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

4023--A

2013-2014 Regular Sessions

I N A S S E M B L Y

January 30, 2013

Introduced by M. of A. GABRYSZAK, ABINANTI, SALADINO -- Multi-Sponsored by -- M. of A. BARCLAY -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to the regulation of live restraint cable devices to take wildlife; and providing for the repeal of such provisions upon the expiration thereof

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

Section 1. Subdivision 5 of section 11-1101 of the environmental conservation law is amended to read as follows:

5. Except as provided in subdivision 1 or 2 of section 11-0523 OF THIS ARTICLE with respect to destructive and menacing wildlife, no person shall (a) set or use a trap of the leg-gripping type having teeth in the jaws; (b) set a LEG HOLD trap so that wildlife when caught is suspended; (c) use, locate or set a snare or a device consisting of a noose of any material whereby an animal may be taken, EXCEPT THE DEPARTMENT MAY, BY REGULATION, AUTHORIZE THE USE OF LIVE RESTRAINT CABLE DEVICES TO TAKE COYOTE AND OTHER SPECIES AS ALLOWED BY THE DEPARTMENT IN THE NORTHERN ZONE. THESE REGULATIONS SHALL INCLUDE LIVE CABLE RESTRAINT DEVICES CONSISTING OF AT LEAST ONE SWIVEL, A RELAXING LOCK, A DEER STOP, AND A BREAK AWAY DEVICE. FOR THE PURPOSES OF THIS PROVISION:

(1) A SWIVEL IS A DEVICE INCORPORATED AT THE END OF THE CABLE RESTRAINT WHICH ALLOWS THE CAPTURED ANIMAL TO FREELY ROTATE;

(2) A RELAXING LOCK IS A DEVICE THAT ALLOWS THE CABLE LOOP TO STOP RESTRICTING WHEN THE CAPTURED ANIMAL STOPS PULLING;

(3) A DEER STOP IS A DEVICE INCORPORATED INTO THE LOOP OF THE CABLE RESTRAINT THAT KEEPS THE CABLE RESTRAINT FROM CLOSING BEYOND A SPECIFIED CIRCUMFERENCE TO ALLOW DEER THAT MAY ENCOUNTER THE RESTRAINT TO ESCAPE; AND

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

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(4) A BREAK AWAY DEVICE ALLOWS THE LOOP OF THE CABLE RESTRAINT TO BREAK OPEN WHEN A SPECIFIED AMOUNT OF FORCE IS APPLIED.

TRAPPERS USING LIVE CABLE RESTRAINT DEVICES MUST COMPLETE A TRAINING COURSE IN THEIR CONSTRUCTION AND USE OFFERED BY THE DEPARTMENT.

S 2. This act shall take effect immediately and shall expire and be deemed repealed February 16, 2016.