

1 SB381
2 209830-2
3 By Senator Stutts
4 RFD: Agriculture, Conservation and Forestry
5 First Read: 01-APR-21

SYNOPSIS: Under existing law, the department of Conservation and Natural Resources is responsible for regulating hunting in this state.

This bill would require the Commissioner of Conservation to provide a report detailing all citations or warnings issued by game wardens and provide that information to the house and the senate.

This bill would require that the reports be public record.

This bill would provide for certain regulations for the handling of hunting dogs used for the purpose of hunting deer and would also provide for fines and penalties.

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

1 funds from becoming effective with regard to a
2 local governmental entity without enactment by a
3 2/3 vote unless: it comes within one of a number of
4 specified exceptions; it is approved by the
5 affected entity; or the Legislature appropriates
6 funds, or provides a local source of revenue, to
7 the entity for the purpose.

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

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 Relating to the Department of Conservation and
21 Natural Resources; to provide for a report prepared by the
22 Commissioner of Conservation; to require that report to be
23 provided to certain individuals; to provide for handling
24 requirements of hunting dogs; to provide for fines and
25 penalties for violations; and in connection therewith would
26 have as its purpose or effect the requirement of a new or
27 increased expenditure of local funds within the meaning of

1 Amendment 621 of the Constitution of Alabama of 1901, as
2 amended by Amendment 890, now appearing as Section 111.05 of
3 the Official Recompilation of the Constitution of Alabama of
4 1901 as amended.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. (a) For the purposes of this act, a "hunt
7 master" is any individual who owns, has dominion over, or is
8 in command of dogs being used for deer hunting. The term does
9 not include a hunter who assists in the tracking and capture
10 of a dog during a hunt, provided he or she is not the owner
11 nor has dominion over a dog.

12 (b) There shall be a no-fee annual registration
13 requirement for hunt masters in the use of dogs to hunt deer
14 on private and public lands in this state. No individual shall
15 use dogs to take, attempt to take, trail, pursue, or disturb
16 deer in the state, unless he or she has registered with the
17 Department of Conservation and Natural Resources as a hunt
18 master. This requirement shall also apply to blood trackers
19 who track wounded deer using dogs that are not on a lead.
20 Registration is not required for hunters who are only
21 participating in the hunt, but do not have dominion over a
22 dog.

23 (c) An application for registering as a hunt master
24 shall be on a form prescribed by the department and shall
25 include all of the following:

26 (1) The current address and phone number of the
27 individual applying.

1 (2) The county, or counties, where the individual
2 anticipates hunting deer using a dog. This subdivision does
3 not preclude a hunt master from hunting deer with dogs in
4 counties that are not listed on the application.

5 (d) Any individual who uses any dog for taking,
6 attempted taking, trailing, pursuing, disturbing, or blood
7 trailing a deer, without registering as a hunt master with the
8 department, shall be issued a citation and if convicted shall
9 be guilty of a Class C misdemeanor and shall be punished by a
10 fine of five hundred dollars (\$500).

11 (e) The Department of Conservation and Natural
12 Resources shall adopt rules to implement the provision of this
13 act.

14 Section 2. (a) All dogs used for taking or
15 attempting to take, trailing, pursuing, or disturbing deer or
16 blood tracking, must wear a collar or tag legibly displaying
17 the name, phone number, and Conservation Identification Number
18 of the owner of the dog.

19 (b) All dogs that are not physically restrained
20 during the pursuit of deer must be equipped and monitored with
21 a device that allows remote tracking and behavior correction.
22 This subsection does not apply to dogs used to pursue deer or
23 other wildlife during sanctioned field trial events. The
24 device must be attached to the dog by a collar or similar
25 means.

26 (c) By July 1, 2023, a remote tracking device must
27 include Global Positioning System (GPS) or telemetry tracking.

1 (d) Removing, tampering, or otherwise interfering
2 with any collar or tag, including remote tracking and behavior
3 correction devices, of a dog used for hunting without the
4 owner's permission is prohibited and shall result in a one
5 thousand dollar fine (\$1,000) collected by the department.

6 (e) A violation of subsection (a), (b), or (c) on a
7 first offense shall result in a warning and an opportunity to
8 show proof of purchase of the device. A second violation
9 occurring during the same hunting season shall result in a
10 fine of one hundred dollars (\$100) collected by the
11 department. A third offense during the same hunting season
12 shall result in a fine of two hundred fifty dollars (\$250)
13 collected by the department. A fourth offense during the same
14 hunting season shall result in a fine of one thousand dollars
15 (\$1,000) collected by the department.

16 Section 3. Game wardens of the Department of
17 Conservation and Natural Resources shall investigate any
18 reported incident of a dog being intentionally killed or
19 injured while the dog was engaged in hunting activities, to
20 determine if a violation of Section 13A-11-14, Code of Alabama
21 1975, occurred.

22 Section 4. (a) Hunting deer with dogs shall be
23 allowed in all counties of the state, except those counties
24 where hunting deer with dogs was prohibited on January 1,
25 2020.

26 (b) With respect to counties closed or placed under
27 a permit system pursuant to prior Conservation Advisory Board

1 recommendation, the permit requirements shall be abolished by
2 November 1, 2021, and counties closed by the Conservation
3 Advisory Board recommendation shall be opened by January 1,
4 2024.

5 (c) Hunting deer with the use of dogs shall be
6 allowed on all wildlife management areas and national forests,
7 unless rules adopted governing a wildlife management area or
8 national forest provide otherwise.

9 (d) A wildlife management area or national forest
10 shall not be closed to hunting deer with dogs in a county
11 where a portion or all of the wildlife management area or
12 national forest is located and is currently under a permit
13 system implemented by the department.

14 (e) The season for hunting deer with the use of dogs
15 shall run concurrently for the entirety of the general gun
16 season for whitetail deer, unless rules adopted governing a
17 wildlife management area or national forest provide otherwise.

18 Section 5. Sections 9-2-14 and 9-11-241, Code of
19 Alabama 1975, are amended to read as follows:

20 "§9-2-14.

21 "(a) The Advisory Board of Conservation and Natural
22 Resources. The board shall consist of the Governor, the
23 Commissioner of Agriculture and Industries, the Director of
24 the Agricultural Extension System ex officio, and 10 other
25 members to be appointed by the Governor, one of whom the
26 Governor shall designate as chair of the Advisory Board of
27 Conservation and Natural Resources. The appointed members of

1 the board shall be selected with special reference to training
2 and experience along one or more of the principal lines of
3 activity vested in the Department of Conservation and Natural
4 Resources. The term of office of each appointed member of the
5 board shall be six years. Of members first appointed, however,
6 two members shall be appointed for two years, three members
7 shall be appointed for four years, two members shall be
8 appointed for five years, and three members shall be appointed
9 for six years. The members of the board shall receive no
10 salary or compensation as members of the board, but shall be
11 reimbursed for expenses of travel, meals, and lodging while in
12 the performance of their duties as members of the board,
13 pursuant to Article 2 of Chapter 7 of Title 36.

14 "(b) After July 1, 1998, the members of the advisory
15 board appointed by the Governor shall be appointed so that one
16 member of the board is a resident of each congressional
17 district as the districts are constituted on January 1, 1998,
18 and no more than two members are residents of the same
19 congressional district. If a member appointed from a
20 congressional district ceases to be a resident of the district
21 from which appointed, the member shall vacate his or her
22 office. This subsection shall not affect the term or
23 reappointment of any current member of the board.

24 "(c) The board shall hold semiannual regular
25 meetings at the time and place designated by the chair of the
26 board or the Commissioner of Conservation and Natural
27 Resources. The chair of the board or the Commissioner of

1 Conservation and Natural Resources may call special meetings
2 as may be necessary.

3 "(d) The Commissioner of Conservation and Natural
4 Resources shall be ex officio secretary of the board and shall
5 keep minutes of all meetings and a record of all proceedings
6 of the board. The commissioner shall receive no additional
7 compensation for the services.

8 "(e) On a transitional basis, one additional
9 transitional member of the Advisory Board of Conservation and
10 Natural Resources shall be appointed by the Governor from each
11 congressional district as constituted on January 1, 1998,
12 which is not currently represented on the board. A
13 transitional member shall serve a term of six years or until a
14 permanent member of the advisory board is appointed to
15 represent the congressional district where the transitional
16 member resides. A transitional member may be appointed a
17 permanent member to a full term of office. Transitional
18 members of the board shall have the same powers, rights, and
19 duties, and shall be reimbursed for expenses as other members
20 of the advisory board during their service on the board.

21 "(f) Prior to the semiannual meetings of the
22 advisory board, the commissioner shall provide a report
23 detailing all citations or warnings issued by game wardens for
24 violations of fish and game laws or rules incurred within the
25 state during the proceeding 13 months.

26 "(g) The report shall also be provided to the
27 Legislature, and shall be made public record at the time it is

1 released to the advisory board. The report shall be structured
2 a manner that cites the law or rule that was violated, and the
3 county in which the violation occurred.

4 "(h) The department shall adopt rules to implement
5 this section.

6 "§9-11-241.

7 "(a) Any ~~person~~ individual who hunts, traps,
8 captures, injures, kills, or destroys, or attempts to hunt,
9 trap, capture, injure, kill, or destroy any wild game on the
10 lands of another between the hours of daylight and sunset
11 without the written permission of or accompanied by the
12 landowner or person in possession or control of the lands
13 shall be guilty of a misdemeanor and, upon conviction, shall
14 be punished for the first offense by a fine of not less than
15 one thousand dollars (\$1,000), and at the discretion of the
16 court may have all hunting license privileges revoked for up
17 to one year from the date of conviction. Any person shall be
18 punished for the second and each subsequent offense by a fine
19 of not less than two thousand dollars (\$2,000) and the
20 revocation of all hunting license privileges for one year from
21 the date of conviction, and shall be imprisoned in the county
22 jail for a period not less than 10 nor more than 30 days.

23 "(b) (1) Any individual owning, having dominion over,
24 or using any dog for hunting deer, may not knowingly or
25 negligently cast a dog onto any privately-owned property
26 without having the written permission of or being accompanied

1 by the landowner or person in possession or control of the
2 land.

3 "(2) Any individual who is knowingly and actively
4 hunting during a legal hunting season may not allow dogs being
5 used for deer hunting to trail or pursue deer onto any
6 privately owned property without having the written permission
7 of, or being accompanied by, the landowner or person in
8 possession or control of the land.

9 "(3) A violation of this subsection on a first
10 offense shall result in a warning. An individual convicted of
11 more than one offense in this subsection, within the same
12 hunting season, shall be guilty of a Class C misdemeanor and
13 fined two hundred fifty dollars (\$250). An individual
14 convicted of more than two offenses within the same hunting
15 season shall be guilty of a Class C misdemeanor and fined five
16 hundred dollars (\$500).

17 "(4) Any individual convicted of more than three
18 offenses during the same hunting season shall be guilty of a
19 Class B misdemeanor and fined one thousand dollars (\$1,000),
20 and shall have all hunting license privileges revoked for
21 three years from the date of the conviction.

22 "(c) This section shall not apply to the members of
23 the family, guests, servants, or agents of the landowner."

24 Section 6. 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 7. 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.