

STATE OF NEW YORK

1906

2019-2020 Regular Sessions

IN SENATE

January 17, 2019

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:

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

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

7 34. "Air bow" means any implement by which the force of non-ignited
8 compressed air or other gasses expels bolts or arrows capable of kill-
9 ing, wounding, or otherwise inflicting physical damage upon fish, wild-
10 life, or other animals.

11 § 2. Section 11-0933 of the environmental conservation law, as added
12 by section 22 of part EE of chapter 55 of the laws of 2014, is amended
13 to read as follows:

14 § 11-0933. Taking small game by crossbow, air gun or air bow.

15 Notwithstanding any provision of this chapter, or any prior notwith-
16 standing language in this article, the department may, by regulation,
17 authorize the taking of small game and wild upland game birds by the use
18 of a crossbow, air gun or air bow by any licensed person fourteen years
19 of age or older, in any small game season, in any area designated in
20 items (a), (b), (c), (d), (e), (f), (i), (k), and (l) of paragraph a of
21 subdivision two of section 11-0907 of this title in which a shotgun or
22 muzzle loader is permitted.

23 § 3. The opening paragraph of paragraph c of subdivision 3 of section
24 11-0901 of the environmental conservation law, as amended by section 19

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

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1 of part EE of chapter 55 of the laws of 2014, is amended to read as
2 follows:

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

6 § 4. Subdivision 10 of section 11-0907 of the environmental conserva-
7 tion law, as added by section 14 of part EE of chapter 55 of the laws of
8 2014, is amended to read as follows:

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

24 § 5. The opening paragraph of paragraph a of subdivision 2 of section
25 11-0907 of the environmental conservation law, as amended by section 14
26 of part EE of chapter 55 of the laws of 2014, is amended to read as
27 follows:

28 Regular open hunting seasons for deer are established separately for
29 the named regions or parts of regions, or named counties listed in
30 column one of the table set forth in this subdivision, and are specified
31 as seasons for taking by pistol, rifle, shotgun or long bow, or for
32 taking by shotgun, crossbow or long bow only, or for taking by long bow
33 only, as indicated in column three entitled "Manner of Taking". Where
34 taking of big game by shotgun is permitted by this chapter such shotgun
35 may contain rifling in all or a portion of the barrel, provided, howev-
36 er, if the barrel or a portion thereof does contain rifling only shells
37 having non-metallic cases, except for the base, may be used. In the
38 areas identified in column one except in the "closed areas" specified in
39 subdivision five of this section the game specified in column two may be
40 taken in the open season stated in column two immediately following the
41 specification of the game, in the manner specified in column three.
42 Where taking of big game by rifle is permitted by this chapter big game
43 may also be taken by air gun of .30 caliber or greater by anyone other-
44 wise permitted to do so.

45 § 6. The opening paragraph of paragraph a of subdivision 2 of section
46 11-0907 of the environmental conservation law, as amended by section 15
47 of part EE of chapter 55 of the laws of 2014, is amended to read as
48 follows:

49 Regular open hunting seasons for big game are established separately
50 for the named regions or parts of regions, or named counties listed in
51 column one of the table set forth in this subdivision, and are specified
52 as seasons for taking by pistol, rifle, shotgun or long bow, or for
53 taking by shotgun or long bow only, or for taking by long bow only, as
54 indicated in column three entitled "Manner of Taking". Where taking of
55 big game by shotgun is permitted by this chapter such shotgun may
56 contain rifling in all or a portion of the barrel, provided, however, if

1 the barrel or a portion thereof does contain rifling only shells having
2 non-metallic cases, except for the base, may be used. In the areas iden-
3 tified in column one except in the "closed areas" specified in subdivi-
4 sion [5] five of this section the game specified in column two may be
5 taken in the open season stated in column two immediately following the
6 specification of the game, in the manner specified in column three.
7 Where taking of big game by rifle is permitted by this chapter big game
8 may also be take by air gun of .30 caliber or greater by anyone other-
9 wise permitted to do so.

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