

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:

1 Section 1. Subparagraph 3 of paragraph b of subdivision 3 of section  
2 11-0713 of the environmental conservation law, as amended by section 3  
3 of part R of chapter 58 of the laws of 2013, is amended to read as  
4 follows:

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

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

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

23 S 3. Subdivisions 1 and 2 of section 11-0929 of the environmental  
24 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.

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

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

13 2. A licensee who is fourteen or fifteen years of age shall not[:  
14 a.] hunt wildlife with a gun, crossbow or longbow, other than wild  
15 deer or bear as provided in [paragraph b] SUBDIVISION THREE of this  
16 [subdivision] SECTION, unless he or she is accompanied by his or her  
17 parent or legal guardian holding a hunting license, or by a person eigh-  
18 teen years of age or older, designated in writing by his or her parent  
19 or legal guardian, holding such license;

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

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

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

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

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

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

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

47 S 4. Paragraph a of subdivision 1 of section 11-0701 of the environ-  
48 mental conservation law, as amended by section 21 of part EE of chapter  
49 55 of the laws of 2014, is amended to read as follows:

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

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

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

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

9 S 11-0933. Taking small game by crossbow.

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

18 S 7. This act shall take effect immediately.