

STATE OF NEW YORK

9157

IN SENATE

August 29, 2018

Introduced by Sen. BOYLE -- 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 prohibiting the transportation, sale and possession of any part of product of a Giraffe

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Title 5 of article 11 of the environmental conservation law
2 is amended by adding a new section 11-0535-b to read as follows:

3 § 11-0535-b. Giraffes; prohibited acts.

4 1. Notwithstanding any other provision of law, no individual, firm,
5 corporation, association or partnership shall import, export, transport,
6 process, sell, offer for sale, purchase, trade, barter, distribute or
7 possess any part of product of the skin or body of a Giraffe (Giraffa
8 camelopardalis).

9 2. Unless such activity is prohibited by federal law, the following
10 exceptions and defenses apply to the prohibitions of subdivision one of
11 this section:

12 a. the part or product was located or possessed within the state of
13 New York prior to the effective date of this section;

14 b. the part or product is to be made part of a temporary or permanent
15 collection of a museum chartered by the board of regents pursuant to the
16 education law or to a museum authorized by a special charter from the
17 legislature of this state, provided that the article is not thereafter
18 sold, offered for sale, traded, bartered or distributed to any private
19 party; or

20 c. the part or product is distributed directly to a legal beneficiary
21 of a trust or to a legal heir provided the article was located or
22 possessed by the decedent prior to the effective date of this section;
23 provided further that after transfer to the beneficiary or heir that the
24 article is not thereafter sold, offered for sale, traded, bartered or
25 distributed to any private party.

26 3. Any officer or agent authorized by the commissioner, or any police
27 officer of the state of New York, or any police officer of any munici-

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

LBD16508-01-8

1 pality within the state of New York, shall have authority to execute any
2 warrant to search for and seize any parts or products in violation of
3 this section, as defined in subdivision one of this section, or any
4 property or item used in connection with a violation of this section;
5 such parts or products shall be held pending proceedings in any court of
6 proper jurisdiction. Upon conviction, or upon the entry of a judgment
7 restraining the import, export, transport, process, sale, offer for
8 sale, purchase, trade, barter, distribution or possession of any such
9 part or product on the ground that such parts or products are in
10 violation of this section, such parts or products shall be forfeited
11 and, upon forfeiture, either offered to a recognized institution for
12 scientific or educational purposes, or or destroyed.

13 § 2. Paragraph f of subdivision 1 of section 71-0919 of the environ-
14 mental conservation law, as amended by chapter 640 of the laws of 1977,
15 is amended and a new paragraph g is added to read as follows:

16 f. In the cases provided in section 71-0909, is liable to forfeiture
17 and confiscation of property involved in such violations, as provided in
18 that section[-]; and

19 g. in the cases provided in section 11-0535-b of this chapter:

20 (i) Any part or product shall be held pending criminal proceedings in
21 any court or proper jurisdiction.

22 (ii) A defendant convicted of such section shall be sentenced pursuant
23 to paragraph (b) of subdivision one of section 55.10 of the penal law;
24 provided, however, that any term of imprisonment imposed for violation
25 of such section shall be definite sentence, which may not exceed two
26 years.

27 (iii) Upon conviction, or upon the entry of a judgment restraining a
28 defendant from importing, possessing, selling, offering for sale, or
29 transporting a part or product of a Giraffe (*Giraffa camelopardalis*) on
30 the grounds that such activity is or would be in violation of section
31 11-0535-b of this chapter, any seized property under this paragraph
32 shall be forfeited and, upon forfeiture, destroyed.

33 § 3. This act shall take effect on the one hundred eightieth day after
34 it shall have become a law. Effective immediately, the addition, amend-
35 ment and/or repeal of any rule or regulation necessary for the implemen-
36 tation of this act on its effective date are authorized to be made and
37 completed on or before such effective date.