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States' Unmanned Aerial Vehicle Laws: *New Jersey*



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NJ ST § 2C:40-28

NJ ST § 23:7A-2

NJAC 7:25-5.22

Current through November 11, 2022

NJ ST § 2C:40-28 Prohibited Activities Relating to Operation of Unmanned Aircraft Systems; Violations; Conviction Not to Merge with Other Convictions

- a. A person commits a disorderly persons offense if he knowingly or intentionally operates as defined in section 1 of P.L.2017, c. 315 (C.2C:40-27) an unmanned aircraft system as defined in section 1 of P.L.2017, c. 315 (C.2C:40-27) in a manner that endangers the life or property of another. In making this determination, the court shall consider the standards for safe operation of small unmanned aircraft systems prescribed by federal law or regulation.
- b. (1) A person commits a crime of the fourth degree if he knowingly or intentionally creates or maintains a condition which endangers the safety or security of a correctional facility by operating an unmanned aircraft system on the premises of or in close proximity to that facility without license or privilege to do so.
- (2) A person commits a crime of the third degree if he knowingly operates an unmanned aircraft system to conduct surveillance of, or gather information about, a correctional facility without license or privilege to do so.
- For purposes of this subsection, "correctional facility" means a jail, prison, lockup, penitentiary, reformatory, training school, or other similar facility within the State of New Jersey.
- c. A person commits a crime of the fourth degree if he knowingly or intentionally operates an unmanned aircraft system in a manner that interferes with a first responder who is actively engaged in response or actively engaged in air, water, vehicular, ground, or specialized transport.
- For purposes of this subsection "first responder" means a law enforcement officer, paid or volunteer firefighter, paid or volunteer member of a duly incorporated first aid, emergency, ambulance, or rescue squad association, or any other individual who, in the course of his employment, is dispatched to the scene of a motor vehicle accident or other emergency situation for the purpose of providing medical care or other assistance.



- d. A person commits a disorderly persons offense if he knowingly operates an unmanned aircraft system or uses an unmanned aircraft system to take or assist in the taking of wildlife.
- e. A person commits a disorderly persons offense if he operates an unmanned aircraft system while under the influence of intoxicating liquor, a narcotic, hallucinogenic, or habit-producing drug or with a blood alcohol concentration of 0.08% or more by weight of alcohol in the defendant's blood.
- f. It shall be a violation of any restraining order issued by the court pursuant to section 2 of P.L.1999, c. 47 (C.2C:12-10.2), section 3 or 4 of P.L.2015, c. 147 (C.2C:14-15 or C.2C:14-16), section 12 of P.L.1991, c. 261 (C.2C:25-28), section 4 of P.L.1999, c. 334 (C.2C:35-5.7), or any other court order restraining contact with a person or location, for a person subject to that order to knowingly operate an unmanned aircraft system to fly within a distance of a person or location that would violate that restraining order.
- g. Notwithstanding the provisions of N.J.S.2C:1-8 or any other law to the contrary, a conviction under this section shall not merge with a conviction of harassment pursuant to N.J.S.2C:33-4, stalking pursuant to section 1 of P.L.1992, c. 209 (C.2C:12-10), invasion of privacy pursuant to section 1 of P.L.2003, c. 206 (C.2C:14-9), obstructing administration of law or other governmental function pursuant to N.J.S.2C:29-1, introducing contraband pursuant to N.J.S.2C:29-6, contempt of a domestic violence order pursuant to subsection b. of N.J.S.2C:29-9 which constitutes a crime or disorderly persons offense, or any other criminal offense, even if any other conviction involves the use of an unmanned aircraft system, nor shall the other conviction merge with a conviction under this section.

NJ ST § 23:7A-2 Hindering or preventing the lawful taking of wildlife prohibited; specific acts prohibited

No person may, for the purpose of hindering or preventing the lawful taking of wildlife:

- a. block, obstruct, or impede, or attempt to block, obstruct, or impede, a person lawfully taking wildlife;
- b. erect a barrier with the intent to deny ingress to or egress from areas where wildlife may be lawfully taken;
- c. make, or attempt to make, unauthorized physical contact with a person lawfully taking wildlife;
- d. engage in, or attempt to engage in, theft, vandalism, or destruction of personal or real property;
- e. disturb or alter, or attempt to disturb or alter, the condition or authorized placement of personal or real property intended for use in the lawful taking of wildlife;



- f. enter or remain upon public lands or waters, or upon private lands or waters without permission of the owner thereof or an agent of that landowner, where wildlife may be lawfully taken;
- g. make or attempt to make loud noises or gestures, set out or attempt to set out animal baits, scents, or lures or human scent, use any other natural or artificial visual, aural, olfactory, or physical stimuli, or engage in or attempt to engage in any other similar action or activity, in order to disturb, alarm, drive, attract, or affect the behavior of wildlife or disturb, alarm, disrupt, or annoy a person lawfully taking wildlife;
- h. interject himself into the line of fire of a person lawfully taking wildlife; or
- i. operate as defined in section 1 of P.L.2017, c. 315 (C.2C:40-27) an unmanned aircraft system as defined in section 1 of P.L.2017, c. 315 (C.2C:40-27).

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

NJAC 7:25-5.22 Wild animals; possession, killing

(a) No person shall have in possession, kill, attempt to take, hunt for, pursue, shoot, shoot at, trap, or attempt to trap any wild mammal or wild birds unless an open season for the taking of such birds or mammals has been declared by the New Jersey Fish and Game Laws or Code and then only during the respective open seasons fixed by the New Jersey Fish and Game Laws or Code, except as provided at N.J.A.C. 7:25–5.15(a), (b), and (c). No person shall import the semen or any live member of the Cervidae family, including, but not limited to, white-tailed deer, mule deer, moose, elk, reindeer, caribou, sika deer, roe deer, red deer, and muntjac, from another state or country. No person shall bring into the State the whole carcass or intact, non-taxidermied head of any member of the Cervidae family harvested in another state or country. Only boned-out meat, cleaned skullcaps and hides, shed antlers, and clean upper canine teeth of any member of the Cervidae family may be brought into New Jersey.

1. No person shall administer or attempt to administer any chemical or biological substance, including, but not limited to, drugs, pesticides, vaccines, disease prevention or treatment, immobilization drug, or growth stimulant, nor make any alterations or affix any device to any free-ranging vertebrate wildlife without first obtaining a permit approved by the Director in consultation with the Fish and Game Council, and issued by the Division. Prior to the submission of an application, applicants must first obtain any necessary Federal permits. Each permit applicant must provide a written proposal describing the procedure, the credentials of the person(s) who will administer the substance or device, the purpose or intent of the procedure and an assessment of environmental impacts. The Division, in cooperation with the Department of Animal Science, Cook College - Rutgers University



- and other scientists who may be selected by the Division, will review each application and determine whether or not a permit is granted based on the overall justification and need for conducting such procedures, the qualifications of the person(s) administering the procedure and anticipated environmental impacts affecting both wildlife and humans and the probability of success in achieving the intent listed in the application. The permit shall identify the time, place and methodology to be utilized and any special conditions established by the Council. This subsection does not apply to those substances or devices used in order to control species of the genera *Mus*, *Peromyscus* or *Rattus* in or around buildings; or to those species possessed under a permit defined under N.J.A.C. 7:25-4 or 10.
2. No person shall hunt from or shoot at any wild animal or bird from any airborne conveyance, including an unmanned aircraft or drone. Except when authorized through a permit issued pursuant to N.J.A.C. 7:25-5.32, no person shall disturb wildlife utilizing any unmanned aircraft or drone for the purpose of:
 - i. Hunting, concentrating, driving, rallying, or stirring up any migratory game bird to put them in the range of hunters; or
 - ii. Herding any wild animal or bird for the purpose of scouting, hunting, or trapping.
 3. No person shall possess or use natural lures derived from deer urine, deer gland secretions or tissues, or other bodily fluid or biological material from deer.
- (b) This section shall not apply to the taking of English sparrows, European starlings, or blackbirds that are doing damage to crops or property; nor shall it apply to the taking of household pests such as Norway rats and house mice.
1. Under Federal regulations, a person may kill yellow-headed, red-winged, bicolored red-winged, tricolored red-winged, and Brewer's blackbirds, cowbirds, all grackles, common crows and magpies when found committing or about to commit serious depredations upon any ornamental or shade tree, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance. None of the birds killed, nor their plumage, shall be sold or offered for sale, but may be possessed, transported, and otherwise disposed of or utilized.
 2. Nothing in this section shall preclude a person from taking resident Canada geese or their nests or eggs as permitted by 50 CFR 21.49 through 21.61 as authorized by the U.S. Department of the Interior, Fish and Wildlife Service. Persons taking resident Canada geese or their nests or eggs under this section may be required to report on or keep a log of their activities if authorized by the U.S. Department of the Interior, Fish and Wildlife Service, as defined in 50 CFR Part 21.49 through 21.61. Methods and circumstances established by the U.S. Department of the Interior, Fish and Wildlife Service governing where Canada geese, or their nests or eggs, may be taken will be authorized by the Director, with the approval of the Council.



(c) Persons holding valid permits issued by the New Jersey Division of Fish and Wildlife for the possession or taking of any specific bird or mammal shall not be in violation of this section.

(d) The fact that a bird or mammal is not native to this State shall not constitute a defense to the possession, taking or attempting to take any wild bird or mammal in violation of this section.

(e) No person shall have in possession a deer, bear, or turkey, or the parts thereof including the meat of a deer, bear, or turkey, that he himself or she herself did not kill unless it has a tag or label bearing the date of harvest, possession seal, or confirmation number, and the name, address, telephone number, and license number of the person who killed the deer, bear, or turkey.

1. Those in the business of processing deer, bear, or turkey, that is butchers, taxidermists, etc., shall keep a ledger of all of their customers. Each customer's name, current address, day and evening telephone number, hunting license number, and the possession seal or confirmation number of any black bear, deer, or turkey being processed shall be included in the ledger. For deer, the gender and age (fawn or adult) of the animal shall also be included. This ledger shall be made available for inspection upon request made during the hours of 9:00 A.M. to 5:00 P.M. by any law enforcement officer or employee of the Division of Fish and Wildlife.

2. The possession seal which is issued at a designated black bear, deer, or turkey check station or the confirmation number issued by the AHRS shall always stay with the carcass, and with the meat after processing. If the black bear, deer, or turkey is to be mounted by a taxidermist, the antlers, or in the case of a black bear, an antlerless deer, or turkey, those parts of the animal being mounted, shall be labeled with the possession seal or confirmation number and the name and address of the owner.

3. Nothing in this section shall preclude a person from collecting and possessing naturally shed deer antler(s).

4. Any person possessing a carcass, meat, or parts of a deer, harvested in another jurisdiction, that has been deemed to be CWD-positive as a result of testing by that jurisdiction, shall surrender the CWD-positive carcass, meat, or body parts to the Division of Fish and Wildlife immediately. Excluded are shed antlers, cleaned capes, hides, skullcaps, and taxidermy.

(f) Not for profit and non-commercial organizations, including civic associations, volunteer fire departments and first aid squads, the New Jersey State Federation of Sportsmen's Clubs and their county affiliates, sportsmen's clubs and other conservation organizations, may conduct "wild game or venison dinner" fund raising events. These dinners/events may include prepared and ready-to-eat game and fur-bearing animal meat on a per serving basis. The game meat, the sale of which is otherwise prohibited, and fur-bearer animal meat, must be harvested, registered if required, stored and processed in accordance with applicable State, county, and local laws and regulations.



(g) In addition to the wildlife species and/or parts listed in N.J.S.A. 23:4–27, the pelt including the tail of the eastern gray squirrel (*Sciurus carolinensis*) may be sold, as defined in N.J.S.A. 23:4–27.

(h) The following activities shall be considered the wanton waste of a game animal and are illegal:

1. It is unlawful for any person who kills or wounds any white-tailed deer; black bear; wild turkey; rabbit species as defined in N.J.A.C. 7:25-5.3; squirrel; pheasant as defined in N.J.A.C. 7:25-5.2; quail, chukar, or Hungarian partridge; ruffed grouse; and all migratory game birds as defined in N.J.A.C. 7:25-5.13 while engaged in any hunting activities to refuse or neglect to make a reasonable effort to retrieve, retain, or lawfully take into possession such game or wildlife.

2. It is unlawful for any person to take, kill, or capture any game mammal or game bird and remove from the carcass the head, hide, or antlers and leave the edible portions of the carcass and meat to waste except for those species in N.J.A.C. 7:25-5.8, 5.9, 5.10, 5.11, 5.15, 5.17, 5.18, 5.19, and 5.21, except with the permission of the owner or tenant as provided at (h)3 below.

i. As used in this paragraph, “edible portions” means:

(1) For white-tailed deer and black bear:

(A) Front quarters as far as the distal joint of the radius-ulna (knee);

(B) Hind quarters as far as the distal joint of the tibia-fibula (hock);
and

(C) Backstrap/tenderloin - the meat along the backbone, between the front and hind quarters;

(2) For rabbit and squirrel:

(A) Front shoulders;

(B) Thighs; and

(C) Backstrap;

(3) For game birds:

(A) For turkey, the meat of the breast, legs and thighs; and

(B) For game birds other than turkey, the meat of the breast; and

(4) Edible portions do not include meat from the head or neck; meat that has been damaged by the method of taking; bones, sinew, and meat reasonably lost as a result of butchering, boning, or close trimming of bones; or viscera. Edible portions do not include meat from diseased or scavenged carcasses.

3. It is unlawful for any person to place, leave, dump, or abandon a game mammal, game bird, or wildlife carcass or parts of it along or upon a public right-of-way or highway, or on public property, including a waterway or stream, or on private property without the permission of the owner or tenant, or on any Wildlife Management Area or State Park.

(i) The authority for the adoption of the foregoing section is found in N.J.S.A. 13:1B–30, 23:4–43, 23:4–47, 23:4–48, 23:4–50 and other applicable statutes.

