

Animal Protection—Trapping Regulations—N.J. Stat. Ann. § 23:4-22 (West 1984).

In response to a growing concern across the country that use of the steel-jaw leghold animal trap is dangerous, cruel, and unnecessary, several states have enacted legislation curtailing its use.¹ In New Jersey, the Legislature recently enacted a law that prohibits the manufacture, possession, sale, and use of such traps.² The broad scope of the new law places New Jersey in the forefront of states that have banned or curtailed the use of the steel-jaw leghold trap.

The steel-jaw leghold trap is a device consisting of a metal ring that is hinged at the middle, a spring which forces the trap shut, and a trigger which activates the trap when an animal steps on it. The trap must snap shut tightly enough to prevent the animal from prying its foot loose, often resulting in the animal's bones being crushed.³

Use of the steel-jaw leghold trap has been widely condemned by animal rights groups across the country.⁴ Primarily these groups argue that the steel-jaw leghold trap inflicts unnecessary pain and damage to the trapped animal.⁵ The damage caused to the trapped animal is a major drawback to the steel-jaw leghold trap because of the indiscriminate nature of trapping. Once a trap is set there is no way to designate what animals will be caught. Up to 70 percent of animals trapped are "trash" animals for which the trapper has no market.⁶ Since the steel-jaw leghold trap injures the animal caught, any unwanted animals cannot be released unharmed.⁷

¹ See MASS. GEN. LAWS, ANN. ch. 131 § 80A (West 1980); N.Y. § 11-1101 (Consol. 1982); N.C. GEN. STAT. § 113-291.6 (1983); R.I. GEN. LAWS § 20-16-8 (1982).

² N.J. STAT. ANN. § 23:4-22 (West 1984) (Animal Traps — Steel-Jaw Leghold-Type Prohibitions).

³ Eisnitz, *Leg-Hold Traps Should Be Banned*, N.Y. Times, Dec. 11, 1983, § 11, at 46, col. 3.

⁴ *Id.* Notable among the groups advocating the ban on the use of steel-jaw leghold traps are the Humane Society and the Friends of Animals.

⁵ Eisnitz, *supra* note 3, at col. 3.

⁶ *Id.* at col. 5. "Trash" animals are non-target "trash" animals, such as squirrels, deer, livestock, pets and other furbearers. See also Feral, *A Call for Support of Wildlife Trapping Bill*, N.Y. Times, Mar. 22, 1981, § 11 at 24.

⁷ Eisnitz, *supra* note 3, at col. 5.

In support of the continued use of the trap, New Jersey trappers argue that when trap-lines are set and maintained properly the steel-jaw leghold trap provides an efficient, economical trapping method.⁸ Of the \$4,000,000 worth of fur-bearing animals harvested yearly in New Jersey, approximately twenty-five percent are caught using steel-jaw leghold traps.⁹

An additional argument in favor of the continued use of the steel-jaw leghold trap is its effectiveness in controlling animal populations.¹⁰ In the absence of natural predators, trapping helps keep animal populations in check, thus preventing both the "crash and boom"¹¹ effect of uncontrolled animal populations, and an increase in the density of animal populations which would facilitate the spread of any outbreak of rabies.¹²

The complete prohibition on the use of steel-jaw leghold traps is the latest measure in a recent reduction on the permitted use of the trap within New Jersey.¹³ The new law repeals a 1971 law¹⁴ which prohibited any person in a first or second class county,¹⁵ and all persons under 14 years of age from using steel-jaw leghold traps. Under the prior law, use of the trap was prohibited in the state's most densely populated counties and permitted in the state's rural counties.¹⁶ The availability of the traps within certain counties enabled trappers in restricted counties to circumvent the law by procuring and illegally using the traps. Widespread illegal use of the trap in restricted counties rendered

⁸ Telephone interview with R. Itchmoney, Federal Aid Coordinator, New Jersey Dept. of Fish and Game (June 21, 1984).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ From 1934-1939 New Jersey maintained a law that set out basic guidelines for the use of steel-jaw leghold traps and required that the trapper have permission to trap on the land from the landowner, lessee, or person in possession of the land. In 1939 the New Jersey Legislature repealed this law and there were no direct restrictions on the use of the steel-jaw leghold traps until the Legislature enacted N.J. STAT. ANN. § 23:4-38.1 (West 1971).

¹⁴ N.J. STAT. ANN. § 23:4-31.1 (West 1971).

¹⁵ First class counties have a population of more than 550,000 and a population density of more than 3,000 persons per square mile. Second class counties are all other counties having a population of more than 200,000 except such counties bordering on the Atlantic Ocean. N.J. STAT. ANN. § 40A:6-1 (West 1984) (Classification of counties for legislative purposes).

¹⁶ N.J. STAT. ANN. § 23:j4-38.1 (West 1971).

the prior law ineffective.¹⁷

The 1984 law seeks to negate the shortcomings of the previous law by imposing a complete ban on steel-jaw leghold traps. Under the new law, possession, manufacture, sale, offering for sale or use of steel-jaw leghold traps is illegal throughout the state.¹⁸ Moreover, law enforcement agencies are now authorized to confiscate all equipment used, and animals and pelts obtained in violation of the law.¹⁹

New Jersey is not the first state to ban the use of the steel-jaw leghold traps. Several other states and many foreign countries have already banned or curtailed the use of the trap.²⁰ Animal rights advocates have pointed out that detrimental environmental or economic consequences have not necessarily resulted where the steel-jaw leghold trap has been curtailed or banned.²¹

While recognizing that the curtailment on the use of steel-jaw leghold traps in other areas may not have resulted in detrimental consequences, the New Jersey Legislature nevertheless provided funds for the research and development of an alternative trap. The Department of Wildlife Management at Cook College is authorized to identify or develop a trap which will reduce pain and injury to both targeted and non-targeted animals.²² Supporters of the new law are optimistic that use of an alternative trap will be able to sustain the state's fur-bearing industry and provide an effective means of animal population control while not having the drawbacks of the steel-jaw leghold trap.²³

¹⁷ Eisnitz, *supra* note 3, at col. 3.

¹⁸ N.J. STAT. ANN. § 23:4-22.1 (West 1984).

¹⁹ N.J. STAT. ANN. § 23:4-22.7 (West 1984).

²⁰ The New Jersey prohibition on the steel-jaw leghold trap is broader than the laws passed in other states. The laws in other states can be broken down into two major categories. Some laws merely regulate the method of using the trap or prohibits its use in certain areas of the state. See MASS. GEN. LAWS ANN. ch. 131 § 80A (West 1980); N.Y. § 11-1101 (Consol. 1982); N.C. GEN. STAT. § 113.291.6 (1983). Others prohibit the use, but not the possession, sale, or manufacture of the trap. See R.I. GEN. LAWS § 20-16-8 (1982).

²¹ Eisnitz, *supra* note 3, at col. 4. Indeed, the trap has been outlawed with no subsequent reports of environmental or economic consequences in England, Austria, Denmark, Norway, West Germany, Hungary, India, Kenya, Brazil and fifty-five more countries. Within the United States, alternative trapping methods have also allowed a substantial fur harvest. Eisnitz, *supra* note 3.

²² N.J. STAT. ANN. § 23:4-22.4 (West 1984).

²³ Eisnitz, *supra* note 3, at col. 5.

The proponents were careful to make the law broad enough to effectively ban the use of steel-jaw leghold traps. One possible shortcoming of the law, however, stems from the inability of law enforcement officers to confiscate animals and pelts when they are neither held in a trap nor in the possession of a person illegally trapping.²⁴ The effectiveness of any law banning the use of steel-jaw leghold traps may be incomplete until the power to confiscate illegally caught furs extends to any person who traffics in furs, not merely to those who illegally use the trap.

Notwithstanding any possible shortcomings of the new law, it affects three positive goals. First, it repeals a law which was easily circumvented. Second, it eliminates a trapping method which precluded unwanted animals from being released unharmed. Third, it provides for the development of alternative traps which may be as effective as the steel-jaw leghold trap while not having its detrimental consequences.

The new law creates a workable solution to the problems inherent in the use of the steel-jaw leghold trap. Through both its broad scope and provision for the development of an alternative trap, the new law will effectively protect New Jersey wildlife while not destroying the trapping industry.

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²⁴ N.J. STAT. ANN. § 23:4-22.8 (West 1984).