ASSEMBLY, No. 360

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:
Assemblyman STERLEY S. STANLEY
District 18 (Middlesex)
Assemblyman CLINTON CALABRESE
District 36 (Bergen and Passaic)

Co-Sponsored by:
Assemblywomen Speight, Swain, Haider, Quijano, Reynolds-Jackson, Park, Carter, Assemblymen Spearman, Atkins and Assemblywoman Murphy

SYNOPSIS

Revises law prohibiting feeding of black bear.

CURRENT VERSION OF TEXT

As reported by the Assembly Commerce, Economic Development and Agriculture Committee with technical review.

(Sponsorship Updated As Of: 12/9/2024)

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

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

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

1. a. No person shall:

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

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

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

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

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

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

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

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

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

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

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

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

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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

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

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

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

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

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

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

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

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

2. This act shall take effect immediately.