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

5142

2011-2012 Regular Sessions

I N A S S E M B L Y

February 14, 2011

Introduced by M. of A. GABRYSZAK, SCHROEDER -- Multi-Sponsored by -- M. of A. CUSICK, RABBITT -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to allowing persons 65 years and older and persons with disabilities to hunt with a long bow and to take wildlife with a crossbow

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 15 AND 16 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 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 [to take] OR ADOPT REGULATIONS TO 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, [to] BY any 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.

S 3. Subdivision 16 of section 11-0901 of the environmental conservation law is REPEALED and a new subdivision 16 is added to read as follows:

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

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16. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS ARTICLE, A PERSON WHO IS LICENSED TO HUNT WITH A LONG BOW MAY POSSESS AND USE A CROSSBOW WHENEVER AND WHEREVER HUNTING WITH A LONG BOW IS PERMITTED BY THIS ARTICLE OR BY REGULATIONS ADOPTED PURSUANT THERETO, IF SUCH PERSON IS ONE OF THE FOLLOWING:

A. A PERSON WHO IS AT LEAST SIXTY-FIVE YEARS OF AGE; OR

B. A PERSON WITH A PERMANENT PHYSICAL DISABILITY.

FOR PURPOSES OF THIS SUBDIVISION, "PERSON WITH A PERMANENT PHYSICAL DISABILITY" SHALL MEAN ANY PERSON WHO IS PERMANENTLY PHYSICALLY INCAPABLE OF ARM MOVEMENT SUFFICIENT TO DRAW, HOLD OR RELEASE A LONG BOW, AS DETERMINED BY A PHYSICIAN DULY LICENSED TO PRACTICE MEDICINE IN THE STATE OF NEW YORK. THE DEPARTMENT IS AUTHORIZED TO ADOPT REGULATIONS REQUIRING DOCUMENTATION TO ESTABLISH THAT AN APPLICANT IS ELIGIBLE TO USE A CROSSBOW PURSUANT TO THIS SUBDIVISION.

S 4. This act shall take effect immediately; provided, however, that the amendments to subdivision 15 of section 11-0901 of the environmental conservation law made by section two of this act shall take effect on the same date as the reversion of such subdivision as provided in section 4 of chapter 483 of the laws of 2010, as amended.