STATE OF NEW YORK

428

2023-2024 Regular Sessions

IN ASSEMBLY

January 9, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the taking of wildlife without a permit

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

Section 1. Subdivisions 1, 4, 5, 6 and 7 of section 11-0523 of the environmental conservation law, subdivision 1 as amended by chapter 135 of the laws of 1982, subdivision 6 as amended by section 3 of part H of chapter 58 of the laws of 2012, and subdivision 7 as amended by chapter 114 of the laws of 1981, are amended and a new subdivision 10 is added to read as follows:

1. [~~Owners~~] **Subject to subdivision ten of this section, owners** and lessees and members of their immediate families actually occupying or cultivating lands, and persons authorized in writing and actually employed by them in cultivating such lands, may take (a) unprotected wildlife other than birds and (b) starlings, common crows and, subject to section 11-0513, pigeons, when such wildlife is injuring their property or has become a nuisance thereon. [~~Such taking may be done in any manner, notwithstanding any provision of the Fish and Wildlife Law, except section 11-0513, or the Penal Law or any other law.~~]

4. [~~Varying~~] **Subject to subdivision ten of this section, varying** hares, cottontail rabbits and European hares which are injuring property on occupied farms or lands may be taken thereon, at any time, [~~in any manner,~~] except by the use of ferrets, fitch-ferrets or fitch, by the owners or occupants of such farms or lands or by a person authorized in writing by them and actually employed by them in cultivating such farm lands.

5. [~~Skunks~~] **Subject to subdivision ten of this section, skunks** injuring property or which have become a nuisance may be taken at any time [~~in any manner~~].

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

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6. [~~Raccoons~~] **Subject to subdivision ten of this section, raccoons**, muskrats, coyotes or fox injuring private property may be taken by the owner, occupant or lessee thereof, or an employee or family member of such owner, occupant or lessee, at any time [~~in any manner~~].

7. [~~Whenever~~] **Subject to subdivision ten of this section, whenever** black, grey and fox squirrels, opossums or weasels are injuring property on occupied farms or lands or dwellings, they may be taken at any time [~~in any manner~~], by the owners or occupants thereof or by a person authorized in writing by such owner or occupant.

10. Such taking may only be done subject to regulations promulgated by the department, provided that such regulations incorporate the recommendations of the most recent guidelines on euthanasia of the American Veterinary Medical Association. While circumstances may influence the methods of taking used, the method selected shall be the least stressful, quickest and most painless to the animal available while protecting human health and safety.

§ 2. Subdivision 2 of section 11-1105 of the environmental conservation law is amended to read as follows:

2. Wildlife lawfully taken alive in traps may be killed [~~in any manner,~~] except that where the taking is pursuant to a permit or special license, [~~it~~] **wildlife** may not be killed in violation of any term of such permit or license.

§ 3. This act shall take effect on the sixtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.