HB458

210408-1

By Representatives Crawford, Ingram, Faust, Easterbrook and Hanes

RFD: Agriculture and Forestry

First Read: 25-FEB-21
SYNOPSIS: Existing law provides that it is unlawful to take, capture, or kill, or attempt to take, capture, or kill any bird or animal protected by the laws of this state during nighttime hours, with exceptions.

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

Amendment 621 of the Constitution of Alabama of 1901, as amended by Amendment 890, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, 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 hunting; to amend Section 9-11-235, Code of Alabama 1975, to provide exceptions to existing law prohibiting certain types of hunting when done at nighttime, with an appropriate license, for certain kinds of animals; 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, as amended by Amendment 890, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901.
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§9-11-235.

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

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

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

"a. Any individual hunting feral swine or coyotes during the special nighttime feral swine and coyote season shall purchase the nighttime feral swine and coyote hunting
license. The nighttime feral swine and coyote license does not include any other license privilege provided by Sections 9-11-44, 9-11-46, 9-11-47, 9-11-48, 9-11-49, 9-11-65, or 9-11-65.2, or the wildlife heritage license, all of which do not include privileges for hunting feral swine and coyotes during nighttime hours.

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

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

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

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

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

Section 2. 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, as amended
by Amendment 890, 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 3. 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.