ASSEMBLY, No. 2666

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Assemblywoman VALERIE VAINIERI HUTTLE
District 37 (Bergen)

SYNOPSIS

"Tonka's Law"; changes perimeter for bow and arrow hunting around certain buildings; requires property owner to provide notice to adjacent properties of any hunting activity.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning hunting and designated as "Tonka's Law," amending R.S.23:4-16, and supplementing Title 23 of the Revised Statutes.

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

1. R.S.23:4-16 is amended to read as follows:

23:4-16. a. No person, either in or on a motor vehicle or vehicle of any kind whatsoever, or by the aid or use of a light carried on or attached to a motor vehicle or vehicle of any kind, shall hunt for, pursue, shoot, shoot at, kill, capture, injure or destroy wildlife.

b. No person shall use any portable light or lights for the purpose of hunting for any wildlife excepting raccoon and opossum, or other species as provided by the State Game Code.

c. No person shall, for the purpose of hunting, taking or killing any wildlife, cast an arrow or discharge any firearm from or across any State, county, municipal, or publicly travelled road or highway.

d. (1) No person, except the owner or lessee of the building and persons specifically authorized by him in writing, which writing shall be in the person's possession, shall, for the purpose of hunting, taking or killing any wildlife, have in his possession a loaded firearm while within 450 feet of any occupied building in this State, or of any school playground.

(2) No person, except the owner or lessee of the building and persons specifically authorized by him in writing, which writing shall be in the person's possession, shall, for the purpose of hunting, taking or killing any wildlife, have in his possession a nocked arrow while within **[**150**]** <u>450</u> feet of any occupied building in this State, or **[**within 450 feet**]** of any school playground, and a nocked arrow shall only be cast when a person is in an elevated position so that any arrow is aimed in a downward angle.

(3) For the purposes of this subsection, "occupied building" means any building constructed or adapted for overnight accommodation of a person, or for operating a business or engaging in an activity therein, whether or not a person is actually present.

e. A person who violates subsection a., b., or c. of this section shall be liable to a civil penalty of not less than $100 nor more than $200 for the first offense, and not less than $200 nor more than $500 for each subsequent offense. A person who violates subsection d. of this section shall be liable to a civil penalty of not less than $100 nor more than $300 for the first offense, and not less than $300 nor more than **[**$1500**]** <u>$1,500</u> and permanent revocation of all license certificates required, and all privileges, to take or possess wildlife for each subsequent offense.

(cf: P.L.2010, c.53, s.1)

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 <u>thus</u> is new matter.

2. (New section) a. A person who hunts, takes, or kills wildlife, or permits hunting, taking, or killing of wildlife on private property owned by the person shall provide written notice, at least 24 hours in advance, that hunting, taking, or killing of wildlife will occur on the property, including the date, time, and duration thereof, to both the owner and occupant of each property sharing a boundary with the property on which the hunting, taking, or killing of wildlife will occur.

b. A person who violates this section shall be subject to a civil penalty of not less than $100 nor more than $300 for the first offense, and not less than $300 nor more than $1,500 and permanent revocation of all license certificates required, and all privileges, to take or possess wildlife for each subsequent offense.

3. This act shall take effect immediately.

STATEMENT

This bill amends current law to provide that, except for the owner or lessee of the building and persons specifically authorized by the owner or lessee in writing, a person shall not possess a nocked arrow for the purpose of hunting, taking, or killing wildlife while within 450 feet of an occupied building or a school playground. Current law prohibits hunting, taking, or killing of wildlife within 150 feet of an occupied building and within 450 feet of a school playground. In addition, the bill requires an owner of private property to provide written notice to neighboring property owners and occupants that hunting, taking, or killing of wildlife will occur on the property.

This bill, named “Tonka’s Law,” is in response to the tragic death of Tonka, beloved pet of a family living in Hunterdon County. Tonka, an Alaskan shepherd, was mistakenly shot with an arrow by a deer hunter. Tonka’s family was unaware that hunting was occurring on the adjacent property and, therefore, was unable to take extra precautions to protect him from harm. This bill seeks to prevent this type of tragedy from occurring again by prohibiting hunting with a bow and arrow within 450 feet of an occupied building or a school playground, and requiring that a private property owner provide written notice to neighboring property owners and occupants at least 24 hours prior to the occurrence of any hunting activity on the private property. The private property owner is required to notify all property owners and occupants sharing a boundary with the property on which the hunting will occur.