

1 HB21
2 188467-1
3 By Representative Williams (JW)
4 RFD: Agriculture and Forestry
5 First Read: 09-JAN-18
6 PFD: 10/16/2017

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8 SYNOPSIS: Under existing law, by regulation of the
9 Department of Conservation and Natural Resources,
10 as it relates to hunting deer on private lands,
11 there is a rebuttable presumption that any bait or
12 feed located beyond 100 yards from the hunter and
13 not within the line of sight of the hunter is not a
14 lure, attraction or enticement to, on, or over the
15 areas where the hunter is attempting to kill or
16 take the deer.

17 This bill would allow the taking of
18 whitetail deer or feral swine by means of bait when
19 a person purchases a baiting privilege license from
20 the Department of Conservation and Natural
21 Resources.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 To amend Sections 9-11-244 and 9-11-245 of the Code
2 of Alabama 1975, relating to hunting; to allow the taking of
3 whitetail deer or feral swine by means of bait when a person
4 purchases a baiting privilege license from the Department of
5 Conservation and Natural Resources.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 9-11-244 and 9-11-245 of the
8 Code of Alabama 1975, are amended to read as follows:

9 "§9-11-244.

10 "~~No~~ (a) Except as provided in subsection (b), no
11 person at any time shall take, catch, kill or attempt to take,
12 catch or kill any bird or animal protected by law or
13 regulation of the State of Alabama by means, aid or use,
14 directly or indirectly, of any bait such as shelled, shucked
15 or unshucked corn or of wheat or other grain, salt or any
16 other feed whatsoever that has been so deposited, placed,
17 distributed or scattered as to constitute for such birds or
18 animals a lure, attraction or enticement to, on or over the
19 area where such hunter or hunters are attempting to kill or
20 take them; provided, that such birds or animals may be taken
21 under properly ~~shocked~~ shucked corn and standing crops of
22 corn, wheat or other grain or feed and grains scattered solely
23 as a result of normal agricultural harvesting and provided
24 further, migratory birds may be hunted under the most recent
25 provisions established by the U.S. Fish and Wildlife Service
26 or regulations promulgated by the Commissioner of the

1 Department of Conservation and Natural Resources within the
2 limits of the federal regulations.

3 "(b) This section shall not apply to a person
4 hunting whitetail deer or feral swine with the aid of bait on
5 privately owned or leased lands; provided that the person has
6 purchased, and is in the possession of, a bait privilege
7 license from the Department of Conservation and Natural
8 Resources. The annual bait privilege license fee shall be
9 fourteen dollars (\$14), plus an issuance fee of one dollar
10 (\$1). These fees shall be subject to adjustment as provided in
11 Section 9-11-68. The bait privilege license shall be procured
12 in the same manner as an annual hunting license, with the
13 issuance fee for the bait privilege license paid to and
14 retained by the issuing office or agency. A person who is
15 exempt from purchasing a hunting license is not exempt from
16 the requirement to purchase a bait privilege license pursuant
17 to this section.

18 "(c) The Department of Conservation and Natural
19 Resources may adopt rules to implement the act adding this
20 amendatory language.

21 "§9-11-245.

22 "No person shall at any time make use of any
23 pitfall, deadfall, ~~baited field~~, cage, trap, net, pen, baited
24 hook, snare, poison, explosive, or chemical for the purpose of
25 injuring, capturing, or killing birds or animals protected by
26 law or regulation of this state. This section shall not
27 prevent the trapping of animals classified as fur-bearing

1 animals by a duly licensed fur catcher. It shall be legal to
2 use a scaffold for gun hunting of all legal game species
3 except wild turkey and to use a scaffold for bow hunting of
4 all legal game species."

5 Section 2. This act shall become effective
6 immediately following its passage and approval by the
7 Governor, or its otherwise becoming law.