

1 HB458
2 210408-1
3 By Representatives Crawford, Ingram, Faust, Easterbrook and
4 Hanes
5 RFD: Agriculture and Forestry
6 First Read: 25-FEB-21

8 SYNOPSIS: Existing law provides that it is unlawful to
9 take, capture, or kill, or attempt to take,
10 capture, or kill any bird or animal protected by
11 the laws of this state during nighttime hours, with
12 exceptions.

13 This bill would provide that existing law
14 prohibiting the taking, capturing, or killing of
15 animals would not apply to feral swine or coyotes
16 hunted on privately owned or leased lands at
17 nighttime during specified nighttime hunting season
18 dates, provided the hunter has purchased an
19 appropriate nighttime hunting license.

20 Amendment 621 of the Constitution of Alabama
21 of 1901, as amended by Amendment 890, now appearing
22 as Section 111.05 of the Official Recompilation of
23 the Constitution of Alabama of 1901, prohibits a
24 general law whose purpose or effect would be to
25 require a new or increased expenditure of local
26 funds from becoming effective with regard to a
27 local governmental entity without enactment by a

1 2/3 vote unless: it comes within one of a number of
2 specified exceptions; it is approved by the
3 affected entity; or the Legislature appropriates
4 funds, or provides a local source of revenue, to
5 the entity for the purpose.

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

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

17
18 Relating to hunting; to amend Section 9-11-235, Code
19 of Alabama 1975, to provide exceptions to existing law
20 prohibiting certain types of hunting when done at nighttime,
21 with an appropriate license, for certain kinds of animals; and
22 in connection therewith would have as its purpose or effect
23 the requirement of a new or increased expenditure of local
24 funds within the meaning of Amendment 621 of the Constitution
25 of Alabama of 1901, as amended by Amendment 890, now appearing
26 as Section 111.05 of the Official Recompilation of the
27 Constitution of Alabama of 1901.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 9-11-235, Code of Alabama 1975,
3 is amended to read as follows:

4 "§9-11-235.

5 "(a) It shall be unlawful, except as otherwise
6 provided by law or rule of the commissioner, for a person to
7 take, capture, or kill, or attempt to take, capture, or kill
8 any bird or animal protected by the laws of this state during
9 nighttime hours.

10 "(b) Any person violating this section shall be
11 guilty of a Class B misdemeanor and, upon conviction thereof,
12 shall be punished for the first offense by a fine of not less
13 than two thousand dollars (\$2,000) nor more than three
14 thousand dollars (\$3,000) and may be imprisoned in the county
15 jail for a period not to exceed six months. In addition, the
16 court shall revoke all hunting license privileges for a period
17 of three years from the date of conviction.

18 "(c) (1) This section shall not apply to an
19 individual hunting feral swine or coyotes during nighttime
20 hours on privately owned or leased lands during the specified
21 special nighttime feral swine and coyote hunting season dates
22 if the individual has purchased, and is in possession of, a
23 nighttime feral swine and coyote hunting license issued by the
24 Department of Conservation and Natural Resources as follows:

25 "a. Any individual hunting feral swine or coyotes
26 during the special nighttime feral swine and coyote season
27 shall purchase the nighttime feral swine and coyote hunting

1 license. The nighttime feral swine and coyote license does not
2 include any other license privilege provided by Sections
3 9-11-44, 9-11-46, 9-11-47, 9-11-48, 9-11-49, 9-11-65, or
4 9-11-65.2, or the wildlife heritage license, all of which do
5 not include privileges for hunting feral swine and coyotes
6 during nighttime hours.

7 "b. The annual resident nighttime feral swine and
8 coyote hunting license fee is fourteen dollars (\$14), plus an
9 issuance fee of one dollar (\$1).

10 "c. The annual nonresident nighttime feral swine and
11 coyote hunting license fee is fifty dollars (\$50), plus an
12 issuance fee of one dollar (\$1).

13 "(2) The fees provided for in this section are
14 subject to adjustment as provided in Section 9-11-68.

15 "(3) A special nighttime feral swine and coyote
16 hunting license required by this subsection shall be procured
17 in the same manner as an annual hunting license, with the
18 issuance fee for the nighttime feral swine and coyote hunting
19 license paid to and retained by the issuing office or agency.

20 "(4) An individual who is exempt from purchasing a
21 hunting license is not exempt from the requirement to purchase
22 a nighttime feral swine and coyote hunting season license
23 pursuant to this section."

24 Section 2. Although this bill would have as its
25 purpose or effect the requirement of a new or increased
26 expenditure of local funds, the bill is excluded from further
27 requirements and application under Amendment 621, as amended

1 by Amendment 890, now appearing as Section 111.05 of the
2 Official ReCompilation of the Constitution of Alabama of 1901,
3 as amended, because the bill defines a new crime or amends the
4 definition of an existing crime.

5 Section 3. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.