

ASSEMBLY, No. 781

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)

SYNOPSIS

Provides for payment to small municipalities, in certain cases, of certain penalty moneys assessed for violations of fish and game laws.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning local adjudication of fish and game laws, and
2 amending R.S.23:10-19.

3

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

6

7 1. R.S.23:10-19 is amended to read as follows:

8 23:10-19. **【All】** a. (1) Except as otherwise provided by
9 paragraph (2) of this subsection, or by any other law, any moneys
10 recovered for **【violations】** a violation of this Title, or any provision
11 of **【any】** law supplementary thereto, or any provision of the State
12 Fish and Game Code shall **【**, except as otherwise specifically
13 provided,**】** be paid , in full, to the Division of Fish and **【Game】**
14 Wildlife for its use and purposes.

15 (2) Notwithstanding the provisions of paragraph (1) of this
16 subsection or any other law, rule, or regulation to the contrary,
17 whenever a court action is undertaken in the municipal court of a
18 small municipality, which court action results in the recovery of
19 moneys for a violation of this Title, any provision of law
20 supplementary thereto, or any provision of the State Fish and Game
21 Code, 50 percent of the moneys recovered for the violation shall be
22 paid to the Division of Fish and Wildlife for its use and purposes,
23 and the remaining 50 percent of recovered moneys shall be paid to
24 the governing body of the small municipality in which the court
25 action took place, for the use and purposes of the municipality.

26 b. Except where prohibited by federal law, whenever a court
27 action is undertaken in the municipal court of a small municipality,
28 which court action results in the recovery of moneys for a violation
29 of a federal fish and game law or regulation, 50 percent of the
30 recovered moneys shall be paid to the Division of Fish and
31 Wildlife, for its use and purposes, and the remaining 50 percent of
32 recovered moneys shall be paid to the governing body of the
33 municipality in which the court action took place, for the use and
34 purposes of the municipality. In all other cases, and unless
35 prohibited by federal law, any penalty moneys recovered for a
36 violation of a federal fish and game law or regulation shall be paid,
37 in full, to the Division of Fish and Wildlife, for its use and
38 purposes.

39 c. Any court official or other authorized person **【receiving**
40 such**】** who receives moneys that have been recovered for
41 **【violations】** a violation of this Title, **【or】** any provision of **【any】**
42 law supplementary thereto, or any provision of the State Fish and
43 Game Code, **【who fails to】** or that have been recovered for a
44 violation of a federal fish and game law or regulation, shall, within

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 30 days after the receipt of such moneys, forward the same to the
2 Division of Fish and [Game within thirty days after receipt of
3 same] Wildlife or the governing body of the small municipality in
4 which the court action took place, as provided in this section. Any
5 person who violates this subsection shall be guilty of a
6 [misdemeanor] crime of the fourth degree.

7 d. For the purposes of this section, “small municipality” means
8 a municipality that has a permanent population of less than 2,000
9 persons .

10 (cf: P.L.1948, c.448, s.87)

11
12 2. This act shall take effect immediately.

15 STATEMENT

16
17 This bill would provide for the reimbursement of small
18 municipalities that are involved in the adjudication of State and
19 federal fish and game laws.

20 The Division of Fish and Wildlife is generally responsible for
21 overseeing and enforcing fish and game laws in the State, and State
22 law currently provides that all penalty amounts recovered for
23 violations of the State’s fish and game laws, rules, and regulations
24 must be paid, in full, to the division. This provision of law,
25 however, fails to recognize that local governments are often left
26 with the burden of paying, at their own expense, the costs
27 associated with the adjudication of fish and game violations. Small
28 municipalities – defined under the bill as those that have “a
29 permanent population of less than 2,000 persons” – are particularly
30 ill equipped to finance these judicial efforts.

31 This bill would, therefore, amend the law to provide that
32 whenever a court action is undertaken in the municipal court of a
33 small municipality, which court action results in the assessment of
34 penalty moneys for a violation of the State’s fish and game laws, 50
35 percent of the recovered moneys must be paid to the governing
36 body of the municipality in which the court action took place, while
37 the remaining 50 percent of recovered moneys must be paid to the
38 Division of Fish and Wildlife.

39 The bill would also entitle a small municipality to receive 50
40 percent of the moneys recovered for a violation of a federal fish and
41 game law or regulation when the moneys are recovered as a result
42 of a municipal court action undertaken in the small municipality, so
43 long as such action is not prohibited by federal law. In all other
44 cases of federal fish and game law enforcement, however, and
45 unless prohibited by federal law, any recovered moneys would be
46 paid, in full, to the Division of Fish and Wildlife.

47 A person who fails to forward recovered moneys to the division
48 or the adjudicating small municipality, as required by the bill,

1 would be guilty of a crime of the fourth degree. Although this
2 offense currently exists in the law, it is referenced as a
3 “misdemeanor” – an outdated term that is no longer used in the
4 State. Because a crime that was previously characterized as a
5 misdemeanor is now classified as a crime of the fourth degree, the
6 bill updates the language in the existing law without changing the
7 penalty for the offense.