STATE OF NEW YORK

4459

2021-2022 Regular Sessions

IN SENATE

February 4, 2021

Introduced by Sen. ADDABBO -- 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 use of leg-gripping traps

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

Section 1. Subdivisions 5 and 6 of section 11-1101 of the environmental conservation law, subdivision 6 as amended by chapter 47 of the laws of 1975, subparagraph (b) of paragraph b of subdivision 6 as amended by chapter 911 of the laws of 1990, and paragraph a of subdivision 6 as amended and paragraph c of such subdivision as added by chapter 605 of the laws of 1991, are amended to read as follows:

5. Except as provided in subdivision 1 or 2 of section 11-0523 with respect to destructive and menacing wildlife, no person shall (a) set or use a trap of the leg-gripping type [~~having teeth in the jaws~~]; (b) set a trap so that wildlife when caught is suspended; (c) use, locate or set a snare or a device consisting of a noose of any material whereby an animal may be taken.

6. a. No person shall set or use a trap of the leg-gripping type [~~(a) having a spread of jaws exceeding 7 1/4" measured at right angles to the axis upon which the jaws operate and excluding the gripping surface of each jaw, when used under water during the open season for trapping beaver or otter, or (b) in any other case~~], except as provided in title 5 or in section 11-1109[~~, having a spread of jaws exceeding 5 3/4" as so measured~~].

b. No person shall set or use a body gripping type trap with a dimension of more than 7-1/2 inches except:

(a) when used in water during the open season for trapping beaver and otter; or

(b) as further permitted by the department by regulation.

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

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The dimension of the body gripping trap shall be ascertained when the trap is set in the extreme cocked position and shall be the maximum distance between pairs of contacting body gripping surfaces except for rectangular devices which shall be the maximum perpendicular distance between pairs of contacting body gripping surfaces.

[~~c. Traps of the leg-gripping type having a spread of jaws exceeding 4" measured as described in paragraph a of this subdivision, when set on land (excluding traps originally set in water) (a) shall be covered at the time the trap is set or visited; if the trap becomes uncovered after it is set the covering shall be replaced at the time the trap is visited; coverings shall include but not be limited to soil, sand, leaves, needles, other plant materials, and other substances as permitted by department regulation; such substances shall completely cover the jaws of the trap, and (b) shall be equipped with a pan tensioning device which shall include but not be limited to a bolt and nut, notches grooved in the pan and dog or lever, sheer pins, a spring under the pan or strip of band steel, or other devices or modifications as permitted by regulation of the department.~~]

§ 2. Subdivision 7 of section 11-1901 of the environmental conservation law, as amended by chapter 351 of the laws of 1975, is amended to read as follows:

7. On the licensed premises the licensee may take any unprotected wild bird, or any predatory wildlife except, protected birds, disturbing domestic game. Such birds or wildlife may be taken at any time and in any manner, except that no trap of the leg-gripping type[~~, having teeth in the jaws or having a greater spread of jaws than six inches,~~] shall be used for such purpose, nor shall a trap be set so that any wildlife when caught shall be suspended. Carcasses of such birds or wildlife shall be immediately buried or cremated, except that carcasses of unprotected wildlife, and of protected wildlife other than birds if taken during their respective open seasons, may be possessed, transported, bought and sold to the extent permitted by section 11-0917.

§ 3. Subdivision 9 of section 11-1903 of the environmental conservation law, as amended by chapter 351 of the laws of 1975, is amended to read as follows:

9. On the premises described in the application for the license, the licensee may take any unprotected wild birds, or any predatory wildlife except protected birds, disturbing domestic game. Such birds or wildlife may be taken at any time and in any manner, except that no trap of the leg-gripping type[~~, having teeth in the jaws or having a greater spread of jaws than six inches,~~] shall be used for such purpose, nor shall a trap be set so that any wildlife when caught shall be suspended. Carcasses of such birds or wildlife shall be immediately buried or cremated, except that carcasses of unprotected wildlife, and of protected wildlife other than birds if taken during their respective open seasons, may be possessed, transported, bought and sold to the extent permitted by section 11-0917.

§ 4. This act shall take effect on the thirtieth day after it shall have become a law.