

1 HB2  
2 187079-1  
3 By Representatives Hanes and Whorton (R)  
4 RFD: Judiciary  
5 First Read: 09-JAN-18  
6 PFD: 07/24/2017

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8 SYNOPSIS: Under existing law, a person is strictly  
9 liable for civil damages for causing injury or  
10 damage to a person or a domestic animal of a person  
11 as a result of using traps or other similar devices  
12 on public land to take, capture, or kill a  
13 fur-bearing animal protected by state laws or  
14 rules.

15 This bill would limit the liability to  
16 injuries caused by traps or similar devices used on  
17 public land in violation of state laws or rules.

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19 A BILL  
20 TO BE ENTITLED  
21 AN ACT  
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23 To amend Section 9-11-264 of the Code of Alabama  
24 1975, relating to trapping animals and strict liability for  
25 civil damages for causing injury to a person or an animal on  
26 public land; to limit the liability to injuries caused by

1 traps or similar devices used on public land in violation of  
2 state laws or rules.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 9-11-264 of the Code of Alabama  
5 1975, is amended to read as follows:

6 "§9-11-264.

7 "(a) Any person shall be strictly liable for civil  
8 damages who causes the injury or damage to any person or  
9 domestic animal as a result of using any trap or similar  
10 device on public land in violation of state laws or rules to  
11 take, capture, or kill any of the fur-bearing animals  
12 protected by ~~the~~ state laws or ~~regulations of this state~~  
13 rules.

14 "(b) Any person who suffers injury or damage to his  
15 or her person or domestic animal as a result of such activity  
16 on public land in violation of state laws or rules shall have  
17 an action for civil damages and ~~such~~ an aggrieved person need  
18 not prove negligence.

19 "(c) ~~The provisions of this~~ This section shall not  
20 apply to Lawrence County.

21 "(d) This section is not intended to expand or limit  
22 current defenses of state agents or employees."

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