

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2922

**STATE OF NEW JERSEY**

DATED: MAY 18, 2023

The Senate Judiciary Committee reports favorably Senate Bill No. 2922.

This bill would establish the offense of reckless trespass involving a wild animal, and establish liability for any resulting harm to the wild animal. “Wild animal” is defined to mean any land or sea animal currently or historically found in the wild, other than a domestic companion animal as defined pursuant to subsection u. of N.J.S.2C:20-1 or domestic livestock as defined pursuant to subsection c. of section 1 of P.L.1995, c.311 (C.4:22-16.1), and would include an animal kept or exhibited at a zoo.

Under the bill, a person commits reckless trespass involving a wild animal if the person enters a cage, enclosure, or other area where a wild animal is housed or otherwise contained, which the person knows he has no legal authority, license, or permission to enter, and intentionally or unintentionally harasses the wild animal, or is attacked by the wild animal.

The offense of reckless trespass involving a wild animal would be classified as follows:

(1) a disorderly persons offense if the trespass results in no harm to the wild animal, punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both;

(2) a crime of the fourth degree if injury is caused to the wild animal, punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both; or

(3) a crime of the third degree if the wild animal is killed, punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

The bill also provides that a person convicted of committing the offense, in addition to any other fine, penalty, or restitution which may be imposed by law, would be liable for the cost of any damage to, and loss of, property connected to the reckless trespass, including, but not limited to, the injury or death of the wild animal. If a juvenile committed the offense, the parents or legal guardian of the juvenile would be liable if it was shown that the parents or legal guardian of the juvenile recklessly or negligently allowed the juvenile to commit the reckless trespass.

Additionally, the bill provides that the following would not be affirmative defenses to prosecution under the bill:

(1) the entry into the cage, enclosure, or other area where the wild animal was housed or otherwise contained was not sufficiently guarded, locked, or otherwise made inaccessible so as to prevent entry into the cage, enclosure, or other area;

(2) the wild animal was not provoked by any other means than the presence of the person in the cage, enclosure, or other area; or

(3) injury to the animal was necessary to protect the person from injury or death.

Finally, the bill indicates that the newly established offense of reckless trespass involving a wild animal would not apply to a person who enters a cage, enclosure, or other area for the purpose of aiding another person or a wild animal in the cage, enclosure, or other area.