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

469

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:

Section 1. Paragraph g of subdivision 3 of section 11-0901 of the environmental conservation law, as amended by chapter 34 of the laws of 1979, is amended to read as follows:

g. [Wildlife] EXCEPT AS PROVIDED IN SUBDIVISIONS FIFTEEN AND SIXTEEN OF THIS SECTION, 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 15 of section 11-0901 of the environmental conservation law, as amended by chapter 483 of the laws of 2010, is amended to read as follows:

15. Notwithstanding any inconsistent provision of this section, the department may adopt regulations to allow the taking of big game or small game by the use of a [long] bow equipped with a mechanical device for holding and releasing the bowstring, attached to the handle section of an otherwise legal [long] bow, OR BY THE USE OF A CROSSBOW, to any PHYSICALLY DISABLED person [with a physical disability] who is PERMANENTLY physically incapable of drawing and holding a [long] bow because of a physical HANDICAP OR disability, subject to such restrictions as the department may adopt by regulation. For the purpose of this subdivision, [a person with a physical disability] "PHYSICALLY DISABLED PERSON" shall mean any person who submits to the department a statement of a 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.

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

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

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

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