

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

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

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

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

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

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

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

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

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

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

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

20 c. A junior archery license entitles a resident holder who is between
21 the ages of [fourteen and] sixteen AND EIGHTEEN years to hunt wild deer
22 and bear with a longbow during the special archery season and during the
23 regular season, as provided in title 9 of this article, as if such
24 person held a license which authorizes the holder to hunt big game with
25 a bowhunting stamp affixed, subject to the provisions of section 11-0929
26 and subdivision 3 of section 11-0713 of this article. It entitles a
27 non-resident holder who is between the ages of [fourteen and] sixteen
28 AND EIGHTEEN years to hunt wild deer and bear with a longbow during the
29 special archery season and during the regular season, as provided in
30 title 9 of this article, as if such person held a non-resident bowhunt-
31 ing license, a non-resident license which authorizes the holder to hunt
32 deer and a non-resident bear tag, subject to the provisions of section
33 11-0929 and subdivision 3 of section 11-0713 of this article.

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

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

47 12. A junior hunting license[:

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

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

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

3 S 2. Section 11-0929 of the environmental conservation law, as amended
4 by chapter 344 of the laws of 2008, is amended to read as follows:

5 S 11-0929. Hunting by minors.

6 1. A licensee who is [twelve or thirteen] BETWEEN THE AGES OF FOURTEEN
7 AND SIXTEEN years of age shall not hunt wildlife with a gun or a longbow
8 unless he or she is accompanied by his or her parent or legal guardian,
9 or by a person [twenty-one] TWENTY-THREE years of age or older desig-
10 nated in writing by his or her parent or legal guardian on a form
11 prescribed by the department, who holds a license which authorizes the
12 holder to hunt wildlife.

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

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

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

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

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

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

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

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

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

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

55 [4.] 3. A junior archery licensee, who is [fourteen or fifteen]
56 BETWEEN SIXTEEN AND EIGHTEEN years of age, shall not hunt deer or bear

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

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