

Game Breeder – Resident & Non-Resident

Code of Alabama

www.legislature.state.al.us

Section 9-11-30 GAME BREEDER'S LICENSE – ISSUANCE; RENEWAL; EXPIRATION; FEES

- (a) For the purposes of this section, Section 9-11-31, and Section 9-11-31.1, the term "protected game animals and game birds" means any species of bird or animal designated by the Commissioner of Conservation and Natural Resources by regulation pursuant to Section 9-2-7, species of the family Cervidae documented by the department to exist in the wild in this state prior to the effective date of this provision which are whitetail deer, elk, and fallow deer, or species of nonindigenous animals lawfully brought into this state prior to the effective date of this provision and their offspring.
- (b) The Commissioner of Conservation and Natural Resources may issue an annual game breeder's license to any properly accredited person, firm, corporation, or association authorizing a game breeder to engage in the business of raising protected game birds, game animals, or fur-bearing animals, for propagating purposes in this state. Before a license is issued, the Commissioner of Conservation and Natural Resources shall make or cause to be made a thorough investigation and therefrom determine the qualifications, responsibility, and equipment of the applicant for entering upon the business of breeding, raising, and handling of game birds and game or fur-bearing animals. No license shall be issued or renewed for any person, firm, corporation, or association or any principal officer or partner in a firm, corporation, or association which is convicted of violating Section 9-2-13(c) after the effective date of the act adding this language, or for the premises of any person, firm, corporation, or association whose license privileges are revoked after the effective date of the act adding this language. A game breeder's license shall expire on September 30 of the year in which issued, unless renewed, except that any license issued pursuant to this section between the effective date of this act and September 30, 2006, shall expire on September 30, 2006. The commissioner shall promulgate rules for engaging in the business of breeding, raising, producing, and handling of protected game birds and game animals or fur-bearing animals or their eggs, embryos, or semen.
- (c) The fees for issuance of licenses pursuant to this section shall be two hundred fifty dollars (\$250) for all species, except members of the family Cervidae. The license fee for breeding members of the family Cervidae shall be two hundred fifty dollars (\$250) for the first 50 animals, five hundred dollars (\$500) for 51 to 100 animals, and one thousand dollars (\$1,000) for any number animals in excess of 100. License fees shall be based on the number of animals on hand as of the immediately preceding April 1 of each year.

Section 9-11-31 GAME BREEDER'S LICENSE – SALES BY LICENSEE; NONINDIGENOUS GAME BREEDER OPTION

- (a) Any person, firm, corporation, or association holding a game breeder's license as provided in Section 9-11-30 may sell live protected game animals and game birds, or the eggs, embryos, or semen of the birds and animals for propagating purposes to any person within or without this state. The purchaser or purchasers of protected game animals or game birds, or eggs, embryos, or semen of the birds or animals, shall be reported to the Commissioner of Conservation and Natural Resources before the sale or shipment of same. The serial number of the license of the game breeder making the sale or shipment shall appear or be attached in a conspicuous place on the crate or other container in which the game animals or game birds, or eggs, embryos, or semen of the birds or animals are being shipped. The Commissioner of Conservation and Natural Resources may cancel or declare void any game breeder's license when it is not being used in strict compliance with this section and Section 9-11-30. Notwithstanding anything to the contrary herein, licensees under Section 9-11-342 shall not be required to obtain the license provided for in this section in order to engage in those activities licensed under Section 9-11-342.
- (b) Notwithstanding anything to the contrary herein, any person, firm, corporation, or association who, prior to the effective date of the act adding this subsection, is in lawful possession of nonindigenous game animals in this state may certify that status in writing to the Commissioner of Conservation and Natural Resources for a period of six months from the effective date of the act adding this subsection and may apply for an annual nonindigenous game breeder option to the game breeder license. This license shall cost an additional fifty dollars (\$50) and shall run concurrently with the annual game breeder license. This license shall permit the holder thereof to engage in those activities permitted under the game breeder license for those nonindigenous animals which were lawfully in this state prior to the effective date of this act or their offspring only. The holder of the license may only buy or sell these animals from or to other holders of the nonindigenous game breeder option license or sell to lawful buyers outside of this state. If an applicant for the nonindigenous game breeder option license restricts its activities to less than all of the possible permitted activities under the game breeder license, as long as the applicant meets the requirements for the restricted activities, the applicant may be licensed for the restricted activities only by obtaining the game breeder license and nonindigenous game breeder option on a restricted basis."

Section 9-11-31.1 GAME BREEDER'S LICENSE - VIOLATIONS

Any person, firm, corporation, or association who violates the provisions of Section 9-11-30 or 9-11-31, or any rules promulgated pursuant to Section 9-11-30 or 9-11-31, shall be guilty of a misdemeanor and, upon conviction, shall be fined no less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000) for each offense and in addition, may have all game breeder's license privileges revoked for a period of up to two years from the date of conviction. Any second offense within five years shall be punishable, upon conviction, by a fine of not less than one thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000) for each offense and shall have all game breeder's license privileges revoked for a period of up to two years from the date of

conviction. Any third or subsequent offenses within five years shall be punishable, upon conviction, by a fine of not less than two thousand dollars (\$2,000) for each offense and shall have all game breeder's license privileges revoked permanently and all stock be disposed of as directed by the Commissioner of Conservation and Natural Resources, and, in addition, the principal officers or partners of the firm, corporation, or association shall not be eligible for licensing pursuant to Section 9-11-30 or eligible to serve as an officer of any firm, corporation, or association licensed pursuant to Section 9-11-30.

Section 9. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621 because the bill defines a new crime or amends the definition of an existing crime.

Section 10. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Section 9-11-500 DEFINITIONS

- (1) **GAME ANIMAL.** A species of animal designated by the Commissioner of Conservation and Natural Resources pursuant to Section 9-2-7, as a game or fur-bearing animal, any game or fur-bearing animal that exists historically and naturally in the wild within this state, or any game animal of the species of the family Cervidae (deer) that exists within this state in the wild as a result of the natural expansion of its range prior to May 1, 2006, which are white-tailed deer, fallow deer, and elk.
- (2) **NONINDIGENOUS ANIMAL.** A species of animal, other than birds, that does not exist historically and naturally in the wild within the state or does not exist within the state as a result of the natural expansion of its range.
- (3) **TAME GAME ANIMAL.** An animal that has been held captive as a zoological attraction or exhibit, or any animal, at the time of hunting, not exhibiting the flight characteristics or wariness for the species.

Section 9-11-501 HUNTING OF NATIVE GAME ANIMALS UNDER CERTAIN CONDITIONS PROHIBITED

It shall be unlawful for any person to hunt or kill, attempt to hunt or kill, or offer the opportunity to hunt or kill native game animals or any other animal legally permissible to hunt for a fee or other valuable consideration or for recreation under conditions in which the animal hunted does not have a reasonable opportunity to evade the hunter, including, but not limited to, hunting animals that are tied, staked, hobbled, or caged; animals that have been released from confinement less than 10 days; or animals that are taken by aid of any remote controlled or computer aided device. Hunting of native game animals or any other animal legally permissible to hunt within the confines of an enclosure does not in and of itself constitute a violation provided adequate space and escape cover for the species exist to provide the animals with a reasonable opportunity to evade the hunter.

Section 9-11-502 HUNTING OF TAME GAME ANIMALS PROHIBITED

It shall be unlawful for any person to hunt or kill, attempt to hunt or kill, or offer the opportunity to hunt or kill any tame game animal for a fee or other valuable consideration or recreation. The promise or guarantee of, or contract for, killing an individual tame game animal, shall be prima facie evidence of a violation of this article.

Section 9-11-503 HUNTING OF NONINDIGENOUS ANIMALS PROHIBITED

- (a) It shall be unlawful for any person to hunt or kill, attempt to hunt or kill, or offer the opportunity to hunt or kill any species of animal nonindigenous to the state including, but not limited to, any species of African or Asian lion, tiger, or elephant for a fee or other valuable consideration or for recreation.
- (b) This section does not apply to feral swine or to any species of animal deemed a nuisance by the Commissioner of Conservation and Natural Resources, nor to any nonindigenous animal lawfully brought into this state prior to May 1, 2006, or their offspring; provided the owner of the nonindigenous animal provides written notice to the commissioner of the ownership and location of the species.

Section 9-11-504 HUNTING OF PEN-RAISED BIRDS

Nothing in this article shall prohibit the hunting of pen-raised birds by properly licensed hunters or by properly licensed persons engaged in the training of bird dogs, or by persons engaged in bird dog field trials as provided by law or rules promulgated by the Commissioner of Conservation and Natural Resources.

Section 9-11-505 PENALTIES

Any person, firm, corporation, or association that violates Sections 9-11-500 to 9-11-504, inclusive, of this article shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than two thousand dollars (\$2,000) nor more than five thousand dollars (\$5,000), and may be imprisoned in the county jail for a period of not more than 30 days for each offense. A second and subsequent offense shall be punishable by a fine of not less than five thousand dollars (\$5,000), and by imprisonment in the county jail for not less than 10 nor more than 30 days.

Regulation 220-2-.04 GAME BIRDS DESIGNATED

Resident Game Birds: Bobwhite Quail, Ruffed Grouse, Wild Turkey; Migratory Game Birds: Wild Duck, Wild Goose, Brant, Virginia and Clapper Rail, Sora, Coot, Wilson Snipe, Woodcock, Mourning and White-Wing Dove, Gallinule, and Merganser.

Regulation 220-2-.06 GAME ANIMALS DESIGNATED

The following animals are hereby designated as game animals: Bear, Beaver, Coyote, Deer, Opossum, Eastern Cottontail and Swamp Rabbit, Raccoon, Squirrel, Nutria, Fox, Mountain Lion (Cougar), Groundhog, Bobcat, Red Wolf, Feral Swine (Wild Hog or Wild Pig).

Regulation 220-2-.30 FUR-BEARING ANIMALS DESIGNATED

The following shall be named and designated as fur-bearing animals in Alabama: Beaver, Bobcat, Fox, Mink, Muskrat, Nutria, Opossum, Otter, Raccoon, Striped Skunk, Coyote, and Feral Swine.

Regulation 220-2-.138 LICENSED GAME BREEDERS

All persons, firms or corporations licensed under Section 9-11-30 to engage in the business of raising game birds, game animals, or fur bearing animals shall:

1. Submit to the Division of Wildlife and Freshwater Fisheries an accurate inventory of all stock and maintain a record of inventory changes caused by births, deaths, escapes, sales, purchases or other causes; provided however, holders of the nonindigenous game breeder option who are not engaged in the breeding and handling of such animals may submit a good faith estimate of stock inventory and inventory changes as to such animals.
2. Allow inspection by agents authorized by the Division of stock, facilities and records at all reasonable times.
3. By April 1 of each year, fawns of the family Cervidae born on the premises shall be marked with an ear tag, as specified by the Division, which identifies each animal. All other stock of the family Cervidae shall be assigned an ear tag number and shall be marked with the corresponding tag before any sale or transfer. Such tags shall not be transferred to or reused on other individuals. Tags shall not be removed, except during transfer when the animal is being released, provided the tag shall be in possession during transport. Animals which lose tags shall be reassigned a replacement tag number and remarked before sale or transfer.
4. Identify the location of each facility by physical address and notify designated Division personnel of any changes in size or location of the facility.
5. Within 24 hours of discovery notify designated Division personnel of any escapes or deaths and allow disease testing of animals that have died.
6. Upon notification by authorized Division personnel of a documented disease risk, not remove from any facility any animals alive or dead until approved by authorized Division personnel.
7. For species of the family Cervidae, obtain a premises registration number and comply with the conditions set forth in any herd health or monitoring plan that may be designated by the Alabama Department of Agriculture and Industries.
8. Acquire animals only from other licensed game breeders, except by written approval from authorized Division personnel.
9. The Commissioner of Conservation and Natural Resources, in cooperation with the Alabama Department of Agriculture and Industries, may order the confiscation and destruction of any animal that is deemed to be a substantial disease risk to other wildlife, domestic animals, or the public without compensation to the owner of such animal. This shall not affect the authority of other state or federal agencies with respect to confiscation, destruction or condemnation of or compensation for such animals.
10. Nothing in this regulation is intended to authorize the importation into this state of any live animal, or their eggs or embryos which is otherwise prohibited by law or regulation.

Regulation 220-2-.156 RELEASE OF CAPTIVE RAISED CERVIDAE

It shall be unlawful for any person, firm or corporation licensed under 9-11-30 or 9-11-261, or any buyer or recipient from any other such persons, to knowingly or intentionally release any captive raised member of the family cervidae into the wild except those areas bounded by enclosures which effectively restrict the egress of such animals.