S T A T E O F N E W Y O R K

9682

I N A S S E M B L Y

March 23, 2012

Introduced by M. of A. RYAN -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to permitting hunting with crossbows in certain circumstances; and to amend chapter 483 of the laws of 2010, amending the environmental conservation law relating to hunting by crossbow, in relation to the effectiveness thereof

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

Section 1. Subdivision 3 of section 11-0901 of the environmental conservation law, paragraphs a and b as amended by chapter 911 of the laws of 1990, paragraph c as amended by chapter 825 of the laws of 1973, subparagraph 1 of paragraph c as amended by chapter 407 of the laws of 1976, paragraph d as amended by chapter 15 of the laws of 1976, paragraph e as amended by chapter 418 of the laws of 1996, paragraph f as amended by chapter 533 of the laws of 1973 and paragraph g as amended by chapter 34 of the laws of 1979, is amended to read as follows:

3. a. Migratory game birds shall be taken only as permitted by regulations of the department adopted pursuant to section 11-0307.

b. Wild deer and bear shall not be taken except by gun, CROSSBOW or by long bow. Where an open season, set forth in the table of open seasons in section 11-0907 or otherwise established by law or fixed by regulation, is specified as an open season for taking such game by shotgun, CROSSBOW or long bow only, or is specified as an open season for taking such game by long bow only, they shall not be taken except as so specified.

c. Wild small game and wild upland game birds shall be taken only by longbow, CROSSBOW or gun, or by the use of raptors as provided in title 10 of this article, except that:

(1) skunk, raccoon, bobcat, coyote, fox, mink and muskrat may be taken in any manner not prohibited in this section or in title 11 of the Fish and Wildlife Law, and

(2) frogs may also be taken by spearing, catching with the hands, or by the use of a club or hook.

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

LBD15078-03-2

d. Muskrat shall not be taken by the use of a spear and shall not be taken by shooting except that until the state of Vermont shall prohibit taking of muskrats on Lake Champlain by shooting, muskrats may be taken, by shooting with a firearm not larger than twenty-two caliber, on Lake Champlain, exclusive of the tributary streams flowing into such lake. Possession of pierced or stabbed muskrats shall be presumptive evidence that they were unlawfully taken. Wild mink shall not be taken by the use of firearms in the Northern Zone nor elsewhere within the state with a firearm larger than twenty-two caliber. Skunk, raccoon, bobcat, mink and muskrat shall not be taken by the use of smoke, chemicals, gas or poison. Beaver, fisher and otter shall not be hunted.

e. Wild pheasant shall be taken only by shotgun, CROSSBOW or long bow, or by the use of raptors as provided in title 10 of this article. Except as specifically authorized by regulation of the department adopted pursuant to section 11-1007 or whenever the department determines that the taking of hen pheasants will result in better pheasant management and not be detrimental to the natural propagation of such pheasants, only male wild pheasants shall be taken.

f. No wildlife shall be taken with an arrow OR BOLT with an explosive head or shaft, or with an arrow, BOLT, dart or any device, propelled by any means, that is used for the purpose of injecting or delivering any type of drug into the blood system of such wildlife. Nothing in this paragraph shall be construed as prohibiting a wildlife biologist or employee of the department or anyone acting under a license from the department from using any method to take wildlife if he is doing so within the scope of his employment for the department, or pursuant to the license issued by the department.

g. Wildlife shall not be taken by the use of [a cross-bow, by] a long bow drawn, pulled, released, or held in a drawn position by any mechanical device attached to a portion of the bow other than the bowstring, or by the use of a device commonly called a spear gun.

S 2. Subdivision 17 of section 11-0901 of the environmental conservation law, as added by chapter 483 of the laws of 2010, is amended and a new subdivision 18 is added to read as follows:

17. Notwithstanding any inconsistent provision of this [section] ARTICLE, the department may, by regulation, authorize the taking of big game by the use of a crossbow by any licensed person in any big game season [in which the use of a shotgun or muzzle loader is permitted, provided however that any such authorized taking of big game by the use of a crossbow in a season or special season in which the muzzle loader is the only firearm permitted shall succeed the regular open hunting season for deer established pursuant to section 11-0907 of this title].

18. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS ARTICLE, THE DEPARTMENT MAY, BY REGULATION, AUTHORIZE THE TAKING OF WILDLIFE BY THE USE OF A CROSSBOW BY ANY LICENSED PERSON IN ANY OPEN SEASON.

S 3. Section 17 of chapter 483 of the laws of 2010, amending the environmental conservation law relating to hunting by crossbow, is amended to read as follows:

S 17. This act shall take effect October 1, 2010, except that sections four and five of this act shall take effect February 1, 2011, provided that any rules or regulations necessary for the timely implementation of the provisions of this act on its effective date shall be promulgated on or before February 1, 2011 and provided further that SECTIONS FOUR, SIX, SEVEN, EIGHT, NINE, TEN, ELEVEN, TWELVE, FOURTEEN AND FIFTEEN OF this act shall expire on December 31, 2012 when upon such date the provisions of [this act] SUCH SECTIONS shall be deemed repealed; provided, however,

that the amendments to paragraph a of subdivision 2 of section 11-0907 of the environmental conservation law made by section eleven of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 13 of chapter 600 of the laws of 1993, as amended, when upon such date the provisions of section twelve of this act shall take effect.

S 4. This act shall take effect immediately.