

STATE OF NEW YORK

9674--A

IN ASSEMBLY

April 3, 2024

Introduced by M. of A. K. BROWN -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to establishing a town of Huntington deer management pilot program; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. The environmental conservation law is amended by adding a
2 new section 11-0522-b to read as follows:

3 § 11-0522-b. Town of Huntington deer management pilot program.

4 1. For the purposes of this section, "nuisance wildlife specialist"
5 shall mean an employee of or a contractor for the federal or state
6 government responsible for wildlife management acting pursuant to a deer
7 management plan and deer cull permit. A nuisance wildlife specialist
8 must be in compliance with criteria established by the department that
9 at a minimum shall require:

10 a. a minimum level of marksmanship qualifications appropriate to the
11 firearm or hunting implement to be used;

12 b. liability insurance coverage or other financial arrangements iden-
13 tified by the department;

14 c. a copy of the cull permit and a copy of the log of nuisance wild-
15 life specialists using the permit, be on the nuisance wildlife special-
16 ist's person when exercising any privilege of such permit; and

17 d. reporting requirements.

18 2. The department may, after reviewing the town of Huntington's cull
19 permit application and site-specific deer management plan, and upon a
20 finding by the town of Huntington that deer have become a nuisance,
21 destructive to public or private property or a threat to public health
22 or welfare, issue a deer cull permit for use within the boundaries of
23 the town of Huntington, authorizing use of a nuisance wildlife special-
24 ist to take deer pursuant to the terms of the deer cull permit.

25 3. Each cull permit application shall at a minimum include require-
26 ments for: the timeframe during which the permit must be used, a site-
27 specific deer management plan, a geographic description of the area for
28 which the permit is being requested, a written contract with the town of

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

LBD13879-08-4

Huntington, a list which identifies participating nuisance wildlife specialists and eligibility based on the criteria established by the department, provided by the city of Syracuse, requests for any authorization pursuant to subdivisions three-a and eleven of section 11-0505 of this title, subdivision two-a of section 11-0901 of this article, and subdivisions two-a and four-a of section 11-0931 of this article, provided that any such authorization subsequently granted shall be explicitly included on any call permit, and details regarding expected local law enforcement consultation.

4. Nothing in this section shall be construed as requiring or obligating the department to issue a permit to take deer when in its opinion the nuisance, destruction of property or threat to public health and welfare will not be effectively abated thereby.

§ 2. Subdivisions 3, 9 and 10 of section 11-0505 of the environmental conservation law, subdivision 3 as separately amended by chapters 683 and 704 of the laws of 2023, paragraph b of subdivision 3 and subdivision 9 as amended by chapter 65 of the laws of 2024, and paragraph c of subdivision 3 and subdivision 10 as amended by chapter 83 of the laws of 2024, are amended to read as follows:

3. No deer or bear traps shall be made, set or used upon land inhabited by deer or bear. No salt lick shall be made, set or used upon land inhabited by deer or bear, except that:

a. the department may do so on state wildlife refuges and wildlife management areas; and

b. a nuisance wildlife specialist with a permit issued pursuant to ~~[section 11-0522 of]~~ this title may do so provided that such activities are in furtherance of the site-specific deer management plan.

~~[c. a nuisance wildlife specialist with a permit issued pursuant to section 11-0522-a of this title may do so provided that such activities are in furtherance of the site-specific deer management plan.]~~

9. A nuisance wildlife specialist with a permit issued pursuant to ~~[section 11-0522 of]~~ this title may, in accordance with the parameters of such permit and the consultation of local law enforcement, entice deer in the manner prohibited in subdivision eight of this section provided that such activities are in furtherance of the site-specific deer management plan.

~~[10. A nuisance wildlife specialist with a permit issued pursuant to section 11-0522-a of]~~ this title may, in accordance with the parameters of such permit and the consultation of local law enforcement, entice deer in the manner prohibited in subdivision eight of this section provided that such activities are in furtherance of the site-specific deer management plan.]

§ 2-a. Subdivision 3 of section 11-0505 of the environmental conservation law, as amended by chapter 135 of the laws of 1982, is amended and a new subdivision 9 is added to read as follows:

3. No deer or bear traps shall be made, set or used upon land inhabited by deer or bear. No salt lick shall be made, set or used upon land inhabited by deer or bear, except that:

a. the department may do so on state wildlife refuges and wildlife management areas; and

b. a nuisance wildlife specialist with a permit issued pursuant to this title may do so provided that such activities are in furtherance of the site-specific deer management plan.

9. A nuisance wildlife specialist with a permit issued pursuant to this title may, in accordance with the parameters of such permit and the consultation of local law enforcement, entice deer in the manner prohib-

ited in subdivision eight of this section provided that such activities are in furtherance of the site-specific deer management plan.

§ 3. Subdivision 2 of section 11-0901 of the environmental conservation law, as separately amended by chapters 683 and 704 of the laws of 2023, paragraph b as amended by chapter 65 of the laws of 2024, and paragraph c as amended by chapter 83 of the laws of 2024, is amended to read as follows:

2. Wildlife shall not be taken on or from any public highway, except:

a. that in the forest preserve counties it may be taken from highways other than state, county or town highways; and

b. by a nuisance wildlife specialist with a permit issued pursuant to ~~[section 11-0522 of]~~ this article provided that such activities are in furtherance of the site-specific deer management plan.

~~[c. by a nuisance wildlife specialist with a permit issued pursuant to section 11-0522-a of this article provided that such activities are in furtherance of the site-specific deer management plan.]~~

§ 3-a. Subdivision 2 of section 11-0901 of the environmental conservation law is amended to read as follows:

2. Wildlife shall not be taken on or from any public highway, except:

a. that in the forest preserve counties it may be taken from highways other than state, county or town highways; and

b. by a nuisance wildlife specialist with a permit issued pursuant to this article provided that such activities are in furtherance of the site-specific deer management plan.

§ 4. Subdivision 2 and subparagraph 1 of paragraph b of subdivision 4 of section 11-0931 of the environmental conservation law, as separately amended by chapters 65 and 83 of the laws of 2024, are amended to read as follows:

2. a. No crossbow or firearm except a pistol or revolver shall be carried or possessed in or on a motor vehicle unless it is uncocked, for a crossbow or unloaded, for a firearm in both the chamber and the magazine, except that a loaded firearm which may be legally used for taking migratory game birds may be carried or possessed in a motorboat while being legally used in hunting migratory game birds, and b. no person except a law enforcement officer in the performance of ~~[his]~~ their official duties or a nuisance wildlife specialist with a permit issued pursuant to ~~[section 11-0522 of]~~ this article, provided that such activities are in furtherance of the site-specific deer management plan, ~~[or a nuisance wildlife specialist with a permit issued pursuant to section 11-0522-a of this article, provided that such activities are in furtherance of the site-specific deer management plan,]~~ shall, while in or on a motor vehicle, use a jacklight, spotlight or other artificial light upon lands inhabited by deer if ~~[he or she is]~~ they are in possession or ~~[is]~~ are accompanied by a person who is in possession, at the time of such use, of a longbow, crossbow or a firearm of any kind except a pistol or revolver, unless such longbow or crossbow is unstrung or such firearm or crossbow is taken down or securely fastened in a case or locked in the trunk of the vehicle. For purposes of this subdivision, motor vehicle shall mean every vehicle or other device operated by any power other than muscle power, and which shall include but not be limited to automobiles, trucks, motorcycles, tractors, trailers and motorboats, snowmobiles and snowtravelers, whether operated on or off public highways. Notwithstanding the provisions of this subdivision, the department may issue a permit to any person who is non-ambulatory, except with the use of a mechanized aid, to possess a loaded firearm in or on a motor vehicle as defined in this section, subject to such restrictions as the

1 department may deem necessary in the interest of public safety. Nothing
2 in this section permits the possession of a pistol or a revolver contra-
3 ry to the penal law.

4 (1) The owner or lessee of the dwelling house, or members of [~~his~~]
5 their immediate family actually residing therein, or a person in [~~his~~]
6 the employ of such owner or lessee, or the guest of the owner or lessee
7 of the dwelling house acting with the consent of said owner or lessee,
8 provided however, that nothing herein shall be deemed to authorize such
9 persons to discharge a firearm within five hundred feet, a long bow
10 within one hundred fifty feet, or a crossbow within two hundred fifty
11 feet of any other dwelling house, or a farm building or farm structure
12 actually occupied or used, or a school building or playground, public
13 structure, or occupied factory or church; provided further, that a
14 nuisance wildlife specialist with a permit issued pursuant to [~~section~~
15 ~~11-0522 of~~] this article acting in furtherance of the [~~site-specific~~]
16 site-specific deer management plan may discharge a firearm within five
17 hundred feet of any dwelling houses, structures, schools or playgrounds,
18 provided that the owners or lessees thereof have been notified by certi-
19 fied mail of the date or dates, and time period of the expected activ-
20 ity, and discharge a firearm within two hundred fifty feet of such
21 dwelling houses, structures, schools or playgrounds provided that all
22 the owners or lessees thereof have provided written consent[~~, provided~~
23 ~~further, that a nuisance wildlife specialist with a permit issued pursu-~~
24 ~~ant to section 11-0522-a of this article acting in furtherance of the~~
25 ~~site-specific deer management plan may discharge a firearm within five~~
26 ~~hundred feet of any dwelling houses, structures, schools or playgrounds,~~
27 ~~provided that the owners or lessees thereof have been notified by certi-~~
28 ~~fied mail of the date or dates and time period of the expected activity,~~
29 ~~and discharge a firearm within two hundred fifty feet of such dwelling~~
30 ~~houses, structures, schools or playgrounds provided that all the owners~~
31 ~~or lessees thereof have provided written consent~~];

32 § 4-a. Subdivision 2 and subparagraph 1 of paragraph b of subdivision
33 4 of section 11-0931 of the environmental conservation law, as amended
34 by section 8 of part EE of chapter 55 of the laws of 2014, are amended
35 to read as follows:

36 2. a. No crossbow or firearm except a pistol or revolver shall be
37 carried or possessed in or on a motor vehicle unless it is uncocked, for
38 a crossbow or unloaded, for a firearm in both the chamber and the maga-
39 zine, except that a loaded firearm which may be legally used for taking
40 migratory game birds may be carried or possessed in a motorboat while
41 being legally used in hunting migratory game birds, and b. no person
42 except a law enforcement officer in the performance of [~~his~~] their offi-
43 cial duties or a nuisance wildlife specialist with a permit issued
44 pursuant to this article, provided that such activities are in further-
45 ance of the site-specific deer management plan, shall, while in or on a
46 motor vehicle, use a jacklight, spotlight or other artificial light upon
47 lands inhabited by deer if [~~he or she is~~] they are in possession or is
48 accompanied by a person who is in possession, at the time of such use,
49 of a longbow, crossbow or a firearm of any kind except a pistol or
50 revolver, unless such longbow or crossbow is unstrung or such firearm or
51 crossbow is taken down or securely fastened in a case or locked in the
52 trunk of the vehicle. For purposes of this subdivision, motor vehicle
53 shall mean every vehicle or other device operated by any power other
54 than muscle power, and which shall include but not be limited to automo-
55 biles, trucks, motorcycles, tractors, trailers and motorboats, snowmo-
56 biles and snowtravelers, whether operated on or off public highways.

1 Notwithstanding the provisions of this subdivision, the department may
2 issue a permit to any person who is non-ambulatory, except with the use
3 of a mechanized aid, to possess a loaded firearm in or on a motor vehi-
4 cle as defined in this section, subject to such restrictions as the
5 department may deem necessary in the interest of public safety. Nothing
6 in this section permits the possession of a pistol or a revolver contra-
7 ry to the penal law.

8 (1) The owner or lessee of the dwelling house, or members of [~~his~~]
9 their immediate family actually residing therein, or a person in [~~his~~]
10 the employ, or the guest of the owner or lessee of the dwelling house
11 acting with the consent of said owner or lessee, provided however, that
12 nothing herein shall be deemed to authorize such persons to discharge a
13 firearm within five hundred feet, a long bow within one hundred fifty
14 feet, or a crossbow within two hundred fifty feet of any other dwelling
15 house, or a farm building or farm structure actually occupied or used,
16 or a school building or playground, public structure, or occupied facto-
17 ry or church; provided further, that a nuisance wildlife specialist with
18 a permit issued pursuant to this article acting in furtherance of the
19 site-specific deer management plan may discharge a firearm within five
20 hundred feet of any dwelling houses, structures, schools or playgrounds,
21 provided that the owners or lessees thereof have been notified by certi-
22 fied mail of the date or dates and time period of the expected activity,
23 and discharge a firearm within two hundred fifty feet of such dwelling
24 houses, structures, schools or playgrounds provided that all the owners
25 or lessees thereof have provided written consent;

26 § 5. The department of environmental conservation, following consulta-
27 tion with the town of Huntington shall prepare a report examining the
28 effectiveness of the town of Huntington deer management pilot program
29 established pursuant to section 11-0522-b of the environmental conserva-
30 tion law in addressing deer overpopulation and the effectiveness in
31 addressing destruction to public or private property in the town of
32 Huntington. The report shall include the number of cull permits issued,
33 and the number of deer taken. The report shall also include recommenda-
34 tions for program improvements, including the potential effectiveness of
35 authorizing future programs. The report shall be delivered to the gover-
36 nor, the speaker of the assembly and the temporary president of the
37 senate, as well as published on the department's public website, no
38 later than thirty months after the effective date of this act.

39 § 6. This act shall take effect on the first of January next succeed-
40 ing the date on which it shall have become a law and sections one and
41 five shall expire and be deemed repealed three years after such date;
42 provided further, however, that the amendments to subdivisions 3, 9 and
43 10 of section 11-0505 of the environmental conservation law made by
44 section two of this act, subdivision 2 of section 11-0901 of the envi-
45 ronmental conservation law made by section three of this act and subdi-
46 vision 2 and subparagraph 1 of paragraph b of subdivision 4 of section
47 11-0931 of the environmental conservation law made by section four of
48 this act shall be subject to the expiration and reversion or repeal, as
49 applicable, of such subdivisions and such paragraph pursuant to section
50 6 of chapters 683 and 704 of the laws of 2023, as amended, when upon
51 such date the provisions of sections two-a, three-a, and four-a of this
52 act shall take effect.