

1 SB62
2 172802-1
3 By Senators Whatley and Dial
4 RFD: Agriculture, Conservation, and Forestry
5 First Read: 02-FEB-16
6 PFD: 02/01/2016

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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.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT

23
24 To amend Sections 9-11-244 and 9-11-245 of the Code
25 of Alabama 1975, relating to hunting; to allow the taking of
26 whitetail deer or feral swine by means of bait.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

3 "§9-11-244.

4 "No person at any time shall take, catch, kill or
5 attempt to take, catch or kill any bird or animal protected by
6 law or regulation of the State of Alabama by means, aid or
7 use, directly or indirectly, of any bait such as shelled,
8 shucked or unshucked corn or of wheat or other grain, salt or
9 any other feed whatsoever that has been so deposited, placed,
10 distributed or scattered as to constitute for such birds or
11 animals a lure, attraction or enticement to, on or over the
12 area where such hunter or hunters are attempting to kill or
13 take them; provided, that such birds or animals may be taken
14 under properly shocked corn and standing crops of corn, wheat
15 or other grain or feed and grains scattered solely as a result
16 of normal agricultural harvesting and provided further,
17 migratory birds may be hunted under the most recent provisions
18 established by the U.S. Fish and Wildlife Service or
19 regulations promulgated by the Commissioner of the Department
20 of Conservation and Natural Resources within the limits of the
21 federal regulations. This section shall not apply to whitetail
22 deer or feral swine.

23 "§9-11-245.

24 "No person shall at any time make use of any
25 pitfall, deadfall, ~~baited field~~, cage, trap, net, pen, baited
26 hook, snare, poison, explosive, or chemical for the purpose of
27 injuring, capturing, or killing birds or animals protected by

1 law or regulation of this state. This section shall not
2 prevent the trapping of animals classified as fur-bearing
3 animals by a duly licensed fur catcher. It shall be legal to
4 use a scaffold for gun hunting of all legal game species
5 except wild turkey and to use a scaffold for bow hunting of
6 all legal game species."

7 Section 2. This act shall become effective
8 immediately following its passage and approval by the
9 Governor, or its otherwise becoming law.