

APA-4

**CERTIFICATION OF EMERGENCY RULES  
FILED WITH LEGISLATIVE SERVICES AGENCY  
OTHNI LATHRAM, DIRECTOR**

Pursuant to Code of Alabama 1975, §§41225(b) and 41226(c)(2)a. and b.

I certify that the attached emergency amendment new rule, new chapter, repeal or adoption by reference) is a correct copy as promulgated and adopted on the 19<sup>th</sup> day of May, 2021.

AGENCY NAME: Department of Conservation and Natural Resources

RULE NO. AND TITLE: 220-2-.02.226ER Legal Arms, Ammunition, and Equipment for Hunting

EFFECTIVE DATE OF RULE: May 19, 2021

EXPIRATION DATE (If less than 120 days): \_\_\_\_\_

NATURE OF EMERGENCY: To comply with Act 2021-277 by setting out the legal equipment that may be used by persons possessing the new nighttime feral swine and coyote license established by Act 2021-277.

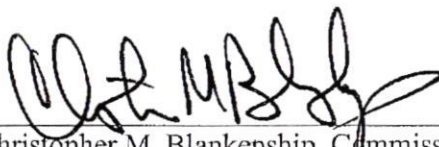
STATUTORY AUTHORITY: Alabama Act 2021-277 and §§ 9-2-7, 9-2-8 and 9-2-12, Code of Alabama, 1975.

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS  YES  NO

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

Ryan Corley  
64 N. Union Street, Room 474  
Montgomery, AL 36130  
(334)242-3165

REC'D & FILED  
MAY 19 2021  
LEGISLATIVE SVC AGENCY

  
\_\_\_\_\_  
Christopher M. Blankenship, Commissioner  
Department of Conservation and Natural Resources

**Christopher M. Blankenship**

**220-2-.02.226ER Legal Arms, Ammunition, and Equipment for Hunting**

**(1) GENERAL PROHIBITIONS:**

(a) It shall be unlawful for any person to use any method or have in their possession any weapon or ammunition contrary to this regulation while hunting or attempting to hunt game birds and animals or other species provided for herein unless expressly provided for by duly enacted laws of the State of Alabama.

(b) It shall be unlawful for any person to refuse to submit firearms and ammunition or any device, instrument or accessory used in hunting to Conservation Enforcement Officers for inspection.

(c) ~~Except as otherwise provided by Rule 220-2-.03 for laser type range finders with computational capabilities on bows and by (d) listed below, i~~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; as provided by section (1)(d) listed below; 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.

(d) Legally blind hunters may use laser sighting devices to take game, subject to all other regulations, if the following conditions are met:

- The person is accompanied by a sighted person who is a member of the immediate family or at least 16 years of age;
- The sighted person possesses proof of a current hunting license, or legal exemption (under no circumstances shall the sighted person be a holder of a "supervision required" license)
- The sighted person shall not discharge any gun or bow with laser sighting device.
- The legally blind person possesses the appropriate hunting license and proof of impairment (a physician's signed statement or equal.)

"Legally blind", as used in this regulation, shall mean central vision that does not exceed 20/200 in the better eye with corrective lenses or a visual field that subtends an angle no greater than 20 degrees.

(e) It shall be unlawful to possess any equipment that uses electronics to increase the ability to see in the dark (night vision 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.

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

(2) **DEER:**

- Rifles using centerfire, mushrooming ammunition.
- Pre-charged pneumatic air powered guns, .30 caliber or larger.
- Pre-charged pneumatic arrow shooting rifles using an arrow equipped with a broadhead which has a minimum cutting diameter of 7/8 inch and 2 sharpened edges.
- Shotguns, 10 gauge or smaller using buckshot, slugs, or single round ball.
- Muzzle-loaders and Black Powder Handguns--.40 caliber or larger.
- Long bows, compound bows, or crossbows in conformance with 220-2-.03.
- Handguns or pistols using centerfire, mushrooming ammunition.

(3) **TURKEY:**

(a)

- Shotguns, 10 gauge or smaller using standard No. 2 shot or smaller.
- Long bows, compound bows, or crossbows in conformance with 220-2-.03.
- Pre-charged pneumatic arrow shooting rifles using an arrow equipped with a broadhead which has a minimum cutting diameter of 7/8 inch and 2 sharpened edges.

(b) Nothing in this section is intended to prohibit the possession of rifles, shotgun/rifle combinations (drilling) or buckshot and slugs when the hunter is stalk hunting both deer and turkey provided no person shoots or attempts to shoot turkey with the rifle or shotgun using buckshot or slugs.

(4) **MIGRATORY BIRDS:**

- Shotguns, 10 gauge or smaller, plugged with a one piece filler incapable of removal without disassembling the gun or otherwise incapable of holding more than 3 shells using standard No. 2 shot or smaller, except waterfowl must be hunted with steel shot or other shot compositions and shot sizes that are approved by the U.S. Fish and Wildlife Service.
- Waterfowl hunters shall not possess any other size shot or any size lead shot.
- Long bows, compound bows, or crossbows.
- Raptors by properly permitted falconers.

(5) **RACCOON & OPOSSUM:**

- Nighttime hunting--Shotguns using No. 6 shot or smaller; .22 caliber rimfire firearms.
- Daytime hunting - See "(7) OTHER GAME BIRDS OR ANIMALS"