REPORT ON LEGISLATION
BY THE ANIMAL LAW COMMITTEE

A.5746                              M. of A. Glick
S.6643                              Sen. Kennedy

An Act to amend the Environmental Conservation Law, in relation to making contests, competitions, tournaments and derbys to take wildlife unlawful.

THIS BILL IS APPROVED

I. SUMMARY OF THE PROPOSED LEGISLATION

A.5746/S.6643 would amend New York’s 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 wildlife for prizes or other inducement, or for entertainment. This prohibition would not apply to (i) any contest, competition, tournament, or derby with the object of taking or hunting white-tailed deer, turkey, or bear; or (ii) special dog training areas or field trials conducted pursuant to Environmental Conservation Law or any similar canine performance events.

Violating the law would be punishable by a $500-$2,000 fine. In addition, the remains of any wildlife killed in violation of the proposed law would be forfeited by every organizer, promoter, participant or any other person conducting or involved in the prohibited contest.

1 A.5746,244th Leg., Reg. Sess. (N.Y. 2021). The full text of the Assembly bill is available at https://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=A05746&term=&Summary=Y&Text=Y. The Senate bill is available at https://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=S06643&term=2021&Summary=Y&Text=Y. (All websites cited in this report were last visited on May 7, 2021.)

2 Hunting of deer, bear, and turkey are restricted under separate regulations. 6 N.Y.C.R.R. Chapter 1, Subchapter A, Part 1; see also N.Y.S. Department of Environmental Conservation, Deer and Bear Hunting Regulations, https://www.dec.ny.gov/outdoor/8305.html.

3 Specifically, N.Y. Env. Conserv. Law §§ 11-0925 (allowing for special dog training areas) and 11-0927 (allowing for dog field trials on certain game).

About the Association
The mission of the New York City Bar Association, which was founded in 1870 and has 25,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.
competition, tournament, or derby, and the remains of such wildlife shall become the property of the New York State Department of Environmental Conservation.

II. JUSTIFICATION

The Animal Law Committee supports the proposed legislation because it protects animals from unjustifiable suffering, fosters environmental conservation, and is consistent with New York State’s efforts to promote humane education and treatment of animals.

Wildlife-killing contests cause unjustifiable death and suffering to animals, treating the killing and maiming of animals as a mere game to win cash and other prizes. For instance, the Federation of Sportsmen’s Clubs of Sullivan County hosts an annual contest where hundreds of participants compete to see who can kill the heaviest coyote over the course of three days. The 2020 contest resulted in 118 dead coyotes, with the winner taking in $200 for a “50.3-pound female that he shot over bait … using a 22-250 rifle.”

Ending such competitions is in line with New York’s existing anti-cruelty statute, which prohibits the unjustifiable killing or maiming of an animal. Indeed, since 1902 New York has expressly prohibited pigeon shoots due to their inherent cruelty.

The proposed legislation is also consistent with the existing and extensive environmental regulations in New York, which place reasonable restrictions on the timing, method and, in some cases, numerical “bag” limits for the taking of wildlife.

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5 N.Y. Agric. & Mkts. Law § 353.

6 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 likely in any competition that involves the mass and potentially hurried slaughter of animals, since a participant is unlikely to have the time or resources to properly attend to any individual wounded animal.

7 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 (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 (providing season dates and indicating a bag limit of six for non-red squirrels).
Banning these mass shooting competitions — which often include minors as participants — further aligns with New York State’s long history of promoting conservation and humane education. The primary goals of humane education are to promote an understanding of the sociological and psychological dimensions of animal abuse and deter violence and cultivate empathy and compassion for animals. 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.” Education Law section 809 similarly 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.

III. RECOMMENDATION

Although the Animal Law Committee supports the proposed legislation as drafted, we believe that the legislation’s penalty — a $500-2,000 fine — is too weak to stop wildlife-shooting contests entirely. In particular, a contest charging entrants registration fees could spread the fine out across participants with little impact on any one person’s pocket. For instance, if the organizers of the coyote-shooting contest discussed in Section II above were assessed the maximum fine, they could cover it by simply asking the contest’s 300 registrants to pay $7 more each. Or they could reduce the awarded cash and prizes from $10,000 to $8,000. Either way, the penalty could be absorbed as a cost of doing business. We accordingly recommend that the penalty be strengthened to provide more effective deterrence.

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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), 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. See A. William Ritter, Jr., The Cycle of Violence Often Begins with Violence Toward Animals, 30 Prosecutor 31, 31 (1997).


11 N.Y. Educ. Law § 809.
IV. CONCLUSION

For the above reasons, the New York City Bar Association Animal Law Committee supports A.5746/S.6643, with the above-referenced recommendation.

Animal Law Committee
Christopher Wlach, Chair

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