

STATE OF NEW YORK

8526

IN ASSEMBLY

January 5, 2024

Introduced by M. of A. HUNTER -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and a chapter of the laws of 2023 amending the environmental conservation law relating to an urban deer management pilot program, as proposed in legislative bills numbers S. 2630 and A. 783, in relation to an urban deer management pilot program

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

Section 1. Subdivisions 1, 2 and 3 of section 11-0522 of the environmental conservation law, as added by a chapter of the laws of 2023 amending the environmental conservation law relating to an urban deer management pilot program, as proposed in legislative bills numbers S. 2630 and A. 783, are amended to read as follows:

1. For the purposes of this section, "[~~certified~~] nuisance wildlife specialist" shall mean an employee of or a contractor for the federal or state government responsible for wildlife management [~~and~~] acting pursuant to a deer management plan[~~, who has been certified by the department as complying~~] and deer cull permit. A nuisance wildlife specialist must be in compliance with [~~the~~] criteria established by the department that at a minimum shall require:

a. a minimum level of marksmanship [~~certification~~] qualifications appropriate to the firearm or hunting implement to be used[~~, including ongoing certification~~];

b. liability insurance coverage [~~levels~~] or other financial arrangements [~~approved~~] identified by the department; [~~and~~]

c. a copy of the cull permit and a copy of the log of nuisance wildlife specialists using the permit, be on the nuisance wildlife specialist's person when exercising any privilege of such permit; and

d. reporting requirements.

2. The department may, after reviewing the city of Syracuse's cull permit application and site-specific deer management plan, and upon a finding by the city of Syracuse that deer have become a nuisance, destructive to public or private property or a threat to public health

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

LBD00592-02-4

1 or welfare, issue [~~a certified nuisance wildlife specialist~~] a deer cull
2 permit for use within the boundaries of the city of Syracuse, authoriz-
3 ing use of a nuisance wildlife specialist to take deer pursuant to the
4 terms of the deer cull permit.

5 3. Each cull permit application shall at a minimum include require-
6 ments for: the timeframe during which the permit must be used, a site-
7 specific deer management plan, a geographic description of the area for
8 which the permit is being requested, a written contract with the city of
9 Syracuse, a list which identifies participating nuisance wildlife
10 specialists and eligibility based on the criteria established by the
11 department, provided by the city of Syracuse, requests for any authori-
12 zation pursuant to subdivisions three and nine of section 11-0505 of
13 this title, subdivision two of section 11-0901 of this article, and
14 subdivisions two and four of section 11-0931 of this article, provided
15 that any such authorization subsequently granted shall be explicitly
16 included on any cull permit, and details regarding expected local law
17 enforcement [~~participation~~] consultation.

18 § 2. Paragraph b of subdivision 3 and subdivision 9 of section 11-0505
19 of the environmental conservation law, paragraph b of subdivision 3 as
20 amended and subdivision 9 as added by a chapter of the laws of 2023
21 amending the environmental conservation law relating to an urban deer
22 management pilot program, as proposed in legislative bills numbers S.
23 2630 and A. 783, are amended to read as follows:

24 b. a [~~certified~~] nuisance wildlife specialist with a permit issued
25 pursuant to section 11-0522 of this title may do so provided that such
26 activities are in furtherance of the site-specific deer management plan.

27 9. A [~~certified~~] nuisance wildlife specialist with a permit issued
28 pursuant to section 11-0522 of this title may, in accordance with the
29 parameters of such permit and the [~~participation~~] consultation of local
30 law enforcement, entice deer in the manner prohibited in subdivision
31 eight of this section provided that such activities are in furtherance
32 of the site-specific deer management plan.

33 § 3. Paragraph b of subdivision 2 of section 11-0901 of the environ-
34 mental conservation law, as amended by a chapter of the laws of 2023
35 amending the environmental conservation law relating to an urban deer
36 management pilot program, as proposed in legislative bills numbers S.
37 2630 and A. 783, is amended to read as follows:

38 b. by a [~~certified~~] nuisance wildlife specialist with a permit issued
39 pursuant to section 11-0522 of this article provided that such activ-
40 ities are in furtherance of the site-specific deer management plan.

41 § 4. Subdivision 2 and subparagraph 1 of paragraph b of subdivision 4
42 of section 11-0931 of the environmental conservation law, as amended by
43 a chapter of the laws of 2023 amending the environmental conservation
44 law relating to an urban deer management pilot program, as proposed in
45 legislative bills numbers S. 2630 and A. 783, are amended to read as
46 follows:

47 2. a. No crossbow or firearm except a pistol or revolver shall be
48 carried or possessed in or on a motor vehicle unless it is uncocked, for
49 a crossbow or unloaded, for a firearm in both the chamber and the maga-
50 zine, except that a loaded firearm which may be legally used for taking
51 migratory game birds may be carried or possessed in a motorboat while
52 being legally used in hunting migratory game birds, and b. no person
53 except a law enforcement officer in the performance of his official
54 duties or a [~~certified~~] nuisance wildlife specialist with a permit
55 issued pursuant to section 11-0522 of this article, provided that such
56 activities are in furtherance of the site-specific deer management plan,

1 shall, while in or on a motor vehicle, use a jacklight, spotlight or
2 other artificial light upon lands inhabited by deer if he or she is in
3 possession or is accompanied by a person who is in possession, at the
4 time of such use, of a longbow, crossbow or a firearm of any kind except
5 a pistol or revolver, unless such longbow or crossbow is unstrung or
6 such firearm or crossbow is taken down or securely fastened in a case or
7 locked in the trunk of the vehicle. For purposes of this subdivision,
8 motor vehicle shall mean every vehicle or other device operated by any
9 power other than muscle power, and which shall include but not be limited-
10 ed to automobiles, trucks, motorcycles, tractors, trailers and motor-
11 boats, snowmobiles and snowtravelers, whether operated on or off public
12 highways. Notwithstanding the provisions of this subdivision, the
13 department may issue a permit to any person who is non-ambulatory,
14 except with the use of a mechanized aid, to possess a loaded firearm in
15 or on a motor vehicle as defined in this section, subject to such
16 restrictions as the department may deem necessary in the interest of
17 public safety. Nothing in this section permits the possession of a
18 pistol or a revolver contrary to the penal law.

19 (1) The owner or lessee of the dwelling house, or members of his imme-
20 diate family actually residing therein, or a person in his employ, or
21 the guest of the owner or lessee of the dwelling house acting with the
22 consent of said owner or lessee, provided however, that nothing herein
23 shall be deemed to authorize such persons to discharge a firearm within
24 five hundred feet, a long bow within one hundred fifty feet, or a cross-
25 bow within two hundred fifty feet of any other dwelling house, or a farm
26 building or farm structure actually occupied or used, or a school build-
27 ing or playground, public structure, or occupied factory or church;
28 provided further, that a nuisance wildlife specialist with a permit
29 issued pursuant to section 11-0522 of this article acting in furtherance
30 of the site specific deer management plan may discharge a firearm within
31 five hundred feet of any dwelling houses, structures, schools or play-
32 grounds, provided that the owners or lessees thereof have been notified
33 by certified mail of the date or dates, and time period of the expected
34 activity, and discharge a firearm within two hundred fifty feet of such
35 dwelling houses, structures, schools or playgrounds provided that all
36 the owners or lessees thereof have provided written consent;

37 § 5. Section 5 of a chapter of the laws of 2023 amending the environ-
38 mental conservation law relating to an urban deer management pilot
39 program, as proposed in legislative bills numbers S. 2630 and A. 783, is
40 amended to read as follows:

41 § 5. The department of environmental conservation, following consulta-
42 tion with the city of Syracuse, shall prepare a report examining the
43 effectiveness of the urban deer management pilot program established
44 pursuant to section 11-0522 of the environmental conservation law in
45 addressing deer overpopulation and the effectiveness in addressing
46 destruction to public or private property in the city of Syracuse [~~as~~
47 ~~well as the impacts on surrounding communities~~]. The report shall
48 include [~~estimates regarding the size of the deer population in the city~~
49 ~~of Syracuse prior to the issuance of deer cull permits pursuant to~~
50 ~~section 11-0522 of the environmental conservation law,~~] the number of
51 cull permits issued, and the number of deer taken. The report shall also
52 include recommendations for program improvements, including the poten-
53 tial effectiveness of authorizing future programs. The report shall be
54 delivered to the governor, the speaker of the assembly and the temporary
55 president of the senate, as well as published on the department's public

1 website, no later than thirty months after the effective date of this
2 act.
3 § 6. This act shall take effect on the same date and in the same
4 manner as a chapter of the laws of 2023 amending the environmental
5 conservation law relating to an urban deer management pilot program, as
6 proposed in legislative bills numbers S. 2630 and A. 783, takes effect.