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

6613--A

Cal. No. 343

I N S E N A T E

February 12, 2014

Introduced by Sens. BALL, HANNON, LAVALLE, MARCHIONE, STAVISKY -- 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 and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the environmental conservation law, in relation to prohibiting the possession and harboring of killer whales in aquariums and sea parks

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

Section 1. The environmental conservation law is amended by adding a new section 11-0516 to read as follows:

S 11-0516. POSSESSION AND HARBORING OF KILLER WHALES PROHIBITED.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE TO THE CONTRARY, NO PERSON SHALL HARBOR OR POSSESS FOR ANY PURPOSE ANY KILLER WHALE (ORCINUS ORCA) IN ANY SEA PARK OR AQUARIUM. PROVIDED, THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE HARBORING OR POSSESSING OF AN INJURED KILLER WHALE FOR THE PURPOSE OF PERFORMING EMERGENCY CARE OR REHABILITATION TO SUCH WHALE.

S 2. Section 71-0923 of the environmental conservation law is amended by adding a new subdivision 13 to read as follows:

13. A VIOLATION OF SECTION 11-0516 OF THIS CHAPTER SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS; PROVIDED, THAT IF SUCH VIOLATION CONTINUES AFTER THE EXPIRATION OF SIXTY DAYS FROM THE DATE SUCH VIOLATION IS CHARGED, THE VIOLATION SHALL BE PUNISHABLE BY A FINE OF FIVE THOUSAND DOLLARS FOR EACH DAY SUCH VIOLATION PERSISTS AFTER THE SIXTIETH DAY.

S 3. This act shall take effect immediately.

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

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