

ASSEMBLY, No. 1388

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman WILLIAM F. MOEN

District 5 (Camden and Gloucester)

SYNOPSIS

Authorizes active duty military to fish in freshwaters without license or trout stamp.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning fishing by active duty military and amending
2 R.S.23:3-1, R.S.23:3-4, and P.L.1952, c.328.

3

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

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7 1. R.S.23:3-1 is amended to read as follows:

8 23:3-1. a. A person shall not at any time hunt, take or attempt to
9 take, kill or pursue, with a gun or any firearm of any kind or
10 character, or with longbow and arrow, a wild bird, animal or fowl,
11 or take or attempt to take any skunk, mink, muskrat, or other fur-
12 bearing animal by means of a trap, or set a trap for any fur-bearing
13 animal, nor shall any person above the age of 16 years at any time
14 take or attempt to take fish in any of the fresh waters of this State
15 by the method commonly known as angling with a hand line or rod
16 and line, or with longbow and arrow, unless he has first procured a
17 proper license.

18 b. A person shall not engage in hunting, fishing or trapping
19 unless the appropriate license or tag as prescribed hereunder is
20 visibly displayed in a holder in a conspicuous place on the outer
21 clothing at the time of such hunting, fishing or trapping. A licensee
22 shall exhibit his license and tag for inspection to any conservation
23 officer, deputy conservation officer, police officer or other person
24 requesting to see it.

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

27 d. A person who is on active duty with any branch or
28 department of the armed service of the United States shall be
29 entitled to :

30 (1) hunt **【or fish】** upon obtaining the proper resident license
31 therefor ; or

32 (2) fish without obtaining a license therefor, provided the person
33 possesses proper military identification.

34 e. Nothing in this section shall prevent the occupant of a farm
35 in this State, who actually resides thereon, or the immediate
36 members of his family who also reside thereon, from hunting for,
37 taking, killing or pursuing with a gun or firearm or a longbow and
38 arrow on the farm a wild bird, animal or fowl, from taking any
39 skunk, mink, muskrat, or other fur-bearing animal by means of a
40 trap or from setting a trap for a fur-bearing animal on the farm, or
41 from taking fish on the farm with hand line, rod and line, or
42 longbow and arrow in the manner provided by law during the time
43 when it is lawful so to do, without being licensed hereunder. The
44 exemption provided pursuant to this subsection shall not apply to 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 residing on the farm or in a tenant house thereon who is not
2 a member of the occupant's family, nor to a servant of the occupant.

3 f. (1) Any person found hunting, fishing or trapping without the
4 proper license or tag as may be required conspicuously displayed
5 pursuant to subsection b. of this section shall be liable to a penalty
6 of \$10 and costs, to be recovered pursuant to the provisions of Title
7 23, chapter 10, of the Revised Statutes.

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

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

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14 2. R.S.23:3-4 is amended to read as follows:

15 23:3-4. The licenses issued under this article shall include,
16 among others authorized by law, the following:

17 a. A license issued to a person above 16 years of age, or in the
18 case of an apprentice firearm hunting license or an apprentice bow
19 and arrow license, a license issued to a person above 14 years of
20 age, who has an actual and bona fide domicile in this State at the
21 time of the application for the license and who has had an actual
22 and bona fide domicile in this State for at least six months
23 immediately prior thereto, provided that for a resident's trapping
24 license the person shall be above 12 years of age. These licenses
25 shall be designated as the resident's firearm hunting license, the
26 resident's bow and arrow license, the resident's trapping license, the
27 resident's fishing license, the resident's apprentice firearm hunting
28 license, and the resident's apprentice bow and arrow license.

29 (1) (a) The resident's firearm hunting license shall authorize its
30 holder to hunt with hounds and firearms only, and a fee of \$26.50
31 and an issuance fee of \$1.00 shall be charged therefor, except that a
32 person above the age of 65 years shall be charged a fee of \$14.50
33 and an issuance fee of \$1.00.

34 (b) The resident's apprentice firearm hunting license shall
35 authorize its holder to hunt only with hounds and firearms and only
36 when accompanied by a holder, above 21 years of age, of a regular
37 resident's or nonresident's firearm hunting license. A fee of \$26.50
38 and an issuance fee of \$1.00 shall be charged for a resident's
39 apprentice firearm hunting license, except that a person above the
40 age of 65 years shall be charged a fee of \$14.50 and an issuance fee
41 of \$1.00. The resident's apprentice firearm hunting license may be
42 issued to a person only twice during the lifetime of the person.

43 (2) (a) The resident's bow and arrow license shall authorize its
44 holder to hunt with bow and arrow only, and a fee of \$30.50 and an
45 issuance fee of \$1.00 shall be charged therefor, except that a person
46 above the age of 65 years shall be charged a fee of \$15.50 and an
47 issuance fee of \$1.00.

1 (b) The resident's apprentice bow and arrow license shall
2 authorize its holder to hunt only with bow and arrow and only when
3 accompanied by a holder, above 21 years of age, of a regular
4 resident's or nonresident's bow and arrow license. A fee of \$30.50
5 and an issuance fee of \$1.00 shall be charged for a resident's
6 apprentice bow and arrow license, except that a person above the
7 age of 65 years shall be charged a fee of \$15.50 and an issuance fee
8 of \$1.00. The resident's apprentice bow and arrow license may be
9 issued to a person only twice during the lifetime of the person.

10 (3) The resident's trapping license shall authorize its holder to
11 trap only, and a fee of \$31.50 and an issuance fee of \$1.00 shall be
12 charged therefor, except that a person above 12 years and under 16
13 years of age shall be charged no fee.

14 (4) The resident's fishing license shall authorize its holder to
15 fish only, and a fee of \$21.50 and an issuance fee of \$1.00 shall be
16 charged therefor, except (a) in any case where the applicant is
17 above 70 years of age and is otherwise qualified, no license shall be
18 required, (b) a person above 65 years and under 70 years of age
19 shall be charged a fee of \$11.50 and an issuance fee of \$1.00, **[and]**
20 (c) as otherwise provided in paragraph (5) of this subsection,
21 paragraph (2) of subsection c. of this section, or paragraph (2) of
22 subsection d. of section 11 of P.L.1982, c.180 (C.23:3-1.1) , and (d)
23 if the person, regardless of residency, is on active duty with any
24 branch or department of the armed service of the United States, no
25 license shall be required.

26 (5) The resident's fishing buddy license shall authorize its
27 holder to fish only, and can only be obtained through application at
28 the same time with: (a) another resident of this State who applies
29 for a resident's fishing license, is above 16 years of age and below
30 65 years of age, and has not bought a resident's fishing license after
31 2010, or (b) a nonresident who applies for a nonresident's annual
32 fishing license, is above 16 years of age, and has not bought a
33 nonresident's annual fishing license after 2010. The fee for a
34 resident's fishing buddy license and for a resident's fishing license
35 issued pursuant to this paragraph shall each be \$10.75 and an
36 issuance fee of \$1.00. The fee for a nonresident's annual fishing
37 license issued pursuant to this paragraph shall be \$16.50 and an
38 issuance fee of \$1.00.

39 (6) Any resident of this State who is afflicted with total
40 blindness, upon application to the division, shall be entitled to a
41 resident's fishing license without fee or charge.

42 b. A license issued to a person above 16 years of age, or in the
43 case of an apprentice firearm hunting license or an apprentice bow
44 and arrow license, a license issued to a person above 14 years of
45 age, not entitled to a resident's license, authorizing him to trap or to
46 hunt, as applicable, except that a nonresident's two-day small game
47 firearm hunting license shall not permit the taking, hunting, or
48 killing of deer or turkey. These licenses shall be designated as the

1 nonresident's firearm hunting license, the nonresident's apprentice
2 firearm hunting license, the nonresident's bow and arrow license,
3 the nonresident's apprentice bow and arrow license, the
4 nonresident's trapping license, and the nonresident's two-day small
5 game firearm hunting license.

6 A nonresident's apprentice firearm hunting license shall
7 authorize its holder to hunt only with hounds and firearms and only
8 when accompanied by a holder, above 21 years of age, of a regular
9 resident's or nonresident's firearm hunting license. A nonresident's
10 apprentice bow and arrow license shall authorize its holder to hunt
11 with bow and arrow only and only when accompanied by a holder,
12 above 21 years of age, of a regular resident's or nonresident's bow
13 and arrow license. The nonresident's apprentice firearm hunting
14 license and the nonresident's apprentice bow and arrow license may
15 each be issued to a person only twice during the lifetime of the
16 person.

17 (1) The fees for the nonresident's firearm hunting license, the
18 nonresident's apprentice firearm hunting license, the nonresident's
19 bow and arrow license, and the nonresident's apprentice bow and
20 arrow license shall each be \$134.50 and an issuance fee of \$1.00.

21 (2) The fee for the nonresident's trapping license shall be
22 \$199.50 and an issuance fee of \$1.00.

23 (3) The fee for a nonresident's two-day small game firearm
24 hunting license shall be \$35.50 and an issuance fee of \$1.00.

25 c. A license issued to a person above 16 years of age not
26 entitled to a resident's license, authorizing him to fish only. These
27 licenses shall be designated as the nonresident's annual fishing
28 license, the nonresident's annual fishing buddy license, the
29 nonresident's two-day fishing license, valid for a period of two
30 consecutive days, and the nonresident's seven-day vacation fishing
31 license, valid for a period of seven consecutive days.

32 The nonresident's annual fishing buddy license can only be
33 obtained through application at the same time with: a resident of
34 this State who applies for a resident's fishing license, is above 16
35 years of age and below 65 years of age, and has not bought a
36 resident's fishing license after 2010; or a nonresident who applies
37 for a nonresident's annual fishing license, is above 16 years of age,
38 and has not bought a nonresident's annual fishing license after 2010.

39 (1) The fee for the nonresident's annual fishing license shall be
40 \$33.00 and an issuance fee of \$1.00, except as otherwise provided
41 pursuant to paragraph (2) of this subsection, paragraph (5) of
42 subsection a. of this section, or paragraph (2) of subsection d. of
43 section 11 of P.L.1982, c.180 (C.23:3-1.1).

44 (2) The fee for a nonresident's annual fishing buddy license
45 shall be \$16.50 and an issuance fee of \$1.00. The fee for a
46 resident's fishing license obtained through application at the same
47 time with an application for a nonresident's annual fishing buddy
48 license in accordance with this subsection shall be \$10.75 and an

1 issuance fee of \$1.00, and the fee for a nonresident's annual fishing
2 license obtained through application at the same time with an
3 application for a nonresident's annual fishing buddy license in
4 accordance with this subsection shall be \$16.50 and an issuance fee
5 of \$1.00.

6 (3) The fee for the nonresident's two-day fishing license shall be
7 \$8.00 and an issuance fee of \$1.00.

8 (4) The fee for the nonresident's seven-day fishing license shall
9 be \$18.50 and an issuance fee of \$1.00.

10 d. Every license issued hereunder shall be void after December
11 31 next succeeding its issuance, except the one-day hunting license,
12 which shall expire on the date of issuance; the nonresident's seven-
13 day fishing license, which is valid only for seven consecutive days
14 after date of issuance; the nonresident's two-day fishing license,
15 which shall expire on the day after the date of issuance; and the
16 nonresident's two-day small game firearm hunting license, which
17 shall expire on the day after the date of issuance.

18 Any license issued hereunder to a person under 16 years of age
19 shall be void after December 31 of the year in which the licensee
20 becomes 16 years of age.

21 e. The fees for licenses set forth in this section may be adjusted
22 by the Fish and Game Council pursuant to section 12 of P.L.1982,
23 c.180 (C.23:3-1a).

24 (cf: P.L.2015, c.99, s.2)

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26 3. Section 1 of P.L.1952, c.328 (C.23:3-57) is amended to read
27 as follows:

28 1. No person, above the age of 16 years or under the age of 70
29 years, shall take or attempt to take trout in any of the fresh waters of
30 this State, unless he has first procured, as hereinafter provided, a
31 special trout stamp, in addition to the license required by article 1 of
32 chapter 3 of Title 23 of the Revised Statutes and unless at the time
33 of fishing he has the license and stamp affixed to that license on his
34 person, and exhibits the same for inspection to any warden, deputy
35 warden, police officer or other person requesting to see them.

36 The stamp issued under this act shall be designated as the
37 "special trout fishing stamp" and shall authorize its holder to take
38 trout at the time and in the manner provided by law, or by the Fish
39 and Game Code, and shall be invalid unless it contains the name of
40 the licensee written in ink.

41 A person shall be exempt from the provisions of this section if
42 the person, regardless of residency, is on active duty with any
43 branch or department of the armed service of the United States, and
44 possesses proper military identification.

45 (cf: P.L.1999, c.282, s.18)

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47 4. This act shall take effect immediately.

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This bill would amend current law to allow a person who is on active duty with any branch or department of the armed service of the United States to fish without obtaining a freshwater fishing license and exempt the person from paying any fees associated with a freshwater fishing license.

Specifically, the bill would amend current law to allow a person who is on active duty with any branch or department of the armed service of the United States to fish in freshwaters without a license or trout stamp, provided that the person possesses proper military identification. In addition, the bill would amend current law to exempt such military personnel from all freshwater fishing license fees.

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