

5940

2009-2010 Regular Sessions

I N A S S E M B L Y

February 23, 2009

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

AN ACT to amend the environmental conservation law, in relation to allowing persons 65 years and older and persons with disabilities to hunt with a long bow and to take wildlife with a crossbow

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 15 AND 16 OF THIS
5 SECTION, WILDLIFE shall not be taken by the use of a cross-bow, by a
6 long bow drawn, pulled, released, or held in a drawn position by any
7 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 81 of the laws of 1988, is amended to
11 read as follows:
12 15. Notwithstanding any inconsistent provision of this section, the
13 department may issue a permit [to take] OR ADOPT REGULATIONS TO ALLOW
14 THE TAKING OF big game or small game by the use of a bow equipped with a
15 mechanical device for holding and releasing the bowstring, attached to
16 the handle section of an otherwise legal bow, [to] BY any person who is
17 permanently physically incapable of drawing and holding a bow because of
18 a physical [handicap or] disability, subject to such restrictions as the
19 department may deem necessary in the interest of public safety.
20 S 3. Subdivision 16 of section 11-0901 of the environmental conserva-
21 tion law is REPEALED and a new subdivision 16 is added to read as
22 follows:
23 16. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS ARTICLE, A
24 PERSON WHO IS LICENSED TO HUNT WITH A LONG BOW MAY POSSESS AND USE A

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

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1 CROSSBOW WHENEVER AND WHEREVER HUNTING WITH A LONG BOW IS PERMITTED BY
2 THIS ARTICLE OR BY REGULATIONS ADOPTED PURSUANT THERETO, IF SUCH PERSON
3 IS ONE OF THE FOLLOWING:
4 A. A PERSON WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE; OR
5 B. A PERSON WITH A PERMANENT PHYSICAL DISABILITY.
6 FOR PURPOSES OF THIS SUBDIVISION, "PERSON WITH A PERMANENT PHYSICAL
7 DISABILITY" SHALL MEAN ANY PERSON WHO IS PERMANENTLY PHYSICALLY INCAPA-
8 BLE OF ARM MOVEMENT SUFFICIENT TO DRAW, HOLD OR RELEASE A LONG BOW, AS
9 DETERMINED BY A PHYSICIAN DULY LICENSED TO PRACTICE MEDICINE IN THE
10 STATE OF NEW YORK. THE DEPARTMENT IS AUTHORIZED TO ADOPT REGULATIONS
11 REQUIRING DOCUMENTATION TO ESTABLISH THAT AN APPLICANT IS ELIGIBLE TO
12 USE A CROSSBOW PURSUANT TO THIS SUBDIVISION.
13 S 4. This act shall take effect immediately.