

ASSEMBLY, No. 181

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 24 (Morris, Sussex and Warren)

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SYNOPSIS

Increases minimum civil fine for harassing person taking wildlife and increases criminal penalty for subsequent offenses.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning harassing a person taking wildlife and
2 amending P.L.1993, c.11.

3

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

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7 1. Section 3 of P.L.1993, c.11 (C.23:7A-3) is amended to read
8 as follows:

9 3. a. The Director of the Division of Fish **[, Game]** and
10 Wildlife may institute a civil action in the Superior Court for
11 injunctive and other relief for a violation of this act, and the court
12 may proceed in the action in a summary manner.

13 b. A person who violates this act shall be guilty of a petty
14 disorderly persons offense ; however, for a second or subsequent
15 violation, the person shall be guilty of a disorderly persons offense.

16 c. A person who violates this act shall be liable to a civil
17 penalty of not less than **[\$100]** \$250 nor more than \$500 for each
18 offense, to be collected in a summary proceeding under **["the**
19 **penalty enforcement law," N.J.S. 2A:58-1 et seq]** the "Penalty
20 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
21 The Superior Court and the municipal court for the municipality in
22 which the violation occurred shall have jurisdiction to enforce **["the**
23 **penalty enforcement law."]** the "Penalty Enforcement Law of
24 1999."

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

29 e. In addition to bringing a civil action for injunctive relief or
30 any other relief provided by law, a person who is adversely affected
31 by a violation of this act may bring a civil action for damages,
32 including punitive damages and special damages, against the
33 violator. Special damages may include, but need not be limited to,
34 expenditures of the affected person for license and permit fees,
35 travel expenses, guide fees and expenses, and the cost of special
36 equipment and supplies, to the extent any such expenditures were
37 rendered futile by the action or activities of the violator.

38 (cf: P.L.1993, c.11, s.3)

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40 2. This act shall take effect immediately.

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STATEMENT

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45 This bill increases the minimum civil fine for harassing a person
46 lawfully taking wildlife from \$100 to \$250. The bill also establishes
47 an enhanced penalty for repeat offenders. Under current law, a

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 person who harasses a hunter is guilty of a petty disorderly persons
2 offense, regardless of whether the person is a repeat offender. A
3 petty disorderly persons offense is punishable by imprisonment for
4 up to 30 days, a fine of up to \$500, or both imprisonment and a fine.
5 Under this bill, a subsequent offender would be committing a
6 disorderly persons offense, punishable by imprisonment for up to
7 six months, a fine of up to \$1,000, or both imprisonment and a fine.