

1 SB88
2 136778-3
3 By Senators Whatley, Scofield, and Ward
4 RFD: Agriculture, Conservation, and Forestry
5 First Read: 05-FEB-13

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8 SYNOPSIS: Under existing law, a landowner may lawfully
9 provide supplemental feed for birds and animals on
10 his or her private land. Also, existing law
11 prohibits whitetail deer from being hunted over
12 bait.

13 This bill would allow whitetail deer to be
14 hunted on private land within a certain area in
15 relation to supplemental feeding.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 Relating to hunting; to amend Section 9-11-244 of
22 the Code of Alabama 1975, to allow whitetail deer to be hunted
23 on private land under certain conditions within an area in
24 relation to supplemental feeding.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. The Legislature, in enacting this act,
27 finds the following:

1 (1) The bird and animal population of this state
2 benefit greatly as a result of supplemental feeding
3 particularly during winter months.

4 (2) The current law has caused many landowners to
5 discontinue supplemental feeding during deer season to avoid
6 an inadvertent violation of the law and a resulting citation.

7 (3) The purpose of this act is to clarify the area
8 in which supplemental feeding may take place through the use
9 of a mechanical, gravity, or trough feeder in relation to any
10 hunter on the land.

11 Section 2. This act shall be known as the Hunter
12 Protection Act.

13 Section 3. Section 9-11-244 of the Code of Alabama
14 1975, is amended to read as follows:

15 "§9-11-244.

16 "(a) Except as otherwise provided for whitetail deer
17 in subsection (b), ~~no~~ person at any time shall take, catch,
18 kill, or attempt to take, catch, or kill any bird or animal
19 protected by law or regulation of the State of Alabama by
20 means, aid, or use, directly or indirectly, of any bait such
21 as shelled, shucked, or unshucked corn or of wheat or other
22 grain, salt, or any other feed whatsoever that has been so
23 deposited, placed, distributed, or scattered as to constitute
24 for such birds or animals a lure, attraction, or enticement
25 to, on or over the area where such hunter or hunters are
26 attempting to kill or take them; provided, that such birds or
27 animals may be taken under properly shocked corn and standing

1 crops of corn, wheat, or other grain or feed and grains
2 scattered solely as a result of normal agricultural harvesting
3 and provided further, migratory birds may be hunted under the
4 most recent provisions established by the U.S. Fish and
5 Wildlife Service or regulations promulgated by the
6 Commissioner of the Department of Conservation and Natural
7 Resources within the limits of the federal regulations.

8 "(b) (1) On private lands, whitetail deer may be
9 hunted more than 100 yards from a supplemental feeder provided
10 the feeder is outside of the line of sight of the hunter. For
11 purposes of this subsection, "outside of the line of sight"
12 means "hidden from view by natural vegetation or naturally
13 occurring terrain features."

14 "(2) This subsection shall not apply on public
15 lands."

16 Section 4. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.