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

7692

I N S E N A T E

June 13, 2012

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend section 17 of chapter 483 of the laws of 2010, amending the environmental conservation law relating to hunting by crossbow, in relation to the effectiveness thereof; to amend the environmental conservation law, in relation to crossbow hunting; and to repeal section 12 of such chapter relating thereto

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

Section 1. 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that this act shall expire on December 31, [2012] 2014 when upon such date the provisions of this act shall be deemed repealed[; provided, however, that the amendments to paragraph a of subdivision 2 of section 11-0907 of the environmental conservation law made by section eleven of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 2. Section 12 of chapter 483 of the laws of 2010, amending the environmental conservation law relating to hunting by crossbow is REPEALED.

S 3. Subdivision 25 of section 11-0103 of the environmental conservation law, as amended by chapter 595 of the laws of 1984, is amended to read as follows:

25. "Hunting accident" means the injury to or death of a person caused by the discharge of a firearm, CROSSBOW, or longbow while the person causing such injury or death, or the person injured or killed, is taking or attempting to take game, wildlife or fish.

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

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S 4. Paragraph a of subdivision 1 of section 11-0719 of the environmental conservation law, as amended by chapter 176 of the laws of 1987, is amended to read as follows:

a. In the circumstances described in paragraph b the department may revoke any license or stamp, of any person, to hunt, fish or trap, defined in section 11-0701 or issued pursuant to any provision of the Fish and Wildlife Law, or it may revoke all of such licenses or stamps. It may also deny such person, for a period not exceeding five years, the privilege of obtaining such license or licenses or stamp or stamps or of hunting, trapping or fishing, anywhere in the state with or without license or stamp, except as provided in subdivision 1 of section 11-0707 or in section 11-0523. It may also require that such person successfully complete a department-sponsored course and obtain a certificate of qualification in responsible hunting, [responsible] CROSSBOW HUNTING, bowhunting or [responsible] trapping practices before being issued another license.

S 5. Subparagraph 4 of paragraph b of subdivision 1 of section 11-0719 of the environmental conservation law, as amended by chapter 436 of the laws of 2000, is amended to read as follows:

(4) is convicted of an offense involving a violation of subdivisions one and two of section 11-0901 of this article relating to taking of wildlife when the person taking is in or on a motor vehicle while such motor vehicle is on a public highway or an offense involving a violation of subdivision one of section 11-0901 of this article and subparagraph one of paragraph a of subdivision four of section 11-0931 of this article relating to taking wildlife when the person taking is in or on a motor vehicle and discharging a firearm, CROSSBOW, or longbow in such a way that the load or arrow passes over a public highway or a part thereof or signs an acknowledgment of any such violation for the purpose of affecting a settlement by civil compromise or by stipulation.

S 6. Subdivision 2 of section 11-0719 of the environmental conservation law, paragraph a as amended by chapter 119 of the laws of 1999, the opening paragraph of paragraph a as amended by section 33 of part F of chapter 82 of the laws of 2002, paragraph b as amended by chapter 269 of the laws of 1975, paragraph c as amended by chapter 176 of the laws of 1987, and paragraph d as amended by chapter 595 of the laws of 1984, is amended to read as follows:

2. a. The department may revoke the licenses, tags, and stamps which authorize the holder to hunt and/or trap wildlife, and may deny the privilege of obtaining such licenses, tags, and stamps and may deny the privileges of hunting and/or trapping with or without a license.

(1) of any person who, while engaged in hunting or trapping,

(i) causes death or injury to another by discharging a firearm, CROSSBOW, or longbow, or

(ii) so negligently discharges a firearm, CROSSBOW, or longbow as to endanger the life or safety of another, or

(iii) so negligently and wantonly discharges a firearm, CROSSBOW, or longbow as to destroy or damage public or private property; or

(2) of any agent of the department authorized to issue certificates of qualification in responsible hunting, bowhunting, CROSSBOW HUNTING, or trapping practices who improperly issues any such certification to a person whom he has not trained, or whom he knows has not satisfactorily completed all of the requirements necessary for such certification.

b. Action by the department resulting in the revocation of such license or denial of the privilege to hunt and trap as provided in this subdivision shall be only after a hearing held by the department upon

notice to the offender, at which proof of facts indicating the violation is established to the satisfaction of the commissioner or of the hearing officer designated by him and concurred in by the commissioner. Provided that where a person, while hunting, causes death or injury to any person by discharge of a firearm, CROSSBOW, or longbow, the commissioner may, in his discretion, suspend such person's license or licenses to hunt and suspend such person's right to hunt without a license for a period of up to sixty days pending a hearing as provided for in this subdivision.

c. In case such discharge of a firearm, CROSSBOW, or longbow causes death or injury to another, the license or licenses shall be revoked and the privilege of obtaining any such license and of hunting or of trapping anywhere in the state with or without a license denied, for a period not exceeding ten years, except that no revocation shall be made in cases in which facts established at the hearing indicate to the satisfaction of the commissioner that there was no negligence on the part of the shooter or bowman. In all other cases the license or licenses shall be revoked and the privilege of obtaining such license and of hunting or of trapping anywhere in the state with or without a license denied for a period not exceeding five years. The department may also require that the person causing such death or injury successfully complete a department-sponsored course and obtain a certificate of qualification in responsible hunting, CROSSBOW HUNTING, or bowhunting practices before being issued another hunting license.

d. Every person injuring himself, herself or another person in a hunting accident, as such term is defined in subdivision 25 of section 11-0103 of this chapter, and the investigating law enforcement officer summoned to or arriving at the scene of such accident shall within ten days from the occurrence of such accident file a report of the accident in writing with the department. Every such person or law enforcement officer shall make such other and additional reports as the department shall require. Failure to report such accident as herein provided by the person causing injury or to furnish relevant information required by the department shall be a violation and shall constitute grounds for suspension or revocation of such person's hunting licenses and denial of the privilege of obtaining any such license and of hunting with or without a license following a hearing or opportunity to be heard. In addition, the department may temporarily suspend the license of the person failing to report a hunting accident within the period prescribed herein until such report has been filed. In the case of a non-resident, the failure to report an accident as herein provided shall constitute grounds for suspension or revocation of his or her privileges of hunting within this state. The report required by this section shall be made in such form and number as the department may prescribe.

S 7. Subdivision 3 of section 11-0719 of the environmental conservation law, as amended by chapter 25 of the laws of 2011, is amended to read as follows:

3. A junior hunting license issued to a person who is at least twelve and less than sixteen years of age or a junior archery license issued to a person who is between the ages of twelve and sixteen years may be revoked by the department upon proof satisfactory to the department that such person, while under the age of sixteen, has engaged in hunting wildlife with a gun, CROSSBOW, or longbow, in circumstances in which a license is required, while not accompanied by his or her parent, guardian or other adult as provided in section 11-0929 of this article. If such license or privilege is revoked the department shall fix the period of such revocation, which is not to exceed six years. The department may

require that such person successfully complete a department sponsored course and obtain a certificate of qualification in responsible hunting, CROSSBOW HUNTING, or [responsible] bowhunting practices before being issued another hunting or bowhunting license.

S 8. The department of environmental conservation shall not permit, authorize, or enact regulations permitting or authorizing the use of firearms, crossbows, or muzzleloaders for big game hunting before or during archery season. In addition, the only youth hunting days the department of environmental conservation may authorize during special archery seasons are youth archery days.

S 9. This act shall take effect immediately; provided however that sections three, four, five, six, and seven of this act shall take effect on the ninetieth day after it shall have become a law.