§ 11-0901. Prohibitions.

1. No person while in or on a motor vehicle, as defined in section 11-0931 of this chapter, shall take wildlife other than migratory game birds, or use any lights on any such vehicle for such purpose.

* 2. Wildlife shall not be taken on or from any public highway, except:

a. that in the forest preserve counties it may be taken from highways other than state, county or town highways; and

b. by a nuisance wildlife specialist with a permit issued pursuant to section 11-0522 of this article provided that such activities are in furtherance of the site-specific deer management plan.

c. by a nuisance wildlife specialist with a permit issued pursuant to section 11-0522-a of this article provided that such activities are in furtherance of the site-specific deer management plan.

* NB Effective until January 1, 2030

* 2. Wildlife shall not be taken on or from any public highway, except that in the forest preserve counties it may be taken from highways other than state, county or town highways.

* NB Effective January 1, 2030

3. a. Migratory game birds shall be taken only as permitted by regulations of the department adopted pursuant to section 11-0307.

b. Wild deer and bear shall not be taken except by gun, crossbow or by long bow. Where an open season, set forth in the table of open seasons in section 11-0907 of this title or otherwise established by law or fixed by regulation, is specified as an open season for taking such game by shotgun or long bow only, or is specified as an open season for taking such game by long bow only, they shall not be taken except as so specified.

c. Wild small game and wild upland game birds shall be taken only by longbow or gun, or by the use of raptors as provided in title 10 of this

article, except that:

(1) skunk, raccoon, bobcat, coyote, fox, mink and muskrat may be taken in any manner not prohibited in this section or in title 11 of the Fish and Wildlife Law;

(2) frogs may also be taken by spearing, catching with the hands, or by the use of a club or hook; and

(3) crossbows may be used but only by licensees who are fourteen years of age or older.

d. Muskrat shall not be taken by the use of a spear and shall not be taken by shooting except that until the state of Vermont shall prohibit taking of muskrats on Lake Champlain by shooting, muskrats may be taken, by shooting with a firearm not larger than twenty-two caliber, on Lake Champlain, exclusive of the tributary streams flowing into such lake. Possession of pierced or stabbed muskrats shall be presumptive evidence that they were unlawfully taken. Wild mink shall not be taken by the use of firearms in the Northern Zone nor elsewhere within the state with a firearm larger than twenty-two caliber. Skunk, raccoon, bobcat, mink and muskrat shall not be taken by the use of smoke, chemicals, gas or poison. Beaver, fisher and otter shall not be hunted.

e. Wild pheasant shall be taken only by shotgun or long bow, or by the use of raptors as provided in title 10 of this article. Except as specifically authorized by regulation of the department adopted pursuant to section 11-1007 or whenever the department determines that the taking of hen pheasants will result in better pheasant management and not be detrimental to the natural propagation of such pheasants, only male wild pheasants shall be taken.

f. No wildlife shall be taken with an arrow with an explosive head or shaft, or with an arrow, dart or any device, propelled by any means, that is used for the purpose of injecting or delivering any type of drug into the blood system of such wildlife. Nothing in this paragraph shall be construed as prohibiting a wildlife biologist or employee of the department or anyone acting under a license from the department from using any method to take wildlife if he is doing so within the scope of his employment for the department, or pursuant to the license issued by

the department.

g. Wildlife shall not be taken by the use of a device commonly called a spear gun.

4. a. Wild deer and bear shall not be taken in water.

b. No person shall hunt deer:
(1) with the aid of a dog, or aircraft of any kind; or
(2) with the aid of a jacklight, spotlight, headlight or other type of artificial light; or
(3) with a pistol, revolver or rifle using rim-fire ammunition; or
(4) with a shotgun of less than twenty gauge or loaded with shells other than shells each carrying a single round ball or a single slug, provided however, the use of a shotgun of twenty gauge or larger having a rifled barrel or a smooth bore barrel fitted with a rifled choke, loaded with shells each carrying a single round ball or a single slug, shall not be prohibited so long as only shells having a non-metallic case, except for the base, are used; or
(5) with a long bow with a draw weight of less than thirty-five pounds; or
(6) with an arrow or bolt with an arrowhead that measures less than seven-eighths of an inch at its widest point or that has fewer than two sharp cutting edges; or
(7) with the aid of a pre-established bait pile other than those areas established by standard agricultural production practices; or
(8) with an arrow with a barbed broadhead arrowhead; or
(9) with a crossbow unless such crossbow shall consist of a bow and string, either compound or recurve, mounted upon a stock with a trigger that holds the string and limbs under tension until released. The trigger unit of such crossbow must have a working safety. The minimum peak draw weight of such crossbow shall be one hundred pounds.

c. No person shall hunt bear:
(1) with the aid of a dog, or aircraft of any kind; or
(2) with the aid of a jacklight, spotlight, headlight or other type of artificial light; or

(3) with a pistol, revolver or rifle using rim-fire ammunition; or

(4) with a shotgun of less than twenty gauge or loaded with shells other than shells each carrying a single round ball or a single slug, provided however, the use of a shotgun of twenty gauge or larger having a rifled barrel or a smooth bore barrel fitted with a rifled choke, loaded with shells each carrying a single round ball or a single slug, shall not be prohibited so long as only shells having a non-metallic case, except for the base, are used; or

(5) with a long bow with a draw weight of less than thirty-five pounds; or

(6) with an arrow or bolt with an arrowhead that measures less than seven-eighths of an inch at its widest point or that has fewer than two sharp cutting edges; or

(7) with the aid of a pre-established bait pile other than those areas established by standard agricultural production practices; or

(8) with an arrow with a barbed broadhead arrowhead; or

(9) with a crossbow unless such crossbow shall consist of a bow and string, either compound or recurve, mounted upon a stock with a trigger that holds the string and limbs under tension until released. The trigger unit of such crossbow must have a working safety. The minimum peak draw weight of such crossbow shall be one hundred pounds.

d. The use upon land inhabited by deer or bear of a jacklight, spotlight or other type of artificial light by any person who is or is accompanied by a person who is in possession, at the time of such use, of a long bow, a crossbow or firearm of any kind, shall be presumptive evidence that such person is hunting deer or bear with the aid of such light, in violation of this subdivision, unless:

(1) such long bow or crossbow is unstrung, or such a firearm is taken down, or securely fastened in a case, or locked in the trunk of a vehicle, or

(2) the firearm is a pistol or revolver, or

(3) the firearm is not in or on a motor vehicle and is a rifle designed or adapted for use of rim-fire ammunition and neither the person in possession of the gun, nor any member of his party, has in his possession any twenty-two caliber ammunition other than twenty-two caliber rim-fire ammunition, or

(4) the firearm is not in or on a motor vehicle and is a shotgun and neither the person in possession of the gun, nor any member of his party, has in his possession ammunition other than shells loaded with scatter shot of size number four or smaller.

e. (1) No person shall use a jacklight, spotlight or other type of artificial light upon lands inhabited by deer or bear within five hundred feet from a dwelling house, farm building or farm structure actually occupied or used, for the purpose of locating, spotting, harrying, worrying or otherwise disturbing deer or bear.

(2) The prohibition contained in subparagraph one of this paragraph shall not apply to (i) the owner or lessee of the dwelling house, or members of his immediate family residing therein, or a person in his employ, or the guest of the owner or lessee of the dwelling house acting with the consent of said owner or lessee; provided however, that nothing herein shall be deemed to authorize such persons to use a jacklight, spotlight or other type of artificial light within five hundred feet from any other dwelling house, farm building or farm structure actually occupied or used, for the purpose of locating, spotting, harrying, worrying or otherwise disturbing deer or bear or (ii) the authorized use of a spotlight or other artificial light regularly operated and maintained by a police department or other law enforcement agency or by any local or state department or agency duly authorized to render services for the protection of life and property.

5. a. Varying hares shall not be taken by the use of ferrets, fitch-ferrets or fitch.

b. Cottontail rabbits shall not be taken by the use of ferrets, fitch-ferrets or fitch unless permitted by regulation of the department or unless a permit for such taking has first been obtained from the department.

c. The possession afield of ferrets, fitch-ferrets or fitch shall be presumptive evidence of their illegal use.

d. The department may adopt regulations specifying towns or counties

in which ferrets, fitch-ferrets or fitch may be used to take cottontail rabbits. Whenever cottontail rabbits are injuring property on occupied lands, the department, on request of the owner or occupant of such lands, may issue a permit to use ferrets, fitch-ferrets or fitch to take them if it is satisfied there exists sufficient damage to warrant its issuance.

6. Skunks shall not be taken from holes or dens by digging or by the aid of dogs.

7. Raccoons shall not be taken from dens or houses or by cutting den trees.

8. Traps shall not be used except as permitted in title 5 or title 11 of the Fish and Wildlife Law.

9. No protected wild bird for which no open season is established by law or fixed by regulation shall be taken.

10. No wild game shall be taken except in an open season established by law as provided in section 11-0905, 11-0907 or 11-1103 or fixed by regulation as provided in section 11-0903, or in section 11-0307 in the case of migratory game birds, or in section 11-1103, in the areas for which such open seasons are established or fixed, and during the hours permitted for such taking; nor shall any wild game be taken in excess of bag limits specified in section 11-0905 or section 11-0907, or fixed by regulation as provided in section 11-0903 or section 11-0307.

11. No long bow equipped with a mechanical device which is used to draw, hold or release the bow string or arrow and which is attached to a portion of the bow other than the bow string may be used or carried afield. The shooting of a long bow shall only be accomplished by holding the bow at arm's length, with arrow on the string, and may only be drawn, pulled or released by hand.

12. Upland game birds shall not be taken with the aid of baiting or on or over any baited area.

13. Persons engaged in hunting deer and/or bear with a longbow must possess a current bowhunting privilege or a valid certificate of qualification in responsible bowhunting practices issued or honored by the department.

14. It shall be unlawful for any person to organize, sponsor, conduct, promote, or participate in any contest, competition, tournament, or derby with the objective of taking or hunting wildlife for prizes or other inducement, or for entertainment. The remains of any wildlife killed during the course of a contest, competition, tournament, or derby conducted in violation of this subdivision shall be forfeited by every organizer, promoter, participant or any other person conducting or involved in such contest, competition, tournament, or derby and the remains of such wildlife shall become the property of the department. The provisions of this subdivision shall not apply to: (a) any contest, competition, tournament, or derby with the object of taking or hunting white-tailed deer, turkey, or bear; or (b) special dog training areas or field trials pursuant to sections 11-0925 and 11-0927 of this title, or any similar canine performance events.

15. This section does not:

a. restrict the authority of any special permit or license issued by the department;

b. limit title 11 or provisions of title 3, title 5, or title 19 authorizing taking of wildlife;

c. limit prohibitions set forth in any other section of the Fish and Wildlife Law.

16. Notwithstanding any inconsistent provision of this section, the department may adopt regulations to allow the taking of big game or small game by the use of a long bow equipped with a mechanical device for holding and releasing the bowstring, attached to the handle section of an otherwise legal long bow, to any person with a physical disability

who is physically incapable of drawing and holding a long bow because of a physical disability, subject to such restrictions as the department may adopt by regulation. For the purpose of this subdivision, a person with a physical disability shall mean any person who submits to the department a statement of a physician duly licensed to practice medicine that such person is physically incapable of arm movement sufficient to draw, hold and release a long bow as defined in subdivision four of this section or as otherwise defined in department regulation. The department is authorized to adopt regulations requiring documentation to establish that an applicant is eligible to use a mechanical device pursuant to this subdivision.

17. Notwithstanding any inconsistent provision of this section, the department may issue to a physically disabled person a permit to take big game or small game by the use of a cross-bow equipped with an apparatus permitting release of the bowstring by means of such person's discharge of breath. For the purposes of this subdivision, "physically disabled person" shall mean any person who submits to the department a statement of a physician duly licensed to practice medicine in this state that such person is permanently physically incapable of arm movement sufficient to release a pre-drawn bow authorized under subdivision fifteen of this section.