

1362

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

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

AN ACT to amend the environmental conservation law, in relation to a junior small and big game hunting license and the use of crossbows; and repealing certain provisions of such law relating thereto

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

1 Section 1. Subparagraph 1 of paragraph a of subdivision 2 of section  
2 11-0701 of the environmental conservation law, as added by section 5 of  
3 part F of chapter 82 of the laws of 2002, is amended to read as follows:  
4 (1) A small and big game license entitles the resident holder to hunt  
5 wildlife subject to the following:  
6 (i) a holder who is eighteen years of age or older may hunt wildlife  
7 as provided in title 9 of this article,  
8 (ii) a holder who is AGE sixteen [years of age or older] OR SEVENTEEN  
9 may hunt wildlife, except big game, as provided in title 9 of this arti-  
10 cle, and  
11 (iii) a holder who is [between the ages of sixteen and eighteen] AGE  
12 SIXTEEN OR SEVENTEEN may hunt big game [pursuant to the provisions of]  
13 AS PROVIDED IN title 9 of this article [while the holder is accompanied  
14 by a parent, guardian or person over the age of eighteen as required by]  
15 SUBJECT TO THE PROVISIONS OF section 11-0929 of this article.  
16 A holder may take fish with a gun or longbow as provided in titles 9  
17 and 13 of this article.  
18 S 2. Subparagraph 2 of paragraph a of subdivision 2 of section 11-0701  
19 of the environmental conservation law, as amended by chapter 57 of the  
20 laws of 1993, is amended to read as follows:  
21 (2) A non-resident big game license entitles a person who has not been  
22 a resident of the state for more than thirty days to hunt wild deer as  
23 provided in title 9 OF THIS ARTICLE. It entitles such person to hunt  
24 bear during the regular open bear season or in an open season fixed by  
25 regulation pursuant to subdivision eight of section 11-0903 of this

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

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1 article if such person is also the holder of a non-resident bear tag. It  
2 entitles a person who is [between the ages of] AGE sixteen [and eighteen  
3 years] OR SEVENTEEN to exercise the privileges of a big game license  
4 subject to the provisions of section 11-0929 OF THIS ARTICLE.

5 S 3. Paragraph c of subdivision 2 of section 11-0701 of the environ-  
6 mental conservation law, as amended by chapter 25 of the laws of 2011,  
7 is amended to read as follows:

8 c. A junior archery license entitles a resident holder who is [between  
9 the ages of twelve and sixteen years] AGE FOURTEEN OR FIFTEEN to hunt  
10 wild deer and bear with a longbow during the special archery season and  
11 during the regular season, as provided in title 9 of this article, as if  
12 such person held a license which authorizes the holder to hunt big game  
13 with a bowhunting stamp affixed, subject to the provisions of section  
14 11-0929 and subdivision 3 of section 11-0713 of this article. It enti-  
15 tles a non-resident holder who is [between the ages of twelve and  
16 sixteen years] AGE FOURTEEN OR FIFTEEN to hunt wild deer and bear with a  
17 longbow during the special archery season and during the regular season,  
18 as provided in title 9 of this article, as if such person held a non-re-  
19 sident bowhunting license, a non-resident license which authorizes the  
20 holder to hunt deer and a non-resident bear tag, subject to the  
21 provisions of section 11-0929 and subdivision 3 of section 11-0713 of  
22 this article.

23 S 4. Subdivision 12 of section 11-0701 of the environmental conserva-  
24 tion law, as amended by chapter 344 of the laws of 2008, is amended to  
25 read as follows:

26 12. A. A junior hunting license[:

27 a.] entitles a holder who is twelve or thirteen years of age to hunt  
28 wildlife, except big game, as provided in title 9 of this article  
29 subject, specifically, to the provisions of section 11-0929 of this  
30 article. It entitles such holder to possess firearms as provided in  
31 section 265.05 of the penal law.

32 b. A JUNIOR HUNTING LICENSE entitles a holder who is fourteen or  
33 fifteen years of age to hunt wildlife, including wild deer and bear, as  
34 provided in title 9 of this article, subject, specifically, to the  
35 provisions of section 11-0929 of this article. It entitles such holder  
36 to possess firearms as provided in section 265.05 of the penal law.

37 C. A JUNIOR SMALL AND BIG GAME LICENSE ENTITLES THE HOLDER AGE FOUR-  
38 TEEN OR FIFTEEN TO HUNT WILDLIFE, EXCEPT BIG GAME, AS PROVIDED IN TITLE  
39 9 OF THIS ARTICLE AND TO HUNT BIG GAME DURING THE SPECIAL MUZZLE-LOADING  
40 SEASON AND DURING THE REGULAR SEASON, AS PROVIDED IN TITLE 9 OF THIS  
41 ARTICLE, AS IF SUCH PERSON HELD A LICENSE WHICH AUTHORIZES THE HOLDER TO  
42 HUNT BIG GAME WITH A MUZZLE-LOADING STAMP AFFIXED, SUBJECT TO THE  
43 PROVISIONS OF SECTION 11-0929 OF THIS ARTICLE.

44 S 5. Subdivision 2 of section 11-0703 of the environmental conserva-  
45 tion law, as amended by chapter 507 of the laws of 2010, is amended to  
46 read as follows:

47 2. Except as provided in section 11-0704 of this title, no license,  
48 permit, tag or stamp is transferable. No person shall alter, change,  
49 lend to another or attempt to transfer to another any license or any  
50 button, permit, tag or stamp issued therewith. No person, while hunting,  
51 shall possess a license, button, permit, tag or stamp which was issued  
52 to another person unless actually accompanied by the person to whom such  
53 license, button, permit, tag or stamp was issued. No person shall  
54 purchase, possess or use more than one junior archery, junior hunting,  
55 JUNIOR SMALL AND BIG GAME, small and big game, big game, bowhunting,  
56 muzzle-loading, sportsman, or resident super-sportsman license or stamp,

1 non-resident bowhunting or muzzle-loading license, non-resident super-  
2 sportsman license, non-resident bear tag or special permit for the  
3 current license year, except as permitted by regulation of the depart-  
4 ment. Notwithstanding the prohibitions contained in this subdivision,  
5 the department may authorize by rule or regulation the transfer of deer  
6 management permits, issued pursuant to section 11-0913 of this article,  
7 to any person licensed to hunt deer pursuant to this title.

8 S 6. Paragraph b of subdivision 4 of section 11-0703 of the environ-  
9 mental conservation law, as amended by chapter 178 of the laws of 2011,  
10 is amended to read as follows:

11 b. A person under the age of fourteen years is ineligible for any  
12 license, other than a junior archery license, which authorizes the hold-  
13 er to hunt big game. A person under the age of sixteen years is ineligi-  
14 ble for a small and big game, sportsman or resident super-sportsman,  
15 non-resident super-sportsman, non-resident big game, non-resident  
16 bowhunting license, or bowhunting stamp. A person is ineligible for a  
17 small game, small and big game, junior hunting, JUNIOR SMALL AND BIG  
18 GAME, big game, junior archery, sportsman and resident super-sportsman,  
19 non-resident super-sportsman, or non-resident bowhunting or muzzle-load-  
20 ing license unless such person meets the requirements of subdivision 3  
21 of section 11-0713 of this title.

22 S 7. Subdivision 6 of section 11-0703 of the environmental conserva-  
23 tion law, as amended by chapter 344 of the laws of 2008, is amended to  
24 read as follows:

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

43 b. Except as provided in section 11-0707 and section 11-0709 of this  
44 title, no resident shall (1) hunt wild deer or bear unless such person  
45 holds and is entitled to exercise the privileges of a small and big  
46 game, JUNIOR SMALL AND BIG GAME, junior archery, junior hunting if the  
47 licensee is at least fourteen years old, free sportsman, sportsman, or  
48 resident super-sportsman license, and meets the requirements of this  
49 article; (2) hunt wild deer or bear with a longbow in a special longbow  
50 season unless such person holds and is entitled to exercise the privi-  
51 leges of a small and big game, junior archery, free sportsman, sports-  
52 man, or resident super-sportsman license with a bowhunting stamp affixed  
53 and meets the requirements of this article; or (3) hunt wild deer or  
54 bear with a muzzle-loading firearm in a special muzzle-loading firearm  
55 season unless such person holds a small and big game, free sportsman,  
56 sportsman, junior hunting if the licensee is at least fourteen years

1 old, or resident super-sportsman license with a muzzle-loading stamp  
2 affixed, OR JUNIOR SMALL AND BIG GAME LICENSE and meets the requirements  
3 of this article.

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

21 S 8. Subparagraph 3 of paragraph a of subdivision 1 of section 11-0713  
22 of the environmental conservation law, as amended by section 3 of part  
23 AA of chapter 60 of the laws of 2011, is amended to read as follows:

24 (3) license issuing officers as may be appointed by the commissioner.  
25 Applicants for designation as license issuing officers shall be [over  
26 the age of] eighteen years OF AGE OR OLDER and shall meet such other  
27 requirements of eligibility, including posting bond, as the department  
28 may by regulation specify. Such issuing officers shall be entitled to  
29 receive and keep the same fees for issuing licenses and stamps that are  
30 specified in section 11-0715 of this title for issuing clerks, and shall  
31 file reports and remit license fees to the appropriate regional environ-  
32 mental conservation officer or the department as required by regulation.

33 S 9. Subparagraph 3 of paragraph a of subdivision 1 of section 11-0713  
34 of the environmental conservation law, as amended by section 4 of part  
35 LL of chapter 59 of the laws of 2009, is amended to read as follows:

36 (3) license issuing officers as may be appointed by the commissioner.  
37 Applicants for designation as license issuing officers shall be [over  
38 the age of] eighteen years OF AGE OR OLDER and shall meet such other  
39 requirements of eligibility, including posting bond, as the department  
40 may by regulation specify. Such issuing officers shall be entitled to  
41 receive and keep the same fees for issuing licenses and stamps that are  
42 specified in section 11-0715 of this title for issuing clerks and  
43 section 13-0355 of this chapter, and shall file reports and remit  
44 license fees to the appropriate regional environmental conservation  
45 officer or the department as required by regulation.

46 S 10. Subdivision 2 of section 11-0713 of the environmental conserva-  
47 tion law, as amended by chapter 25 of the laws of 2011, is amended to  
48 read as follows:

49 2. The issuing officer shall not issue a junior archery license OR  
50 JUNIOR SMALL AND BIG GAME to a person [between the ages of twelve and  
51 sixteen] AGE FOURTEEN OR FIFTEEN or a junior hunting license to a person  
52 [between the ages of twelve and sixteen years] AGE TWELVE THROUGH  
53 FIFTEEN unless at the time of issuance applicant is accompanied by his  
54 or her parent or legal guardian who shall consent to the issuance of the  
55 license and shall so signify by signing his or her name in ink across  
56 the face of it. At no time shall such licenses be issued by mail to

1 persons [between the ages of twelve and sixteen years] AGES TWELVE  
2 THROUGH FIFTEEN.

3 S 11. Paragraph c of subdivision 3 of section 11-0715 of the environ-  
4 mental conservation law, as amended by section 4 of part KK of chapter  
5 59 of the laws of 2009, is amended to read as follows:

6 c. In all cases:

- |    |  |         |
|----|--|---------|
| 7  | (1) Certificates in lieu of lost license or stamp  |         |
| 8  | or tag   | \$ 5.00 |
| 9  | (2) Duplicate for lost or destroyed permit, button |         |
| 10 | or tag   | \$10.00 |
| 11 | (3) Junior hunting license                         | \$ 5.00 |
| 12 | (4) JUNIOR SMALL AND BIG GAME LICENSE              | \$ 9.00 |
| 13 | (5) Junior archery license                         | \$ 9.00 |
| 14 | [(5)] (6) One-day fishing license                  | \$15.00 |
| 15 | [(6)] (7) Conservation patron license              | \$12.00 |

16 S 12. Subdivision 3 of section 11-0719 of the environmental conserva-  
17 tion law, as amended by chapter 25 of the laws of 2011, is amended to  
18 read as follows:

19 3. A junior hunting license issued to a person who is [at least twelve  
20 and less than sixteen years of age] AGE TWELVE THROUGH FIFTEEN or a  
21 junior archery OR JUNIOR SMALL AND BIG GAME license issued to a person  
22 who is [between the ages of twelve and sixteen years] AGE FOURTEEN OR  
23 FIFTEEN may be revoked by the department upon proof satisfactory to the  
24 department that such person, while under the age of sixteen, has engaged  
25 in hunting wildlife with a gun or longbow, in circumstances in which a  
26 license is required, while not accompanied by his or her parent, guardi-  
27 an or other adult as provided in section 11-0929 of this article. If  
28 such license or privilege is revoked the department shall fix the period  
29 of such revocation, which is not to exceed six years. The department may  
30 require that such person successfully complete a department sponsored  
31 course and obtain a certificate of qualification in responsible hunting  
32 or responsible bowhunting practices before being issued another hunting  
33 or bowhunting license.

34 S 13. Paragraph a of subdivision 8 of section 11-0907 of the environ-  
35 mental conservation law, as amended by chapter 483 of the laws of 2010,  
36 is amended to read as follows:

37 a. In every area identified in column one of the table set forth in  
38 subdivision 2 of this section, except those areas restricted to special  
39 seasons for taking deer by longbow only, special open seasons may be  
40 established by regulation for taking deer and/or bear, by the use of  
41 muzzle-loading firearms, of not less than .44 caliber shooting a single  
42 projectile, or by the use of a crossbow, by the holders of a small and  
43 big game, sportsman or free sportsman license to which a valid muzzle-  
44 loading stamp is affixed or to holders of a JUNIOR SMALL AND BIG GAME,  
45 resident or non-resident super-sportsman, or non-resident muzzle-loading  
46 license.

47 S 14. Paragraph a of subdivision 8 of section 11-0907 of the environ-  
48 mental conservation law, as amended by section 45 of part F of chapter  
49 82 of the laws of 2002, is amended to read as follows:

50 a. In every area identified in column one of the table set forth in  
51 subdivision 2 of this section, except those areas restricted to special  
52 seasons for taking deer by longbow only, special open seasons may be  
53 established by regulation for taking deer and/or bear, by the use of  
54 muzzle-loading firearms, of not less than .44 caliber shooting a single  
55 projectile, by the holders of a small and big game, sportsman or free  
56 sportsman license to which a valid muzzle-loading stamp is affixed or to

1 holders of a JUNIOR SMALL AND BIG GAME, resident or non-resident super-  
2 sportsman, or non-resident muzzle-loading license.

3 S 15. Subdivision 7 of section 11-0913 of the environmental conserva-  
4 tion law, as amended by section 6 of part KK of chapter 59 of the laws  
5 of 2009, is amended to read as follows:

6 7. The department shall charge and receive a fee of ten dollars for  
7 the application and the processing of such permit or permits. Applicants  
8 who are successful in the computerized selection shall receive the  
9 permit or permits free of any additional charge. The application fee  
10 shall be non-refundable. The department may waive the application fee  
11 for holders of a lifetime sportsman license existing as of October  
12 first, two thousand nine, junior archery license, JUNIOR SMALL AND BIG  
13 GAME LICENSE, resident super-sportsman license, or junior hunting  
14 license.

15 S 16. Section 11-0929 of the environmental conservation law, as  
16 amended by chapter 344 of the laws of 2008, subdivision 5 as added by  
17 chapter 25 of the laws of 2011, is amended to read as follows:  
18 S 11-0929. Hunting by minors.

19 1. A licensee [who is] AGE twelve or thirteen [years of age] shall not  
20 [hunt wildlife with a gun or a longbow] EXERCISE THE PRIVILEGES OF A  
21 JUNIOR SMALL GAME LICENSE unless he or she is accompanied by his or her  
22 parent or legal guardian, or by a person twenty-one years of age or  
23 older designated in writing by his or her parent or legal guardian on a  
24 form prescribed by the department, who holds a license which authorizes  
25 the holder to hunt wildlife.

26 2. A licensee who is AGE fourteen or fifteen [years of age] shall not:

27 a. [hunt wildlife with a gun or longbow] EXERCISE THE PRIVILEGES OF A  
28 JUNIOR SMALL GAME LICENSE, other than wild deer or bear as provided in  
29 paragraph b of this subdivision, unless he or she is accompanied by his  
30 or her parent or legal guardian holding a license which authorizes the  
31 holder to hunt wildlife, or by a person eighteen years of age or older,  
32 designated in writing by his or her parent or legal guardian, holding  
33 such license;

34 b. hunt wild deer or bear with a gun unless:

35 (1) he or she is accompanied by his or her parent or a legal guardian,  
36 or a youth mentor who is twenty-one years of age or older designated in  
37 writing by the parent or legal guardian of the licensee on a form  
38 prescribed by the department; and

39 (2) such parent, guardian or youth mentor has had at least three years  
40 of experience in hunting big game; and

41 (3) such parent, guardian or youth mentor holds a license which  
42 authorizes the holder to hunt big game; and

43 (4) such parent, guardian or youth mentor maintains physical control  
44 over the minor he or she is accompanying at all times while hunting; and

45 (5) such parent, guardian or youth mentor and the minor he or she is  
46 accompanying remain at ground level at all times while hunting; and

47 (6) such parent, guardian or youth mentor and the minor he or she is  
48 accompanying shall each display either a minimum total of two hundred  
49 fifty square inches of solid fluorescent orange or patterned fluorescent  
50 orange consisting of no less than fifty percent fluorescent orange mate-  
51 rial worn above the waist and visible from all directions, or a hat or  
52 cap with no less than fifty percent of the exterior consisting of solid  
53 fluorescent orange material and visible from all directions. For  
54 purposes of this paragraph, "physical control" shall mean that the phys-  
55 ical proximity of the minor to the parent, guardian or youth mentor is  
56 such that the parent, guardian or youth mentor is reasonably able to

1 issue verbal directions and instructions, maintain constant visual  
2 contact, and otherwise provide guidance and supervision to the minor.

3 3. A licensee [who is] AGE sixteen or seventeen [years of age and] who  
4 has not previously had a license which authorizes the holder to hunt big  
5 game issued to him or her and engaged in hunting pursuant to it shall  
6 not hunt deer or bear unless he or she is accompanied by his or her  
7 parent or legal guardian, or by a person designated in writing by his or  
8 her parent or legal guardian on a form prescribed by the department and  
9 who is eighteen years of age or older and who has had at least one  
10 year's experience in hunting deer or bear, and such accompanying parent,  
11 guardian or person holds a license which authorizes the holder to hunt  
12 big game.

13 4. A junior archery licensee, [who is] AGE fourteen or fifteen [years  
14 of age], shall not hunt deer or bear unless he or she is accompanied by  
15 his or her parent or legal guardian, or by a person designated in writ-  
16 ing by his or her parent or legal guardian on a form prescribed by the  
17 department who is eighteen years of age or older and who has had at  
18 least one year's experience in hunting deer or bear by longbow, and such  
19 accompanying parent, guardian or person holds a license which authorizes  
20 the holder to hunt big game during a special archery season and the  
21 regular open season.

22 5. A junior archery licensee, who is twelve or thirteen years of age,  
23 shall not hunt deer or bear unless:

24 (a) he or she is accompanied by his or her parent or legal guardian,  
25 or by a person designated in writing by his or her parent or legal guar-  
26 dian on a form prescribed by the department who is twenty-one years of  
27 age or older and

28 (b) such parent, guardian or person has had at least three year's  
29 experience in hunting deer or bear by longbow and

30 (c) such parent, guardian or person holds a license that authorizes  
31 the holder to hunt big game and

32 (d) such parent, guardian or person maintains physical control over  
33 the minor he or she is accompanying at all times while hunting. For the  
34 purposes of this paragraph "physical control" shall mean that the phys-  
35 ical proximity of the minor to the parent, guardian or person is such  
36 that the parent, guardian or person is reasonably able to issue verbal  
37 directions and instructions, maintain constant visual contact, and  
38 otherwise provide guidance and supervision to the minor.

39 6. A JUNIOR SMALL AND BIG GAME LICENSEE, AGE FOURTEEN OR FIFTEEN,  
40 SHALL NOT HUNT DEER OR BEAR UNLESS HE OR SHE IS ACCOMPANIED BY HIS OR  
41 HER PARENT OR LEGAL GUARDIAN, OR BY A PERSON EIGHTEEN YEARS OF AGE OR  
42 OLDER WHO HAS HAD AT LEAST ONE YEAR'S EXPERIENCE IN HUNTING DEER OR  
43 BEAR, AND SUCH ACCOMPANYING PARENT, GUARDIAN OR PERSON HOLDS A LICENSE  
44 WHICH AUTHORIZES THE HOLDER TO HUNT BIG GAME DURING A SPECIAL  
45 MUZZLE-LOADING SEASON AND THE REGULAR OPEN SEASON.

46 S 17. Paragraph g of subdivision 3 of section 11-0901 of the environ-  
47 mental conservation law, as amended by chapter 34 of the laws of 1979,  
48 is amended to read as follows:

49 g. [Wildlife] EXCEPT AS PROVIDED IN SUBDIVISIONS 15 AND 16 OF THIS  
50 SECTION, WILDLIFE shall not be taken by the use of a cross-bow, by a  
51 long bow drawn, pulled, released, or held in a drawn position by any  
52 mechanical device attached to a portion of the bow other than the  
53 bowstring, or by the use of a device commonly called a spear gun.

54 S 18. Subdivision 15 of section 11-0901 of the environmental conser-  
55 vation law, as amended by chapter 483 of the laws of 2010, is amended to  
56 read as follows:

1 15. Notwithstanding any inconsistent provision of this section, the  
2 department may adopt regulations to allow the taking of big game or  
3 small game by the use of a long bow equipped with a mechanical device  
4 for holding and releasing the bowstring, attached to the handle section  
5 of an otherwise legal long bow, OR BY THE USE OF A CROSS-BOW, to any  
6 person with a physical disability who is physically incapable of drawing  
7 and holding a long bow because of a physical disability, subject to such  
8 restrictions as the department may adopt by regulation. For the purpose  
9 of this subdivision, a person with a physical disability shall mean any  
10 person who submits to the department a statement of a physician duly  
11 licensed to practice medicine that such person is physically incapable  
12 of arm movement sufficient to draw, hold and release a long bow as  
13 defined in subdivision 4 of this section or as otherwise defined in  
14 department regulation. The department is authorized to adopt regulations  
15 requiring documentation to establish that an applicant is eligible to  
16 use a mechanical device pursuant to this subdivision.

17 S 19. Subdivision 15 of section 11-0901 of the environmental conserva-  
18 tion law, as amended by chapter 81 of the laws of 1988, is amended to  
19 read as follows:

20 15. Notwithstanding any inconsistent provision of this section, the  
21 department may [issue a permit to take] ADOPT REGULATIONS TO ALLOW THE  
22 TAKING OF big game or small game by the use of a bow equipped with a  
23 mechanical device for holding and releasing the bowstring, attached to  
24 the handle section of an otherwise legal bow, OR BY THE USE OF A CROSS-  
25 BOW, to any person WITH A PHYSICAL DISABILITY who is [permanently] phys-  
26 ically incapable of drawing and holding a bow because of a physical  
27 [handicap or] disability, subject to such restrictions as the department  
28 may [deem necessary in the interest of public safety] ADOPT BY REGU-  
29 LATION. FOR THE PURPOSE OF THIS SUBDIVISION, "PERSON WITH A PHYSICAL  
30 DISABILITY" SHALL MEAN ANY PERSON WHO SUBMITS TO THE DEPARTMENT A STATE-  
31 MENT OF A PHYSICIAN DULY LICENSED TO PRACTICE MEDICINE THAT SUCH PERSON  
32 IS PHYSICALLY INCAPABLE OF ARM MOVEMENT SUFFICIENT TO RELEASE A BOW AS  
33 DEFINED IN SUBDIVISION 4 OF THIS SECTION OR AS OTHERWISE DEFINED IN  
34 DEPARTMENT REGULATION.

35 S 20. Subdivision 16 of section 11-0901 of the environmental conserva-  
36 tion law is REPEALED and a new subdivision 16 is added to read as  
37 follows:

38 16. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS ARTICLE, THE  
39 DEPARTMENT MAY, BY REGULATION, AUTHORIZE THE USE OF CROSSBOWS.

40 S 21. This act shall take effect October 1, 2013; provided that the  
41 amendments to subparagraph 3 of paragraph a of subdivision 1 of section  
42 11-0713 of the environmental conservation law made by section eight of  
43 this act shall be subject to the expiration and reversion of such subdivi-  
44 sion pursuant to section 3 of part AA of chapter 60 of the laws of  
45 2011, as amended, when upon such date the provisions of section nine of  
46 this act shall take effect; and provided further that the amendments to  
47 paragraph a of subdivision 8 of section 11-0907 and subdivision 15 of  
48 section 11-0901 of the environmental conservation law made by sections  
49 thirteen and eighteen of this act shall be subject to the expiration of  
50 such provisions pursuant to section 17 of chapter 483 of the laws of  
51 2010, as amended, when upon such date the provisions of sections four-  
52 teen and nineteen of this act shall take effect; and provided further  
53 that any regulations necessary for the timely implementation of the  
54 provisions of this act on its effective date may be promulgated on or  
55 before such date.