

1 SB264
2 210408-6
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

1 SB264

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4 ENROLLED, An Act,

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

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

18 "§9-11-235.

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

24 "(b) Any person violating this section shall be
25 guilty of a Class B misdemeanor and, upon conviction thereof,

1 shall be punished for the first offense by a fine of not less
2 than two thousand dollars (\$2,000) nor more than three
3 thousand dollars (\$3,000) and may be imprisoned in the county
4 jail for a period not to exceed six months. In addition, the
5 court shall revoke all hunting license privileges for a period
6 of three years from the date of conviction.

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

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

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

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

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

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

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

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

20 "(5) A landowner and his or her agents who possess a
21 valid permit to take protected wildlife causing crop damage,
22 property damage, or concern for human safety, as provided by
23 rule of the commissioner, shall be exempt from the requirement
24 to purchase a nighttime feral swine and coyote hunting season
25 license pursuant to this section."

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

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB264

Senate 01-APR-21

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 13-APR-21

By: Senator Chesteen