

SB147 ENROLLED



1 024L66-2
2 By Senators Sessions, Williams, Price, Allen, Givhan,
3 Albritton, Elliott, Chambliss, Roberts, Scofield, Chesteen,
4 Kelley, Bell, Waggoner, Hovey, Barfoot, Carnley, Butler,
5 Gudger, Melson, Shelnuttt, Jones, Reed, Weaver, Livingston,
6 Hatcher, Stewart, Singleton
7 RFD: Agriculture, Conservation, and Forestry
8 First Read: 04-Apr-23
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1 Enrolled, An Act,

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3 Relating to livestock; to amend Section 3-5-2, Code of
4 Alabama 1975, to provide that no municipal governing body may
5 adopt or continue in effect any ordinance, rule, resolution,
6 or directive that prohibits a person from permitting their
7 livestock or animals to run at large on the premises of
8 another or public land which does not require the same mens
9 rea as state law; and to make nonsubstantive, technical
10 revisions to update the existing code language to current
11 style.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 3-5-2, Code of Alabama 1975, is
14 amended to read as follows:

15 "§3-5-2

16 (a) It shall be unlawful for the owner of any livestock
17 or animal, as defined in Section 3-5-1, to knowingly,
18 voluntarily, negligently, or wilfully permit any such
19 livestock or animal to ~~go~~ run at large in the State of Alabama
20 either upon the premises of another or upon the public lands,
21 highways, roads, or streets in the State of Alabama.

22 (b) Nothing in this section or elsewhere in this
23 chapter shall be construed to make it unlawful for livestock
24 or other animals to run at large on the premises of another
25 when the owner or person in charge of the premises has
26 consented in writing to ~~let~~ allow livestock or other animals
27 to run at large on the ~~same or to subject the owner of such~~
28 ~~livestock or other animals to criminal prosecution therefor~~



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29 premises.

30 (c) There shall be no "open range" counties in this
31 state. This section shall apply to all counties within the
32 state.

33 (d) Any person or persons owning or having the
34 possession, custody, or control of any livestock who
35 unlawfully and knowingly permit the same to run or be at
36 large, shall be guilty of a misdemeanor, and, on conviction,
37 shall be fined not less than double the damages sustained by
38 the injured party or parties, but in no case more than ~~\$50.00~~
39 fifty dollars (\$50), one half of such fine to go to the
40 injured party or parties, and may also be imprisoned in the
41 county jail or sentenced to hard labor for the county for a
42 term not exceeding six months at the discretion of the court
43 trying the case.

44 (e) No municipal governing body may adopt or continue
45 in effect any ordinance, rule, resolution, or other directive
46 that is inconsistent with this section. For purposes of this
47 subsection, an ordinance, rule, resolution, or directive shall
48 be considered inconsistent with this section if it proscribes
49 the same conduct prohibited by this section and provides no
50 requisite mental state or a mental state different than what
51 is provided in subsection (a) or (d)."

52 Section 2. This act shall become effective on the first
53 day of the third month following its passage and approval by
54 the Governor, or its otherwise becoming law.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB147

Senate 06-Apr-23

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives

Passed: 18-Apr-23

By: Senator Sessions