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3 SENATE AC&F COMMITTEE SUBSTITUTE FOR SB381
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8 SYNOPSIS: Under existing law, the Department of
9 Conservation and Natural Resources is responsible
10 for regulating hunting in this state.

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

16 This bill would require that the reports be
17 public record.

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

22 Amendment 621 of the Constitution of Alabama
23 of 1901, as amended by Amendment 890, now appearing
24 as Section 111.05 of the Official ReCompilation of
25 the Constitution of Alabama of 1901, prohibits a
26 general law whose purpose or effect would be to
27 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) For the purposes of this act, a "blood tracker"
13 is any individual who owns, has dominion over, or is in
14 command of dogs being used to attempt to recover wounded game.

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

1 (d) An application for registering as a hunt master
2 or blood tracker shall be on a form prescribed by the
3 department and shall include all of the following:

4 (1) The current address and phone number of the
5 individual applying.

6 (2) The county, or counties, where the individual
7 anticipates hunting deer using a dog. This subdivision does
8 not preclude a hunt master from hunting deer with dogs in
9 counties that are not listed on the application and it does
10 not apply to blood trackers.

11 (e) Any individual who uses any dog for taking,
12 attempted taking, trailing, pursuing, disturbing, or blood
13 trailing a deer off lead, without registering as a hunt master
14 or blood tracker with the department, shall be issued a
15 citation and if convicted shall be guilty of a Class C
16 misdemeanor and shall be punished by a fine of five hundred
17 dollars (\$500).

18 (f) The Department of Conservation and Natural
19 Resources shall adopt rules to implement the provision of this
20 act.

21 Section 2. (a) All dogs used for taking or
22 attempting to take, trailing, pursuing, or disturbing deer or
23 blood tracking, must wear a collar or tag legibly displaying
24 the name, phone number, and Conservation Identification Number
25 of the owner of the dog.

26 (b) Effective July 1, 2022, all dogs that are not
27 physically restrained during the pursuit of deer must be

1 equipped and monitored with a device that allows remote
2 tracking and behavior correction. This subsection does not
3 apply to dogs used to pursue deer or other wildlife during
4 sanctioned field trial events. The device must be attached to
5 the dog by a collar or similar means. For the purposes of this
6 act "remote tracking" means the use of a GPS or elementary
7 technology.

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

13 (d) A violation of subsection (a) or (b) on a first
14 offense shall result in a warning and an opportunity to show
15 proof of purchase of the device. A second violation occurring
16 during the same hunting season shall result in a fine of one
17 hundred dollars (\$100) collected by the department. A third
18 offense during the same hunting season shall result in a fine
19 of two hundred fifty dollars (\$250) collected by the
20 department. A fourth offense during the same hunting season
21 shall result in a fine of one thousand dollars (\$1,000)
22 collected by the department.

23 Section 3. Game wardens of the Department of
24 Conservation and Natural Resources shall investigate any
25 reported incident of a dog being intentionally killed or
26 injured while the dog was engaged in hunting activities, to

1 determine if a violation of Section 13A-11-14, Code of Alabama
2 1975, occurred.

3 Section 4. (a) Hunting deer with dogs shall be
4 allowed in all counties of the state, except those counties
5 where hunting deer with dogs was prohibited on January 1,
6 2020.

7 (b) With respect to counties closed or placed under
8 a permit system pursuant to prior Conservation Advisory Board
9 recommendation, the permit requirements shall be abolished by
10 July 1, 2024, and counties closed by the Conservation Advisory
11 Board recommendation shall be opened by July 1, 2025.

12 (c) Effective July 1, 2024, hunting deer with the
13 use of dogs shall be allowed on all wildlife management areas
14 and national forests, unless rules adopted governing a
15 wildlife management area or national forest provide otherwise.

16 (d) A wildlife management area or national forest
17 shall not be closed to hunting deer with dogs in a county
18 where a portion or all of the wildlife management area or
19 national forest is located and is currently under a permit
20 system implemented by the department.

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

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

27 "§9-2-14.

1 "(a) The Advisory Board of Conservation and Natural
2 Resources. The board shall consist of the Governor, the
3 Commissioner of Agriculture and Industries, the Director of
4 the Agricultural Extension System ex officio, and 10 other
5 members to be appointed by the Governor, one of whom the
6 Governor shall designate as chair of the Advisory Board of
7 Conservation and Natural Resources. The appointed members of
8 the board shall be selected with special reference to training
9 and experience along one or more of the principal lines of
10 activity vested in the Department of Conservation and Natural
11 Resources. The term of office of each appointed member of the
12 board shall be six years. Of members first appointed, however,
13 two members shall be appointed for two years, three members
14 shall be appointed for four years, two members shall be
15 appointed for five years, and three members shall be appointed
16 for six years. The members of the board shall receive no
17 salary or compensation as members of the board, but shall be
18 reimbursed for expenses of travel, meals, and lodging while in
19 the performance of their duties as members of the board,
20 pursuant to Article 2 of Chapter 7 of Title 36.

21 "(b) After July 1, 1998, the members of the advisory
22 board appointed by the Governor shall be appointed so that one
23 member of the board is a resident of each congressional
24 district as the districts are constituted on January 1, 1998,
25 and no more than two members are residents of the same
26 congressional district. If a member appointed from a
27 congressional district ceases to be a resident of the district

1 from which appointed, the member shall vacate his or her
2 office. This subsection shall not affect the term or
3 reappointment of any current member of the board.

4 "(c) The board shall hold semiannual regular
5 meetings at the time and place designated by the chair of the
6 board or the Commissioner of Conservation and Natural
7 Resources. The chair of the board or the Commissioner of
8 Conservation and Natural Resources may call special meetings
9 as may be necessary.

10 "(d) The Commissioner of Conservation and Natural
11 Resources shall be ex officio secretary of the board and shall
12 keep minutes of all meetings and a record of all proceedings
13 of the board. The commissioner shall receive no additional
14 compensation for the services.

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

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

6 "(g) The report shall also be provided to the
7 Legislature, and shall be made public record at the time it is
8 released to the advisory board. The report shall be structured
9 a manner that cites the law or rule that was violated, and the
10 county in which the violation occurred.

11 "(h) The department shall adopt rules to implement
12 this section.

13 "§9-11-241.

14 "(a) Any ~~person~~ individual who hunts, traps,
15 captures, injures, kills, or destroys, or attempts to hunt,
16 trap, capture, injure, kill, or destroy any wild game on the
17 lands of another between the hours of daylight and sunset
18 without the written permission of or accompanied by the
19 landowner or person in possession or control of the lands
20 shall be guilty of a misdemeanor and, upon conviction, shall
21 be punished for the first offense by a fine of not less than
22 one thousand dollars (\$1,000), and at the discretion of the
23 court may have all hunting license privileges revoked for up
24 to one year from the date of conviction. Any person shall be
25 punished for the second and each subsequent offense by a fine
26 of not less than two thousand dollars (\$2,000) and the
27 revocation of all hunting license privileges for one year from

1 the date of conviction, and shall be imprisoned in the county
2 jail for a period not less than 10 nor more than 30 days.

3 "(b) (1) Any individual owning, having dominion over,
4 or using any dog for hunting deer, may not knowingly or
5 negligently cast a dog onto any privately-owned property
6 without having the written permission of or being accompanied
7 by the landowner or person in possession or control of the
8 land.

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

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

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

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

3 Section 6. 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, as amended
7 by Amendment 890, now appearing as Section 111.05 of the
8 Official Recompilation of the Constitution of Alabama of 1901,
9 as amended, because the bill defines a new crime or amends the
10 definition of an existing crime.

11 Section 7. 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.