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SYNOPSIS

Prohibits possession and transport of parts and products of certain animals at PANYNJ airports and port facilities.

CURRENT VERSION OF TEXT

As amended on May 9, 2016 by the Senate pursuant to the Governor's recommendations.

AN ACT concerning the possession and transport of the parts and products of certain animals at certain airports and port facilities and supplementing Title 32 of the Revised Statutes.

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

1. a. As used in P.L. , c. (C.) (pending before the Legislature as this bill):

“¹[Big five] Specified¹ African species” means the African elephant, *Loxodonta africana*; African leopard, *Panthera pardus*; African lion, *Panthera leo*; black rhinoceros, *Diceros bicornis* ¹[,] ¹; and white rhinoceros, *Ceratotherium simum* ¹[; and Cape buffalo, *Syncerus caffer*]¹ .

"Priority species" means: (1) any ¹[big five] specified¹ African species; or (2) any species or subspecies of elephant, rhinoceros, tiger, lion, leopard, cheetah, pangolin, marine turtle, or ray listed ¹[; (a)]¹ in Appendix I or Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora ¹[; or (b) as critically endangered, endangered, or vulnerable on the International Union for Conservation of Nature and Natural Resources Red List of Threatened Species] ¹ .

b. Notwithstanding the provisions of any other law to the contrary, the parts or products of priority species shall not be imported, exported, shipped, received, possessed, processed, sold, offered for sale, or transported by any individual, firm, corporation, association, or partnership at any airport or port facility owned or operated by the Port Authority of New York and New Jersey.

c. Any Port Authority agent or Port Authority police officer shall have authority to enforce the prohibition in subsection b. of this section and, where necessary, to apply for and execute any warrant to search for and seize any part or product of a priority species and any property or item used in connection with a violation of subsection b. of this section.

d. ¹[Unless the activity is prohibited by federal law, the] The¹ following exceptions and defenses shall apply to the prohibition in subsection b. of this section:

(1) the part or product was lawfully located or possessed within the State of New Jersey or the State of New York prior to the effective date of P.L. , c. (C.) (pending before the Legislature as this bill) ¹[, and the legal owner has obtained a certificate of possession from the Commissioner of Environmental Protection, as provided pursuant to subsection e. of this section, within 180 days after the date of enactment of P.L. , c. (C.) (pending before the Legislature as this bill)]¹ ;

(2) the part or product is to be made part of a temporary or permanent collection at a museum or zoo, or similar educational or research facility ¹[, provided that the part or product is not thereafter sold, offered for sale, traded, bartered, or distributed to any private party]¹ ; ¹[or]¹

(3) the part or product is to be used for purposes related to the conduct of biomedical research at a facility licensed by the United States Department of Agriculture pursuant to the

federal "Animal Welfare Act," 7 U.S.C. s.2131 et seq., or at a facility conducting biomedical research in compliance with the "Public Health Service Policy on Humane Care and Use of Laboratory Animals" issued by the United States National Institutes of Health ¹[.] ;

(4) the part or product is imported, exported, shipped, received, possessed, processed, sold, offered for sale, or transported by an employee or agent of the federal government, the State government, or a bi-state agency, in the course of undertaking any law enforcement activities pursuant to federal or State law, or other mandatory duties required by federal or State law; or

(5) the part or product entered the State of New Jersey or the State of New York from a point outside either state, including a point outside the territorial limits of the United States, was intended for transport across the State of New Jersey or the State of New York, but was destined for a point beyond the State of New Jersey or the State of New York, and the part or product conforms with the terms of any federal permit or permit issued under the laws or regulations of a state other than the State of New Jersey or the State of New York.¹

e. The Department of Environmental Protection ¹[shall] may¹ adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary to implement this section. ¹[These rules and regulations shall include a process for applying for the certificate of possession required pursuant to paragraph (1) of subsection d. of this section. The department may charge a reasonable fee to defray the cost of issuing a certificate of possession.]¹

f. (1) Any part or product of a priority species and any property or item used in connection with a violation of subsection b. of this section shall be held pending criminal proceedings in any court of proper jurisdiction.

(2) A person who violates subsection b. of this section shall be guilty of a crime of the fourth degree ¹[and, notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, shall be subject to imprisonment not to exceed 18 months and a fine of up to \$100,000.]¹

(3) Upon conviction, or upon the entry of a judgment restraining a person from any activity that is or would be in violation of subsection b. of this section, any seized property shall be forfeited, and upon forfeiture, disposed of in a manner consistent with the best interest of the public as determined by the court.

(4) Any penalty imposed pursuant to this section shall be in addition to any applicable penalty that may be imposed for a violation of "The Endangered and Nongame Species Conservation Act," P.L.1973, c.309 (C.23:2A-1 et seq.), P.L.2014, c.22 (C.23:2A-13.1 et seq.), R.S.23:4-27, and any other applicable law.

2. This act shall take effect upon the enactment by the State of New York of legislation having an identical effect, but if such legislation has already been enacted by the State of New York then this act shall take effect immediately.