

Effective 5/7/2025

23A-1-204 Night hunting of nonprotected wildlife -- County ordinances -- Permits.

- (1)
 - (a) For purposes of a county ordinance enacted pursuant to this section, "motor vehicle" means the same as that term is defined in Section 41-6a-102.
 - (b) For purposes of this section, "nonprotected wildlife" means the wildlife that is excluded from the definition of protected wildlife under Section 23A-1-101.
- (2) A person may engage in night hunting of nonprotected wildlife when allowed by a county ordinance enacted pursuant to this section.
- (3) The county ordinance shall provide that:
 - (a) a hunter shall carry a light enhancement device used to locate nonprotected wildlife;
 - (b) a motor vehicle headlight or light attached to or powered by a motor vehicle may not be used to locate nonprotected wildlife; and
 - (c) while hunting with the use of a light enhancement device, the hunter may not occupy or operate a motor vehicle.
- (4) The county ordinance may specify:
 - (a) the time of day and seasons when night hunting is permitted;
 - (b) areas closed or open to night hunting within the unincorporated area of the county;
 - (c) safety zones within which night hunting is prohibited;
 - (d) the weapons permitted; and
 - (e) penalties for violation of the county ordinance.
- (5)
 - (a) A county may restrict the number of hunters engaging in night hunting by requiring a permit to night hunt and issuing a limited number of permits.
 - (b)
 - (i) A county may charge a fee for a night hunting permit.
 - (ii) A county ordinance shall establish the permit fee.
 - (iii) A county shall remit revenue generated by the permit fee to the division for deposit into the Wildlife Resources Account, except the Wildlife Board may allow a county that enacts an ordinance pursuant to this section to retain a reasonable amount to pay for the costs of administering and enforcing the county ordinance if the use of the permit revenues does not affect federal funds received by the state under Wildlife Restoration Act, 16 U.S.C. Sec. 669 et seq., and Sport Fish Restoration Act, 16 U.S.C. Sec. 777 et seq.
- (6) A county may require a hunter to notify the county sheriff of the time and place the hunter will be engaged in night hunting.
- (7) The requirement that a county enact an ordinance before a person may engage in night hunting to hunt nonprotected wildlife does not apply to:
 - (a) a person or the person's agent who is lawfully acting to protect the person's crops or domestic animals from predation by those animals; or
 - (b) an animal damage control agent acting in the agent's official capacity under a memorandum of agreement with the division.

Amended by Chapter 116, 2025 General Session