REPORT ON LEGISLATION
BY THE ANIMAL LAW COMMITTEE

A.9775
S.4253-B

- AND -

A.722-B
S.7542

AN ACT to amend the Environmental Conversation Law, in relation to making animal killing contests, competitions, tournaments and derbys unlawful.

A.9775 / S.4253-B IS APPROVED

I. SUMMARY OF THE PROPOSED LEGISLATION

Both A.9775/S.4253-B and A.722-B/S.7542 (collectively “the proposed legislation”) would amend the Environmental Conservation Law to make it “unlawful for any person to organize, sponsor, conduct, promote, or participate in any contest, competition, tournament, or derby with the objective of taking or hunting the largest number of small game, wild birds, other than wild turkeys, and domestic game birds for prizes or other inducement, or for entertainment.” Violation of this statute would constitute an unclassified misdemeanor punishable by imprisonment of up to one year and by a $500-$2,000 fine, or by both imprisonment and fine. Additionally, when a violation of the law occurs, any animals killed in such competition would be deemed forfeited to the Department of Environmental Conservation, and any injured animals must be brought to a licensed wildlife rehabilitator or veterinarian for treatment or humane euthanasia if best efforts to rehabilitate and release the animal fail. The proposed legislation does not apply to fishing contests.

II. JUSTIFICATION

Each bill’s memorandum provide several justifications for this legislation. First, the memorandums note that wildlife-killing competitions often take place in a “party-like atmosphere” and are conducted simply for fun. The memorandums note that such competitions are “like slaughters or massacres and are unsportsmanlike.”
Some examples of these competitions are as follows:

- The D&H Transport/Savage Arms Woodchuck Derby, held on June 2, 2018, which awards participants for the heaviest woodchuck killed.¹ This derby claims that 100 persons participate each year.²

- The Knapp Creek Fire Department’s 6th Annual Predator Hunt held on January 26-28, 2018, which awarded prizes to teams with the highest number of points for killing the most coyote, red fox, and gray fox.³

- The 13th Annual Coyote Hunt sponsored by the Federation of Sportsmen’s Clubs in Sullivan County, New York. From February 7-9, 2020, 636 hunters participated in a contest in which prizes were given for the heaviest coyotes killed; a total of 118 coyotes were killed in the contest.⁴

- The Hunting WNY Fox Bowl 2018, which was held on February 2-4, 2018, and awards participants for the heaviest fox and coyote killed.⁵

The proposed legislation is consistent with the existing and extensive regulations in New York, which place reasonable restrictions on the timing, method and, in some cases, numerical “bag” limits for the taking of wildlife.⁶ Furthermore, New York State has prohibited certain wildlife shooting competitions. For example, since 1902, New York has expressly prohibited pigeon shoots due to their inherent cruelty.⁷

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² Id.


⁵ Hunting WNY, [https://www.huntingwny.com/fox.html](https://www.huntingwny.com/fox.html).

⁶ See 6 N.Y.C.R.R., Chapter 1, Subchapter A; see also N.Y. State Environmental Department of Conservation, Small Game Hunting, [http://www.dec.ny.gov/outdoor/27801.html](http://www.dec.ny.gov/outdoor/27801.html) (describing regulations for small game hunting, including numerical limits on taking snapping turtles); N.Y. State Environmental Department of Conservation, Squirrel Hunting Seasons, [https://www.dec.ny.gov/outdoor/29460.html](https://www.dec.ny.gov/outdoor/29460.html) (providing season dates and indicating a bag limit of six for non-red squirrels).

⁷ Chapter 61 of the New York Laws of 1902 repealed an exception to the animal cruelty law that allowed pigeon shoots in New York. Specifically, in 1902 New York repealed Chapter 107 of the New York Laws of 1875, which provided that the laws established for the prevention of cruelty to animals should not be construed to “prohibit or interfere with the shooting, by members of sportsmen’s clubs or incorporated societies; provided that, in each case, as soon as they can be captured or taken, after being shot, such pigeons, if living, shall immediately be killed.” See also Senate Advances the Pigeon Shooting Bill, N.Y. Times (Feb. 14, 1902), at 5; Hulsizer v. Labor Day Committee, Inc., 557 Pa. 467, 471-72 (1999) (The Pennsylvania Supreme Court noted that in the context of pigeon shoots, aside from the pigeons that died immediately from gunshots, many wounded pigeons landed both inside and outside of the competition area. Some of the wounded pigeons were gathered and killed by a variety of improper means (smashing, beheading, etc.), while others were simply left to die of their injuries or from starvation). Such animal suffering is
Additionally, the reported participation of minors in such mass shooting competitions is particularly troubling.\textsuperscript{8} New York State has a long history of promoting conservation and humane education initiatives. The primary goals of humane education are to (1) promote an understanding of the sociological and psychological dimensions of animal abuse and deter violence; (2) cultivate empathy and compassion for animals; and (3) promote environmental conservation.\textsuperscript{9} In 1917, New York enacted Education Law section 700, requiring all elementary schools wholly or partly supported by public funds to give instruction “in the humane treatment and protection of animals and birds and the role they play in the economy of nature.”\textsuperscript{10} Education Law section 809 requires instruction in the protection of animals and their role in the economy of nature. Competitions with the simple aim of killing the largest number of or heaviest animals are contrary to our State’s efforts to promote educational initiatives that teach environmental conservation, and compassion and humane treatment of animals.

The proposed legislation’s prohibition of wildlife competitions that are premised on the killing of large quantities of animals or the heaviest animal is strongly supported by this Animal Law Committee because it fosters environmental conservation, protects animals from unjustifiable suffering, and is consistent with the State’s efforts to promote humane education and treatment of animals.

\textbf{III. RECOMMENDATION}

Although the Animal Law Committee supports the proposed legislation as drafted we recommend that, with respect to the requirement that animals wounded in a prohibited competition be taken to a licensed wildlife rehabilitator or veterinarian for treatment or humane euthanasia, the proposed legislation be amended to provide for a convicted party to pay restitution for reasonable veterinarian or rehabilitation expenses as part of their sentence, as a court deems appropriate.\textsuperscript{11}

\textsuperscript{8} To the extent that children present at a prohibited competition actually engage in acts of animal cruelty (as opposed to merely being present or engaging in typical hunting activity), it is important to note that studies confirm a link between animal cruelty by a perpetrator in childhood and future violent acts toward humans. For example, a 1985 study compared men incarcerated for violent crimes with a control group of non-incarcerated non-violent men. That study found that 25\% percent of the incarcerated men reported engaging in “substantial cruelty” to animals in childhood, while none of the control group members reported childhood acts of animal cruelty. \textit{See A. William Ritter, Jr., The Cycle of Violence Often Begins with Violence Toward Animals}, 30 Prosecutor 31, 31 (Jan./Feb. 1996).


\textsuperscript{10} \textit{Laws of New York} 1917, Chapter 210.

\textsuperscript{11} Notably, the fine structure from $500 to a maximum fine of $2000 for a conviction under the proposed legislation could amount to a mere fraction of the cost of veterinary expenses that would be incurred by a wildlife rehabilitator or other veterinary organization which might undertake to care for a number of seriously wounded animals who have suffered from gunshots or other trauma. While costs for veterinary care may vary greatly by location and the type of treatment, one poll found that with respect to veterinarian bills for companion animals the average bill for a serious illness was over $1,000. \textit{Associated Press, Taking Pets to the Vet Cost Owners $505 Last Year; Cost Keeps
Pursuant to state regulations, wildlife rehabilitators are not allowed to require a fee for their services, and are also required to consult with a veterinarian for the care of a wounded animal.\textsuperscript{12} Therefore, under the proposed legislation, an unpaid wildlife rehabilitator would be responsible for paying costly veterinarian bills, as well as other medical and rehabilitation expenses that were directly caused by an offender’s illegal participation in a prohibited competition. While Penal Law § 60.27 provides for restitution to crime victims for economic loss or injury, it is unclear if a wildlife rehabilitator could be considered a “victim” under this section or under the proposed legislation. Moreover, including a restitution provision in the proposed legislation, which is located in the Environmental Conservation Law, would remind District Attorneys, judges, and probation departments to consider whether restitution is appropriate in cases where the issue may not be facially obvious. For these reasons we recommend that the proposed legislation be amended to specifically address restitution for reasonable veterinarian or rehabilitation expenses.

In addition, the Committee prefers the bill language in A.9775/S.4253-B which forbids contests, competitions, tournaments, or derbies to kill not just “small game, wild birds, other than wild turkeys, and domestic game birds” — the subject of A.722-B/S.7542 — but “wildlife” more generally. “Wildlife” under the Environmental Conservation Law includes all “wild game and all other animal life existing in a wild state, except fish, shellfish and crustacea.”\textsuperscript{13} The justifications above apply just as strongly to any wildlife, and there is no principled reason to limit the bill’s protections to just small game and certain wild birds.

IV. CONCLUSION

For the above reasons, the New York City Bar Association Animal Law Committee supports A.9775/S.4253-B, with the above-referenced recommendation.

Animal Law Committee  
Christopher Wlach, Chair

Reissued March 2020

\textsuperscript{12} See 6 N.Y.C.R.R. § 184.6(a)(3), 6 N.Y.C.R.R. § 184.6(a)(2).

\textsuperscript{13} N.Y. Env. Conserv. Law § 11-0103(6.a).