the bill if the person was elevated and the arrow was aimed in a downward angle.

Current law provides that no person shall, for the purpose of hunting, taking or killing any wildlife, have in the person's possession a loaded firearm or nocked arrow while within 450 feet of any occupied building in this State, or of any school playground. The bill does not change the 450 foot requirement with respect to a loaded firearm, or with respect to school playgrounds.

This bill was pre-filed for introduction in the 2010-2011 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.