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Sec. 401. Hunters to wear fluorescent orange outer garment.

Every person while hunting or accompanying someone hunting shall wear an outer garment above the waist containing a quantity of no less than four hundred square inches of daylight fluorescent orange.

(AMENDED AS PER RESOLUTION NO. 1084 2002-10, DATED 10/28/2002)

Sec. 402. Hours for hunting wildlife.

No person shall pursue, shoot, kill, take or attempt to take any wildlife, between one-half (½) hour after sunset of one (1) day and one-half (½) hour before sunrise of the next day.

Sec. 403. Use of snow machines prohibited.

No person shall use snow machines for the hunting of deer, elk, or antelope, or other big game. Predators can be hunted by snow machine.

Sec. 404. Hunting and harassing game from aircraft prohibited.

Except when necessary for protection of life or property, no person operating or controlling the operation of any aircraft shall intentionally kill, chase, or harass any wild life animal or wild bird, protected or unprotected. The Commission may make exceptions for the hunting of predators that are killing livestock. A special permit issued by the Commission will be required for such hunting.

Sec. 405. Spotlighting prohibited.

(a) No person shall throw or cast the rays of a spotlight having a luminance of greater than .75 candlepower into any field, pasture, woodland, forest, or prairie wherein wildlife or domestic livestock may be or may be reasonably expected to be while having in his/her possession or their possession or under their control a firearm or other implement whereby any wildlife or domestic animal could be killed by aid of an artificial light.

(b) The following persons shall be exempt from this Section:

(i) All officers authorized to enforce the game and livestock laws on the Reservation;

(ii) A landowner, including any lessee, permittee, employee or agent of such landowner, engaged in the pursuit of a legitimate activity on his/her own lands.

(c) The provisions of this Section do not apply where the headlights of a motor vehicle, operating and proceeding in a normal manner on any highway or roadway, cast a light upon such animal on or adjacent to the highway or roadway and there is no intent or attempt to locate that animal.

Sec. 406. Hunting with firearms while intoxicated or under the influence of liquor prohibited.

No person shall go in the field to hunt wildlife at any time with a firearm, when intoxicated or under the influence of intoxicating liquor or drugs. On conviction, his/her hunting permit shall become void. If the conviction is reversed, the permit shall be restored to the defendant.

Sec. 407. Hunting near occupied building(s) without permission prohibited.

No person shall hunt or pursue game upon the premises of another within five hundred (500) yards of any occupied building, without consent of the person occupying such building.

Sec. 408. Hunting for remuneration prohibited.

(a) All hunting shall be for the subsistence use of the hunter and his or her family. No person shall hunt for another for remuneration, nor shall any person hire another to hunt for remuneration without permission of the Commission. Outfitting and/or guiding for remuneration is prohibited.

(b) No person shall hunt or kill any big game solely for the purpose of taking and selling the carcass. No person shall capture, kill or injure a big game animal and thereafter abandon or fail to dress or care for the same where the carcass is reasonably accessible.

(c) Pursuant to 19 CCOJ 702, violation of this section includes punishment as a Class A misdemeanor for an Indian and a civil fine up to \$500 for a non-Indian.

(AMENDED AS PER RESOLUTION NO. 26-1653-2012-11; DATED 11/14/2012.)

Sec. 409. Unlawful possession of game prohibited.

No person shall possess any wild game on the Reservation except:

(a) A person authorized to hunt or catch such game under this Title, or

(b) A person who can show that he was given game by a person authorized to hunt or catch such game, or

(c) A person who can show he/she possesses such game for a legitimate cultural purpose, and that such game has previously been designated as culturally significant by the Commission.

Sec. 410. Possession or control of game, birds, or animals prima facie evidence of unlawful activity.

Possession or control of any game, birds, or animals, or any part thereof on the Reservation, the killing, taking, or possession of which is unlawful or by a person who is not authorized to hunt such game is prima facie evidence that such game was caught, taken or killed in violation of this Title.

Sec. 411. Aiding in concealment of game unlawfully taken or possessed prohibited.

No person shall knowingly aid or assist in the concealment of any game that has been unlawfully taken or that is unlawfully possessed.

Sec. 412. Fence gates to be closed; destruction of property.

A person who opens a gate or bars in a fence enclosing farm premises shall not leave such gate or bars open unless he/she is in lawful possession of the premises. No person shall cut fences or otherwise destroy property belonging to another on any premises. In addition to other remedies, any person violating this provision will be required by the court having jurisdiction over the matter to pay for all damages resulting from such violation.

Sec. 413. Waste of game animal, game bird, or game fish.

(a) A person responsible for the death of any game animal, game bird, or game fish suitable for food may not purposely waste the game by:

(1) Detaching or removing only the head, hide, antlers, tusks, or teeth or any or all of these parts from the carcass of a game animal, and/or abandoning the carcass of a game animal or any portion of the carcass suitable for food in the field; or

(2) Transporting, hanging, or storing the carcass in a manner that renders it unfit for human consumption; or

(b) A person in possession of a game animal or game animal parts, a game bird, or a game fish suitable for food may not purposely waste the game by:

(1) Transporting, storing, or hanging the animal, bird, or fish in a manner that renders it unfit for human consumption; or

(2) Disposing of or abandoning any portion of the animal, bird, or fish that is suitable for food.

(c) A person convicted of a violation of this section is guilty of a Class B misdemeanor for the first violation and a Class A misdemeanor for the second and subsequent violations. Additionally, the defendant's hunting, fishing and trapping privileges shall be suspended as stated in Chapter 7 of this Title.

(AS PER RESOLUTION NO. 26-2219-2013-04; DATED 04/08/2013)

Sec. 414. Unlawful shooting of buffalo.

(a) Any unlawful shooting of a buffalo or unlawful shooting at a buffalo within the exterior boundaries of the Fort Peck Reservation is punishable pursuant to Chapter 7 of this Title.

(b) Any attempt to shoot any buffalo within the exterior boundaries of the Fort Peck Reservation by any licensee, lessee, permittee, renter and/or tenant holder will result in rescinding all licenses, leases, right-of-ways, permits, rental agreements and tenancy agreements of Tribal lands held by the perpetrator.

(AS PER RESOLUTION NO. 26-2224-2013-04; DATED 04/08/2013)

Sec. 415. Buying and selling of antlers prohibited.

The buying and selling of the antlers of any game animal is prohibited. A person convicted of a violation of this section is guilty of a Class A misdemeanor.

(AS PER RESOLUTION NO. 27-1243-2014-10; DATED 10/27/2014)