

4727--A

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

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:

1 Section 1. Subdivision 1 of section 71-0921 of the environmental
2 conservation law, as amended by chapter 289 of the laws of 2004, is
3 amended to read as follows:
4 1. The illegal taking of big game prior to the first day of the open
5 season or after the last day of the open season in the county or part
6 thereof where taken, [or any illegal taking of a deer,] or the taking of
7 big game [by the aid of] WITH an artificial light. [Each such] A FIRST
8 misdemeanor FOR A VIOLATION OF THIS SUBDIVISION shall be punishable by
9 imprisonment for not more than one year or by a fine of not less than
10 [two hundred fifty] ONE THOUSAND dollars nor more than [two] FOUR thou-
11 sand dollars, or by both such imprisonment and fine. EACH SUCH MISDEMEA-
12 NOR FOR A VIOLATION OF THIS SUBDIVISION INVOLVING ANY ILLEGAL TAKING OF
13 A DEER OTHER THAN PRIOR TO THE FIRST DAY OF THE OPEN SEASON OR AFTER THE
14 LAST DAY OF THE OPEN SEASON IN THE COUNTY OR PART THEREOF WHERE TAKEN,
15 OR WITH AID OF AN ARTIFICIAL LIGHT, SHALL BE PUNISHABLE BY IMPRISONMENT
16 FOR NOT MORE THAN ONE YEAR OR BY A FINE OF NOT LESS THAN TWO HUNDRED
17 FIFTY DOLLARS NOR MORE THAN TWO THOUSAND DOLLARS, OR BY BOTH SUCH IMPRI-
18 SONMENT AND FINE.
19 S 2. Subdivision 3 of section 71-0925 of the environmental conserva-
20 tion law is amended to read as follows:

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

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1 3. If the violation involves the illegal taking of a deer prior to the
2 first day of the open season or after the last day of the open season in
3 the county or part of a county in which taken, or the taking of deer
4 with [the] aid of an artificial light, [or the illegal taking of a wild
5 deer,] one [hundred] THOUSAND dollars and an additional penalty of [four
6 hundred] ONE THOUSAND dollars for [the first] EACH deer taken and a
7 further penalty of [five hundred] ONE THOUSAND dollars for each succeed-
8 ing deer taken[;]. ANY PERSONS HAVING A PREVIOUS CONVICTION FOR SUCH
9 OFFENSE SHALL BE SUBJECT TO A FINE OF NOT LESS THAN TWO THOUSAND DOLLARS
10 AND NOT MORE THAN FOUR THOUSAND DOLLARS AND SHALL BE SUBJECT TO A LOSS
11 OF HUNTING PRIVILEGES FOR FIVE YEARS. ANY OFFENSE OF THIS SUBDIVISION
12 INVOLVING ILLEGAL TAKING OF A DEER IN THE PRESENCE OF SOMEONE SEVENTEEN
13 YEARS OF AGE OR YOUNGER SHALL BE SUBJECT TO DOUBLING OF ALL FINES AND
14 PENALTIES.
15 S 3. This act shall take effect on the one hundred twentieth day after
16 it shall have become a law.