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

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2015-2016 Regular Sessions

I N S E N A T E

April 10, 2015

Introduced by Sens. ROBACH, GALLIVAN, MARCHIONE, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 illegal taking of deer

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

Section 1. Subdivision 1 of section 71-0921 of the environmental conservation law, as amended by chapter 289 of the laws of 2004, is amended to read as follows:

1. (A) The illegal taking of big game prior to the first day of the open season or after the last day of the open season in the county or part thereof where taken, [or any illegal taking of a deer,] or the taking of big game [by the] WITH aid of an artificial light. Each such misdemeanor FOR A VIOLATION OF THIS PARAGRAPH shall be punishable by imprisonment for not more than one year or by a fine of not less than [two hundred fifty] FIVE HUNDRED dollars nor more than [two] THREE thousand dollars, or by both such imprisonment and fine.

(B) ANY ILLEGAL TAKING OF A DEER, OTHER THAN A TAKING DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION, SUCH MISDEMEANOR SHALL BE PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR OR BY A FINE OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS NOR MORE THAN TWO THOUSAND DOLLARS, OR BY BOTH SUCH IMPRISONMENT AND FINE.

S 2. Subdivision 3 of section 71-0925 of the environmental conservation law is amended to read as follows:

3. (A) If the violation involves the illegal taking of a deer prior to the first day of the open season or after the last day of the open

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

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season in the county or part of a county in which taken, or the taking of deer with [the] aid of an artificial light, [or the illegal taking of a wild deer, one] NOT LESS THAN FIVE hundred dollars and [an additional penalty of four hundred] NOT MORE THAN ONE THOUSAND dollars for the first deer taken and a further penalty of [five hundred] NOT LESS THAN FIVE HUNDRED dollars AND NOT MORE THAN ONE THOUSAND DOLLARS for each succeeding deer taken; PROVIDED, HOWEVER, THAT ANY PERSON HAVING BEEN HELD LIABLE FOR A VIOLATION PURSUANT TO THIS PARAGRAPH IN THE PRECEDING FIVE YEARS SHALL BE SUBJECT TO A FINE OF NOT LESS THAN SEVEN HUNDRED FIFTY DOLLARS AND NOT MORE THAN TWO THOUSAND DOLLARS FOR THE FIRST DEER TAKEN AND A FURTHER PENALTY OF NOT LESS THAN SEVEN HUNDRED FIFTY DOLLARS AND NOT MORE THAN TWO THOUSAND DOLLARS FOR EACH SUCCEEDING DEER TAKEN;

(B) IF THE VIOLATION INVOLVES ANY ILLEGAL TAKING OF A WILD DEER, OTHER THAN A TAKING DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION, FIVE HUNDRED DOLLARS FOR THE FIRST DEER TAKEN AND A FURTHER PENALTY OF FIVE HUNDRED DOLLARS FOR EACH SUCCEEDING DEER TAKEN;

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law.