

6793--A

I N S E N A T E

February 8, 2010

Introduced by Sens. VALESKY, MAZIARZ, STACHOWSKI -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to authorizing persons to hunt with a crossbow and providing for the adoption of regulations by the department of environmental conservation for such purpose; and to repeal certain provisions of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 2 of section 3-0301 of the environmental
2 conservation law is amended by adding a new paragraph dd to read as
3 follows:
4 DD. ON OR BEFORE JUNE THIRTIETH, TWO THOUSAND ELEVEN PROMULGATE STAND-
5 ARDS TO ALLOW FOR LEGALIZED CROSSBOW HUNTING THROUGHOUT THE STATE
6 INCLUDING THE USE OF A CROSSBOW ON PRIVATE PROPERTY AS A LEGAL HUNTING
7 IMPLEMENT DURING ANY DEER HUNTING SEASON. FOR THE PURPOSES OF THIS
8 PARAGRAPH, THE TERM "CROSSBOW" SHALL MEAN A BOW AND STRING (EITHER
9 COMPOUND OR RECURVE) THAT LAUNCHES A MINIMUM FOURTEEN INCH ARROW (NOT
10 INCLUDING POINT), MOUNTED UPON A STOCK WITH A TRIGGER THAT HOLDS THE
11 STRING AND LIMBS UNDER TENSION UNTIL RELEASED. THE TRIGGER UNIT MUST
12 HAVE A WORKING SAFETY. THE MINIMUM LIMB WIDTH TO A CROSSBOW SHALL BE
13 SEVENTEEN INCHES, HAVE A MINIMUM PEAK DRAW WEIGHT OF ONE HUNDRED POUNDS
14 AND A MAXIMUM PEAK DRAW WEIGHT OF TWO HUNDRED POUNDS. THE MINIMUM OVER-
15 ALL LENGTH OF A CROSSBOW FROM BUTT TO STOCK TO FRONT OF LIMBS SHALL BE
16 TWENTY-FOUR INCHES.
17 S 2. Paragraph g of subdivision 3 of section 11-0901 of the environ-
18 mental conservation law, as amended by chapter 34 of the laws of 1979,
19 is amended to read as follows:
20 g. [Wildlife] EXCEPT AS PROVIDED IN SUBDIVISIONS 15 AND 16 OF THIS
21 SECTION, WILDLIFE shall not be taken by the use of a cross-bow, by a
22 long bow drawn, pulled, released, or held in a drawn position by any

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 mechanical device attached to a portion of the bow other than the
2 bowstring, or by the use of a device commonly called a spear gun.

3 S 3. Subdivision 15 of section 11-0901 of the environmental conserva-
4 tion law, as amended by chapter 81 of the laws of 1988, is amended to
5 read as follows:

6 15. Notwithstanding any inconsistent provision of this section, the
7 department may [issue a permit to take] ADOPT REGULATIONS TO ALLOW THE
8 TAKING OF big game or small game by the use of a bow equipped with a
9 mechanical device for holding and releasing the bowstring, attached to
10 the handle section of an otherwise legal bow, OR BY THE USE OF A CROSS-
11 BOW, to any person WITH A PHYSICAL DISABILITY who is [permanently] phys-
12 ically incapable of drawing and holding a bow because of a physical
13 [handicap or] disability, subject to such restrictions as the department
14 may [deem necessary in the interest of public safety] ADOPT BY REGU-
15 LATION. FOR THE PURPOSE OF THIS SUBDIVISION, A PERSON WITH A PHYSICAL
16 DISABILITY SHALL MEAN ANY PERSON WHO SUBMITS TO THE DEPARTMENT A STATE-
17 MENT OF A PHYSICIAN DULY LICENSED TO PRACTICE MEDICINE THAT SUCH PERSON
18 IS PHYSICALLY INCAPABLE OF ARM MOVEMENT SUFFICIENT TO RELEASE A BOW AS
19 DEFINED IN SUBDIVISION 4 OF THIS SECTION OR AS OTHERWISE DEFINED IN
20 DEPARTMENT REGULATION.

21 S 4. Subdivision 16 of section 11-0901 of the environmental conserva-
22 tion law is REPEALED and a new subdivision 16 is added to read as
23 follows:

24 16. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS ARTICLE, THE
25 DEPARTMENT MAY, BY REGULATION, AUTHORIZE THE USE OF CROSSBOWS BY ANY
26 LICENSED PERSON IN ANY BIG GAME SEASON IN WHICH THE USE OF A FIREARM IS
27 PERMITTED.

28 S 5. This act shall take effect October 1, 2010; provided, that
29 sections three and four of this act shall take effect February 1, 2011;
30 and provided further, that any rules or regulations necessary for the
31 timely implementation of the provisions of this act on its effective
32 date shall be promulgated on or before February 1, 2011.