

5984

2013-2014 Regular Sessions

I N   S E N A T E

November 13, 2013

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Introduced by Sen. NOZZOLIO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to the use of a mechanically equipped bow by disabled persons

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

1     Section 1. Paragraph g of subdivision 3 of section 11-0901 of the  
2 environmental conservation law, as amended by chapter 34 of the laws of  
3 1979, is amended to read as follows:  
4     g. [Wildlife] EXCEPT AS PROVIDED IN SUBDIVISIONS FIFTEEN AND SIXTEEN  
5 OF THIS SECTION, WILDLIFE shall not be taken by the use of a cross-bow,  
6 by a long bow drawn, pulled, released, or held in a drawn position by  
7 any mechanical device attached to a portion of the bow other than the  
8 bowstring, or by the use of a device commonly called a spear gun.  
9     S 2. Subdivision 15 of section 11-0901 of the environmental conserva-  
10 tion law, as amended by chapter 483 of the laws of 2010, is amended to  
11 read as follows:  
12     15. Notwithstanding any inconsistent provision of this section, the  
13 department may adopt regulations to allow the taking of big game or  
14 small game by the use of a [long] bow equipped with a mechanical device  
15 for holding and releasing the bowstring, attached to the handle section  
16 of an otherwise legal [long] bow, OR BY THE USE OF A CROSSBOW, to any  
17 PHYSICALLY DISABLED person [with a physical disability] who is PERMA-  
18 NENTLY physically incapable of drawing and holding a [long] bow because  
19 of a physical HANDICAP OR disability, subject to such restrictions as  
20 the department may adopt by regulation. For the purpose of this subdivi-  
21 sion, [a person with a physical disability] "PHYSICALLY DISABLED PERSON"  
22 shall mean any person who submits to the department a statement of a  
23 physician duly licensed to practice medicine that such person is phys-  
24 ically incapable of arm movement sufficient to [draw, hold and] release  
25 a [long] bow as defined in subdivision [4] FOUR of this section or as

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

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1 otherwise defined in department [regulation] REGULATIONS. [The depart-  
2 ment is authorized to adopt regulations requiring documentation to  
3 establish that an applicant is eligible to use a mechanical device  
4 pursuant to this subdivision.]

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

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

22 S 4. This act shall take effect on the first of November next succeed-  
23 ing the date on which it shall have become a law, provided that the  
24 amendments to subdivision 15 of section 11-0901 of the environmental  
25 conservation law made by section two of this act shall be subject to the  
26 expiration and reversion of such paragraph pursuant to section 4 of  
27 chapter 483 of the laws of 2010, when upon such date the provisions of  
28 section three of this act shall take effect.