

(CORRECTED COPY)

P.L. 2019, CHAPTER 407, *approved January 21, 2020*

Senate No. 2511

1 **AN ACT** concerning conservation officers in the Department of
2 Environmental Protection and amending various parts of the
3 statutory law.

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

7
8 1. (New section) The Legislature finds and declares that:

9 a. Currently, law enforcement officers of the Division of Fish
10 and Wildlife in the Department of Environmental Protection have
11 the title of “conservation officer”;

12 b. Conservation officers are trained law enforcement officers
13 whose duties and responsibilities have increased beyond the
14 traditional game warden or fish warden role;

15 c. These officers with Statewide authority to enforce the laws
16 of the State, as graduate biologists, receive the same intense
17 training as police officers in the State, and because they usually
18 work alone in remote areas of the State, including inland lakes,
19 boundary rivers, marine waters, bays, inlets, and offshore waters,
20 face the same dangers as other armed and uniformed police officers;

21 d. Grant programs for law enforcement agencies do not
22 recognize the title of conservation offices, hindering the ability of
23 conservation officers to qualify for grant programs for law
24 enforcement agencies; and

25 e. To recognize this, and to enable these officers to qualify for
26 grant programs for law enforcement agencies, it is therefore
27 appropriate to change the title of conservation officer to
28 conservation police officer throughout the statutes.

29

30 2. N.J.S.2C:39-6 is amended to read as follows:

31 2C:39-6. a. Provided a person complies with the requirements
32 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

33 (1) Members of the Armed Forces of the United States or of the
34 National Guard while actually on duty, or while traveling between
35 places of duty and carrying authorized weapons in the manner
36 prescribed by the appropriate military authorities;

37 (2) Federal law enforcement officers, and any other federal
38 officers and employees required to carry firearms in the
39 performance of their official duties;

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 (3) Members of the State Police and, under conditions
2 prescribed by the superintendent, members of the Marine Law
3 Enforcement Bureau of the Division of State Police;

4 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
5 assistant prosecutor, prosecutor's detective or investigator, deputy
6 attorney general or State investigator employed by the Division of
7 Criminal Justice of the Department of Law and Public Safety,
8 investigator employed by the State Commission of Investigation,
9 inspector of the Alcoholic Beverage Control Enforcement Bureau of
10 the Division of State Police in the Department of Law and Public
11 Safety authorized to carry weapons by the Superintendent of State
12 Police, State park police officer, or State conservation police
13 officer;

14 (5) Except as hereinafter provided, a State correctional police
15 officer, or a prison or jail warden of any penal institution in this
16 State or his deputies, or an employee of the Department of
17 Corrections engaged in the interstate transportation of convicted
18 offenders, while in the performance of his duties, and when
19 required to possess the weapon by his superior officer, or a
20 corrections officer or keeper of a penal institution in this State at all
21 times while in the State of New Jersey, provided he annually passes
22 an examination approved by the superintendent testing his
23 proficiency in the handling of firearms;

24 (6) A civilian employee of the United States Government under
25 the supervision of the commanding officer of any post, camp,
26 station, base or other military or naval installation located in this
27 State who is required, in the performance of his official duties, to
28 carry firearms, and who is authorized to carry firearms by the
29 commanding officer, while in the actual performance of his official
30 duties;

31 (7) (a) A regularly employed member, including a detective, of
32 the police department of any county or municipality, or of any
33 State, interstate, municipal or county park police force or boulevard
34 police force, at all times while in the State of New Jersey;

35 (b) A special law enforcement officer authorized to carry a
36 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
37 (C.40A:14-146.14);

38 (c) An airport security officer or a special law enforcement
39 officer appointed by the governing body of any county or
40 municipality, except as provided in **subsection** subparagraph (b)
41 of this **section** paragraph , or by the commission, board or other
42 body having control of a county park or airport or boulevard police
43 force, while engaged in the actual performance of his official duties
44 and when specifically authorized by the governing body to carry
45 weapons;

46 (8) A full-time, paid member of a paid or part-paid fire
47 department or force of any municipality who is assigned full-time
48 or part-time to an arson investigation unit created pursuant to

1 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
2 investigation unit in the county prosecutor's office, while either
3 engaged in the actual performance of arson investigation duties or
4 while actually on call to perform arson investigation duties and
5 when specifically authorized by the governing body or the county
6 prosecutor, as the case may be, to carry weapons. Prior to being
7 permitted to carry a firearm, a member shall take and successfully
8 complete a firearms training course administered by the Police
9 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et
10 seq.), and shall annually qualify in the use of a revolver or similar
11 weapon prior to being permitted to carry a firearm;

12 (9) A juvenile corrections officer in the employment of the
13 Juvenile Justice Commission established pursuant to section 2 of
14 P.L.1995, c.284 (C.52:17B-170) subject to the regulations
15 promulgated by the commission;

16 (10) A designated employee or designated licensed agent for a
17 nuclear power plant under license of the Nuclear Regulatory
18 Commission, while in the actual performance of his official duties,
19 if the federal licensee certifies that the designated employee or
20 designated licensed agent is assigned to perform site protection,
21 guard, armed response or armed escort duties and is appropriately
22 trained and qualified, as prescribed by federal regulation, to
23 perform those duties. Any firearm utilized by an employee or agent
24 for a nuclear power plant pursuant to this paragraph shall be
25 returned each day at the end of the employee's or agent's authorized
26 official duties to the employee's or agent's supervisor. All firearms
27 returned each day pursuant to this paragraph shall be stored in
28 locked containers located in a secure area;

29 (11) A county corrections officer at all times while in the State of
30 New Jersey, provided he annually passes an examination approved
31 by the superintendent testing his proficiency in the handling of
32 firearms.

33 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

34 (1) A law enforcement officer employed by a governmental
35 agency outside of the State of New Jersey while actually engaged in
36 his official duties, provided, however, that he has first notified the
37 superintendent or the chief law enforcement officer of the
38 municipality or the prosecutor of the county in which he is engaged;
39 or

40 (2) A licensed dealer in firearms and his registered employees
41 during the course of their normal business while traveling to and
42 from their place of business and other places for the purpose of
43 demonstration, exhibition or delivery in connection with a sale,
44 provided, however, that the weapon is carried in the manner
45 specified in subsection g. of this section.

46 c. Provided a person complies with the requirements of
47 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5
48 do not apply to:

- 1 (1) A special agent of the Division of Taxation who has passed
2 an examination in an approved police training program testing
3 proficiency in the handling of any firearm which he may be
4 required to carry, while in the actual performance of his official
5 duties and while going to or from his place of duty, or any other
6 police officer, while in the actual performance of his official duties;
- 7 (2) A State deputy conservation police officer or a full-time
8 employee of the Division of Parks and Forestry having the power of
9 arrest and authorized to carry weapons, while in the actual
10 performance of his official duties;
- 11 (3) (Deleted by amendment, P.L.1986, c.150.)
- 12 (4) A court attendant appointed by the sheriff of the county or
13 by the judge of any municipal court or other court of this State,
14 while in the actual performance of his official duties;
- 15 (5) A guard employed by any railway express company, banking
16 or building and loan or savings and loan institution of this State,
17 while in the actual performance of his official duties;
- 18 (6) A member of a legally recognized military organization
19 while actually under orders or while going to or from the prescribed
20 place of meeting and carrying the weapons prescribed for drill,
21 exercise or parade;
- 22 (7) A municipal humane law enforcement officer, authorized
23 pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-
24 14.1), or humane law enforcement officer of a county society for
25 the prevention of cruelty to animals authorized pursuant to
26 subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while
27 in the actual performance of the officer's duties;
- 28 (8) An employee of a public utilities corporation actually
29 engaged in the transportation of explosives;
- 30 (9) A railway policeman, except a transit police officer of the
31 New Jersey Transit Police Department, at all times while in the
32 State of New Jersey, provided that he has passed an approved police
33 academy training program consisting of at least 280 hours. The
34 training program shall include, but need not be limited to, the
35 handling of firearms, community relations, and juvenile relations;
- 36 (10) A campus police officer appointed under P.L.1970, c.211
37 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
38 a firearm, a campus police officer shall take and successfully
39 complete a firearms training course administered by the Police
40 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
41 seq.), and shall annually qualify in the use of a revolver or similar
42 weapon prior to being permitted to carry a firearm;
- 43 (11) (Deleted by amendment, P.L.2003, c.168).
- 44 (12) A transit police officer of the New Jersey Transit Police
45 Department, at all times while in the State of New Jersey, provided
46 the officer has satisfied the training requirements of the Police
47 Training Commission, pursuant to subsection c. of section 2 of
48 P.L.1989, c.291 (C.27:25-15.1);

1 (13) A parole officer employed by the State Parole Board at all
2 times. Prior to being permitted to carry a firearm, a parole officer
3 shall take and successfully complete a basic course for regular
4 police officer training administered by the Police Training
5 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
6 shall annually qualify in the use of a revolver or similar weapon
7 prior to being permitted to carry a firearm;

8 (14) A Human Services police officer at all times while in the
9 State of New Jersey, as authorized by the Commissioner of Human
10 Services;

11 (15) A person or employee of any person who, pursuant to and as
12 required by a contract with a governmental entity, supervises or
13 transports persons charged with or convicted of an offense;

14 (16) A housing authority police officer appointed under
15 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
16 State of New Jersey; or

17 (17) A probation officer assigned to the "Probation Officer
18 Community Safety Unit" created by section 2 of P.L.2001, c.362
19 (C.2B:10A-2) while in the actual performance of the probation
20 officer's official duties. Prior to being permitted to carry a firearm,
21 a probation officer shall take and successfully complete a basic
22 course for regular police officer training administered by the Police
23 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
24 seq.), and shall annually qualify in the use of a revolver or similar
25 weapon prior to being permitted to carry a firearm.

26 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
27 antique firearms, provided that the antique firearms are unloaded or
28 are being fired for the purposes of exhibition or demonstration at an
29 authorized target range or in another manner approved in writing by
30 the chief law enforcement officer of the municipality in which the
31 exhibition or demonstration is held, or if not held on property under
32 the control of a particular municipality, the superintendent.

33 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
34 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
35 being fired but that is unloaded and immobile, provided that the
36 antique cannon is possessed by (a) a scholastic institution, a
37 museum, a municipality, a county or the State, or (b) a person who
38 obtained a firearms purchaser identification card as specified in
39 N.J.S.2C:58-3.

40 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
41 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
42 being transported by one eligible to possess it, in compliance with
43 regulations the superintendent may promulgate, between its
44 permanent location and place of purchase or repair.

45 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
46 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
47 or fired by one eligible to possess an antique cannon, for purposes
48 of exhibition or demonstration at an authorized target range or in

1 the manner as has been approved in writing by the chief law
2 enforcement officer of the municipality in which the exhibition or
3 demonstration is held, or if not held on property under the control
4 of a particular municipality, the superintendent, provided that
5 performer has given at least 30 days' notice to the superintendent.

6 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
7 N.J.S.2C:39-5 do not apply to the transportation of unloaded
8 antique cannons directly to or from exhibitions or demonstrations
9 authorized under paragraph (4) of subsection d. of this section,
10 provided that the transportation is in compliance with safety
11 regulations the superintendent may promulgate. Those subsections
12 shall not apply to transportation directly to or from exhibitions or
13 demonstrations authorized under the law of another jurisdiction,
14 provided that the superintendent has been given 30 days' notice and
15 that the transportation is in compliance with safety regulations the
16 superintendent may promulgate.

17 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
18 be construed to prevent a person keeping or carrying about his place
19 of business, residence, premises or other land owned or possessed
20 by him, any firearm, or from carrying the same, in the manner
21 specified in subsection g. of this section, from any place of
22 purchase to his residence or place of business, between his dwelling
23 and his place of business, between one place of business or
24 residence and another when moving, or between his dwelling or
25 place of business and place where the firearms are repaired, for the
26 purpose of repair. For the purposes of this section, a place of
27 business shall be deemed to be a fixed location.

28 f. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
29 be construed to prevent:

30 (1) A member of any rifle or pistol club organized in accordance
31 with the rules prescribed by the National Board for the Promotion
32 of Rifle Practice, in going to or from a place of target practice,
33 carrying firearms necessary for target practice, provided that the
34 club has filed a copy of its charter with the superintendent and
35 annually submits a list of its members to the superintendent and
36 provided further that the firearms are carried in the manner
37 specified in subsection g. of this section;

38 (2) A person carrying a firearm or knife in the woods or fields
39 or upon the waters of this State for the purpose of hunting, target
40 practice or fishing, provided that the firearm or knife is legal and
41 appropriate for hunting or fishing purposes in this State and he has
42 in his possession a valid hunting license, or, with respect to fresh
43 water fishing, a valid fishing license;

44 (3) A person transporting any firearm or knife while traveling:

45 (a) Directly to or from any place for the purpose of hunting or
46 fishing, provided the person has in his possession a valid hunting or
47 fishing license; or

1 (b) Directly to or from any target range, or other authorized
2 place for the purpose of practice, match, target, trap or skeet
3 shooting exhibitions, provided in all cases that during the course of
4 the travel all firearms are carried in the manner specified in
5 subsection g. of this section and the person has complied with all
6 the provisions and requirements of Title 23 of the Revised Statutes
7 and any amendments thereto and all rules and regulations
8 promulgated thereunder; or

9 (c) In the case of a firearm, directly to or from any exhibition or
10 display of firearms which is sponsored by any law enforcement
11 agency, any rifle or pistol club, or any firearms collectors club, for
12 the purpose of displaying the firearms to the public or to the
13 members of the organization or club, provided, however, that not
14 less than 30 days prior to the exhibition or display, notice of the
15 exhibition or display shall be given to the Superintendent of the
16 State Police by the sponsoring organization or club, and the sponsor
17 has complied with any reasonable safety regulations the
18 superintendent may promulgate. Any firearms transported pursuant
19 to this section shall be transported in the manner specified in
20 subsection g. of this section;

21 (4) A person from keeping or carrying about a private or
22 commercial aircraft or any boat, or from transporting to or from the
23 aircraft or boat for the purpose of installation or repair of a visual
24 distress signaling device approved by the United States Coast
25 Guard.

26 g. Any weapon being transported under paragraph (2) of
27 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
28 of this section shall be carried unloaded and contained in a closed
29 and fastened case, gunbox, securely tied package, or locked in the
30 trunk of the automobile in which it is being transported, and in the
31 course of travel shall include only deviations as are reasonably
32 necessary under the circumstances.

33 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
34 to prevent any employee of a public utility, as defined in R.S.48:2-
35 13, doing business in this State or any United States Postal Service
36 employee, while in the actual performance of duties which
37 specifically require regular and frequent visits to private premises,
38 from possessing, carrying or using any device which projects,
39 releases or emits any substance specified as being noninjurious to
40 canines or other animals by the Commissioner of Health and which
41 immobilizes only on a temporary basis and produces only
42 temporary physical discomfort through being vaporized or
43 otherwise dispensed in the air for the sole purpose of repelling
44 canine or other animal attacks.

45 The device shall be used solely to repel only those canine or
46 other animal attacks when the canines or other animals are not
47 restrained in a fashion sufficient to allow the employee to properly
48 perform his duties.

1 Any device used pursuant to this act shall be selected from a list
2 of products, which consist of active and inert ingredients, permitted
3 by the Commissioner of Health.

4 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent
5 any person who is 18 years of age or older and who has not been
6 convicted of a crime, from possession for the purpose of personal
7 self-defense of one pocket-sized device which contains and releases
8 not more than three-quarters of an ounce of chemical substance not
9 ordinarily capable of lethal use or of inflicting serious bodily injury,
10 but rather, is intended to produce temporary physical discomfort or
11 disability through being vaporized or otherwise dispensed in the air.
12 Any person in possession of any device in violation of this
13 subsection shall be deemed and adjudged to be a disorderly person,
14 and upon conviction thereof, shall be punished by a fine of not less
15 than \$100.

16 (2) Notwithstanding the provisions of paragraph (1) of this
17 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
18 health inspector or investigator operating pursuant to the provisions
19 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
20 inspector from possessing a device which is capable of releasing
21 more than three-quarters of an ounce of a chemical substance, as
22 described in paragraph (1) of this subsection , while in the actual
23 performance of the inspector's or investigator's duties, provided that
24 the device does not exceed the size of those used by law
25 enforcement.

26 j. A person shall qualify for an exemption from the provisions
27 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
28 section, if the person has satisfactorily completed a firearms
29 training course approved by the Police Training Commission.

30 The exempt person shall not possess or carry a firearm until the
31 person has satisfactorily completed a firearms training course and
32 shall annually qualify in the use of a revolver or similar weapon.
33 For purposes of this subsection, a "firearms training course" means
34 a course of instruction in the safe use, maintenance and storage of
35 firearms which is approved by the Police Training Commission.
36 The commission shall approve a firearms training course if the
37 requirements of the course are substantially equivalent to the
38 requirements for firearms training provided by police training
39 courses which are certified under section 6 of P.L.1961, c.56
40 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3),
41 or (6) of subsection a. of this section shall be exempt from the
42 requirements of this subsection.

43 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
44 to prevent any financial institution, or any duly authorized
45 personnel of the institution, from possessing, carrying or using for
46 the protection of money or property, any device which projects,
47 releases or emits tear gas or other substances intended to produce
48 temporary physical discomfort or temporary identification.

1 1. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
2 to prevent a law enforcement officer who retired in good standing,
3 including a retirement because of a disability pursuant to section 6
4 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
5 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
6 substantially similar statute governing the disability retirement of
7 federal law enforcement officers, provided the officer was a
8 regularly employed, full-time law enforcement officer for an
9 aggregate of four or more years prior to his disability retirement and
10 further provided that the disability which constituted the basis for
11 the officer's retirement did not involve a certification that the officer
12 was mentally incapacitated for the performance of his usual law
13 enforcement duties and any other available duty in the department
14 which his employer was willing to assign to him or does not subject
15 that retired officer to any of the disabilities set forth in subsection c.
16 of N.J.S.2C:58-3 which would disqualify the retired officer from
17 possessing or carrying a firearm, who semi-annually qualifies in the
18 use of the handgun he is permitted to carry in accordance with the
19 requirements and procedures established by the Attorney General
20 pursuant to subsection j. of this section and pays the actual costs
21 associated with those semi-annual qualifications, who is 75 years of
22 age or younger, and who was regularly employed as a full-time
23 member of the State Police; a full-time member of an interstate
24 police force; a full-time member of a county or municipal police
25 department in this State; a full-time member of a State law
26 enforcement agency; a full-time sheriff, undersheriff or sheriff's
27 officer of a county of this State; a full-time State or county
28 corrections officer; a full-time State correctional police officer or
29 county corrections officer; a full-time State or county park police
30 officer; a full-time special agent of the Division of Taxation; a full-
31 time Human Services police officer; a full-time transit police officer
32 of the New Jersey Transit Police Department; a full-time campus
33 police officer exempted pursuant to paragraph (10) of subsection c.
34 of this section; a full-time State conservation police officer
35 exempted pursuant to paragraph (4) of subsection a. of this section;
36 a full-time Palisades Interstate Park officer appointed pursuant to
37 R.S.32:14-21; a full-time Burlington County Bridge police officer
38 appointed pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a
39 full-time housing authority police officer exempted pursuant to
40 paragraph (16) of subsection c. of this section; a full-time juvenile
41 corrections officer exempted pursuant to paragraph (9) of
42 subsection a. of this section; a full-time parole officer exempted
43 pursuant to paragraph (13) of subsection c. of this section; a full-
44 time railway policeman exempted pursuant to paragraph (9) of
45 subsection c. of this section; a full-time county prosecutor's
46 detective or investigator; a full-time federal law enforcement
47 officer; or is a qualified retired law enforcement officer, as used in
48 the federal "Law Enforcement Officers Safety Act of 2004," Pub.L.

1 108-277, domiciled in this State from carrying a handgun in the
2 same manner as law enforcement officers exempted under
3 paragraph (7) of subsection a. of this section under the conditions
4 provided herein:

5 (1) The retired law enforcement officer shall make application
6 in writing to the Superintendent of State Police for approval to carry
7 a handgun for one year. An application for annual renewal shall be
8 submitted in the same manner.

9 (2) Upon receipt of the written application of the retired law
10 enforcement officer, the superintendent shall request a verification
11 of service from the chief law enforcement officer of the
12 organization in which the retired officer was last regularly
13 employed as a full-time law enforcement officer prior to retiring.
14 The verification of service shall include:

15 (a) The name and address of the retired officer;

16 (b) The date that the retired officer was hired and the date that
17 the officer retired;

18 (c) A list of all handguns known to be registered to that officer;

19 (d) A statement that, to the reasonable knowledge of the chief
20 law enforcement officer, the retired officer is not subject to any of
21 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

22 (e) A statement that the officer retired in good standing.

23 (3) If the superintendent approves a retired officer's application
24 or reapplication to carry a handgun pursuant to the provisions of
25 this subsection, the superintendent shall notify in writing the chief
26 law enforcement officer of the municipality wherein that retired
27 officer resides. In the event the retired officer resides in a
28 municipality which has no chief law enforcement officer or law
29 enforcement agency, the superintendent shall maintain a record of
30 the approval.

31 (4) The superintendent shall issue to an approved retired officer
32 an identification card permitting the retired officer to carry a
33 handgun pursuant to this subsection. This identification card shall
34 be valid for one year from the date of issuance and shall be valid
35 throughout the State. The identification card shall not be
36 transferable to any other person. The identification card shall be
37 carried at all times on the person of the retired officer while the
38 retired officer is carrying a handgun. The retired officer shall
39 produce the identification card for review on the demand of any law
40 enforcement officer or authority.

41 (5) Any person aggrieved by the denial of the superintendent of
42 approval for a permit to carry a handgun pursuant to this subsection
43 may request a hearing in the Superior Court of New Jersey in the
44 county in which he resides by filing a written request for a hearing
45 within 30 days of the denial. Copies of the request shall be served
46 upon the superintendent and the county prosecutor. The hearing
47 shall be held within 30 days of the filing of the request, and no
48 formal pleading or filing fee shall be required. Appeals from the

1 determination of the hearing shall be in accordance with law and the
2 rules governing the courts of this State.

3 (6) A judge of the Superior Court may revoke a retired officer's
4 privilege to carry a handgun pursuant to this subsection for good
5 cause shown on the application of any interested person. A person
6 who becomes subject to any of the disabilities set forth in
7 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
8 superintendent, his identification card issued under paragraph (4) of
9 this subsection to the chief law enforcement officer of the
10 municipality wherein he resides or the superintendent, and shall be
11 permanently disqualified to carry a handgun under this subsection.

12 (7) The superintendent may charge a reasonable application fee
13 to retired officers to offset any costs associated with administering
14 the application process set forth in this subsection.

15 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
16 to prevent duly authorized personnel of the New Jersey Division of
17 Fish and Wildlife, while in the actual performance of duties, from
18 possessing, transporting or using any device that projects, releases
19 or emits any substance specified as being non-injurious to wildlife
20 by the Director of the Division of Animal Health in the Department
21 of Agriculture, and which may immobilize wildlife and produces
22 only temporary physical discomfort through being vaporized or
23 otherwise dispensed in the air for the purpose of repelling bear or
24 other animal attacks or for the aversive conditioning of wildlife.

25 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
26 be construed to prevent duly authorized personnel of the New
27 Jersey Division of Fish and Wildlife, while in the actual
28 performance of duties, from possessing, transporting or using hand
29 held pistol-like devices, rifles or shotguns that launch pyrotechnic
30 missiles for the sole purpose of frightening, hazing or aversive
31 conditioning of nuisance or depredating wildlife; from possessing,
32 transporting or using rifles, pistols or similar devices for the sole
33 purpose of chemically immobilizing wild or non-domestic animals;
34 or, provided the duly authorized person complies with the
35 requirements of subsection j. of this section, from possessing,
36 transporting or using rifles or shotguns, upon completion of a Police
37 Training Commission approved training course, in order to dispatch
38 injured or dangerous animals or for non-lethal use for the purpose
39 of frightening, hazing or aversive conditioning of nuisance or
40 depredating wildlife.

41 (cf: P.L.2017, c.331, s.4)

42
43 3. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to
44 read as follows:

45 14. a. No person under the age of 18 years shall purchase, barter
46 or otherwise acquire a firearm and no person under the age of 21
47 years shall purchase, barter or otherwise acquire a handgun, unless
48 the person is authorized to possess the handgun in connection with

1 the performance of official duties under the provisions of
2 N.J.S.2C:39-6.

3 b. No person under the age of 18 years shall possess, carry, fire
4 or use a firearm except as provided under paragraphs (1), (2), (3)
5 and (4) of this subsection; and, unless authorized in connection with
6 the performance of official duties under the provisions of
7 N.J.S.2C:39-6, no person under the age of 21 years shall possess,
8 carry, fire or use a handgun except under the following
9 circumstances:

10 (1) In the actual presence or under the direct supervision of his
11 father, mother or guardian, or some other person who holds a permit
12 to carry a handgun or a firearms purchaser identification card, as the
13 case may be; or

14 (2) For the purpose of military drill under the auspices of a
15 legally recognized military organization and under competent
16 supervision; or

17 (3) For the purpose of competition, target practice, instruction,
18 and training in and upon a firing range approved by the governing
19 body of the municipality in which the range is located or the
20 National Rifle Association and which is under competent
21 supervision at the time of such supervision or target practice or
22 instruction and training at any location; or

23 (4) For the purpose of hunting during the regularly designated
24 hunting season, provided that he possesses a valid hunting license
25 and has successfully completed a hunter's safety course taught by a
26 qualified instructor or conservation police officer and possesses a
27 certificate indicating the successful completion of such a course.

28 c. A person who violates this section shall be guilty of a crime
29 of the fourth degree. For purposes of this section the fact that the
30 act would not constitute a crime if committed by an adult shall not
31 be deemed to prohibit or require waiver of family court jurisdiction
32 pursuant to N.J.S.2C:4-11 or to preclude a finding of delinquency
33 under the "New Jersey Code of Juvenile Justice," P.L.1982, c.77
34 (C.2A:4A-20 et seq.), P.L.1982, c.79 (C.2A:4A-60 et seq.),
35 P.L.1982, c.80 (C.2A:4A-76 et seq.) and P.L.1982, c.81 (C.2A:4A-
36 70 et seq.).
37 (cf: P.L.2013, c.108, s.2)

38
39 4. Section 1 of P.L.1977, c.167 (C.13:1A-6.1) is amended to
40 read as follows:

41 1. The Commissioner of **【the Department of】** Environmental
42 Protection shall have the power to vest in the conservation police
43 officers of the Division of Fish and Wildlife and the park police
44 officers and law enforcement operation officers of the Division of
45 Parks and Forestry at all times the power to arrest without warrant
46 any person violating any law of this State committed in their
47 presence and bring the offender before any court having jurisdiction
48 to receive the complaint of such violation. The Department of

1 Environmental Protection, with the approval of the Attorney
2 General, shall establish and maintain a suitable law enforcement
3 training program for such personnel.
4 (cf: P.L.2005, c.216, s.3)

5
6 5. R.S.23:1-1 is amended to read as follows:

7 R.S.23:1-1. As used in this title:

8 "Apprentice license" means any resident's apprentice firearm
9 hunting license, resident's apprentice bow and arrow license,
10 nonresident's apprentice firearm hunting license, or nonresident's
11 apprentice bow and arrow license issued pursuant to R.S.23:3-4.

12 "Assistant protector" or "assistant fish and game protector"
13 means the Deputy Chief of the Bureau of Law Enforcement in the
14 division;

15 "Closed season" means the date and time of year when wildlife
16 may not be captured, taken, killed, or had in possession in the field;

17 "Code" means the State Fish and Game Code;

18 "Conservation police officer" means any sworn, salaried member
19 of the Bureau of Law Enforcement in the division holding the titles
20 of Conservation Police Officer I, II, or III, and includes the titles of
21 Supervising Conservation Police Officer and Chief of the Bureau of
22 Law Enforcement;

23 "Council" means the Fish and Game Council in the Division of
24 Fish and Wildlife in the Department of Environmental Protection;

25 "Delaware river" means the waters of the Delaware river from
26 the Pennsylvania shore to the New Jersey shore, or in the case of
27 any tributaries or inland bays on the New Jersey side, to the mouths
28 of those tributaries or bays;

29 "Deputy warden" or "deputy fish and game warden" means any
30 commissioned deputy conservation police officer of the Bureau of
31 Law Enforcement in the division;

32 "Division," "Division of Fish, Game and Wildlife," "board," or
33 "Board of Fish and Game Commissioners" means the Division of
34 Fish and Wildlife in the Department of Environmental Protection;

35 "Fishing" means the possession of an instrument used to take fish
36 in a condition that makes the instrument readily usable, while in a
37 place or in proximity thereto where fish may be found;

38 "Hunting" means the possession of an instrument used to take
39 wildlife in a condition that makes the instrument readily usable,
40 while in a place or in proximity thereto where wildlife may be
41 found;

42 "Open season" means the date and time of year when wildlife
43 may be captured, taken, killed, or had in possession;

44 "Protector" or "fish and game protector" means the Chief of the
45 Bureau of Law Enforcement in the division;

46 "Warden" or "fish and game warden" means a conservation
47 police officer;

1 "Wildlife" means any wild mammal, bird, reptile, amphibian,
2 fish, mollusk, crustacean, or other wild animal or any part, product,
3 egg, or offspring or the dead body or parts thereof.
4 (cf: P.L.2015, c.83, s.1)

5
6 6. R.S.23:2-11 is amended to read as follows:
7 23:2-11. The deputy conservation police officers shall have the
8 power and authority of conservation police officers to enforce Title
9 23 and the Fish and Game Code, and shall be subject to the
10 regulations provided by law for the enforcement of the Title and
11 Code, but shall receive no salary or other compensation from the
12 State for the performance of duties of law enforcement.
13 (cf: P.L.1977, c.167, s.2)

14
15 7. Section 73 of P.L.1979, c.199 (C.23:2B-14) is amended to
16 read as follows:

17 73. For purposes of this section, the "act" means and includes all
18 the new sections and amended sections contained herein, all the
19 remaining sections of Title 50 of the Revised Statutes, sections
20 23:3-41, 23:3-46, 23:3-47, 23:3-48, 23:3-51, 23:3-52, 23:5-9, 23:5-
21 16, 23:9-114, 23:9-115 and 23:9-120 of Title 23 of the Revised
22 Statutes, sections 1, 2, and 3 of P.L.1941, c.211 (C.23:5-24.1 to
23 23:5-24.3), sections 4 through 17 of P.L.2013, c.74 (C.23:3-51.2
24 through C.23:3-51.15), and section 12 of P.L.2014, c.57 (C.23:3-
25 51.16).

26 The commissioner may utilize any or all of the following
27 remedies for any violation of this act:

28 a. (1) A person who violates the provisions of this act or of any
29 rule, regulation, license or permit adopted or issued pursuant to this
30 act shall be liable to a penalty of not less than \$300 or more than
31 \$3,000 for the first offense and not less than \$500 or more than
32 \$5,000 for any subsequent offense, unless the commissioner has
33 established an alternate penalty for a specific offense pursuant to
34 paragraph (2) of this subsection.

35 (2) The Commissioner of Environmental Protection, with the
36 approval of the Marine Fisheries Council, may, by regulation,
37 establish a penalty schedule for any specific violation of this act or
38 of any rule or regulation adopted pursuant to this act. No such
39 penalty may be less than \$30 or more than \$100 for the first offense
40 or less than \$50 or more than \$200 for any subsequent offense. Any
41 penalty provided for by this act or by the fee schedule adopted by
42 the commissioner shall be collected in a civil action by a summary
43 proceeding pursuant to the "Penalty Enforcement Law of 1999,"
44 P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court or any
45 municipal court shall have jurisdiction to enforce the "Penalty
46 Enforcement Law of 1999." If the violation is of a continuing
47 nature, each day during which it continues shall constitute an
48 additional, separate and distinct offense.

1 b. (1) A person who violates the provisions of this act or any
2 rule or regulation or any license or permit adopted or issued
3 pursuant to this act shall be liable to the revocation or suspension of
4 any license or permit held by the violator pursuant to this act for
5 such period of time as the court may choose, except when the rule
6 or regulation violated includes a mandatory revocation or
7 suspension schedule in which case that schedule shall determine the
8 period of time of the revocation or suspension.

9 (2) In the case of a person who knowingly violates the
10 provisions of R.S.50:2-11, R.S.50:3-13, R.S.50:4-2 , or R.S.50:4-3,
11 or any rule or regulation or any license or permit adopted or issued
12 pursuant thereto, the violator shall be subject to a mandatory
13 revocation or suspension of the license or permit or privilege for the
14 taking of oysters, clams or other shellfish held by the violator, or in
15 the case of a violator without the necessary license or permit the
16 loss of the privilege to take oysters, clams or other shellfish, for a
17 period of three years for a first offense, five years for a second
18 offense, and 10 years for the third and any subsequent offense. For
19 purposes of this paragraph, a knowing violator shall include, but
20 need not be limited to: (a) a person who is the holder of a
21 commercial shellfish license or permit; (b) a person who is the
22 holder of a recreational shellfish license or permit who is in
23 possession of more than the daily recreational shellfish limit; (c) a
24 person without any shellfish license or permit who is in possession
25 of more than the daily recreational shellfish limit; (d) a person who
26 is the holder of a recreational shellfish license or permit who is
27 engaging in shellfish activities with the holder of a commercial
28 shellfish license or permit; or (e) a person without the necessary
29 shellfish license or permit who is engaging in shellfish activities
30 with the holder of a commercial shellfish license or permit.

31 c. If a person violates any of the provisions of this act, or any
32 rule or regulation or any license or permit adopted or issued
33 pursuant to this act, the department may institute a civil action in a
34 court of competent jurisdiction for injunctive relief to prohibit and
35 prevent the violation or violations and the court may proceed in the
36 action in a summary manner.

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

41 d. In addition to the penalties prescribed by this section, a
42 person who violates the provisions of R.S.50:2-11, R.S.50:3-13,
43 R.S.50:4-2 , or R.S.50:4-3, or any rule or regulation or any license
44 or permit adopted or issued pursuant thereto, shall be subject to the
45 forfeiture of any vessel, vehicle, or equipment used in the
46 commission of the violation. A designated conservation police
47 officer of the Department of Environmental Protection, a member of
48 the State Police, or any other law enforcement officer may seize and

1 secure any vessel, vehicle, or equipment used in the commission of
2 such a violation. Upon the seizure of the vessel, vehicle, or
3 equipment, the conservation police officer, member of the State
4 Police, or other law enforcement officer shall immediately
5 thereafter institute a civil action to determine if the forfeiture is
6 warranted in the court in which the penalty action was filed
7 pursuant to this section, which court shall have jurisdiction to
8 adjudicate the forfeiture action. The owner or any person having a
9 security interest in the vessel, vehicle, or equipment may secure its
10 release by depositing with the clerk of the court in which the action
11 is pending a bond with good and sufficient sureties in an amount to
12 be fixed by the court, conditioned upon the return of the vessel,
13 vehicle, or equipment to the Department of Environmental
14 Protection upon demand after completion of the court proceeding.
15 The court may proceed in a summary manner and may direct the
16 confiscation of the vessel, vehicle, or equipment by the department
17 for its use or for disposal by sale or public auction. Moneys
18 collected by the department through the sale or public auction of the
19 vessel, vehicle, or equipment shall be used by the Division of Fish
20 and Wildlife for the enforcement of the provisions of this act.

21 (cf: P.L.2014, c.57, s.1)

22
23 8. Section 1 of P.L.2011, c.23 (C.23:2B-22) is amended to read
24 as follows:

25 1. a. The commissioner, in consultation with the Marine
26 Fisheries Council, shall establish and implement a registry program
27 for saltwater recreational anglers, which program shall provide for:

28 (1) the registration, including the name, date of birth, address,
29 telephone number, and other identification and contact information
30 determined to be necessary by the department pursuant to federal
31 requirements, of individuals who engage in recreational fishing:

32 (a) in the Exclusive Economic Zone;

33 (b) for anadromous species;

34 (c) for Continental Shelf fishery resources beyond the Exclusive
35 Economic Zone; or

36 (d) in the tidal waters of the State; and

37 (2) the registration, including the ownership, operator, and
38 identification of the vessel, or vessels used in such fishing.

39 b. (1) The registry program established pursuant to this section
40 shall be fully consistent with the registry program to be established
41 pursuant to section 201 of Title II of the "Magnuson-Stevens
42 Fishery Conservation and Management Reauthorization Act of
43 2006," Pub.L.109-479 (16 U.S.C. s.1881).

44 (2) Upon establishment of the registry program pursuant to this
45 section, the commissioner shall apply to the Secretary of the United
46 States Department of Commerce to obtain State exemption from
47 federal registry program requirements.

1 c. The department shall not charge a fee for the registration
2 required pursuant to this section.

3 d. A person who is under 16 years of age or a customer fishing
4 from a state-licensed or federally permitted for-hire vessel shall not
5 be required to register pursuant to this section.

6 e. Any person who is required to register pursuant to paragraph
7 (1) of subsection a. of this section, and who fails to register in
8 accordance with established registry program requirements, shall be
9 subject to a fine of \$25 for the first offense and \$50 for any
10 subsequent offense. An owner or operator of a state-licensed or
11 federally permitted for-hire vessel who is required to register
12 pursuant to paragraph (2) of subsection a. of this section and who
13 fails to register in accordance with the established registry program
14 requirements shall be subject to a fine of \$100 for the first offense
15 and \$200 for any subsequent offense. Any penalty imposed
16 pursuant to this subsection shall be collected in the manner
17 specified in paragraph (2) of subsection a. of section 73 of
18 P.L.1979, c.199 (C.23:2B-14). However, no other provisions of
19 section 73 of P.L.1979, c.199 (C.23:2B-14) shall be applicable in
20 the event that a person fails to comply with the requirements
21 established under this section.

22 f. In order to facilitate and promote increased awareness of, or
23 compliance with, registry program requirements, the department
24 shall: (1) post information about the registry program and its
25 requirements in a conspicuous place on the department's Internet
26 website; and (2) develop and disseminate informational materials,
27 including, but not limited to, pamphlets and posters, which identify
28 the program's requirements, any relevant compliance deadlines, the
29 available methods for attaining compliance, the penalties for non-
30 compliance, and any other relevant program details.

31 In disseminating the materials developed pursuant to this
32 subsection, the department shall provide informational pamphlets or
33 other appropriate materials to the State's conservation police
34 officers, for distribution to individuals engaged in recreational
35 fishing activities; and it shall provide informational posters, signs,
36 pamphlets, and other appropriate materials to the State's bait and
37 tackle shops, for display therein, and for distribution to bait and
38 tackle consumers.

39 g. Any non-resident of New Jersey who is engaged in
40 recreational fishing activities in this State shall be exempt from
41 compliance with the State's registry program requirements if the
42 person is registered under another state's registry program and the
43 state in which the person is registered provides reciprocal
44 exemption from its own registration requirements for persons who
45 are registered under this State's registry program.

46 (cf: P.L.2011, c.159, s.1)

47

48 9. R.S.23:3-1 is amended to read as follows:

1 23:3-1. a. A person shall not at any time hunt, take or attempt to
2 take, kill or pursue, with a gun or any firearm of any kind or
3 character, or with longbow and arrow, a wild bird, animal or fowl,
4 or take or attempt to take any skunk, mink, muskrat, or other fur-
5 bearing animal by means of a trap, or set a trap for any fur-bearing
6 animal, nor shall any person above the age of 16 years at any time
7 take or attempt to take fish in any of the fresh waters of this State
8 by the method commonly known as angling with a hand line or rod
9 and line, or with longbow and arrow, unless he has first procured a
10 proper license.

11 b. A person shall not engage in hunting, fishing ₂ or trapping
12 unless the appropriate license or tag as prescribed hereunder is
13 visibly displayed in a holder in a conspicuous place on the outer
14 clothing at the time of such hunting, fishing ₂ or trapping. A
15 licensee shall exhibit his license and tag for inspection to any
16 conservation police officer, deputy conservation police officer,
17 police officer ₂ or other person requesting to see it.

18 c. A person under 12 years of age shall not be issued a trapping
19 license.

20 d. A person who is on active duty with any branch or
21 department of the armed service of the United States shall be
22 entitled to hunt or fish upon obtaining the proper resident license
23 therefor.

24 e. Nothing in this section shall prevent the occupant of a farm
25 in this State, who actually resides thereon, or the immediate
26 members of his family who also reside thereon, from hunting for,
27 taking, killing ₂ or pursuing with a gun or firearm or a longbow and
28 arrow on the farm a wild bird, animal or fowl, from taking any
29 skunk, mink, muskrat, or other fur-bearing animal by means of a
30 trap or from setting a trap for a fur-bearing animal on the farm, or
31 from taking fish on the farm with hand line, rod and line, or
32 longbow and arrow in the manner provided by law during the time
33 when it is lawful so to do, without being licensed hereunder. The
34 exemption provided pursuant to this subsection shall not apply to a
35 person residing on the farm or in a tenant house thereon who is not
36 a member of the occupant's family, nor to a servant of the occupant.

37 f. (1) Any person found hunting, fishing ₂ or trapping without
38 the proper license or tag as may be required conspicuously
39 displayed pursuant to subsection b. of this section shall be liable to
40 a penalty of \$10 and costs, to be recovered pursuant to the
41 provisions of Title 23, chapter 10, of the Revised Statutes.

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

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

1 10. Section 1 of P.L.1975, c.117 (C.23:3-61.1) is amended to
2 read as follows:

3 1. No person above the age of 16 years shall at any time hunt
4 for, pursue, kill, take, or attempt to take with a firearm or bow and
5 arrow, or have in possession, any pheasant or quail while present in
6 such division wildlife management areas as may be designated in
7 the Fish and Game Code unless such person is the holder of a valid
8 youth hunting license issued pursuant to R.S.23:3-3 or has first
9 procured in addition to a hunting license a valid "special pheasant
10 and quail stamp."

11 This special pheasant and quail "stamp" shall be in the
12 possession of the hunter at all times while engaged in hunting
13 pheasant or quail in such division wildlife management areas as
14 may be designated in the Fish and Game Code and the hunter shall
15 exhibit the special stamp for inspection to any conservation police
16 officer, deputy conservation police officer, or police officer
17 requesting to see the stamp.

18 (cf: P.L.1999, c.282, s.20)

19

20 11. Section 2 of P.L.1983, c.504 (C.23:3-76) is amended to read
21 as follows:

22 2. a. No person over the age of 16 shall at any time hunt,
23 pursue, kill, take, possess, or attempt to take with a firearm, bow
24 and arrow, or any other method any ducks, geese, brant, or other
25 waterfowl without procuring a New Jersey Waterfowl Stamp, as
26 hereinafter provided, in addition to any other licenses or permits
27 required under Title 23 of the Revised Statutes.

28 b. The stamp issued pursuant to this act shall be designated the
29 New Jersey Waterfowl Stamp, shall be required to be in the
30 possession of any person engaged in hunting, pursuing, killing,
31 taking, possessing, or attempting to take with a firearm, bow and
32 arrow, or any other method any ducks, geese, brant, or other
33 waterfowl, and shall be exhibited upon the request of any
34 conservation police officer, deputy conservation police officer, or
35 other law enforcement official.

36 c. This section shall not apply to any person engaged in
37 hunting, pursuing, killing, taking, possessing, or attempting to take
38 captive-reared mallard ducks, properly marked in accordance with
39 federal regulations, on a commercial shooting preserve.

40 (cf: P.L.1992, c.210, s.1)

41

42 12. R.S.23:4-43 is amended to read as follows:

43 23:4-43. Except as provided by this section, no person shall have
44 in possession in this State any wild deer other than during the open
45 season for hunting deer as established in the State Fish and Game
46 Code and such deer in possession must have been killed in the
47 manner prescribed by the State Fish and Game Code for that
48 particular open season. A legally killed deer and parts of a legally

1 killed deer may be possessed until June 1 immediately following the
2 season in which it was killed, provided the deer was properly
3 registered and bears the possession tag affixed at the deer checking
4 station, and any parts that have been separated from legally killed
5 deer are clearly marked as prescribed in R.S. 23:4-47. A person
6 desiring to retain a legally killed deer or parts thereof after June 1
7 may do so by contacting the nearest conservation police officer,
8 who may authorize such retention in a manner prescribed by the
9 division. No person shall have in possession any deer of any
10 description, except as provided in the State Fish and Game Code or
11 as provided in this section.

12 Except as herein provided, the having in possession of any wild
13 deer or parts thereof during the time and periods prohibited in the
14 State Fish and Game Code, or the having in possession of any deer
15 of any description, except during such time and periods and of such
16 description as permitted by the State Fish and Game Code, shall be
17 prima facie evidence in all courts that such wild deer is in
18 possession unlawfully.

19 This article shall not apply to a deer killed on game preserves,
20 the owners or lessees of which are licensed by the division, or to
21 deer coming from another state, which is properly tagged, showing
22 where the same was killed, or to the disposal, by State or municipal
23 police officers, or by personnel authorized thereby, of deer found
24 dead on or along any public highway or on any private property,
25 upon request of the owner thereof, provided that any such disposal
26 is undertaken in conformance with procedures prescribed by the
27 division.

28 (cf: P.L.1979, c.304, s.1)

29

30 13. Section 2 of P.L.1993, c.11 (C.23:7A-2) is amended to read
31 as follows:

32 2. No person may, for the purpose of hindering or preventing
33 the lawful taking of wildlife:

34 a. block, obstruct, or impede, or attempt to block, obstruct, or
35 impede, a person lawfully taking wildlife;

36 b. erect a barrier with the intent to deny ingress to or egress
37 from areas where wildlife may be lawfully taken;

38 c. make, or attempt to make, unauthorized physical contact
39 with a person lawfully taking wildlife;

40 d. engage in, or attempt to engage in, theft, vandalism, or
41 destruction of personal or real property;

42 e. disturb or alter, or attempt to disturb or alter, the condition
43 or authorized placement of personal or real property intended for
44 use in the lawful taking of wildlife;

45 f. enter or remain upon public lands or waters, or upon private
46 lands or waters without permission of the owner thereof or an agent
47 of that landowner, where wildlife may be lawfully taken;

1 g. make or attempt to make loud noises or gestures, set out or
2 attempt to set out animal baits, scents, or lures or human scent, use
3 any other natural or artificial visual, aural, olfactory, or physical
4 stimuli, or engage in or attempt to engage in any other similar
5 action or activity, in order to disturb, alarm, drive, attract, or affect
6 the behavior of wildlife or disturb, alarm, disrupt, or annoy a person
7 lawfully taking wildlife;

8 h. interject himself into the line of fire of a person lawfully
9 taking wildlife; or

10 i. operate as defined in section 1 of P.L.2017, c.315 (C.2C:40-
11 27) an unmanned aircraft system as defined in section 1 of
12 P.L.2017, c.315 (C.2C:40-27).

13 Subsections a., b., e., f., g., and i. of this section shall not apply
14 to a law enforcement officer or conservation police officer
15 enforcing the laws of this State or any local ordinance, or a private
16 landowner or agent thereof on land or waters owned by that private
17 landowner.

18 (cf: P.L.2017, c.315, s.4)

19
20 14. R.S.23:10-20 is amended to read as follows:

21 23:10-20. A member of the Fish and Game Council and any
22 conservation police officer may, without warrant search and
23 examine any boat, conveyance, vehicle, fish box, fish basket, game
24 bag, game coat, or other receptacle for game and fish, when he has
25 reason to believe that a provision of this Title, or any law
26 supplementary thereto, or the State Fish and Game Code has been
27 violated, and shall seize and take possession of any firearms, bows
28 and arrows, shells or cartridges, fishing rods and reels, fishing lines,
29 knives, lights, slingshots, traps, spears, spear guns, or any other
30 article or equipment that has been illegally used or any bird, animal
31 or fish unlawfully caught, taken, killed, had in possession or under
32 control, shipped or about to be shipped. A court, upon receiving
33 proof of probable cause for believing in the concealment of a bird,
34 animal or fish so unlawfully caught, taken, killed, had in possession
35 or under control, shipped or about to be shipped, shall issue a search
36 warrant and cause a search to be made in any place, and to that end,
37 may, after demand and refusal, cause any building, inclosure, or
38 car to be entered, and any apartment, chest, box, locker, crate,
39 basket, or package to be broken open and its contents examined by
40 a member of the Fish and Game Council or any conservation police
41 officer. All firearms, bows and arrows, shells or cartridges, fishing
42 rods and reels, fishing lines, knives, lights, slingshots, traps, spears,
43 spear guns, or any other article or equipment that has been illegally
44 used and seized by a member of the council or any conservation
45 police officer shall be returned to the defendant when and if the
46 case has been dismissed, if he has been found not guilty, or if he has
47 been convicted and has paid the penalty and costs imposed, if any.

1 The member of the council or conservation police officer shall
2 not be liable for damages by reason of any such search or the
3 seizure of any nets or fishing, hunting or trapping apparatus in
4 accordance herewith.

5 (cf: P.L.1972, c.184, s.1)

6
7 15. Section 2 of P.L.2011, c.8 (C.32:20A-5.2) is amended to
8 read as follows:

9 2. a. Any person who operates a boat on Greenwood Lake
10 without a permit as required pursuant to subsection b. of section 1
11 of P.L.2009, c.310 (C.32:20A-5.1) shall be liable to a summons
12 from the New Jersey State Police, the New Jersey State Park Police,
13 a State conservation police officer, or a sworn New Jersey law
14 enforcement officer, and payment of up to a \$500 penalty per
15 violation, which may be assessed in municipal court.

16 b. For any penalty collected pursuant to this section, 50 percent
17 thereof shall be provided to the entity issuing the summons and 50
18 percent shall be deposited into the "Greenwood Lake Commission
19 Fund" established pursuant to section 1 of P.L.2009, c.310 to be
20 used only for the purposes of the fund established by law.

21 (cf: P.L.2011, c.8, s.2)

22
23 16. Section 2 of P.L.1977, c.85 (C.34:13A-15) is amended to
24 read as follows:

25 2. "Public fire department" means any department of a
26 municipality, county, fire district , or the State or any agency
27 thereof having employees engaged in firefighting provided that such
28 firefighting employees are included in a negotiating unit exclusively
29 comprised of firefighting employees.

30 "Public police department" means any police department or
31 organization of a municipality, county or park, or the State, or any
32 agency thereof having employees engaged in performing police
33 services including but not necessarily limited to units composed of
34 State troopers, police officers, detectives and investigators of
35 counties, county parks and park commissions, grades of sheriff's
36 officers and investigators; State motor vehicle officers, inspectors
37 and investigators of the Alcoholic Beverage Commission,
38 conservation police officers in **【Fish, Game and Shell Fisheries】** the
39 Division of Fish and Wildlife in the Department of Environmental
40 Protection , **【rangers in parks】** State park police officers , marine
41 patrolmen; correction officers, keepers, cottage officers, interstate
42 escort officers, juvenile officers in the Department of Corrections
43 and patrolmen of the Human Services and Corrections Departments;
44 patrolmen of Capitol police and patrolmen of the Palisades
45 Interstate Park Commission.

46 (cf: P.L.1977, c.85, s.2)

1 17. Section 3 of P.L.2017, c.93 (C.34:15-37.3) is amended to
2 read as follows:

3 3. Any State Human Services police officer, State conservation
4 police officer, State park police officer, Palisades Interstate Park
5 officer appointed pursuant to R.S.32:14-21, or full-time campus
6 police officer appointed by a county college or four-year public
7 institution of higher education pursuant to P.L.1970, c.211
8 (C.18A:6-4.2 et seq.) who, while in the course of performing the
9 officer's official duties, suffers serious bodily injury as the direct
10 result of an assault during the arrest or transportation of a suspect or
11 other person in the officer's custody shall continue to receive full
12 wages for up to six months or until the officer begins receiving
13 compensation for that injury under R.S.34:15-1 et seq., whichever
14 comes first.

15 Any senior, recruit, or assistant supervising medical security
16 officer working under the authority of the Department of Human
17 Services who, in the course of performing the officer's official
18 duties, suffers serious bodily injury as the direct result of an assault
19 by a patient or resident who requires medical security shall continue
20 to receive full wages for up to six months or until the officer begins
21 receiving compensation for that injury under R.S.34:15-1 et seq.,
22 whichever comes first.

23 In addition to the compensation received under R.S.34:15-1 et
24 seq., the injured officer shall receive regular supplemental payments
25 from the officer's employer in an amount that is sufficient, when
26 added to the compensation received under R.S.34:15-1 et seq., to
27 equal the net wage of the injured officer at the time of the injury.
28 The supplemental payments authorized under this section shall
29 continue for up to six months so long as the injured officer remains
30 a State Human Services police officer, State conservation police
31 officer, State park police officer, Palisades Interstate Park officer,
32 campus police officer, or medical security officer and continues to
33 be compensated under R.S.34:15-1 et seq.

34 The fringe benefits afforded an injured officer under the terms of
35 a collective bargaining agreement, contract, or statute shall not be
36 negated or impaired in any way and shall remain in full force and
37 effect during the time that officer is receiving supplemental
38 payments pursuant to this section.

39 (cf: P.L.2017, c.93, s.3)
40

41 18. Section 9 of P.L.1973, c.307 (C.39:3C-9) is amended to read
42 as follows:

43 9. a. Every person operating a snowmobile, all-terrain vehicle,
44 or dirt bike registered or transferred in accordance with any of the
45 provisions of P.L.1973, c.307 (C.39:3C-1 et seq.) shall, upon
46 demand of any law enforcement officer, duly authorized
47 conservation police officer of the Division of Fish and Wildlife or
48 park police officer or law enforcement operation officer of the

1 Division of Parks and Forestry within the Department of
2 Environmental Protection, or any other police officer, produce for
3 inspection the certificate of registration and shall furnish to the
4 officer any information necessary for the identification of the
5 snowmobile, all-terrain vehicle, or dirt bike and its owner. The
6 failure to produce the certificate of registration when operating a
7 snowmobile, all-terrain vehicle, or dirt bike on public lands and
8 waters, or when crossing a public highway, shall be presumptive
9 evidence in any court of competent jurisdiction of operating a
10 snowmobile, all-terrain vehicle, or dirt bike which is not registered
11 as required by P.L.1973, c.307 (C.39:3C-1 et seq.).

12 b. A person less than 18 years of age who operates a
13 snowmobile, all-terrain vehicle, or a dirt bike which is registered in
14 this State shall produce upon demand a certificate indicating that
15 person's successful completion of a safety education and training
16 course established or certified by the commissioner in accordance
17 with section 15 of P.L.1973, c.307 (C.39:3C-15). The failure to
18 produce the certificate when operating a snowmobile, all-terrain
19 vehicle, or dirt bike on public lands or waters, or when crossing a
20 public highway, shall be presumptive evidence in any court of
21 competent jurisdiction of the operation of the snowmobile, all-
22 terrain vehicle, or dirt bike in violation of the requirement in
23 subsection c. of section 16 of P.L.1973, c.307 (C.39:3C-16).

24 (cf: P.L.2009, c.275, s.9)

25

26 19. Section 27 of P.L.1973, c.307 (C.39:3C-27) is amended to
27 read as follows:

28 27. Every law enforcement officer in the State, including any
29 authorized officer of the commission, conservation police officers
30 of the Division of Fish and Wildlife, and park police officers and
31 law enforcement operation officers of the Division of Parks and
32 Forestry within the Department of Environmental Protection, and
33 other designated officers and employees of the department shall
34 enforce P.L.1973, c.307 (C.39:3C-1 et seq.) within their respective
35 jurisdictions.

36 (cf: P.L.2009, c.275, s.27)

37

38 20. Section 1 of P.L.1955, c.257 (C.43:15A-97) is amended to
39 read as follows:

40 1. "Law enforcement officer" shall mean any permanent and
41 full-time employee of the State of New Jersey holding one of the
42 following titles: motor vehicles officer, motor vehicles sergeant,
43 motor vehicles lieutenant, motor vehicles captain, assistant chief,
44 bureau of enforcement, and chief, bureau of enforcement in the
45 Division of Motor Vehicles, and highway patrol officer, sergeant
46 highway patrol bureau, lieutenant highway patrol bureau, captain
47 highway patrol bureau, assistant chief highway patrol bureau, chief
48 highway patrol bureau in the Division of State Police, and

1 inspector, investigator, and administrative inspector in the Division
2 of Alcoholic Beverage Control, and inspector recruit alcoholic
3 beverage control, inspector alcoholic beverage control, senior
4 inspector alcoholic beverage control, principal inspector alcoholic
5 beverage control, supervising inspector alcoholic beverage control
6 in the Division of State Police, and conservation police officer,
7 assistant district conservation police officer and district
8 conservation police officer in the Division of Fish and **【Game】**
9 Wildlife in the Department of Environmental Protection , and
10 assistant chief marine police and senior marine patrolman in the
11 Division of Resource Development, and marine police officer,
12 senior marine police officer, principal marine police officer in the
13 Division of State Police, and inspector, officer, senior inspector,
14 and principal inspector in the Division of Shell Fisheries, any
15 permanent and full-time active county detective, lieutenant of
16 county detectives, captain of county detectives, chief of county
17 detectives, and county investigator in the offices of the county
18 prosecutors, and sheriff's officer, sergeant sheriff's officer,
19 lieutenant sheriff's officer, captain sheriff's officer, chief sheriff's
20 officer, and sheriff's investigator in the offices of the county
21 sheriffs , and any patrolman or other police officer of the Board of
22 Commissioners of the Palisades Interstate Park appointed pursuant
23 to R.S.32:14-21.

24 If the Prison Officers' Pension Fund is terminated as provided in
25 section 10 hereof, "law enforcement officer" shall also mean any
26 permanent and full-time active employee of the State of New Jersey
27 holding the title of correction officer, correction sergeant,
28 correction lieutenant, correction captain or deputy keeper in the
29 Division of Correction and Parole, or any member of the Prison
30 Officers' Pension Fund on the date of such termination.

31 (cf: P.L.1985, c.262, s.1)

32
33 21. (New section) To effectuate the purposes of P.L. ,
34 c. (pending before the Legislature as this bill), the Civil Service
35 Commission shall establish and assign, and, where necessary,
36 abolish, consolidate, or reassign, the ranks and titles currently
37 governing the position of conservation officer to ranks and titles
38 appropriate to the position of conservation police officer.

39
40 22. This act shall take effect on the first day of the third month
41 following the date of enactment, except the Civil Service
42 Commission may take any anticipatory administrative action in
43 advance thereof as shall be necessary for implementation of this act.

STATEMENT

This bill changes the official title of “conservation officer” to “conservation police officer.” Currently, law enforcement officers of the Division of Fish and Wildlife in the Department of Environmental Protection have the title of “conservation officer.”

Conservation officers are trained law enforcement officers whose duties and responsibilities have increased beyond the traditional game warden or fish warden role. These officers with Statewide authority to enforce the laws of the State, as graduate biologists, receive the same intense training as police officers in the State, and because they usually work alone in remote areas of the State, including inland lakes, boundary rivers, marine waters, bays, inlets, and offshore waters, face the same dangers as other armed and uniformed police officers. To recognize this, and to enable these officers to qualify for grant programs for law enforcement agencies, this bill would change the title of conservation officer to conservation police officer. This bill is similar to legislation enacted into law in 2005 to change the name of State park rangers to State park police officers.

The bill directs the Civil Service Commission to establish and assign, and, where necessary, abolish, consolidate, or reassign, the ranks and titles currently used for the position of conservation officer to ranks and titles appropriate to the position of conservation police officer.

Lastly, the bill makes technical amendments to update certain statutory references.

Changes title of DEP “conservation officer” to “conservation police officer.”