

1 SB494  
2 119004-1  
3 By Senator Mitchem  
4 RFD: Agriculture, Conservation, and Forestry  
5 First Read: 04-MAR-10

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8 SYNOPSIS: Under existing law, it is unlawful to sell  
9 any game fish caught or taken from any freshwater  
10 of this or any other state. Certain game fish  
11 raised in farm ponds are exempt from this  
12 prohibition if the seller obtains a permit from the  
13 Department of Conservation and Natural Resources.

14 This bill would add yellow perch raised in  
15 farm ponds to the list of game fish exempt from the  
16 prohibition on sale under the same conditions.

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18 A BILL  
19 TO BE ENTITLED  
20 AN ACT

21  
22 Relating to game and fish; to amend Section 9-11-84  
23 of the Code of Alabama 1975, prohibiting the sale of game  
24 fish, to add yellow perch raised in farm ponds to the list of  
25 game fish exempt from the prohibition against sale under  
26 certain conditions.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1                   Section 1. Section 9-11-84 of the Code of Alabama  
2 1975, is amended to read as follows:

3                   "§9-11-84.

4                   "(a) It shall be unlawful for any person to sell or  
5 offer for sale within this state, or ship or transport for  
6 sale within or without this state, or to ship into this state  
7 any game fish caught or taken in any of the fresh waters,  
8 whether public or private, of this state or any other state.  
9 All species of black bass, white bass, yellow bass, saltwater  
10 striped bass, bream, and pickerel, as well as walleye, sauger,  
11 black and white crappie, and yellow perch are designated game  
12 fish for the purpose of this section.

13                   "(b) This section shall not apply to the sale of  
14 game fish raised in hatcheries and sold for the purposes of  
15 stocking ponds and lakes, nor shall it apply to the sale of  
16 nonnative game fish raised for human consumption, nor shall it  
17 apply to the sale of yellow perch, largemouth bass,  
18 shellcracker, and bluegill bream raised in farm ponds;  
19 provided, that, prior to any sale provided for in this  
20 section, the seller shall have first obtained a permit for the  
21 sale from the Commissioner, Department of Conservation and  
22 Natural Resources.

23                   "(c) Nothing in this section shall prevent the  
24 practice of private pond owners or managers charging for game  
25 fish caught by fishermen from the pond when the charges are  
26 based on the number of fish caught or the total pounds caught.

1                   "(d) A violation of this section shall constitute a  
2 misdemeanor; and, upon conviction thereof, the person, firm,  
3 or corporation convicted shall be fined not less than five  
4 hundred dollars (\$500) nor more than one thousand dollars  
5 (\$1,000) for each offense."

6                   Section 2. This act shall become effective on the  
7 first day of the third month following its passage and  
8 approval by the Governor, or its otherwise becoming law.