CHAPTER 9—FISH AND WILDLIFE SERVICE

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• § 742j-1. Airborne hunting

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(a) Prohibition; penalty
Any person who—
(1) while airborne in an aircraft shoots or attempts to shoot for the purpose of capturing or killing any
bird, fish, or other animal; or
(2) uses an aircraft to harass any bird, fish, or other animal; or
(3) knowingly participates in using an aircraft for any purpose referred to in paragraph (1) or (2);
shall be fined not more than $5,000 or imprisoned not more than one year, or both.

(b) Exception; report of State to Secretary
(1) This section shall not apply to any person if such person is employed by, or is an authorized agent of
or is operating under a license or permit of, any State or the United States to administer or protect or aid
in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or
crops, and each such person so operating under a license or permit shall report to the applicable issuing
authority each calendar quarter the number and type of animals so taken.
(2) In any case in which a State, or any agency thereof, issues a permit referred to in paragraph (1) of
this subsection, it shall file with the Secretary of the Interior an annual report containing such information
as the Secretary shall prescribe, including but not limited to—
(A) the name and address of each person to whom a permit was issued;
(B) a description of the animals authorized to be taken thereunder, the number of animals authorized
to be taken, and a description of the area from which the animals are authorized to be taken;
(C) the number and type of animals taken by such person to whom a permit was issued; and
(D) the reason for issuing the permit.

(c) “Aircraft” defined
As used in this section, the term “aircraft” means any contrivance used for flight in the air.

(d) Enforcement; regulations; arrest; search; issuance and execution of warrants and process; cooperative
agreements
The Secretary of the Interior shall enforce the provisions of this section and shall promulgate such regulations
as he deems necessary and appropriate to carry out such enforcement. Any employee of the Department of
the Interior authorized by the Secretary of the Interior to enforce the provisions of this section may, without
warrant, arrest any person committing in his presence or view a violation of this section or of any regulation
issued hereunder and take such person immediately for examination or trial before an officer or court of
competent jurisdiction; may execute any warrant or other process issued by an officer or court of competent
jurisdiction for the enforcement of the provisions of this section; and may, with or without a warrant, as
authorized by law, search any place. The Secretary of the Interior is authorized to enter into cooperative
agreements with State fish and wildlife agencies or other appropriate State authorities to facilitate
enforcement of this section, and by such agreements to delegate such enforcement authority to State law
enforcement personnel as he deems appropriate for effective enforcement of this section. Any judge of any
court established under the laws of the United States, and any United States magistrate judge may, within his
respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such
cases.

(e) Forfeiture
All birds, fish, or other animals shot or captured contrary to the provisions of this section, or of any regulation
issued hereunder, and all guns, aircraft, and other equipment used to aid in the shooting, attempting to shoot,
capturing, or harassing of any bird, fish, or other animal in violation of this section or of any regulation issued
hereunder shall be subject to forfeiture to the United States.
(f) Certain customs laws applied
All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as such provisions of law are applicable and not inconsistent with the provisions of this section; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Treasury Department shall, for the purposes of this section, be exercised or performed by the Secretary of the Interior or by such persons as he may designate.