STATE OF NEW YORK

5301

2017-2018 Regular Sessions

IN SENATE

March 20, 2017

Introduced by Sen. O'MARA -- (at request of the Department of Environmental Conservation) -- 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 deer and bear, open hunting seasons and implements, hunting age for big game, crossbows, pheasant and quail hunting in Long Island, and penalties for illegal commercialization of crustaceans, fish, shellfish, and wildlife; to amend the state finance law, in relation to the state fish and game trust account; and to repeal certain provisions of the environmental conservation 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 Paragraph a of subdivision 2 of section 11-0907 of the environmental conservation law is REPEALED and a new paragraph a is added to read as follows:

a. Seasons for deer hunting. Regular open hunting seasons for deer are established as follows:

(1) In the Northern Zone, deer may be taken from the next to last Saturday in October through the first Sunday in December.

(2) In the Southern Zone, deer may be taken from the first Monday after November fifteenth through the first Tuesday after December seventh.

(3) In Westchester County, deer of either sex may be taken from November first through December thirty-first.

(4) In Suffolk County, deer of either sex may be taken from the second Monday in November through March thirty-first.

§ 2. Subdivision 9 of section 11-0907 of the environmental conservation law is REPEALED.

§ 3. The subdivision heading and paragraph b of subdivision 2 of section 11-0907 of the environmental conservation law, the section head-

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

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ing as amended and paragraph b of subdivision 2 as added by chapter 600 of the laws of 1993, are amended to read as follows:

Regular big game hunting seasons.

b. Implements. Where taking of big game by shotgun is permitted by this chapter such shotgun may contain rifling in all or a portion of the barrel, provided, however, if the barrel or a portion thereof does contain rifling only shells having non-metallic cases, except for the base, may be used.

(1) Deer and bear may be taken by pistol, rifle, shotgun, muzzleloading firearm, crossbow or long bow only in all or parts of the following regions or counties or portions of counties:

(a) Northern Zone

(b) Albany except in areas as defined in subdivisions six or seven of this section

(c) Allegany

(d) That portion of the county of Broome east of the Susquehanna river in the towns of Coleville, Windsor, and Sanford

(e) Cattaraugus

(f) Chautauqua except that portion of the county north of route 20

(g) Cayuga

(h) Chemung

(i) Chenango

(j) Columbia

(k) Cortland

(l) Delaware

(m) Fulton (parts in the Southern Zone)

(n) Genesee

(o) Greene

(p) Herkimer (parts in the Southern Zone) except in areas as defined in subdivision five of this section

(q) Livingston

(r) Madison

(s) Montgomery

(t) Oneida (parts in the Southern Zone)

(u) Orange

(v) Ontario

(w) Oswego (parts in the Southern Zone)

(x) Otsego

(y) Rensselaer

(z) Saratoga (parts in the Southern Zone)

(aa) Schenectady

(bb) Schoharie

(cc) Schuyler

(dd) Seneca

(ee) Steuben

(ff) Sullivan

(gg) Tioga

(hh) Ulster

(ii) Washington (parts in the Southern Zone)

(jj) Wayne

(kk) Wyoming

(ll) Yates

(2) Deer and bear may be taken by pistol, shotgun, muzzleloading firearm, crossbow or long bow only in the following counties or portions of counties:

(a) the portion of the county of Broome west of the Susquehanna river

(b) the portion of the county of Chautauqua north of route 20
(c) Dutchess
(d) Erie except in areas as defined in subdivision five of this section
(e) Monroe except in areas as defined in subdivision five of this section
(f) Niagara
(g) Onondaga
(h) Orleans
(i) Putnam
(j) Rockland
(k) Tompkins
(3) Deer of either sex may be taken by long bow only in the following counties or portion of counties:
(a) Albany in areas as defined in subdivision seven of this section
(b) Monroe in areas as defined in subdivision five of this section
(c) Suffolk except as provided in regulation established pursuant to subdivision seven of section 11-0903 of this article
(d) Westchester

c. Regular open hunting seasons for bear are fixed by regulation pursuant to subdivision 8 of section 11-0903 of this article. The implements allowed for bear hunting will be the same as those allowed for deer hunting as [~~listed in column three of the table~~] set forth in paragraph [~~a~~] b of this subdivision.

§ 4. Subdivision 2 of section 11-0113 of the environmental conservation law, as amended by chapter 135 of the laws of 1982, is amended to read as follows:

2. In the tables in [~~sections~~] section 11-0905 [~~and 11-0907~~] each letter of the alphabet in column one identifies and furnishes the citation for the matter in column one following such letter and also identifies and furnishes the citation for the matter appearing in column two and column three opposite the matter so identified in column one.

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

b. Wild deer and bear shall not be taken except by gun, crossbow or by long bow. Where an open season, set forth in [~~the table of open seasons in~~] section 11-0907 of this title or otherwise established by law or fixed by regulation, is specified as an open season for taking such game by shotgun or long bow only, or is specified as an open season for taking such game by long bow only, they shall not be taken except as so specified.

§ 6. Paragraph a of subdivision 1, paragraphs 1 and 2 of subdivision 3, subdivision 5 and subdivision 9 of section 11-0701 of the environmental conservation law, 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, 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, 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.~~]

(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 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.

§ 7. 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.

§ 8. Subdivision 6 of section 11-0713 of the environmental conservation law is REPEALED.

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

§ 10. 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~~]**.**

§ 11. 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[~~,~~] and have a minimum peak draw weight of 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[~~,~~] and have a minimum peak draw weight of 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.

§ 12. 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 crossbow must possess a current bowhunting privilege or a valid certificate of qualification in responsible bowhunting practices issued or honored by the department.

§ 13. Subdivisions 11 and 16 of section 11-0901 of the environmental conservation law are REPEALED.

§ 14. 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.

§ 15. 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.~~]

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

§ 17. 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;

§ 18. 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:

§ 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~~].

§ 19. Paragraph c of subdivision 2 of section 11-0903 of the environmental conservation law, as amended by chapter 366 of the laws of 2011, is amended to read as follows:

c. pheasants anywhere in the state [~~other than Long Island~~];

§ 20. Paragraphs d and e of subdivision 2 of section 11-0905 of the environmental conservation law, as amended by chapter 911 of the laws of 1990, are amended to read as follows:

d.	Ring-necked pheasant	[~~Long Island November 1 through December 31. Elsewhere, fixed~~] **Fixed** annually by regulation	[~~Long Island, four birds in one day, thirty during season. Elsewhere, fixed~~] **Fixed** annually by regulation
e.	Quail	[~~Orange, Putnam and Westchester counties, fixed~~] **Fixed** annually by regulation[~~; Long Island, November 1 through December 31~~	[~~four birds in one day, ten during season. Long Island, six birds in one day, forty during season.~~] **Fixed annually by regulation**

§ 21. Paragraph c of subdivision 1 of section 11-0713 of the environmental conservation law is REPEALED.

§ 22. Subparagraph (i) of paragraph 4 of subdivision a of section 83 of the state finance law, as amended by section 1 of part AA of chapter 58 of the laws of 2015, is amended to read as follows:

(i) There is hereby created a special account within the conservation fund to be known as the state fish and game trust account to consist of all moneys received by the state from the sale of lifetime hunting, fishing, and trapping licenses, and lifetime archery and muzzle-loading privileges pursuant to section 11-0702 of the environmental conservation law except those moneys deposited in the habitat conservation and access account pursuant to section eighty-three-a of this chapter. The state

comptroller shall invest the moneys in such account in securities as defined by section ninety-eight-a of this article **or, within the discretion of the comptroller to maximize income for the account, in investments authorized by section one hundred seventy-seven of the retirement and social security law or consistent with the provisions of subdivision b of section thirteen of the retirement and social security law**. Any income earned by the investment of such moneys, except income transferred to the conservation fund pursuant to subparagraph (iii) of this paragraph, shall be added to and become a part of, and shall be used for the purposes of such account.

§ 23. Subdivision 10 of section 11-0907 of the environmental conservation law, as added by section 14 of part EE of chapter 55 of the laws of 2014, is amended to read as follows:

10. [~~Notwithstanding any provision of this chapter, or any prior notwithstanding language in this article, the~~] **The** department may, by regulation, authorize the taking of big game by the use of a crossbow by any licensed person in any big 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 this section in which a shotgun or muzzle loader is permitted provided however, that any crossbow use during an archery-only season shall only take place during the last fourteen consecutive days of such archery-only season in the southern zone provided that such archery-only season shall consist of not less than forty-five days and only during the last ten consecutive days of any archery-only season in the northern zone provided that such archery-only season shall consist of no less than twenty-three days. Any muzzle loading season which occurs at the same time as a special archery season may only occur during times when crossbows are authorized to be used~~].

§ 24. This act shall take effect immediately; provided, however, that the amendments to paragraph c of subdivision 2 of section 11-0907 of the environmental conservation law made by section three of this act shall not affect the expiration of such paragraph and shall be deemed to expire therewith.