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

S. 3823--B
Cal. No. 286

A. 5179--B

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

February 21, 2013

IN SENATE -- Introduced by Sens. ZELDIN, LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report -- reported favorably from said committee to third reading, amended and ordered reprinted, retaining its place in the order of third reading

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to defining spearguns and allowing recreational spearfishing in New York's marine and coastal waters

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

1 Section 1. Subdivision 1 of section 11-0103 of the environmental
2 conservation law is amended by adding a new paragraph f to read as
3 follows:
4 F. "SPEARGUN" AND "UNDER-WATER GUN" MEANS ANY SPEARGUN THAT STORES
5 POTENTIAL ENERGY PROVIDED FROM THE SPEARFISHER'S MUSCLES ONLY AND IS
6 USED WHILE SUBMERGED UNDER THE WATER. SUCH GUN MAY ONLY RELEASE THAT
7 AMOUNT OF ENERGY THAT THE DIVER HAS PROVIDED TO IT FROM SUCH DIVER'S OWN
8 MUSCLES. COMMON TEMPORARY ENERGY STORING DEVICES FOR SPEARGUNS SHALL
9 INCLUDE, BUT NOT BE LIMITED TO: RUBBER BANDS, SPRINGS, AND SEALED AIR
10 CHAMBERS.
11 S 2. Subdivision 1 of section 11-1301 of the environmental conserva-
12 tion law is amended by adding a new paragraph c to read as follows:

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

LBD08356-04-3

C. FOOD FISH MAY BE TAKEN RECREATIONALLY BY SPEAR, SPEARGUN OR SPEARING IN THE MARINE AND COASTAL DISTRICT. PROVIDED, HOWEVER, THAT NO FOOD FISH MAY BE TAKEN RECREATIONALLY BY SPEAR, SPEARGUN OR SPEARING WITHIN ONE HUNDRED YARDS OF A DESIGNATED AND MARKED PUBLIC BATHING AREA.

S 3. This act shall take effect immediately.