

CHAPTER 20.1-05
BIG GAME ANIMALS, REGULATIONS

20.1-05-01. General penalty.

Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a class A misdemeanor.

20.1-05-02. Big game animals protected.

Except as otherwise provided in section 20.1-02-28, a person may not hunt, harass, chase, pursue, take, attempt to take, possess, transport, ship, convey by common or private carrier, sell, barter, or exchange a big game animal except as provided in carrying out practices to alleviate depredations under the private land habitat and access improvement program and elsewhere in this title.

20.1-05-02.1. Unattended dogs harassing or killing big game animals.

Any district game warden may kill any unattended dog harassing or killing big game. No action for damages may be maintained against the person for the killing.

20.1-05-03. Season for taking and transporting big game - Bag limit.

A person having a big game hunting license as prescribed in this title may take, kill, and transport, during the open or lawful season, one big game animal in this state. The open or lawful season on deer and antelope begins at twelve noon central standard time and on elk, moose, and bighorn sheep begins one-half hour before sunrise on any designated Friday as established by gubernatorial proclamation in accordance with this title. This section does not prohibit the transportation, shipment, or possession within this state of properly tagged big game legally taken in other states or taken on Indian land.

20.1-05-04. Using certain animals and artificial lights in taking big game unlawful.

1. While hunting, pursuing, killing, taking, or attempting to take, or to aid in the hunting or taking of, any big game animal, an individual may not:
 - a. Use any animal except:
 - (1) Horses;
 - (2) Mules; or
 - (3) For the recovery of big game animals, dogs which must be:
 - (a) Leashed and under the physical control of a handler at all times; and
 - (b) Accompanied at all times by both a handler and the hunter responsible for the taking of the big game animal.
 - b. Carry a firearm or archery equipment while using a dog during the recovery of a big game animal, except a dog handler may carry a handgun during the recovery of a big game animal when in the presence of the dog. A dog handler carrying a handgun may not use the handgun in any manner to assist in the recovery of a big game animal. A dog handler carrying a handgun must have permission from the landowner or individual authorized by the landowner before entering private land for the recovery of a big game animal. If a big game animal is found alive during the recovery, the dog and handler shall leave the immediate area. Before the beginning of the recovery, the handler of the dog shall notify the district game warden of the involvement of the dog in the recovery of the big game animal and provide to the district game warden the contact information of all parties involved in the hunt and the location in which the big game animal was tracked.
 - c. Use artificial light, including a spotlight or automobile or motorcycle headlight, except artificial light may be used in the recovery process of big game animals.
 - d. Engage in the practice commonly known as shining for deer. An individual who shines an area commonly frequented by big game animals with artificial light, between the hours of sunset and sunrise, is in violation of this section. However, an individual may use an artificial light, night vision, thermal vision, or infrared

light with a power source of not more than six volts in the area while hunting afoot to take coyote, fox, raccoon, or beaver.

2. For purposes of this section, "recovery" means the time after a firearm or archery equipment is used in the taking of a big game animal until the expired animal is located.

20.1-05-05. Prima facie proof of hunting or attempting to hunt big game animals unlawfully.

Proof that a person possessing a rifle, shotgun, trap, snare, artificial light, or other implement or equipment useful in the taking or hunting of big game animals was found, between sunset and sunrise, in and about territory where big game animals are frequently and usually found, is prima facie evidence that the person was hunting big game animals contrary to law.

20.1-05-06. Big game hunters to wear daylight fluorescent orange garments - Exception - Penalty.

Every person, while hunting big game, shall wear a head covering and an outer garment above the waistline, both of daylight fluorescent orange color, totaling four hundred square inches [2580.64 square centimeters] or more of solid fluorescent orange color, and both to be worn conspicuously on the person. This section does not apply to any person hunting big game with bow and arrow during special bow hunting seasons. Any person who violates this section is guilty of a class 2 noncriminal offense.

20.1-05-07. When seals to be attached to carcasses of big game animals - Director to furnish seals.

Each person having a big game hunting license, immediately after killing a big game animal, shall affix to the animal's carcass a locking seal bearing that person's big game hunting license number. The director shall furnish the locking seal with each big game hunting license issued. The seal must be attached and sealed in a manner prescribed by the director.

20.1-05-08. Taking of big game by blind persons.

Any individual who is totally or partially blind and who holds a valid big game hunting license may be accompanied by and have a person designated on the license, who is otherwise qualified, to hunt big game for that individual except as provided by section 20.1-01-12.