

2204

2009-2010 Regular Sessions

I N S E N A T E

February 13, 2009

Introduced by Sens. VOLKER, DeFRANCISCO, MAZIARZ, RANZENHOFER, SEWARD,
WINNER, YOUNG -- read twice and ordered printed, and when printed to
be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to a
junior small and big game hunting license and the use of crossbows;
and repealing certain provisions of such law relating thereto

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

1 Section 1. Subparagraph 1 of paragraph a of subdivision 2 of section
2 11-0701 of the environmental conservation law, as added by section 5 of
3 part F of chapter 82 of the laws of 2002, is amended to read as follows:

4 (1) A small and big game license entitles the resident holder to hunt
5 wildlife subject to the following:

6 (i) a holder who is eighteen years of age or older may hunt wildlife
7 as provided in title 9 of this article,

8 (ii) a holder who is AGE sixteen [years of age or older] OR SEVENTEEN
9 may hunt wildlife, except big game, as provided in title 9 of this arti-
10 cle, and

11 (iii) a holder who is [between the ages of sixteen and eighteen] AGE
12 SIXTEEN OR SEVENTEEN may hunt big game [pursuant to the provisions of]
13 AS PROVIDED IN title 9 of this article [while the holder is accompanied
14 by a parent, guardian or person over the age of eighteen as required by]
15 SUBJECT TO THE PROVISIONS OF section 11-0929 of this article.

16 A holder may take fish with a gun or longbow as provided in titles 9
17 and 13 of this article.

18 S 2. Subparagraph 2 of paragraph a of subdivision 2 of section 11-0701
19 of the environmental conservation law, as amended by chapter 57 of the
20 laws of 1993, is amended to read as follows:

21 (2) A non-resident big game license entitles a person who has not been
22 a resident of the state for more than thirty days to hunt wild deer as
23 provided in title 9 OF THIS ARTICLE. It entitles such person to hunt

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

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1 bear during the regular open bear season or in an open season fixed by
2 regulation pursuant to subdivision eight of section 11-0903 of this
3 article if such person is also the holder of a non-resident bear tag. It
4 entitles a person who is [between the ages of] AGE sixteen [and eighteen
5 years] OR SEVENTEEN to exercise the privileges of a big game license
6 subject to the provisions of section 11-0929 OF THIS ARTICLE.

7 S 3. Paragraph c of subdivision 2 of section 11-0701 of the environ-
8 mental conservation law, as amended by section 7 of part F of chapter 82
9 of the laws of 2002, is amended to read as follows:

10 c. A junior archery license entitles a resident holder who is [between
11 the ages of] AGE fourteen [and sixteen years] OR FIFTEEN to hunt wild
12 deer and bear with a longbow during the special archery season and
13 during the regular season, as provided in title 9 of this article, as if
14 such person held a license which authorizes the holder to hunt big game
15 with a bowhunting stamp affixed, subject to the provisions of section
16 11-0929 and subdivision 3 of section 11-0713 of this article. It enti-
17 tles a non-resident holder who is [between the ages of] AGE fourteen
18 [and sixteen years] OR FIFTEEN to hunt wild deer and bear with a longbow
19 during the special archery season and during the regular season, as
20 provided in title 9 of this article, as if such person held a non-resi-
21 dent bowhunting license, a non-resident license which authorizes the
22 holder to hunt deer and a non-resident bear tag, subject to the
23 provisions of section 11-0929 and subdivision 3 of section 11-0713 of
24 this article.

25 S 4. Subdivision 12 of section 11-0701 of the environmental conserva-
26 tion law, as amended by chapter 344 of the laws of 2008, is amended to
27 read as follows:

28 12. A. A junior hunting license[:

29 a.]entitles a holder who is twelve or thirteen years of age to hunt
30 wildlife, except big game, as provided in title 9 of this article
31 subject, specifically, to the provisions of section 11-0929 of this
32 article. It entitles such holder to possess firearms as provided in
33 section 265.05 of the penal law.

34 b. A JUNIOR HUNTING LICENSE entitles a holder who is fourteen or
35 fifteen years of age to hunt wildlife, including wild deer and bear, as
36 provided in title 9 of this article, subject, specifically, to the
37 provisions of section 11-0929 of this article. It entitles such holder
38 to possess firearms as provided in section 265.05 of the penal law.

39 C. A JUNIOR SMALL AND BIG GAME LICENSE ENTITLES THE HOLDER AGE FOUR-
40 TEEN OR FIFTEEN TO HUNT WILDLIFE, EXCEPT BIG GAME, AS PROVIDED IN TITLE
41 9 OF THIS ARTICLE AND TO HUNT BIG GAME DURING THE SPECIAL MUZZLE-LOADING
42 SEASON AND DURING THE REGULAR SEASON, AS PROVIDED IN TITLE 9 OF THIS
43 ARTICLE, AS IF SUCH PERSON HELD A LICENSE WHICH AUTHORIZES THE HOLDER TO
44 HUNT BIG GAME WITH A MUZZLE-LOADING STAMP AFFIXED, SUBJECT TO THE
45 PROVISIONS OF SECTION 11-0929 OF THIS ARTICLE.

46 S 5. Subdivision 2 of section 11-0703 of the environmental conserva-
47 tion law, as amended by chapter 344 of the laws of 2008, is amended to
48 read as follows:

49 2. No license, permit, tag or stamp is transferable. No person shall
50 alter, change, lend to another or attempt to transfer to another any
51 license or any button, permit, tag or stamp issued therewith. No person,
52 while hunting, shall possess a license, button, permit, tag or stamp
53 which was issued to another person unless actually accompanied by the
54 person to whom such license, button, permit, tag or stamp was issued. No
55 person shall purchase, possess or use more than one junior archery,
56 junior hunting, JUNIOR SMALL AND BIG GAME, small and big game, big game,

1 bowhunting, muzzle-loading, sportsman, or resident super-sportsman
2 license or stamp, non-resident bowhunting or muzzle-loading license,
3 non-resident super-sportsman license, non-resident bear tag or special
4 permit for the current license year, except as permitted by regulation
5 of the department. Notwithstanding the prohibitions contained in this
6 subdivision, the department may authorize by rule or regulation the
7 transfer of deer management permits, issued pursuant to section 11-0913
8 of this article, to any person licensed to hunt deer pursuant to this
9 title.

10 S 6. Paragraph b of subdivision 4 of section 11-0703 of the environ-
11 mental conservation law, as amended by chapter 344 of the laws of 2008,
12 is amended to read as follows:

13 b. A person under the age of fourteen years is ineligible for any
14 license which authorizes the holder to hunt big game. A person under the
15 age of sixteen years is ineligible for a small and big game, sportsman
16 or resident super-sportsman, non-resident super-sportsman, non-resident
17 big game, non-resident bowhunting license, or bowhunting stamp. A person
18 is ineligible for a small game, small and big game, junior hunting,
19 JUNIOR SMALL AND BIG GAME, big game, junior archery, sportsman and resi-
20 dent super-sportsman, non-resident super-sportsman, or non-resident
21 bowhunting or muzzle-loading license unless such person meets the
22 requirements of subdivision 3 of section 11-0713 of this title.

23 S 7. Subdivision 6 of section 11-0703 of the environmental conserva-
24 tion law, as amended by chapter 344 of the laws of 2008, is amended to
25 read as follows:

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

44 b. Except as provided in section 11-0707 and section 11-0709 of this
45 title, no resident shall (1) hunt wild deer or bear unless such person
46 holds and is entitled to exercise the privileges of a small and big
47 game, JUNIOR SMALL AND BIG GAME, junior archery, junior hunting if the
48 licensee is at least fourteen years old, free sportsman, sportsman, or
49 resident super-sportsman license, and meets the requirements of this
50 article; (2) hunt wild deer or bear with a longbow in a special longbow
51 season unless such person holds and is entitled to exercise the privi-
52 leges of a small and big game, junior archery, free sportsman, sports-
53 man, or resident super-sportsman license with a bowhunting stamp affixed
54 and meets the requirements of this article; or (3) hunt wild deer or
55 bear with a muzzle-loading firearm in a special muzzle-loading firearm
56 season unless such person holds a small and big game, free sportsman,

1 sportsman, junior hunting if the licensee is at least fourteen years
 2 old, or resident super-sportsman license with a muzzle-loading stamp
 3 affixed, OR JUNIOR SMALL AND BIG GAME LICENSE and meets the requirements
 4 of this article.

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

22 S 8. Subparagraph 3 of paragraph a of subdivision 1 of section 11-0713
 23 of the environmental conservation law, as amended by section 4 of part D
 24 of chapter 61 of the laws of 2000, is amended to read as follows:

25 (3) License issuing officers as may be appointed by the commissioner.
 26 Applicants for designation as license issuing officers shall be [over
 27 the age of] eighteen years OF AGE OR OLDER and shall meet such other
 28 requirements of eligibility, including posting bond, as the department
 29 may by regulation specify. Such issuing officers shall be entitled to
 30 receive and keep the same fees for issuing licenses and stamps that are
 31 specified in section 11-0715 of this article for issuing clerks, and
 32 shall file reports and remit license fees to the appropriate regional
 33 environmental conservation officer or the department as required by
 34 regulation.

35 S 9. Subdivision 2 of section 11-0713 of the environmental conserva-
 36 tion law, as amended by chapter 344 of the laws of 2008, is amended to
 37 read as follows:

38 2. The issuing officer shall not issue a junior archery OR JUNIOR
 39 SMALL AND BIG GAME license to a person [between the ages of] AGE four-
 40 teen [and sixteen] OR FIFTEEN or a junior hunting license to a person
 41 [between the ages of] AGE twelve [and sixteen years] THROUGH FIFTEEN
 42 unless at the time of issuance applicant is accompanied by his or her
 43 parent or legal guardian who shall consent to the issuance of the
 44 license and shall so signify by signing his OR HER name in ink across
 45 the face of it. At no time shall such licenses be issued by mail to
 46 persons [between the] ages [of] twelve [and sixteen years] THROUGH
 47 FIFTEEN.

48 S 10. Paragraph c of subdivision 3 of section 11-0715 of the environ-
 49 mental conservation law, as amended by chapter 344 of the laws of 2008,
 50 is amended to read as follows:

51 c. In all cases:

52	(1) Certificates in lieu of lost license or stamp	\$ 5.00
53	(2) Duplicate for lost or destroyed permit, button or tag	
54		\$10.00
55	(3) Junior hunting license	\$ 5.00
56	(4) JUNIOR SMALL AND BIG GAME LICENSE	\$ 9.00

1	(5) Junior archery license	\$ 9.00
2	[(5)] (6) One-day fishing license	\$15.00
3	[(6)] (7) Conservation patron license	\$12.00

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

7 3. A junior hunting license issued to a person who is [at least] AGE
8 twelve [and less than sixteen years of age] THROUGH FIFTEEN or a junior
9 archery OR JUNIOR SMALL AND BIG GAME license issued to a person who is
10 AGE fourteen or fifteen [years of age] may be revoked by the department
11 upon proof satisfactory to the department that such person, while under
12 the age of sixteen, has engaged in hunting wildlife with a gun or long-
13 bow, in circumstances in which a license is required, while not accompa-
14 nied by his or her parent, guardian or other adult as provided in
15 section 11-0929 of this article. If such license or privilege is revoked
16 the department shall fix the period of such revocation, which is not to
17 exceed four years. The department may require that such person success-
18 fully complete a department sponsored course and obtain a certificate of
19 qualification in responsible hunting or responsible bowhunting practices
20 before being issued another hunting or bowhunting license.

21 S 12. Paragraph a of subdivision 8 of section 11-0907 of the environ-
22 mental conservation law, as amended by section 45 of part F of chapter
23 82 of the laws of 2002, is amended to read as follows:

24 a. In every area identified in column one of the table set forth in
25 subdivision 2 of this section, except those areas restricted to special
26 seasons for taking deer by longbow only, special open seasons may be
27 established by regulation for taking deer and/or bear, by the use of
28 muzzle-loading firearms, of not less than .44 caliber shooting a single
29 projectile, by the holders of a small and big game, sportsman or free
30 sportsman license to which a valid muzzle-loading stamp is affixed or to
31 holders of a JUNIOR SMALL AND BIG GAME, resident or non-resident super-
32 sportsman, or non-resident muzzle-loading license.

33 S 13. Subdivision 7 of section 11-0913 of the environmental conserva-
34 tion law, as amended by section 48 of part F of chapter 82 of the laws
35 of 2002, is amended to read as follows:

36 7. The department shall charge and receive a fee of ten dollars for
37 the application and the processing of such permit or permits. Applicants
38 who are successful in the computerized selection shall receive the
39 permit or permits free of any additional charge. The application fee
40 shall be non-refundable. The department may waive the application fee
41 for holders of a junior archery, JUNIOR SMALL AND BIG GAME, sportsman,
42 resident super-sportsman, conservation legacy or non-resident super-
43 sportsman license.

44 S 14. Section 11-0929 of the environmental conservation law, as
45 amended by chapter 344 of the laws of 2008, is amended to read as
46 follows:

47 S 11-0929. Hunting by minors.

48 1. A licensee [who is] AGE twelve or thirteen [years of age] shall not
49 [hunt wildlife with a gun or a longbow] EXERCISE THE PRIVILEGES OF A
50 JUNIOR SMALL GAME LICENSE unless he or she is accompanied by his or her
51 parent or legal guardian, or by a person twenty-one years of age or
52 older designated in writing by his or her parent or legal guardian on a
53 form prescribed by the department, who holds a license which authorizes
54 the holder to hunt wildlife.

55 2. A licensee who is AGE fourteen or fifteen [years of age] shall not:

1 a. [hunt wildlife with a gun or longbow] EXERCISE THE PRIVILEGES OF A
2 JUNIOR SMALL GAME LICENSE, other than wild deer or bear as provided in
3 paragraph b of this subdivision, unless he or she is accompanied by his
4 or her parent or legal guardian holding a license which authorizes the
5 holder to hunt wildlife, or by a person eighteen years of age or older,
6 designated in writing by his or her parent or legal guardian, holding
7 such license;

8 b. hunt wild deer or bear with a gun unless:

9 (1) he or she is accompanied by his or her parent or a legal guardian,
10 or a youth mentor who is twenty-one years of age or older designated in
11 writing by the parent or legal guardian of the licensee on a form
12 prescribed by the department; and

13 (2) such parent, guardian or youth mentor has had at least three years
14 of experience in hunting big game; and

15 (3) such parent, guardian or youth mentor holds a license which
16 authorizes the holder to hunt big game; and

17 (4) such parent, guardian or youth mentor maintains physical control
18 over the minor he or she is accompanying at all times while hunting; and

19 (5) such parent, guardian or youth mentor and the minor he or she is
20 accompanying remain at ground level at all times while hunting; and

21 (6) such parent, guardian or youth mentor and the minor he or she is
22 accompanying shall each display either a minimum total of two hundred
23 fifty square inches of solid fluorescent orange or patterned fluorescent
24 orange consisting of no less than fifty percent fluorescent orange mate-
25 rial worn above the waist and visible from all directions, or a hat or
26 cap with no less than fifty percent of the exterior consisting of solid
27 fluorescent orange material and visible from all directions. For
28 purposes of this paragraph, "physical control" shall mean that the phys-
29 ical proximity of the minor to the parent, guardian or youth mentor is
30 such that the parent, guardian or youth mentor is reasonably able to
31 issue verbal directions and instructions, maintain constant visual
32 contact, and otherwise provide guidance and supervision to the minor.

33 3. A licensee [who is] AGE sixteen or seventeen [years of age and] who
34 has not previously had a license which authorizes the holder to hunt big
35 game issued to him or her and engaged in hunting pursuant to it shall
36 not hunt deer or bear unless he or she is accompanied by his or her
37 parent or legal guardian, or by a person designated in writing by his or
38 her parent or legal guardian on a form prescribed by the department and
39 who is eighteen years of age or older and who has had at least one
40 year's experience in hunting deer or bear, and such accompanying parent,
41 guardian or person holds a license which authorizes the holder to hunt
42 big game.

43 4. A junior archery licensee, [who is] AGE fourteen or fifteen [years
44 of age], shall not hunt deer or bear unless he or she is accompanied by
45 his or her parent or legal guardian, or by a person designated in writ-
46 ing by his or her parent or legal guardian on a form prescribed by the
47 department who is eighteen years of age or older and who has had at
48 least one year's experience in hunting deer or bear by longbow, and such
49 accompanying parent, guardian or person holds a license which authorizes
50 the holder to hunt big game during a special archery season and the
51 regular open season.

52 5. A JUNIOR SMALL AND BIG GAME LICENSEE, AGE FOURTEEN OR FIFTEEN,
53 SHALL NOT HUNT DEER OR BEAR UNLESS HE OR SHE IS ACCOMPANIED BY HIS OR
54 HER PARENT OR LEGAL GUARDIAN, OR BY A PERSON EIGHTEEN YEARS OF AGE OR
55 OLDER WHO HAS HAD AT LEAST ONE YEAR'S EXPERIENCE IN HUNTING DEER OR
56 BEAR, AND SUCH ACCOMPANYING PARENT, GUARDIAN OR PERSON HOLDS A LICENSE

1 WHICH AUTHORIZES THE HOLDER TO HUNT BIG GAME DURING A SPECIAL
2 MUZZLE-LOADING SEASON AND THE REGULAR OPEN SEASON.

3 S 15. Paragraph g of subdivision 3 of section 11-0901 of the environ-
4 mental conservation law, as amended by chapter 34 of the laws of 1979,
5 is amended to read as follows:

6 g. [Wildlife] EXCEPT AS PROVIDED IN SUBDIVISIONS 15 AND 16 OF THIS
7 SECTION, WILDLIFE shall not be taken by the use of a cross-bow, by a
8 long bow drawn, pulled, released, or held in a drawn position by any
9 mechanical device attached to a portion of the bow other than the
10 bowstring, or by the use of a device commonly called a spear gun.

11 S 16. Subdivision 15 of section 11-0901 of the environmental conserva-
12 tion law, as amended by chapter 81 of the laws of 1988, is amended to
13 read as follows:

14 15. Notwithstanding any inconsistent provision of this section, the
15 department may [issue a permit to take] ADOPT REGULATIONS TO ALLOW THE
16 TAKING OF big game or small game by the use of a bow equipped with a
17 mechanical device for holding and releasing the bowstring, attached to
18 the handle section of an otherwise legal bow, OR BY THE USE OF A CROSS-
19 BOW, to any person WITH A PHYSICAL DISABILITY who is [permanently] phys-
20 ically incapable of drawing and holding a bow because of a physical
21 [handicap or] disability, subject to such restrictions as the department
22 may [deem necessary in the interest of public safety] ADOPT BY REGU-
23 LATION. FOR THE PURPOSE OF THIS SUBDIVISION, "PERSON WITH A PHYSICAL
24 DISABILITY" SHALL MEAN ANY PERSON WHO SUBMITS TO THE DEPARTMENT A STATE-
25 MENT OF A PHYSICIAN DULY LICENSED TO PRACTICE MEDICINE THAT SUCH PERSON
26 IS PHYSICALLY INCAPABLE OF ARM MOVEMENT SUFFICIENT TO RELEASE A BOW AS
27 DEFINED IN SUBDIVISION 4 OF THIS SECTION OR AS OTHERWISE DEFINED IN
28 DEPARTMENT REGULATION.

29 S 17. Subdivision 16 of section 11-0901 of the environmental conserva-
30 tion law is REPEALED and a new subdivision 16 is added to read as
31 follows:

32 16. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS ARTICLE, THE
33 DEPARTMENT MAY, BY REGULATION, AUTHORIZE THE USE OF CROSSBOWS.

34 S 18. This act shall take effect October 1, 2009, provided that any
35 regulations necessary for the timely implementation of the provisions of
36 this act on its effective date shall be promulgated on or before such
37 date.