

ASSEMBLY, No. 1967

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

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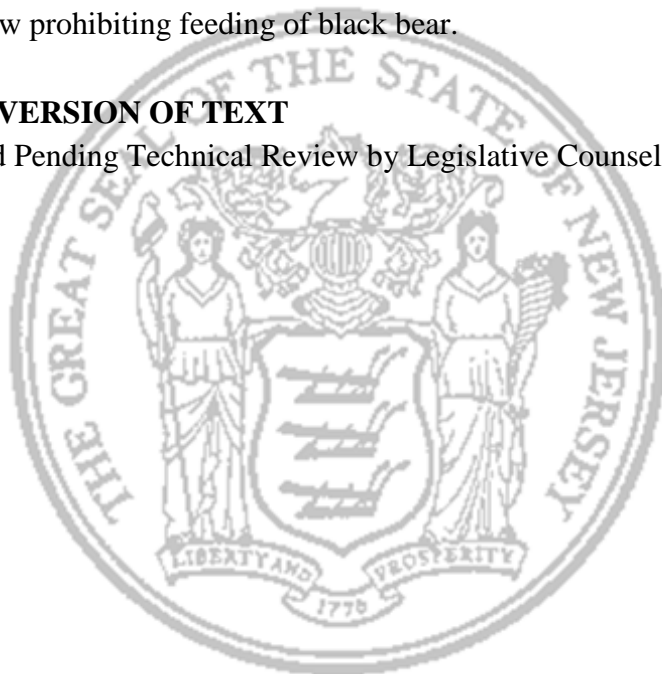
Assemblywoman Chaparro, Assemblyman Benson, Assemblywomen Speight, Swain, Haider, Quijano, Timberlake, Reynolds-Jackson, Jimenez, Park, Assemblyman Giblin, Assemblywoman Carter, Assemblymen Spearman, Calabrese, Conaway, Atkins, Assemblywomen Jaffer, Murphy and Matsikoudis

SYNOPSIS

Revises law prohibiting feeding of black bear.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/6/2023)

1 AN ACT concerning feeding of black bear and amending
2 P.L.2002, c.97.

3

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

6

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

9 1. a. No person shall:

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

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

16 b. Subsection a. of this section shall not apply **in the case of**
17 **an unintentional feeding of a black bear. "Unintentional feeding"**
18 **means using or placing any material for a purpose other than to**
19 **attract or entice black bears but which results in the attraction or**
20 **enticement of a black bear, and shall include but need not be limited**
21 **to the use and placement of bait for deer in accordance with section**
22 **1 of P.L.1997, c.424 (C.23:4-24.4) and the State Fish and Game**
23 **Code to:**

24 (1) any person licensed pursuant to law to possess wildlife;

25 (2) any crop, agricultural product, or animal feed on the
26 premises of any person engaged in agricultural or horticultural
27 activities;

28 (3) a birdfeeder maintained between the dates of April 1 and
29 November 30, provided that:

30 (a) the birdfeeder is suspended on a cable or other device at
31 least 10 feet above the ground;

32 (b) the area below the birdfeeder is kept free from bird food,
33 bird food debris, or any item that may be construed as bird food;

34 (c) the bird feeder is emptied or brought indoors every night;
35 and

36 (d) if a bear gains access to the bird feeder, the condition
37 allowing access shall be corrected or the bird feeder removed within
38 48 hours;

39 (4) the placement of food at a shelter or pound licensed by the
40 Department of Health or a municipally approved managed cat
41 colony, provided that any uneaten food is removed every night;

42 (5) the feeding of companion animals, provided that any uneaten
43 food is removed every night; and

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 (6) any action by federal, State, or local authorities that requires
2 feeding, baiting, or luring of wildlife for management or scientific
3 purpose .

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

9 (2) Any person who violates the provisions of subsection a. of
10 this section shall be liable to a civil penalty of up to \$1,000 for each
11 offense, to be collected in a civil action by a summary proceeding
12 under the "Penalty Enforcement Law of 1999," P.L.1999, c.274
13 (C.2A:58-10 et seq.) or in any case before a court of competent
14 jurisdiction wherein injunctive relief has been requested. Civil
15 penalties recovered for violations hereof shall be remitted **[**as
16 provided in R.S.23:10-19**]** , within 30 days, by the court or by the
17 clerk or court officer receiving the penalties to the municipality in
18 which the violation occurred . The Superior Court and municipal
19 court shall have jurisdiction to enforce the "Penalty Enforcement
20 Law of 1999."

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

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

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

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

35 e. **[**Nothing in this section shall be construed to restrict in any
36 way the attraction, capture, or taking of black bears by or at the
37 direction of the Division of Fish and Wildlife for management or
38 research purposes.**]** (Deleted by amendment, P.L. , c.) (pending
39 before the Legislature as this bill)
40 (cf: P.L.2002, c.97, s1)

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42 2. This act shall take effect immediately.

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STATEMENT

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47 This bill would amend the law concerning the feeding of black
48 bear. Under current law, the prohibition on the feeding of black

1 bear does not apply in the case of an unintentional feeding of a
2 black bear. "Unintentional feeding" is defined in the law as using
3 or placing any material for a purpose other than to attract or entice
4 black bears but which results in the attraction or enticement of a
5 black bear, and includes the use of bait for deer in accordance with
6 section 1 of P.L.1997, c.424 (C.23:4-24.4) and the State Fish and
7 Game Code.

8 This bill clarifies that the prohibition applies to any food and
9 includes the placement of food. The bill deletes the exemption for,
10 and the definition of, "unintentional feeding," and replaces it with a
11 specific list of activities or actions that are not considered to be the
12 feeding of black bear. The bill provides that the following activities
13 would not be subject to the prohibition in the bill: (1) any person
14 licensed pursuant to law to possess wildlife; (2) any crop,
15 agricultural product, or animal feed on the premises of any person
16 engaged in agricultural or horticultural activities; (3) a birdfeeder
17 maintained between the dates of April 1 and November 30,
18 provided that certain conditions are met; (4) the placement of food
19 at a shelter or pound licensed by the Department of Health or a
20 municipally approved managed cat colony, provided that any
21 uneaten food is removed every night; (5) the feeding of companion
22 animals, provided that any uneaten food is removed every night;
23 and (6) any action by federal, State, or local authorities that
24 requires feeding, baiting, or luring of wildlife for management or
25 scientific purpose.

26 The bill would also amend the current law concerning the use of
27 civil penalties recovered for violations. Under current law, any
28 penalties are to be paid to the Division of Fish and Wildlife. Under
29 this bill, any penalties collected would be remitted to the
30 municipality in which the violation occurred.