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

740

2009-2010 Regular Sessions

I N  A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. GUNTHER, MAGEE -- Multi-Sponsored by -- M. of A. CALHOUN, GIGLIO, ORTIZ, WEISENBERG -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the use of a mechanically equipped bow by disabled persons

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

Section 1. Paragraph g of subdivision 3 of section 11-0901 of the environmental conservation law, as amended by chapter 34 of the laws of 1979, is amended to read as follows:

g. [Wildlife] EXCEPT AS PROVIDED IN SUBDIVISIONS FIFTEEN AND SIXTEEN OF THIS SECTION, WILDLIFE shall not be taken by the use of a cross-bow, by a long bow drawn, pulled, released, or held in a drawn position by any mechanical device attached to a portion of the bow other than the bowstring, or by the use of a device commonly called a spear gun.

S 2. Subdivision 15 of section 11-0901 of the environmental conservation law, as amended by chapter 81 of the laws of 1988, is amended to read as follows:

15. Notwithstanding any inconsistent provision of this section, the department may [issue a permit to take] ADOPT REGULATIONS TO ALLOW THE TAKING OF big game or small game by the use of a bow equipped with a mechanical device for holding and releasing the bowstring, attached to the handle section of an otherwise legal bow, OR BY THE USE OF A CROSS-BOW, to any PHYSICALLY DISABLED person who is permanently physically incapable of drawing and holding a bow because of a physical handicap or disability, subject to such restrictions as the department may [deem necessary in the interest of public safety] ADOPT BY REGULATION. FOR THE PURPOSE OF THIS SUBDIVISION, "PHYSICALLY DISABLED PERSON" SHALL MEAN ANY PERSON WHO SUBMITS TO THE DEPARTMENT A STATEMENT OF A PHYSICIAN DULY LICENSED TO PRACTICE MEDICINE THAT SUCH PERSON IS PHYSICALLY INCAPABLE

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

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OF ARM MOVEMENT SUFFICIENT TO RELEASE A BOW AS DEFINED IN SUBDIVISION FOUR OF THIS SECTION OR AS OTHERWISE DEFINED IN DEPARTMENT REGULATIONS.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.