



## Memorandum in Support

### COMMITTEE ON ANIMALS AND THE LAW

Animals #12

March 21, 2023

S. 4099

By: Senator Kennedy

A. 2917

By: M. of A. Glick

Senate Committee: Environmental Conservation

Assembly Committee: Environmental Conservation

Effective Date: 1<sup>st</sup> 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**

This bill adds a new Subdivision 14 to Section 11-0901 of the Environmental Conservation Law (ECL), making it unlawful to organize, promote, conduct, or otherwise participate in events focused on taking or hunting wildlife for prizes, inducements, or entertainment. Subsection 10-a of ECL 71-0921 imposes fines ranging from \$500.00 to \$2000.00 per violation and mandates that the remains of any animal unlawfully obtained must be forfeited to the Department of Environmental Conservation. Exceptions to the bill's prohibited activities include contests, competitions, tournaments or derbies involving the hunting or taking of white-tailed deer, turkey or bear. Other exceptions include activities related to special dog training areas, field trials in which dogs are trained pursuant to ECL sections 11-0925 and 11-0927 to hunt and capture game, and similar canine performance events.

Wildlife killing contests are "entertainment" events or competitions in which participants compete to kill non-game wildlife in order to win monetary or other prizes, such as hunting equipment.<sup>1</sup> In typical wildlife killing contests, the "winner" is the person or team who has killed the most animals or the heaviest or largest animal. A prime example was the 2020 three day event held by the Federation of Sportsmen's Clubs of Sullivan County, during which a

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<sup>1</sup> Humane Society of the United States, "*Wildlife Killing Contests: A Guide to Ending the Blood Sport in Your Community*," [https://www.humanesociety.org/sites/default/files/docs/HSUS\\_Wildlife-Killing-Contests-Toolkit.pdf](https://www.humanesociety.org/sites/default/files/docs/HSUS_Wildlife-Killing-Contests-Toolkit.pdf) (last visited December 20, 2021) [Hereafter "*Wildlife Killing Contests*"].

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contestant won more than \$2,400.00<sup>2</sup> for killing the greatest number of coyotes and the largest coyote.<sup>3</sup> Even more appallingly, because the focus of these killing contests is entertainment, the carcasses amassed during them are simply left unclaimed, often piled hundreds high in a heap or in mass graves at the conclusion of the contest.<sup>4</sup>

The animals often targeted in such contests are categorized in New York as ‘nuisance wildlife’.<sup>5</sup> Due to their classification as non-game species, these types of animals often are not protected by hunting laws, meaning that the participants are not required to obtain permits, report their kills, limit killings or practice humane sportsmanship.<sup>6</sup> Although in New York, permits are sometimes required to take certain species of nuisance wildlife, some laws governing the hunting of game species still do not apply to the non-game animals.<sup>7</sup> For example, although using bait is strictly prohibited and considered unethical for game hunting, no such restrictions apply to the hunting of nuisance wildlife.<sup>8</sup> Additionally, mammals are not the only nuisance wildlife targeted in killing contests; the *sixth* annual “Crow Down,”<sup>9</sup> a hunt which the Club acknowledges occurs *simply for fun*, was held by the Rip Van Winkle Rod and Gun Club in Palenville (Greene County) in March 2019.

Moreover, since wildlife killing contests are largely unregulated, it is virtually impossible to estimate how many of these competitions take place or how many animals are killed or orphaned through these events annually.<sup>10</sup> What is clear, though, in New York there consistently exist well-publicized and well-attended events, making this killing practice of critical concern in this State.<sup>11</sup>

Attempting to justify these cruel contests, participants often assert that they are providing a

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<sup>2</sup> Figura, David, “Upstate NY Coyote Hunt Contest Winner Earns \$2,440, Record Number Killed This Year,” New York Upstate (Feb. 12, 2020), <https://www.newyorkupstate.com/outdoors/2020/02/upstate-ny-coyote-hunt-contest-winner-earns-2240-record-number-killed-this-year.html> .

<sup>3</sup> That event, alone, resulted in the death of 118 coyotes for the contestants’ entertainment. *Id.*

<sup>4</sup> This was described and depicted gruesomely in Project Coyote’s *A Barbaric Bloodsport, End Wildlife Killing Contests* <http://www.projectcoyote.org/endkillingcontests/> (last visited December 20, 2021) [Describing carcasses piled up while participants pose for pictures next to the dead animals. Images were taken from undercover investigations in 2020 from killing contests in Maryland, New York, and Oregon.] [Hereafter, Project Coyote, *End Wildlife Killing Contests*.]

<sup>5</sup> <https://www.dec.ny.gov/animals/7005.html>, (provides a listing of nuisance wildlife in New York).

<sup>6</sup> Humane Society of the United States, *Facts about wildlife killing contests*, <https://www.humanesociety.org/wildlifekillingcontests> (last visited December 20, 2021).

<sup>7</sup> <https://www.dec.ny.gov/animals/81531.html> (table listing the circumstances under which permits may be required to take nuisance wildlife).

<sup>8</sup> <https://www.dec.ny.gov/outdoor/28182.html> (describing hunting practices prohibited for game species).

<sup>9</sup> David Figura, fn. 2, *supra*.

<sup>10</sup> Humane Society of the United States, *End Wildlife Killing Contests*, <https://www.humanesociety.org/sites/default/files/docs/contest-kills-factsheet.pdf> (last visited 12/26/2021).

<sup>11</sup> In addition to the aforementioned February 2020 coyote killing contest, the Germantown Sportsman Club in Columbia County, NY posted a “Save the Date” for its annual ‘Squirrel Scramble’ scheduled for February 2022, (See, Facebook: Germantown Sportsman Association (December 10, 2021), Pinned Post <https://www.facebook.com/germantownsportsmensassociation/> (last visited 12/26/21), despite widespread protest in 2021 that the contests be discontinued. [DiDonato, Larry, Columbia-Greene Media (Feb 19, 2021 Updated Mar 2, 2021), “Area sportsmen’s club gets backlash for hunting event” [https://www.hudsonvalley360.com/sports/local/area-sportsmen-s-club-gets-backlash-for-hunting-event/article\\_90d1c396-731a-11eb-b191-bb03c4c0e639.html](https://www.hudsonvalley360.com/sports/local/area-sportsmen-s-club-gets-backlash-for-hunting-event/article_90d1c396-731a-11eb-b191-bb03c4c0e639.html) (last visited 12/26/21)]. In 2018, the Humane Society of the United States filmed participants in the Bark at the Moon Coyote Club’s New York State Predator Hunt near Lake Ontario, standing near a pile of killed nuisance wildlife “gloating and joking about the methods used to lure and kill” the animals. (Humane Society of the United States, *Grotesque Wildlife Killing Contests Exposed*, <https://www.humanesociety.org/sites/default/files/docs/2018-undercover-investigation-wildlife-report.pdf>).

“service” to the state and its ecosystem by ridding it of these “pests” and protecting livestock.<sup>12</sup> In reality, scientists and wildlife management experts agree that wildlife killing contests are actually counterproductive to sound wildlife conservation or management,<sup>13</sup> and that mass killings, which create instability and social chaos among the remaining animal family members, often result in an increase – not a decrease – in the numbers of the targeted species.<sup>14</sup> In sum, in addition to being cruel and inhumane, wildlife killing contests also often ignore the vital role that native wildlife plays in the balance of any healthy ecosystem and the varied ecological services they may offer.<sup>15</sup>

Finally, and perhaps most importantly, wildlife killing contests severely undercut New York’s commitment to promote the humane treatment and protection of animals through humane education programs<sup>16</sup> and anti-animal cruelty laws.<sup>17</sup> Promoters of wildlife killing contests target children as young as five years old to enter youth divisions for special prizes,<sup>18</sup> so as the popularity of these killing contests increases, so too have the youth participants learning that killing these animals for entertainment is acceptable. By fostering the inhumane killing of wildlife and by including children as participants, such contests teach and glorify violence, cruelty and the suffering of sentient animals, concepts that are antithetical to encouraging compassion for animals and animal protection which New York’s laws otherwise value. Other blood sports, such as dog fighting and cockfighting, are already illegal in New York,<sup>19</sup> and our children should be taught a message consistent with the humane education mandated by its education laws: Wildlife is to be respected and protected. Excessive and inhumane killing competitions should become parts of New York’s past, not its present-day life.

The Committee on Animals and Law supported a version of this legislation in 2019 and in 2020, and it again applauds the sponsors for recognizing what these wildlife killing contests truly are – animal cruelty under the guise of sports competitions.

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.

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<sup>12</sup> *Wildlife Killing Contests*, fn. 1, *supra*.

<sup>13</sup> Williams, Ted, “*Coyote Carnage: The Gruesome Truth About Wildlife Killing Contests*,” *Yale Environment* 360, (May 22, 2018), <https://e360.yale.edu/features/coyote-carnage-the-gruesome-truth-about-wildlife-killing-contests> (last visited 12/26/21).

<sup>14</sup> *Id.*

<sup>15</sup> Humane Society of the United States, *End Wildlife Killing Contests*, (last visited December 27, 2021) (“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.”).

<sup>16</sup> N.Y. Educ. Law § 809, [Requiring publicly funded elementary schools to provide instruction “in the humane treatment and protection of animals...”].

<sup>17</sup> N.Y. Ag. & Mkts. Law §353, *et. seq.*

<sup>18</sup> *Wildlife Killing Contests*, fn. 1, at 5.

<sup>19</sup> N.Y. Ag. & Mkts. Law §351.