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

2973

2011-2012 Regular Sessions

I N S E N A T E

February 4, 2011

Introduced by Sen. NOZZOLIO -- read twice and ordered printed, and when printed to be committed 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 physically incapable of arm movement sufficient to [draw, hold and] release a [long] bow as defined in subdivision [4] FOUR of this section or as

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

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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.