

Airborne Hunting Act

This Act, Public Law 92-159, approved November 18, 1971 (85 Stat. 480) and subsequently amended by P.L. 92-502, approved October 28, 1972 (86 Stat. 905) added to the Fish and Wildlife Act of 1956 a new section 13 (16 U.S.C. 742j-1), which is commonly referred to as the Airborne Hunting Act or Shooting from Aircraft Act, prohibits shooting or attempting to shoot or harrassing any bird, fish, or other animal from aircraft except for certain specified reasons, including protection of wildlife, livestock, and human life as authorized by a Federal or State issued license or permit. States authorized to issue permits are required to file reports with the Secretary of the Interior containing information on any permits issued.

AIRBORNE HUNTING ACT

16 U.S.C. § 742j-1, November 18, 1971, as amended 1972.

Overview. The Act, a section of the Fish and Wildlife Act of 1956, prohibits harassing, capturing or killing birds, fish and other animals from aircraft, with certain limited exceptions.

Selected Definitions. Aircraft: any contrivance used for flight in the air. § 742j-1(c).

Prohibitions and Exceptions. The Act imposes fines, imprisonment for up to one year, or both on a person who:

while airborne in an aircraft shoots or attempts to shoot to capture or kill any bird, fish or other animal;

uses an aircraft to harass any bird, fish or other animal; knowingly participates in using an aircraft for any of these purposes. (See the summary of the Sentencing Reform Act of 1984 for more information on criminal penalties.)

These prohibitions do not apply to state or federal employees, authorized agents, or persons acting under a license or permit, who are authorized to administer or protect land, water, wildlife, livestock, domesticated animals, human life or crops. Each person authorized under a license or permit must report to the issuing authority each calendar quarter the number and type of animals taken. Each state that issues permits must file with the Secretary of Interior an annual report listing permit holders, animals authorized to be taken, the animals actually taken and the reason for issuing the permits. §742j-1(a) and (b).

Enforcement. The Secretary of Interior is responsible for enforcing this Act and issuing regulations. Authorized Department of the Interior employees who witness a violation of the Act may arrest the violator without a warrant, take the person to an officer or court, execute warrants to enforce the Act, and conduct searches. Any federal judge or magistrate may issue warrants upon probable cause. The Secretary may enter into cooperative agreements with state fish and wildlife agencies or other authorities to facilitate enforcement of the Act, and may delegate enforcement authority to state law enforcement personnel. § 742j-1(d).

Forfeiture. All animals taken, and all guns, aircraft and other equipment used in violation of this Act, are subject to forfeiture to the federal government. Federal laws relating to the forfeiture of vessels for violation of custom laws apply to forfeitures under this Act. § 742j-1(e) and (f).