

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

2204--A

2009-2010 Regular Sessions

I N S E N A T E

February 13, 2009

Introduced by Sens. VOLKER, MAZIARZ, NOZZOLIO, RANZENHOFER, SEWARD, WINNER, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommended to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, 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:

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

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1 (2) A non-resident big game license entitles a person who has not been
2 a resident of the state for more than thirty days to hunt wild deer as
3 provided in title 9 OF THIS ARTICLE. It entitles such person to hunt
4 bear during the regular open bear season or in an open season fixed by
5 regulation pursuant to subdivision eight of section 11-0903 of this
6 article if such person is also the holder of a non-resident bear tag. It
7 entitles a person who is [between the ages of] AGE sixteen [and eighteen
8 years] OR SEVENTEEN to exercise the privileges of a big game license
9 subject to the provisions of section 11-0929 OF THIS ARTICLE.

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

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

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

31 12. A. A junior hunting license[:]

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

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

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

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

52 2. No license, permit, tag or stamp is transferable. No person shall
53 alter, change, lend to another or attempt to transfer to another any
54 license or any button, permit, tag or stamp issued therewith. No person,
55 while hunting, shall possess a license, button, permit, tag or stamp
56 which was issued to another person unless actually accompanied by the

1 person to whom such license, button, permit, tag or stamp was issued. No
2 person shall purchase, possess or use more than one junior archery,
3 junior hunting, JUNIOR SMALL AND BIG GAME, small and big game, big game,
4 bowhunting, muzzle-loading, sportsman, or resident super-sportsman
5 license or stamp, non-resident bowhunting or muzzle-loading license,
6 non-resident super-sportsman license, non-resident bear tag or special
7 permit for the current license year, except as permitted by regulation
8 of the department. Notwithstanding the prohibitions contained in this
9 subdivision, the department may authorize by rule or regulation the
10 transfer of deer management permits, issued pursuant to section 11-0913
11 of this article, to any person licensed to hunt deer pursuant to this
12 title.

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

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

26 S 7. Subdivision 6 of section 11-0703 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 6. a. Except as provided in section 11-0707 and section 11-0709 of
30 this title, no person shall (1) hunt wildlife, other than deer or bear,
31 or take fish with a gun, unless such person holds and is entitled to
32 exercise the privileges of a small game, junior hunting, JUNIOR SMALL
33 AND BIG GAME, small and big game, free sportsman, sportsman or resident
34 super-sportsman, or non-resident super-sportsman license; (2) hunt
35 antlerless deer in a special open season therefor pursuant to subdivi-
36 sion 6 of section 11-0903 of this article unless such person holds and
37 is entitled to exercise the privileges of and has on his or her person
38 while so hunting a small and big game, JUNIOR SMALL AND BIG GAME, big
39 game, junior archery, free sportsman, junior hunting if the licensee is
40 at least fourteen years old, sportsman, resident super-sportsman, non-
41 resident super-sportsman or non-resident bowhunting or muzzle-loading
42 license, and a special antlerless deer license; (3) take fish or frogs
43 in the manner described in subdivision 4 of section 11-0701 of this
44 title unless such person is entitled to exercise the privileges of a
45 fishing license; (4) trap wildlife unless such person holds a trapping
46 license.

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

1 and meets the requirements of this article; or (3) hunt wild deer or
2 bear with a muzzle-loading firearm in a special muzzle-loading firearm
3 season unless such person holds a small and big game, free sportsman,
4 sportsman, junior hunting if the licensee is at least fourteen years
5 old, or resident super-sportsman license with a muzzle-loading stamp
6 affixed, OR JUNIOR SMALL AND BIG GAME LICENSE and meets the requirements
7 of this article.

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

25 S 8. Subparagraph 3 of paragraph a of subdivision 1 of section 11-0713
26 of the environmental conservation law, as amended by section 4 of part
27 LL of chapter 59 of the laws of 2009, is amended to read as follows:

28 (3) license issuing officers as may be appointed by the commissioner.
29 Applicants for designation as license issuing officers shall be [over
30 the age of] eighteen years OF AGE OR OLDER and shall meet such other
31 requirements of eligibility, including posting bond, as the department
32 may by regulation specify. Such issuing officers shall be entitled to
33 receive and keep the same fees for issuing licenses and stamps that are
34 specified in section 11-0715 of this title for issuing clerks and
35 section 13-0355 of this chapter, and shall file reports and remit
36 license fees to the appropriate regional environmental conservation
37 officer or the department as required by regulation.

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

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

51 S 10. Paragraph c of subdivision 3 of section 11-0715 of the environ-
52 mental conservation law, as amended by section 4 of part KK of chapter
53 59 of the laws of 2009, is amended to read as follows:

54 c. In all cases:

55 (1) Certificates in lieu of lost license or stamp
56 or tag

\$ 5.00

(2) Duplicate for lost or destroyed permit, button or tag	\$10.00
(3) Junior hunting license	\$ 5.00
(4) JUNIOR SMALL AND BIG GAME LICENSE	\$ 9.00
(5) Junior archery license	\$ 9.00
[(5)] (6) One-day fishing license	\$15.00
[(6)] (7) Conservation patron license	\$12.00

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

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

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

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

S 13. Subdivision 7 of section 11-0913 of the environmental conservation law, as amended by section 6 of part KK of chapter 59 of the laws of 2009, is amended to read as follows:

7. The department shall charge and receive a fee of ten dollars for the application and the processing of such permit or permits. Applicants who are successful in the computerized selection shall receive the permit or permits free of any additional charge. The application fee shall be non-refundable. The department may waive the application fee for holders of a lifetime sportsman license existing as of October first, two thousand nine, junior archery license, JUNIOR SMALL AND BIG GAME LICENSE, resident super-sportsman license, or junior hunting license.

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

S 11-0929. Hunting by minors.

1. A licensee [who is] AGE twelve or thirteen [years of age] shall not [hunt wildlife with a gun or a longbow] EXERCISE THE PRIVILEGES OF A JUNIOR SMALL GAME LICENSE unless he or she is accompanied by his or her parent or legal guardian, or by a person twenty-one years of age or

1 older designated in writing by his or her parent or legal guardian on a
2 form prescribed by the department, who holds a license which authorizes
3 the holder to hunt wildlife.

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

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

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

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

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

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

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

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

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

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

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

1 5. A JUNIOR SMALL AND BIG GAME LICENSEE, AGE FOURTEEN OR FIFTEEN,
2 SHALL NOT HUNT DEER OR BEAR UNLESS HE OR SHE IS ACCOMPANIED BY HIS OR
3 HER PARENT OR LEGAL GUARDIAN, OR BY A PERSON EIGHTEEN YEARS OF AGE OR
4 OLDER WHO HAS HAD AT LEAST ONE YEAR'S EXPERIENCE IN HUNTING DEER OR
5 BEAR, AND SUCH ACCOMPANYING PARENT, GUARDIAN OR PERSON HOLDS A LICENSE
6 WHICH AUTHORIZES THE HOLDER TO HUNT BIG GAME DURING A SPECIAL
7 MUZZLE-LOADING SEASON AND THE REGULAR OPEN SEASON.

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

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

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

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

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

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

39 S 18. This act shall take effect October 1, 2010, provided that any
40 regulations necessary for the timely implementation of the provisions of
41 this act on its effective date shall be promulgated on or before such
42 date.