

1 SB264
2 210408-4
3 By Senators Chesteen, Williams, Sessions, Price, Holley,
4 Barfoot, Givhan and Stutts
5 RFD: Agriculture, Conservation and Forestry
6 First Read: 24-FEB-21

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

24 "§9-11-235.

25 "(a) It shall be unlawful, except as otherwise
26 provided by law or rule of the commissioner, for a person to
27 take, capture, or kill, or attempt to take, capture, or kill

1 any bird or animal protected by the laws of this state during
2 nighttime hours.

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

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

18 "a. Any individual hunting feral swine or coyotes
19 during the special nighttime feral swine and coyote season
20 shall purchase the nighttime feral swine and coyote hunting
21 license. The nighttime feral swine and coyote license does not
22 include any other license privilege provided by Sections
23 9-11-44, 9-11-46, 9-11-47, 9-11-48, 9-11-49, 9-11-65, or
24 9-11-65.2, or the wildlife heritage license, all of which do
25 not include privileges for hunting feral swine and coyotes
26 during nighttime hours.

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

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

7 "d. A person who possesses a 100 Percent Physically
8 Disabled Resident Hunting License or a 100 Percent Disabled
9 Military Veteran's Appreciation Hunting License may obtain an
10 annual resident nighttime feral swine and coyote hunting
11 license by paying the issuance fee of one dollar (\$1).

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

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

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

23 "(5) A landowner and his or her agents who possess a
24 valid permit to take protected wildlife causing crop damage,
25 property damage, or concern for human safety, as provided by
26 rule of the commissioner, shall be exempt from the requirement

1 to purchase a nighttime feral swine and coyote hunting season
2 license pursuant to this section."

3 Section 2. Although this bill would have as its
4 purpose or effect the requirement of a new or increased
5 expenditure of local funds, the bill is excluded from further
6 requirements and application under Amendment 621, as amended
7 by Amendment 890, now appearing as Section 111.05 of the
8 Official Recompilation of the Constitution of Alabama of 1901,
9 as amended, because the bill defines a new crime or amends the
10 definition of an existing crime.

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

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Senate

Read for the first time and referred to the Senate
committee on Agriculture, Conservation and For-
estry..... 24-FEB-21

Read for the second time and placed on the calen-
dar..... 03-MAR-21

Read for the third time and passed as amended 01-APR-21

Yeas 32
Nays 0

Patrick Harris,
Secretary.