

SENATE, No. 870

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JANUARY 18, 2022

Sponsored by:
Senator JAMES W. HOLZAPFEL
District 10 (Ocean)

SYNOPSIS

Clarifies that fishing license is not required to fish at private community lake.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning fishing licensure requirements and amending
2 R.S.23:3-1.

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
22 licensee shall exhibit his license and tag for inspection to any
23 conservation police officer, deputy conservation police officer,
24 police officer, or other person 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 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
46 displayed pursuant to subsection b. of this section shall be liable to

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 a penalty of \$10 and costs, to be recovered pursuant to the
2 provisions of Title 23, chapter 10, of the Revised Statutes.

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

7 g. (1) Nothing in this section shall prevent a resident of a
8 private community in this State, or any authorized guest thereof,
9 from taking or attempting to take fish from a private community
10 lake in the resident's community with a hand line, rod and line, or
11 longbow and arrow, in the manner provided by law and during the
12 time when it is lawful to do so, without being licensed hereunder.

13 (2) As used in this subsection:

14 "Private community" or "community" means an association or
15 other organized group of homeowners or tenants residing within a
16 fixed or defined geographic area, which homeowners or tenants
17 have, through contract or deed, provided for and agreed to common
18 or shared ownership or other interests in real property, and which
19 common or shared real property remains closed to the general
20 public, except to bona fide guests of the homeowners and tenants
21 who share ownership or other interest therein. "Private community"
22 includes, but is not limited to, a retirement subdivision or retirement
23 community, as defined by section 2 of the "Retirement Community
24 Full Disclosure Act," P.L.1969, c.215 (C.45:22A-2), and a planned
25 real estate development, as defined by section 3 of "The Planned
26 Real Estate Development Full Disclosure Act," P.L.1977, c.419
27 (C.45:22A-23).

28 "Private community lake" means a manmade, self-contained
29 body of water that is located on land owned by a private
30 community, and which body of water is under the exclusive control
31 of community members or residents, and is stocked and maintained
32 at their sole expense.

33 (cf: P.L.2019, c.407, s.9)

34
35 2. This act shall take effect immediately.

36 37 38 STATEMENT

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40 This bill would specify that a fishing license is not required in
41 order for a resident of a private community, or the authorized guests
42 thereof, to take fish from a private community lake in the resident's
43 community. "Private community lake" is defined by the bill to
44 mean: "a manmade, self-contained body of water that is located on
45 land owned by a private community, and which body of water is
46 under the exclusive control of community members or residents,
47 and is stocked and maintained at their sole expense."

1 Although current statutory law provides that a person must
2 obtain a fishing license in order to engage in fishing activities on
3 the “waters of this State,” it also specifies that “[a]ll ponds, lakes
4 and waters created by or under the exclusive control of any
5 individuals or associations, stocked and maintained at their sole
6 expense and not runways for migratory fish shall be considered
7 *private* waters” (emphasis added), rather than “waters of this
8 [S]tate.” Apparently, however, the Division of Fish and Wildlife
9 (DFW) does not interpret the current law in this regard as providing
10 an exemption from the State’s fishing licensure requirements for
11 persons who are engaged in authorized fishing activities at a private
12 community lake, as defined above. As a result, and in order to
13 prevent the future issuance by DFW of citations to such persons for
14 unlicensed fishing, this bill would add a provision to the State’s
15 fishing licensure law in order to clearly specify that a fishing
16 license is not required for these authorized persons to fish at a
17 private community lake.