

1658

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. ROSENTHAL -- read once and referred to the
Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the
taking of wildlife without a permit

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

1 Section 1. Subdivisions 1, 4, 5, 6 and 7 of section 11-0523 of the
2 environmental conservation law, subdivision 1 as amended by chapter 135
3 of the laws of 1982, subdivision 6 as amended by section 3 of part H of
4 chapter 58 of the laws of 2012, and subdivision 7 as amended by chapter
5 114 of the laws of 1981, are amended and a new subdivision 10 is added
6 to read as follows:
7 1. [Owners] SUBJECT TO SUBDIVISION TEN OF THIS SECTION, OWNERS and
8 lessees and members of their immediate families actually occupying or
9 cultivating lands, and persons authorized in writing and actually
10 employed by them in cultivating such lands, may take (a) unprotected
11 wildlife other than birds and (b) starlings, common crows and, subject
12 to section 11-0513, pigeons, when such wildlife is injuring their prop-
13 erty or has become a nuisance thereon. [Such taking may be done in any
14 manner, notwithstanding any provision of the Fish and Wildlife Law,
15 except section 11-0513, or the Penal Law or any other law.]
16 4. [Varying] SUBJECT TO SUBDIVISION TEN OF THIS SECTION, VARYING
17 hares, cottontail rabbits and European hares which are injuring property
18 on occupied farms or lands may be taken thereon, at any time, [in any
19 manner,] except by the use of ferrets, fitch-ferrets or fitch, by the
20 owners or occupants of such farms or lands or by a person authorized in
21 writing by them and actually employed by them in cultivating such farm
22 lands.

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

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1 5. [Skunks] SUBJECT TO SUBDIVISION TEN OF THIS SECTION, SKUNKS injur-
2 ing property or which have become a nuisance may be taken at any time
3 [in any manner].

4 6. [Raccoons] SUBJECT TO SUBDIVISION TEN OF THIS SECTION, RACCOONS,
5 muskrats, coyotes or fox injuring private property may be taken by the
6 owner, occupant or lessee thereof, or an employee or family member of
7 such owner, occupant or lessee, at any time [in any manner].

8 7. [Whenever] SUBJECT TO SUBDIVISION TEN OF THIS SECTION, WHENEVER
9 black, grey and fox squirrels, opossums or weasels are injuring property
10 on occupied farms or lands or dwellings, they may be taken at any time
11 [in any manner], by the owners or occupants thereof or by a person
12 authorized in writing by such owner or occupant.

13 10. SUCH TAKING MAY ONLY BE DONE SUBJECT TO REGULATIONS PROMULGATED BY
14 THE DEPARTMENT, PROVIDED THAT SUCH REGULATIONS INCORPORATE THE RECOMMEN-
15 DATIONS OF THE MOST RECENT GUIDELINES ON EUTHANASIA OF THE AMERICAN
16 VETERINARY MEDICAL ASSOCIATION. WHILE CIRCUMSTANCES MAY INFLUENCE THE
17 METHODS OF TAKING USED, THE METHOD SELECTED SHALL BE THE LEAST STRESS-
18 FUL, QUICKEST AND MOST PAINLESS TO THE ANIMAL AVAILABLE WHILE PROTECTING
19 HUMAN HEALTH AND SAFETY.

20 S 2. Subdivision 2 of section 11-1105 of the environmental conserva-
21 tion law is amended to read as follows:

22 2. Wildlife lawfully taken alive in traps may be killed [in any
23 manner,] except that where the taking is pursuant to a permit or special
24 license, [it] WILDLIFE may not be killed in violation of any term of
25 such permit or license.

26 S 3. This act shall take effect on the sixtieth day after it shall
27 have become a law; provided, however, that effective immediately, the
28 department of environmental conservation shall promulgate rules and
29 regulations to effectuate the purposes of this act, on or before such
30 effective date.