

STATE OF NEW YORK

711

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. BOYLE, SEPULVEDA -- 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
prohibiting the sale and possession of any part or product of a
Giraffe

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

Section 1. The environmental conservation law is amended by adding a
new section 11-0535-b to read as follows:

§ 11-0535-b. Giraffes; prohibited acts.

1. Notwithstanding any other provision of law, no individual, firm,
corporation, association or partnership shall process, sell, offer for
sale, purchase, trade, barter, distribute or possess any part or product
of the skin or body of a Giraffe (*Giraffa camelopardalis*).

2. Unless such activity is prohibited by federal law, the following
exceptions and defenses apply to the prohibitions of subdivision one of
this section:

a. the part or product was possessed within the state of New York
prior to the effective date of this section, provided however the part
or product may not thereafter be sold, offered for sale, traded,
bartered or distributed to any private party;

b. the part or product is to be made part of a temporary or permanent
collection of a museum chartered by the board of regents pursuant to the
education law or to a museum authorized by a special charter from the
legislature of this state, or for scientific research by a recognized
institution, provided that the part or product is not thereafter sold,
offered for sale, traded, bartered or distributed to any private party;

c. the part or product is to be used for law enforcement activities;

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

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1 d. the part or product is distributed directly to a legal beneficiary
2 of a trust or to a legal heir provided the part or product was located
3 or possessed by the decedent prior to the effective date of this
4 section; provided further that after transfer to the beneficiary or heir
5 that the part or product is not thereafter sold, offered for sale, trad-
6 ed, bartered or distributed to any private party; or

7 e. any other activity concerning the part or product that is expressly
8 authorized by federal law.

9 3. Any officer or agent authorized by the commissioner, or any police
10 officer of the state of New York, or any police officer of any munici-
11 pality within the state of New York, shall have authority to execute any
12 warrant to search for and seize any parts or products in violation of
13 this section, as defined in subdivision one of this section, or any
14 property or item used in connection with a violation of this section;
15 such parts or products shall be held pending proceedings in any court of
16 proper jurisdiction. Upon conviction, or upon the entry of a judgment
17 restraining the process, sale, offer for sale, purchase, trade, barter,
18 distribution or possession of any such part or product on the ground
19 that such parts or products are in violation of this section, such parts
20 or products shall be forfeited and, upon forfeiture, either offered to a
21 recognized institution for scientific or educational purposes, or
22 destroyed.

23 § 2. Paragraph f of subdivision 1 of section 71-0919 of the environ-
24 mental conservation law, as amended by chapter 640 of the laws of 1977,
25 is amended and a new paragraph g is added to read as follows:

26 f. In the cases provided in section 71-0909 of this title, is liable
27 to forfeiture and confiscation of property involved in such violations,
28 as provided in that section~~[-]~~; and

29 g. In the cases provided in section 11-0535-b of this chapter:

30 (i) Any part or product shall be held pending criminal proceedings in
31 any court of proper jurisdiction.

32 (ii) A defendant convicted of such section shall be sentenced pursuant
33 to paragraph (b) of subdivision one of section 55.10 of the penal law;
34 provided, however, that any term of imprisonment imposed for violation
35 of such section shall be definite sentence, which may not exceed two
36 years.

37 (iii) Upon conviction, or upon the entry of a judgment restraining a
38 defendant from possessing, selling, or offering for sale a part or prod-
39 uct of a Giraffe (Giraffa camelopardalis) on the grounds that such
40 activity is or would be in violation of section 11-0535-b of this chap-
41 ter, any seized property under this paragraph shall be forfeited and,
42 upon forfeiture, destroyed.

43 § 3. This act shall take effect on the one hundred eightieth day after
44 it shall have become a law. Effective immediately, the addition, amend-
45 ment and/or repeal of any rule or regulation necessary for the implemen-
46 tation of this act on its effective date are authorized to be made and
47 completed on or before such effective date.