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

8358

2015-2016 Regular Sessions

I N A S S E M B L Y

August 12, 2015

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

AN ACT to amend the environmental conservation law, in relation to lowering the age for universal hunting licenses from fourteen years old to twelve years old

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

Section 1. Subparagraph 3 of paragraph b of subdivision 3 of section 11-0713 of the environmental conservation law, as amended by section 3 of part R of chapter 58 of the laws of 2013, is amended to read as follows:

(3) The issuing officer shall not issue a muzzle-loading privilege to any person unless the applicant presents a hunting license issued to that person for the corresponding license year and such person is at least [fourteen] TWELVE years old.

S 2. Paragraph b of subdivision 6 of section 11-0703 of the environmental conservation law, as amended by section 2 of part R of chapter 58 of the laws of 2013, is amended to read as follows:

b. Except as provided in section 11-0707 and section 11-0709 of this title, no person shall (1) hunt wild deer or bear unless such person holds and is entitled to exercise the privileges of a hunting license, and meets the requirements of this article; (2) hunt wild deer or bear with a longbow in a special longbow season unless such person holds and is entitled to exercise the privileges of a hunting license with a bowhunting privilege and meets the requirements of this article; or (3) hunt wild deer or bear with a muzzle-loading firearm in a special muzzle-loading firearm season unless such person is at least [fourteen] TWELVE years old and holds a hunting license with a muzzle-loading privilege and meets the requirements of this article.

S 3. Subdivisions 1 and 2 of section 11-0929 of the environmental conservation law, subdivision 1 as amended by section 20 of part EE of

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

LBD10722-01-5

chapter 55 of the laws of 2014, subdivision 2 as amended by section 13 of part R of chapter 58 of the laws of 2013, paragraph a and the opening paragraph of paragraph b of subdivision 2 as amended by section 11 of part EE of chapter 55 of the laws of 2014, are amended to read as follows:

1. A licensee who is twelve or thirteen years of age shall not hunt wildlife with a gun or a longbow unless he or she is accompanied by his or her parent or legal guardian, or by a person twenty-one years of age or older designated in writing by his or her parent or legal guardian on a form prescribed by the department, who holds a hunting license. [A licensee who is twelve or thirteen years of age shall not hunt with a crossbow.]

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

a.] hunt wildlife with a gun, crossbow or longbow, other than wild deer or bear as provided in [paragraph b] SUBDIVISION THREE of this [subdivision] SECTION, unless he or she is accompanied by his or her parent or legal guardian holding a hunting license, or by a person eighteen years of age or older, designated in writing by his or her parent or legal guardian, holding such license;

[b.] 3. A LICENSEE WHO IS TWELVE, THIRTEEN, FOURTEEN OR FIFTEEN YEARS OF AGE, SHALL NOT hunt wild deer or bear with a crossbow or gun unless:

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

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

[(3)] C. such parent, guardian or youth mentor holds a hunting license; and

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

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

[(6)] F. such parent, guardian or youth mentor and the minor he or she is accompanying shall each display either a minimum total of two hundred fifty square inches of solid fluorescent orange or patterned fluorescent orange consisting of no less than fifty percent fluorescent orange material worn above the waist and visible from all directions, or a hat or cap with no less than fifty percent of the exterior consisting of solid fluorescent orange material and visible from all directions. For purposes of this paragraph, "physical control" shall mean that the physical proximity of the minor to the parent, guardian or youth mentor is such that the parent, guardian or youth mentor is reasonably able to issue verbal directions and instructions, maintain constant visual contact, and otherwise provide guidance and supervision to the minor.

S 4. Paragraph a of subdivision 1 of section 11-0701 of the environmental conservation law, as amended by section 21 of part EE of chapter 55 of the laws of 2014, is amended to read as follows:

a. entitles a holder who is twelve or thirteen years of age to hunt wildlife, [except big game,] as provided in title 9 of this article subject, specifically, to the provisions of section 11-0929 of this article. It entitles such holder to possess firearms as provided in section 265.05 of the penal law. [A holder who is twelve or thirteen years of age shall not hunt with a crossbow.]

S 5. Subparagraph 3 of paragraph c of subdivision 3 of section 11-0901 of the environmental conservation law, as amended by section 19 of part EE of chapter 55 of the laws of 2014, is amended to read as follows:

(3) crossbows may be used but only by licensees who are [fourteen] TWELVE years of age or older.

S 6. Section 11-0933 of the environmental conservation law, as added by section 22 of part EE of chapter 55 of the laws of 2014, is amended to read as follows:

S 11-0933. Taking small game by crossbow.

Notwithstanding any provision of this chapter, or any prior notwithstanding language in this article, the department may, by regulation, authorize the taking of small game and wild upland game birds by the use of a crossbow by any licensed person [fourteen] TWELVE years of age or older, in any small game season, in any area designated in items (a), (b), (c), (d), (e), (f), (i), (k), and (l) of paragraph a of subdivision two of section 11-0907 of this title in which a shotgun or muzzle loader is permitted.

S 7. This act shall take effect immediately.