

# New Mexico Statutes Annotated 1978

## 17-3-43. Short title.

Sections 17-3-43 through 17-3-47 NMSA 1978 may be cited as the "Airborne Hunting Act".

## **17-3-44. Definitions.**

As used in the Airborne Hunting Act [17-3-43 NMSA 1978]:

- A. "aircraft" means any contrivance used for flight in the air; and
- B. "menacing" means threatening, harassing or having the intent to injure, capture or kill.

## **17-3-45. Shooting from aircraft; causing injury by aircraft; penalty.**

It is a misdemeanor punishable by imprisonment in excess of six months but less than one year or a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for any person while airborne in an aircraft to:

- A. shoot or attempt to shoot for the purpose of injuring, capturing or killing any bird, fish or other animal;
- B. fly or attempt to fly the aircraft in any manner intentionally menacing to any bird, fish or other nondomestic animal which causes the bird, fish or other nondomestic animal to move from its chosen place of rest or change its direction of travel; or
- C. knowingly participate in using an aircraft for any purpose referred to in Subsection A or B.

## **17-3-46. Applicability.**

The Airborne Hunting Act [17-3-43 NMSA 1978] shall not apply to any person who is employed as an authorized agent of the state or federal government or is operating under a permit of the state granted by the director of the department of game and fish.

## **17-3-47. Permit.**

The director of the department of game and fish may grant a permit to any person to carry out acts which are prohibited by the Airborne Hunting Act [17-3-43 NMSA 1978]. Permits shall be granted only to protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life or crops. Each person operating under a permit shall report to the director of the department of game and fish each calendar quarter, the number of birds, fishes and other animals so injured, captured or killed.