

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:

1 Section 1. Paragraph a of subdivision 2 of section 11-0907 of the
2 environmental conservation law is REPEALED and a new paragraph a is
3 added to read as follows:

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

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

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

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

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

15 § 2. Subdivision 9 of section 11-0907 of the environmental conserva-
16 tion law is REPEALED.

17 § 3. The subdivision heading and paragraph b of subdivision 2 of
18 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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1 ing as amended and paragraph b of subdivision 2 as added by chapter 600
2 of the laws of 1993, are amended to read as follows:

3 Regular big game hunting seasons.

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

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

12 (a) Northern Zone

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

15 (c) Allegany

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

18 (e) Cattaraugus

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

20 (g) Cayuga

21 (h) Chemung

22 (i) Chenango

23 (j) Columbia

24 (k) Cortland

25 (l) Delaware

26 (m) Fulton (parts in the Southern Zone)

27 (n) Genesee

28 (o) Greene

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

31 (q) Livingston

32 (r) Madison

33 (s) Montgomery

34 (t) Oneida (parts in the Southern Zone)

35 (u) Orange

36 (v) Ontario

37 (w) Oswego (parts in the Southern Zone)

38 (x) Otsego

39 (y) Rensselaer

40 (z) Saratoga (parts in the Southern Zone)

41 (aa) Schenectady

42 (bb) Schoharie

43 (cc) Schuyler

44 (dd) Seneca

45 (ee) Steuben

46 (ff) Sullivan

47 (gg) Tioga

48 (hh) Ulster

49 (ii) Washington (parts in the Southern Zone)

50 (jj) Wayne

51 (kk) Wyoming

52 (ll) Yates

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

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

1 (b) the portion of the county of Chautauqua north of route 20

2 (c) Dutchess

3 (d) Erie except in areas as defined in subdivision five of this
4 section

5 (e) Monroe except in areas as defined in subdivision five of this
6 section

7 (f) Niagara

8 (g) Onondaga

9 (h) Orleans

10 (i) Putnam

11 (j) Rockland

12 (k) Tompkins

13 (3) Deer of either sex may be taken by long bow only in the following
14 counties or portion of counties:

15 (a) Albany in areas as defined in subdivision seven of this section

16 (b) Monroe in areas as defined in subdivision five of this section

17 (c) Suffolk except as provided in regulation established pursuant to
18 subdivision seven of section 11-0903 of this article

19 (d) Westchester

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

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

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

33 § 5. Paragraph b of subdivision 3 of section 11-0901 of the environ-
34 mental conservation law, as amended by section 5 of part EE of chapter
35 55 of the laws of 2014, is amended to read as follows:

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

43 § 6. Paragraph a of subdivision 1, paragraphs 1 and 2 of subdivision
44 3, subdivision 5 and subdivision 9 of section 11-0701 of the environ-
45 mental conservation law, paragraphs 1 and 2 of subdivision 3 and subdi-
46 vision 5 as amended by section 1-a of part R of chapter 58 of the laws
47 of 2013, paragraph a of subdivision 1 as amended by section 21 and
48 subdivision 9 as amended by section 17 of part EE of chapter 55 of the
49 laws of 2014, are amended to read as follows:

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

1 (1) who is between the ages of twelve and sixteen years to hunt wild
2 deer and bear with a longbow or crossbow during the special archery
3 season and during the regular season, as provided in title 9 of this
4 article, subject to the provisions of section 11-0929 and subdivision 3
5 of section 11-0713 of this article;

6 (2) who is eighteen years of age or older to hunt wild deer and bear
7 with a longbow or crossbow, as provided in title 9 of this article, in a
8 special [~~longbow~~] archery season; and

9 5. A non-resident bear tag entitles a person who has not been a resi-
10 dent of the state for more than thirty days who also possesses a hunting
11 license to hunt bear during the regular open season therefor or in an
12 open season fixed by regulation pursuant to subdivision eight of section
13 11-0903 of this article. It entitles a non-resident holder who also
14 possesses a hunting license with bowhunting privilege to hunt bear with
15 a longbow or crossbow during the open bear season. It entitles a non-re-
16 sident holder who also possesses a hunting license with muzzle-loading
17 privilege to hunt bear with a muzzleloader during the open bear season.

18 9. A muzzle-loading privilege when included on a hunting license enti-
19 tles a holder who is fourteen years of age or older to hunt wild deer
20 and bear with a muzzle-loading firearm [~~or crossbow~~], as provided in
21 title 9 of this article, in a special muzzle-loading firearm season.

22 § 7. Paragraph b of subdivision 6 of section 11-0703 of the environ-
23 mental conservation law, as amended by section 2 of part R of chapter 58
24 of the laws of 2013, is amended to read as follows:

25 b. Except as provided in section 11-0707 and section 11-0709 of this
26 title, no person shall (1) hunt wild deer or bear unless such person
27 holds and is entitled to exercise the privileges of a hunting license,
28 and meets the requirements of this article; (2) hunt wild deer or bear
29 with a longbow or crossbow in a special [~~longbow~~] archery season unless
30 such person holds and is entitled to exercise the privileges of a hunt-
31 ing license with a bowhunting privilege and meets the requirements of
32 this article; or (3) hunt wild deer or bear with a muzzle-loading
33 firearm in a special muzzle-loading firearm season unless such person is
34 at least fourteen years old and holds a hunting license with a muzzle-
35 loading privilege and meets the requirements of this article.

36 § 8. Subdivision 6 of section 11-0713 of the environmental conserva-
37 tion law is REPEALED.

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

40 § 10. Paragraph c of subdivision 3 of section 11-0901 of the environ-
41 mental conservation law, as amended by section 19 of part EE of chapter
42 55 of the laws of 2014, is amended to read as follows:

43 c. Wild small game and wild upland game birds shall be taken only by
44 longbow, crossbow or gun, or by the use of raptors as provided in title
45 10 of this article, except that:

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

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

51 § 11. Subparagraph 9 of paragraph b and subparagraph 9 of paragraph c
52 of subdivision 4 of section 11-0901 of the environmental conservation
53 law, subparagraph 9 of paragraph b as added by section 6 and subpara-
54 graph 9 of paragraph c as added by section 7 of part EE of chapter 55 of
55 the laws of 2014, are amended to read as follows:

1 (9) with a crossbow unless such crossbow shall consist of a bow and
2 string, either compound or recurve, that launches a minimum fourteen
3 inch [~~belt~~] arrow, not including point, mounted upon a stock with a
4 trigger that holds the string and limbs under tension until released.
5 The trigger unit of such crossbow must have a working safety. The mini-
6 mum limb width of such crossbow shall be seventeen inches[~~7~~] and have a
7 minimum peak draw weight of one hundred pounds [~~and a maximum peak draw~~
8 ~~weight of two hundred pounds~~]. The minimum overall length of such cross-
9 bow from buttstock to front of limbs shall be twenty-four inches.

10 (9) with a crossbow unless such crossbow shall consist of a bow and
11 string, either compound or recurve, that launches a minimum fourteen
12 inch [~~belt~~] arrow, not including point, mounted upon a stock with a
13 trigger that holds the string and limbs under tension until released.
14 The trigger unit of such crossbow must have a working safety. The mini-
15 mum limb width of such crossbow shall be seventeen inches[~~7~~] and have a
16 minimum peak draw weight of one hundred pounds [~~and a maximum peak draw~~
17 ~~weight of two hundred pounds~~]. The minimum overall length of such cross-
18 bow from buttstock to front of limbs shall be twenty-four inches.

19 § 12. Subdivision 13 of section 11-0901 of the environmental conserva-
20 tion law, as amended by section 23 of part R of chapter 58 of the laws
21 of 2013, is amended to read as follows:

22 13. Persons engaged in hunting deer and/or bear with a longbow or
23 crossbow must possess a current bowhunting privilege or a valid certif-
24 icate of qualification in responsible bowhunting practices issued or
25 honored by the department.

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

28 § 14. Section 11-0903 of the environmental conservation law is amended
29 by adding a new subdivision 12 to read as follows:

30 12. Notwithstanding any inconsistent provision of this article, the
31 department is authorized to adopt regulations which authorize the taking
32 of wildlife by the use of crossbow. A summary of regulations adopted
33 pursuant to this subdivision shall be published each year in the hunting
34 syllabus issued pursuant to section 11-0323 of this article.

35 § 15. Subdivision 1 of section 11-0929 of the environmental conserva-
36 tion law, as amended by section 20 of part EE of chapter 55 of the laws
37 of 2014, is amended to read as follows:

38 1. A licensee who is twelve or thirteen years of age shall not hunt
39 wildlife with a gun, crossbow or a longbow, unless he or she is accompa-
40 nied by his or her parent or legal guardian, or by a person twenty-one
41 years of age or older designated in writing by his or her parent or
42 legal guardian on a form prescribed by the department, who holds a hunt-
43 ing license. [~~A licensee who is twelve or thirteen years of age shall~~
44 ~~not hunt with a crossbow.~~]

45 § 16. Subparagraph 5 of paragraph b of subdivision 2 of section
46 11-0929 of the environmental conservation law is REPEALED and subpara-
47 graph 6 of paragraph b of subdivision 2 is renumbered subparagraph 5.

48 § 17. Subparagraph 2 of paragraph a and subparagraph 1 of paragraph b
49 of subdivision 4 of section 11-0931 of the environmental conservation
50 law, as amended by section 8 of part EE of chapter 55 of the laws of
51 2014, are amended to read as follows:

52 (2) discharge a firearm within five hundred feet, a long bow within
53 one hundred fifty feet, or a crossbow within [~~two~~] one hundred fifty
54 feet from a dwelling house, farm building or farm structure actually
55 occupied or used, school building, school playground, public structure,
56 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	[Long Island November Long Island, four
	pheasant	[1 through December birds in one day,
		31. Elsewhere, thirty during season.
		fixed] Fixed annually [Elsewhere, fixed
		by regulation <u>Fixed</u> annually
		by regulation

e.	Quail	[Orange, Putnam and Orange, Putnam and
		Westchester counties, Westchester counties,
		fixed] Fixed annually [four birds in one day,
		by regulation[, ten during season.
		Long Island, Long Island, six birds
		November 1 through in one day, forty
		December 31 during season.] <u>Fixed</u>
		<u>annually by regulation</u>

§ 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

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

11 § 23. Subdivision 10 of section 11-0907 of the environmental conserva-
12 tion law, as added by section 14 of part EE of chapter 55 of the laws of
13 2014, is amended to read as follows:

14 10. [~~Notwithstanding any provision of this chapter, or any prior~~
15 ~~notwithstanding language in this article, the~~] The department may, by
16 regulation, authorize the taking of big game by the use of a crossbow by
17 any licensed person in any big game season [~~in any area designated in~~
18 ~~items (a), (b), (c), (d), (e), (f), (i), (k) and (l) of paragraph a of~~
19 ~~subdivision two of this section in which a shotgun or muzzle loader is~~
20 ~~permitted provided however, that any crossbow use during an archery only~~
21 ~~season shall only take place during the last fourteen consecutive days~~
22 ~~of such archery only season in the southern zone provided that such~~
23 ~~archery only season shall consist of not less than forty five days and~~
24 ~~only during the last ten consecutive days of any archery only season in~~
25 ~~the northern zone provided that such archery only season shall consist~~
26 ~~of no less than twenty three days. Any muzzle loading season which~~
27 ~~occurs at the same time as a special archery season may only occur~~
28 ~~during times when crossbows are authorized to be used~~].

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