

3056

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 22, 2009

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Introduced by M. of A. BARCLAY, SAYWARD, SALADINO, KOLB, GIGLIO, OAKS --  
Multi-Sponsored by -- M. of A. BACALLES, BALL, BURLING, BUTLER,  
CALHOUN, CROUCH, ERRIGO, HAWLEY, MOLINARO, O'MARA, QUINN -- read once  
and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to big  
game hunting by people between the ages of twelve and sixteen years,  
with adult supervision

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

1     Section 1. Subdivision 2 of section 11-0701 of the environmental  
2 conservation law is amended by adding a new paragraph d to read as  
3 follows:  
4     D. A JUNIOR BIG GAME LICENSE ENTITLES A RESIDENT HOLDER WHO IS BETWEEN  
5 THE AGES OF TWELVE AND SIXTEEN YEARS TO HUNT WILD DEER AND BEAR DURING  
6 THE REGULAR BIG GAME SEASON, AS PROVIDED IN TITLE 9 OF THIS ARTICLE, AS  
7 IF SUCH PERSON HELD A BIG GAME LICENSE, SUBJECT TO THE PROVISIONS OF  
8 SUBDIVISION FIVE OF SECTION 11-0929 AND SUBDIVISION THREE OF SECTION  
9 11-0713 OF THIS ARTICLE. IT ENTITLES A NON-RESIDENT HOLDER WHO IS  
10 BETWEEN THE AGES OF TWELVE AND SIXTEEN YEARS TO HUNT WILD DEER AND BEAR  
11 DURING REGULAR BIG GAME SEASON, AS PROVIDED IN TITLE 9 OF THIS ARTICLE,  
12 AS IF SUCH PERSON HELD A NON-RESIDENT BEAR TAG, SUBJECT TO THE  
13 PROVISIONS OF SECTION 11-0929 AND SUBDIVISION THREE OF SECTION 11-0713  
14 OF THIS ARTICLE.  
15     S 2. Section 11-0929 of the environmental conservation law is amended  
16 by adding a new subdivision 5 to read as follows:  
17     5. A JUNIOR BIG GAME LICENSEE, BETWEEN THE AGES OF TWELVE AND SIXTEEN  
18 YEARS, SHALL NOT HUNT DEER OR BEAR WITH FIREARMS UNLESS HE OR SHE IS  
19 ACCOMPANIED BY HIS OR HER PARENT OR LEGAL GUARDIAN, OR BY A PERSON OVER  
20 EIGHTEEN YEARS OF AGE DESIGNATED IN WRITING BY HIS OR HER PARENT OR  
21 LEGAL GUARDIAN WHO HAS AT LEAST ONE YEAR'S EXPERIENCE IN HUNTING DEER OR

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

LBD02794-01-9

1 BEAR, AND SUCH ACCOMPANYING PARENT, LEGAL GUARDIAN, OR PERSON HOLDS A  
2 VALID LICENSE ENTITLING HIM OR HER TO HUNT BIG GAME WITH FIREARMS.

3 S 3. Subdivision 2, paragraph b of subdivision 4 and subdivision 6 of  
4 section 11-0703 of the environmental conservation law, as amended by  
5 chapter 344 of the laws of 2008, are amended to read as follows:

6 2. No license, permit, tag or stamp is transferable. No person shall  
7 alter, change, lend to another or attempt to transfer to another any  
8 license or any button, permit, tag or stamp issued therewith. No person,  
9 while hunting, shall possess a license, button, permit, tag or stamp  
10 which was issued to another person unless actually accompanied by the  
11 person to whom such license, button, permit, tag or stamp was issued. No  
12 person shall purchase, possess or use more than one junior archery,  
13 junior hunting, JUNIOR BIG GAME, small and big game, big game, bowhunt-  
14 ing, muzzle-loading, sportsman, or resident super-sportsman license or  
15 stamp, non-resident bowhunting or muzzle-loading license, non-resident  
16 super-sportsman license, non-resident bear tag or special permit for the  
17 current license year, except as permitted by regulation of the depart-  
18 ment. Notwithstanding the prohibitions contained in this subdivision,  
19 the department may authorize by rule or regulation the transfer of deer  
20 management permits, issued pursuant to section 11-0913 of this article,  
21 to any person licensed to hunt deer pursuant to this title.

22 b. A person under the age of [fourteen] TWELVE years is ineligible for  
23 any license which authorizes the holder to hunt big game. [A] EXCEPT AS  
24 PROVIDED IN PARAGRAPH D OF SUBDIVISION 2 OF SECTION 11-0701 OF THIS  
25 TITLE, A person under the age of sixteen years is ineligible for a small  
26 and big game, sportsman or resident super-sportsman, non-resident  
27 super-sportsman, non-resident big game, non-resident bowhunting license,  
28 or bowhunting stamp. A person is ineligible for a small game, small and  
29 big game, junior hunting, big game, junior archery, sportsman and resi-  
30 dent super-sportsman, non-resident super-sportsman, or non-resident  
31 bowhunting or muzzle-loading license unless such person meets the  
32 requirements of subdivision 3 of section 11-0713 of this title.

33 6. a. Except as provided in section 11-0707 and section 11-0709 of  
34 this title, no person shall (1) hunt wildlife, other than deer or bear,  
35 or take fish with a gun, unless such person holds and is entitled to  
36 exercise the privileges of a small game, junior hunting, JUNIOR BIG  
37 GAME, small and big game, free sportsman, sportsman or resident super-  
38 sportsman, or non-resident super-sportsman license; (2) hunt antlerless  
39 deer in a special open season therefor pursuant to subdivision 6 of  
40 section 11-0903 of this article unless such person holds and is entitled  
41 to exercise the privileges of and has on his or her person while so  
42 hunting a JUNIOR BIG GAME, small and big game, big game, junior archery,  
43 free sportsman, junior hunting if the licensee is at least fourteen  
44 years old, sportsman, resident super-sportsman, non-resident super-  
45 sportsman or non-resident bowhunting or muzzle-loading license, and a  
46 special antlerless deer license; (3) take fish or frogs in the manner  
47 described in subdivision 4 of section 11-0701 of this title unless such  
48 person is entitled to exercise the privileges of a fishing license; (4)  
49 trap wildlife unless such person holds a trapping license.

50 b. Except as provided in section 11-0707 and section 11-0709 of this  
51 title, no resident shall (1) hunt wild deer or bear unless such person  
52 holds and is entitled to exercise the privileges of a small and big  
53 game, JUNIOR BIG GAME, junior archery, junior hunting if the licensee is  
54 at least fourteen years old, free sportsman, sportsman, or resident  
55 super-sportsman license, and meets the requirements of this article; (2)  
56 hunt wild deer or bear with a longbow in a special longbow season unless

1 such person holds and is entitled to exercise the privileges of a small  
2 and big game, junior archery, free sportsman, sportsman, or resident  
3 super-sportsman license with a bowhunting stamp affixed and meets the  
4 requirements of this article; or (3) hunt wild deer or bear with a  
5 muzzle-loading firearm in a special muzzle-loading firearm season unless  
6 such person holds a small and big game, free sportsman, sportsman,  
7 junior hunting if the licensee is at least fourteen years old, or resi-  
8 dent super-sportsman license with a muzzle-loading stamp affixed and  
9 meets the requirements of this article.

10 c. Except as provided in section 11-0707 and section 11-0709 of this  
11 title, no non-resident shall (1) hunt wild deer unless such person holds  
12 and is entitled to exercise the privileges of a big game, JUNIOR BIG  
13 GAME, junior archery, junior hunting if the licensee is at least four-  
14 teen years old, non-resident super-sportsman, or non-resident bowhunting  
15 or muzzle-loading license; (2) hunt wild deer with a longbow in a  
16 special longbow season unless such person holds and is entitled to exer-  
17 cise the privileges of a non-resident super-sportsman, non-resident  
18 bowhunting, or junior archery license; (3) hunt wild deer with a  
19 muzzle-loading firearm in a special muzzle-loading firearm season unless  
20 such person holds a non-resident super-sportsman or non-resident  
21 muzzle-loading license; (4) hunt wild bear unless such person holds a  
22 junior hunting license if the licensee is at least fourteen years old, a  
23 junior archery license, or a non-resident bear tag in combination with  
24 one of the non-resident deer licenses listed in subparagraph 1, 2 or 3  
25 of this paragraph.

26 S 4. Subdivision 2 of section 11-0713 of the environmental conserva-  
27 tion law, as amended by chapter 344 of the laws of 2008, is amended to  
28 read as follows:

29 2. The issuing officer shall not issue a junior archery license to a  
30 person between the ages of fourteen and sixteen YEARS or a junior hunt-  
31 ing OR JUNIOR BIG GAME license to a person between the ages of twelve  
32 and sixteen years unless at the time of issuance applicant is accompa-  
33 nied by his or her parent or legal guardian who shall consent to the  
34 issuance of the license and shall so signify by signing his name in ink  
35 across the face of it. At no time shall such licenses be issued by mail  
36 to persons between the ages of twelve and sixteen years.

37 S 5. Subdivision 3 of section 11-0719 of the environmental conserva-  
38 tion law, as amended by chapter 344 of the laws of 2008, is amended to  
39 read as follows:

40 3. A junior hunting license issued to a person who is at least twelve  
41 and less than sixteen years of age or a junior archery OR JUNIOR BIG  
42 GAME license issued to a person who is fourteen or fifteen years of age  
43 may be revoked by the department upon proof satisfactory to the depart-  
44 ment that such person, while under the age of sixteen, has engaged in  
45 hunting wildlife with a gun or longbow, in circumstances in which a  
46 license is required, while not accompanied by his or her parent, guardi-  
47 an or other adult as provided in section 11-0929 of this article. If  
48 such license or privilege is revoked the department shall fix the period  
49 of such revocation, which is not to exceed four years. The department  
50 may require that such person successfully complete a department spon-  
51 sored course and obtain a certificate of qualification in responsible  
52 hunting or responsible bowhunting practices before being issued another  
53 hunting or bowhunting license.

54 S 6. This act shall take effect immediately.