

STATE OF NEW YORK

8459

2017-2018 Regular Sessions

IN ASSEMBLY

June 16, 2017

Introduced by M. of A. BARRETT -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the penal law, in relation to the taking of big game outside of legal hunting hours and failure to render aid

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

1 Section 1. Subparagraph 9 of paragraph b of subdivision 4 of section
2 11-0901 of the environmental conservation law, as added by section 6 of
3 part EE of chapter 55 of the laws of 2014, is amended to read as
4 follows:

5 (9) with a crossbow unless such crossbow shall consist of a bow and
6 string, either compound or recurve, that launches a minimum fourteen
7 inch bolt, not including point, mounted upon a stock with a trigger that
8 holds the string and limbs under tension until released. The trigger
9 unit of such crossbow must have a working safety. The minimum limb width
10 of such crossbow shall be seventeen inches, have a minimum peak draw
11 weight of one hundred pounds and a maximum peak draw weight of two
12 hundred pounds. The minimum overall length of such crossbow from butts-
13 tock to front of limbs shall be twenty-four inches; or

14 (10) outside of legal hunting hours.

15 § 1-a. Subparagraph 9 of paragraph c of subdivision 4 of section
16 11-0901 of the environmental conservation law, as added by section 7 of
17 part EE of chapter 55 of the laws of 2014, is amended to read as
18 follows:

19 (9) with a crossbow unless such crossbow shall consist of a bow and
20 string, either compound or recurve, that launches a minimum fourteen
21 inch bolt, not including point, mounted upon a stock with a trigger that
22 holds the string and limbs under tension until released. The trigger
23 unit of such crossbow must have a working safety. The minimum limb width
24 of such crossbow shall be seventeen inches, have a minimum peak draw

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

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weight of one hundred pounds and a maximum peak draw weight of two hundred pounds. The minimum overall length of such crossbow from butts-tock to front of limbs shall be twenty-four inches; or

(10) outside of legal hunting hours.

§ 1-b. Section 11-0931 of the environmental conservation law is amended by adding a new subdivision 8 to read as follows:

8. No person shall inflict injury on or witness the infliction of an injury to any person with any firearm, longbow or crossbow, while hunting or trapping, and then flee or fail to render immediate and full assistance and aid to the person upon which the injury was inflicted.

§ 2. Subdivision 1 of section 71-0921 of the environmental conservation law, as amended by chapter 289 of the laws of 2004, is amended to read as follows:

1. The illegal taking of or attempting to take big game prior to the first day of the open season or after the last day of the open season in the county or part thereof where taken, [~~or~~] any illegal taking of or attempting to take a deer, [~~or~~] the taking of or attempting to take big game by the aid of an artificial light or the taking or attempt to take big game outside of legal hunting hours. Each such misdemeanor shall be punishable by imprisonment for not more than one year or by a fine of not less than two hundred fifty dollars nor more than two thousand dollars, or by both such imprisonment and fine.

§ 3. The environmental conservation law is amended by adding a new section 71-0922 to read as follows:

§ 71-0922. Punishment of certain violations resulting in death.

Where a violation of the environmental conservation law is a misdemeanor under subdivision one of section 71-0921 of this title and such violation results in the injury or death of a person, such violation shall instead be a class E felony, punishable by imprisonment for not more than four years, a fine of not more than ten thousand dollars and forfeiture of any motorized vehicles, firearms, longbows and crossbows used in the violation.

§ 4. The environmental conservation law is amended by adding a new section 71-0929 to read as follows:

§ 71-0929. Failure to render aid.

Notwithstanding any other provisions of this chapter, when a violation of subdivision eight of section 11-0931 of this chapter occurs, such violation shall be punishable as follows:

a. For a violation where the person injured does not die from said injuries, the person inflicting such injuries shall be guilty of a misdemeanor, punishable by imprisonment for not more than ninety days, a fine of not less than two hundred dollars nor more than one thousand dollars or by both such imprisonment and fine.

b. For a violation where the person injured dies from said injuries, the person inflicting such injuries shall be guilty of a class E felony, punishable by imprisonment for not more than four years, a fine of not less than five hundred dollars nor more than two thousand dollars or by both such imprisonment and fine.

c. For a violation where a person is injured or killed, a person witnessing the infliction of such injuries shall be guilty of a violation, punishable by imprisonment for not more than fifteen days or a fine of not more than two hundred fifty dollars or by both such imprisonment and fine.

§ 5. Section 120.05 of the penal law is amended by adding a new subdivision 4-b to read as follows:

1 4-b. He or she recklessly causes physical injury to another person
2 while taking or attempting to take big game outside of legal hunting
3 hours; or

4 § 6. This act shall take effect on the first of November next succeed-
5 ing the date on which it shall have become a law.