

Legislative Bill Drafting Commission  
01045-12-8

S. -----  
Senate  
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IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
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IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

**\*ENVCONLA\***

(Enacts the "Big Five African  
Trophies Act" relating to banning  
the importation, transportation and  
possession of certain African wild-  
life species and products)

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En Con L. foreign game Big Five

**AN ACT**

to amend the environmental conserva-  
tion law, in relation to enacting  
the "Big Five African Trophies Act"  
relating to foreign game

The People of the State of New  
York, represented in Senate and  
Assembly, do enact as follows:

**IN SENATE**

**Senate introducer's signature**

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal:

s15 Addabbo	s03 Croci	s27 Hoylman	s37 Mayer	s10 Sanders
s52 Akshar	s50 DeFrancisco	s60 Jacobs	s25 Montgomery	s23 Savino
s31 Alcantara	s18 Dilan	s09 Kaminsky	s40 Murphy	s32 Sepulveda
s46 Amedore	s17 Felder	s26 Kavanagh	s58 O'Mara	s41 Serino
s11 Avella	s02 Flanagan	s63 Kennedy	s62 Ortt	s29 Serrano
s36 Bailey	s55 Funke	s34 Klein	s21 Parker	s51 Seward
s30 Benjamin	s59 Gallivan	s28 Krueger	s13 Peralta	s16 Stavisky
s42 Bonacic	s12 Gianaris	s24 Lanza	s19 Persaud	s35 Stewart-
s04 Boyle	s22 Golden	s39 Larkin	s07 Phillips	Cousins
s44 Breslin	s47 Griffo	s01 LaValle	s61 Ranzenhofer	s49 Tedisco
s08 Brooks	s20 Hamilton	s45 Little	s48 Ritchie	s53 Valesky
s38 Carlucci	s06 Hannon	s05 Marcellino	s33 Rivera	s57 Young
s14 Comrie	s54 Helming	s43 Marchione	s56 Robach	

**IN ASSEMBLY**

**Assembly introducer's signature**

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

a049 Abbate	a053 Davila	a029 Hyndman	a144 Norris	a036 Simotas
a092 Abinanti	a072 De La Rosa	a097 Jaffee	a130 Oaks	a099 Skoufis
a084 Arroyo	a034 DenDekker	a011 Jean-Pierre	a069 O'Donnell	a005 Smith
a107 Ashby	a070 Dickens	a116 Jenne	a051 Ortiz	a022 Solages
a035 Aubry	a054 Dilan	a135 Johns	a091 Otis	a114 Stec
a120 Barclay	a081 Dinowitz	a115 Jones	a132 Palmesano	a110 Steck
a030 Barnwell	a147 DiPietro	a077 Joyner	a002 Palumbo	a010 Stern
a106 Barrett	a016 D'Urso	a040 Kim	a088 Paulin	a127 Stirpe
a060 Barron	a004 Englebright	a131 Kolb	a009 Pellegrino	a102 Tague
a082 Benedetto	a074 Epstein	a105 Lalor	a141 Peoples-	a071 Taylor
a042 Bichotte	a133 Errigo	a013 Lavine	Stokes	a001 Thiele
a079 Blake	a039 Espinal	a134 Lawrence	a058 Perry	a061 Titone
a117 Blankenbush	a109 Fahy	a050 Lentol	a023 Pheffer	a031 Titus
a142 Bohen	a080 Fernandez	a125 Lifton	Amato	a033 Vanel
a098 Brabenc	a126 Finch	a123 Lupardo	a086 Pichardo	a055 Walker
a026 Braunstein	a008 Fitzpatrick	a121 Magee	a089 Pretlow	a143 Wallace
a119 Brindisi	a124 Friend	a129 Magnarelli	a073 Quart	a112 Walsh
a138 Bronson	a095 Galef	a064 Malliotakis	a019 Ra	a146 Walter
a093 Buchwald	a137 Gantt	a108 McDonald	a012 Raia	a041 Weinstein
a118 Butler	a007 Garbarino	a014 McDonough	a006 Ramos	a024 Weprin
a094 Byrne	a148 Giglio	a017 Mikulin	a043 Richardson	a059 Williams
a103 Cahill	a066 Glick	a101 Miller, B.	a078 Rivera	a113 Woerner
a044 Carroll	a150 Goodell	a038 Miller, M.G.	a068 Rodriguez	a056 Wright
a062 Castorina	a075 Gottfried	a020 Miller, M.L.	a027 Rosenthal, D.	a096 Zebrowski
a047 Colton	a100 Gunther	a015 Montesano	a067 Rosenthal, L.	a046
a032 Cook	a139 Hawley	a136 Morelle	a025 Rozic	a087
a085 Crespo	a083 Heastie	a145 Morinello	a149 Ryan	a090
a122 Crouch	a028 Hevesi	a057 Mosley	a111 Santabarbara	a104
a021 Curran	a048 Hikind	a003 Murray	a140 Schimminger	
a063 Cusick	a018 Hooper	a065 Niou	a076 Seawright	
a045 Cymbrowitz	a128 Hunter	a037 Nolan	a052 Simon	

1) Single House Bill (introduced and printed separately in either or  
both houses). Uni-Bill (introduced simultaneously in both houses and printed  
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2  
signed copies of bill and 4 copies of memorandum in support (single house);  
or 4 signed copies of bill and 8 copies of memorandum  
in support (uni-bill).

1 Section 1. This act shall be known and may be cited as the "Big Five  
2 African Trophies Act".

3 § 2. The environmental conservation law is amended by adding a new  
4 section 11-0535-b to read as follows:

5 § 11-0535-b. Big five African trophies act.

6 1. Notwithstanding any other provision of law, no individual, firm,  
7 corporation, association, or partnership shall import, export, trans-  
8 port, process, sell, offer for sale, purchase, trade, barter, distribute  
9 or possess any part or product of the skin or body, whether raw or manu-  
10 factured, of the following animal species: African Elephant (Loxodonta  
11 africana); African Leopard (Panthera pardus); African Lion (Panthera  
12 leo); Black Rhinoceros (Diceros bicornis); White Rhinoceros (Ceratother-  
13 ium simum); and Giraffe (Giraffa camelopardalis).

14 2. Unless such activity is prohibited by federal law, paragraph e of  
15 subdivision six of section 11-0103 of this article, or sections 11-0512,  
16 11-0535-a, or 11-0536 of this title, the following exceptions and  
17 defenses apply to the prohibitions of subdivision one of this section:

18 a. the part or product was located or possessed within the state of  
19 New York prior to the effective date of this section and the legal owner  
20 has obtained a certificate of possession from the secretary of state;

21 b. the part or product is to be made part of a temporary or permanent  
22 collection of a museum chartered by the board of regents pursuant to the  
23 education law or to a museum authorized by a special charter from the  
24 legislature of this state, provided that the article is not thereafter  
25 sold, offered for sale, traded, bartered or distributed to any private  
26 party; or

27 c. the part or product is distributed directly to a legal beneficiary  
28 of a trust or to a legal heir provided the article was located or

1 possessed by the decedent prior to the effective date of this section;  
2 provided further that after transfer to the beneficiary or heir that the  
3 article is not thereafter sold, offered for sale, traded, bartered or  
4 distributed to any private party; provided further that the beneficiary  
5 or heir obtain a certificate of possession from the secretary of state  
6 within one hundred eighty days of obtaining the article.

7 3. Any officer or agent authorized by the commissioner, or any police  
8 officer of the state of New York, or any police officer of any munici-  
9 pality within the state of New York, shall have authority to execute any  
10 warrant to search for and seize any parts or products in violation of  
11 this section, as defined in subdivision one of this section, or any  
12 property or item used in connection with a violation of this section;  
13 such parts or products shall be held pending proceedings in any court of  
14 proper jurisdiction. Upon conviction, or upon the entry of a judgment  
15 restraining the import, export, transport, process, sale, offer for  
16 sale, purchase, trade, barter, distribution or possession of any such  
17 part or product on the ground that such parts or products are in  
18 violation of this section, such parts or products shall be forfeited  
19 and, upon forfeiture, either offered to a recognized institution for  
20 scientific or educational purposes, or destroyed.

21 § 3. Subdivision 1 of section 71-0919 of the environmental conserva-  
22 tion law is amended by adding a new paragraph g to read as follows:

23 g. In the cases provided for in section 11-0535-b of this chapter:

24 (a) Any big five African species, property and/or item used in  
25 connection with a violation of this section shall be held pending crimi-  
26 nal proceedings in any court of proper jurisdiction.

27 (b) A defendant convicted of this offense shall be sentenced pursuant  
28 to paragraph (b) of subdivision one of section 55.10 of the penal law;

1 provided, however, that any term of imprisonment imposed for violation  
2 of this section shall be a definite sentence, which may not exceed two  
3 years.

4 (c) Upon conviction, or upon the entry of a judgment restraining a  
5 defendant from importing, possessing, selling, offering for sale, or  
6 transporting any big five African species on the grounds that such  
7 activity is or would be in violation of section 11-0535-b of this chap-  
8 ter, any seized property under this paragraph shall be forfeited and,  
9 upon forfeiture, destroyed.

10 § 4. This act shall take effect one year after it shall have become a  
11 law.