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2011-2012 Regular Sessions

I N A S S E M B L Y

January 24, 2011

Introduced by M. of A. GABRYSZAK, GIGLIO -- Multi-Sponsored by -- M. of
A. BRENNAN, BURLING, REILLY, SCARBOROUGH, TITONE -- read once and
referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the
illegal taking of deer

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

1 Section 1. Subdivision 1 of section 71-0921 of the environmental
2 conservation law, as amended by chapter 289 of the laws of 2004, is
3 amended to read as follows:
4 1. The illegal taking of big game prior to the first day of the open
5 season or after the last day of the open season in the county or part
6 thereof where taken, or any illegal taking of a deer, or the taking of
7 big game by the aid of an artificial light. [Each such] A FIRST misde-
8 meanor FOR A VIOLATION OF THIS SUBDIVISION shall be punishable by impris-
9 sonment for not more than one year or by a fine of not less than [two
10 hundred fifty] FIVE HUNDRED dollars nor more than [two] THREE thousand
11 dollars, or by both such imprisonment and fine. ADDITIONALLY, SUCH
12 PERSON SHALL HAVE ANY EXISTING FIREARM LICENSE HE OR SHE POSSESSES
13 SUSPENDED FOR TWO YEARS AND SHALL BE INELIGIBLE FOR A FIREARM LICENSE OR
14 A HUNTING LICENSE FOR TWO YEARS. EVERY SUBSEQUENT MISDEMEANOR FOR A
15 VIOLATION OF THIS SUBDIVISION SHALL BE PUNISHABLE BY IMPRISONMENT FOR
16 NOT MORE THAN ONE YEAR OR BY A FINE OF NOT LESS THAN ONE THOUSAND
17 DOLLARS NOR MORE THAN FIVE THOUSAND DOLLARS, OR BY BOTH SUCH IMPRISON-
18 MENT AND FINE. ADDITIONALLY, SUCH PERSON SHALL HAVE ANY EXISTING FIREARM
19 LICENSE HE OR SHE POSSESSES SUSPENDED FOR FIVE YEARS, SHALL BE INELIGI-
20 BLE FOR A FIREARM LICENSE FOR FIVE YEARS AND SHALL FORFEIT HIS OR HER
21 HUNTING LICENSE. ANY PERSON REQUIRED TO FORFEIT HIS OR HER HUNTING
22 LICENSE PURSUANT TO THIS SUBDIVISION SHALL SURRENDER IT TO ANY ENVIRON-
23 MENTAL CONSERVATION OFFICER, SPECIAL GAME PROTECTOR OR ANY OTHER PERSON

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

LBD04170-01-1

1 AUTHORIZED BY THE DEPARTMENT TO RECEIVE IT AND SHALL BE INELIGIBLE TO
2 PROCURE ANOTHER HUNTING LICENSE FOR TEN YEARS.

3 S 2. Subdivision 3 of section 71-0925 of the environmental conserva-
4 tion law is amended to read as follows:

5 3. If the violation involves the illegal taking of a deer prior to the
6 first day of the open season or after the last day of the open season in
7 the county or part of a county in which taken, or the taking of deer
8 with the aid of an artificial light, or the illegal taking of a wild
9 deer, [one] TWO hundred dollars and an additional penalty of [four]
10 EIGHT hundred dollars for the first deer taken and a further penalty of
11 [five hundred] ONE THOUSAND dollars for each succeeding deer taken;

12 S 3. This act shall take effect on the one hundred twentieth day after
13 it shall have become a law; provided, however, that effective immediate-
14 ly, the addition, amendment and/or repeal of any rule or regulation
15 necessary for the implementation of this act on its effective date is
16 authorized and directed to be made and completed on or before such
17 effective date.