

STATE OF NEW YORK

9828--A

IN SENATE

June 3, 2024

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- 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 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.

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-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52 9. A nuisance wildlife specialist with a permit issued pursuant to
53 this title may, in accordance with the parameters of such permit and the
54 consultation of local law enforcement, entice deer in the manner prohib-
55 ited in subdivision eight of this section provided that such activities
56 are in furtherance of the site-specific deer management plan.

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

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

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

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

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

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

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

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

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

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

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

1 public safety. Nothing in this section permits the possession of a
2 pistol or a revolver contrary to the penal law.

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

32 § 8. Subdivision 2 and subparagraph 1 of paragraph b of subdivision 4
33 of section 11-0931 of the environmental conservation law, as amended by
34 section 8 of part EE of chapter 55 of the laws of 2014, are amended to
35 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~~] such law
43 enforcement officer's official duties or a nuisance wildlife specialist
44 with a permit issued pursuant to this article, provided that such activ-
45 ities are in furtherance of the site-specific deer management plan,
46 shall, while in or on a motor vehicle, use a jacklight, spotlight or
47 other artificial light upon lands inhabited by deer if [~~he or she is~~]
48 such law enforcement officer or nuisance wildlife specialist are in
49 possession or is accompanied by a person who is in possession, at the
50 time of such use, of a longbow, crossbow or a firearm of any kind except
51 a pistol or revolver, unless such longbow or crossbow is unstrung or
52 such firearm or crossbow is taken down or securely fastened in a case or
53 locked in the trunk of the vehicle. For purposes of this subdivision,
54 motor vehicle shall mean every vehicle or other device operated by any
55 power other than muscle power, and which shall include but not be limit-
56 ed to automobiles, trucks, motorcycles, tractors, trailers and motor-

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

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

28 § 9. The department of environmental conservation, following consulta-
29 tion with the county of Nassau shall prepare a report examining the
30 effectiveness of the county of Nassau 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 county of
34 Nassau. The report shall include the number of cull permits issued, and
35 the number of deer taken. The report shall also include recommendations
36 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 § 10. 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 nine of this act shall expire and be deemed repealed three years after
44 such date; provided further, however, that the amendments to subdivi-
45 sions 3 and 9 of section 11-0505 of the environmental conservation law
46 made by section two of this act, subdivision 2 of section 11-0901 of the
47 environmental conservation law made by section five of this act and
48 subdivision 2 and subparagraph (1) of paragraph b of subdivision 4 of
49 section 11-0931 of the environmental conservation law made by section
50 seven of this act shall be subject to the expiration and reversion or
51 repeal, as applicable, of such subdivisions and such paragraph pursuant
52 to section 6 of chapters 683 and 704 of the laws of 2023, as amended,
53 when upon such date the provisions of sections four, six, and eight of
54 this act shall take effect.