STATE OF NEW YORK

2417

2019-2020 Regular Sessions

IN SENATE

January 24, 2019

Introduced by Sen. KAPLAN -- 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 decreasing the amount of alcohol in a person's system necessary to be considered to be intoxicated while hunting

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

Section 1. Subdivision 2 of section 11-1201 of the environmental conservation law, as added by chapter 726 of the laws of 1977, is amended to read as follows:

2. "Intoxicated condition" shall mean the presence of [~~.10~~] .08 of one per centum or more by weight of alcohol in a person's blood as shown by chemical analyses of his blood, breath, urine, or saliva made pursuant to section 11-1205 of this title. An "impaired condition" shall mean a state of impairment of a person's capacity to think or act correctly, or of a loss, even in part of a person's control of his physical or mental faculties due to his consumption of alcohol or use of a drug.

§ 2. Section 11-1207 of the environmental conservation law, as added by chapter 726 of the laws of 1977, is amended to read as follows:

§ 11-1207. Evidence admitted in court.

Upon the trial of any action or proceeding arising out of conduct alleged to have been committed by any person arrested for a violation of any subdivision of section 11-1203 of this title, the court shall admit evidence of the amount of alcohol or drugs in the defendant's blood as shown by a test administered pursuant to the provisions of section 11-1205 of this title. Evidence that there was five-hundredths of one per centum or less by weight of alcohol in such person's blood is prima facie evidence that the ability of such person to engage in hunting without creating unreasonable risk of injury or death to himself or other human life was not impaired by the consumption of alcohol. Evidence that there was less than [~~one-tenth~~] eight one-hundredths of

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

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one per centum by weight of alcohol in such person's blood is prima facie evidence only that such person was not in an intoxicated condition due to the consumption of alcohol.

§ 3. This act shall take effect on the first of September next succeeding the date on which it shall have become a law.