

STATE OF NEW YORK

11318--A

IN ASSEMBLY

September 19, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Englebright, D'Urso) -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to prohibiting the sale and possession of any part or product of a Giraffe

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Title 5 of article 11 of the environmental conservation law is amended by adding a new section 11-0535-b to read as follows:

§ 11-0535-b. Giraffes; prohibited acts.

1. Notwithstanding any other provision of law, no individual, firm, corporation, association or partnership shall process, sell, offer for sale, purchase, trade, barter, distribute or possess any part or product of the skin or body of a Giraffe (*Giraffa camelopardalis*).

2. Unless such activity is prohibited by federal law, the following exceptions and defenses apply to the prohibitions of subdivision one of this section:

a. the part or product was possessed within the state of New York prior to the effective date of this section, provided however the part or product may not thereafter be sold, offered for sale, traded, bartered or distributed to any private party;

b. the part or product is to be made part of a temporary or permanent collection of a museum chartered by the board of regents pursuant to the education law or to a museum authorized by a special charter from the legislature of this state, or for scientific research by a recognized institution, provided that the part or product is not thereafter sold, offered for sale, traded, bartered or distributed to any private party;

c. the part or product is to be used for law enforcement activities;

d. the part or product is distributed directly to a legal beneficiary of a trust or to a legal heir provided the part or product was located or possessed by the decedent prior to the effective date of this section; provided further that after transfer to the beneficiary or heir

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

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1 that the part or product is not thereafter sold, offered for sale, trad-
2 ed, bartered or distributed to any private party; or

3 e. any other activity concerning the part or product that is expressly
4 authorized by federal law.

5 3. Any officer or agent authorized by the commissioner, or any police
6 officer of the state of New York, or any police officer of any munici-
7 pality within the state of New York, shall have authority to execute any
8 warrant to search for and seize any parts or products in violation of
9 this section, as defined in subdivision one of this section, or any
10 property or item used in connection with a violation of this section;
11 such parts or products shall be held pending proceedings in any court of
12 proper jurisdiction. Upon conviction, or upon the entry of a judgment
13 restraining the process, sale, offer for sale, purchase, trade, barter,
14 distribution or possession of any such part or product on the ground
15 that such parts or products are in violation of this section, such parts
16 or products shall be forfeited and, upon forfeiture, either offered to a
17 recognized institution for scientific or educational purposes, or
18 destroyed.

19 § 2. Paragraph f of subdivision 1 of section 71-0919 of the environ-
20 mental conservation law, as amended by chapter 640 of the laws of 1977,
21 is amended and a new paragraph g is added to read as follows:

22 f. In the cases provided in section 71-0909 of this title, is liable
23 to forfeiture and confiscation of property involved in such violations,
24 as provided in that section[+]; and

25 g. In the cases provided in section 11-0535-b of this chapter:

26 (i) Any part or product shall be held pending criminal proceedings in
27 any court of proper jurisdiction.

28 (ii) A defendant convicted of such section shall be sentenced pursuant
29 to paragraph (b) of subdivision one of section 55.10 of the penal law;
30 provided, however, that any term of imprisonment imposed for violation
31 of such section shall be definite sentence, which may not exceed two
32 years.

33 (iii) Upon conviction, or upon the entry of a judgment restraining a
34 defendant from possessing, selling, or offering for sale a part or prod-
35 uct of a Giraffe (Giraffa camelopardalis) on the grounds that such
36 activity is or would be in violation of section 11-0535-b of this chap-
37 ter, any seized property under this paragraph shall be forfeited and,
38 upon forfeiture, destroyed.

39 § 3. This act shall take effect on the one hundred eightieth day after
40 it shall have become a law. Effective immediately, the addition, amend-
41 ment and/or repeal of any rule or regulation necessary for the implemen-
42 tation of this act on its effective date are authorized to be made and
43 completed on or before such effective date.