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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. GUNTHER, MAGEE -- Multi-Sponsored by -- M. of A. CALHOUN, CUSICK, GIGLIO, ORTIZ -- 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 483 of the laws of 2010, is amended to
11 read as follows:
12 15. Notwithstanding any inconsistent provision of this section, the
13 department may adopt regulations to allow the taking of big game or
14 small game by the use of a [long] bow equipped with a mechanical device
15 for holding and releasing the bowstring, attached to the handle section
16 of an otherwise legal [long] bow, OR BY THE USE OF A CROSSBOW, to any
17 PHYSICALLY DISABLED person [with a physical disability] who is PERMA-
18 NENTLY physically incapable of drawing and holding a [long] bow because
19 of a physical HANDICAP OR disability, subject to such restrictions as
20 the department may adopt by regulation. For the purpose of this subdivi-
21 sion, [a person with a physical disability] "PHYSICALLY DISABLED PERSON"
22 shall mean any person who submits to the department a statement of a
23 physician duly licensed to practice medicine that such person is phys-

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

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1 ically incapable of arm movement sufficient to [draw, hold and] release
2 a [long] bow as defined in subdivision [4] FOUR of this section or as
3 otherwise defined in department [regulation] REGULATIONS. [The depart-
4 ment is authorized to adopt regulations requiring documentation to
5 establish that an applicant is eligible to use a mechanical device
6 pursuant to this subdivision.]

7 S 3. Subdivision 15 of section 11-0901 of the environmental conserva-
8 tion law, as amended by chapter 81 of the laws of 1988, is amended to
9 read as follows:

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

24 S 4. This act shall take effect on the first of November next succeed-
25 ing the date on which it shall have become a law, provided that the
26 amendments to subdivision 15 of section 11-0901 of the environmental
27 conservation law made by section two of this act shall be subject to the
28 expiration and reversion of such paragraph pursuant to section 4 of
29 chapter 483 of the laws of 2010, when upon such date the provisions of
30 section three of this act shall take effect.