

1 SB116
2 164749-1
3 By Senators Orr, Whatley, and Melson
4 RFD: Agriculture, Conservation, and Forestry
5 First Read: 03-MAR-15

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8 SYNOPSIS: Under existing law, it is unlawful to hunt,
9 trap, capture, kill, or destroy any wild game on
10 the lands of another without the written permission
11 of the landowner or person in possession or control
12 of the land, and a violator is guilty of a
13 misdemeanor and is subject to suspension of his or
14 her hunting permit.

15 This bill would repeal the provisions and
16 enact new prohibitions with revised penalties,
17 including increased fines and periods of suspension
18 of hunting privileges.

19 This bill would also allow a court to order
20 a person convicted of hunting or killing wild game
21 on the land of another without permission to pay
22 restitution for the value of the loss or damage to
23 wildlife resources and would provide for the
24 forfeiture of hunting gear and firearms used to
25 commit the violation.

26 Amendment 621 of the Constitution of Alabama
27 of 1901, now appearing as Section 111.05 of the

1 Official ReCompilation of the Constitution of
2 Alabama of 1901, as amended, prohibits a general
3 law whose purpose or effect would be to require a
4 new or increased expenditure of local funds from
5 becoming effective with regard to a local
6 governmental entity without enactment by a 2/3 vote
7 unless: it comes within one of a number of
8 specified exceptions; it is approved by the
9 affected entity; or the Legislature appropriates
10 funds, or provides a local source of revenue, to
11 the entity for the purpose.

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

19
20 A BILL

21 TO BE ENTITLED

22 AN ACT

23
24 Relating to game and fish; to revise the penalties
25 for hunting or killing wild game on the land of another
26 without permission; to provide for the restitution of the
27 value of the loss or damage to wildlife resources; to provide

1 criminal penalties; to provide for the forfeiture of hunting
2 gear and firearms used to commit a violation; to repeal
3 Sections 9-11-240, 9-11-241, and 9-11-242, Code of Alabama
4 1975, relating to hunting on the land of another without
5 permission; and in connection therewith would have as its
6 purpose or effect the requirement of a new or increased
7 expenditure of local funds within the meaning of Amendment 621
8 of the Constitution of Alabama of 1901, now appearing as
9 Section 111.05 of the Official Recompilation of the
10 Constitution of Alabama of 1901, as amended.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. (a) A person may not hunt or catch by any
13 means or method or possess wild game at any time on the land of
14 another unless the owner of the land, submerged land, or
15 water, or the owner's agent, provides written consent or
16 accompanies the person.

17 (b) (1) a. Except as provided in paragraph b., a first
18 violation of subsection (a) is a Class A misdemeanor, the
19 violator shall pay a fine of not less than one thousand five
20 hundred dollars (\$1,500), and the violator's hunting
21 privileges shall be suspended for one year from the date of
22 the conviction.

23 b. A first violation of subsection (a) by killing a
24 deer is a Class C felony, the violator shall pay a fine of not
25 less than three thousand dollars (\$3,000), and the violator's
26 hunting privileges shall be suspended for one year from the
27 date of the conviction.

1 (2) A second violation of subsection (a) is a Class
2 C felony, the violator shall pay a fine of not less than five
3 thousand dollars (\$5,000), and the violator's hunting
4 privileges shall be suspended for five years from the date of
5 the conviction.

6 (3) A third or subsequent violation of subsection
7 (a) is a Class C felony, the violator shall pay a fine of not
8 less than ten thousand dollars (\$10,000), and the violator's
9 hunting privileges shall be permanently revoked.

10 (c)(1) In addition to any other fine or penalty
11 imposed under this section or by other law, the court may
12 require a person in violation of subsection (a) to pay
13 restitution costs to the Department of Conservation and
14 Natural Resources for the recovery of the value for the loss
15 or damage to wildlife resources.

16 (2) Failure to pay restitution costs as required by
17 the court under subdivision (1) will result in the denial of a
18 hunting or fishing license, tag, or permit.

19 (3) A person who has failed to pay restitution as
20 required under this subsection and who hunts and fishes shall
21 be guilty of a Class A misdemeanor.

22 (d) A person in violation of subsection (a) shall
23 forfeit to the department all hunting gear, including
24 firearms, used to commit the violation.

25 Section 2. Sections 9-11-240, 9-11-241, and
26 9-11-242, Code of Alabama 1975, relating to the hunting or

1 trapping on the land of another without permission, are
2 repealed.

3 Section 3. 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, now
7 appearing as Section 111.05 of the Official Recompilation of
8 the Constitution of Alabama of 1901, as amended, because the
9 bill defines a new crime or amends the definition of an
10 existing crime.

11 Section 4. 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.