SB116

164749-1

By Senators Orr, Whatley, and Melson

RFD: Agriculture, Conservation, and Forestry

First Read: 03-MAR-15
SYNOPSIS: Under existing law, it is unlawful to hunt, trap, capture, kill, or destroy any wild game on the lands of another without the written permission of the landowner or person in possession or control of the land, and a violator is guilty of a misdemeanor and is subject to suspension of his or her hunting permit.

This bill would repeal the provisions and enact new prohibitions with revised penalties, including increased fines and periods of suspension of hunting privileges.

This bill would also allow a court to order a person convicted of hunting or killing wild game on the land of another without permission to pay restitution for the value of the loss or damage to wildlife resources and would provide for the forfeiture of hunting gear and firearms used to commit the violation.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the
Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.

A BILL TO BE ENTITLED
AN ACT

Relating to game and fish; to revise the penalties for hunting or killing wild game on the land of another without permission; to provide for the restitution of the value of the loss or damage to wildlife resources; to provide
criminal penalties; to provide for the forfeiture of hunting

gear and firearms used to commit a violation; to repeal
Sections 9-11-240, 9-11-241, and 9-11-242, Code of Alabama
1975, relating to hunting on the land of another without
permission; and in connection therewith would have as its
purpose or effect the requirement of a new or increased
expenditure of local funds within the meaning of Amendment 621
of the Constitution of Alabama of 1901, now appearing as
Section 111.05 of the Official Recompilation of the
Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) A person may not hunt or catch by any
means or method or posses wild game at any time on the land of
another unless the owner of the land, submerged land, or
water, or the owner's agent, provides written consent or
accompanies the person.

(b)(1)a. Except as provided in paragraph b., a first
violation of subsection (a) is a Class A misdemeanor, the
violator shall pay a fine of not less than one thousand five
hundred dollars ($1,500), and the violator's hunting
privileges shall be suspended for one year from the date of
the conviction.

b. A first violation of subsection (a) by killing a
deer is a Class C felony, the violator shall pay a fine of not
less than three thousand dollars ($3,000), and the violator's
hunting privileges shall be suspended for one year from the
date of the conviction.
(2) A second violation of subsection (a) is a Class C felony, the violator shall pay a fine of not less than five thousand dollars ($5,000), and the violator's hunting privileges shall be suspended for five years from the date of the conviction.

(3) A third or subsequent violation of subsection (a) is a Class C felony, the violator shall pay a fine of not less than ten thousand dollars ($10,000), and the violator's hunting privileges shall be permanently revoked.

(c)(1) In addition to any other fine or penalty imposed under this section or by other law, the court may require a person in violation of subsection (a) to pay restitution costs to the Department of Conservation and Natural Resources for the recovery of the value for the loss or damage to wildlife resources.

(2) Failure to pay restitution costs as required by the court under subdivision (1) will result in the denial of a hunting or fishing license, tag, or permit.

(3) A person who has failed to pay restitution as required under this subsection and who hunts and fishes shall be guilty of a Class A misdemeanor.

(d) A person in violation of subsection (a) shall forfeit to the department all hunting gear, including firearms, used to commit the violation.

Section 2. Sections 9-11-240, 9-11-241, and 9-11-242, Code of Alabama 1975, relating to the hunting or
trapping on the land of another without permission, are
repealed.

Section 3. Although this bill would have as its
purpose or effect the requirement of a new or increased
expenditure of local funds, the bill is excluded from further
requirements and application under Amendment 621, now
appearing as Section 111.05 of the Official Recompilation of
the Constitution of Alabama of 1901, as amended, because the
bill defines a new crime or amends the definition of an
existing crime.

Section 4. This act shall become effective on the
first day of the third month following its passage and
approval by the Governor, or its otherwise becoming law.