SENATE, No. 1250

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:
Senator VIN GOPAL
District 11 (Monmouth)

SYNOPSIS

Prohibits baiting of black bears for hunting purposes.

CURRENT VERSION OF TEXT

As introduced.

AN ACT prohibiting the baiting of black bears for purposes of hunting and amending P.L.2002, c.97.

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

1. Section 1 of P.L.2002, c.97 (C.23:2A-14) is amended to read as follows:

1. a. No person shall:

(1) feed, give, place, expose, deposit, distribute or scatter any edible material or attractant with the intention of feeding, attracting or enticing a black bear; or

(2) store pet food, garbage or other bear attractants in a manner that will result in bear feedings when black bear are known to frequent the area.

(3) use bait to attract a black bear for purposes of hunting.

b. Subsection a. of this section shall not apply in the case of an unintentional feeding of a black bear. "Unintentional feeding" means using or placing any material for a purpose other than to attract or entice black bears but which results in the attraction or enticement of a black bear, and shall include but need not be limited to the use and placement of bait for deer in accordance with section 1 of P.L. 1997, c. 424 (C.23:4-24.4) and the State Fish and Game Code.

c. (1) If any person violates subsection a. of this section, the department may institute a civil action in a court of competent jurisdiction for injunctive relief to prohibit and prevent such violation or violations and the court may proceed in the action in a summary manner.

(2) Any person who violates the provisions of subsection a. of this section shall be liable to a civil penalty of up to $1,000 for each offense, to be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L. 1999, c. 274 (C.2A:58-10 et seq.) or in any case before a court of competent jurisdiction wherein injunctive relief has been requested. Civil penalties recovered for violations hereof shall be remitted as provided in R.S.23:10-19. The Superior Court and municipal court shall have jurisdiction to enforce the "Penalty Enforcement Law of 1999."

If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.

No person shall be assessed a civil penalty pursuant to this paragraph unless the person has first been issued a prior written warning for a violation of subsection a. of this section.

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.

(3) The department is hereby authorized and empowered to compromise and settle any claim for a penalty under this section in such amount in the discretion of the department as may appear appropriate and equitable under all of the circumstances.

d. The provisions of this section shall be enforced by all municipal police officers, the State Police, and law enforcement officers with the Division of Fish and Wildlife and the Division of Parks and Forestry in the Department of Environmental Protection.

e. Nothing in this section shall be construed to restrict in any way the attraction, capture, or taking of black bears by or at the direction of the Division of Fish and Wildlife for management or research purposes.

f. Nothing in this section shall be construed to restrict in any way the issuance of a license by the Division of Fish and Wildlife to a public agency or scientific or educational institution to use bait to attract a black bear for scientific or research purposes.

(cf: P.L.2002, c.97, s.1)

2. This act shall take effect on the 60th day following the date of enactment, but the Commissioner of Environmental Protection may take any anticipatory administrative action in advance thereof as may be necessary for the implementation of this act.

STATEMENT

This bill prohibits the use of bait to attract a black bear for purposes of hunting. This bill also exempts public agencies and scientific or educational institutions from the prohibition on bear baiting when such baiting is done in furtherance of scientific or research purposes. Hunters are currently permitted to use bait to attract a bear provided the hunter has a valid license from the State Division of Fish and Wildlife.

Black bears are an integral part of New Jersey's natural heritage and a vital component of its healthy ecosystem. On numerous occasions, the black bear's existence has been threatened as a result of habitat destruction and indiscriminate killing. After becoming aware of this problem, State officials began taking steps to reverse this pattern by classifying the black bear as a game animal subject to regulation and later suspending hunting of the species altogether. In the years that followed, the black bear population slowly rebounded and today officials estimate that roughly 5,000 black bears currently call New Jersey home.

Bear hunting was recently reintroduced in an effort to control the local bear population. Resuming the bear hunt has encouraged the use of inhumane, destructive, and unethical hunting methods which impact the overall health of the species. Bear baiting is one such practice. The practice involves laying out edible materials to attract

bears to a particular spot thereby allowing the hunter to take a better shot at the animal. Baiting can lead to orphaned bear cubs, habitat destruction, ingestion of poisonous materials, and deviation from "fair chase" principles. By banning the practice of bear baiting, the State reaffirms its commitment to environmental stewardship by ensuring precious ecosystems within New Jersey remain vibrant for generations to come.