

STATE OF NEW YORK

4033--A

2025-2026 Regular Sessions

IN SENATE

January 31, 2025

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed 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 and the state finance law, in relation to the disposition of certain fees and penalties

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

1 Section 1. Subdivisions 1 and 2 of section 71-0211 of the environ-
2 mental conservation law, subdivision 1 as amended by chapter 60 of the
3 laws of 1993, subdivision 2 as amended by chapter 460 of the laws of
4 1991, are amended to read as follows:

5 1. Notwithstanding any other provisions of law to the contrary, all
6 fines and penalties collected pursuant to title nineteen of this arti-
7 cle, except amounts required to be paid into the conservation fund
8 pursuant to subdivision two of section 71-1929 of such title; title
9 twenty-one of this article; title twenty-seven of this article, except
10 amounts required to be paid into the hazardous waste remedial fund
11 pursuant to subdivision two of section 71-2725 of such title; and title
12 forty-one of this article shall be paid into the [~~general fund to the~~
13 ~~credit of the state purposes account~~] conservation fund to the credit of
14 the conservation enforcement account established pursuant to subdivision
15 (k) of section eighty-three of the state finance law.

16 2. Unless otherwise provided in this chapter, not later than the tenth
17 day of each month, all fines, penalties and forfeitures collected for
18 violations of this chapter or rules, regulations, local laws or ordi-
19 nances adopted thereunder under judgment of any town or village court,
20 shall be paid over by such court to the comptroller of the state, with a
21 statement accompanying the same, setting forth the action or proceeding
22 in which such moneys were collected, the name and residence of the
23 defendant, the nature of the offense, and the fines and penalty imposed.

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

LBD00125-04-5

1 The comptroller shall pay these funds into the [~~general fund of the~~
2 ~~state~~] conservation fund to the credit of the conservation enforcement
3 account established pursuant to subdivision (k) of section eighty-three
4 of the state finance law.

5 § 2. Section 83 of the state finance law is amended by adding a new
6 subdivision (k) to read as follows:

7 (k) All moneys, revenue, and interest thereon received and collected
8 pursuant to titles nineteen, twenty-one and twenty-seven of article
9 seventy-one of the environmental conservation law, and pursuant to
10 section 71-0211 of the environmental conservation law, other than those
11 amounts prescribed by law to be directed into other funds, shall be
12 deposited in a special account within the conservation fund to be known
13 as the conservation enforcement account. All of such moneys, revenues
14 and interest shall be available to the department of environmental
15 conservation, pursuant to appropriation, exclusively for funding the
16 enforcement of the environmental conservation law, including funding for
17 scientists, environmental law enforcement officers, attorneys, adminis-
18 trative support, and such other expenses the commissioner deems neces-
19 sary for such enforcement. Such money shall be used to supplement and
20 not supplant funding for the enforcement of the environmental conserva-
21 tion law as of the effective date of this subdivision. The department
22 shall annually submit to the temporary president of the senate, the
23 speaker of the assembly, the minority leader of the senate, and the
24 minority leader of the assembly, following one year after the effective
25 date of this subdivision, an annual expenditure report of the conserva-
26 tion fund.

27 § 3. Subdivision 1 of section 71-0213 of the environmental conserva-
28 tion law, as added by section 1 of part DDD of chapter 59 of the laws of
29 2009, is amended to read as follows:

30 1. Whenever proceedings result in a conviction for an offense under
31 this chapter there shall be levied, in addition to any sentence required
32 or permitted by law, the following mandatory surcharges: (a) in the
33 amount of twenty-five dollars for violations of sportfishing regulations
34 set forth in 6 NYCRR 10; (b) in the amount of [~~seventy-five dollars~~] one
35 hundred twelve dollars and fifty cents for all other offenses under this
36 chapter provided, however, that convictions for offenses under articles
37 seventeen, nineteen or twenty-seven of this chapter shall be subject to
38 a mandatory surcharge equal to the greater of [~~seventy-five dollars~~] one
39 hundred twelve dollars and fifty cents or [~~six~~] nine percent of any
40 penalty or fine imposed. The mandatory surcharge shall be paid to the
41 clerk of the court who shall remit such mandatory surcharge to the state
42 comptroller provided, however, that in cases where the conviction was
43 rendered by a town or a village justice court, the clerk of such court
44 shall pay twenty-five dollars of such surcharge to the chief fiscal
45 officer of the town or village in the case of surcharges resulting from
46 paragraph (b) of this subdivision and ten dollars in the case of
47 surcharges resulting from paragraph (a) of this subdivision and shall
48 pay the remaining amounts of such mandatory surcharges to the state
49 comptroller in the same manner as provided in section 71-0211 of this
50 article. The comptroller shall pay such monies into the state treasury
51 to the [~~credit of the general fund~~] conservation fund to the credit of
52 the conservation enforcement account established pursuant to subdivision
53 (k) of section eighty-three of the state finance law.

54 § 4. Section 71-0301 of the environmental conservation law, as amended
55 by chapter 400 of the laws of 1973, is amended to read as follows:

56 § 71-0301. Summary abatement.

1 Notwithstanding any inconsistent provisions of law, whenever the
2 commissioner finds, after investigation, that any person is causing,
3 engaging in or maintaining a condition or activity which, in [~~his~~] the
4 judgment of the commissioner, presents an imminent danger to the health
5 or welfare of the people of the state or results in or is likely to
6 result in irreversible or irreparable damage to natural resources, and
7 relates to the prevention and abatement powers of the commissioner and
8 it therefore appears to be prejudicial to the interests of the people of
9 the state to delay action until an opportunity for a hearing can be
10 provided, the commissioner may, without prior hearing, order such person
11 by notice, in writing wherever practicable or in such other form as in
12 the commissioner's judgment will reasonably notify such person whose
13 practices are intended to be proscribed, to discontinue, abate or alle-
14 viate such condition or activity, and thereupon such person shall imme-
15 diately discontinue, abate or alleviate such condition or activity. As
16 promptly as possible thereafter, not to exceed fifteen days, the commis-
17 sioner shall provide the person an opportunity to be heard and to pres-
18 ent proof that such condition or activity does not violate the
19 provisions of this section. The commissioner shall adopt any other
20 appropriate rules and regulations prescribing the procedure to be
21 followed in the issuance of such orders. Any person who violates any of
22 the provisions of, or who fails to perform any duty imposed by this
23 section, or any rule, regulation or order promulgated by the commis-
24 sioner hereunder, shall be liable to a civil penalty of not more than [~~twen-~~
25 ~~ty-five hundred~~] three thousand seven hundred fifty dollars for each
26 such violation and an additional penalty of not more than [~~five~~] seven
27 hundred fifty dollars for each day during which such violation contin-
28 ues, and, in addition thereto, such person may be enjoined from contin-
29 uing such violation. Penalties and injunctive relief provided herein
30 shall be recoverable in an action brought by the attorney general at the
31 request and in the name of the commissioner.

32 § 5. Subdivisions 3 and 4 of section 71-0507 of the environmental
33 conservation law, subdivision 3 as amended by chapter 400 of the laws of
34 1973, are amended to read as follows:

35 3. Moneys received by a town justice or a village justice in any
36 action for a penalty brought under the provisions of this chapter listed
37 in section 71-0501 of titles 5 through 15 inclusive and title 33 or upon
38 the settlement or compromise thereof, or a fine for a violation of the
39 provisions of this chapter listed in section 71-0501 and titles 5
40 through 15 inclusive and title 33 of this article shall be paid to the
41 State Comptroller as provided in section 27 of the Town Law and section
42 4-410 of the village law. From the moneys so received, the State Comp-
43 troller shall pay all lawful fees for services rendered in such actions
44 when instituted by order of the department or upon information of a
45 conservation officer, regional and assistant regional conservation offi-
46 cer, special game protector, district ranger, forest ranger, or member
47 of the state police. The balance of such moneys arising from penalties
48 under [~~articles~~] article 11 or 13 [~~or title 9~~] of this [~~article~~] chapter
49 or upon the settlement or compromise thereof or from fines for
50 violations of any of the provisions of [~~articles~~] article 11 or 13 [~~or~~
51 ~~title 9~~] of this [~~article~~] chapter after the payment of lawful fees
52 shall be credited by the Comptroller to the conservation fund. The Comp-
53 troller shall adjust and settle [~~his~~] their account with the conserva-
54 tion fund in the manner provided by section 99-a of the State Finance
55 Law. The balance of all other such moneys after payment of lawful fees
56 shall be credited by the Comptroller to the [~~general fund~~] conservation

1 fund to the credit of the conservation enforcement account established
2 pursuant to subdivision (k) of section eighty-three of the state finance
3 law.

4 4. All moneys received by any other person or court in an action for a
5 penalty brought under the provisions of this chapter listed in section
6 71-0501 and titles 5 through 15 inclusive and title 33 of this article
7 or upon the settlement or compromise thereof, or a fine for a violation
8 of the provisions of this chapter listed in section 71-0501 and titles 5
9 through 15 inclusive and title 33 of this article, shall be paid by such
10 person or court to the department within thirty days after receipt ther-
11 eof. The department shall pay the expenses of collection and the lawful
12 fees of magistrates and constables for services performed in criminal
13 actions brought upon information of a conservation officer, regional and
14 assistant regional conservation officer, special game protector,
15 district ranger, forest ranger, or member of the state police. Such
16 moneys derived from fines or penalties for violations of [~~articles~~
17 article 11 or 13 [~~or title 9~~] of this [~~article~~] chapter or from the
18 settlement or compromise thereof shall be paid by the department to the
19 Commissioner of Taxation and Finance and credited to the conservation
20 fund. All other moneys so received by the department shall be paid to
21 the Commissioner of Taxation and Finance and credited to the [~~general~~
22 fund] conservation fund to the credit of the conservation enforcement
23 account established pursuant to subdivision (k) of section eighty-three
24 of the state finance law.

25 § 6. Subdivisions 1, 2, 6, 9 and 10 of section 71-0703 of the environ-
26 mental conservation law, subdivisions 1, 2 and 6 as amended by chapter
27 602 of the laws of 2003, subdivision 9 as added by chapter 267 of the
28 laws of 2012 and subdivision 10 as added by chapter 330 of the laws of
29 2014, are amended to read as follows:

30 1. Except as otherwise provided in subdivision 4, 5, 6 or 7 of this
31 section, any person who violates any provision of article 9 or the
32 rules, regulations or orders promulgated pursuant thereto or the terms
33 of any permit issued thereunder, or who fails to perform any duty
34 imposed by any provision thereof shall be guilty of a violation, and,
35 upon conviction, shall be punished by a fine of not more than [~~two~~
36 hundred-fifty] three hundred seventy-five dollars, or by imprisonment
37 for not more than fifteen days, or by both such fine and imprisonment,
38 and in addition thereto shall be liable to a civil penalty of not less
39 than ten nor more than one hundred fifty dollars.

40 2. The violation of any of the provisions of the following sections
41 shall subject the person guilty thereof to the following civil penalties
42 in addition to the liability prescribed in subdivision 1 of this
43 section:

44 a. Section 9-1113 of this chapter, [~~two~~] three dollars per tree;

45 b. Subdivision 3 of section 9-1105 of this chapter, [~~twenty-five~~]
46 thirty-seven dollars and fifty cents per day;

47 c. Subdivision 4 of section 9-1105 of this chapter, and subdivision 1
48 of section 9-1117 of this chapter, [~~ten~~] fifteen dollars per mile per
49 day;

50 d. Section 9-1115 of this chapter, [~~ten~~] fifteen dollars per mile;

51 e. Subdivision 2 of section 9-1117 of this chapter, one hundred fifty
52 dollars per each offense; and

53 f. Section 9-1119 of this chapter, one hundred fifty dollars per day
54 per locomotive.

55 With respect to the penalty for violation of subdivision 4 of section
56 9-1105 of this chapter, the owner and every person engaged in such

1 cutting shall be liable therefor; however, the liability for penalty
2 shall not arise until the expiration of twenty days after service,
3 personally or by mail upon the alleged violator at [~~his~~] their last
4 known place of residence of a written notice of failure to comply with
5 the requirements of subdivision 4 of section 9-1105 of this chapter.

6 6. (a) In addition to any other penalty provided by law, any person
7 who violates subdivision 1 of section 9-0303 of this chapter shall be
8 liable to a civil penalty of [~~two hundred fifty~~] three hundred seventy-
9 five dollars per tree or treble damages, based on the stumpage value of
10 such tree or both. Where the order or decision finds that the defendant
11 established by clear and convincing evidence, that when such defendant
12 committed the violation, [~~he or she~~] they had cause to believe that the
13 land was [~~his or her~~] their own, or that [~~he or she~~] such defendant had
14 an easement or right of way across such land which permitted such
15 action, damages shall be awarded on the basis of the stumpage value of
16 such tree or trees in the market as if they were privately owned.
17 Notwithstanding the foregoing, this section shall not be construed to
18 authorize the cutting of timber or removal of trees where such action
19 would otherwise be violative of any provision of the state constitution
20 or law.

21 (b) In addition to any other penalty provided by law, a person who
22 violates section 9-1501 of this chapter shall be liable for a civil
23 penalty of [~~two hundred fifty~~] three hundred seventy-five dollars per
24 tree or treble damages or both, based on the stumpage value of such tree
25 or trees. Where the order or decision finds that the defendant estab-
26 lished by clear and convincing evidence, that when such defendant
27 committed the violation, [~~he or she~~] they had cause to believe that the
28 land was [~~his or her~~] their own or that [~~he or she~~] such defendant had
29 an easement or right of way across such land which permitted such
30 action, damages shall be awarded on the basis of the stumpage value of
31 such tree or trees. Notwithstanding the foregoing, this section shall
32 not be construed to authorize the cutting of timber or removal of trees
33 where such action would otherwise be violative of any provision of the
34 state constitution or law.

35 (c) For purposes of this subdivision, "stumpage value" shall mean the
36 current fair market value of a tree as it stands prior to the time of
37 sale, cutting, or removal. Stumpage value shall be determined by one or
38 more of the following methods: the sale price of the tree in an arm's-
39 length sale, a review of solicited bids, the stumpage price report
40 prepared by the department of environmental conservation, comparison
41 with like sales on trees on state or private lands, or other appropriate
42 means to assure that a fair market value is established within an
43 acceptable range based on the appropriate geographic area.

44 9. a. Any person who transports, sells, imports or introduces invasive
45 species, in violation of the regulations promulgated pursuant to section
46 9-1709 of this chapter shall be subject to the following:

47 For any first violation in lieu of a penalty there may be issued a
48 written warning by the department and there may also be issued education
49 materials at the discretion of the department regarding requirements
50 related to invasive species. Such person shall, however, for any subse-
51 quent violation thereafter be subject to a fine of no less than [~~two~~
52 ~~hundred fifty~~] three hundred seventy-five dollars.

53 b. Any nursery grower licensed pursuant to article fourteen of the
54 agriculture and markets law, any person who owns or operates a public
55 vessel as such term is defined in paragraph (a) of subdivision six of
56 section two of the navigation law, or any person who owns or operates a

1 commercial fishing vessel who transports, sells, imports or introduces
2 invasive species in violation of the regulations promulgated pursuant to
3 section 9-1709 of this chapter, shall be subject to a fine of not less
4 than [~~six~~] nine hundred dollars upon the first penalty. Upon the second
5 penalty such person shall be subject to a fine of not less than [~~two~~]
6 three thousand dollars. Upon a subsequent penalty and after a hearing or
7 opportunity to be heard upon due notice the following penalties may
8 apply: (i) such nursery grower may be subject to the revocation proce-
9 dures of section one hundred sixty-three-c of the agriculture and
10 markets law (ii) such person's vessel registration may be suspended or
11 (iii) such person's fishing permit may be revoked by the department.

12 10. Any person who violates section 9-1710 of this chapter shall be
13 guilty of a violation and shall be punishable and liable to a civil
14 penalty as provided in subdivision one of this section, provided, howev-
15 er, that for any first violation in lieu of a penalty there shall be
16 issued a written warning by the department and there shall also be
17 issued education materials at the discretion of the department regarding
18 requirements related to invasive species. Such person shall be subject
19 to a fine of up to [~~one hundred fifty~~] two hundred seventy-five dollars
20 for a second offense, up to [~~two hundred fifty~~] three hundred seventy-
21 five dollars for a third offense, and no less than [~~two hundred fifty~~]
22 three hundred seventy-five dollars nor more than [~~one thousand~~] five
23 hundred dollars for a fourth or subsequent offense.

24 § 7. Section 71-0707 of the environmental conservation law is amended
25 to read as follows:

26 § 71-0707. Resisting or obstructing departmental agent or employee.

27 Any person who resists or obstructs an authorized agent or employee of
28 the department while [~~he~~] such agent or employee is engaged in carrying
29 out any provision of section 9-0305 shall be guilty of a violation which
30 shall be punishable by a fine not exceeding one hundred fifty dollars
31 and by an additional fine [~~of~~] not exceeding [~~twenty-five~~] thirty-seven
32 dollars and fifty cents for each additional day of such resistance or
33 obstruction.

34 § 8. Section 71-0709 of the environmental conservation law, as amended
35 by chapter 640 of the laws of 1977, is amended to read as follows:

36 § 71-0709. Injury to state lands.

37 Any person who intentionally or negligently causes a fire which burns
38 on or over state lands shall be liable to the state for treble damages
39 and, in addition, to a civil penalty of [~~ten~~] fifteen dollars for every
40 tree killed or destroyed by such fire. Damages to state lands and timber
41 shall be ascertained and determined at the same rate of value as if such
42 property were privately owned.

43 § 9. Section 71-0711 of the environmental conservation law, as amended
44 by chapter 640 of the laws of 1977, is amended to read as follows:

45 § 71-0711. Injury to municipal or private lands.

46 Any person who causes a fire which burns on or over lands belonging to
47 another person or to a municipality shall be liable to the party injured
48 (a) for actual damages in case of fire negligently caused or (b) for the
49 higher of actual damages or damages at the rate of [~~five~~] seven dollars
50 and fifty cents for each tree killed or destroyed in case of fire
51 wilfully caused.

52 § 10. Section 71-0921 of the environmental conservation law, as added
53 by chapter 640 of the laws of 1977, subdivision 1 as amended by chapter
54 408 of the laws of 2017, subdivision 2 as amended by chapter 468 of the
55 laws of 2011, subdivision 3 as amended by chapter 270 of the laws of
56 1997, subdivisions 4 and 5 as added by chapter 417 of the laws of 1996,

1 subparagraph 9 of paragraph a of subdivision 4 and subparagraph 5 of
2 paragraph a of subdivision 5 as amended by chapter 41 of the laws of
3 2013, subparagraphs 2 and 3 of paragraph b of subdivision 4 as amended
4 by chapter 347 of the laws of 2007, subdivisions 6 and 7 as amended by
5 chapter 416 of the laws of 1989, subdivision 8 as amended by section 19
6 of part R of chapter 58 of the laws of 2013, subdivision 10 as added by
7 chapter 31 of the laws of 1980, subdivision 10-a as added by chapter 762
8 of the laws of 2023, subdivision 11 as added by chapter 168 of the laws
9 of 1989, subdivision 12 as added by chapter 143 of the laws of 1992,
10 subdivision 13 as added by chapter 208 of the laws of 1999, subdivision
11 14 as added by chapter 532 of the laws of 2019, is amended to read as
12 follows:

13 § 71-0921. Misdemeanors.

14 The following acts are misdemeanors, punishable as herein provided,
15 when they are done in violation of the section or subdivision thereof
16 specified, or if no section is specified, in violation of any section of
17 the Fish and Wildlife Law:

18 1. (a) The illegal taking of big game prior to the first day of the
19 open season or after the last day of the open season in the county or
20 part thereof where taken, or the taking of big game with aid of an arti-
21 ficial light. Each such misdemeanor for a violation of this paragraph
22 shall be punishable by imprisonment for not more than one year or by a
23 fine of not less than [~~five hundred~~] seven hundred fifty dollars nor
24 more than [~~three thousand~~] four thousand five hundred dollars, or by
25 both such imprisonment and fine.

26 (b) Any illegal taking of a deer, other than a taking described in
27 paragraph (a) of this subdivision, such misdemeanor shall be punishable
28 by imprisonment for not more than one year or by a fine of not less than
29 [~~two hundred fifty~~] three hundred seventy-five dollars nor more than
30 [~~two~~] three thousand dollars, or by both such imprisonment and fine.

31 2. The illegal taking of a bear less than one year old or the taking
32 of a bear by a means or method not permitted by this chapter. Such
33 misdemeanor shall be punishable by imprisonment for not more than one
34 year or by a fine of not more than [~~two~~] three thousand dollars, or by
35 both such imprisonment and fine. The sale of bear gallbladder/bile in
36 violation of paragraph b of subdivision nine of section 11-0917 of this
37 chapter shall be punishable by a fine of [~~five thousand~~] seven thousand
38 five hundred dollars per violation.

39 3. Possession, use or discharge of a firearm in violation of subdivi-
40 sion 1, 2, 4, 5, or 6 of section 11-0931 of this chapter. Each such
41 misdemeanor shall be punishable by imprisonment for not more than three
42 months or by a fine of not less than [~~two~~] three hundred dollars nor
43 more than one thousand five hundred dollars, or by both such imprison-
44 ment and fine.

45 4. a. Violations of:

46 (1) subdivision one of section 13-0309 of this chapter involving the
47 taking of shellfish from uncertified shellfish lands, or the possession,
48 transportation, sale or trafficking in shellfish so taken;

49 (2) subdivision two of section 13-0309 of this chapter involving the
50 taking of shellfish between sunset and sunrise;

51 (3) subdivision ten of section 13-0309 of this chapter involving the
52 possession of a stick dredge after one prior conviction under such
53 subdivision for such activity;

54 (4) subdivision one of section 13-0311 of this chapter involving the
55 taking of shellfish without the required digger's permit;

1 (5) subdivision seven of section 13-0311 of this chapter involving the
2 taking of shellfish while one's digger's permit is suspended or revoked;

3 (6) subdivision one of section 13-0315 of this chapter involving the
4 processing, transportation, shipment or sale of shellfish without the
5 required shipper's or processor's permit;

6 (7) regulations promulgated by the department pursuant to section
7 13-0319 of this chapter involving the failure to tag or seal shellfish
8 or the falsifying of any information required on any tag or seal
9 required by said regulations;

10 (8) subdivision five of section 13-0325 of this chapter, regarding the
11 taking of undersized clams, where the taking involves more than twenty-
12 four percentum of clams of less than legal size;

13 (9) regulations promulgated by the department pursuant to section
14 13-0327 of this chapter, regarding the taking of undersized scallops,
15 where the taking involves more than twenty-four percentum of scallops of
16 less than legal size; and

17 (10) section 13-0344 of this chapter involving the dumping of objects
18 into the water after being signaled by a police officer or peace officer
19 to stop for inspection.

20 b. Each such misdemeanor identified in paragraph a of this subdivision
21 shall be punishable as follows:

22 (1) For a first conviction for any of the violations listed in para-
23 graph a of this subdivision, by imprisonment for not more than sixty
24 days, a fine of not less than [~~two hundred fifty~~] three hundred seven-
25 ty-five dollars nor more than one thousand five hundred dollars plus, if
26 applicable, an amount equal to the market value of the shellfish
27 involved in the violation, or by both such imprisonment and fine.

28 (2) For a second conviction for any of the violations listed in para-
29 graph a of this subdivision, by imprisonment for not more than ninety
30 days, a fine of not less than [~~five hundred~~] seven hundred fifty dollars
31 nor more than [~~twenty five hundred~~] three thousand seven hundred fifty
32 dollars plus, if applicable, an amount equal to three times the market
33 value of the shellfish involved in the violation, or by both such impri-
34 sonment and fine.

35 (3) For a third or subsequent conviction for any of the violations
36 listed in paragraph a of this subdivision, by imprisonment for not more
37 than one hundred eighty days, a fine of not less than one thousand five
38 hundred dollars nor more than [~~ten~~] fifteen thousand dollars plus, if
39 applicable, an amount equal to three times the market value of the
40 shellfish involved in the violation, or by both such imprisonment and
41 fine.

42 (4) Provided, further, that all equipment or conveyances used to
43 harvest, transport or traffic in such illegal shellfish may be forfeited
44 for any third or subsequent conviction of the above violations, in addi-
45 tion to such penalties or imprisonment. Such forfeiture shall be in
46 addition to any forfeiture authorized by section 71-0909 of this arti-
47 cle.

48 5. a. Violations of:

49 (1) subdivision three of section 13-0309 of this chapter involving the
50 illegal use of dredges, scrapes or other devices operated by power or by
51 boats propelled by motor or other mechanical means for the purpose of
52 taking shellfish;

53 (2) subdivision eight of section 13-0309 of this chapter involving the
54 operation, use or placing, for whatever purpose, of dredges, rakes,
55 tongs or other devices for the taking of shellfish in uncertified

1 shellfish lands after a prior conviction under such subdivision for such
2 activity;

3 (3) subdivision nine of section 13-0309 of this chapter involving the
4 altering, damaging, mutilating, moving or carrying away of buoys or
5 markers used to designate the uncertified waters of the state;

6 (4) subdivision five of section 13-0325 of this chapter regarding the
7 taking of undersized clams, where the taking involves between ten and
8 twenty-four percentum of clams of less than legal size; and

9 (5) regulations promulgated by the department pursuant to section
10 13-0327 of this chapter, regarding the taking of undersized scallops,
11 where the taking involves between ten and twenty-four percentum of scal-
12 lops of less than legal size.

13 b. Each such misdemeanor identified in paragraph a of this subdivision
14 shall be punishable as follows:

15 (1) For a first conviction of any of the violations listed in para-
16 graph a of this subdivision, by imprisonment for not more than thirty
17 days, a fine of not less than [~~two hundred fifty~~] three hundred seven-
18 ty-five dollars nor more than [~~five hundred~~] seven hundred fifty dollars
19 plus, if applicable, an amount equal to the market value of the shellf-
20 ish involved in the violation, or by both such imprisonment and fine.

21 (2) For a second conviction for any of the violations listed in para-
22 graph a of this subdivision, by imprisonment not to exceed sixty days, a
23 fine of not less than [~~five hundred~~] seven hundred fifty dollars nor
24 more than one thousand five hundred dollars plus, if applicable, an
25 amount equal to the market value of the shellfish involved in the
26 violation, or by both such imprisonment and fine.

27 (3) For a third or subsequent conviction for any of the violations
28 listed in paragraph a of this subdivision, by imprisonment for not more
29 than one hundred eighty days, a fine of not less than one thousand five
30 hundred dollars nor more than [~~five thousand~~] seven thousand five
31 hundred dollars plus, if applicable, an amount equal to the market value
32 of the shellfish involved in the violation, or by both such imprisonment
33 and fine.

34 6. Violations of paragraph b of subdivision 3 or subdivision 5 or 12
35 of section 13-0329 of this chapter. Each such misdemeanor shall be
36 punishable by imprisonment for not more than one year or by a fine of
37 not less than [~~five hundred~~] seven hundred fifty dollars nor more than
38 [~~two~~] three thousand dollars, or by both such imprisonment and fine.

39 7. Violations of subdivision 7 or 11 of section 13-0329 of this chap-
40 ter. Each such misdemeanor shall be punishable by imprisonment for not
41 more than ninety days or by a fine of not less than [~~five hundred~~] seven
42 hundred fifty dollars nor more than one thousand five hundred dollars,
43 or by both such imprisonment and fine.

44 8. Making a false statement in applying for a license, privilege or
45 permit under the Fish and Wildlife Law, or for a certificate in lieu of
46 a lost license or privilege or a duplicate hunting license tag under
47 title 7 of article 11 of this chapter. Each such misdemeanor shall be
48 punishable by imprisonment for not more than three months, or by a fine
49 of not more than [~~two~~] three hundred dollars, or by both such imprison-
50 ment and fine. In addition, the department may immediately revoke the
51 license, privilege, permit or certificate for which application was made
52 for the remainder of its effective term.

53 9. Failure to give the department the prompt notification required
54 under [~~subdivision 10 of~~] regulations promulgated pursuant to section
55 13-0301 of this chapter, when the specified buoys or markers are
56 destroyed. Each such misdemeanor shall be punishable by imprisonment for

1 not more than one year or by a fine of not more than one thousand five
2 hundred dollars, or by both such imprisonment and fine.

3 10. Violation of subdivision 10 of section 11-0901 involving the ille-
4 gal taking of a moose. Each such misdemeanor shall be punishable by
5 imprisonment for not more than one year or by a fine of not more than
6 [~~two~~] three thousand dollars, or by both such imprisonment and fine.

7 10-a. Violations of subdivision fourteen of section 11-0901 of this
8 chapter involving unlawful contests, competitions, tournaments and
9 derbys to take wildlife. Each such violation shall be punishable by a
10 fine of not less than [~~five hundred~~] seven hundred fifty dollars nor
11 more than [~~two~~] three thousand dollars.

12 11. Any person who violates the provisions of section 11-0537 of this
13 chapter, in the case of a first violation, shall be guilty of a class B
14 misdemeanor and, upon conviction thereof, shall be punished by a fine
15 not to exceed [~~five thousand~~] seven thousand five hundred dollars or by
16 imprisonment not to exceed ninety days, or both; provided that in the
17 case of a second or subsequent violation such person shall be guilty of
18 a class A misdemeanor and, upon conviction thereof, shall be punished by
19 a fine not to exceed [~~ten~~] fifteen thousand dollars or imprisonment not
20 to exceed one year, or both; provided, further, that the commission of
21 each taking or other act prohibited by section 11-0537 of this chapter
22 with respect to a bald or golden eagle shall constitute a separate
23 violation of this section; provided, further, that one-half of any such
24 fine, but not to exceed [~~two thousand five hundred~~] three thousand seven
25 hundred fifty dollars, shall be paid to the person or persons giving
26 information which leads to conviction.

27 12. Any violation of section 13-0344 of this chapter is punishable by
28 imprisonment for not more than thirty days, or by a fine of not less
29 than [~~two hundred fifty~~] three hundred seventy-five dollars nor more
30 than one thousand five hundred dollars, or by both such fine and impri-
31 sonment.

32 13. Violations of subdivision one or two of section 11-1904 of this
33 chapter. Each such misdemeanor shall be punishable by a fine of not more
34 than [~~two thousand five hundred~~] three thousand seven hundred fifty
35 dollars, or by imprisonment for not more than one year, or by both such
36 fine and imprisonment; except that where the person convicted of violat-
37 ing such subdivision has gained money or property through the commission
38 of the violation, in lieu of the [~~two thousand five hundred~~] three thou-
39 sand seven hundred fifty dollar maximum fine provided for herein, the
40 court may impose a fine in accordance with the provisions of subdivision
41 five of section 80.05 of the penal law.

42 14. Violation of subparagraph one, two or four of paragraph b of
43 subdivision one of section 11-0719 of this chapter involving the revoca-
44 tion and suspension of hunting, trapping, or fishing licenses. Each
45 such misdemeanor shall be punishable by imprisonment for not more than
46 ninety days, or by a fine of not less than [~~five hundred~~] seven hundred
47 fifty dollars nor more than one thousand five hundred dollars, or by
48 both such imprisonment and fine.

49 § 11. Section 71-0923 of the environmental conservation law, as added
50 by chapter 640 of the laws of 1977, subdivision 1 as amended and subdi-
51 vision 6 as added by chapter 417 of the laws of 1996, subdivision 3 as
52 amended by section 53 of part F of chapter 82 of the laws of 2002,
53 subdivision 5 as added by chapter 896 of the laws of 1980, subdivision 8
54 as amended by chapter 284 of the laws of 2004, subdivision 9 as added by
55 chapter 881 of the laws of 1986 and as renumbered by chapter 586 of the
56 laws of 1991, subdivision 10 as added by chapter 586 of the laws of

1 1991, subdivision 11 as added by chapter 381 of the laws of 1997, subdivi-
2 vision 12 as added by chapter 653 of the laws of 2005, is amended to
3 read as follows:

4 § 71-0923. Violations.

5 1. Any offense specified in section 71-0919 of this article, unless
6 made a misdemeanor by section 71-0921 of this article or another
7 provision of such chapter, shall be a violation, punishable, except as
8 otherwise provided in this section, by imprisonment for not more than
9 fifteen days, or by a fine of not more than [~~two hundred fifty~~] three
10 hundred seventy-five dollars, or by both such fine and imprisonment.

11 2. A violation of subdivision 1 of section 11-0705 of this chapter
12 shall be punishable as follows:

13 a. As provided in subdivision 1 of this section, if the violation
14 consisted of a refusal to exhibit a license on demand of any environ-
15 mental conservation officer or other person;

16 b. By forfeiture of the license and by a fine of not more than [~~twen-~~
17 ~~ty-five dollars~~] thirty-seven dollars and fifty cents if the violation
18 was committed while exercising the privileges of a special antlerless
19 deer license and consisted of failure of the offender to have on [~~his~~]
20 their person a license held by [~~him~~] such person entitling [~~him~~] such
21 person to exercise those privileges.

22 3. A violation of subdivision 2 of section 11-0705 of this chapter
23 shall be punishable by forfeiture of licenses and tags issued pursuant
24 to this chapter which authorizes the holder to hunt wildlife and by a
25 fine of not more than [~~twenty-five dollars~~] thirty-seven dollars and
26 fifty cents.

27 4. When a license or license tag is forfeited as provided in this
28 section, the licensee shall surrender it to any environmental conserva-
29 tion officer, special game protector or any other person authorized by
30 the department to receive it. Such forfeiture does not prevent the
31 procurement of another license.

32 5. A violation of subdivision one of section 11-0923 of this chapter
33 is punishable by imprisonment for not more than ten days, or by a fine
34 of not less than [~~two~~] three hundred dollars, or by both such fine and
35 imprisonment.

36 6. A first conviction for a violation of subdivision eight of section
37 13-0309 of this chapter, involving devices for taking shellfish in
38 uncertified lands, or a violation of subdivision ten of section 13-0309
39 of this chapter, involving possession of a stick dredge, shall be
40 punishable as a violation under this section.

41 8. Any violation of sections 13-0329, 13-0330, 13-0331, 13-0333,
42 13-0334, 13-0335, subdivision one of section 13-0337, 13-0338, 13-0339,
43 13-0339-a, 13-0340, 13-0340-a through 13-0340-g, 13-0341, 13-0342,
44 13-0343, 13-0347, and 13-0349 of this chapter, or of any regulation
45 adopted pursuant to the foregoing sections, shall be punishable by
46 imprisonment of not more than fifteen days or by a fine of the greater
47 of [~~two hundred fifty~~] three hundred seventy-five dollars or:

48 a. for violations involving one to five fish, shellfish or crustace-
49 ans, [~~twenty-five dollars~~] thirty-seven dollars and fifty cents for each
50 fish, shellfish or crustacean taken or possessed in violation of the
51 above sections;

52 b. for violations involving six to twenty-five fish, shellfish or
53 crustaceans, [~~fifty~~] seventy-five dollars for each fish, shellfish or
54 crustacean taken or possessed in violation of the above sections;

55 c. for violations involving more than twenty-five fish, shellfish or
56 crustaceans, one hundred fifty dollars for each fish, shellfish or crus-

1 tacean taken or possessed in violation of the above sections; or by both
2 such fine and imprisonment.

3 For purposes of determining the applicable fine pursuant to this
4 subdivision, the number of fish, crustaceans or shellfish shall be the
5 aggregate number involved in the violation, regardless of species.

6 9. A violation of section 11-0110 of this chapter is punishable by
7 imprisonment for not more than ten days, or by a fine of not more than
8 [~~two hundred fifty~~] three hundred seventy-five dollars, or by both such
9 fine and imprisonment.

10 10. A violation of subdivision twelve of section 11-1101 of this chap-
11 ter is punishable by imprisonment of not more than ten days, or by a
12 fine of not more than one hundred fifty dollars, or by both such fine
13 and imprisonment.

14 11. A violation of subdivision eight of section 11-0505 of this chap-
15 ter shall be punishable by a fine of not more than [~~fifty~~] seventy-five
16 dollars.

17 12. A violation of section 11-1906 of this chapter shall be punishable
18 by a fine of not more than [~~two thousand five hundred~~] three thousand
19 seven hundred fifty dollars.

20 § 12. Subdivisions 1 and 2 of section 71-0924 of the environmental
21 conservation law, as amended by chapter 326 of the laws of 2014, are
22 amended to read as follows:

23 1. where the value of fish, shellfish, crustaceans, wildlife, or parts
24 thereof, is two hundred fifty dollars or less, the offense shall be a
25 violation punishable by a fine of [~~five hundred~~] seven hundred fifty
26 dollars and/or not more than fifteen days of imprisonment;

27 2. where the value of fish, shellfish, crustaceans, wildlife, or parts
28 thereof, is more than two hundred fifty dollars but does not exceed one
29 thousand five hundred dollars, the offense shall be a misdemeanor
30 punishable by a fine of [~~five thousand~~] seven thousand five hundred
31 dollars and/or not more than one year of imprisonment;

32 § 13. Section 71-0925 of the environmental conservation law, subdivi-
33 sions 1 and 2 as amended by chapter 98 of the laws of 1996, subdivision
34 3 as amended by chapter 408 of the laws of 2017, subdivision 6 as
35 amended by chapter 570 of the laws of 1994, subdivisions 7 and 7-a as
36 amended and subdivisions 7-b and 7-c as renumbered by chapter 284 of the
37 laws of 2004, subdivision 7-b as added by chapter 441 of the laws of
38 1977, subdivision 7-c as added by chapter 60 of the laws of 1997, subdi-
39 vision 13 as amended by chapter 352 of the laws of 2021, subdivision 14
40 as added by chapter 113 of the laws of 1985, subdivision 15 as added by
41 chapter 417 of the laws of 2013, subdivision 16 as added by chapter 326
42 of the laws of 2014, subdivision 17 as added by chapter 651 of the laws
43 of 2019, is amended to read as follows:

44 § 71-0925. Civil penalties.

45 The penalties referred to in section 71-0919 of this title, to which a
46 person is liable upon violation of provisions of the Fish and Wildlife
47 Law or any order, rule or regulation of the department, shall be:

48 1. Unless another penalty is specifically provided for in this subdi-
49 vision or elsewhere in the Fish and Wildlife Law, [~~two~~] three hundred
50 dollars and an additional penalty of one hundred fifty dollars for each
51 fish, bird or animal or part thereof, other than shellfish or crustacea,
52 involved in the violation; an additional penalty of one hundred fifty
53 dollars for each bushel of shellfish or each crustacean, including
54 lobster, or part thereof, plus an amount equal to the market value or
55 actual price paid, whichever is greater, of the shellfish or crustacea
56 involved in the violation;

1 2. Except as provided in subdivision 3 of this section or another
2 provision of the Fish and Wildlife Law, if the violation relates to
3 deer, bear, elk, except captive bred and raised North American elk
4 (*Cervus elaphus*), moose, caribou, antelope, wild turkey, lynx, beaver,
5 or a part thereof, [~~two~~] three hundred dollars, and an additional penal-
6 ty of two hundred dollars for each such animal or part thereof involved
7 in the violation;

8 3. (a) If the violation involves the illegal taking of a deer prior to
9 the first day of the open season or after the last day of the open
10 season in the county or part of a county in which taken, or the taking
11 of deer with aid of an artificial light, not less than five hundred
12 dollars and not more than one thousand dollars for the first deer taken
13 and a further penalty of not less than [~~five hundred~~] dollars and not
14 more than one thousand five hundred dollars for each succeeding deer
15 taken; provided, however, that any person having been held liable for a
16 violation pursuant to this paragraph in the preceding five years shall
17 be subject to a fine of not less than [~~seven hundred fifty~~] one thousand
18 one hundred twenty-five dollars and not more than [~~two~~] three thousand
19 dollars for the first deer taken and a further penalty of not less than
20 [~~seven hundred fifty~~] one thousand one hundred twenty-five dollars and
21 not more than [~~two~~] three thousand dollars for each succeeding deer
22 taken;

23 (b) If the violation involves any illegal taking of a wild deer, other
24 than a taking described in paragraph (a) of this subdivision, [~~five~~
25 ~~hundred~~] seven hundred fifty dollars for the first deer taken and a
26 further penalty of [~~five hundred~~] seven hundred fifty dollars for each
27 succeeding deer taken;

28 4. If the violation was an act prohibited by section 11-1321 of this
29 chapter or by subdivision 2 of section 11-0503 of this chapter, or by
30 subdivision 2 of section 11-0505 of this chapter, or section 13-0345 of
31 this chapter, [~~five hundred~~] seven hundred fifty dollars, and an addi-
32 tional penalty of [~~ten~~] fifteen dollars for each fish taken, killed or
33 possessed in violation thereof;

34 5. If the violation was any act prohibited by subdivision 1 of section
35 11-0503 of this chapter, not less than [~~five hundred~~] seven hundred
36 fifty dollars nor more than one thousand five hundred dollars for each
37 offense and an additional penalty of [~~ten~~] fifteen dollars for each fish
38 killed in violation thereof;

39 6. If the violation was a violation of paragraph b of subdivision 4 of
40 section 11-0321 of this chapter, a violation of subdivision 1 of section
41 11-2113 of this chapter, or a violation of section 11-2115 of this chap-
42 ter, not less than [~~twenty-five dollars~~] thirty-seven dollars and fifty
43 cents nor more than one hundred fifty dollars; and in addition, as
44 determined by the court, to either actual damages or the sum of [~~ten~~]
45 fifteen dollars for each sign injured, defaced or removed in violation
46 of section 11-2113 of this chapter, which shall be payable to the
47 person sustaining the damage, injury, defacement or removal of such
48 sign, and costs of suit, all of which may be recovered in the same
49 action;

50 7. If the violation was a violation of sections 13-0329, 13-0330,
51 13-0331, 13-0333, 13-0334, 13-0335, subdivision one of section 13-0337,
52 13-0338, 13-0339, 13-0339-a, 13-0340, 13-0340-a through 13-0340-g,
53 13-0341, 13-0342, 13-0343, 13-0347, and 13-0349 of this chapter, or of
54 any regulation adopted pursuant to the foregoing sections, the greater
55 of [~~two hundred fifty~~] three hundred seventy-five dollars or:

1 a. for violations involving one to five fish, shellfish or crustace-
2 ans, [~~twenty-five dollars~~] thirty-seven dollars and fifty cents for each
3 fish, shellfish or crustacean taken or possessed in violation of the
4 above sections;

5 b. for violations involving six to twenty-five fish, shellfish or
6 crustaceans, [~~fifty~~] seventy-five dollars for each fish, shellfish or
7 crustacean taken or possessed in violation of the above sections;

8 c. for violations involving more than twenty-five fish, shellfish or
9 crustaceans, one hundred fifty dollars for each fish, shellfish or crus-
10 tacean taken or possessed in violation of the above sections.

11 For purposes of determining the applicable fine pursuant to this
12 subdivision, the number of fish, crustaceans or shellfish shall be the
13 aggregate number involved in the violation, regardless of species;

14 7-a. If the violation was a violation of subdivision 1 or 2 of section
15 13-0309, or section 13-0323 or 13-0327, or section 13-0344 of this chap-
16 ter, not less than [~~two hundred fifty~~] three hundred seventy-five
17 dollars nor more than one thousand five hundred dollars for each
18 offense;

19 7-b. If the violation was a violation of subdivision one or two of
20 section 13-0325 of this chapter there shall be a minimum penalty of
21 twenty-five dollars and a maximum of [~~two hundred fifty~~] three hundred
22 seventy-five dollars per container or bushel involved in the violation.

23 7-c. If the violation was a violation of subdivision 4 or 5 of section
24 13-0333 of this chapter, not less than [~~two thousand five hundred~~] three
25 thousand seven hundred fifty dollars nor more than [~~ten~~] fifteen thou-
26 sand dollars for each offense;

27 8. If a violation of subdivisions 1 or 2 of section 13-0309 of this
28 chapter occurs during the time when a permit or license to take shellf-
29 ish has been suspended or revoked pursuant to the provisions of subdivi-
30 sion 3 of section 13-0311 or subparagraph (3) of paragraph b of subdivi-
31 sion 1 of section 11-0719 of this chapter, not less than five hundred
32 dollars nor more than [~~fifteen hundred~~] two thousand two hundred fifty
33 dollars for each offense, and in addition the forfeiture to the state of
34 the tongs, rakes, dredges or devices other than boats used by or in
35 connection with such illegal taking;

36 9. If the violation was a failure by any public officer to perform any
37 duty imposed by the Fish and Wildlife Law or by any rule or regulation
38 of the department, one hundred fifty dollars;

39 10. If the violation was an act prohibited by section 11-2117 of this
40 chapter, one hundred fifty dollars, one-half of which shall be payable
41 to the owner or occupant of the damaged property, in addition to the
42 actual damages, if any, recoverable by the person sustaining the damage;

43 11. If the violation involved the illegal taking or possessing of
44 muskrats taken from a registered muskrat marsh covered by a permit under
45 section 11-1109 of this chapter, when the violation is committed by the
46 registrant holding the permit or other person designated in writing to
47 trap on the marsh of such registrant, while the permit is in force, not
48 less than one hundred fifty dollars nor more than [~~five hundred~~] seven
49 hundred fifty dollars;

50 12. If the violation was a violation of section 11-1731 of this chap-
51 ter; relating to bird plumage for fish-fly tying, [~~five hundred~~] seven
52 hundred fifty dollars.

53 13. If the violation was an act prohibited by subdivision two of
54 section 11-0535 or by section 11-0536 of this chapter, or by any lawful
55 rule or regulation of the department promulgated pursuant thereto, not
56 more than [~~four~~] six thousand dollars, and an additional penalty of not

1 more than [~~seven hundred~~] one thousand fifty dollars for each fish,
2 shellfish, crustacea, wildlife or part thereof involved in the
3 violation. If the violation was an act prohibited by any regulation of
4 the department promulgated pursuant to subdivision three of section
5 11-0535 of this chapter, then such penalty shall be not more than two
6 thousand dollars, and an additional penalty of not more than four
7 hundred dollars for each fish, shellfish, crustacea, wildlife or part
8 thereof involved in the violation.

9 14. If the violation was a violation of subdivision ten of section
10 11-0901 of this chapter involving the illegal taking of a moose, [~~two~~]
11 three thousand dollars.

12 15. If the violation was a first or second violation of section
13 11-0514 of this chapter, a fine of up to [~~five hundred~~] seven hundred
14 fifty dollars for each animal for each act of importation, possession,
15 introduction, sale, offer for sale, distribution, transportation or
16 otherwise marketing or trading. For a third or subsequent separate
17 violation of section 11-0514 of this chapter, the greater of a. a fine
18 of one thousand five hundred dollars for each animal for each act of
19 importation, breeding, possession, introduction, sale, offer for sale,
20 distribution, transportation or otherwise marketing or trading or b. an
21 amount equal to three times (1) the financial security provided by
22 customers for the opportunity to take the animal or (2) the value of a
23 boar for meat production or as breeding stock.

24 16. If the violation was an act prohibited by section 11-0535-a of
25 this chapter, not more than [~~three thousand~~] four thousand five hundred
26 dollars or not more than two times the value of the article involved,
27 whichever is greater. If the violation is a second or subsequent
28 violation of such section 11-0535-a, not more than [~~six~~] nine thousand
29 dollars or not more than three times the value of the article involved,
30 whichever is greater.

31 17. If the violation was an act prohibited by section 11-0535-b of
32 this chapter, not more than one thousand five hundred dollars or not
33 more than two times the value of the article involved, whichever is
34 greater. If the violation is a second or subsequent violation of such
35 section 11-0535-b, not more than [~~two~~] three thousand dollars or not
36 more than three times the value of the article involved, whichever is
37 greater.

38 § 14. Section 71-1105 of the environmental conservation law, as
39 amended by chapter 99 of the laws of 2010, is amended to read as
40 follows:

41 § 71-1105. Enforcement of subdivision 4 of section 15-0313.

42 Any violation of subdivision 4 of section 15-0313 shall be a
43 violation, punishable by a fine of not more than [~~one thousand eight~~]
44 two thousand seven hundred dollars, and in addition thereto, by a civil
45 penalty of not more than [~~one thousand eight~~] two thousand seven hundred
46 dollars.

47 § 15. Section 71-1107 of the environmental conservation law, as
48 amended by chapter 640 of the laws of 1977, is amended to read as
49 follows:

50 § 71-1107. Punishment for violations of title 5 of article 15.

51 1. A violation of section 15-0501, 15-0503 or 15-0505, shall consti-
52 tute a misdemeanor, punishable by a fine of not to exceed [~~ten~~] fifteen
53 thousand dollars, or by imprisonment not to exceed one year or by both
54 such fine and imprisonment and, in addition thereto, by a civil penalty
55 of not more than [~~five thousand~~] seven thousand five hundred dollars.

1 2. A subcontractor, employee or agent of such person or public corpo-
2 ration, or of a state department who knowingly and intentionally acts,
3 or a prime contractor of such person, public corporation or state
4 department who acts with or without an intention to violate the
5 provisions of title 5 of article 15, in disregard of specifications
6 provided in a construction contract protecting against stream damage,
7 shall be guilty of a violation punishable by a fine of not less than
8 [~~twenty-five~~] thirty-seven dollars and fifty cents, nor more than [~~two~~
9 ~~hundred-fifty~~] three hundred seventy-five dollars, or by imprisonment
10 for not more than fifteen days, or by both such fine and imprisonment,
11 and, in addition, thereto, by a civil penalty of not more than [~~five~~
12 ~~thousand~~] seven thousand five hundred dollars.

13 § 16. Section 71-1109 of the environmental conservation law, as
14 amended by chapter 364 of the laws of 1999, is amended to read as
15 follows:

16 § 71-1109. Enforcement of subdivisions 1 and 4 of section 15-0507.

17 1. Any owner violating subdivision 1 of section 15-0507 or any regu-
18 lations promulgated pursuant thereto may be liable for a penalty not to
19 exceed [~~five~~] seven hundred fifty dollars for each and every offense;
20 every violation of such subdivision shall be a separate and distinct
21 offense; and in case of a continuing violation, every day's continuance
22 thereof shall be deemed a separate and distinct offense.

23 2. Any owner violating subdivision 4 of section 15-0507 may be liable
24 for a penalty not to exceed [~~five thousand~~] seven thousand five hundred
25 dollars for each and every offense; every violation of an order referred
26 to in such subdivision shall be a separate and distinct offense; and in
27 case of a continuing violation, every day's continuance thereof shall be
28 deemed a separate and distinct offense.

29 § 17. Section 71-1111 of the environmental conservation law, as
30 amended by chapter 364 of the laws of 1999, is amended to read as
31 follows:

32 § 71-1111. Enforcement of subdivision 3 of section 15-0511.

33 Any person or local public corporation violating subdivision 3 of
34 section 15-0511 may be liable for a penalty not to exceed [~~five thou-~~
35 ~~sand~~] seven thousand five hundred dollars for each and every offense;
36 every violation of an order referred to in such subdivision shall be a
37 separate and distinct offense; and in case of a continuing violation,
38 every day's continuance thereof shall be deemed a separate and distinct
39 offense.

40 § 18. Subdivision 2 of section 71-1113 of the environmental conserva-
41 tion law, as added by chapter 356 of the laws of 1985, is amended to
42 read as follows:

43 2. Any person who violates the provisions of section 15-1506 of this
44 chapter or the rules, regulations, orders or determinations of the
45 commissioner promulgated thereto or the terms of any permit issued ther-
46 eunder, shall be liable for a civil penalty not less than [~~twenty-five~~]
47 three thousand seven hundred fifty dollars nor more than [~~ten~~] fifteen
48 thousand dollars per day of such violation.

49 § 19. Section 71-1115 of the environmental conservation law, as
50 amended by chapter 640 of the laws of 1977, is amended to read as
51 follows:

52 § 71-1115. Enforcement of section 15-1525.

53 Any person violating the provisions of section 15-1525 shall be guilty
54 of a violation punishable by a fine of not more than one thousand five
55 hundred dollars, and in addition thereto, shall be liable for a civil

1 penalty of not more than [~~five thousand~~] two thousand two hundred
2 five dollars.

3 § 20. Subdivisions 1 and 2 of section 71-1117 of the environmental
4 conservation law, as amended by chapter 640 of the laws of 1977, are
5 amended to read as follows:

6 1. Any person or public corporation violating subdivision 1 of section
7 15-1745, shall be guilty of a violation punishable by a fine of not more
8 than [~~five thousand~~] seven thousand five hundred dollars.

9 2. In addition, the department may, in an action instituted by it in
10 any court of competent jurisdiction, recover from any such person or
11 public corporation the sum of [~~one hundred fifty~~] two hundred twenty-
12 five dollars per day for each day that such person or public corporation
13 continues to take, draw, divert or make use of any part or portion of
14 such waters.

15 § 21. Section 71-1121 of the environmental conservation law, as
16 amended by chapter 640 of the laws of 1977, is amended to read as
17 follows:

18 § 71-1121. Enforcement of subdivision 2 of section 15-1947.

19 Violation of subdivision 2 of section 15-1947 shall constitute a
20 violation, punishable by a fine of not more than one thousand five
21 hundred dollars, and in addition thereto, a civil penalty of not more
22 than [~~five thousand~~] two thousand two hundred fifty dollars.

23 § 22. Section 71-1123 of the environmental conservation law, as
24 amended by chapter 640 of the laws of 1977, is amended to read as
25 follows:

26 § 71-1123. Enforcement of section 15-2133.

27 1. Any neglect of the provisions of section 15-2133 by any officer or
28 person in charge of any reservoir shall be a violation punishable by a
29 fine of not more than one thousand five hundred dollars, and in addition
30 thereto, by a civil penalty of not more than [~~five thousand~~] two thou-
31 sand two hundred fifty dollars.

32 2. Any person violating the provisions of subdivision 3 of section
33 15-2133 shall be guilty of a violation punishable by a fine of not more
34 than one thousand five hundred dollars, and in addition thereto, shall
35 be liable for a civil penalty of not more than [~~five thousand~~] two
36 thousand two hundred fifty dollars.

37 § 23. Section 71-1125 of the environmental conservation law, as
38 amended by chapter 640 of the laws of 1977, is amended to read as
39 follows:

40 § 71-1125. Enforcement of section 15-2315.

41 Any person who violates the provisions of the first sentence of
42 section 15-2315 shall be guilty of a violation punishable by a fine of
43 not more than one thousand five hundred dollars, and in addition there-
44 to, shall be liable for a civil penalty of not more than [~~five~~
45 ~~hundred~~] two thousand two hundred fifty dollars.

46 § 24. Subdivision 1 of section 71-1127 of the environmental conserva-
47 tion law, as amended by chapter 401 of the laws of 2011, is amended to
48 read as follows:

49 1. Any person who violates any of the provisions of, or who fails to
50 perform any duty imposed by article 15 except section 15-1713, or who
51 violates or who fails to comply with any rule, regulation, determination
52 or order of the department heretofore or hereafter promulgated pursuant
53 to article 15 except section 15-1713, or any condition of a permit
54 issued pursuant to article 15 of this chapter, or any determination or
55 order of the former water resources commission or the department hereto-
56 fore promulgated pursuant to former article 5 of the Conservation Law,

1 shall be liable for a civil penalty of not more than [~~two thousand five~~
2 three thousand seven hundred fifty dollars for such violation and an
3 additional civil penalty of not more than [~~five~~ seven hundred fifty
4 dollars for each day during which such violation continues, and, in
5 addition thereto, such person may be enjoined from continuing such
6 violation as otherwise provided in article 15 except section 15-1713.

7 § 25. Section 71-1131 of the environmental conservation law, as added
8 by chapter 640 of the laws of 1977, is amended to read as follows:

9 § 71-1131. Violations; criminal liability.

10 Except as otherwise specifically provided, any person who violates any
11 of the provisions of article 15 of this chapter, or any rule, regulation
12 or order promulgated pursuant thereto, or the terms of any permit issued
13 thereunder shall be guilty of a violation punishable by a fine of not
14 more than [~~five~~ seven hundred fifty dollars.

15 § 26. Section 71-1203 of the environmental conservation law, as added
16 by chapter 384 of the laws of 1983, is amended to read as follows:

17 § 71-1203. Penalties.

18 Any person who violates the provisions of article twenty-two of this
19 chapter shall be subject to a civil penalty not to exceed [~~ten~~ fifteen
20 thousand dollars for each day during which such violation occurred;
21 provided, however, that the total penalty to be imposed shall not exceed
22 one million five hundred thousand dollars.

23 § 27. Subdivisions 1 and 3 of section 71-1307 of the environmental
24 conservation law, as amended by chapter 99 of the laws of 2010, are
25 amended to read as follows:

26 1. Administrative sanctions. Any person who violates any provision of
27 article 23 of this chapter or commits any offense described in section
28 71-1305 of this title shall be liable to the people of the state for a
29 civil penalty not to exceed [~~eight~~ twelve thousand dollars and an addi-
30 tional penalty of [~~two~~ three thousand dollars for each day during which
31 such violation continues, to be assessed by the commissioner after a
32 hearing or opportunity to be heard. The commissioner, acting by the
33 attorney general, may bring suit for collection of such assessed civil
34 penalty in any court of competent jurisdiction. Such civil penalty may
35 be released or compromised by the commissioner before the matter has
36 been referred to the attorney general; and where such matter has been
37 referred to the attorney general, any such penalty may be released or
38 compromised and any action commenced to recover the same may be settled
39 and discontinued by the attorney general with the consent of the commis-
40 sioner. In addition, the commissioner shall have the power, following a
41 hearing conducted pursuant to rules and regulations adopted by the
42 department, to direct the violator to cease the violation and reclaim
43 and repair the affected site to a condition acceptable to the commis-
44 sioner, to the extent possible within a reasonable time and under the
45 direction and supervision of the commissioner. Any such order of the
46 commissioner shall be enforceable in any action brought by the commis-
47 sioner in any court of competent jurisdiction. Any civil penalty or
48 order issued by the commissioner under this subdivision shall be review-
49 able in a proceeding under article seventy-eight of the civil practice
50 law and rules.

51 3. Criminal sanctions. Any person who, having any of the culpable
52 mental states defined in sections 15.05 and 20.20 of the penal law,
53 violates any provision of article 23 of this chapter or commits any
54 offense described in section 71-1305 of this title shall be guilty of a
55 misdemeanor and, upon conviction thereof, shall be punished by a fine
56 not to exceed one thousand five hundred dollars for each day during

1 which such violation continues or by imprisonment for a term of not more
2 than one year, or by both such fine and imprisonment. If the conviction
3 is for a subsequent offense committed after a first conviction of such
4 person under this subdivision, punishment shall be by a fine not to
5 exceed [~~eight~~] twelve thousand dollars for each day during which such
6 violation continues or by imprisonment for a term of not more than one
7 year, or by both such fine and imprisonment.

8 § 28. Subdivision 1 of section 71-1707 of the environmental conserva-
9 tion law is amended to read as follows:

10 1. Any person who violates, disobeys or disregards any term or
11 provision of this chapter listed in section 71-1701, or of titles 17
12 through 21 inclusive of this article or of any lawful notice, order or
13 regulation pursuant thereto for which a civil penalty is not otherwise
14 expressly prescribed by law, shall be liable to the people of the state
15 for a civil penalty of not to exceed one thousand five hundred dollars
16 for every such violation.

17 § 29. Section 71-1711 of the environmental conservation law is amended
18 to read as follows:

19 § 71-1711. Willful violation of health laws.

20 1. A person who willfully violates or refuses or omits to comply with
21 any lawful order or regulation prescribed by any local board of health
22 or local health officer, is guilty of a misdemeanor; except, however,
23 that where such order or regulation applies to a tenant with respect to
24 [~~his~~] such tenant's own dwelling unit or to an owner occupied one or two
25 family dwelling, such person is guilty of an offense for the first
26 violation punishable by a fine not to exceed [~~fifty~~] seventy-five
27 dollars and for a second or subsequent violation is guilty of a misde-
28 meanor punishable by a fine not to exceed [~~five~~] seven hundred fifty
29 dollars or by imprisonment not to exceed six months or by both such fine
30 and imprisonment.

31 2. A person who willfully violates any provision of this chapter list-
32 ed in section 71-1701, or of titles 17 through 21 inclusive of this
33 article, or any regulation lawfully made or established by any public
34 officer or board under authority of such provisions, the punishment for
35 violating which is not otherwise prescribed by such provisions or any
36 other law, is punishable by imprisonment not exceeding one year, or by a
37 fine not exceeding [~~two~~] three thousand dollars or by both.

38 § 30. Section 71-1725 of the environmental conservation law, as
39 amended by chapter 400 of the laws of 1973, is amended to read as
40 follows:

41 § 71-1725. Assessment of Penalties.

42 The commissioner may assess any penalty prescribed for a violation of
43 or a failure to comply with any provision contained in this title or
44 listed in section 71-1701, or any lawful notice, order or regulation
45 prescribed by the commissioner under any such provision, one thousand
46 five hundred dollars for every such violation or failure, which penalty
47 may be assessed after a hearing or an opportunity to be heard.

48 § 31. Section 71-1905 of the environmental conservation law is amended
49 to read as follows:

50 § 71-1905. Enforcement of section 17-1705.

51 Any person violating any provision of section 17-1705 shall forfeit to
52 the county where the violation occurred the sum of [~~fifty~~] seventy-five
53 dollars for every such violation.

54 § 32. Subdivision 1 of section 71-1907 of the environmental conserva-
55 tion law is amended to read as follows:

1 1. Every person violating any provision of section 17-1707 shall
2 forfeit to the municipality having a local board of health where the
3 violation occurs the sum of [~~twenty-five~~] thirty-seven dollars and fifty
4 cents for the first day when the violation takes place, and the sum of
5 [~~ten~~] fifteen dollars for every subsequent day that such violation is
6 repeated or continued.

7 § 33. Subdivision 2 of section 71-1909 of the environmental conserva-
8 tion law, as amended by section 35 of part C of chapter 62 of the laws
9 of 2003, is amended to read as follows:

10 2. Any person violating any provision of section 17-1709 shall be
11 guilty of a misdemeanor, and punishable by a fine of not more than
12 [~~seven hundred fifty~~] one thousand one hundred twenty-five dollars or by
13 imprisonment for not more than one year or by both such fine and impri-
14 sonment.

15 § 34. Section 71-1911 of the environmental conservation law, as
16 amended by section 36 of part C of chapter 62 of the laws of 2003, is
17 amended to read as follows:

18 § 71-1911. Enforcement of section 17-1711.

19 Any person violating any provision of section 17-1711 shall be guilty
20 of an offense, and punishable by a fine of not more than [~~seventy-five~~]
21 one hundred twelve dollars and fifty cents.

22 § 35. Subdivision 2 of section 71-1913 of the environmental conserva-
23 tion law is amended to read as follows:

24 2. Any person violating any provision of section 17-1713 shall be
25 guilty of a misdemeanor, and punishable by a fine of not more than
26 [~~five~~] seven hundred fifty dollars or by imprisonment for not more than
27 one year or by both such fine and imprisonment.

28 § 36. Subdivision 1 of section 71-1915 of the environmental conserva-
29 tion law is amended to read as follows:

30 1. Any person violating any provision of section 17-1715 shall be
31 guilty of a misdemeanor, and punishable by a fine of not more than
32 [~~five~~] seven hundred fifty dollars or by imprisonment for not more than
33 one year or by both such fine and imprisonment.

34 § 37. Subdivision 1 of section 71-1921 of the environmental conserva-
35 tion law is amended to read as follows:

36 1. Any person putting in or constructing or maintaining a conduit,
37 discharge pipe or other means of discharging or casting any refuse or
38 waste matter in violation of section 17-1729 shall forfeit to the people
39 of the state [~~five~~] seven dollars and fifty cents a day for each day the
40 same is used or maintained for such purpose, to be collected in an
41 action brought by the commissioner.

42 § 38. Subdivision 1 of section 71-1929 of the environmental conserva-
43 tion law, as amended by section 37 of part C of chapter 62 of the laws
44 of 2003, is amended to read as follows:

45 1. A person who violates any of the provisions of, or who fails to
46 perform any duty imposed by titles 1 through 11 inclusive and title 19
47 of article 17, or the rules, regulations, orders or determinations of
48 the commissioner promulgated thereto or the terms of any permit issued
49 thereunder, shall be liable to a penalty of not to exceed [~~thirty-seven~~
50 thousand five hundred] fifty-six thousand two hundred fifty dollars per
51 day for each violation, and, in addition thereto, such person may be
52 enjoined from continuing such violation as hereinafter provided.
53 Violation of a permit condition shall constitute grounds for revocation
54 of such permit, which revocation may be accomplished either as provided
55 in paragraph f of subdivision 4 of section 17-0303 or by order of judg-

1 ment of the supreme court as an alternate or additional civil penalty in
2 an action brought pursuant to subdivision 3 of this section.

3 § 39. Subdivision 1 and subparagraphs i, ii, iii and iv of paragraph b
4 of subdivision 8 of section 71-1933 of the environmental conservation
5 law, subdivision 1 as amended by section 38 and subparagraphs i, ii, iii
6 and iv of paragraph b of subdivision 8 as amended by section 39 of part
7 C of chapter 62 of the laws of 2003, are amended to read as follows:

8 1. Any person who, having any of the culpable mental states defined in
9 section 15.05 of the penal law, shall violate any of the provisions of
10 titles 1 through 5, 9 through 11 and 19 of article 17 or the rules,
11 regulations, orders or determinations of the commissioner promulgated
12 thereto, or the terms of any permit issued thereunder, shall be guilty
13 of a misdemeanor and, upon conviction thereof, shall be punished by a
14 fine of not less than [~~three thousand seven hundred fifty~~] five thousand
15 six hundred twenty-five dollars nor more than [~~thirty-seven thousand~~
16 ~~five hundred~~] fifty-six thousand two hundred fifty dollars per day of
17 violation or by imprisonment for a term of not more than one year, or by
18 both such fine and imprisonment. If the conviction is for an offense
19 committed after a first conviction of such person under this subdivi-
20 sion, punishment shall be by a fine of not more than [~~seventy-five thou-~~
21 ~~sand~~] one hundred twelve thousand five hundred dollars per day of
22 violation, or by imprisonment for not more than two years, or by both.

23 i. [~~\$750,000~~] \$1,125,000 for a class C felony committed by an organ-
24 ization as defined in section 71-1932 of this title;

25 ii. [~~\$375,000~~] \$562,500 for a class C felony;

26 iii. [~~\$75,000~~] \$112,500 per day of continuing violation for a class E
27 felony defined under subdivision four of this section but in no event
28 less than [~~\$7,500~~] \$11,250; and [~~\$15,000~~] \$22,500 for a class E felony
29 defined under subdivision seven of this section;

30 iv. [~~\$37,500~~] \$56,250 per day of continuing violation for a class A
31 misdemeanor but in no event less than [~~\$3,750~~] \$5,625.

32 § 40. Paragraph b of subdivision 3 of section 71-1939 of the environ-
33 mental conservation law, as added by chapter 543 of the laws of 2010, is
34 amended to read as follows:

35 b. All fines and penalties collected pursuant to this subdivision
36 shall be paid to the district or county, provided, however, that one-
37 quarter of such fines and penalties received shall be paid to the
38 [~~general fund to the credit of the state purposes account~~] conservation
39 fund to the credit of the conservation enforcement account established
40 pursuant to subdivision (k) of section eighty-three of the state finance
41 law.

42 § 41. Subdivision 1 of section 71-1941 of the environmental conserva-
43 tion law, as amended by section 40 of part C of chapter 62 of the laws
44 of 2003, is amended to read as follows:

45 1. Except where the owner of or a person in actual or constructive
46 possession or control of more than one thousand one hundred gallons, in
47 bulk, of any liquid including petroleum which, if released, would or
48 would be likely to pollute the lands or waters of the state including
49 the groundwaters thereof can prove that the entry or presence of any
50 part of such liquid onto such lands or into or in such waters causing or
51 contributing to a condition therein in contravention of the standards
52 adopted or deemed adopted by the water pollution control board or any of
53 its legal successors was caused solely by (A) an act of God, (B) an act
54 of war, (C) negligence on the part of the United States or New York
55 State Government or (D) an act or omission of a third party without
56 regard to whether any such act or omission was or was not negligent, or

1 any combination of the foregoing clauses, such owner or person shall be
2 liable for a penalty of not more than [~~three thousand seven hundred~~
3 ~~fifty~~] five thousand six hundred twenty-five dollars for an initial
4 incident resulting in or contributing to such a contravention and for an
5 additional penalty not to exceed [~~seven hundred fifty~~] one thousand one
6 hundred twenty-five dollars for each day during which such contravention
7 or contribution thereto continues, and in addition shall be liable to
8 the people of the state of New York for the actual costs incurred by or
9 on behalf of the people of the state for the removal or neutralization
10 of such liquid and for any and all reasonable measures taken or
11 attempted to reduce, limit or diminish the extent or effect of such
12 contravention.

13 § 42. Section 71-1943 of the environmental conservation law, as
14 amended by section 41 of part C of chapter 62 of the laws of 2003, is
15 amended to read as follows:

16 § 71-1943. Enforcement of section 17-1743.

17 Any person who fails to so notify the department of such release,
18 discharge or spill into the waters of the state as described in section
19 17-1743 of this chapter shall, upon conviction, be fined not more than
20 [~~three thousand seven hundred fifty~~] five thousand six hundred twenty-
21 five dollars or imprisoned for not more than one year, or both.

22 § 43. Section 71-1945 of the environmental conservation law, as added
23 by chapter 205 of the laws of 2010, is amended to read as follows:

24 § 71-1945. Enforcement of title 21 of article 17.

25 1. Except as otherwise provided in this section, any person who
26 violates any provision of title 21 of article 17 of this chapter or any
27 rule, regulation or order issued thereunder shall be liable to the
28 people of the state for a civil penalty not to exceed [~~five~~] seven
29 hundred fifty dollars for a first violation, and not to exceed one thou-
30 sand five hundred dollars for each subsequent violation, to be assessed
31 by the commissioner after a hearing or opportunity to be heard.

32 2. Any owner or owner's agent, or occupant of a household who violates
33 any provision of title 21 of article 17 of this chapter or any rule,
34 regulation or order issued thereunder shall, for a first violation be
35 issued a written warning and be provided educational materials. Upon a
36 second violation, the owner or owner's agent, or occupant of a household
37 shall be liable to the people of the state for a civil penalty not to
38 exceed one hundred fifty dollars, and for any subsequent violations
39 shall be liable to the people of the state for a civil penalty not to
40 exceed [~~two hundred fifty~~] three hundred twenty-five dollars. No owner
41 or owner's agent of a household shall be held liable for any violation
42 by an occupant. Such penalties may be assessed by the commissioner after
43 a hearing or opportunity to be heard.

44 § 44. Subdivision 1 of section 71-2103 of the environmental conserva-
45 tion law, as amended by chapter 99 of the laws of 2010, is amended to
46 read as follows:

47 1. Except as provided in section 71-2113, any person who violates any
48 provision of article nineteen or any code, rule or regulation which was
49 promulgated pursuant thereto; or any order except an order directing
50 such person to pay a penalty by a specified date issued by the commis-
51 sioner pursuant thereto, shall be liable, in the case of a first
52 violation, for a penalty not less than [~~five~~] seven hundred fifty
53 dollars nor more than [~~eighteen~~] twenty-seven thousand dollars for said
54 violation and an additional penalty of not to exceed [~~fifteen thousand~~]
55 twenty thousand five hundred dollars for each day during which such
56 violation continues. In the case of a second or any further violation,

1 the liability shall be for a penalty not to exceed [~~twenty-six~~] thirty-
2 nine thousand dollars for said violation and an additional penalty not
3 to exceed [~~twenty-two thousand five hundred~~] thirty-three thousand seven
4 hundred fifty dollars for each day during which such violation contin-
5 ues. In addition thereto, such person may be enjoined from continuing
6 such violation as hereinafter provided.

7 § 45. Subdivision 1 of section 71-2105 of the environmental conserva-
8 tion law, as amended by chapter 99 of the laws of 2010, is amended to
9 read as follows:

10 1. Except as provided in section 71-2113, any person who shall wilful-
11 ly violate any of the provisions of article 19 or any code, rule or
12 regulation promulgated pursuant thereto or any final determination or
13 order of the commissioner made pursuant to article 19 shall be guilty of
14 a misdemeanor, and, upon conviction thereof, shall be punished by a
15 fine, in the case of a first conviction, of not less than [~~five~~] seven
16 hundred fifty dollars nor more than [~~eighteen~~] twenty-seven thousand
17 dollars or by imprisonment for a term of not more than one year, or by
18 both such fine and imprisonment, for each separate violation. If the
19 conviction is for an offense committed after the first conviction of
20 such person under this subdivision, such person shall be punished by a
21 fine not to exceed [~~twenty-six~~] thirty-nine thousand dollars, or by
22 imprisonment, or by both such fine and imprisonment. Each day on which
23 such violation occurs shall constitute a separate violation.

24 § 46. Section 71-2111 of the environmental conservation law, as added
25 by chapter 400 of the laws of 1973, is amended to read as follows:

26 § 71-2111. Enforcement of air pollution emergency rules and regulations.

27 Any person who violates any of the provisions of any regulation
28 promulgated by the commissioner under authority of paragraph y of subdi-
29 vision one of section 3-0301 shall be liable for a civil penalty of not
30 more than [~~twenty-five~~] three thousand seven hundred fifty dollars for
31 each such violation and an additional penalty of not more than [~~five~~]
32 seven hundred fifty dollars for each day during which such violation
33 continues, and, in addition thereto, such persons may be enjoined from
34 continuing such violation. Penalties and injunctive relief provided
35 herein shall be recoverable in an action brought by the attorney general
36 at the request and in the name of the commissioner.

37 § 47. Section 71-2113 of the environmental conservation law, as added
38 by chapter 942 of the laws of 1984, subdivision 1 as amended by section
39 23 and subdivision 2 as amended by section 24 of part C of chapter 62 of
40 the laws of 2003, is amended to read as follows:

41 § 71-2113. Violations of section 19-0304 of article 19 of this chapter.

42 1. Civil and administrative sanctions. Any person who violates any of
43 the provisions of, or who fails to perform any duty imposed by section
44 19-0304 of this chapter, or any rule or regulation promulgated pursuant
45 thereto, or any term or condition of any certificate or permit issued
46 pursuant thereto, or any final determination or order of the commission-
47 er made pursuant to article 19 of this chapter concerning a violation of
48 section 19-0304 of this chapter shall be liable in the case of a first
49 violation, for a civil penalty not to exceed [~~thirty-seven thousand five~~
50 hundred] fifty-six thousand two hundred fifty dollars and an additional
51 penalty of not more than [~~thirty-seven thousand five hundred~~] fifty-six
52 thousand two hundred fifty dollars for each day during which such
53 violation continues, to be assessed by the commissioner after an oppor-
54 tunity to be heard pursuant to the provisions of section 71-1709 of this
55 article, or by the court in any action or proceeding pursuant to section
56 71-2107 of this title, and, in addition thereto, such person may by

1 similar process be enjoined from continuing such violation and any
2 permit or certificate issued to such person may be revoked or suspended
3 or a pending renewal application denied. In the case of a second and any
4 further violation, the liability shall be for a civil penalty not to
5 exceed [~~seventy-five~~] one hundred twelve thousand five hundred
6 dollars for each such violation and an additional penalty not to exceed seven-
7 ty-five thousand dollars for each day during which such violation
8 continues.

9 2. Criminal sanctions. Any person who, having any of the culpable
10 mental states defined in section 15.05 of the penal law, shall violate
11 any of the provisions of or who fails to perform any duty imposed by
12 section 19-0304 of this chapter, or any rules and regulations promulgat-
13 ed pursuant thereto, or any term or condition of any certificate or
14 permit issued pursuant thereto, or any final determination or order of
15 the commissioner made pursuant to article 19 of this chapter concerning
16 a violation of section 19-0304 of this chapter shall be guilty of a
17 misdemeanor and, upon conviction thereof, shall for a first conviction
18 be punished by a fine not to exceed [~~thirty-seven thousand five hundred~~]
19 fifty-six thousand two hundred fifty dollars per day of violation or by
20 imprisonment for a term of not more than one year, or both such fine and
21 imprisonment. If the conviction is for an offense committed after a
22 first conviction of such person under this subdivision, punishment shall
23 be by a fine not to exceed [~~seventy-five~~] one hundred twelve thousand
24 five hundred dollars per day of violation, or by imprisonment for not
25 more than two years or by both such fine and imprisonment.

26 § 48. Section 71-2201 of the environmental conservation law, as added
27 by chapter 740 of the laws of 1978, the opening paragraph and subdivi-
28 sion 1 as amended and subdivision 3 as added by chapter 901 of the laws
29 of 1983, subdivision 4 as added by chapter 294 of the laws of 1991, is
30 amended to read as follows:

31 § 71-2201. Enforcement of title 23 of article 23 of this chapter.

32 Administrative and civil sanctions. 1. Any person who violates any of
33 the provisions of, or who fails to perform any duty imposed by title 23
34 of article 23 except the duty to accept used oil pursuant to section
35 23-2307 or any person subject to section 23-2308 or any rule or regu-
36 lation promulgated pursuant thereto, or any term or condition of any
37 certificate or permit issued pursuant thereto, or any final determi-
38 nation or order of the commissioner made pursuant to this section shall
39 be liable for a civil penalty not to exceed one thousand five hundred
40 dollars for each such violation and an additional penalty of not more
41 than [~~five~~] seven hundred fifty dollars for each day during which such
42 violation continues, to be assessed by the commissioner after a hearing
43 or opportunity to be heard pursuant to the provisions of section 71-1709
44 of this chapter, and, in addition thereto, such person may by similar
45 process be enjoined from continuing such violation and any permit or
46 certificate issued to such person may be revoked or suspended or a pend-
47 ing renewal application denied.

48 2. Any person who refuses to accept used oil as required pursuant to
49 subdivision two of section 23-2307 shall be liable for a civil penalty
50 not to exceed one hundred fifty dollars.

51 3. Any person who violates any provision of section 23-2308 of this
52 chapter shall be subject to a civil penalty not to exceed [~~two hundred~~]
53 fifty] three hundred seventy-five dollars for each violation.

54 4. Notwithstanding any other provision of law, any person who shall
55 violate the provisions of paragraph [~~(e)~~] c of subdivision one of
56 section 23-2307 or paragraph [~~(d)~~] d of subdivision two of section

1 23-2307 of this chapter shall be liable for a civil penalty of not more
2 than [~~five~~] seven hundred fifty dollars, and an additional civil penalty
3 of not more than [~~five~~] seven hundred fifty dollars for each day during
4 which such violation continues, not to exceed [~~ten~~] fifteen thousand
5 dollars.

6 § 49. Section 71-2303 of the environmental conservation law, as
7 amended by chapter 99 of the laws of 2010, subdivisions 1 and 2 as
8 amended by section 15 of part QQ of chapter 58 of the laws of 2022, is
9 amended to read as follows:

10 § 71-2303. Violation; penalties.

11 1. Civil sanctions. a. Any person who violates, disobeys or disregards
12 any provision of article twenty-four, including title five and section
13 24-0507 thereof or any rule or regulation, local law or ordinance,
14 permit or order issued pursuant thereto, shall be liable to the people
15 of the state for a civil penalty of not to exceed [~~eleven~~] sixteen thou-
16 sand five hundred dollars for every such violation, to be assessed,
17 after a hearing or opportunity to be heard upon due notice and with the
18 rights to specification of the charges and representation by counsel at
19 such hearing, by the commissioner or local government or in an action
20 initiated by the attorney general pursuant to section 71-2305 of this
21 title or on the attorney general's own initiative. Each violation shall
22 be a separate and distinct violation and, in the case of a continuing
23 violation, each day's continuance thereof shall be deemed a separate and
24 distinct violation. Such penalty assessed by the commissioner or local
25 government may be recovered in an action brought by the attorney general
26 at the request and in the name of the commissioner or local government
27 in any court of competent jurisdiction. Such civil penalty may be
28 released or compromised by the commissioner or local government before
29 the matter has been referred to the attorney general; and where such
30 matter has been referred to the attorney general, any such penalty may
31 be released or compromised and any action commenced to recover the same
32 may be settled and discontinued by the attorney general with the consent
33 of the commissioner or local government. In addition, the commissioner
34 or local government shall have power, following a hearing held in
35 conformance with the procedures set forth in section 71-1709 of this
36 article, to direct the violator to cease violating the act and to
37 restore the affected freshwater wetland to its condition prior to the
38 violation, insofar as that is possible within a reasonable time and
39 under the supervision of the commissioner or local government. Any such
40 order of the commissioner or local government shall be enforceable in an
41 action brought by the attorney general at the request and in the name of
42 the commissioner or local government in any court of competent jurisdic-
43 tion. Any civil penalty or order issued by the commissioner or local
44 government pursuant to this subdivision shall be reviewable in a
45 proceeding pursuant to article seventy-eight of the civil practice law
46 and rules.

47 b. Upon determining that significant damage to the functions and bene-
48 fits of a freshwater wetland is occurring or is imminent as a result of
49 any violation of article twenty-four of this chapter, including but not
50 limited to (i) activity taking place requiring a permit under article
51 twenty-four of this chapter but for which no permit has been granted or
52 (ii) failure on the part of a permittee to adhere to permit conditions,
53 the commissioner or local government shall have power to direct the
54 violator to cease and desist from violating the act. In such cases the
55 violator shall be provided an opportunity to be heard within ten days of
56 receipt of the notice to cease and desist.

1 2. Criminal sanctions. Any person who violates any provision of arti-
2 cle twenty-four of this chapter, including any rule or regulation, local
3 law or ordinance, permit or order issued pursuant thereto, shall, in
4 addition, for the first offense, be guilty of a violation punishable by
5 a fine of not less than [~~two~~] three thousand nor more than [~~five~~] seven
6 thousand five hundred dollars; for a second and each subsequent offense
7 [~~he~~] such person shall be guilty of a misdemeanor punishable by a fine
8 of not less than [~~four~~] six thousand nor more than [~~ten~~] fifteen thou-
9 sand dollars or a term of imprisonment of not less than fifteen days nor
10 more than six months or both. In addition to these punishments, any
11 offender may be punishable by being ordered by the court to restore the
12 affected freshwater wetland or adjacent area to its condition prior to
13 the offense, insofar as that is possible. The court shall specify a
14 reasonable time for the completion of such restoration, which shall be
15 effected under the supervision of the commissioner or local government.
16 Each offense shall be a separate and distinct offense and, in the case
17 of a continuing offense, each day's continuance thereof shall be deemed
18 a separate and distinct offense.

19 3. All fines collected pursuant to this section shall be paid into the
20 environmental protection fund established pursuant to section ninety-
21 two-s of the state finance law.

22 § 50. Paragraph a of subdivision 1 and subdivision 2 of section
23 71-2503 of the environmental conservation law, as amended by chapter 666
24 of the laws of 1989, are amended to read as follows:

25 a. Any person who violates, disobeys or disregards any provision of
26 article twenty-five shall be liable to the people of the state for a
27 civil penalty of not to exceed [~~ten~~] fifteen thousand dollars for every
28 such violation, to be assessed, after a hearing or opportunity to be
29 heard, by the commissioner. Each violation shall be a separate and
30 distinct violation and, in the case of a continuing violation, each
31 day's continuance thereof shall be deemed a separate and distinct
32 violation. The penalty may be recovered in an action brought by the
33 commissioner in any court of competent jurisdiction. Such civil penalty
34 may be released or compromised by the commissioner before the matter has
35 been referred to the attorney general; and where such matter has been
36 referred to the attorney general, any such penalty may be released or
37 compromised and any action commenced to recover the same may be settled
38 and discontinued by the attorney general with the consent of the commis-
39 sioner.

40 2. Criminal sanctions. Any person who violates any provision of arti-
41 cle twenty-five shall, in addition, for the first offense, be guilty of
42 a violation punishable by a fine of not less than [~~five~~] seven hundred
43 fifty nor more than [~~five~~] seven thousand five hundred dollars; for a
44 second and each subsequent offense such person shall be guilty of a
45 misdemeanor punishable by a fine of not less than one thousand five
46 hundred nor more than [~~ten~~] fifteen thousand dollars or a term of impri-
47 sonment of not less than fifteen days nor more than six months or both.
48 In addition to or instead of these punishments, any offender shall be
49 punishable by being ordered by the court to restore the affected tidal
50 wetland or area immediately adjacent thereto to its condition prior to
51 the offense, insofar as that is possible. The court shall specify a
52 reasonable time for the completion of the restoration, which shall be
53 effected under the supervision of the commissioner. Each offense shall
54 be a separate and distinct offense and, in the case of a continuing
55 offense, each day's continuance thereof shall be deemed a separate and
56 distinct offense.

1 § 51. Section 71-2505 of the environmental conservation law, as
2 amended by chapter 249 of the laws of 1997, is amended to read as
3 follows:

4 § 71-2505. Enforcement.

5 The attorney general, on [~~his~~] their own initiative or at the request
6 of the commissioner, shall prosecute persons who violate article twen-
7 ty-five. In addition the attorney general, on [~~his~~] their own initi-
8 ative or at the request of the commissioner, shall have the right to
9 recover a civil penalty of up to [~~ten~~] fifteen thousand dollars for
10 every violation of any provision of such article, and to seek equitable
11 relief to restrain any violation or threatened violation of such article
12 and to require the restoration of any affected tidal wetland or area
13 immediately adjacent thereto to its condition prior to the violation,
14 insofar as that is possible, within a reasonable time and under the
15 supervision of the commissioner. In the case of a continuing violation,
16 each day's continuance thereof shall be deemed a separate and distinct
17 violation.

18 § 52. Subdivisions 1, 2 and 3 of section 71-2703 of the environmental
19 conservation law, subdivisions 1 and 2 as amended by chapter 508 of the
20 laws of 1995, paragraph a of subdivision 1 as amended by section 25,
21 subparagraphs i and ii of paragraph b of subdivision 1 as amended by
22 section 26, paragraph a and subparagraphs i and ii of paragraph b of
23 subdivision 2 as amended by section 27, subparagraphs i and ii of para-
24 graph c of subdivision 2 as amended by section 28 and subdivision 3 as
25 amended by section 29 of part C of chapter 62 of the laws of 2003, are
26 amended to read as follows:

27 1. Civil and administrative sanctions. a. Any person who violates any
28 of the provisions of, or who fails to perform any duty imposed by title
29 3 or 7 of article 27 of this chapter or any rule or regulation promul-
30 gated pursuant thereto, or any term or condition of any certificate or
31 permit issued pursuant thereto, or any final determination or order of
32 the commissioner made pursuant to this title shall be liable for a civil
33 penalty not to exceed [~~seven thousand five hundred~~] eleven thousand two
34 hundred fifty dollars for each such violation and an additional penalty
35 of not more than [~~one thousand five hundred~~] two thousand two hundred
36 fifty dollars for each day during which such violation continues, to be
37 assessed by the commissioner after an opportunity to be heard pursuant
38 to the provisions of section 71-1709 of this article, or by the court in
39 any action or proceeding pursuant to section 71-2727 of this title, and,
40 in addition thereto, such person may by similar process be enjoined from
41 continuing such violation and any permit or certificate issued to such
42 person may be revoked or suspended or a pending renewal application
43 denied.

44 b. i. Any person who violates any of the provisions of, or who fails
45 to perform any duty imposed by, title 3 or 7 of article 27 of this chap-
46 ter, or any rule or regulation promulgated pursuant thereto, or any term
47 or condition of any certificate or permit issued pursuant thereto and
48 thereby causes the release of solid waste into the environment, shall be
49 liable for a civil penalty not to exceed [~~eleven thousand two hundred~~
50 ~~fifty~~] sixteen thousand eight hundred seventy-five dollars for each such
51 violation and an additional penalty of not more than [~~eleven thousand~~
52 ~~two hundred fifty~~] sixteen thousand eight hundred seventy-five dollars
53 for each day during which such violation continues, to be assessed by
54 the commissioner after an opportunity to be heard pursuant to the
55 provisions of section 71-1709 of this article, or by the court in any
56 action or proceeding pursuant to section 71-2727 of this title, and, in

1 addition thereto, such person may by similar process be enjoined from
2 continuing such violation and any permit or certificate issued to such
3 person may be revoked or suspended or a pending renewal application
4 denied.

5 ii. Any person who violates any of the provisions of, or who fails to
6 perform any duty imposed by, title 3 or 7 of article 27 of this chapter,
7 or any rule or regulation promulgated pursuant thereto, or any term or
8 condition of any certificate or permit issued pursuant thereto and
9 thereby causes the release of more than ten cubic yards of solid waste
10 into the environment, shall be liable for a civil penalty not to exceed
11 [~~twenty-two thousand five hundred~~] thirty-three thousand seven hundred
12 fifty dollars for each such violation and an additional penalty of not
13 more than [~~twenty-two thousand five hundred~~] thirty-three thousand seven
14 hundred fifty dollars for each day during which such violation contin-
15 ues, to be assessed by the commissioner after an opportunity to be heard
16 pursuant to the provisions of section 71-1709 of this article, or by the
17 court in any action or proceeding pursuant to section 71-2727 of this
18 title, and, in addition thereto, such person may by similar process be
19 enjoined from continuing such violation and any permit or certificate
20 issued to such person may be revoked or suspended or a pending renewal
21 application denied.

22 c. The court in any action or proceeding pursuant to section 71-2727
23 of this chapter may exercise all powers exercisable by the commissioner.

24 2. Criminal sanctions. a. Any person who, having any of the culpable
25 mental states defined in section 15.05 of the penal law, shall violate
26 any of the provisions of or who fails to perform any duty imposed by
27 title 3 or 7 of article 27 of this chapter, or any rules and regulations
28 promulgated pursuant thereto, or any final determination or order of the
29 commissioner made pursuant to this title shall be guilty of a violation
30 and, upon conviction thereof, shall be punished by a fine of not less
31 than [~~one thousand five hundred~~] two thousand two hundred fifty dollars
32 nor more than [~~fifteen~~] twenty-two thousand five hundred dollars per day
33 of violation or by imprisonment for not more than fifteen days or by
34 both such fine and imprisonment.

35 b. i. Any person who shall violate paragraph a of this subdivision and
36 thereby causes or attempts to cause the release of more than ten cubic
37 yards of solid waste into the environment shall be guilty of a class B
38 misdemeanor and, upon conviction thereof, shall be punished by a fine of
39 not less than [~~three thousand seven hundred fifty~~] five thousand six
40 hundred twenty-five dollars per day nor more than [~~twenty-two thousand~~
41 ~~five hundred~~] thirty-three thousand seven hundred fifty dollars per day
42 of violation, or by imprisonment for a term in accordance with the penal
43 law, or by both such fine and imprisonment.

44 ii. Any person who shall violate paragraph a of this subdivision and
45 thereby causes or attempts to cause the release of more than ten cubic
46 yards of solid waste into the environment, after having been convicted
47 of a violation of this subdivision within the preceding five years,
48 shall be guilty of a class A misdemeanor and, upon conviction thereof,
49 shall be punished by a fine of not less than [~~three thousand seven~~
50 ~~hundred fifty~~] five thousand six hundred twenty-five dollars per day nor
51 more than [~~thirty seven thousand five hundred~~] fifty-six thousand two
52 hundred fifty dollars per day of violation, or by imprisonment for a
53 term in accordance with the penal law, or by both such fine and impri-
54 sonment.

55 c. i. Any person who shall violate paragraph a of this subdivision and
56 thereby causes or attempts to cause the release of more than seventy

1 cubic yards of solid waste into the environment shall be guilty of a
2 class A misdemeanor and, upon conviction thereof, shall be punished by a
3 fine of not less than [~~three thousand seven hundred fifty~~] five thousand
4 six hundred twenty-five dollars per day nor more than [~~thirty-seven~~
5 ~~thousand five hundred~~] fifty-six thousand two hundred fifty dollars per
6 day of violation, or by imprisonment for a term in accordance with the
7 penal law, or by both such fine and imprisonment.

8 ii. Any person who shall violate paragraph a of this subdivision and
9 thereby causes or attempts to cause the release of more than seventy
10 cubic yards of solid waste into the environment, after having been
11 convicted of a violation of this subdivision within the preceding five
12 years, shall be guilty of a class E felony and, upon conviction thereof,
13 shall be punished by a fine of not less than [~~seven thousand five~~
14 ~~hundred~~] eleven thousand two hundred fifty dollars per day nor more than
15 [~~seventy-five~~] one hundred twelve thousand five hundred dollars per day
16 of violation, or by imprisonment for a term in accordance with the penal
17 law, or by both such fine and imprisonment.

18 3. Additional sanctions. Any person who violates any of the provisions
19 of, or who fails to perform any duty imposed by title 7 of article 27,
20 with regard to the construction and operation of facilities for the
21 disposal of construction and demolition debris or any rule or regulation
22 promulgated pursuant thereto, or any term or condition of any certifi-
23 cate or permit issued pursuant thereto or any final determination or
24 order of the commissioner made pursuant to this title shall be liable
25 for a civil penalty not to exceed [~~fifteen~~] twenty-two thousand five
26 hundred dollars and each day of such deposition shall constitute a sepa-
27 rate violation and said civil penalty is in addition to any other fines
28 or penalties which may be applied pursuant to this title.

29 § 53. Section 71-2705 of the environmental conservation law, as added
30 by chapter 550 of the laws of 1980, subdivision 1 as amended by section
31 30 and subdivision 2 as amended by section 31 of part C of chapter 62 of
32 the laws of 2003, is amended to read as follows:

33 § 71-2705. Violations of titles 9, 11 and 13 of article 27 of this chap-
34 ter.

35 1. Civil and administrative sanctions. Any person who violates any of
36 the provisions of, or who fails to perform any duty imposed by titles 9,
37 11 and 13 of article 27 or any rule or regulation promulgated pursuant
38 thereto, or any term or condition of any certificate or permit issued
39 pursuant thereto, or any final determination or order of the commission-
40 er made pursuant to this title shall be liable in the case of a first
41 violation, for a civil penalty not to exceed [~~thirty-seven thousand five~~
42 ~~hundred~~] fifty-six thousand two hundred fifty dollars and an additional
43 penalty of not more than [~~thirty-seven thousand five hundred~~] fifty-six
44 thousand two hundred fifty dollars for each day during which such
45 violation continues, to be assessed by the commissioner after an oppor-
46 tunity to be heard pursuant to the provisions of section 71-1709 of this
47 article, or by the court in any action or proceeding pursuant to section
48 71-2727 of this title, and, in addition thereto, such person may by
49 similar process be enjoined from continuing such violation and any
50 permit or certificate issued to such person may be revoked or suspended
51 or a pending renewal application denied. In the case of a second and any
52 further violation, the liability shall be for a civil penalty not to
53 exceed [~~seventy-five~~] one hundred twelve thousand five hundred dollars
54 for each such violation and an additional penalty not to exceed [~~seven-~~
55 ~~ty-five~~] one hundred twelve thousand five hundred dollars for each day
56 during which such violation continues.

1 2. Criminal sanctions. Any person who, having any of the culpable
2 mental states defined in section 15.05 of the penal law, shall violate
3 any of the provisions of or who fails to perform any duty imposed by
4 titles 9, 11 and 13 of article 27 or any rules and regulations promul-
5 gated pursuant thereto, or any term or condition of any certificate or
6 permit issued pursuant thereto, or any final determination or order of
7 the commissioner made pursuant to this title shall be guilty of a misde-
8 meanor and, upon conviction thereof, shall for a first conviction be
9 punished by a fine not to exceed [~~thirty-seven thousand five hundred~~
10 fifty-six thousand two hundred fifty dollars per day of violation or by
11 imprisonment for a term of not more than one year, or both such fine and
12 imprisonment. If the conviction is for an offense committed after a
13 first conviction of such person under this subdivision, punishment shall
14 be by a fine not to exceed [~~seventy-five~~ one hundred twelve thousand
15 five hundred dollars per day of violation, or by imprisonment for not
16 more than two years or by both such fine and imprisonment.

17 § 54. Subdivision 2 of section 71-2721 of the environmental conserva-
18 tion law, as amended by section 32 of part C of chapter 62 of the laws
19 of 2003, is amended to read as follows:

20 2. Fines. A sentence to pay a fine shall be a sentence to pay an
21 amount fixed by the court, not exceeding the higher of:

22 (a) [~~Three~~ Four hundred fifty thousand dollars for a class C felony;

23 (b) [~~Two hundred twenty-five thousand~~ Three hundred thirty-seven
24 thousand five hundred dollars for a class D felony;

25 (c) [~~One hundred fifty thousand~~ Two hundred twenty-two thousand five
26 hundred dollars for a class E felony;

27 (d) [~~Thirty-seven thousand five hundred~~ Fifty-six thousand two
28 hundred fifty dollars for a class A misdemeanor;

29 (e) [~~Fifteen~~ Two hundred twenty-five thousand dollars for a class B
30 misdemeanor; or

31 (f) Double the amount of the defendant's gain from the commission of
32 the crime.

33 § 55. Subdivisions 1, 2 and 5 of section 71-2722 of the environmental
34 conservation law, subdivision 1 as amended by section 33 and subdivision
35 2 as amended by section 34 of part C of chapter 62 of the laws of 2003,
36 and subdivision 5 as added by chapter 152 of the laws of 1990, are
37 amended to read as follows:

38 1. Any person who knowingly or intentionally violates any of the
39 provisions or fails to perform any duty imposed by section 27-1701 of
40 this chapter, except the duty to accept a lead-acid battery pursuant to
41 subdivision four of such section, shall be liable for a civil penalty
42 not to exceed [~~seventy-five~~ one hundred twelve dollars and fifty cents
43 for each violation, provided that such civil penalty shall be in addi-
44 tion to any other penalties authorized under other state or local laws
45 governing the illegal disposal of lead-acid batteries.

46 2. Any retailer or distributor who refuses to accept a lead-acid
47 battery as required pursuant to subdivision four of section 27-1701 of
48 this chapter shall be liable for a civil penalty not to exceed [~~seven~~
49 hundred fifty] one thousand one hundred twenty-five dollars.

50 5. All civil penalties and fines collected for any violation of such
51 title seventeen shall be paid over to the commissioner for deposit in
52 the [~~general fund~~ conservation fund to the credit of the conservation
53 enforcement account established pursuant to subdivision (k) of section
54 eighty-three of the state finance law; provided however, that all civil
55 penalties collected for any violation of such title seventeen which have
56 been imposed by the environmental control board of the city of New York,

1 or a local adjudicatory body pursuant to subdivision four of this
2 section, shall be paid into an environmental fund of such city or local-
3 ity.

4 § 56. Subdivisions 1 and 2 of section 71-2724 of the environmental
5 conservation law, as amended by chapter 30 of the laws of 2020, are
6 amended to read as follows:

7 1. Any person who knowingly or intentionally violates any provision of
8 or fails to perform any duty pursuant to title twenty-one of article
9 twenty-seven of this chapter, except subdivision one of section 27-2105
10 of this chapter, shall upon the first finding of such a violation be
11 liable for a civil penalty not to exceed one hundred fifty dollars. Any
12 person convicted of a second or subsequent violation shall be liable for
13 a civil penalty not to exceed [~~five~~] seven hundred fifty dollars for
14 each violation.

15 2. Any person who knowingly or intentionally violates or fails to
16 perform any duty imposed by subdivision one of section 27-2105 of this
17 chapter shall upon the first finding of such a violation be provided
18 with educational materials describing the requirements for mercury
19 disposal and the effects of improper mercury disposal, and be warned
20 that future violations shall result in the imposition of a fine. Any
21 person convicted of a second violation shall be liable for a civil
22 penalty not to exceed [~~fifty~~] seventy-five dollars. Any person convicted
23 of a third violation shall be liable for a civil penalty not to exceed
24 [~~seventy-five~~] one hundred twelve dollars and fifty cents. Any person
25 convicted of a fourth or subsequent violation shall be liable for a
26 civil penalty not to exceed one hundred dollars for each violation.

27 § 57. Subdivision 1 of section 71-2728 of the environmental conserva-
28 tion law, as added by chapter 641 of the laws of 2008, is amended to
29 read as follows:

30 1. Any person who knowingly or intentionally violates any provision of
31 or fails to perform any duty imposed pursuant to title 27 of article 27
32 of this chapter shall upon the first finding of such a violation be
33 provided with a warning that future violations shall result in the impo-
34 sition of a fine. Any person convicted of a second violation shall be
35 liable for a civil penalty not to exceed one hundred fifty dollars. Any
36 person convicted of a third or subsequent violation shall be liable for
37 a civil penalty not to exceed [~~five~~] seven hundred fifty dollars.

38 § 58. Section 71-2729 of the environmental conservation law, as added
39 by chapter 99 of the laws of 2010, is amended to read as follows:

40 § 71-2729. Enforcement of title 26 of article 27 of this chapter.

41 1. a. Any consumer, as defined in title twenty-six of article twenty-
42 seven of this chapter, who violates any provision of, or fails to
43 perform any duty imposed by, section 27-2611 of this chapter, shall be
44 liable for a civil penalty not to exceed one hundred fifty dollars for
45 each violation.

46 b. Any person, except a consumer, manufacturer, or an owner or opera-
47 tor of an electronic waste collection site, electronic waste consol-
48 idation facility, or electronic waste recycling facility as these terms
49 are defined in title twenty-six of article twenty-seven of this chapter,
50 who violates any provision, or fails to perform any duty imposed by
51 section 27-2611 of this chapter, shall be liable for a civil penalty not
52 to exceed [~~two hundred fifty~~] three hundred seventy-five dollars for
53 each violation.

54 c. Any manufacturer, or any person operating an electronic waste
55 collection site, an electronic waste consolidation facility, or an elec-

1 tronic waste recycling facility as those terms are defined in title
2 twenty-six of article twenty-seven of this chapter, who:

3 i. fails to submit any report, registration, fee, or surcharge to the
4 department as required by title twenty-six of article twenty-seven of
5 this chapter shall be liable for a civil penalty not to exceed one thou-
6 sand five hundred dollars for each day such report, registration, fee,
7 or surcharge is not submitted; and

8 ii. violates any other provision of title twenty-six of article twen-
9 ty-seven of this chapter or fails to perform any duty imposed by such
10 title, except for subdivision four of section 27-2603 of this chapter,
11 shall be liable for a civil penalty for each violation not to exceed one
12 thousand five hundred dollars for the first violation, [~~two thousand~~
13 ~~five hundred~~] three thousand seven hundred fifty dollars for the second
14 violation and [~~five~~] seven thousand five hundred dollars for the third
15 and subsequent violations of this title within a twelve-month period.

16 d. Any retailer, as defined by section 27-2601 of this chapter, who
17 violates any provision of title twenty-six of article twenty-seven of
18 this chapter or fails to perform any duty imposed by such title, shall
19 be liable for a civil penalty for each violation not to exceed [~~two~~
20 ~~hundred—fifty~~] three hundred seventy-five dollars for the first
21 violation, [~~five~~] seven hundred fifty dollars for the second violation
22 and one thousand five hundred dollars for the third and subsequent
23 violations of this title in a twelve-month period.

24 e. Civil penalties under this section shall be assessed by the commis-
25 sioner after a hearing or opportunity to be heard pursuant to the
26 provisions of section 71-1709 of this article, or by the court in any
27 action or proceeding pursuant to this section, and, in addition thereto,
28 such person may by similar process be enjoined from continuing such
29 violation.

30 2. All penalties collected pursuant to this section shall be paid over
31 to the commissioner for deposit to the environmental protection fund
32 established pursuant to section ninety-two-s of the state finance law.

33 § 59. Subdivisions 1 and 3 of section 71-2907 of the environmental
34 conservation law, as amended by chapter 285 of the laws of 2000, are
35 amended to read as follows:

36 1. Administrative sanctions. Except as otherwise provided in this
37 subdivision, any person who violates any provision of article 33 of this
38 chapter or any rule, regulation or order issued thereunder or commits
39 any offense described in section 33-1301 of this chapter shall be liable
40 to the people of the state for a civil penalty not to exceed [~~five~~]
41 seven thousand five hundred dollars for a first violation, and not to
42 exceed [~~ten~~] fifteen thousand dollars for a subsequent offense, to be
43 assessed by the commissioner after a hearing or opportunity to be heard.
44 Notwithstanding any provision of law to the contrary, an owner or
45 owner's agent of a multiple dwelling or owner, owner's agent or a person
46 in a position of authority for all other types of premises, as such
47 terms are defined in paragraph d of subdivision five of section 33-0905
48 of this chapter, who violates any provision of a local law adopted
49 pursuant to subdivision one of section 33-1004 of this chapter relating
50 to paragraph b of such subdivision, and a person, who violates any
51 provision of a local law adopted pursuant to subdivision one of section
52 33-1004 of this chapter relating to paragraph c of such subdivision, and
53 a person who violates the provisions of subdivision three of section
54 three hundred ninety-c of the social services law shall, for a first
55 such violation, in lieu of a penalty, be issued a written warning and
56 shall also be issued educational materials pursuant to subdivision two

1 of section 33-1005 of this chapter. Such person shall, however, for a
2 second violation, be liable to the people of the state for a civil
3 penalty not to exceed one hundred ~~fifty~~ dollars, and not to exceed [~~two~~
4 ~~hundred—fifty~~] three hundred seventy-five dollars for any subsequent
5 violation, such penalties to be assessed by the commissioner after a
6 hearing or opportunity to be heard.

7 Notwithstanding any provision of law to the contrary, any person who
8 violates the provisions of a local law adopted pursuant to subdivision
9 one of section 33-1004 of this chapter relating to paragraph a of such
10 subdivision, shall be issued a warning for the first violation and shall
11 be provided seven days to correct such violation; and shall be liable to
12 the people of the state for a civil penalty not to exceed one hundred
13 fifty dollars for a second violation, and not to exceed [~~two hundred~~
14 ~~fifty~~] three hundred seventy-five dollars for a subsequent violation, to
15 be assessed by the commissioner after a hearing or opportunity to be
16 heard. The commissioner, acting by the attorney general, may bring suit
17 for collection of such assessed civil penalty in any court of competent
18 jurisdiction. Such civil penalty may be released or compromised by the
19 commissioner before the matter has been referred to the attorney gener-
20 al; and where such matter has been referred to the attorney general, any
21 such penalty may be released or compromised and any action commenced to
22 recover the same may be settled and discontinued by the attorney general
23 with the consent of the commissioner. Any civil penalty assessed by the
24 commissioner under this subdivision shall be reviewable in a proceeding
25 under article 78 of the civil practice law and rules.

26 3. Criminal sanctions. Any person who, having the culpable mental
27 states defined in subdivision one or two of section 15.05 or in section
28 20.20 of the penal law, violates any provision of article 33 of this
29 chapter or any rule, regulation thereunder or commits any offense
30 described in section 33-1301 of this chapter, except an offense relating
31 to the application of a general use pesticide shall be guilty of a
32 misdemeanor and, upon conviction thereof, shall be punished by a fine
33 not to exceed [~~five~~] seven thousand five hundred dollars for each day
34 during which such violation continues or by imprisonment for a term of
35 not more than one year, or by both such fine and imprisonment. If the
36 conviction is for a subsequent offense committed after a first
37 conviction of such person under this subdivision, punishment shall be by
38 a fine not to exceed [~~ten~~] fifteen thousand dollars for each day during
39 which such violation continues or by imprisonment for a term of not more
40 than one year, or by both such fine and imprisonment. When a violation
41 consists of the manufacture or production of any prohibited article,
42 each day during which or any part of which such manufacture or
43 production is carried on or continued, shall be deemed a separate
44 violation. Any person who violates any provision of article 33 of this
45 chapter or any rule or regulation thereunder or commits any offense
46 described in section 33-1301 of this chapter relating to the use of a
47 general use pesticide shall be guilty of a violation and, upon
48 conviction thereof, shall be punished by a fine not to exceed [~~twenty-~~
49 ~~five hundred~~] three thousand seven hundred fifty dollars. If the
50 conviction is for a subsequent offense committed after the first such
51 conviction of such person under this subdivision, punishment shall be by
52 a fine not to exceed [~~five~~] seven thousand five hundred dollars. Prose-
53 cution hereunder may be conducted by either the attorney general or the
54 district attorney consistent with section 71-0403 of this article. With
55 respect to violations of section 33-1004 of this chapter, penalties

1 imposed pursuant to this subdivision may be assessed only against a
2 person providing a commercial lawn application.

3 § 60. Section 71-3103 of the environmental conservation law is amended
4 to read as follows:

5 § 71-3103. Enforcement of article 35.

6 Any person who violates any of the provisions of, or who fails to
7 perform any duties imposed by article 35 or any regulation promulgated
8 by the commissioner thereunder, shall be liable to a civil penalty of
9 not more than [~~twenty-five hundred~~] three thousand seven hundred fifty
10 dollars for each such violation and an additional penalty of not more
11 than [~~five~~] seven hundred fifty dollars for each day during which such
12 violation continues, and, in addition thereto, such person may be
13 enjoined from continuing such violation. Penalties and injunctive relief
14 provided herein shall be recoverable in an action brought by the Attor-
15 ney General at the request and in the name of the commissioner.

16 § 61. Subdivision 1 of section 71-3303 of the environmental conserva-
17 tion law, as added by chapter 617 of the laws of 1987, is amended to
18 read as follows:

19 1. Any person who violates any provision of, or fails to perform any
20 duty imposed by article forty-three of this chapter or any rule or regu-
21 lation promulgated pursuant thereto, or any term or condition of any
22 certificate or permit issued pursuant thereto, or any final determi-
23 nation or order of the Lake George park commission made pursuant to
24 article forty-three of this chapter shall be liable for a civil penalty
25 not to exceed [~~five~~] seven hundred fifty dollars for each such violation
26 and an additional penalty of [~~five~~] seven hundred fifty dollars for each
27 day during which such violation continues, to be assessed by the Lake
28 George park commission after an opportunity to be heard, or by the court
29 in any action or proceeding initiated by the attorney general in the
30 name of the Lake George park commission. In addition thereto, such
31 person may, by similar process, be enjoined from continuing such
32 violation, and any permit or certificate issued to such person may be
33 revoked or suspended, or a pending renewal application denied based upon
34 such violation.

35 § 62. Section 71-3307 of the environmental conservation law, as added
36 by chapter 617 of the laws of 1987, is amended to read as follows:

37 § 71-3307. Criminal sanctions.

38 Any person who, having any of the culpable mental states defined in
39 section 15.05 of the penal law, shall violate any of the provisions of
40 or who fails to perform any duty imposed by article forty-three of this
41 chapter or any rules or regulations promulgated thereto, or any final
42 determination or order of the Lake George park commission shall be guil-
43 ty of a violation, and, upon conviction thereof, shall be punished by a
44 fine not to exceed [~~five~~] seven hundred fifty dollars for each violation
45 and [~~five~~] seven hundred fifty dollars for each day such violation shall
46 continue.

47 § 63. Section 71-3501 of the environmental conservation law is amended
48 to read as follows:

49 § 71-3501. Putting noisome or unwholesome substances or maintaining
50 noisome business on or near highway.

51 A person, who deposits, leaves or keeps, on or near a highway or route
52 of public travel, either on the land or on the water, any noisome or
53 unwholesome substance, or establishes, maintains or carries on, upon or
54 near a public highway or route of public travel, either on the land or
55 on the water, any business, trade or manufacture which is noisome or
56 detrimental to public health, is guilty of a misdemeanor, punishable by

1 a fine of not less than one hundred fifty dollars, or by imprisonment
2 not less than three nor more than six months, or both.

3 § 64. Section 71-3703 of the environmental conservation law, as
4 amended by chapter 259 of the laws of 2011, subdivision 4 as amended by
5 chapter 44 of the laws of 2020, subdivision 5 as added by chapter 829 of
6 the laws of 2021, subdivision 6 as added by chapter 111 of the laws of
7 2023, and subdivision 7 as added by chapter 107 of the laws of 2024, is
8 amended to read as follows:

9 § 71-3703. Enforcement of article 37.

10 1. Any person who violates any of the provisions of, or who fails to
11 perform any duty imposed by section 37-0107 or any rule or regulation
12 promulgated pursuant hereto, shall be liable for a civil penalty not to
13 exceed [~~two thousand five hundred~~] three thousand seven hundred fifty
14 dollars for each such violation and an additional penalty of not more
15 than [~~five~~] seven hundred fifty dollars for each day during which such
16 violation continues, and, in addition thereto, such person may be
17 enjoined from continuing such violation.

18 2. Any person who violates any of the provisions of, or who fails to
19 perform any duty imposed by section 37-0505 or any rule or regulation
20 promulgated pursuant hereto, shall be liable for a civil penalty not to
21 exceed one thousand five hundred dollars for each day during which such
22 violation continues, and in addition thereto, such person may be
23 enjoined from continuing such violation. Such person shall for a second
24 violation be liable to the people of the state for a civil penalty not
25 to exceed [~~two thousand five hundred~~] three thousand seven hundred fifty
26 dollars for each day during which such violation continues.

27 3. Any person who violates any of the provisions of, or who fails to
28 perform any duty imposed by section 37-0705 or any rule or regulation
29 promulgated pursuant hereto, shall be liable for a civil penalty not to
30 exceed one thousand five hundred dollars for each day during which such
31 violation continues, and in addition thereto, such person may be
32 enjoined from continuing such violation. Such person shall for a second
33 violation be liable to the people of the state for a civil penalty not
34 to exceed [~~two thousand five hundred~~] three thousand seven hundred fifty
35 dollars for each day during which such violation continues.

36 4. Any person who violates any of the provisions of, or who fails to
37 perform any duty imposed by section 37-0117 or any rule or regulation
38 promulgated pursuant hereto, shall be liable for a civil penalty not to
39 exceed one thousand five hundred dollars for each day during which such
40 violation continues, and in addition thereto, such person may be
41 enjoined from continuing such violation. Such person shall for a second
42 violation be liable to the people of the state for a civil penalty not
43 to exceed [~~two thousand five hundred~~] three thousand seven hundred fifty
44 dollars for each day during which such violation continues.

45 5. Any person who violates any of the provisions of or who fails to
46 perform any duty imposed by sections 37-1003 and 37-1007 of this chapter
47 or any rule or regulation promulgated pursuant hereto, shall be liable
48 for a civil penalty not to exceed one thousand five hundred dollars for
49 each day during which such violation continues, and in addition thereto,
50 such person may be enjoined from continuing such violation. Such person
51 shall for a second violation be liable to the people of the state for a
52 civil penalty not to exceed [~~two thousand five hundred~~] three thousand
53 seven hundred fifty dollars for each day during which such violation
54 continues.

55 6. Any person who violates any of the provisions of, or who fails to
56 perform any duty imposed by section 37-0121 of this chapter or any rule

1 or regulation promulgated pursuant hereto, shall be liable for a civil
2 penalty not to exceed one thousand five hundred dollars for each day
3 during which such violation continues, and in addition thereto, such
4 person may be enjoined from continuing such violation. Such person shall
5 for a second violation be liable to the people of the state for a civil
6 penalty not to exceed [~~two thousand five hundred~~] three thousand seven
7 hundred fifty dollars for each day during which such violation contin-
8 ues.

9 7. Any person who violates any of the provisions of, or who fails to
10 perform any duty imposed by section 37-1101 of this chapter or any rule
11 or regulation promulgated pursuant hereto, shall be liable for a civil
12 penalty not to exceed one thousand five hundred dollars for each day
13 during which such violation continues, and in addition thereto, such
14 person may be enjoined from continuing such violation. Such person shall
15 for a second violation be liable to the people of the state for a civil
16 penalty not to exceed [~~two thousand five hundred~~] three thousand seven
17 hundred fifty dollars for each day during which such violation contin-
18 ues.

19 § 65. Subdivision 1 of section 71-3705 of the environmental conserva-
20 tion law, as amended by chapter 43 of the laws of 2020, is amended to
21 read as follows:

22 1. Any person who violates any provision of or fails to perform any
23 duty imposed by section 37-0115 of this chapter shall upon the first
24 finding of such a violation be liable for a civil penalty not to exceed
25 [~~five hundred~~] seven hundred fifty dollars for each violation. Any
26 person convicted of a second or subsequent violation shall be liable for
27 a civil penalty not to exceed [~~twenty five hundred~~] three thousand seven
28 hundred fifty dollars for each violation.

29 § 66. Section 71-3803 of the environmental conservation law, as added
30 by chapter 713 of the laws of 1975, is amended to read as follows:

31 § 71-3803. Enforcement of article thirty-eight.

32 Any person who violates any of the provisions of, or who fails to
33 perform any duty imposed by article thirty-eight or any regulation
34 promulgated by the commissioner thereunder, shall be liable to a civil
35 penalty of not more than [~~twenty five hundred~~] three thousand seven
36 hundred fifty dollars for each such violation and an additional penalty
37 of not more than [~~five~~] seven hundred fifty dollars for each day during
38 which such violation continues, and, in addition thereto, such person
39 may be enjoined from continuing such violation. Penalties and injunctive
40 relief provided herein shall be recoverable in an action brought by the
41 attorney general acting alone or at the request of the commissioner.

42 § 67. Section 71-3903 of the environmental conservation law, as added
43 by chapter 732 of the laws of 1980, is amended to read as follows:

44 § 71-3903. Violations; penalties.

45 1. Administrative sanctions. Any person who violates, disobeys or
46 disregards any provision of article thirty-nine shall be liable to the
47 people of the state for a civil penalty of not to exceed [~~three~~] four
48 thousand five hundred dollars for every such violation, to be assessed
49 by the commissioner after a hearing or opportunity to be heard. The
50 penalty may be recovered in an action brought by the commissioner in any
51 court of competent jurisdiction. Such civil penalty may be released or
52 [~~comprised~~] compromised by the commissioner before the matter has been
53 referred to the attorney general; and where such matter has been
54 referred to the attorney general, any such penalty may be released or
55 [~~comprised~~] compromised and any action commenced to recover the same may
56 be settled and discontinued by the attorney general with the consent of

1 the commissioner. In addition, the commissioner shall have power,
2 following a hearing, to direct the violator to cease [~~his~~] their
3 violation of article thirty-nine and, where appropriate, to recall any
4 sewage system cleaners or additives sold or distributed in violation of
5 said article. Any such order of the commissioner shall be enforceable in
6 an action brought by the commissioner in any court of competent juris-
7 diction. Any civil penalty or order issued by the commissioner under
8 this subdivision shall be reviewable in a proceeding under article
9 seventy-eight of the civil practice law and rules commenced within thir-
10 ty days of such penalty or order.

11 2. Criminal sanctions. Any person who knowingly violates any provision
12 of section 39-0105 of this chapter shall, in addition to the sanctions
13 provided in subdivision one of this section, for the first offense, be
14 guilty of a violation punishable by a fine of not less than [~~five~~] seven
15 hundred fifty nor more than one thousand five hundred dollars; for a
16 second and each subsequent offense [~~he~~] such person shall be guilty of a
17 misdemeanor punishable by a fine of not less than one thousand five
18 hundred nor more than [~~three~~] four thousand five hundred dollars or a
19 term of imprisonment of not more than six months or both. In addition to
20 or instead of these sanctions, any offender shall be punishable by being
21 ordered by the court to recall any sewage system cleaners or additives
22 sold or distributed in violation of article thirty-nine. The court shall
23 specify a reasonable time for the completion of the recall. Each offense
24 shall be a separate and distinct offense and, in the case of a continu-
25 ing offense, each day's continuance thereof shall be deemed a separate
26 and distinct offense.

27 § 68. Section 71-3905 of the environmental conservation law, as added
28 by chapter 732 of the laws of 1980, is amended to read as follows:

29 § 71-3905. Enforcement.

30 The attorney general or a district attorney, at the request of the
31 attorney general or the commissioner, may prosecute persons who violate
32 article thirty-nine. In addition the attorney general, on [~~his~~] their
33 own initiative or at the request of the commissioner, shall have the
34 right to recover a civil penalty of not to exceed [~~three~~] four thousand
35 five hundred dollars for every violation of any provision of said arti-
36 cle, and to seek equitable relief to restrain any violation or threat-
37 ened violation of such article and to require the recall of any sewage
38 system cleaners or additives sold or distributed in violation of said
39 article.

40 § 69. Section 71-4001 of the environmental conservation law, as
41 amended by chapter 99 of the laws of 2010, is amended to read as
42 follows:

43 § 71-4001. General criminal penalty.

44 Except as otherwise specifically provided elsewhere in this chapter or
45 in the penal law, (a) a person who violates any provision of this chap-
46 ter, or any rule, regulation or order promulgated pursuant thereto, or
47 the terms or conditions of any permit issued thereunder, shall be guilty
48 of a violation; (b) each day on which such violation occurs shall
49 constitute a separate violation; and (c) for each such violation the
50 person shall be subject upon conviction to imprisonment for not more
51 than fifteen days or to a fine of not more than [~~nine~~] one thousand
52 three hundred fifty dollars, or to both such imprisonment and such fine.

53 § 70. Section 71-4003 of the environmental conservation law, as
54 amended by chapter 99 of the laws of 2010, is amended to read as
55 follows:

56 § 71-4003. General civil penalty.

1 Except as otherwise specifically provided elsewhere in this chapter, a
2 person who violates any provision of this chapter, or any rule, regu-
3 lation or order promulgated pursuant thereto, or the terms or conditions
4 of any permit issued thereunder, shall be liable to a civil penalty of
5 not more than one thousand five hundred dollars, and an additional civil
6 penalty of not more than one thousand five hundred dollars for each day
7 during which each such violation continues. Any civil penalty provided
8 for by this chapter may be assessed following a hearing or opportunity
9 to be heard.

10 § 71. Section 71-4103 of the environmental conservation law, as
11 amended by chapter 608 of the laws of 1993, is amended to read as
12 follows:

13 § 71-4103. Enforcement of article seventy-two.

14 Any person who violates any of the provisions of article seventy-two
15 of this chapter or the regulations promulgated thereunder shall be
16 liable for a civil penalty of up to one thousand five hundred dollars in
17 addition to any amount assessed as a penalty pursuant to subdivision
18 five of section 72-0201 of this chapter, except that any person who
19 fails to pay fees required pursuant to section 72-0303 of this chapter
20 shall be subject to penalty provisions pursuant to subdivision twelve of
21 section 72-0201 of this chapter.

22 § 72. Section 71-4303 of the environmental conservation law, as added
23 by chapter 672 of the laws of 1986, is amended to read as follows:

24 § 71-4303. Violations of article forty of this chapter.

25 1. Civil and administrative sanctions. Any person who violates any of
26 the provisions of, or who fails to perform any duty imposed by, article
27 forty of this chapter or any rule or regulation promulgated thereunder,
28 or any terms or conditions of any certificate or permit issued pursuant
29 thereto, or any final determination or order of the commissioner made
30 pursuant to this title, shall be liable in the case of a civil penalty
31 not to exceed twenty-five thousand five hundred dollars and an addi-
32 tional penalty of not more than [~~twenty-five thousand~~] thirty-seven
33 thousand five hundred dollars for each day during which such violation
34 continues, to be assessed by the commissioner after an opportunity to be
35 heard pursuant to the provisions of section 71-1709 of this article or by
36 a court in any action or proceeding pursuant to this title, and, in
37 addition thereto such person may by similar process be enjoined from
38 continuing such violation. In addition, upon the provision of notice
39 stating the grounds for its action and giving an opportunity for hear-
40 ing, the commissioner may revoke, suspend or deny a certificate or a
41 renewal of a certificate issued pursuant to article forty of this chap-
42 ter. In the case of a second violation, the liability shall be for a
43 civil penalty not to exceed [~~fifty~~] seventy-five thousand dollars for
44 such violation and an additional penalty not to exceed [~~fifty~~] seventy-
45 five thousand dollars for each day during which such violation contin-
46 ues.

47 2. Criminal sanctions. Any person who, having any of the culpable
48 mental states defined in section 15.05 of the penal law, shall violate
49 any of the provisions of or who fails to perform any duty imposed by
50 article forty of this chapter or any rules or regulations promulgated
51 pursuant thereto, or any term or condition of any certificate or permit
52 issued pursuant thereto, or any final determination or order of the
53 commissioner made pursuant to this title shall be guilty of a misdemea-
54 nor and, upon conviction thereof, shall for a first conviction be
55 punished by a fine not to exceed [~~twenty-five~~] thirty-seven thousand
56 five hundred dollars per day of violation or by imprisonment for a term

1 of not more than one year, or by both such fine and imprisonment. If the
2 conviction is for an offense committed after a first conviction of such
3 person under this subdivision, punishment shall be by a fine not to
4 exceed [~~fifty~~] seventy-five thousand dollars per day of violation, or by
5 imprisonment for not more than two years or by both such fine and impri-
6 sonment.

7 § 73. Section 71-4402 of the environmental conservation law, as added
8 by chapter 180 of the laws of 1989, is amended to read as follows:

9 § 71-4402. Violations of title 15 of article 27 of this chapter.

10 1. Civil and administrative sanctions.

11 Any person who violates any of the provisions of, or who fails to
12 perform any duty imposed by title 15 of article 27 of this chapter, or
13 any rule or regulation promulgated pursuant thereto, or any term or
14 condition of any certificate or permit issued pursuant thereto, or any
15 final determination or order of the commissioner made pursuant to this
16 title shall be liable in the case of a first violation, for a civil
17 penalty not to exceed [~~twenty-five~~] thirty-seven thousand five hundred
18 dollars and an additional penalty of not more than [~~twenty-five~~] thir-
19 ty-seven thousand five hundred dollars for each day during which such
20 violation continues, to be assessed by the commissioner after an oppor-
21 tunity to be heard pursuant to the provisions of section 71-1709 of this
22 chapter, or by the court in any action or proceeding pursuant to section
23 71-2727 of this chapter, and, in addition thereto, such persons may by
24 similar process be enjoined from continuing such violation and any
25 permit or certificate issued to such person may be revoked or suspended
26 or a pending renewal application denied. In the case of a second and any
27 further violation, the liability shall be for a civil penalty not to
28 exceed [~~fifty~~] seventy-five thousand dollars for each such violation and
29 an additional penalty not to exceed [~~fifty~~] seventy-five thousand
30 dollars for each day during which such violation continues.

31 2. Criminal sanctions.

32 a. Any person who violates any of the provisions of or who fails to
33 perform any duty imposed by title 15 of article 27 of this chapter or
34 any rules and regulations promulgated pursuant thereto, or any term or
35 condition of any certificate or permit issued pursuant thereto, or any
36 final determination or order of the commissioner made pursuant to this
37 title shall be guilty of a violation and, upon conviction thereof, shall
38 be punished by a fine not to exceed [~~five~~] seven thousand five hundred
39 dollars per day of violation, or by imprisonment for a term of not more
40 than fifteen days, or by both such fine and imprisonment.

41 b. Any person who, intentionally, knowingly, or recklessly shall
42 violate any of the provisions of or who fails to perform any duty
43 imposed by title 15 of article 27 of this chapter or any rules and regu-
44 lations promulgated pursuant thereto, or any term or condition of any
45 certificate or permit issued pursuant thereto, or any final determi-
46 nation or order of the commissioner made pursuant to this title shall be
47 guilty of a class B misdemeanor and, upon conviction thereof, shall for
48 a first conviction be punished by a fine not to exceed [~~fifteen~~] twen-
49 ty-two thousand five hundred dollars per day of violation or by impri-
50 sonment for a term of not more than ninety days, or both such fine and
51 imprisonment. If the conviction is for an offense committed after a
52 first conviction of such person under this paragraph, within the preced-
53 ing five years, such person shall be guilty of a class A misdemeanor and
54 upon conviction, punishment shall be by a fine not to exceed [~~fifty~~]
55 seventy-five thousand five hundred dollars per day of violation, or by

1 imprisonment for not more than one year or by both such fine and impri-
2 sonment.

3 § 74. Subdivision 2 of section 71-4411 of the environmental conserva-
4 tion law, as added by chapter 180 of the laws of 1989, is amended to
5 read as follows:

6 2. Fines. A sentence to pay a fine shall be a sentence to pay any
7 amount fixed by the court, not exceeding the higher of:

8 (a) [~~one hundred fifty~~] two hundred twenty-five thousand dollars for a
9 class D felony;

10 (b) one hundred fifty thousand dollars for a class E felony;

11 (c) [~~fifty~~] seventy-five thousand dollars for a class A misdemeanor;

12 (d) [~~fifteen~~] twenty-two thousand five hundred dollars for a class B
13 misdemeanor; or

14 (e) double the amount of the defendant's gain from the commission of
15 the crime.

16 § 75. The opening paragraph of subdivision 5 and subdivision 12 of
17 section 72-0201 of the environmental conservation law, the opening para-
18 graph of subdivision 5 as added by chapter 15 of the laws of 1983, and
19 subdivision 12 as added by chapter 608 of the laws of 1993, are amended
20 to read as follows:

21 If the amount of the fee is not paid within forty-five days of the
22 last date prescribed under subdivision four of this section, a penalty
23 shall be imposed on such deficiency. The amount of such penalty shall
24 not exceed [~~five~~] seven and one half percent of such deficiency per
25 month and the total penalty shall not exceed twenty-five percent of the
26 deficiency.

27 12. Notwithstanding any other provision of this section, any person
28 who fails to pay fees required pursuant to section 72-0303 of this arti-
29 cle shall pay a penalty of [~~fifty~~] seventy-five per centum of the unpaid
30 fee amount, plus interest on the unpaid fee amount computed in accord-
31 ance with section 6621(a)(2) of the United States internal revenue code
32 of 1986 (Public Law 99-514, 26 U.S.C. section 1 et seq.) from the date
33 the fee was required to be paid.

34 § 76. Subdivisions 2 and 3 of section 57-0136 of the environmental
35 conservation law, as amended by chapter 289 of the laws of 2006, are
36 amended to read as follows:

37 2. Civil penalties. (a) For a violation that takes place in the "core
38 preservation area" as defined in subdivision eleven of section 57-0107
39 of this title, any person who violates any provision of this title, the
40 land use plan adopted by the commission, any regulation promulgated by
41 the commission, or the terms or conditions of any order, permit, or
42 determination issued by the commission pursuant to this title shall be
43 liable for a civil penalty of not more than [~~twenty-five thousand~~] thir-
44 ty-seven thousand five hundred dollars for each violation and an addi-
45 tional civil penalty of not more than one thousand five hundred dollars
46 for each day that such violation continues.

47 (b) For a violation that takes place in the "compatible growth area"
48 as defined in subdivision twelve of section 57-0107 of this title, any
49 person who violates any provision of this title, the land use plan
50 adopted by the commission, any regulation promulgated by the commission,
51 or the terms or conditions of any order, permit, or determination issued
52 by the commission pursuant to this title shall be liable for a civil
53 penalty of not more than [~~ten~~] fifteen thousand dollars for each
54 violation and an additional civil penalty of not more than one thousand
55 five hundred dollars for each day that such violation continues.

1 3. Criminal penalties. (a) For a violation that takes place in the
2 "core preservation area" as defined in subdivision eleven of section
3 57-0107 of this title, any person who willfully or intentionally
4 violates any provision of this title, the land use plan adopted by the
5 commission, any regulation promulgated by the commission, or the terms
6 or conditions of any order, permit, or determination issued by the
7 commission pursuant to this title shall be guilty of a misdemeanor
8 punishable by a fine of not more than [~~twenty-five thousand~~] thirty-sev-
9 en thousand five hundred dollars for each violation and an additional
10 fine of not more than one thousand five hundred dollars for each day
11 that such violation continues.

12 (b) For a violation that takes place in the "compatible growth area"
13 as defined in subdivision twelve of section 57-0107 of this title, any
14 person who willfully or intentionally violates any provision of this
15 title, the land use plan adopted by the commission, any regulation
16 promulgated by the commission, or the terms or conditions of any order,
17 permit, or determination issued by the commission pursuant to this title
18 shall be guilty of a misdemeanor punishable by a fine of not more than
19 [~~ten~~] fifteen thousand dollars for each violation and an additional fine
20 of not more than one thousand five hundred dollars for each day that
21 such violation continues.

22 § 77. Subdivision 1 of section 37-0211 of the environmental conserva-
23 tion law, as added by chapter 286 of the laws of 1990, such section as
24 renumbered by chapter 307 of the laws of 2020, is amended to read as
25 follows:

26 1. A violation of any of the provisions of this title or any rule or
27 regulation promulgated pursuant thereto shall be punishable in the case
28 of a first violation, by a civil penalty not to exceed [~~ten~~] fifteen
29 thousand dollars. In the case of a second and any further violation, the
30 liability shall be for a civil penalty not to exceed [~~twenty-five thou-~~
31 ~~sand~~] thirty-seven thousand five hundred dollars for each violation.

32 § 78. Section 33-0925 of the environmental conservation law, as
33 amended by chapter 43 of the laws of 2007, is amended to read as
34 follows:

35 § 33-0925. Sanctions.

36 Notwithstanding any other provision of law or regulation pursuant to
37 this title and/or any provision of this article as it relates to the
38 application of aquatic antifouling paints, any person who violates any
39 provision of this title or any rule, regulation or order issued there-
40 under shall be liable to the people of this state for a civil penalty of
41 up to one thousand five hundred dollars for a first violation to be
42 assessed by the commissioner after a hearing or opportunity to be heard.
43 In determining the amount of the penalty, the commissioner shall take
44 into account whether the violation posed an immediate threat to the
45 environment or the health and safety of the public. Any subsequent
46 violation of this title and/or any provision of this article as it
47 relates to the application of aquatic antifouling paints would be
48 subject to the appropriate sanctions pursuant to sections 71-2907 and
49 71-2911 of this chapter.

50 § 79. Subdivisions 1, 2 and 3 of section 27-1809 of the environmental
51 conservation law, as added by chapter 562 of the laws of 2010, are
52 amended to read as follows:

53 1. Any person who violates the provisions of section 27-1805 of this
54 title shall be liable for a civil penalty in the amount of [~~fifty~~]
55 seventy-five dollars for the first violation, one hundred fifty dollars
56 for a second violation committed within twelve months of a prior

1 violation and [~~two~~] three hundred dollars for a third or subsequent
2 violation committed within twelve months of any prior violation.

3 2. Any retailer as that term is defined in section 27-1803 of this
4 title, who violates the provisions of section 27-1807 of this title
5 shall be liable for a civil penalty in the amount of [~~two~~] three hundred
6 dollars for the first violation, [~~four~~] six hundred dollars for a second
7 violation committed within twelve months of a prior violation, and [~~five~~
8 ~~hundred~~] seven hundred fifty dollars for a third or subsequent violation
9 committed within twelve months of any prior violation.

10 3. Any battery manufacturer, as that term is defined in section
11 27-1803 of this title, who violates the provisions of section 27-1807 of
12 this title shall be liable for a civil penalty in the amount of [~~two~~]
13 three thousand dollars for the first violation, [~~four~~] six thousand
14 dollars for a second violation committed within twelve months of a prior
15 violation, and [~~five thousand~~] seven thousand five hundred dollars for a
16 third or subsequent violation committed within twelve months of any
17 prior violation.

18 § 80. Paragraph a of subdivision 9 of section 27-1012 of the environ-
19 mental conservation law, as added by section 8 of part SS of chapter 59
20 of the laws of 2009, is amended to read as follows:

21 a. Any person required to be registered under this section who, with-
22 out being so registered, sells or offers for sale beverage containers in
23 this state, in addition to any other penalty imposed by this title,
24 shall be subject to a penalty to be assessed by the commissioner of
25 taxation and finance in an amount not to exceed [~~five hundred~~] seven
26 hundred fifty dollars for the first day on which such sales or offers
27 for sale are made, plus an amount not to exceed [~~five hundred~~] seven
28 hundred fifty dollars for each subsequent day on which such sales or
29 offers for sale are made, not to exceed [~~twenty-five thousand~~] thirty-
30 seven thousand five hundred dollars in the aggregate.

31 § 81. Subdivisions 1, 2, 3 and 4 of section 27-1015 of the environ-
32 mental conservation law, as amended by section 8 of part F of chapter 58
33 of the laws of 2013, are amended to read as follows:

34 1. Except as otherwise provided in this section and section 27-1012 of
35 this title, any person who shall violate any provision of this title
36 shall be liable to the state of New York for a civil penalty of not more
37 than [~~five hundred~~] seven hundred fifty dollars, and an additional civil
38 penalty of not more than [~~five hundred~~] seven hundred fifty dollars for
39 each day during which each such violation continues. Any civil penalty
40 may be assessed following a hearing or opportunity to be heard.

41 2. Any distributor, deposit initiator, redemption center or dealer who
42 violates any provision of this title, except as provided in section
43 27-1012 of this title, shall be liable to the state of New York for a
44 civil penalty of not more than one thousand five hundred dollars, and an
45 additional civil penalty of not more than one thousand five hundred
46 dollars for each day during which each such violation continues. Any
47 civil penalty may be assessed following a hearing or opportunity to be
48 heard.

49 3. It shall be unlawful for a distributor or deposit initiator, acting
50 alone or aided by another, to return any empty beverage container to a
51 dealer or redemption center for its refund value if the distributor or
52 deposit initiator had previously accepted such beverage container from
53 any dealer or operator of a redemption center or if such container was
54 previously accepted by a reverse vending machine. A violation of this
55 subdivision shall be a misdemeanor punishable by a fine of not less than
56 [~~five hundred~~] seven hundred fifty dollars nor more than one thousand

1 five hundred dollars and an amount equal to two times the amount of
2 money received as a result of such violation.

3 4. Any person who willfully tenders to a dealer, distributor, redemp-
4 tion center or deposit initiator more than forty-eight empty beverage
5 containers for which such person knows or should reasonably know that no
6 deposit was paid in New York state may be assessed by the department a
7 civil penalty of up to one hundred fifty dollars for each container or
8 up to [~~twenty-five thousand~~] thirty-seven thousand five hundred
9 dollars for each such tender of containers. At each location where a person
10 tenders containers for redemption, dealers and redemption centers must
11 conspicuously display a sign in letters that are at least one inch in
12 height with the following information: "WARNING: Persons tendering for
13 redemption containers on which a deposit was never paid in this state
14 may be subject to a civil penalty of up to one hundred fifty dollars per
15 container or up to [~~twenty-five thousand~~] thirty-seven thousand five
16 hundred dollars for each such tender of containers." Any civil penalty
17 may be assessed following a hearing or opportunity to be heard.

18 § 82. Subdivision 1 of section 27-2807 of the environmental conserva-
19 tion law, as added by section 2 of part H of chapter 58 of the laws of
20 2019, is amended to read as follows:

21 1. Any person required to collect tax who violates any provision of
22 section 27-2803 of this title shall receive a warning notice for the
23 first such violation. A person required to collect tax shall be liable
24 to the state of New York for a civil penalty of [~~two hundred fifty~~]
25 three hundred seventy-five dollars for the first violation after receiv-
26 ing a warning and [~~five hundred~~] seven hundred fifty dollars for any
27 subsequent violation in the same calendar year. For purposes of this
28 section, each commercial transaction shall constitute no more than one
29 violation. A hearing or opportunity to be heard shall be provided prior
30 to the assessment of any civil penalty.

31 § 83. Subdivision 1 of section 27-3205 of the environmental conserva-
32 tion law, as added by chapter 734 of the laws of 2021, is amended to
33 read as follows:

34 1. A hotel that violates a provision of this title shall receive a
35 warning notice for the first such violation, detailing the hotel's
36 requirement to correct the violation within thirty days from the date
37 the notice is sent. A hotel shall be liable to the state for a civil
38 penalty of [~~two hundred fifty~~] three hundred seventy-five dollars for
39 the first violation after receiving a warning and failing to correct the
40 violation within thirty days and [~~five hundred~~] seven hundred fifty
41 dollars for any subsequent violation in the same calendar year. A hear-
42 ing or opportunity to be heard shall be provided prior to the assessment
43 of any civil penalty.

44 § 84. Section 27-3317 of the environmental conservation law, as
45 amended by chapter 82 of the laws of 2023, is amended to read as
46 follows:

47 § 27-3317. Penalties.

48 Any producer, representative organization, or retailer who violates
49 any provision of or fails to perform any duty imposed pursuant to this
50 title shall be liable for a civil penalty not to exceed [~~five hundred~~]
51 seven hundred fifty dollars for each violation and an additional penalty
52 of not more than [~~five hundred~~] seven hundred fifty dollars for each day
53 during which such violation continues. Civil penalties shall be
54 assessed by the department after a hearing or opportunity to be heard
55 pursuant to the provisions of section 71-1709 of this chapter.

1 § 85. Subdivision 6 of section 27-3309 of the environmental conserva-
2 tion law, as added by chapter 795 of the laws of 2022, is amended to
3 read as follows:

4 6. Starting four years after the plan is approved by the department
5 pursuant to this section, the department shall impose a penalty of
6 [~~twenty-five~~] thirty-eight cents per pound to be assessed on the produc-
7 er or representative organization for the number of additional pounds of
8 carpet that would have needed to be recycled through the program to
9 achieve the performance goals specified in the approved stewardship
10 plan. All penalties collected pursuant to this section shall be paid
11 over to the commissioner for deposit to the environmental protection
12 fund established pursuant to section ninety-two-s of the state finance
13 law.

14 § 86. Subdivision 4 of section 23-1715 of the environmental conserva-
15 tion law, as amended by chapter 233 of the laws of 1979, is amended to
16 read as follows:

17 4. In the event of the failure of the holder of an environmental safe-
18 ty permit issued under section 23-1707 of this title, of route certif-
19 ication under section 23-1713 of this title, or of a non-conforming
20 facility under section 23-1719 of this title to comply with the terms
21 thereof or the provisions of the rules and regulations adopted under
22 article 70 of this chapter, the department may revoke said permit or
23 certificate pursuant to the provisions of article 70 of this chapter and
24 impose upon the holder of such permit or certificate a civil penalty of
25 up to one thousand five hundred dollars for each day the holder thereof
26 has failed to comply with this title or a permit or certificate issued
27 hereunder, together with the allocated costs of the revocation and
28 enforcement proceeding itself.

29 § 87. Subdivisions 4 and 5 of section 19-0320 of the environmental
30 conservation law, as added by chapter 621 of the laws of 1998, the open-
31 ing paragraph of subdivision 4 as amended by section 1 and the opening
32 paragraph of subdivision 5 as amended by section 2 of part W1 of chapter
33 62 of the laws of 2003, are amended to read as follows:

34 4. Notwithstanding the provisions of title twenty-one of article
35 seventy-one of this chapter, operation of a heavy duty vehicle which,
36 when tested, exceeds emission levels set forth in regulations promulgat-
37 ed pursuant to this section shall be a violation, and the following
38 penalties shall apply to any violation found as a result of roadside
39 emissions inspections:

40 a. First violation: [~~\$ 700.00~~] \$1050.00
41 Second and subsequent violations: [~~\$1300.00~~] \$1950.00.

42 b. The penalties set forth in paragraph a of this subdivision shall be
43 reduced to [~~one hundred fifty~~] two hundred twenty-five dollars for the
44 first violation and [~~five hundred~~] seven hundred fifty dollars for the
45 second and subsequent violations by the court or administrative tribunal
46 before which the summons or appearance ticket is returnable if the
47 violation set forth in the summons or appearance ticket is corrected not
48 later than thirty days after the issuance of the summons or appearance
49 ticket and proof of such correction, as defined in paragraph c of this
50 subdivision, is submitted to the court or administrative tribunal. The
51 penalties described in this section shall not apply to vehicles defined
52 by section one hundred forty-two of the vehicle and traffic law or owned
53 by a county, town, city, or village for a first violation provided the
54 vehicle is repaired within thirty days of ticket issuance.

55 c. Acceptable proof of repair or adjustment shall be submitted to the
56 court or administrative tribunal on or before the return date of the

1 summons or appearance ticket in a form and manner prescribed by regu-
2 lations adopted pursuant to this section.

3 5. Notwithstanding the provisions of title twenty-one of article
4 seventy-one of this chapter, operation of any heavy duty vehicle regis-
5 tered or required to be registered in this state without a certificate
6 of inspection resulting from an annual inspection as required by regu-
7 lations adopted pursuant to this section shall be a violation, and the
8 following violation structure shall apply to such violations:

9 a. First violation: [~~\$ 700.00~~] \$1050.00

10 Second and subsequent violations: [~~\$1300.00~~] \$1950.00.

11 b. The penalties defined in paragraph a of this subdivision shall be
12 reduced to [~~three hundred fifty~~] five hundred twenty-five dollars for
13 the first violation and [~~seven hundred fifty~~] one thousand one hundred
14 twenty-five dollars for second and subsequent violations, provided that
15 the vehicle in question bears a certificate which was valid within the
16 last thirty days. The penalties described in this section shall not
17 apply to vehicles defined by section one hundred forty-two or owned by a
18 county, town, city, or village of the vehicle and traffic law for a
19 first violation provided the vehicle is repaired within thirty days of
20 ticket issuance.

21 § 88. Subdivision 6 of section 17-1745 of the environmental conserva-
22 tion law, as added by chapter 199 of the laws of 1999, is amended to
23 read as follows:

24 6. Penalties. Failure to comply with the provisions of this section
25 shall result in fines of [~~two hundred fifty~~] three hundred seventy-five
26 dollars per day for each violation.

27 § 89. Section 15-2723 of the environmental conservation law, as
28 amended by chapter 613 of the laws of 1975, is amended to read as
29 follows:

30 § 15-2723. Penalties and enforcement.

31 Any person who violates any provision of this title or any regulation
32 or order issued pursuant to this act by the commissioner or the agency
33 may be compelled to comply with or obey the same by injunction, mandamus
34 or other appropriate remedy. In addition, any such person shall pay a
35 civil penalty of not less than one hundred fifty dollars or more than
36 one thousand five hundred dollars for each day of such violation. The
37 commissioner or the agency as the case may be, is authorized to commence
38 a civil action to recover such civil penalties or other appropriate
39 relief.

40 § 90. Subdivision 2 of section 11-1209 of the environmental conserva-
41 tion law, as added by chapter 726 of the laws of 1977, is amended to
42 read as follows:

43 2. Whoever shall hunt while in an intoxicated condition or while [~~his~~]
44 their ability to hunt is impaired by the use of a drug shall be guilty
45 of a misdemeanor, punishable by imprisonment in a penitentiary or county
46 jail for not more than one year, or by a fine of not more than [~~five~~
47 hundred] seven hundred fifty dollars, or by both such fine and imprison-
48 ment.

49 § 91. Subdivision 3 of section 11-0538 of the environmental conserva-
50 tion law, as added by chapter 307 of the laws of 2014, is amended to
51 read as follows:

52 3. Any person who violates the provisions of this section shall be
53 subject to a penalty of not more than [~~five hundred~~] seven hundred fifty
54 dollars for the first offense and not more than one thousand five
55 hundred dollars for a second and subsequent offenses. Each instance of

1 allowing direct contact of a big cat with the public in violation of
2 this section shall constitute a separate offense.

3 § 92. Subdivision 9 of section 11-0512 of the environmental conserva-
4 tion law, as amended by chapter 326 of the laws of 2012, is amended to
5 read as follows:

6 9. Notwithstanding any other provision of law, any person who know-
7 ly breeds a wild animal or knowingly possesses, owns, harbors, sells,
8 barter, transfers, exchanges, or imports a wild animal for use as a pet
9 or intentionally releases or sets at-large any wild animal, authorized
10 by this section for use as a pet, from the location where the animal is
11 permitted to be possessed or harbored in violation of the provisions of
12 this section shall be subject to a penalty of not more than [~~five~~
13 ~~hundred~~] seven hundred fifty dollars for the first offense and not more
14 than one thousand five hundred dollars for a second and subsequent
15 offenses. Each instance of breeding, owning, harboring, sale, barter,
16 release, transfer, exchange, or import of a wild animal in violation of
17 this section shall constitute a separate offense.

18 § 93. Subdivision 3 of section 9-1503 of the environmental conserva-
19 tion law, as amended by chapter 222 of the laws of 1976, is amended to
20 read as follows:

21 3. No person shall, in any area designated by such list or lists,
22 knowingly pick, pluck, sever, remove, damage by the application of
23 herbicides or defoliant or carry away, without the consent of the owner
24 thereof, any protected plant. An offense under this section shall be a
25 violation, punishable by a fine of not to exceed [~~twenty-five dollars~~
26 thirty-seven dollars and fifty cents].

27 § 94. This act shall take effect on the ninetieth day after it shall
28 have become a law.