

2008 New York State DEC

Legislative Bills

2008 NYSDEC “Departmentals”

- #204 – Update of provisions to Fish and Wildlife Law
- #286 – Increase in penalties for certain violations
- #301 – Youth hunting / trapping program

#204 – Update Provisions

- DEC adopt migratory game bird regulations provided regulations are no less restrictive than federal regulations
- DEC retains authority to set migratory game bird regulations
- DEC regulatory authority to set seasons and bag limits for pheasants and bobwhite quail statewide

#204 – Update Provisions

- Allows taking of snapping turtles and diamondback terrapins with trapping license
- Permits taking of snapping turtles and diamondback terrapins by hand, net, pole or trapping

#204 – Update Provisions

- Allows persons 65 years and older and persons with permanent physical disabilities who are licensed to hunt with a long bow, to take wildlife with a crossbow and authorizes DEC to adopt regulations related to this activity

#204 – Update Provisions

- Allows for discharge of a long bow outside of 250 feet of structures
- Authorize DEC to allow use of live-restraint cable devices for the trapping of wildlife

#286 – Increased fines/ penalties

- Increase fines for illegal taking of big game out of season, any illegal taking of deer, taking of big game with aid of artificial light to minimum \$300 [\$250] and maximum \$3000 [\$2000]
- Increase maximum fine for violations of Fish and Wildlife Law to \$300 [\$250] and provides for new minimum \$35

#286 – Increased fines/ penalties

- Refusal to exhibit license tag or stamp to ECO: minimum \$50, maximum \$500, up to 15 days in jail (or both)
- Exercising privileges of special antlerless deer tag and no appropriate license or back tag: minimum \$50, maximum \$250

#286 – Increased fines/ penalties

- Placing any substance to entice deer within 300 feet of public highway: minimum \$25, maximum \$50
- On-line shooting – not less than \$100
- Bait piles or baiting of deer, bear, or migratory game birds: minimum \$50, maximum \$750 [\$250], up to 15 days in jail (or both)

#286 – Increased fines/ penalties

- Civil Penalties – increase fines for taking of deer with a light to \$150 [\$100] and additional per-deer penalty to \$500 [\$400] for first deer and \$750 [\$500] for each succeeding deer
- Civil Penalties - Bait piles or baiting of deer, bear, or migratory game birds: minimum \$50, maximum \$750

#301 – Youth hunting/ trapping

- Allows 14 and 15 year olds to hunt big game with a gun or muzzleloader provided they are supervised
- Permits a minor, under age of 12, to accompany and assist a licensed trapper who is the minor's parent/ guardian / person over 18 designated in writing by parent or guardian

#301 – Youth hunting/ trapping

- Changes the name of hunting license to small game license (for adults)

#301 – Youth hunting/ trapping

- Junior Hunting License

[junior small game hunting license]

- 12 and 13 year old to hunt wildlife, except big game
- 14 and 15 year olds to hunt wildlife, including big game with a firearm when closely supervised

#301 – Youth hunting/ trapping

- Junior archery provisions remain the same
- 14 and 15 year olds hunt with a muzzleloader
- Resident 14 and 15 year olds can purchase special antlerless deer license
- Junior hunting license - \$5.00
- Junior archery license - \$9.00

#301 – Youth hunting/ trapping

- Supervision 12 and 13 year olds (and 14 and 15 years old, except for big game:

parent/ legal guardian / person 21 years or older designated in writing who holds appropriate license(s)

#301 – Youth hunting/ trapping

- Supervision 14 and 15 years old hunting big game:
 - parent/ legal guardian / youth mentor 21 years or older designated in writing who holds appropriate license
 - parent/ legal guardian / youth mentor must have at least 3 years big game hunting experience
 - parent/ legal guardian / youth mentor must maintain physical control at all times while hunting

#301 – Youth hunting/ trapping

- Supervision 14 and 15 years old hunting big game:
 - parent/ legal guardian / youth mentor and minor must remain at ground level at all times while hunting (no elevated blinds, tree stands)
 - parent/ legal guardian / youth mentor and minor must wear blaze orange

#301 – Youth hunting/ trapping

- Supervision 14 and 15 years old hunting big game:
 - “Physical control” – physical proximity such that able to issue verbal directions and instructions, maintain constant visual contact, and otherwise provide guidance and supervision

#301 – Youth hunting/ trapping

- Supervision 14 and 15 years old hunting big game:
 - “Blaze orange” – minimum of 250 square inches of solid fluorescent orange or patterned fluorescent orange consisting of no less than 50 % fluorescent orange material worn above the waist and visible in all directions, or a hat or cap with no less than 50 % of the exterior consisting of solid fluorescent orange material and visible from all directions

Carry-over from 2007

- DEC #7-07 -Landowner Liability
 - Amendment to general obligations law – adds **PASSAGE OVER PREMISES** and **ANY OTHER RECREATIONAL USE**
 - Further defines **OCCUPANT SHALL INCLUDE, BUT NOT BE LIMITED TO THOSE ORGANIZATIOONS, ENTITIES, OR PERSONS WHO INDIVIDUALLY OR COLLECTIVELY DEVELOP AND/OR MAINTAIN TRAILS AND OTHER RECREATIONAL FACILITIES FOR USE BY THE PUBLIC**

Questions?