

APA-1  
Revised 7/2019

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency: Conservation and Natural Resources

**Rule No.: 220-2-.11**

**Rule Title: Prohibited Methods and Devices for Hunting.**

New  Amend  Repeal (of Existing Rule)  Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

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Does the proposed rule have any economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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**REC'D & FILED**

SEP 12 2023

**LEGISLATIVE SVC AGENCY**

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975 and that it conforms to all applicable filing requirements of the Alabama Administrative Procedure Division of the Legislative Services Agency.

Signature of Certifying Officer Challanna W. Stragg, MS  
Secretary of Administrative Procedure

Date 9-12-23

Department of Conservation and Natural Resources  
Wildlife & Freshwater Fisheries Division

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Conservation and Natural Resources

RULE NO. & TITLE: 220-2-.11 Prohibited Methods and Devices for Hunting.

INTENDED ACTION: Amendment.

SUBSTANCE OF PROPOSED ACTION: To clarify that it shall be unlawful to concentrate, drive, rally, molest or to hunt, take, capture, or kill or attempt to hunt, take, capture, or kill any bird or animal from or by the aid of aircraft. To clarify that those in possession of a current bait privilege license hunting white-tailed deer or feral swine on privately owned or leased lands may hunt in any area where feeding has taken place. To designate that it shall be unlawful to possess fully automatic firearms while hunting any species of wildlife. To clarify that it shall be unlawful for any person to hunt with a bow or gun that has a light source attached that is capable of casting a beam of light (including a laser sight) forward of said bow or gun or to possess such a light source adapted for attachment to said bow or gun while hunting except for laser type range finders with computational capabilities; or as provided by Rule 220-2-.02(1)(c) for conditional use of laser sighting devices by legally blind hunters; or when the person possesses a current nighttime feral swine and coyote license and is hunting those species during the dates of the established special nighttime feral swine and coyote hunting season. To designate that it shall be unlawful to possess any equipment that uses electronics to increase the ability to see in the dark (night vision/thermal equipment) while hunting any species of wildlife, both protected or unprotected species except for persons possessing a current nighttime feral swine and coyote license, hunting those species during dates of the established special nighttime feral swine and coyote hunting season.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of Wildlife & Freshwater Fisheries Division at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of Wildlife & Freshwater Fisheries Division, and then by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Monday, November 6, 2023.

If ADA accommodations are needed, please contact Daisy Perry at (334) 242-3165 or [daisy.perry@dcnr.alabama.gov](mailto:daisy.perry@dcnr.alabama.gov). Requests should be made as soon as possible but at least seven days prior to the date of a personal appearance to present views regarding the proposed rules.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, November 6, 2023.

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CONTACT PERSON AT AGENCY: Charles F. Sykes, Director, Wildlife & Freshwater  
Fisheries Division, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130, 334-242-3465.

Charlanna W. Skaggs *WS*

Charlanna W. Skaggs

Secretary of Administrative Procedure

**220-2-.11 Prohibited Methods and Devices for Hunting.**

(1) It shall be unlawful to concentrate, drive, rally, molest or to hunt, take, capture, or kill or attempt to hunt, take, capture, or kill any bird or animal from or by the aid of:

(a) Any automobile, motorcar, ~~airplane~~aircraft, train, motorboat, sailboat or any type mechanically propelled device, or any other device being operated in conjunction with any of the above mentioned devices of transportation. Provided, however, that nothing in this regulation shall prevent hunting from a floating craft (except a sinkbox), including those propelled by motor, sail and wind, or both, when the motor of such craft has been completely shut off and/or the sails furled, as the case may be, its progress therefrom has ceased, and it is drifting, beached, moored, resting at anchor, or it is being propelled by paddle, oars or pole, and provided further that nothing in this regulation shall prevent the taking of game birds and game animals from any stationary motor vehicle or stationary motor driven land conveyance provided any forward motion is ceased and engine is shut off. Nothing in this regulation allows the hunting, taking or killing or attempting to hunt, take or kill any bird or animal from any vehicle on a public road.

(b) Any electrically amplified turkey, dove or waterfowl calls or sound whether real or imitation. Nothing in this regulation shall prevent the use of electrically amplified crow calls. The possession of any electrical device and/or records capable of producing real or imitation turkey, dove or waterfowl calls of any type in the woods, field, or on the waters of this State shall be a violation of this regulation.

(c) Fire or smoke whether man-made or natural.

(d) Any live decoys, except when hunting unprotected birds or animals, provided that banded live pen raised quail may be used in a recovery pen as a call bird when such recovery pen is used to recover pen raised quail as provided for in Regulation 220-2-.16.

(e) It shall be unlawful for any person while engaged in hunting turkey in this State to use or have in his possession a decoy which has mechanical or electronic parts which makes the decoy capable of movement or producing sound or which can be manipulated to produce movement or sound. Mechanical parts include, but are not limited to, decoys attached to weapons or handheld and manipulated to produce movement such as fanning or reaping. It is further provided, however, that no turkey decoys shall be lawful except during spring turkey season in the area of use.

(f) From floodwater. It shall be a violation of this regulation to hunt or attempt to hunt or take any species of resident bird or animal taking refuge in, swimming through, flying over, or resting in a tree, bush, or log standing or floating in any floodwaters or backwaters or taking refuge on any island less than forty acres in size created by any such flood or backwaters. Provided, however, that nothing in this regulation shall prevent the taking of migratory waterfowl from such areas.

(g) Any area where feeding has taken place, until all the feed has been removed or consumed for at least 10 days prior to such hunting, except those in possession of a current bait privilege license hunting white-tailed deer or feral swine on privately owned or leased lands.

(h) Gasoline or any noxious chemical or gaseous substance to drive wildlife from their burrows, dens, or retreats.

(i) It shall be unlawful to possess fully automatic firearms while hunting any species of wildlife.

(2) It shall be unlawful for any person to hunt with a bow or gun that has a light source attached that is capable of casting a beam of light (including a laser sight) forward of said bow or gun or to possess such a light source adapted for attachment to said bow or gun while hunting except as ~~provided by Rule 220-2-.03~~ for laser type range finders with computational capabilities ~~on bows~~; or as provided by Rule 220-2-.02(1)(c) for conditional use of laser sighting devices by legally blind hunters; or when the person possesses a current nighttime feral swine and coyote license and is hunting those species during the dates of the established special nighttime feral swine and coyote hunting season.

(a) It shall be unlawful to possess any equipment that uses electronics to increase the ability to see in the dark (night vision/thermal equipment) while hunting any species of wildlife, both protected or unprotected species except for persons possessing a current nighttime feral swine and coyote license, hunting those species during dates of the established special nighttime feral swine and coyote hunting season.”

**Author:** Christopher M. Blankenship

**Statutory Authority:** Alabama Act 2021-277 and §§ 9-2-7, 9-2-8 and 9-2-12,  
Code of Alabama. 1975.

**Penalty:** As provided by law.

**History:** Filed September 30, 1982. **Amended:** October 18, 1982; October 13, 1984; October 19, 1985; December 2, 1987; April 7, 1989; January 2, 1990; September 27, 1990; November 13, 1991. **Amended:** Filed October 4, 1993; effective November 8, 1993. **Amended:** Filed September 13, 1994; effective October 19, 1994. **Amended:** Filed September 20, 1995; effective October 26, 1995. **Amended:** Filed September 10, 1996; effective October 16, 1996. **Amended:** Filed August 11, 1997; effective September 16, 1997. **Amended (PE):** Filed March 10, 1998; effective March 10, 1998. **Amended:** Filed November 30, 1998; effective January 4, 1999. **Amended:** Filed September 13, 1999; effective October 18, 1999. **Amended:** Filed June 26, 2002; effective July 31, 2002. **Amended:** Filed September 16, 2002; effective October 21, 2002. **Amended:** Filed August 25, 2003; effective September 29, 2003. **Amended:** Filed August 10, 2004; effective September 14, 2004. **Amended:** Filed August 9, 2005; effective September 13, 2005.

**Amended:** Filed August 10, 2006; effective September 15, 2006. **Amended:** Filed September 12, 2007; effective October 17, 2007. **Amended:** Filed September 11, 2008; effective October 16, 2008. **Amended:** Filed June 15, 2012; effective July 20, 2012. **Amended:** Filed August 20, 2012; effective September 24, 2012. **Amended:** Filed September 6, 2013; effective October 14, 2013. **Amended:** Filed April 15, 2014; effective May 20, 2014. **Amended:** Filed May 20, 2014; effective June 24, 2014. **Amended:** Filed September 22, 2014; effective October 27, 2014. **Amended:** Filed June 10, 2015; effective July 15, 2015. **Amended:** Filed June 14, 2016; effective July 29, 2016. **Amended:** Filed July 10, 2018; effective August 24, 2018. **Amended:** Filed August 19, 2019; effective October 3, 2019. **Amended:** Filed July 16, 2020; effective September 14, 2020. **Emergency Amendment:** Filed May 19, 2021; effective May 19, 2021. **Amended:** Filed July 20, 2021; effective September 13, 2021. **Amended:** September 12, 2023.

**ECONOMIC IMPACT  
STATEMENT FOR APA RULE  
(Section 41-22-23(f))**

Control No. 220 Department or Agency Conservation

Rule No: 220-2-.11

Rule Title: Prohibited Methods and Devices for Hunting.

New       Amend       Repeal       Adopt by Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:
  
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:
  
3. EFFECT OF THIS RULE ON COMPETITION:
  
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
  
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:



6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:
  
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:
  
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:
  
9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:
  
10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED: