

740

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. GUNTHER, MAGEE -- Multi-Sponsored by -- M. of A. CALHOUN, GIGLIO, ORTIZ, WEISENBERG -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the use of a mechanically equipped bow by disabled persons

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

1 Section 1. Paragraph g of subdivision 3 of section 11-0901 of the
2 environmental conservation law, as amended by chapter 34 of the laws of
3 1979, is amended to read as follows:
4 g. [Wildlife] EXCEPT AS PROVIDED IN SUBDIVISIONS FIFTEEN AND SIXTEEN
5 OF THIS SECTION, WILDLIFE shall not be taken by the use of a cross-bow,
6 by a long bow drawn, pulled, released, or held in a drawn position by
7 any 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 2. 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 PHYSICALLY DISABLED person who is permanently physically
18 incapable of drawing and holding a bow because of a physical handicap or
19 disability, subject to such restrictions as the department may [deem
20 necessary in the interest of public safety] ADOPT BY REGULATION. FOR THE
21 PURPOSE OF THIS SUBDIVISION, "PHYSICALLY DISABLED PERSON" SHALL MEAN ANY
22 PERSON WHO SUBMITS TO THE DEPARTMENT A STATEMENT OF A PHYSICIAN DULY
23 LICENSED TO PRACTICE MEDICINE THAT SUCH PERSON IS PHYSICALLY INCAPABLE

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

LBD00687-01-9

1 OF ARM MOVEMENT SUFFICIENT TO RELEASE A BOW AS DEFINED IN SUBDIVISION
2 FOUR OF THIS SECTION OR AS OTHERWISE DEFINED IN DEPARTMENT REGULATIONS.
3 S 3. This act shall take effect on the first of November next succeed-
4 ing the date on which it shall have become a law.