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

3598

2009-2010 Regular Sessions

I N S E N A T E

March 25, 2009

Introduced by Sens. KRUEGER, HUNTLEY -- 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 increasing the age at which a person is allowed to hunt

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

Section 1. Subdivisions 1, 2, 3, 11 and 12 of section 11-0701 of the environmental conservation law, subdivisions 1, 3, 11 and 12 as amended by chapter 344 of the laws of 2008, paragraph a of subdivision 2 as amended by chapter 57 of the laws of 1993, subparagraph 1 of paragraph a of subdivision 2 as added by section 5, paragraph b of subdivision 2 as amended by section 6 and paragraph c of subdivision 2 as amended by section 7 of part F of chapter 82 of the laws of 2002, are amended to read as follows:

1. A small game license entitles a holder who is [sixteen] EIGHTEEN years of age or older to hunt wildlife, except big game, and to take with a gun or longbow fish permitted to be so taken, as provided in titles 9 and 13 of this article.

2. a. (1) A small and big game license entitles the resident holder to hunt wildlife subject to the following:

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

(ii) [a holder who is sixteen years of age or older may hunt wildlife, except big game, as provided in title 9 of this article, and

(iii)] a holder who is between the ages of [sixteen and] eighteen AND TWENTY may hunt big game pursuant to the provisions of title 9 of this article while the holder is accompanied by a parent, guardian or person over the age of [eighteen] TWENTY as required by section 11-0929 of this article.

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

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

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

b. A special antlerless deer license is applicable to the hunting of wild antlerless deer in a special open season fixed pursuant to subdivision 6 of section 11-0903 of this article in a tract within a Wilderness Hunting Area and entitles the holder of a license which authorizes the holder to hunt big game to hunt antlerless deer in such special open season, as provided in title 9 of this article if he has on his person while so hunting both his license which authorizes the holder to hunt big game and his special antlerless deer license.

c. A junior archery license entitles a resident holder who is between the ages of [fourteen and] sixteen AND EIGHTEEN years to hunt wild deer and bear with a longbow during the special archery season and during the regular season, as provided in title 9 of this article, as if such person held a license which authorizes the holder to hunt big game with a bowhunting stamp affixed, subject to the provisions of section 11-0929 and subdivision 3 of section 11-0713 of this article. It entitles a non-resident holder who is between the ages of [fourteen and] sixteen AND EIGHTEEN years to hunt wild deer and bear with a longbow during the special archery season and during the regular season, as provided in title 9 of this article, as if such person held a non-resident bowhunting license, a non-resident license which authorizes the holder to hunt deer and a non-resident bear tag, subject to the provisions of section 11-0929 and subdivision 3 of section 11-0713 of this article.

3. A bowhunting stamp when affixed to a resident license which authorizes the holder to hunt big game entitles a holder who is eighteen years of age or older to hunt wild deer and bear with a longbow, as provided in title 9 of this article, in a special longbow season, and it entitles a holder who is [sixteen or seventeen] BETWEEN THE AGES OF EIGHTEEN AND TWENTY years of age to exercise the same privileges subject to the provisions of section 11-0929 and subdivision 3 of section 11-0713 of this article.

11. A muzzle-loading stamp when affixed to a resident license which authorizes the holder to hunt big game entitles a holder who is [fourteen] EIGHTEEN years of age or older to hunt wild deer and bear with a muzzle-loading firearm, as provided in title 9 of this article, in a special muzzle-loading firearm season.

12. A junior hunting license[:

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

[b. entitles a holder who is fourteen or fifteen years of age to hunt wildlife, including wild deer and bear, as provided in title 9 of this article, subject, specifically, to the provisions of section 11-0929 of

this article. It entitles such holder to possess firearms as provided in section 265.05 of the penal law.]

S 2. 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 [twelve or thirteen] BETWEEN THE AGES OF FOURTEEN AND SIXTEEN years of age shall not hunt wildlife with a gun or a longbow unless he or she is accompanied by his or her parent or legal guardian, or by a person [twenty-one] TWENTY-THREE years of age or older designated in writing by his or her parent or legal guardian on a form prescribed by the department, who holds a license which authorizes the holder to hunt wildlife.

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

a. hunt wildlife with a gun or longbow, other than wild deer or bear as provided in paragraph b of this subdivision, unless he or she is accompanied by his or her parent or legal guardian holding a license which authorizes the holder to hunt wildlife, or by a person eighteen years of age or older, designated in writing by his or her parent or legal guardian, holding such license;

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

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

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

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

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

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

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

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

[4.] 3. A junior archery licensee, who is [fourteen or fifteen] BETWEEN SIXTEEN AND EIGHTEEN years of age, shall not hunt deer or bear

unless he or she is accompanied by his or her parent or legal guardian, or by a person designated in writing by his or her parent or legal guardian on a form prescribed by the department who is [eighteen] TWENTY years of age or older and who has had at least one year's experience in hunting deer or bear by longbow, and such accompanying parent, guardian or person holds a license which authorizes the holder to hunt big game during a special archery season and the regular open season.

S 3. This act shall take effect October 1, 2010, provided, however, that effective immediately, the addition, amendment, or repeal of any rule or regulation necessary for the implementation of the foregoing sections of this act is authorized and directed to be made and completed on or before such effective date.