STATE OF NEW YORK

8347

IN SENATE

May 2, 2018

Introduced by Sen. FUNKE -- 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 hunting by means of an air gun or air bow

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

Section 1. Section 11-0103 of the environmental conservation law is amended by adding two new subdivisions 33 and 34 to read as follows:

33. "Air gun" means any implement which by the force of non-ignited compressed air or other gasses expels a missile or projectile capable of killing, wounding, or otherwise inflicting physical damage upon fish, wildlife, or other animals and which has a rifled or smooth barrel.

34. "Air bow" means any implement by which the force of non-ignited compressed air or other gasses expels bolts or arrows capable of killing, wounding, or otherwise inflicting physical damage upon fish, wildlife, or other animals.

§ 2. 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**, air gun or air bow**.

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**, air gun or air bow** by any licensed person fourteen 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.

§ 3. The opening paragraph of 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:

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

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Wild small game and wild upland game birds shall be taken only by longbow [~~or~~], gun **or air gun of .17 caliber or greater**, or by the use of raptors as provided in title 10 of this article, except that:

§ 4. 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 department may, by regulation, authorize the taking of big game by the use of a crossbow **or air bow** 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 **or air bow** 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.

§ 5. The opening paragraph of paragraph a of subdivision 2 of section 11-0907 of the environmental conservation law, as amended by section 14 of part EE of chapter 55 of the laws of 2014, is amended to read as follows:

Regular open hunting seasons for deer are established separately for the named regions or parts of regions, or named counties listed in column one of the table set forth in this subdivision, and are specified as seasons for taking by pistol, rifle, shotgun or long bow, or for taking by shotgun, crossbow or long bow only, or for taking by long bow only, as indicated in column three entitled "Manner of Taking". 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. In the areas identified in column one except in the "closed areas" specified in subdivision five of this section the game specified in column two may be taken in the open season stated in column two immediately following the specification of the game, in the manner specified in column three. **Where taking of big game by rifle is permitted by this chapter big game may also be taken by air gun of .30 caliber or greater by anyone otherwise permitted to do so.**

§ 6. The opening paragraph of paragraph a of subdivision 2 of section 11-0907 of the environmental conservation law, as amended by section 15 of part EE of chapter 55 of the laws of 2014, is amended to read as follows:

Regular open hunting seasons for big game are established separately for the named regions or parts of regions, or named counties listed in column one of the table set forth in this subdivision, and are specified as seasons for taking by pistol, rifle, shotgun or long bow, or for taking by shotgun or long bow only, or for taking by long bow only, as indicated in column three entitled "Manner of Taking". 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. In the areas iden-

tified in column one except in the "closed areas" specified in subdivision [~~5~~] **five of this section** the game specified in column two may be taken in the open season stated in column two immediately following the specification of the game, in the manner specified in column three. **Where taking of big game by rifle is permitted by this chapter big game may also be take by air gun of .30 caliber or greater by anyone otherwise permitted to do so.**

§ 7. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that the amendments to paragraph a of subdivision 2 of section 11-0907 of the environmental conservation law made by section five of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 13 of chapter 600 of the laws of 1993, as amended, when upon such date the provisions of section six of this act shall take effect.