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

3056

2009-2010 Regular Sessions

I N  A S S E M B L Y

January 22, 2009

Introduced by M. of A. BARCLAY, SAYWARD, SALADINO, KOLB, GIGLIO, OAKS -- Multi-Sponsored by -- M. of A. BACALLES, BALL, BURLING, BUTLER, CALHOUN, CROUCH, ERRIGO, HAWLEY, MOLINARO, O'MARA, QUINN -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to big game hunting by people between the ages of twelve and sixteen years, with adult supervision

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

Section 1. Subdivision 2 of section 11-0701 of the environmental conservation law is amended by adding a new paragraph d to read as follows:

D. A JUNIOR BIG GAME LICENSE ENTITLES A RESIDENT HOLDER WHO IS BETWEEN THE AGES OF TWELVE AND SIXTEEN YEARS TO HUNT WILD DEER AND BEAR DURING THE REGULAR BIG GAME SEASON, AS PROVIDED IN TITLE 9 OF THIS ARTICLE, AS IF SUCH PERSON HELD A BIG GAME LICENSE, SUBJECT TO THE PROVISIONS OF SUBDIVISION FIVE OF SECTION 11-0929 AND SUBDIVISION THREE OF SECTION 11-0713 OF THIS ARTICLE. IT ENTITLES A NON-RESIDENT HOLDER WHO IS BETWEEN THE AGES OF TWELVE AND SIXTEEN YEARS TO HUNT WILD DEER AND BEAR DURING REGULAR BIG GAME SEASON, AS PROVIDED IN TITLE 9 OF THIS ARTICLE, AS IF SUCH PERSON HELD A NON-RESIDENT BEAR TAG, SUBJECT TO THE PROVISIONS OF SECTION 11-0929 AND SUBDIVISION THREE OF SECTION 11-0713 OF THIS ARTICLE.

S 2. Section 11-0929 of the environmental conservation law is amended by adding a new subdivision 5 to read as follows:

5. A JUNIOR BIG GAME LICENSEE, BETWEEN THE AGES OF TWELVE AND SIXTEEN YEARS, SHALL NOT HUNT DEER OR BEAR WITH FIREARMS UNLESS HE OR SHE IS ACCOMPANIED BY HIS OR HER PARENT OR LEGAL GUARDIAN, OR BY A PERSON OVER EIGHTEEN YEARS OF AGE DESIGNATED IN WRITING BY HIS OR HER PARENT OR LEGAL GUARDIAN WHO HAS AT LEAST ONE YEAR'S EXPERIENCE IN HUNTING DEER OR

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

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BEAR, AND SUCH ACCOMPANYING PARENT, LEGAL GUARDIAN, OR PERSON HOLDS A VALID LICENSE ENTITLING HIM OR HER TO HUNT BIG GAME WITH FIREARMS.

S 3. Subdivision 2, paragraph b of subdivision 4 and subdivision 6 of section 11-0703 of the environmental conservation law, as amended by chapter 344 of the laws of 2008, are amended to read as follows:

2. No license, permit, tag or stamp is transferable. No person shall alter, change, lend to another or attempt to transfer to another any license or any button, permit, tag or stamp issued therewith. No person, while hunting, shall possess a license, button, permit, tag or stamp which was issued to another person unless actually accompanied by the person to whom such license, button, permit, tag or stamp was issued. No person shall purchase, possess or use more than one junior archery, junior hunting, JUNIOR BIG GAME, small and big game, big game, bowhunting, muzzle-loading, sportsman, or resident super-sportsman license or stamp, non-resident bowhunting or muzzle-loading license, non-resident super-sportsman license, non-resident bear tag or special permit for the current license year, except as permitted by regulation of the department. Notwithstanding the prohibitions contained in this subdivision, the department may authorize by rule or regulation the transfer of deer management permits, issued pursuant to section 11-0913 of this article, to any person licensed to hunt deer pursuant to this title.

b. A person under the age of [fourteen] TWELVE years is ineligible for any license which authorizes the holder to hunt big game. [A] EXCEPT AS PROVIDED IN PARAGRAPH D OF SUBDIVISION 2 OF SECTION 11-0701 OF THIS TITLE, A person under the age of sixteen years is ineligible for a small and big game, sportsman or resident super-sportsman, non-resident super-sportsman, non-resident big game, non-resident bowhunting license, or bowhunting stamp. A person is ineligible for a small game, small and big game, junior hunting, big game, junior archery, sportsman and resident super-sportsman, non-resident super-sportsman, or non-resident bowhunting or muzzle-loading license unless such person meets the requirements of subdivision 3 of section 11-0713 of this title.

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

b. Except as provided in section 11-0707 and section 11-0709 of this title, no resident shall (1) hunt wild deer or bear unless such person holds and is entitled to exercise the privileges of a small and big game, JUNIOR BIG GAME, junior archery, junior hunting if the licensee is at least fourteen years old, free sportsman, sportsman, or resident super-sportsman license, and meets the requirements of this article; (2) hunt wild deer or bear with a longbow in a special longbow season unless

such person holds and is entitled to exercise the privileges of a small and big game, junior archery, free sportsman, sportsman, or resident super-sportsman license with a bowhunting stamp affixed and meets the requirements of this article; or (3) hunt wild deer or bear with a muzzle-loading firearm in a special muzzle-loading firearm season unless such person holds a small and big game, free sportsman, sportsman, junior hunting if the licensee is at least fourteen years old, or resident super-sportsman license with a muzzle-loading stamp affixed and meets the requirements of this article.

c. Except as provided in section 11-0707 and section 11-0709 of this title, no non-resident shall (1) hunt wild deer unless such person holds and is entitled to exercise the privileges of a big game, JUNIOR BIG GAME, junior archery, junior hunting if the licensee is at least fourteen years old, non-resident super-sportsman, or non-resident bowhunting or muzzle-loading license; (2) hunt wild deer with a longbow in a special longbow season unless such person holds and is entitled to exercise the privileges of a non-resident super-sportsman, non-resident bowhunting, or junior archery license; (3) hunt wild deer with a muzzle-loading firearm in a special muzzle-loading firearm season unless such person holds a non-resident super-sportsman or non-resident muzzle-loading license; (4) hunt wild bear unless such person holds a junior hunting license if the licensee is at least fourteen years old, a junior archery license, or a non-resident bear tag in combination with one of the non-resident deer licenses listed in subparagraph 1, 2 or 3 of this paragraph.

S 4. Subdivision 2 of section 11-0713 of the environmental conservation law, as amended by chapter 344 of the laws of 2008, is amended to read as follows:

2. The issuing officer shall not issue a junior archery license to a person between the ages of fourteen and sixteen YEARS or a junior hunting OR JUNIOR BIG GAME license to a person between the ages of twelve and sixteen years unless at the time of issuance applicant is accompanied by his or her parent or legal guardian who shall consent to the issuance of the license and shall so signify by signing his name in ink across the face of it. At no time shall such licenses be issued by mail to persons between the ages of twelve and sixteen years.

S 5. 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 twelve and less than sixteen years of age or a junior archery OR JUNIOR BIG GAME license issued to a person who is 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 6. This act shall take effect immediately.