

5199

2011-2012 Regular Sessions

I N   A S S E M B L Y

February 14, 2011

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Introduced by M. of A. BARCLAY, SAYWARD, SALADINO, KOLB, GIGLIO, OAKS --  
Multi-Sponsored by -- M. of A. BURLING, BUTLER, CALHOUN, CROUCH,  
HAWLEY, MOLINARO -- read once and referred to the Committee on Envi-  
ronmental Conservation

AN ACT to amend the environmental conservation law, in relation to big  
game hunting by people between the ages of twelve and sixteen years,  
with adult supervision

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

1     Section 1. Subdivision 2 of section 11-0701 of the environmental  
2 conservation law is amended by adding a new paragraph d to read as  
3 follows:  
4     D. A JUNIOR BIG GAME LICENSE ENTITLES A RESIDENT HOLDER WHO IS BETWEEN  
5 THE AGES OF TWELVE AND SIXTEEN YEARS TO HUNT WILD DEER AND BEAR DURING  
6 THE REGULAR BIG GAME SEASON, AS PROVIDED IN TITLE 9 OF THIS ARTICLE, AS  
7 IF SUCH PERSON HELD A BIG GAME LICENSE, SUBJECT TO THE PROVISIONS OF  
8 SUBDIVISION FIVE OF SECTION 11-0929 AND SUBDIVISION THREE OF SECTION  
9 11-0713 OF THIS ARTICLE. IT ENTITLES A NON-RESIDENT HOLDER WHO IS  
10 BETWEEN THE AGES OF TWELVE AND SIXTEEN YEARS TO HUNT WILD DEER AND BEAR  
11 DURING REGULAR BIG GAME SEASON, AS PROVIDED IN TITLE 9 OF THIS ARTICLE,  
12 AS IF SUCH PERSON HELD A NON-RESIDENT BEAR TAG, SUBJECT TO THE  
13 PROVISIONS OF SECTION 11-0929 AND SUBDIVISION THREE OF SECTION 11-0713  
14 OF THIS ARTICLE.  
15     S 2. Section 11-0929 of the environmental conservation law is amended  
16 by adding a new subdivision 5 to read as follows:  
17     5. A JUNIOR BIG GAME LICENSEE, BETWEEN THE AGES OF TWELVE AND SIXTEEN  
18 YEARS, SHALL NOT HUNT DEER OR BEAR WITH FIREARMS UNLESS HE OR SHE IS  
19 ACCOMPANIED BY HIS OR HER PARENT OR LEGAL GUARDIAN, OR BY A PERSON OVER  
20 EIGHTEEN YEARS OF AGE DESIGNATED IN WRITING BY HIS OR HER PARENT OR  
21 LEGAL GUARDIAN WHO HAS AT LEAST ONE YEAR'S EXPERIENCE IN HUNTING DEER OR  
22 BEAR, AND SUCH ACCOMPANYING PARENT, LEGAL GUARDIAN, OR PERSON HOLDS A  
23 VALID LICENSE ENTITLING HIM OR HER TO HUNT BIG GAME WITH FIREARMS.  
24     S 3. Subdivision 2, paragraph b of subdivision 4 and subdivision 6 of  
25 section 11-0703 of the environmental conservation law, subdivision 2 as

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

LBD08762-01-1

1 amended by chapter 507 of the laws of 2010, paragraph b of subdivision 4  
2 and subdivision 6 as amended by chapter 344 of the laws of 2008, are  
3 amended to read as follows:

4 2. Except as provided in section 11-0704 of this title, no license,  
5 permit, tag or stamp is transferable. No person shall alter, change,  
6 lend to another or attempt to transfer to another any license or any  
7 button, permit, tag or stamp issued therewith. No person, while hunting,  
8 shall possess a license, button, permit, tag or stamp which was issued  
9 to another person unless actually accompanied by the person to whom such  
10 license, button, permit, tag or stamp was issued. No person shall  
11 purchase, possess or use more than one junior archery, junior hunting,  
12 JUNIOR BIG GAME, small and big game, big game, bowhunting, muzzle-load-  
13 ing, sportsman, or resident super-sportsman license or stamp, non-resi-  
14 dent bowhunting or muzzle-loading license, non-resident super-sportsman  
15 license, non-resident bear tag or special permit for the current license  
16 year, except as permitted by regulation of the department. Notwithstand-  
17 ing the prohibitions contained in this subdivision, the department may  
18 authorize by rule or regulation the transfer of deer management permits,  
19 issued pursuant to section 11-0913 of this article, to any person  
20 licensed to hunt deer pursuant to this title.

21 b. A person under the age of [fourteen] TWELVE years is ineligible for  
22 any license which authorizes the holder to hunt big game. [A] EXCEPT AS  
23 PROVIDED IN PARAGRAPH D OF SUBDIVISION 2 OF SECTION 11-0701 OF THIS  
24 TITLE, A person under the age of sixteen years is ineligible for a small  
25 and big game, sportsman or resident super-sportsman, non-resident  
26 super-sportsman, non-resident big game, non-resident bowhunting license,  
27 or bowhunting stamp. A person is ineligible for a small game, small and  
28 big game, junior hunting, big game, junior archery, sportsman and resi-  
29 dent super-sportsman, non-resident super-sportsman, or non-resident  
30 bowhunting or muzzle-loading license unless such person meets the  
31 requirements of subdivision 3 of section 11-0713 of this title.

32 6. a. Except as provided in section 11-0707 and section 11-0709 of  
33 this title, no person shall (1) hunt wildlife, other than deer or bear,  
34 or take fish with a gun, unless such person holds and is entitled to  
35 exercise the privileges of a small game, junior hunting, JUNIOR BIG  
36 GAME, small and big game, free sportsman, sportsman or resident super-  
37 sportsman, or non-resident super-sportsman license; (2) hunt antlerless  
38 deer in a special open season therefor pursuant to subdivision 6 of  
39 section 11-0903 of this article unless such person holds and is entitled  
40 to exercise the privileges of and has on his or her person while so  
41 hunting a JUNIOR BIG GAME, small and big game, big game, junior archery,  
42 free sportsman, junior hunting if the licensee is at least fourteen  
43 years old, sportsman, resident super-sportsman, non-resident super-  
44 sportsman or non-resident bowhunting or muzzle-loading license, and a  
45 special antlerless deer license; (3) take fish or frogs in the manner  
46 described in subdivision 4 of section 11-0701 of this title unless such  
47 person is entitled to exercise the privileges of a fishing license; (4)  
48 trap wildlife unless such person holds a trapping license.

49 b. Except as provided in section 11-0707 and section 11-0709 of this  
50 title, no resident shall (1) hunt wild deer or bear unless such person  
51 holds and is entitled to exercise the privileges of a small and big  
52 game, JUNIOR BIG GAME, junior archery, junior hunting if the licensee is  
53 at least fourteen years old, free sportsman, sportsman, or resident  
54 super-sportsman license, and meets the requirements of this article; (2)  
55 hunt wild deer or bear with a longbow in a special longbow season unless  
56 such person holds and is entitled to exercise the privileges of a small

1 and big game, junior archery, free sportsman, sportsman, or resident  
2 super-sportsman license with a bowhunting stamp affixed and meets the  
3 requirements of this article; or (3) hunt wild deer or bear with a  
4 muzzle-loading firearm in a special muzzle-loading firearm season unless  
5 such person holds a small and big game, free sportsman, sportsman,  
6 junior hunting if the licensee is at least fourteen years old, or resi-  
7 dent super-sportsman license with a muzzle-loading stamp affixed and  
8 meets the requirements of this article.

9 c. Except as provided in section 11-0707 and section 11-0709 of this  
10 title, no non-resident shall (1) hunt wild deer unless such person holds  
11 and is entitled to exercise the privileges of a big game, JUNIOR BIG  
12 GAME, junior archery, junior hunting if the licensee is at least four-  
13 teen years old, non-resident super-sportsman, or non-resident bowhunting  
14 or muzzle-loading license; (2) hunt wild deer with a longbow in a  
15 special longbow season unless such person holds and is entitled to exer-  
16 cise the privileges of a non-resident super-sportsman, non-resident  
17 bowhunting, or junior archery license; (3) hunt wild deer with a  
18 muzzle-loading firearm in a special muzzle-loading firearm season unless  
19 such person holds a non-resident super-sportsman or non-resident  
20 muzzle-loading license; (4) hunt wild bear unless such person holds a  
21 junior hunting license if the licensee is at least fourteen years old, a  
22 junior archery license, or a non-resident bear tag in combination with  
23 one of the non-resident deer licenses listed in subparagraph 1, 2 or 3  
24 of this paragraph.

25 S 4. Subdivision 2 of section 11-0713 of the environmental conserva-  
26 tion law, as amended by chapter 344 of the laws of 2008, is amended to  
27 read as follows:

28 2. The issuing officer shall not issue a junior archery license to a  
29 person between the ages of fourteen and sixteen YEARS or a junior hunt-  
30 ing OR JUNIOR BIG GAME license to a person between the ages of twelve  
31 and sixteen years unless at the time of issuance applicant is accompa-  
32 nied by his or her parent or legal guardian who shall consent to the  
33 issuance of the license and shall so signify by signing his name in ink  
34 across the face of it. At no time shall such licenses be issued by mail  
35 to persons between the ages of twelve and sixteen years.

36 S 5. Subdivision 3 of section 11-0719 of the environmental conserva-  
37 tion law, as amended by chapter 344 of the laws of 2008, is amended to  
38 read as follows:

39 3. A junior hunting license issued to a person who is at least twelve  
40 and less than sixteen years of age or a junior archery OR JUNIOR BIG  
41 GAME license issued to a person who is fourteen or fifteen years of age  
42 may be revoked by the department upon proof satisfactory to the depart-  
43 ment that such person, while under the age of sixteen, has engaged in  
44 hunting wildlife with a gun or longbow, in circumstances in which a  
45 license is required, while not accompanied by his or her parent, guardi-  
46 an or other adult as provided in section 11-0929 of this article. If  
47 such license or privilege is revoked the department shall fix the period  
48 of such revocation, which is not to exceed four years. The department  
49 may require that such person successfully complete a department spon-  
50 sored course and obtain a certificate of qualification in responsible  
51 hunting or responsible bowhunting practices before being issued another  
52 hunting or bowhunting license.

53 S 6. This act shall take effect immediately.