

ASSEMBLY, No. 3571

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

SYNOPSIS

Changes minimum age for issuance of trapping license from 12 years to 18 years of age.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning trapping and amending R.S.23:3-1, R.S.23:3-4,
2 and P.L.1977, c.320.

3

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

6

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
22 licensee shall exhibit his license and tag for inspection to any
23 conservation officer, deputy conservation officer, police officer or
24 other person requesting to see it.

25 c. A person under **【12】** 18 years of age shall not be issued a
26 trapping 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 hunt or fish upon obtaining the proper resident license
30 therefor.

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

44 f. (1) Any person found hunting, fishing or trapping without
45 the proper license or tag as may be required conspicuously

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 displayed pursuant to subsection b. of this section shall be liable to
2 a penalty of \$10 and costs, to be recovered pursuant to the
3 provisions of Title 23, chapter 10, of the Revised Statutes.

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

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

9

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

11 23:3-4. The licenses issued under this article shall include,
12 among others authorized by law, the following:

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

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

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

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

45 (b) The resident's apprentice bow and arrow license shall
46 authorize its holder to hunt only with bow and arrow and only when
47 accompanied by a holder, above 21 years of age, of a regular
48 resident's or nonresident's bow and arrow license. A fee of \$30.50

1 and an issuance fee of \$1.00 shall be charged for a resident's
2 apprentice bow and arrow license, except that a person above the
3 age of 65 years shall be charged a fee of \$15.50 and an issuance fee
4 of \$1.00. The resident's apprentice bow and arrow license may be
5 issued to a person only twice during the lifetime of the person.

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

10 (4) The resident's fishing license shall authorize its holder to
11 fish only, and a fee of \$21.50 and an issuance fee of \$1.00 shall be
12 charged therefor, except (a) in any case where the applicant is
13 above 70 years of age and is otherwise qualified, no license shall be
14 required, (b) a person above 65 years and under 70 years of age
15 shall be charged a fee of \$11.50 and an issuance fee of \$1.00, and
16 (c) as otherwise provided in paragraph (5) of this subsection,
17 paragraph (2) of subsection c. of this section, or paragraph (2) of
18 subsection d. of section 11 of P.L.1982, c.180 (C.23:3-1.1).

19 (5) The resident's fishing buddy license shall authorize its
20 holder to fish only, and can only be obtained through application at
21 the same time with: (a) another resident of this State who applies
22 for a resident's fishing license, is above 16 years of age and below
23 65 years of age, and has not bought a resident's fishing license after
24 2010, or (b) a nonresident who applies for a nonresident's annual
25 fishing license, is above 16 years of age, and has not bought a
26 nonresident's annual fishing license after 2010. The fee for a
27 resident's fishing buddy license and for a resident's fishing license
28 issued pursuant to this paragraph shall each be \$10.75 and an
29 issuance fee of \$1.00. The fee for a nonresident's annual fishing
30 license issued pursuant to this paragraph shall be \$16.50 and an
31 issuance fee of \$1.00.

32 (6) Any resident of this State who is totally blind, upon
33 application to the division, shall be entitled to a resident's fishing
34 license without fee or charge.

35 b. A license issued to a person above 16 years of age, ~~[or]~~ in
36 the case of an apprentice firearm hunting license or an apprentice
37 bow and arrow license, a license issued to a person above 14 years
38 of age, or in the case of a trapping license, a license issued to a
39 person 18 years of age or older, not entitled to a resident's license,
40 authorizing the person to trap or to hunt, as applicable, except that a
41 nonresident's two-day small game firearm hunting license shall not
42 permit the taking, hunting, or killing of deer or turkey. These
43 licenses shall be designated as the nonresident's firearm hunting
44 license, the nonresident's apprentice firearm hunting license, the
45 nonresident's bow and arrow license, the nonresident's apprentice
46 bow and arrow license, the nonresident's trapping license, and the
47 nonresident's two-day small game firearm hunting license.

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

12 (1) The fees for the nonresident's firearm hunting license, the
13 nonresident's apprentice firearm hunting license, the nonresident's
14 bow and arrow license, and the nonresident's apprentice bow and
15 arrow license shall each be \$134.50 and an issuance fee of \$1.00.

16 (2) The fee for the nonresident's trapping license shall be
17 \$199.50 and an issuance fee of \$1.00.

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

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

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

34 (1) The fee for the nonresident's annual fishing license shall be
35 \$33.00 and an issuance fee of \$1.00, except as otherwise provided
36 pursuant to paragraph (2) of this subsection, paragraph (5) of
37 subsection a. of this section, or paragraph (2) of subsection d. of
38 section 11 of P.L.1982, c.180 (C.23:3-1.1).

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

1 (3) The fee for the nonresident's two-day fishing license shall be
2 \$8.00 and an issuance fee of \$1.00.

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

5 d. Every license issued hereunder shall be void after December
6 31 next succeeding its issuance, except the one-day hunting license,
7 which shall expire on the date of issuance; the nonresident's seven-
8 day fishing license, which is valid only for seven consecutive days
9 after date of issuance; the nonresident's two-day fishing license,
10 which shall expire on the day after the date of issuance; and the
11 nonresident's two-day small game firearm hunting license, which
12 shall expire on the day after the date of issuance.

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

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

19 (cf: P.L.2017, c.131, s.63)
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21 3. Section 1 of P.L.1977, c.320 (C.23:3-7.8) is amended to read
22 as follows:

23 1. Notwithstanding any provisions contained in R.S. 23:3-1 to
24 23:3-22, concerning the issuance of a resident or nonresident
25 trapping license, at the time an application for license is made by an
26 applicant **【of the age of 12 years or over,】** to whom a trapping
27 license has not previously been issued, such applicant shall present
28 to the issuing agent a certificate stating that the applicant has
29 satisfactorily completed a course in trapping methods which shall
30 be signed by an agent of the Division of Fish **【, Game】** and **【Shell**
31 **Fisheries】** Wildlife designated for that purpose, whose fitness to
32 give instructions in proper trapping methods has been determined
33 by the division. A person **【of the age of 12】** 18 years of age or
34 **【over】** older who previously had a license to engage in trapping
35 issued to him, shall not be entitled to purchase another such license
36 in a subsequent year unless at the time of making application he
37 shall submit to the license issuing agent his license of a previous
38 year, or a certification from the division stating that he held such
39 license.

40 (cf: P.L.1977, c.320, s.1)
41

42 4. Section 5 of P.L.1977, c.320 (C.23:3-7.12) is amended to
43 read as follows:

44 5. **【No】** A license agent shall not issue a trapping license to a
45 person **【of the age of 12 years or over,】** who has not submitted his
46 trapping license of a previous year, or a certificate showing that he
47 has successfully completed a course in trapping methods given by

1 an individual duly designated by the Division of Fish **【, Game】** and
2 **【Shell Fisheries, and any】** Wildlife. Any person **【on reaching 12**
3 years of age**】** who obtains a trapping license under false
4 information within the scope of this act shall be subject to a penalty
5 of not less than **【\$25.00】** \$25 nor more than **【\$200.00】** \$200 for
6 each offense.

7 (cf: P.L.1977, c.320, s.5)

8

9 5. This act shall take effect immediately.

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STATEMENT

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14 This bill prohibits issuing a trapping license to a person under 18
15 years of age and amends current law to be consistent with that
16 prohibition. Current law prohibits the issuance of a trapping license
17 to a person under 12 years of age.