

Memorandum in Support

COMMITTEE ON ANIMALS AND THE LAW

Animals #8-A

January 17, 2020

S. 4253-A

By: Senator Martinez

A. 722-B

By: M. of A. Glick

Senate Committee: Environmental Conservation

Assembly Committee: Codes

Effective Date: 1st of November next succeeding
the date on which it shall have
become a law

AN ACT to amend the environmental conservation law, in relation to making contests, competitions, tournaments and derbys to take wildlife unlawful.

LAW AND SECTIONS REFERRED TO: New Subsection 14 of §11-0901 and new Subsection 10-a of §71-0921 of the Environmental Conservation Law.

THE COMMITTEE ON ANIMALS AND THE LAW SUPPORTS THIS LEGISLATION

Section one adds a new Subdivision 14 to Section 11-0901 of 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 the largest number of wildlife for prizes or other inducement, or for entertainment.” Amended language in the Assembly bill is more specific in delineating the “wildlife” covered by the bill as “small game, wild birds, other than wild turkeys, and domestic game birds.” “Small game” includes “black, gray and fox squirrels, European hares, varying hares, cottontail rabbits, native frogs, native salamanders, native turtles, native lizards, native snakes, coyotes, red fox and gray fox except captive bred red fox or gray fox, raccoon, opossum, or weasel, skunk, bobcat, lynx, muskrat, mink, except mink born in captivity, fisher, otter, beaver, sable and marten but does not include coydogs.” “Wild birds” include “the English sparrow and starling, and also includes pigeons and psittacine birds existing in a wild state, not domesticated.” Finally, “domestic game birds” include “ducks, geese, brant, swans, pheasants, quail, wild turkey, ruffed grouse, Chukar partridge and Hungarian or European gray-legged partridge...”¹

This new subdivision would also require that any of the covered wildlife injured during the course of an illegal contest, competition, tournament or derby shall be taken to a wildlife rehabilitator or veterinarian for treatment or humane euthanasia. Finally, the legislation provides

¹ N.Y. Environmental Conservation Law § 11-0103.

that the remains of any of the relevant wildlife killed during an illicit contest, competition, tournament or derby will be forfeited by any individual involved, and will become the property of the New York State Department of Environmental Conservation. The Assembly bill provides that the provisions of the bill would not apply to special dog training areas or field trials held pursuant to Sections 11-0925 and 11-0927 of the ECL, in which dogs are trained to hunt in activities regulated under these sections of law.

Section two of the bill would amend Environmental Conservation Law Section 71-0921 by adding a new subdivision 10-a, which would provide that a violation of the above-described Subdivision 14 of Section 11-0901, involving unlawful contests, competitions, tournaments and derbys to take wildlife would be classified as a misdemeanor under the Penal Law. Each such misdemeanor shall be punished by imprisonment for not more than one year or by a fine of not less than five hundred dollars nor more than two thousand dollars, or by both such imprisonment and fine.

Section three states that the act shall take effect on the first of November next succeeding the date on which it shall have become a law.

Wildlife killing contests are events or competitions in which participants compete to kill wildlife for prizes – typically for money or hunting equipment. Usually the person or team who has killed the most animals or the heaviest or largest animals is considered the winner of the competition.

These events are unethical, inhumane and promote the excessive and unnecessary killing of wildlife. They are akin to other blood sports, such as dogfighting and cockfighting, which are illegal, yet wildlife killing contests are still legal in almost every state, including New York.² The wildlife targeted by these contests are usually considered “pests” or “varmints” and include coyotes, mountain lions, foxes, prairie dogs, crows, squirrels, bobcats, and rabbits.³ Unfortunately, due to their classification as non-game species, most state laws do not protect the species targeted by wildlife killing contests. Thus, participants are not required to obtain a permit to kill these animals, do not have to report their kills, and the animals can be killed without limit, by any means possible.⁴

The events themselves are totally unregulated. No permit or registration is required to hold an event, so it is unclear just how many of these contests are held (both in New York and throughout the country), and how many animals have actually been killed or orphaned through these events. Despite the fact that wildlife killing contests clearly promote gratuitous violence and animal cruelty, many events are now opening participation to, and targeting, youths as young as ten in order to increase participation.⁵

² *Wildlife Killing Contests: A Guide to Ending the Blood Sport in Your Community*, HUMANE SOCIETY U.S. 5 (Oct. 2018) <https://volunteers.humansociety.org/theHub/?check=b4b882f6c9a0d640fea6e379e97bc075&downloadFile=1&field=file&key=695&table=resources>.

³ *Id.* at 6.

⁴ *Id.*

⁵ *The Hidden War on Wildlife: Killing Contests in North America*, PROJECT COYOTE, <http://www.projectcoyote.org/wp-content/uploads/2016/07/Project-Coyote-Factsheet-WKC.pdf> (last visited May 15, 2019).

Many participants in these cruel wildlife killing contests claim that they are providing a service to the state and its ecosystem by ridding it of these “pests” and protecting livestock. However, scientists and wildlife management experts agree that wildlife killing contests are counterproductive to sound wildlife conservation or management by creating “instability and social chaos” in the family structure of the animals killed, which can actually “exacerbate conflicts with livestock.”⁶ Mass killings often result in an increase in the numbers of the targeted species – not a decrease – because of the space and resources left behind.⁷ Wildlife killing contests also often ignore the vital role native wildlife plays in any healthy ecosystem and the varied ecological services they may offer.⁸

There are a number of examples of these types of inhumane competitions happening in New York State. In March 2019, the Rip Van Winkle Rod and Gun Club in Palenville (Greene County) held its sixth annual “Crow Down.” As the club acknowledges, the hunt is simply for fun. It also holds a “Squirrel Scramble” in February, which had over 300 participants.⁹ Palenville is not the only locality that hosts squirrel killing contests. In Holley (Orleans County), hundreds of shooters participate in the annual “Squirrel Slam,” a contest to see who can shoot the heaviest set of five squirrels in one day.¹⁰ Last February, the Federation of Sportsmen’s Clubs of Sullivan County hosted the 12th Annual Statewide 3-Day Coyote Contest.¹¹ Fifty-two hunters participated, killing 76 coyotes. In 2018, the Humane Society of the United States infiltrated a coyote killing contest in Macedon, in Wayne County. Around 200 animals were piled up, surrounded by individuals “gloating and joking about the methods used to lure and kill the animals.”¹²

The Committee on Animals and Law applauds the sponsors for recognizing what these wildlife killing contests truly are – animal cruelty under the guise of friendly competitions. Wildlife deserve to be respected and protected. Excessive and inhumane killing competitions should be a part of New York’s past, not part of present-day life.

For the foregoing reasons, the NYSBA’s Committee on Animals and the Law supports legislation to make these wildlife killing contests unlawful, and **SUPPORTS** the passage and enactment of this bill.

⁶ *Id.*; See also, *Ban Wildlife Killing Contests*, WILDEARTH GUARDIANS, <https://wildearthguardians.org/wildlife-conservation/ban-wildlife-killing-contests/> (last visited May 15, 2019).

⁷ *Id.*; See also, *The Hidden War on Wildlife*, *supra*, note 4.

⁸ See, *Gruesome Wildlife Killing Contests Exposed*, HUMANE SOC’Y U.S., <https://www.humaneociety.org/sites/default/files/docs/2018-undercover-investigation-wildlife-report.pdf> (last visited May 16, 2019) (“Coyotes, for example, provide a number of free, natural ecological services: helping to control disease transmission, cleaning up carrion, keeping rodent populations in check, increasing biodiversity, removing sick animals from the gene pool and protecting crops.”).

⁹ David Figura, *Upstate NY Rod and Gun Club Holding 6th Annual Crow Hunt*, NYUP.COM (Mar. 14, 2019), <https://www.newyorkupstate.com/outdoors/2019/03/upstate-ny-rod-and-gun-club-holding-6th-annual-crow-hunt.html>.

¹⁰ Jesse McKinley, *A ‘Squirrel Slam’ Lures Hunters and Protesters to Western New York*, N.Y. TIMES (Feb. 26, 2017), https://www.nytimes.com/2017/02/26/nyregion/squirrel-hunt-western-new-york-animal-lovers-protest.html?_r=0.

¹¹ David Figura, *CNY Coyote Hunter Wins \$2,280 in Statewide Contest*, SYRACUSE.COM (Feb. 18, 2019), <https://www.syracuse.com/outdoors/2019/02/cny-coyote-hunter-wins-2280-in-statewide-contest.html>

¹² *Gruesome Wildlife Killing Contests Exposed*, *supra* note 7.