

SENATE, No. 2511

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED APRIL 16, 2018

Sponsored by:

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Co-Sponsored by:

Assemblywoman Pinkin, Assemblymen Wirths and Space

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/14/2020)

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;

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

43 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
44 assistant prosecutor, prosecutor's detective or investigator, deputy
45 attorney general or State investigator employed by the Division of

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 Criminal Justice of the Department of Law and Public Safety,
2 investigator employed by the State Commission of Investigation,
3 inspector of the Alcoholic Beverage Control Enforcement Bureau of
4 the Division of State Police in the Department of Law and Public
5 Safety authorized to carry weapons by the Superintendent of State
6 Police, State park police officer, or State conservation police
7 officer;

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

18 (6) A civilian employee of the United States Government under
19 the supervision of the commanding officer of any post, camp,
20 station, base or other military or naval installation located in this
21 State who is required, in the performance of his official duties, to
22 carry firearms, and who is authorized to carry firearms by the
23 commanding officer, while in the actual performance of his official
24 duties;

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

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

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

40 (8) A full-time, paid member of a paid or part-paid fire
41 department or force of any municipality who is assigned full-time
42 or part-time to an arson investigation unit created pursuant to
43 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
44 investigation unit in the county prosecutor's office, while either
45 engaged in the actual performance of arson investigation duties or
46 while actually on call to perform arson investigation duties and
47 when specifically authorized by the governing body or the county
48 prosecutor, as the case may be, to carry weapons. Prior to being

1 permitted to carry a firearm, a member shall take and successfully
2 complete a firearms training course administered by the Police
3 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et
4 seq.), and shall annually qualify in the use of a revolver or similar
5 weapon prior to being permitted to carry a firearm;

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

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

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

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

28 (1) A law enforcement officer employed by a governmental
29 agency outside of the State of New Jersey while actually engaged in
30 his official duties, provided, however, that he has first notified the
31 superintendent or the chief law enforcement officer of the
32 municipality or the prosecutor of the county in which he is engaged;
33 or

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

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

43 (1) A special agent of the Division of Taxation who has passed
44 an examination in an approved police training program testing
45 proficiency in the handling of any firearm which he may be
46 required to carry, while in the actual performance of his official
47 duties and while going to or from his place of duty, or any other
48 police officer, while in the actual performance of his official duties;

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

1 shall annually qualify in the use of a revolver or similar weapon
2 prior to being permitted to carry a firearm;

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

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

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

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

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

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

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

40 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
41 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
42 or fired by one eligible to possess an antique cannon, for purposes
43 of exhibition or demonstration at an authorized target range or in
44 the manner as has been approved in writing by the chief law
45 enforcement officer of the municipality in which the exhibition or
46 demonstration is held, or if not held on property under the control
47 of a particular municipality, the superintendent, provided that
48 performer has given at least 30 days' notice to the superintendent.

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

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

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

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

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

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

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

43 (b) Directly to or from any target range, or other authorized
44 place for the purpose of practice, match, target, trap or skeet
45 shooting exhibitions, provided in all cases that during the course of
46 the travel all firearms are carried in the manner specified in
47 subsection g. of this section and the person has complied with all
48 the provisions and requirements of Title 23 of the Revised Statutes

1 and any amendments thereto and all rules and regulations
2 promulgated thereunder; or

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

15 (4) A person from keeping or carrying about a private or
16 commercial aircraft or any boat, or from transporting to or from the
17 aircraft or boat for the purpose of installation or repair of a visual
18 distress signaling device approved by the United States Coast
19 Guard.

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

27 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
28 to prevent any employee of a public utility, as defined in R.S.48:2-
29 13, doing business in this State or any United States Postal Service
30 employee, while in the actual performance of duties which
31 specifically require regular and frequent visits to private premises,
32 from possessing, carrying or using any device which projects,
33 releases or emits any substance specified as being noninjurious to
34 canines or other animals by the Commissioner of Health and which
35 immobilizes only on a temporary basis and produces only
36 temporary physical discomfort through being vaporized or
37 otherwise dispensed in the air for the sole purpose of repelling
38 canine or other animal attacks.

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

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

46 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent
47 any person who is 18 years of age or older and who has not been
48 convicted of a crime, from possession for the purpose of personal

1 self-defense of one pocket-sized device which contains and releases
2 not more than three-quarters of an ounce of chemical substance not
3 ordinarily capable of lethal use or of inflicting serious bodily injury,
4 but rather, is intended to produce temporary physical discomfort or
5 disability through being vaporized or otherwise dispensed in the air.
6 Any person in possession of any device in violation of this
7 subsection shall be deemed and adjudged to be a disorderly person,
8 and upon conviction thereof, shall be punished by a fine of not less
9 than \$100.

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

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

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

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

43 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
44 to prevent a law enforcement officer who retired in good standing,
45 including a retirement because of a disability pursuant to section 6
46 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
47 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
48 substantially similar statute governing the disability retirement of

1 federal law enforcement officers, provided the officer was a
2 regularly employed, full-time law enforcement officer for an
3 aggregate of four or more years prior to his disability retirement and
4 further provided that the disability which constituted the basis for
5 the officer's retirement did not involve a certification that the officer
6 was mentally incapacitated for the performance of his usual law
7 enforcement duties and any other available duty in the department
8 which his employer was willing to assign to him or does not subject
9 that retired officer to any of the disabilities set forth in subsection c.
10 of N.J.S.2C:58-3 which would disqualify the retired officer from
11 possessing or carrying a firearm, who semi-annually qualifies in the
12 use of the handgun he is permitted to carry in accordance with the
13 requirements and procedures established by the Attorney General
14 pursuant to subsection j. of this section and pays the actual costs
15 associated with those semi-annual qualifications, who is 75 years of
16 age or younger, and who was regularly employed as a full-time
17 member of the State Police; a full-time member of an interstate
18 police force; a full-time member of a county or municipal police
19 department in this State; a full-time member of a State law
20 enforcement agency; a full-time sheriff, undersheriff or sheriff's
21 officer of a county of this State; a full-time State or county
22 corrections officer; a full-time State correctional police officer or
23 county corrections officer; a full-time State or county park police
24 officer; a full-time special agent of the Division of Taxation; a full-
25 time Human Services police officer; a full-time transit police officer
26 of the New Jersey Transit Police Department; a full-time campus
27 police officer exempted pursuant to paragraph (10) of subsection c.
28 of this section; a full-time State conservation police officer
29 exempted pursuant to paragraph (4) of subsection a. of this section;
30 a full-time Palisades Interstate Park officer appointed pursuant to
31 R.S.32:14-21; a full-time Burlington County Bridge police officer
32 appointed pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a
33 full-time housing authority police officer exempted pursuant to
34 paragraph (16) of subsection c. of this section; a full-time juvenile
35 corrections officer exempted pursuant to paragraph (9) of
36 subsection a. of this section; a full-time parole officer exempted
37 pursuant to paragraph (13) of subsection c. of this section; a full-
38 time railway policeman exempted pursuant to paragraph (9) of
39 subsection c. of this section; a full-time county prosecutor's
40 detective or investigator; a full-time federal law enforcement
41 officer; or is a qualified retired law enforcement officer, as used in
42 the federal "Law Enforcement Officers Safety Act of 2004," Pub.L.
43 108-277, domiciled in this State from carrying a handgun in the
44 same manner as law enforcement officers exempted under
45 paragraph (7) of subsection a. of this section under the conditions
46 provided herein:

47 (1) The retired law enforcement officer shall make application
48 in writing to the Superintendent of State Police for approval to carry

1 a handgun for one year. An application for annual renewal shall be
2 submitted in the same manner.

3 (2) Upon receipt of the written application of the retired law
4 enforcement officer, the superintendent shall request a verification
5 of service from the chief law enforcement officer of the
6 organization in which the retired officer was last regularly
7 employed as a full-time law enforcement officer prior to retiring.
8 The verification of service shall include:

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

10 (b) The date that the retired officer was hired and the date that
11 the officer retired;

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

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

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

17 (3) If the superintendent approves a retired officer's application
18 or reapplication to carry a handgun pursuant to the provisions of
19 this subsection, the superintendent shall notify in writing the chief
20 law enforcement officer of the municipality wherein that retired
21 officer resides. In the event the retired officer resides in a
22 municipality which has no chief law enforcement officer or law
23 enforcement agency, the superintendent shall maintain a record of
24 the approval.

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

35 (5) Any person aggrieved by the denial of the superintendent of
36 approval for a permit to carry a handgun pursuant to this subsection
37 may request a hearing in the Superior Court of New Jersey in the
38 county in which he resides by filing a written request for a hearing
39 within 30 days of the denial. Copies of the request shall be served
40 upon the superintendent and the county prosecutor. The hearing
41 shall be held within 30 days of the filing of the request, and no
42 formal pleading or filing fee shall be required. Appeals from the
43 determination of the hearing shall be in accordance with law and the
44 rules governing the courts of this State.

45 (6) A judge of the Superior Court may revoke a retired officer's
46 privilege to carry a handgun pursuant to this subsection for good
47 cause shown on the application of any interested person. A person
48 who becomes subject to any of the disabilities set forth in

1 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
2 superintendent, his identification card issued under paragraph (4) of
3 this subsection to the chief law enforcement officer of the
4 municipality wherein he resides or the superintendent, and shall be
5 permanently disqualified to carry a handgun under this subsection.

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

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

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

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

36
37 3. Section 14 of P.L.1979, c.179 (C.2C:58-6.1) is amended to
38 read as follows:

39 14. a. No person under the age of 18 years shall purchase, barter
40 or otherwise acquire a firearm and no person under the age of 21
41 years shall purchase, barter or otherwise acquire a handgun, unless
42 the person is authorized to possess the handgun in connection with
43 the performance of official duties under the provisions of
44 N.J.S.2C:39-6.

45 b. No person under the age of 18 years shall possess, carry, fire
46 or use a firearm except as provided under paragraphs (1), (2), (3)
47 and (4) of this subsection; and, unless authorized in connection with
48 the performance of official duties under the provisions of

1 N.J.S.2C:39-6, no person under the age of 21 years shall possess,
2 carry, fire or use a handgun except under the following
3 circumstances:

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

8 (2) For the purpose of military drill under the auspices of a
9 legally recognized military organization and under competent
10 supervision; or

11 (3) For the purpose of competition, target practice, instruction,
12 and training in and upon a firing range approved by the governing
13 body of the municipality in which the range is located or the
14 National Rifle Association and which is under competent
15 supervision at the time of such supervision or target practice or
16 instruction and training at any location; or

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

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

31 (cf: P.L.2013, c.108, s.2)

32

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

35 1. The Commissioner of **the Department of** Environmental
36 Protection shall have the power to vest in the conservation police
37 officers of the Division of Fish and Wildlife and the park police
38 officers and law enforcement operation officers of the Division of
39 Parks and Forestry at all times the power to arrest without warrant
40 any person violating any law of this State committed in their
41 presence and bring the offender before any court having jurisdiction
42 to receive the complaint of such violation. The Department of
43 Environmental Protection, with the approval of the Attorney
44 General, shall establish and maintain a suitable law enforcement
45 training program for such personnel.

46 (cf: P.L.2005, c.216, s.3)

47

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

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

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

6 "Assistant protector" or "assistant fish and game protector"
7 means the Deputy Chief of the Bureau of Law Enforcement in the
8 division;

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

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

12 "Conservation police officer" means any sworn, salaried member
13 of the Bureau of Law Enforcement in the division holding the titles
14 of Conservation Police Officer I, II, or III, and includes the titles of
15 Supervising Conservation Police Officer and Chief of the Bureau of
16 Law Enforcement;

17 "Council" means the Fish and Game Council in the Division of
18 Fish and Wildlife in the Department of Environmental Protection;

19 "Delaware river" means the waters of the Delaware river from
20 the Pennsylvania shore to the New Jersey shore, or in the case of
21 any tributaries or inland bays on the New Jersey side, to the mouths
22 of those tributaries or bays;

23 "Deputy warden" or "deputy fish and game warden" means any
24 commissioned deputy conservation police officer of the Bureau of
25 Law Enforcement in the division;

26 "Division," "Division of Fish, Game and Wildlife," "board," or
27 "Board of Fish and Game Commissioners" means the Division of
28 Fish and Wildlife in the Department of Environmental Protection;

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

32 "Hunting" means the possession of an instrument used to take
33 wildlife in a condition that makes the instrument readily usable,
34 while in a place or in proximity thereto where wildlife may be
35 found;

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

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

40 "Warden" or "fish and game warden" means a conservation
41 police officer;

42 "Wildlife" means any wild mammal, bird, reptile, amphibian,
43 fish, mollusk, crustacean, or other wild animal or any part, product,
44 egg, or offspring or the dead body or parts thereof.

45 (cf: P.L.2015, c.83, s.1)

46

47 6. R.S.23:2-11 is amended to read as follows:

1 23:2-11. The deputy conservation police officers shall have the
2 power and authority of conservation police officers to enforce Title
3 23 and the Fish and Game Code, and shall be subject to the
4 regulations provided by law for the enforcement of the Title and
5 Code, but shall receive no salary or other compensation from the
6 State for the performance of duties of law enforcement.
7 (cf: P.L.1977, c.167, s.2)

8
9 7. Section 73 of P.L.1979, c.199 (C.23:2B-14) is amended to
10 read as follows:

11 73. For purposes of this section, the "act" means and includes all
12 the new sections and amended sections contained herein, all the
13 remaining sections of Title 50 of the Revised Statutes, sections
14 23:3-41, 23:3-46, 23:3-47, 23:3-48, 23:3-51, 23:3-52, 23:5-9, 23:5-
15 16, 23:9-114, 23:9-115 and 23:9-120 of Title 23 of the Revised
16 Statutes, sections 1, 2, and 3 of P.L.1941, c.211 (C.23:5-24.1 to
17 23:5-24.3), sections 4 through 17 of P.L.2013, c.74 (C.23:3-51.2
18 through C.23:3-51.15), and section 12 of P.L.2014, c.57 (C.23:3-
19 51.16).

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

22 a. (1) A person who violates the provisions of this act or of any
23 rule, regulation, license or permit adopted or issued pursuant to this
24 act shall be liable to a penalty of not less than \$300 or more than
25 \$3,000 for the first offense and not less than \$500 or more than
26 \$5,000 for any subsequent offense, unless the commissioner has
27 established an alternate penalty for a specific offense pursuant to
28 paragraph (2) of this subsection.

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

43 b. (1) A person who violates the provisions of this act or any
44 rule or regulation or any license or permit adopted or issued
45 pursuant to this act shall be liable to the revocation or suspension of
46 any license or permit held by the violator pursuant to this act for
47 such period of time as the court may choose, except when the rule
48 or regulation violated includes a mandatory revocation or

1 suspension schedule in which case that schedule shall determine the
2 period of time of the revocation or suspension.

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

25 c. If a person violates any of the provisions of this act, or any
26 rule or regulation or any license or permit adopted or issued
27 pursuant to this act, the department may institute a civil action in a
28 court of competent jurisdiction for injunctive relief to prohibit and
29 prevent the violation or violations and the court may proceed in the
30 action in a summary manner.

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

35 d. In addition to the penalties prescribed by this section, a
36 person who violates the provisions of R.S.50:2-11, R.S.50:3-13,
37 R.S.50:4-2 , or R.S.50:4-3, or any rule or regulation or any license
38 or permit adopted or issued pursuant thereto, shall be subject to the
39 forfeiture of any vessel, vehicle, or equipment used in the
40 commission of the violation. A designated conservation police
41 officer of the Department of Environmental Protection, a member of
42 the State Police, or any other law enforcement officer may seize and
43 secure any vessel, vehicle, or equipment used in the commission of
44 such a violation. Upon the seizure of the vessel, vehicle, or
45 equipment, the conservation police officer, member of the State
46 Police, or other law enforcement officer shall immediately
47 thereafter institute a civil action to determine if the forfeiture is
48 warranted in the court in which the penalty action was filed

1 pursuant to this section, which court shall have jurisdiction to
2 adjudicate the forfeiture action. The owner or any person having a
3 security interest in the vessel, vehicle, or equipment may secure its
4 release by depositing with the clerk of the court in which the action
5 is pending a bond with good and sufficient sureties in an amount to
6 be fixed by the court, conditioned upon the return of the vessel,
7 vehicle, or equipment to the Department of Environmental
8 Protection upon demand after completion of the court proceeding.
9 The court may proceed in a summary manner and may direct the
10 confiscation of the vessel, vehicle, or equipment by the department
11 for its use or for disposal by sale or public auction. Moneys
12 collected by the department through the sale or public auction of the
13 vessel, vehicle, or equipment shall be used by the Division of Fish
14 and Wildlife for the enforcement of the provisions of this act.
15 (cf: P.L.2014, c.57, s.1)
16

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

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

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

26 (a) in the Exclusive Economic Zone;

27 (b) for anadromous species;

28 (c) for Continental Shelf fishery resources beyond the Exclusive
29 Economic Zone; or

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

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

33 b. (1) The registry program established pursuant to this section
34 shall be fully consistent with the registry program to be established
35 pursuant to section 201 of Title II of the "Magnuson-Stevens
36 Fishery Conservation and Management Reauthorization Act of
37 2006," Pub.L.109-479 (16 U.S.C. s.1881).

38 (2) Upon establishment of the registry program pursuant to this
39 section, the commissioner shall apply to the Secretary of the United
40 States Department of Commerce to obtain State exemption from
41 federal registry program requirements.

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

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

47 e. Any person who is required to register pursuant to paragraph
48 (1) of subsection a. of this section, and who fails to register in

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

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

24 In disseminating the materials developed pursuant to this
25 subsection, the department shall provide informational pamphlets or
26 other appropriate materials to the State's conservation police
27 officers, for distribution to individuals engaged in recreational
28 fishing activities; and it shall provide informational posters, signs,
29 pamphlets, and other appropriate materials to the State's bait and
30 tackle shops, for display therein, and for distribution to bait and
31 tackle consumers.

32 g. Any non-resident of New Jersey who is engaged in
33 recreational fishing activities in this State shall be exempt from
34 compliance with the State's registry program requirements if the
35 person is registered under another state's registry program and the
36 state in which the person is registered provides reciprocal
37 exemption from its own registration requirements for persons who
38 are registered under this State's registry program.

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

40

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

42 23:3-1. a. A person shall not at any time hunt, take or attempt to
43 take, kill or pursue, with a gun or any firearm of any kind or
44 character, or with longbow and arrow, a wild bird, animal or fowl,
45 or take or attempt to take any skunk, mink, muskrat, or other fur-
46 bearing animal by means of a trap, or set a trap for any fur-bearing
47 animal, nor shall any person above the age of 16 years at any time
48 take or attempt to take fish in any of the fresh waters of this State

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1 by the method commonly known as angling with a hand line or rod
2 and line, or with longbow and arrow, unless he has first procured a
3 proper license.

4 b. A person shall not engage in hunting, fishing, or trapping
5 unless the appropriate license or tag as prescribed hereunder is
6 visibly displayed in a holder in a conspicuous place on the outer
7 clothing at the time of such hunting, fishing, or trapping. A
8 licensee shall exhibit his license and tag for inspection to any
9 conservation police officer, deputy conservation police officer,
10 police officer, or other person requesting to see it.

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

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

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

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

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

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

40
41 10. Section 1 of P.L.1975, c.117 (C.23:3-61.1) is amended to
42 read as follows:

43 1. No person above the age of 16 years shall at any time hunt
44 for, pursue, kill, take, or attempt to take with a firearm or bow and
45 arrow, or have in possession, any pheasant or quail while present in
46 such division wildlife management areas as may be designated in
47 the Fish and Game Code unless such person is the holder of a valid
48 youth hunting license issued pursuant to R.S.23:3-3 or has first

1 procured in addition to a hunting license a valid "special pheasant
2 and quail stamp."

3 This special pheasant and quail "stamp" shall be in the
4 possession of the hunter at all times while engaged in hunting
5 pheasant or quail in such division wildlife management areas as
6 may be designated in the Fish and Game Code and the hunter shall
7 exhibit the special stamp for inspection to any conservation police
8 officer, deputy conservation police officer , or police officer
9 requesting to see the stamp.
10 (cf: P.L.1999, c.282, s.20)
11

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

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

20 b. The stamp issued pursuant to this act shall be designated the
21 New Jersey Waterfowl Stamp, shall be required to be in the
22 possession of any person engaged in hunting, pursuing, killing,
23 taking, possessing, or attempting to take with a firearm, bow and
24 arrow, or any other method any ducks, geese, brant, or other
25 waterfowl, and shall be exhibited upon the request of any
26 conservation police officer, deputy conservation police officer, or
27 other law enforcement official.

28 c. This section shall not apply to any person engaged in
29 hunting, pursuing, killing, taking, possessing, or attempting to take
30 captive-reared mallard ducks, properly marked in accordance with
31 federal regulations, on a commercial shooting preserve.
32 (cf: P.L.1992, c.210, s.1)
33

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

35 23:4-43. Except as provided by this section, no person shall have
36 in possession in this State any wild deer other than during the open
37 season for hunting deer as established in the State Fish and Game
38 Code and such deer in possession must have been killed in the
39 manner prescribed by the State Fish and Game Code for that
40 particular open season. A legally killed deer and parts of a legally
41 killed deer may be possessed until June 1 immediately following the
42 season in which it was killed, provided the deer was properly
43 registered and bears the possession tag affixed at the deer checking
44 station, and any parts that have been separated from legally killed
45 deer are clearly marked as prescribed in R.S. 23:4-47. A person
46 desiring to retain a legally killed deer or parts thereof after June 1
47 may do so by contacting the nearest conservation police officer,
48 who may authorize such retention in a manner prescribed by the

1 division. No person shall have in possession any deer of any
2 description, except as provided in the State Fish and Game Code or
3 as provided in this section.

4 Except as herein provided, the having in possession of any wild
5 deer or parts thereof during the time and periods prohibited in the
6 State Fish and Game Code, or the having in possession of any deer
7 of any description, except during such time and periods and of such
8 description as permitted by the State Fish and Game Code, shall be
9 prima facie evidence in all courts that such wild deer is in
10 possession unlawfully.

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

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

21

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

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

26 a. block, obstruct, or impede, or attempt to block, obstruct, or
27 impede, a person lawfully taking wildlife;

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

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

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

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

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

40 g. make or attempt to make loud noises or gestures, set out or
41 attempt to set out animal baits, scents, or lures or human scent, use
42 any other natural or artificial visual, aural, olfactory, or physical
43 stimuli, or engage in or attempt to engage in any other similar
44 action or activity, in order to disturb, alarm, drive, attract, or affect
45 the behavior of wildlife or disturb, alarm, disrupt, or annoy a person
46 lawfully taking wildlife;

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

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

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

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

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

12 23:10-20. A member of the Fish and Game Council and any
13 conservation police officer may, without warrant search and
14 examine any boat, conveyance, vehicle, fish box, fish basket, game
15 bag, game coat, or other receptacle for game and fish, when he has
16 reason to believe that a provision of this Title, or any law
17 supplementary thereto, or the State Fish and Game Code has been
18 violated, and shall seize and take possession of any firearms, bows
19 and arrows, shells or cartridges, fishing rods and reels, fishing lines,
20 knives, lights, slingshots, traps, spears, spear guns, or any other
21 article or equipment that has been illegally used or any bird, animal
22 or fish unlawfully caught, taken, killed, had in possession or under
23 control, shipped or about to be shipped. A court, upon receiving
24 proof of probable cause for believing in the concealment of a bird,
25 animal or fish so unlawfully caught, taken, killed, had in possession
26 or under control, shipped or about to be shipped, shall issue a search
27 warrant and cause a search to be made in any place, and to that end,
28 may, after demand and refusal, cause any building, inclosure, or
29 car to be entered, and any apartment, chest, box, locker, crate,
30 basket, or package to be broken open and its contents examined by
31 a member of the Fish and Game Council or any conservation police
32 officer. All firearms, bows and arrows, shells or cartridges, fishing
33 rods and reels, fishing lines, knives, lights, slingshots, traps, spears,
34 spear guns, or any other article or equipment that has been illegally
35 used and seized by a member of the council or any conservation
36 police officer shall be returned to the defendant when and if the
37 case has been dismissed, if he has been found not guilty, or if he has
38 been convicted and has paid the penalty and costs imposed, if any.

39 The member of the council or conservation police officer shall
40 not be liable for damages by reason of any such search or the
41 seizure of any nets or fishing, hunting or trapping apparatus in
42 accordance herewith.

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

44
45 15. Section 2 of P.L.2011, c.8 (C.32:20A-5.2) is amended to
46 read as follows:

47 2. a. Any person who operates a boat on Greenwood Lake
48 without a permit as required pursuant to subsection b. of section 1

1 of P.L.2009, c.310 (C.32:20A-5.1) shall be liable to a summons
2 from the New Jersey State Police, the New Jersey State Park Police,
3 a State conservation police officer, or a sworn New Jersey law
4 enforcement officer, and payment of up to a \$500 penalty per
5 violation, which may be assessed in municipal court.

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

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

12
13 16. Section 2 of P.L.1977, c.85 (C.34:13A-15) is amended to
14 read as follows:

15 2. "Public fire department" means any department of a
16 municipality, county, fire district , or the State or any agency
17 thereof having employees engaged in firefighting provided that such
18 firefighting employees are included in a negotiating unit exclusively
19 comprised of firefighting employees.

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

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

37
38 17. Section 3 of P.L.2017, c.93 (C.34:15-37.3) is amended to
39 read as follows:

40 3. Any State Human Services police officer, State conservation
41 police officer, State park police officer, Palisades Interstate Park
42 officer appointed pursuant to R.S.32:14-21, or full-time campus
43 police officer appointed by a county college or four-year public
44 institution of higher education pursuant to P.L.1970, c.211
45 (C.18A:6-4.2 et seq.) who, while in the course of performing the
46 officer's official duties, suffers serious bodily injury as the direct
47 result of an assault during the arrest or transportation of a suspect or
48 other person in the officer's custody shall continue to receive full

1 wages for up to six months or until the officer begins receiving
2 compensation for that injury under R.S.34:15-1 et seq., whichever
3 comes first.

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

12 In addition to the compensation received under R.S.34:15-1 et
13 seq., the injured officer shall receive regular supplemental payments
14 from the officer's employer in an amount that is sufficient, when
15 added to the compensation received under R.S.34:15-1 et seq., to
16 equal the net wage of the injured officer at the time of the injury.
17 The supplemental payments authorized under this section shall
18 continue for up to six months so long as the injured officer remains
19 a State Human Services police officer, State conservation police
20 officer, State park police officer, Palisades Interstate Park officer,
21 campus police officer, or medical security officer and continues to
22 be compensated under R.S.34:15-1 et seq.

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

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

29

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

32 9. a. Every person operating a snowmobile, all-terrain vehicle,
33 or dirt bike registered or transferred in accordance with any of the
34 provisions of P.L.1973, c.307 (C.39:3C-1 et seq.) shall, upon
35 demand of any law enforcement officer, duly authorized
36 conservation police officer of the Division of Fish and Wildlife or
37 park police officer or law enforcement operation officer of the
38 Division of Parks and Forestry within the Department of
39 Environmental Protection, or any other police officer, produce for
40 inspection the certificate of registration and shall furnish to the
41 officer any information necessary for the identification of the
42 snowmobile, all-terrain vehicle, or dirt bike and its owner. The
43 failure to produce the certificate of registration when operating a
44 snowmobile, all-terrain vehicle, or dirt bike on public lands and
45 waters, or when crossing a public highway, shall be presumptive
46 evidence in any court of competent jurisdiction of operating a
47 snowmobile, all-terrain vehicle, or dirt bike which is not registered
48 as required by P.L.1973, c.307 (C.39:3C-1 et seq.).

1 b. A person less than 18 years of age who operates a
2 snowmobile, all-terrain vehicle, or a dirt bike which is registered in
3 this State shall produce upon demand a certificate indicating that
4 person's successful completion of a safety education and training
5 course established or certified by the commissioner in accordance
6 with section 15 of P.L.1973, c.307 (C.39:3C-15). The failure to
7 produce the certificate when operating a snowmobile, all-terrain
8 vehicle, or dirt bike on public lands or waters, or when crossing a
9 public highway, shall be presumptive evidence in any court of
10 competent jurisdiction of the operation of the snowmobile, all-
11 terrain vehicle, or dirt bike in violation of the requirement in
12 subsection c. of section 16 of P.L.1973, c.307 (C.39:3C-16).
13 (cf: P.L.2009, c.275, s.9)

14
15 19. Section 27 of P.L.1973, c.307 (C.39:3C-27) is amended to
16 read as follows:

17 27. Every law enforcement officer in the State, including any
18 authorized officer of the commission, conservation police officers
19 of the Division of Fish and Wildlife, and park police officers and
20 law enforcement operation officers of the Division of Parks and
21 Forestry within the Department of Environmental Protection, and
22 other designated officers and employees of the department shall
23 enforce P.L.1973, c.307 (C.39:3C-1 et seq.) within their respective
24 jurisdictions.

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

26
27 20. Section 1 of P.L.1955, c.257 (C.43:15A-97) is amended to
28 read as follows:

29 1. "Law enforcement officer" shall mean any permanent and
30 full-time employee of the State of New Jersey holding one of the
31 following titles: motor vehicles officer, motor vehicles sergeant,
32 motor vehicles lieutenant, motor vehicles captain, assistant chief,
33 bureau of enforcement, and chief, bureau of enforcement in the
34 Division of Motor Vehicles, and highway patrol officer, sergeant
35 highway patrol bureau, lieutenant highway patrol bureau, captain
36 highway patrol bureau, assistant chief highway patrol bureau, chief
37 highway patrol bureau in the Division of State Police, and
38 inspector, investigator, and administrative inspector in the Division
39 of Alcoholic Beverage Control, and inspector recruit alcoholic
40 beverage control, inspector alcoholic beverage control, senior
41 inspector alcoholic beverage control, principal inspector alcoholic
42 beverage control, supervising inspector alcoholic beverage control
43 in the Division of State Police, and conservation police officer,
44 assistant district conservation police officer and district
45 conservation police officer in the Division of Fish and **[Game]**
46 Wildlife in the Department of Environmental Protection , and
47 assistant chief marine police and senior marine patrolman in the
48 Division of Resource Development, and marine police officer,

1 senior marine police officer, principal marine police officer in the
2 Division of State Police, and inspector, officer, senior inspector,
3 and principal inspector in the Division of Shell Fisheries, any
4 permanent and full-time active county detective, lieutenant of
5 county detectives, captain of county detectives, chief of county
6 detectives, and county investigator in the offices of the county
7 prosecutors, and sheriff's officer, sergeant sheriff's officer,
8 lieutenant sheriff's officer, captain sheriff's officer, chief sheriff's
9 officer, and sheriff's investigator in the offices of the county
10 sheriffs, and any patrolman or other police officer of the Board of
11 Commissioners of the Palisades Interstate Park appointed pursuant
12 to R.S.32:14-21.

13 If the Prison Officers' Pension Fund is terminated as provided in
14 section 10 hereof, "law enforcement officer" shall also mean any
15 permanent and full-time active employee of the State of New Jersey
16 holding the title of correction officer, correction sergeant,
17 correction lieutenant, correction captain or deputy keeper in the
18 Division of Correction and Parole, or any member of the Prison
19 Officers' Pension Fund on the date of such termination.
20 (cf: P.L.1985, c.262, s.1)

21
22 21. (New section) To effectuate the purposes of P.L. ,
23 c. (pending before the Legislature as this bill), the Civil Service
24 Commission shall establish and assign, and, where necessary,
25 abolish, consolidate, or reassign, the ranks and titles currently
26 governing the position of conservation officer to ranks and titles
27 appropriate to the position of conservation police officer.
28

29 22. This act shall take effect on the first day of the third month
30 following the date of enactment, except the Civil Service
31 Commission may take any anticipatory administrative action in
32 advance thereof as shall be necessary for implementation of this act.
33

34 35 STATEMENT

36
37 This bill changes the official title of "conservation officer" to
38 "conservation police officer." Currently, law enforcement officers
39 of the Division of Fish and Wildlife in the Department of
40 Environmental Protection have the title of "conservation officer."

41 Conservation officers are trained law enforcement officers whose
42 duties and responsibilities have increased beyond the traditional
43 game warden or fish warden role. These officers with Statewide
44 authority to enforce the laws of the State, as graduate biologists,
45 receive the same intense training as police officers in the State, and
46 because they usually work alone in remote areas of the State,
47 including inland lakes, boundary rivers, marine waters, bays, inlets,
48 and offshore waters, face the same dangers as other armed and

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27

1 uniformed police officers. To recognize this, and to enable these
2 officers to qualify for grant programs for law enforcement agencies,
3 this bill would change the title of conservation officer to
4 conservation police officer. This bill is similar to legislation
5 enacted into law in 2005 to change the name of State park rangers
6 to State park police officers.

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

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