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

5817

2015-2016 Regular Sessions

I N S E N A T E

June 4, 2015

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to crossbow hunting

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

Section 1. Paragraph a of subdivision 1 of section 11-0719 of the environmental conservation law, as amended by section 2 of part EE of chapter 55 of the laws of 2014, is amended to read as follows:

a. In the circumstances described in paragraph b of this subdivision the department may revoke any license, bowhunting privilege, or muzzle-loading privilege, of any person, to hunt, fish or trap, defined in section 11-0701 of this title or issued pursuant to any provision of the Fish and Wildlife Law, or it may revoke all of such licenses, bowhunting privileges, or muzzle-loading privileges. It may also deny such person, for a period not exceeding five years, the privilege of obtaining such license or licenses, bowhunting privilege, or muzzle-loading privilege, or of hunting, trapping or fishing, anywhere in the state with or without license, bowhunting privilege, or muzzle-loading privilege, except as provided in subdivision 1 of section 11-0707 of this title or in section 11-0523 of this article. It may also require that such person successfully complete a department-sponsored course and obtain a certificate of qualification in responsible hunting [including responsible crossbow hunting], responsible bowhunting INCLUDING RESPONSIBLE CROSSBOW HUNTING or responsible trapping practices before being issued another license.

S 2. Paragraphs a and c of subdivision 2 of section 11-0719 of the environmental conservation law, as amended by section 4 of part EE of chapter 55 of the laws of 2014, are amended to read as follows:

a. The department may revoke the licenses, tags, bowhunting privileges, or muzzle-loading privileges, which authorize the holder to hunt

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

LBD11485-02-5

and/or trap wildlife, and may deny the privilege of obtaining such licenses, tags, bowhunting privileges, or muzzle-loading privileges, and may deny the privileges of hunting and/or trapping with or without a license.

(1) of any person who, while engaged in hunting or trapping,

(i) causes death or injury to any person by discharging a firearm, crossbow or longbow, or

(ii) so negligently discharges a firearm, crossbow or longbow as to endanger the life or safety of another, or

(iii) so negligently and wantonly discharges a firearm, crossbow or longbow as to destroy or damage public or private property; or

(2) of any agent of the department authorized to issue certificates of qualification in responsible hunting [including responsible crossbow hunting], bowhunting INCLUDING RESPONSIBLE CROSSBOW HUNTING, or trapping practices who improperly issues any such certification to a person whom he or she has not trained, or whom he or she knows has not satisfactorily completed all of the requirements necessary for such certification.

c. In case such discharge of a firearm, crossbow or longbow causes death or injury to any person, the license or licenses, bowhunting privilege, and muzzle-loading privilege shall be revoked and the ability to obtain any such license and of hunting or of trapping anywhere in the state with or without a license denied, for a period not exceeding ten years, except that no revocation shall be made in cases in which facts established at the hearing indicate to the satisfaction of the commissioner that there was no negligence on the part of the shooter or bowhunter. In all other cases the license or licenses, bowhunting privilege, or muzzle-loading privilege, shall be revoked and the privilege of obtaining such license, bowhunting privilege, or muzzle-loading privilege, and of hunting or of trapping anywhere in the state with or without a license denied for a period not exceeding five years. The department may also require that the person causing such death or injury successfully complete a department-sponsored course and obtain a certificate of qualification in responsible hunting [including responsible crossbow hunting] or bowhunting practices INCLUDING RESPONSIBLE CROSSBOW HUNTING before being issued another hunting license.

S 3. Subparagraph 9 of paragraph b of subdivision 4 of section 11-0901 of the environmental conservation law, as added by section 6 of part EE of chapter 55 of the laws of 2014, is amended to read as follows:

(9) with a crossbow unless such crossbow shall consist of a bow and string, either compound or recurve, that launches a minimum fourteen inch bolt, not including point, mounted upon a stock with a trigger that holds the string and limbs under tension until released. The trigger unit of such crossbow must have a working safety. The minimum limb width of such crossbow shall be seventeen inches[,] AND have a minimum peak draw weight of one hundred pounds [and a maximum peak draw weight of two hundred pounds]. The minimum overall length of such crossbow from buttstock to front of limbs shall be twenty-four inches.

S 4. Subparagraph 9 of paragraph c of subdivision 4 of section 11-0901 of the environmental conservation law, as added by section 7 of part EE of chapter 55 of the laws of 2014, is amended to read as follows:

(9) with a crossbow unless such crossbow shall consist of a bow and string, either compound or recurve, that launches a minimum fourteen inch bolt, not including point, mounted upon a stock with a trigger that holds the string and limbs under tension until released. The trigger unit of such crossbow must have a working safety. The minimum limb width of such crossbow shall be seventeen inches[,] AND have a minimum peak

draw weight of one hundred pounds [and a maximum peak draw weight of two hundred pounds]. The minimum overall length of such crossbow from buttstock to front of limbs shall be twenty-four inches.

S 5. Subdivision 6 of section 11-0713 of the environmental conservation law, as added by section 12 of part EE of chapter 55 of the laws of 2014, is amended to read as follows:

6. The department shall require training in the safe use of hunting with a crossbow and safe hunting practices in the [basic hunter education] BOWHUNTER EDUCATION course required for all new [hunters] BOWHUNTERS. All persons who have completed [hunter] BOWHUNTER education and who have not certified their completion of a safety course which includes crossbow hunting training prior to April first, two thousand fourteen shall complete an online or other training program approved by the department prior to using a crossbow to hunt.

S 6. Subdivision 10 of section 11-0907 of the environmental conservation law, as added by section 14 of part EE of chapter 55 of the laws of 2014, is amended to read as follows:

10. Notwithstanding any provision of this chapter, or any prior notwithstanding language in this article, the department may, by regulation, authorize the taking of big game by the use of a crossbow by any licensed person in any big 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 this section in which a shotgun or muzzle loader is permitted provided however, that any crossbow use during an archery-only season shall only take place during the last fourteen consecutive days of such archery-only season in the southern zone provided that such archery-only season shall consist of not less than forty-five days and only during the last ten consecutive days of any archery-only season in the northern zone provided that such archery-only season shall consist of no less than twenty-three days. Any muzzle loading season which occurs at the same time as a special archery season may only occur during times when crossbows are authorized to be used. THE DEPARTMENT MAY AUTHORIZE JUNIOR HUNTERS THAT POSSESS THE JUNIOR ARCHERY PRIVILEGE TO USE A CROSSBOW DURING THE YOUTH DEER HUNT.

S 7. The closing paragraph of paragraph a of subdivision 2 and subdivisions 3, 4, 5 and 9 of section 11-0701 of the environmental conservation law, the closing paragraph of paragraph a of subdivision 2 and subdivisions 3, 4 and 5 as amended by section 1-a of part R of chapter 58 of the laws of 2013 and subdivision 9 as amended by section 17 of part EE of chapter 55 of the laws of 2014, are amended to read as follows:

A holder may take fish with a longbow OR CROSSBOW as provided in titles [9] NINE and [13] THIRTEEN of this article.

3. A bowhunting privilege when included on a hunting license entitles a holder:

(1) who is between the ages of twelve and sixteen years to hunt wild deer and bear with a longbow OR CROSSBOW during the special archery season and during the regular season, as provided in title [9] NINE of this article, subject to the provisions of section 11-0929 and subdivision [3] THREE of section 11-0713 of this article;

(2) who is eighteen years of age or older to hunt wild deer and bear with a longbow OR CROSSBOW, as provided in title [9] NINE of this article, in a special longbow OR CROSSBOW season; and

(3) who is sixteen or seventeen years of age to exercise the same privileges subject to the provisions of section 11-0929 and subdivision [3] THREE of section 11-0713 of this article.

4. A fishing license entitles the holder to take fish by angling, spearing, hooking, longbow OR CROSSBOW and tipups, to take frogs by spearing, catching with the hands or by use of a club or hook, and to take bait fish for personal use, as provided in titles [9] NINE and [13] THIRTEEN of this article, except that such license shall not entitle the holder to take migratory fish of the sea or to take fish from the waters of the marine district.

5. A non-resident bear tag entitles a person who has not been a resident of the state for more than thirty days who also possesses a hunting license to hunt bear during the regular open season therefor or in an open season fixed by regulation pursuant to subdivision eight of section 11-0903 of this article. It entitles a non-resident holder who also possesses a hunting license with bowhunting OR CROSSBOW HUNTING privilege to hunt bear with a longbow OR CROSSBOW during the open bear season. It entitles a non-resident holder who also possesses a hunting license with muzzle-loading privilege to hunt bear with a muzzleloader during the open bear season.

9. A muzzle-loading privilege when included on a hunting license entitles a holder who is fourteen years of age or older to hunt wild deer and bear with a muzzle-loading firearm [or crossbow,] as provided in title [9] NINE of this article, in a special muzzle-loading firearm season.

S 8. This act shall take effect immediately.