

5340

2015-2016 Regular Sessions

I N   S E N A T E

May 13, 2015

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Introduced by Sen. AMEDORE -- 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 authorize the use of dogs for the tracking and taking of bear; and to amend the agriculture and markets law, in relation to dogs engaged in hunting and training

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

1     Section 1. Paragraph (c) of subdivision 2 of section 11-0529 of the  
2 environmental conservation law, as amended by chapter 610 of the laws of  
3 2006, is amended to read as follows:  
4     (c) pursuing or killing any game or wildlife on a state-owned or  
5 leased wildlife management area, except a dog being legally used for  
6 hunting small game OR BEAR, or for dog training.  
7     S 2. Subdivisions 2 and 6 of section 11-0923 of the environmental  
8 conservation law, subdivision 2 as amended by chapter 312 of the laws of  
9 1980 and subdivision 6 as amended by chapter 600 of the laws of 1993,  
10 are amended to read as follows:  
11     2. No owner or trainer of a dog shall take it afield for training on  
12 wild game except from August 16 to April 15 or as otherwise permitted by  
13 department order; PROVIDED, HOWEVER, THAT NO OWNER OR TRAINER OF A DOG  
14 SHALL TAKE IT AFIELD FOR TRAINING ON BEAR EXCEPT FROM JULY 1 TO EIGHT  
15 DAYS PRIOR TO ANY OPEN HUNTING SEASON FOR BEAR.  
16     6. Wildlife, except skunk[, ] AND deer [and bear], may be taken with  
17 the aid of a dog[, provided, however, that the department is authorized  
18 to establish a training season during which only persons licensed by the  
19 department pursuant to section 11-0928 of this article may train track-  
20 ing dogs on bear. Such season shall not begin before July first and  
21 shall end at least eight days in advance of any open hunting season for  
22 bear and no person participating in such training shall possess a  
23 firearm of any kind or a longbow. Nothing in this subdivision shall be

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

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1 construed to invalidate or otherwise affect a permit to track or take  
2 bear issued pursuant to subdivision one of section 11-0521 of this arti-  
3 cle].

4 S 3. Section 11-0928 of the environmental conservation law, as amended  
5 by chapter 600 of the laws of 1993, is amended to read as follows:  
6 S 11-0928. Tracking AND HUNTING dogs.

7 Notwithstanding any other provision of this chapter, the department  
8 may by regulation provide for the certification of leashed tracking OR  
9 HUNTING dogs and may authorize the use of such dogs by persons licensed  
10 by the department to track and find dead, wounded or injured big game,  
11 and [for the certification of trained tracking dogs and may authorize  
12 the use of such dogs] by persons licensed by the department to track OR  
13 TAKE bear pursuant to [subdivision one of section 11-0521 of] this arti-  
14 cle.

15 S 4. Section 122 of the agriculture and markets law is amended by  
16 adding a new subdivision 3 to read as follows:

17 3. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS ONE AND TWO OF THIS  
18 SECTION OR SECTION ONE HUNDRED THIRTEEN OF THIS ARTICLE, A DOG THAT HAS  
19 BEEN RELEASED FROM ITS CONFINEMENT FOR HUNTING OR TRAINING PURPOSES, IN  
20 ACCORDANCE WITH SECTION 11-0923 OF THE ENVIRONMENTAL CONSERVATION LAW,  
21 SHALL BE DEEMED TO BE UNDER THE REASONABLE CONTROL OF ITS OWNER OR  
22 TRAINER, AND NOT BE DEEMED TO BE RUNNING AT LARGE. A DOG CONTROL OFFI-  
23 CER, PEACE OFFICER ACTING PURSUANT TO HIS OR HER SPECIAL DUTIES OR  
24 POLICE OFFICER, WHO IS AUTHORIZED BY A MUNICIPALITY TO ENFORCE ANY LOCAL  
25 LAW OR ORDINANCE RELATED TO THE KEEPING AND RUNNING AT LARGE OF DOGS AND  
26 THE SEIZURE THEREOF, SHALL MAKE A FAIR AND REASONABLE EFFORT TO DETER-  
27 MINE WHETHER ANY DOG FOUND OR SUSPECTED OF RUNNING AT LARGE IS A DOG  
28 ENGAGED IN HUNTING, TRAINING OR OTHER ACTIVITIES IN ACCORDANCE WITH  
29 SECTION 11-0923 OF THE ENVIRONMENTAL CONSERVATION LAW, AND IF SO DETER-  
30 MINED, SHALL NOT CHARGE THE OWNER OR TRAINER OF SUCH DOG WITH ANY  
31 VIOLATION OF ANY LOCAL LAW OR ORDINANCE ENACTED PURSUANT TO THIS SECTION  
32 RELATED TO THE KEEPING AND RUNNING AT LARGE OF DOGS.

33 S 5. This act shall take effect immediately.