

1 HB137
2 181666-1
3 By Representatives Williams (JW), Crawford, Wilcox, Shiver,
4 Sessions, Wood, Whorton (I), Blackshear, Mooney, Howard,
5 Chesteen, Faust, Henry and South
6 RFD: Agriculture and Forestry
7 First Read: 07-FEB-17

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8 SYNOPSIS: Under existing law, by regulation of the
9 Department of Conservation and Natural Resources,
10 as it relates to hunting deer on private lands,
11 there is a rebuttable presumption that any bait or
12 feed located beyond 100 yards from the hunter and
13 not within the line of sight of the hunter is not a
14 lure, attraction or enticement to, on, or over the
15 areas where the hunter is attempting to kill or
16 take the deer.

17 This bill would allow the taking of
18 whitetail deer or feral swine by means of bait and
19 would require that the bait be contained.

20 This bill would authorize a landowner to
21 give permission in writing to another person to
22 hunt over bait on the landowner's property for
23 whitetail deer or feral swine.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

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To amend Sections 9-11-244 and 9-11-245 of the Code of Alabama 1975, relating to hunting; to allow the taking of whitetail deer or feral swine by means of bait; to require that bait be contained; and to authorize a landowner to give permission in writing to another person to hunt over bait on the landowner's property for whitetail deer or feral swine.
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 9-11-244 and 9-11-245 of the Code of Alabama 1975, are amended to read as follows:

"§9-11-244.

"(a) No person at any time shall take, catch, kill or attempt to take, catch or kill any bird or animal protected by law or regulation of the State of Alabama by means, aid or use, directly or indirectly, of any bait such as shelled, shucked or unshucked corn or of wheat or other grain, salt or any other feed whatsoever that has been so deposited, placed, distributed or scattered as to constitute for such birds or animals a lure, attraction or enticement to, on or over the area where such hunter or hunters are attempting to kill or take them; provided, that such birds or animals may be taken under properly ~~shocked~~ shucked corn and standing crops of corn, wheat or other grain or feed and grains scattered solely as a result of normal agricultural harvesting and provided further, migratory birds may be hunted under the most recent provisions established by the U.S. Fish and Wildlife Service or regulations promulgated by the Commissioner of the

1 Department of Conservation and Natural Resources within the
2 limits of the federal regulations. This section shall not
3 apply to whitetail deer or feral swine.

4 "(b) A landowner or an agent, servant, employee, or
5 another person authorized by the landowner in writing may
6 lawfully bait the landowner's property for white tail deer or
7 feral swine in accordance with the act adding this subsection.
8 Placement of bait may not be on the ground but must be in a
9 container, tub, trough-type feeder, or timed mechanical
10 feeder.

11 "§9-11-245.

12 "No person shall at any time make use of any
13 pitfall, deadfall, baited field, cage, trap, net, pen, baited
14 hook, snare, poison, explosive, or chemical for the purpose of
15 injuring, capturing, or killing birds or animals protected by
16 law or regulation of this state. This section shall not
17 prevent the trapping of animals classified as fur-bearing
18 animals by a duly licensed fur catcher. It shall be legal to
19 use a scaffold for gun hunting of all legal game species
20 except wild turkey and to use a scaffold for bow hunting of
21 all legal game species. This section shall not apply to
22 whitetail deer or feral swine."

23 Section 2. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.