

2943

2009-2010 Regular Sessions

I N S E N A T E

March 6, 2009

Introduced by Sen. NOZZOLIO -- 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 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
24 OF ARM MOVEMENT SUFFICIENT TO RELEASE A BOW AS DEFINED IN SUBDIVISION
25 FOUR OF THIS SECTION OR AS OTHERWISE DEFINED IN DEPARTMENT REGULATIONS.
26 S 3. This act shall take effect on the first of November next succeed-
27 ing the date on which it shall have become a law.

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

LBD00687-01-9