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

7005

I N S E N A T E

March 15, 2016

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 crossbows; and to repeal certain provisions of such law relating thereto

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

Section 1. Paragraph a of subdivision 1, the closing paragraph of paragraph a of subdivision 2, paragraphs 1 and 2 of subdivision 3, subdivision 5 and subdivision 9 of section 11-0701 of the environmental conservation law, paragraph a of subdivision 1 as amended by section 21 and subdivision 9 as amended by section 17 of part EE of chapter 55 of the laws of 2014, the closing paragraph of paragraph a of subdivision 2, paragraphs 1 and 2 of subdivision 3 and subdivision 5 as amended by section 1-a of part R of chapter 58 of the laws of 2013, are amended to read as follows:

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

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

(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 of this article, subject to the provisions of section 11-0929 and subdivision 3 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 of this article, in a special [longbow] ARCHERY season; and

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

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

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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 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 of this article, in a special muzzle-loading firearm season.

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

b. Except as provided in section 11-0707 and section 11-0709 of this title, no person shall (1) hunt wild deer or bear unless such person holds and is entitled to exercise the privileges of a hunting license, and meets the requirements of this article; (2) hunt wild deer or bear with a longbow OR CROSSBOW in a special [longbow] ARCHERY season unless such person holds and is entitled to exercise the privileges of a hunting license with a bowhunting privilege and meets the requirements of this article; or (3) hunt wild deer or bear with a muzzle-loading firearm in a special muzzle-loading firearm season unless such person is at least fourteen years old and holds a hunting license with a muzzle-loading privilege and meets the requirements of this article.

S 3. Subdivision 6 of section 11-0713 of the environmental conservation law is REPEALED.

S 4. Subparagraph 3 of paragraph c of subdivision 3 of section 11-0901 of the environmental conservation law is REPEALED.

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

c. Wild small game and wild upland game birds shall be taken only by longbow, CROSSBOW or gun, or by the use of raptors as provided in title 10 of this article, except that:

(1) skunk, raccoon, bobcat, coyote, fox, mink and muskrat may be taken in any manner not prohibited in this section or in title 11 of the Fish and Wildlife Law; AND

(2) frogs may also be taken by spearing, catching with the hands, or by the use of a club or hook[; and].

S 6. Subparagraph 9 of paragraph b and subparagraph 9 of paragraph c of subdivision 4 of section 11-0901 of the environmental conservation law, subparagraph 9 of paragraph b as added by section 6 and subparagraph 9 of paragraph c as added by section 7 of part EE of chapter 55 of the laws of 2014, are 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] ARROW, 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, have a] minimum peak draw weight [of] SHALL BE 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.

(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] ARROW, 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, have a] minimum peak draw weight [of] SHALL BE 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 7. Subdivision 13 of section 11-0901 of the environmental conservation law, as amended by section 23 of part R of chapter 58 of the laws of 2013, is amended to read as follows:

13. Persons engaged in hunting deer and/or bear with a longbow OR A CROSSBOW must possess a current bowhunting privilege or a valid certificate of qualification in responsible bowhunting practices issued or honored by the department.

S 8. Subdivisions 11 and 16 of section 11-0901 of the environmental conservation law are REPEALED.

S 9. Section 11-0903 of the environmental conservation law is amended by adding a new subdivision 12 to read as follows:

12. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS ARTICLE, THE DEPARTMENT IS AUTHORIZED TO ADOPT REGULATIONS WHICH AUTHORIZE THE TAKING OF WILDLIFE BY THE USE OF CROSSBOW. A SUMMARY OF REGULATIONS ADOPTED PURSUANT TO THIS SUBDIVISION SHALL BE PUBLISHED EACH YEAR IN THE HUNTING SYLLABUS ISSUED PURSUANT TO SECTION 11-0323 OF THIS ARTICLE.

S 10. Subdivision 1 of section 11-0929 of the environmental conservation law, as amended by section 20 of part EE of chapter 55 of the laws of 2014, is amended to read as follows:

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

S 11. Subparagraph 5 of paragraph b of subdivision 2 of section 11-0929 of the environmental conservation law is REPEALED and subparagraph 6 is renumbered subparagraph 5.

S 12. Subparagraph 2 of paragraph a and subparagraph 1 of paragraph b of subdivision 4 of section 11-0931 of the environmental conservation law, as amended by section 8 of part EE of chapter 55 of the laws of 2014, are amended to read as follows:

(2) discharge a firearm within five hundred feet, a long bow within one hundred fifty feet, or a crossbow within [two] ONE hundred fifty feet from a dwelling house, farm building or farm structure actually occupied or used, school building, school playground, public structure, or occupied factory or church;

(1) The owner or lessee of the dwelling house, or members of his immediate family actually residing therein, or a person in his employ, or the guest of the owner or lessee of the dwelling house acting with the consent of said owner or lessee, provided however, that nothing herein shall be deemed to authorize such persons to discharge a firearm within five hundred feet, a long bow within one hundred fifty feet, or a crossbow within [two] ONE hundred fifty feet of any other dwelling house, or

a farm building or farm structure actually occupied or used, or a school building or playground, public structure, or occupied factory or church;

S 13. Section 11-0933 of the environmental conservation law, as added by section 22 of part EE of chapter 55 of the laws of 2014, is amended to read as follows:

S 11-0933. Taking small game by crossbow.

Notwithstanding any provision of this chapter, or any prior notwithstanding language in this article, the department may, by regulation, authorize the taking of small game and wild upland game birds by the use of a crossbow by any licensed person [fourteen] TWELVE years of age or older, in any small 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 section 11-0907 of this title in which a shotgun or muzzle loader is permitted].

S 14. This act shall take effect immediately.