

ASSEMBLY, No. 766

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 9 (Atlantic, Burlington and Ocean)

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Assemblywoman N.Munoz, Assemblymen Space, Dancer and Wirths

SYNOPSIS

Authorizes free hunting, fishing, and trapping licenses and free admission to State parks and forests for individuals with certain types of military service.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning fees for fishing, hunting, and trapping licenses
2 and admission to State parks and forests and amending R.S.23:3-
3 1, P.L.1983, c.324, and P.L.1993, c.303.

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

7
8 1. Section 12 of P.L.1983, c.324 (C.13:1L-12) is amended to
9 read as follows:

10 12. a. The department shall not charge an admission fee for
11 entrance into a State park or forest by any person who is:

12 (1) a resident of the State of 62 or more years of age or who is
13 totally disabled [or who is];

14 (2) an active member of the New Jersey National Guard who has
15 completed Initial Active Duty Training ;

16 (3) a member of a unit of the organized reserve of the Armed
17 Forces of the United States which is located in New Jersey;

18 (4) an active duty member of any branch or department of the
19 Armed Forces of the United States who is a resident of the State or
20 who is based or stationed in the State regardless of residency;

21 (5) a disabled veteran; or

22 (6) a retired member of the New Jersey National Guard.

23 The department shall prescribe by regulation the types of
24 evidence that may be used to qualify persons for the benefits of this
25 **[subsection] section .**

26 b. As used in this section**[.]:**

27 "Disabled veteran" means any person who has been honorably
28 discharged or released under honorable circumstances from active
29 service in any branch or department of the Armed Forces of the
30 United States and who has been declared by the United States
31 Department of Veterans Affairs, or its successor, to have a
32 service-connected disability of any degree; and

33 "Initial Active Duty Training" means Basic Military Training,
34 for members of the New Jersey Air National Guard, and Basic
35 Combat Training and Advanced Individual Training, for members
36 of the New Jersey Army National Guard.

37 (cf: P.L.1993, c.304, s.1)

38
39 2. R.S.23:3-1 is amended to read as follows:

40 23:3-1. a. A person shall not at any time hunt, take or attempt to
41 take, kill or pursue, with a gun or any firearm of any kind or
42 character, or with longbow and arrow, a wild bird, animal or fowl,
43 or take or attempt to take any skunk, mink, muskrat, or other fur-
44 bearing animal by means of a trap, or set a trap for any fur-bearing
45 animal, nor shall any person above the age of 16 years at any time

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 take or attempt to take fish in any of the fresh waters of this State
2 by the method commonly known as angling with a hand line or rod
3 and line, or with longbow and arrow, unless he has first procured a
4 proper license.

5 b. A person shall not engage in hunting, fishing or trapping
6 unless the appropriate license or tag as prescribed hereunder is
7 visibly displayed in a holder in a conspicuous place on the outer
8 clothing at the time of such hunting, fishing or trapping. A licensee
9 shall exhibit his license and tag for inspection to any conservation
10 officer, deputy conservation officer, police officer or other person
11 requesting to see it.

12 c. A person under 12 years of age shall not be issued a trapping
13 license.

14 d. A person who is on active duty with any branch or
15 department of the ~~armed service~~ Armed Forces of the United
16 States shall be entitled to hunt ~~or~~ , fish , or trap upon obtaining
17 the proper resident license therefor and paying the corresponding
18 fee charged of residents except as provided otherwise pursuant to
19 section 1 of P.L.1993, c.303 (C.23:3-1e) .

20 e. Nothing in this section shall prevent the occupant of a farm
21 in this State, who actually resides thereon, or the immediate
22 members of his family who also reside thereon, from hunting for,
23 taking, killing or pursuing with a gun or firearm or a longbow and
24 arrow on the farm a wild bird, animal or fowl, from taking any
25 skunk, mink, muskrat, or other fur-bearing animal by means of a
26 trap or from setting a trap for a fur-bearing animal on the farm, or
27 from taking fish on the farm with hand line, rod and line, or
28 longbow and arrow in the manner provided by law during the time
29 when it is lawful so to do, without being licensed hereunder. The
30 exemption provided pursuant to this subsection shall not apply to a
31 person residing on the farm or in a tenant house thereon who is not
32 a member of the occupant's family, nor to a servant of the occupant.

33 f. (1) Any person found hunting, fishing or trapping without
34 the proper license or tag as may be required conspicuously
35 displayed pursuant to subsection b. of this section shall be liable to
36 a penalty of \$10 and costs, to be recovered pursuant to the
37 provisions of Title 23, chapter 10, of the Revised Statutes.

38 (2) Any person who violates any provision of this section for
39 which a penalty is not otherwise expressly provided, shall be liable
40 to a penalty of not less than \$50 nor more than \$200 for each
41 offense.

42 (cf: P.L.1999, c.282, s.3)

43
44 3. Section 1 of P.L.1993, c.303 (C.23:3-1e) is amended to read
45 as follows:

46 1. a. Notwithstanding any law, rule, or regulation to the
47 contrary, no fee, including application fees and issuance fees, may
48 be charged of an applicant for a license, permit, stamp, tag, or

1 certificate to hunt, fish, trap, or otherwise lawfully take fish, game,
2 or any other wildlife in the State, who is:

3 (1) an active member of the New Jersey National Guard who has
4 completed Initial Active Duty Training **【or who is】**;

5 (2) a member of a unit of the organized reserve of the Armed
6 Forces of the United States which is located in New Jersey;

7 (3) an active duty member of any branch or department of the
8 Armed Forces of the United States who is a resident of the State or
9 who is based or stationed in the State regardless of residency;

10 (4) a disabled veteran; or

11 (5) a retired member of the New Jersey National Guard.

12 The Division of Fish and Wildlife shall prescribe by regulation the
13 types of evidence that may be used to qualify persons for the
14 benefits of this section.

15 b. As used in this **【act】** section:

16 "Disabled veteran" means any **【resident of the State】** person who
17 has been honorably discharged or released under honorable
18 circumstances from active service in any branch or department of
19 the Armed Forces of the United States and who has been declared
20 by the United States Department of Veterans Affairs, or its
21 successor, to have a service-connected disability of any degree; and
22 "Initial Active Duty Training" means Basic Military Training, for
23 members of the New Jersey Air National Guard, and Basic Combat
24 Training and Advanced Individual Training, for members of the
25 New Jersey Army National Guard.

26 (cf: P.L.1999, c.282, s.5)

27

28 4. Section 2 of P.L.1993, c.303 (C.23:3-1f) is amended to read
29 as follows:

30 2. At the end of each fiscal year, the Director of the Division of
31 Fish **【, Game】** and Wildlife shall certify to the Director of the
32 Division of Budget and Accounting in the Department of the
33 Treasury the amount that the "hunters' and anglers' license fund"
34 has been reduced as a result of any license issued without charge
35 pursuant to section 1 of **【this act】** P.L.1993, c.303 (C.23:3-1e). An
36 amount equal to the amount certified shall be appropriated each
37 year from the General Fund to the "hunters' and anglers' license
38 fund" for additional operating costs.

39 (cf: P.L.1993, c.303, s.2)

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41 5. This act shall take effect on January 1 next following the
42 date of enactment.

STATEMENT

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2
3 This bill would expand upon current law to provide that disabled
4 veterans would be entitled to free admission to State parks and
5 forests. In addition, this bill provides that persons with any of the
6 following types of military service would also be entitled to free
7 admission to State parks and forests and to free hunting, fishing,
8 and trapping licenses, permits, stamps, tags, and certificates: (1) a
9 member of a unit of the organized reserve of the Armed Forces of
10 the United States which is located in New Jersey; (2) an active duty
11 member of any branch or department of the Armed Forces of the
12 United States who is a resident of the State or who is based or
13 stationed in the State regardless of residency; and (3) a retired
14 member of the New Jersey National Guard. Finally, this bill
15 provides that the benefits authorized in the bill and in current law
16 would apply to both residents and nonresidents of the State who
17 meet the established criteria for active or former military status.

18 Current law provides that active members of the New Jersey
19 National Guard who have completed Initial Active Duty Training
20 may obtain free admission to State parks and forests as well as free
21 hunting, fishing, and trapping licenses, permits, stamps, tags, and
22 certificates. Current law also provides that disabled veterans
23 qualify for free hunting, fishing, and trapping licenses, permits,
24 stamps, tags, and certificates but not free admission to State parks
25 and forests.