S T A T E O F N E W Y O R K

1229

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT to amend the environmental conservation law, in relation to penalties for unlawful taking, importation, transportation, possession or sale of endangered or threatened species

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

Section 1. Section 11-0537 of the environmental conservation law, as added by chapter 168 of the laws of 1989, is amended to read as follows:

S 11-0537. Bald and golden eagles; prohibited acts.

It shall be unlawful [to] FOR ANY PERSON, knowingly or with wanton disregard for the consequences of [this] HIS OR HER act, to take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or in any manner, any bald eagle commonly known as the American eagle, or any golden eagle, alive or dead, or any part, nest, or egg thereof of the foregoing eagles without a permit from a lawful authority.

S 2. Subdivision 11 of section 71-0921 of the environmental conservation law, as added by chapter 168 of the laws of 1989, is amended to read as follows:

11. Any person who violates the provisions of SUBDIVISION TWO OF SECTION 11-0535 OR section 11-0537 of this chapter, in the case of a first violation, shall be guilty of a class B misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed five thousand dollars or by imprisonment not to exceed ninety days, or both; provided that in the case of a second or subsequent violation such person shall be guilty of a class A misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed ten thousand dollars or imprisonment not to exceed one year, or both; provided, further, that the commission of each taking or other act prohibited by SUBDIVISION TWO

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

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OF SECTION 11-0535 OR section 11-0537 of this chapter [with respect to a bald or golden eagle] shall constitute a separate violation of this section; provided, further, that one-half of any such fine, but not to exceed two thousand five hundred dollars, [shall] MAY be paid to the person or persons giving information which leads to conviction. EMPLOYEES OF THE DEPARTMENT, THEIR RELATIVES, AND ANY PEACE OFFICER, POLICE OFFICER OR OTHER AUTHORIZED LAW ENFORCEMENT OFFICER OR OFFICIAL SHALL BE INELIGIBLE FOR ANY SUCH PAYMENT.

S 3. This act shall take effect immediately.