

STATE OF NEW YORK

10631

IN ASSEMBLY

June 20, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Lavine) --
read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to establishing a county of Nassau deer management pilot program; to repeal subdivision 10 of section 11-0505 of the environmental conservation law relating thereto; 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. County of Nassau 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 county of Nassau's cull
19 permit application and site-specific deer management plan, and upon a
20 finding by the county of Nassau 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 county of Nassau, authorizing use of a nuisance wildlife specialist
24 to take deer pursuant to the terms of the deer cull permit.

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

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1 3. Each cull permit application shall at a minimum include require-
2 ments for: the timeframe during which the permit must be used, a site-
3 specific deer management plan, a geographic description of the area for
4 which the permit is being requested, a written contract with the county
5 of Nassau, a list which identifies participating nuisance wildlife
6 specialists and eligibility based on the criteria established by the
7 department, provided by the county of Nassau, requests for any authori-
8 zation pursuant to subdivisions three-a and eleven of section 11-0505 of
9 this title, subdivision two-a of section 11-0901 of this article, and
10 subdivisions two-a and four-a of section 11-0931 of this article,
11 provided that any such authorization subsequently granted shall be
12 explicitly included on any cull permit, and details regarding expected
13 local law enforcement consultation.

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

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

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

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

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

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

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

41 § 3. Subdivision 10 of section 11-0505 of the environmental conserva-
42 tion law is REPEALED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 2. a. No crossbow or firearm except a pistol or revolver shall be
39 carried or possessed in or on a motor vehicle unless it is uncocked, for
40 a crossbow or unloaded, for a firearm in both the chamber and the maga-
41 zine, except that a loaded firearm which may be legally used for taking
42 migratory game birds may be carried or possessed in a motorboat while
43 being legally used in hunting migratory game birds, and b. no person
44 except a law enforcement officer in the performance of [~~his~~] such law
45 enforcement officer's official duties or a nuisance wildlife specialist
46 with a permit issued pursuant to this article, provided that such activ-
47 ities are in furtherance of the site-specific deer management plan,
48 shall, while in or on a motor vehicle, use a jacklight, spotlight or
49 other artificial light upon lands inhabited by deer if [~~he or she is~~]
50 such law enforcement officer or nuisance wildlife specialist are in
51 possession or is accompanied by a person who is in possession, at the
52 time of such use, of a longbow, crossbow or a firearm of any kind except
53 a pistol or revolver, unless such longbow or crossbow is unstrung or
54 such firearm or crossbow is taken down or securely fastened in a case or
55 locked in the trunk of the vehicle. For purposes of this subdivision,
56 motor vehicle shall mean every vehicle or other device operated by any

1 power other than muscle power, and which shall include but not be limit-
2 ed to automobiles, trucks, motorcycles, tractors, trailers and motor-
3 boats, snowmobiles and snowtravelers, whether operated on or off public
4 highways. Notwithstanding the provisions of this subdivision, the
5 department may issue a permit to any person who is non-ambulatory,
6 except with the use of a mechanized aid, to possess a loaded firearm in
7 or on a motor vehicle as defined in this section, subject to such
8 restrictions as the department may deem necessary in the interest of
9 public safety. Nothing in this section permits the possession of a
10 pistol or a revolver contrary to the penal law.

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

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

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