

1 SB61  
2 188216-2  
3 By Senators Dial and Whatley  
4 RFD: Agriculture, Conservation, and Forestry  
5 First Read: 09-JAN-18

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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; and to require  
27 that bait be contained.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

4 "§9-11-244.

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

24 "(b) A landowner or an agent, servant, employee, or  
25 another person authorized by the landowner in writing may  
26 lawfully bait the landowner's property for whitetail deer or  
27 feral swine in accordance with the act adding this subsection.

1 Placement of bait may not be on the ground but must be in a  
2 container, tub, trough-type feeder, or timed mechanical  
3 feeder.

4 "§9-11-245.

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

16 Section 2. This act shall become effective  
17 immediately following its passage and approval by the  
18 Governor, or its otherwise becoming law.