

STATE OF NEW YORK

9674--B

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 -- again reported from said committee with amendments, 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

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

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1 which the permit is being requested, a written contract with the town of
2 Huntington, a list which identifies participating nuisance wildlife
3 specialists and eligibility based on the criteria established by the
4 department, provided by the Town of Huntington, requests for any author-
5 ization pursuant to subdivisions three-a and eleven of section 11-0505
6 of this title, subdivision two-a of section 11-0901 of this article, and
7 subdivisions two-a and four-a of section 11-0931 of this article,
8 provided that any such authorization subsequently granted shall be
9 explicitly included on any cull permit, and details regarding expected
10 local law enforcement consultation.

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

15 § 2. Subdivisions 3, 9 and 10 of section 11-0505 of the environmental
16 conservation law, subdivision 3 as separately amended by chapters 683
17 and 704 of the laws of 2023, paragraph b of subdivision 3 and subdivi-
18 sion 9 as amended by chapter 65 of the laws of 2024, and paragraph c of
19 subdivision 3 and subdivision 10 as amended by chapter 83 of the laws of
20 2024, are amended to read as follows:

21 3. No deer or bear traps shall be made, set or used upon land inhabit-
22 ed by deer or bear. No salt lick shall be made, set or used upon land
23 inhabited by deer or bear, except that:

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

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

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

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

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

44 § 2-a. Subdivision 3 of section 11-0505 of the environmental conserva-
45 tion law, as amended by chapter 135 of the laws of 1982, is amended and
46 a new subdivision 9 is added to read as follows:

47 3. No deer or bear traps shall be made, set or used upon land inhabit-
48 ed by deer or bear. No salt lick shall be made, set or used upon land
49 inhabited by deer or bear, except that:

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

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

55 9. A nuisance wildlife specialist with a permit issued pursuant to
56 this title may, in accordance with the parameters of such permit and the

1 consultation of local law enforcement, entice deer in the manner prohib-
2 ited in subdivision eight of this section provided that such activities
3 are in furtherance of the site-specific deer management plan.

4 § 3. Subdivision 2 of section 11-0901 of the environmental conserva-
5 tion law, as separately amended by chapters 683 and 704 of the laws of
6 2023, paragraph b as amended by chapter 65 of the laws of 2024, and
7 paragraph c as amended by chapter 83 of the laws of 2024, is amended to
8 read as follows:

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

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

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

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

18 § 3-a. Subdivision 2 of section 11-0901 of the environmental conserva-
19 tion law is amended to read as follows:

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

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

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

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

30 2. a. No crossbow or firearm except a pistol or revolver shall be
31 carried or possessed in or on a motor vehicle unless it is uncocked, for
32 a crossbow or unloaded, for a firearm in both the chamber and the maga-
33 zine, except that a loaded firearm which may be legally used for taking
34 migratory game birds may be carried or possessed in a motorboat while
35 being legally used in hunting migratory game birds, and b. no person
36 except a law enforcement officer in the performance of [~~his~~] their offi-
37 cial duties or a nuisance wildlife specialist with a permit issued
38 pursuant to [~~section 11-0522 of~~] this article, provided that such activ-
39 ities are in furtherance of the site-specific deer management plan, [~~or~~
40 ~~a nuisance wildlife specialist with a permit issued pursuant to section~~
41 ~~11-0522-a of this article, provided that such activities are in further-~~
42 ~~ance of the site-specific deer management plan,~~] shall, while in or on a
43 motor vehicle, use a jacklight, spotlight or other artificial light upon
44 lands inhabited by deer if [~~he or she is~~] they are in possession or [~~is~~]
45 are accompanied by a person who is in possession, at the time of such
46 use, of a longbow, crossbow or a firearm of any kind except a pistol or
47 revolver, unless such longbow or crossbow is unstrung or such firearm or
48 crossbow is taken down or securely fastened in a case or locked in the
49 trunk of the vehicle. For purposes of this subdivision, motor vehicle
50 shall mean every vehicle or other device operated by any power other
51 than muscle power, and which shall include but not be limited to automo-
52 biles, trucks, motorcycles, tractors, trailers and motorboats, snowmo-
53 biles and snowtravelers, whether operated on or off public highways.
54 Notwithstanding the provisions of this subdivision, the department may
55 issue a permit to any person who is non-ambulatory, except with the use
56 of a mechanized aid, to possess a loaded firearm in or on a motor vehi-

1 cle as defined in this section, subject to such restrictions as the
2 department may deem necessary in the interest of public safety. Nothing
3 in this section permits the possession of a pistol or a revolver contra-
4 ry to the penal law.

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

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

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

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

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

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

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