

7100

2009-2010 Regular Sessions

I N A S S E M B L Y

March 20, 2009

Introduced by M. of A. GUNTHER, DelMONTE, SCHROEDER, BALL, GORDON --  
read once and referred 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  
24 bear during the regular open bear season or in an open season fixed by

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

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

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

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

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

27 12. A. A junior hunting license[:

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

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

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

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

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

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

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

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

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

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

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

1 old, or resident super-sportsman license with a muzzle-loading stamp  
 2 affixed, OR JUNIOR SMALL AND BIG GAME LICENSE and meets the requirements  
 3 of this article.

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

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

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

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

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

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

50 c. In all cases:

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



1 paragraph b of this subdivision, unless he or she is accompanied by his  
2 or her parent or legal guardian holding a license which authorizes the  
3 holder to hunt wildlife, or by a person eighteen years of age or older,  
4 designated in writing by his or her parent or legal guardian, holding  
5 such license;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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