

**ASSEMBLY, No. 360**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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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, Calabrese, Conaway, Atkins,  
Assemblywomen Murphy and Matsikoudis**

**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: 2/22/2024)**

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

3

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

6

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

9 1. a. No person shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

**Matter underlined thus is new matter.**

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

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

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

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

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

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

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

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

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

41  
42       2. This act shall take effect immediately.