

CODE OF ALABAMA
TITLE 9
CONSERVATION AND
NATURAL RESOURCES



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Code of Alabama 1975

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Chapter 1 GENERAL PROVISIONS

Section 9-1-1 Making false statement to officer issuing license.

Any person who willfully or knowingly makes to any officer authorized to issue a hunting, fishing, fur-bearing animal, or seafood license a false statement as to his or her name, age, residence or any other statement relevant to the purchasing of the license, or any person who makes to any officer designated to issue hunting, fishing, fur-bearing animal, or seafood licenses an incorrect statement when purchasing a license for another and makes the statement knowing it to be false shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500). (*Acts 1951, No. 357, p. 645, §1; Act 2008-384, p. 714, §1.*)

Section 9-1-3 Lending, borrowing, selling, etc., license.

The lending, borrowing, selling, buying, renting, or using in any way the license of another to hunt, fish, trap, deal in furs, or to take oysters or shrimp shall constitute a misdemeanor and shall be punishable by a fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500). (*Acts 1951, No. 357, p. 645, §3; Act 2008-384, §1.*)

Section 9-1-4 Penalty for violation.

Unless otherwise provided, a violation of any of the provisions of this title or any rule or regulation of the Department of Conservation and Natural Resources or approved by the Advisory Board of Conservation and Natural Resources shall be a Class C misdemeanor. (*Code 1923, §§5112, 5120; Acts 1932, Ex. Sess., No. 212, p. 214; Code 1940, T. 8, §13; 2008-384, p. 714, §1.*)

Section 9-1-6 Declaration of public policy and legislative intent; measure of damages for the unauthorized removal of coal; retroactive application in section.

- (a) Unless The objective of this section is to specify the measure of damages for the unauthorized removal of coal in Alabama. It is declared that the extraction of coal provides a major present and future source of energy and is an essential and necessary activity which contributes to the economic and material well-being of the state. In the absence of a reasonable measure of damages as specified in this section, confusion could result in the coal industry causing financial distress and unemployment, and may cause the abandonment and prevent the use of many coal mines. This state has a public interest in removing this hazard and precluding this confusion and distress without doing violence to private rights.
- (b) The measure of damages in any civil action for the authorized extraction, severance, injury or removal of coal from land, including but not limited to, action for trespass or conversion, when the extraction, severance, injury or removal is in good faith shall be the fair market value of the coal in place before severance as of the time of extraction, severance, injury or removal. The fair market value of coal in place shall be calculated as the royalty rate prevailing at the time and place of severance.
- The measure of damage in all other civil actions for the unauthorized extraction, severance, injury or removal of coal from land, including but not limited to, actions for trespass or conversion, shall be the fair market value of the coal after severance, at the time and place of severance, without allowance for labor and expenses.
- (c) This article shall apply to causes of action and actions then existing or thereafter arising when this article becomes effective. (*Acts 1983, No. 83-608, p. 945, §§ 1-3.*)

Chapter 2 DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Article 1 General Provisions

Section 9-2-1 Created; seal.

There shall be a Department of Conservation and Natural Resources, which shall be an executive and administrative department in order to enable the Governor to exercise a direct and effective control over the natural resources, state parks and historical sites of the state and in order to bring together in one department for purposes of economy and efficiency all matters pertaining to the natural resources, state parks and monuments and historical sites of the state. The Department of Conservation and Natural Resources shall have a seal, which shall be affixed to official acts and

deeds of the Department of Conservation and Natural Resources and of the Commissioner of Conservation and Natural Resources by him. (*Acts 1939, No. 162, p. 255, § 2; Code 1940, T. 8, § 1.*)

Section 9-2-2 Powers and duties generally.

The general functions and duties of the Department of Conservation and Natural Resources shall be as follows:

- (1) To protect, conserve, and increase the wildlife of the state and to administer all laws relating to wildlife and protection, conservation, and increase thereof.
- (2) To make exploration, surveys, studies, and reports concerning the wildlife, state parks and monuments and historical sites in the state and to publish such thereof as will be of general interest.
- (3) To maintain, supervise, operate, and control all state parks, monuments and historical sites, except Mound State Monument and the First White House of the Confederacy; the serving and employing of attendants for all monuments and historical sites located on state-owned property in the City of Montgomery shall be performed by the Department of Finance.
- (4) To maintain, supervise, operate, and control all state lands other than those specifically committed to the use or control of some other department, board, bureau, commission, agency, office, or institution of the state.
- (5) To cooperate with and enter into cooperative agreements and stipulations with the Secretary of Agriculture of the United States, other states, or any other federal or state officer or department, board, bureau, commission, agency, or office thereunto authorized with respect to wildlife restoration projects, the carrying on of an educational program in connection therewith, the collection and publication of data with respect to wildlife, state parks and the monuments and historical sites or any other matters committed to the Department of Conservation and Natural Resources by this title or otherwise by law and to make and enforce all regulations and restrictions required for such cooperation, agreements, or stipulations.
- (6) To carry on a program of education and public enlightenment with respect to the wildlife and other natural resources, state parks and the monuments and historical sites of Alabama.
- (7) To make an annual report to the Governor concerning the activities and accomplishments of the department for the preceding fiscal year.
- (8) To recommend to the Legislature such legislation as may be needed further to protect, conserve, increase, or to make available or useful the wildlife and other natural resources, state parks and the monuments and historical sites of Alabama. (*Acts 1939, No. 162, p. 255, § 3; Code 1940, T. 8, § 2; Act 2009-724, p. 2165, § 1.*)

Section 9-2-3 Powers and duties as to state parks and parkways, etc.

The Department of Conservation and Natural Resources may employ such officers, assistants and employees as may be necessary and, as to persons employed wholly or in part in carrying out the provisions of cooperative agreements with the federal government or other agencies, for such compensations heretofore or hereafter paid, may use such contributions or receipts as may be derived from the United States or from any private or philanthropic source.

Where any of the lands of the state or of any department, institution or agency of the state are in scattered or noncontiguous tracts, the Department of Conservation and Natural Resources is authorized, subject to the approval of the Governor, to exchange such tracts for others of equal value, privately or publicly owned, to the end that the lands of the state or of any of its departments, institutions or agencies may be better consolidated for economy and efficiency in administration, protection and use and to perform such other duties as may be imposed upon it by law and to do such other things as may be necessary to give full effect to this section and this title. (*Acts 1935, No. 23, p. 38, § 1; Acts 1935, No. 500, p. 1078, § 1; Acts 1936-37, Ex. Sess., No. 161, p. 183, § 1; Acts 1939, No. 162, p. 255; Code 1940, T. 8, § 3.*)

Section 9-2-3.1 Parking violations on property under control of department.

- (a) For the purposes of this section, the following terms shall have the following meanings:
 - (1) DEPARTMENT. The Department of Conservation and Natural Resources.
 - (2) PROPERTY UNDER THE CONTROL OF THE DEPARTMENT. Property, and any roads or streets on the property, including but not limited to, state parks property; boating access areas, including associated parking lots; wildlife management areas; public fish lake property; and any property controlled, owned, leased, or managed by the department or any of its divisions or the

Forever Wild Land Trust.

- (b) (1) A person may not park, cause to be parked, or permit a motor vehicle to be parked on any property under the control of the department in violation of a rule adopted by the department.
(2) The presence of an unattended motor vehicle on property under control of the department in violation of a rule of the department shall create a prima facie presumption that the registrant of the motor vehicle committed or authorized the parking violation.
- (c) (1) A person in violation of subsection (b) shall be issued a Uniform Traffic Ticket and Complaint (UTTC) by a special officer appointed by the department for the enforcement of this section as provided in Section 32-5-310. Notwithstanding Section 32-5-310, or any other provision of law, a special officer of the department is not required to be certified by the Alabama Peace Officers' Standards and Training Commission. A copy of the UTTC shall be left on the motor vehicle and mailed, by regular mail, to the registered owner of the motor vehicle.
(2) District courts shall have exclusive jurisdiction of violations of this section.
- (d) (1) Except as provided in subdivision (2), a fine for a violation under this section shall be fifty dollars (\$50).
(2) A fine for a violation of subsection (a) in a handicapped parking space shall be two hundred fifty dollars (\$250).
(3) No court costs shall be assessed for a violation under this section.
(4) Fifty percent of the fines collected under this subsection shall be deposited into the Department of Conservation Administrative Fund to be used by the department. Fifty percent of the fines collected shall be deposited into the Clerk's Judicial Administration Fund.
- (e) A motor vehicle parked on property controlled by the department in violation of this section may be removed as provided in Section 31-12-2.
- (f) A UTTC issued pursuant to this section shall be subject to all procedures and provisions of Rule 19 of the Alabama Rules of Judicial Administration, as adopted by the Alabama Supreme Court, unless expressly provided otherwise in this section.
- (g) The court may suspend the driver's license of a person who fails to pay a fine pursuant to this section as provided in Rule 26.11 of the Alabama Rules of Criminal Procedure.
- (h) The department shall adopt rules for the implementation and administration of this section. (*Act 2019-442, § 1.*)

Section 9-2-4

Powers and duties as to seafoods, etc.

- (a) The Department of Conservation and Natural Resources shall have full jurisdiction and control of all seafoods existing or living in the waters of Alabama and of all public and natural oyster reefs and oyster bottoms of the State of Alabama, and it shall ordain, promulgate and enforce all rules, regulations and orders deemed by it to be necessary for the protection, propagation or conservation of the same.
- (b) The Department of Conservation and Natural Resources may by order duly made and published prescribe the manner of taking or catching, the time when and designate the places from which seafoods may or may not be taken or caught during certain periods of the year, or entirely, as it may deem to be for the best interest of the seafood industry.
- (c) It shall have full authority to prohibit the catching or taking of oysters from reefs designated by it by order duly made and promulgated during the entire open season or any part thereof and may open and close said reefs or portions thereof to tonging or dredging, or both, and at any time deemed by it to be to the best interest of the public welfare.
- (d) It shall receive and audit the accounts of oysters bought and caught of all canners and dealers and the accounts of all inspectors, employees and members of said department and of all expenses incident to carrying into effect this title, and shall see that all privilege taxes and license fees are paid, that the inspectors and other officers and employees faithfully discharge their duties and that all provisions of this title are properly complied with and enforced, and the Commissioner of Conservation and Natural Resources shall hear the complaints of any person aggrieved by the action of any officer.
- (e) It shall have authority to cooperate with the commissioner of the Bureau of Fisheries of the Department of Commerce of the United States government in the carrying out of the provisions of any act of Congress for the sale, distribution or propagation of all seafoods and the extension of the producing areas thereof.
- (f) It shall have authority to make rules and regulations requiring all catchers, factories, purchasers, dealers or any persons dealing in shrimp and oysters to make reports to the department containing the number of barrels caught or sold and any other information said department may require; to designate the dates for opening and closing of the seasons for catching shrimp and the waters from

which the same may be taken; to cause surveys to be made of the coastal regions of the State of Alabama for the purpose of determining the economic soundness of the development of the oyster industry in the location; and to make plans and estimates of the cost of such developments and improvements and in connection therewith to enter on any lands, waters and premises for the purpose of making such surveys, soundings and examinations. (*Acts 1935, No. 226, p. 618, § 10; Acts 1936-37, Ex. Sess., No. 169, p. 192, § 3; Acts 1939, No. 162, p. 255; Code 1940, T. 8, § 4.*)

Section 9-2-5 Commissioner of Conservation and Natural Resources – Qualifications, appointment, term of office, oath, and bond.

The Department of Conservation and Natural Resources shall be headed by and shall be under the direction, supervision and control of an officer who shall be known and designated as the Commissioner of Conservation and Natural Resources. The Commissioner of Conservation and Natural Resources shall be the advisor of the Governor and the Legislature in matters relating to the wildlife and other natural resources and the state parks and monument and historical sites of the State of Alabama and the discovery, development, protection and conservation thereof. He shall be responsible to the Governor for the administration of the Department of Conservation and Natural Resources. The Commissioner of Conservation and Natural Resources shall be appointed and shall hold office at the pleasure of the Governor. Vacancies for any reason shall be filled in the same manner as original appointments are made. Before entering upon the discharge of his duties, the Commissioner of Conservation and Natural Resources shall take the constitutional oath of office and shall give bond in such penalty as may be fixed by the Governor, but such penalty shall not be less than \$10,000.00 conditioned upon the faithful discharge of his duties. The premiums on such bond shall be paid out of the State Treasury. The Commissioner of Conservation and Natural Resources shall devote full time to his office and shall not hold another office under the government of the United States or under any other state or of this state or any political subdivision thereof during his incumbency in such office, and shall not hold any position of trust or profit or engage in any occupation or business the conduct of which shall interfere or be inconsistent with his duties as Commissioner of Conservation and Natural Resources under the provisions of this title. (*Acts 1939, No. 162, p. 255, § 6; Code 1940, T. 8, § 5; Acts 1951, Ex. Sess., No. 9, p. 175, § 1.*)

Section 9-2-6 Commissioner of Conservation and Natural Resources – Powers and duties generally.

All functions and duties of the Department of Conservation and Natural Resources shall be exercised by the Commissioner of Conservation and Natural Resources acting by himself or by and through such administrative divisions or such officers or employees as he may designate. The Commissioner of Conservation and Natural Resources shall have all power and authority necessary or convenient to carry out the functions and duties of the Department of Conservation and Natural Resources. In the performance of such functions and duties and in the exercise of such powers and authorities, the Commissioner of Conservation and Natural Resources and all other officers and employees of the Department of Conservation and Natural Resources shall, however, be subject to all legal restrictions, limitations and conditions and penalties, civil and criminal, with respect to the performance of such functions and duties and the exercise of such powers and authorities. (*Acts 1939, No. 162, p. 255, § 7; Code 1940, T. 8, § 6.*)

Section 9-2-7 Commissioner of Conservation and Natural Resources – Powers and duties as to game, fish, and seafood generally.

- (a) The Commissioner of Conservation and Natural Resources may enforce and administer all laws providing for the preservation, protection, propagation, and development of wild birds, wild fur-bearing animals, game fish, saltwater fish, shrimp, oysters and other shellfish, crustaceans and all other species of wildlife within the state or within the territorial jurisdiction of the state which have not been reduced to private ownership, except as otherwise provided.
- (b) The commissioner is empowered to do all of the following:
 - (1) To formulate a state wildlife policy.
 - (2) To fix open seasons during which game birds, game, and fur-bearing animals may be taken.
 - (3) To fix daily and season bag limits on game birds and game animals.
 - (4) To designate by name what species of fish shall be game fish.
 - (5) To fix daily creel limits on game fish.
 - (6) To regulate the manner, means, and devices for catching or taking game fishes, game birds, game, and fur-bearing animals and the manner, means, and devices for catching

- or taking all other species of fish not designated as game fish.
- (7) To close the season of any species of game in any county or area when, upon a survey by the department, it is found necessary to the conservation and perpetuation of such species and to reopen such closed season when it is deemed advisable.
- (8) To designate by name what animals shall be classed as game or fur-bearing animals and the time, manner, means, and devices for taking same.
- (9) To introduce desirable species of game, fish, and birds.
- (10) To suspend, revoke, or reinstate, pursuant to the terms of any agreements entered into pursuant to subdivision (5) of Section 9-2-2, a hunting, fishing, trapping, or other license or privilege, issued or regulated by the department. (*Acts 1935, No. 240, p. 632, §§ 11, 14; Acts 1939, No. 162, p. 255, § 11; Code 1940, T. 8, § 17; Act 2009-724, p. 2165, §*)

Section 9-2-8 Commissioner of Conservation and Natural Resources - Promulgation of rules and regulations as to game, fish and seafood; publication and distribution of laws, etc.

The Commissioner of Conservation and Natural Resources is authorized to make and promulgate such reasonable rules and regulations not in conflict with the provisions of the game and fish laws as he may deem for the best interest of the conservation, protection and propagation of wild game, birds, animals, fish and seafoods, which rules and regulations shall have the effect of law; provided, that the Commissioner of Conservation and Natural Resources shall not have the right to make or promulgate any rules or regulations which will hamper industry or which will interfere with the operation of any industrial plant or plants or any industrial operation. The Commissioner of Conservation and Natural Resources shall not have the right to make or promulgate any rules or regulations which will hamper or interfere with the construction of dams built for impounding private waters as defined by the Legislature or which will hamper or interfere with the catching, the marketing, the sale or resale or buying of the fish crop or any fish caught or taken from private waters as defined by the Legislature or which will in any way hamper or interfere with the maximum development of private waters as a source of food, farm income and recreation in the State of Alabama. The Commissioner of Conservation and Natural Resources shall publish in pamphlet form for general distribution all laws together with such rules and regulations relating to game, birds, fish, fur bearers, seafoods and other matters over which such Commissioner of Conservation and Natural Resources has authority or supervision. Such pamphlet so published shall be received in evidence without further proof of such rules and regulations in any court of this state. (*Acts 1935, No. 240, p. 632, §§ 20, 23; Code 1940, T. 8, & sect. 21; Acts 1943, No. 531, p. 505, § 1.*)

Section 9-2-9 Commissioner of Conservation and Natural Resources - Powers and duties as to state parks, etc. generally.

The Commissioner of Conservation and Natural Resources, acting through the Division of Parks, shall have the following powers and authorities:

- (1) To acquire in the of the State of Alabama by purchase, lease, agreement, license, condemnation or otherwise land deemed necessary or desirable to be preserved, improved, protected and maintained as a part of the state park system and to accept in his discretion, in fee or otherwise, land donated, entrusted, conveyed or devised to the state for like purposes and with like discretion to accept gifts, contributions or bequests of money or other personal property of value to be used or expended for the benefit of the state park system;
- (2) To contract and make cooperative agreements with the federal government and with states, counties, municipalities, corporations, associations or individuals for the purpose of acquiring, planning, establishing, developing, utilizing, operating, protecting or maintaining any public park, parkway, monument or historic site;
- (3) To construct and operate suitable public service privileges and conveniences on any land embraced within the state park system and to charge and collect reasonable fees for the use of the same and in his discretion to enter into contracts for the operation of any such privilege or convenience and to enter into contracts with any person or corporation engaged in the business of supplying the public with water for commercial, industrial or domestic consumption, granting the right to construct a dam across any stream lying wholly or partially in any state park with the buildings, works and lines necessary and convenient to impound the flow of any such stream, to overflow such lands as may be necessary and to conduct such flow through and out of such park and granting such person or corporation the right to use the flow of such stream for such purposes upon such terms and conditions as are deemed to be in the public interest. All money derived from any such privilege, convenience or contract together with such sums as may otherwise be derived from the operation of the state park system shall be paid into the Treasury

- to the credit of the State Park Fund created in this title;
- (4) To establish and promulgate and from time to time alter, amend or repeal rules and regulations governing the preservation, protection and use of the state park system and the property thereon and to preserve the peace therein. Any person who violates any rule or regulation so established and promulgated shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or imprisonment for not more than six months, or both, and may be adjudged to pay all costs of the proceedings. The Director of the Division of Parks shall have and he is hereby vested with full police power to prefer charges against and to make arrests of any person or persons violating any such rule or regulation. The Commissioner of Conservation and Natural Resources shall have full authority to designate any other employee or employees of the said Division of Parks as deputy police officers, who shall have full authority to prefer charges against or to make arrests of any person or persons violating any rule or regulation established or promulgated by the Commissioner of Conservation and Natural Resources;
 - (5) To initiate and conduct a public program of recreational activities; and
 - (6) To prepare, print and distribute printed matter relating to and descriptive of the state park system. (*Acts 1939, No. 556, p. 877, § 3; Code 1940, T. 8, § 176.*)

Section 9-2-10 Commissioner of Conservation and Natural Resources – Duties as to preservation, maintenance, etc., of state parks, etc.

It shall be the duty of the Commissioner of Conservation and Natural Resources, acting through the Division of Parks, to preserve, improve, protect and maintain all parks, parkways, monuments and historic sites now owned or hereafter acquired or established by the State of Alabama except Mound State Monument, the first White House of the Confederacy and all monuments and historic sites now located on state-owned land in the City of Montgomery. (*Acts 1939, No. 556, p. 877, § 2; Code 1940, T. 8, § 180.*)

Section 9-2-11 Commissioner of Conservation and Natural Resources – Creation of additional divisions in department; appointment of directors of divisions.

With the approval of the Governor, the Commissioner of Conservation and Natural Resources may create and establish such additional division or divisions as may be determined to be necessary or convenient in the efficient and expeditious performance of the functions and duties of the Department of Conservation and Natural Resources and may assign functions and duties to such division or divisions, and he may transfer functions and duties from and to existing divisions from time to time. Directors of such divisions shall be appointed by the Commissioner of Conservation and Natural Resources with the approval of the Governor. (*Acts 1939, No. 162, p. 255, § 14; Code 1940, T. 8, § 10.*)

Section 9-2-12 Commissioner of Conservation and Natural Resources –Promulgation of rules and regulations for department.

The Commissioner of Conservation and Natural Resources shall have and exercise all rule-making powers of any division of the Department of Conservation and Natural Resources subject to the provisions of Section 9-2-15. The Commissioner of Conservation and Natural Resources shall have power and authority to establish and promulgate rules and regulations, including amendments and repeals thereof, with respect to the manner of performance of all functions and duties of the Department of Conservation and Natural Resources, which rules and regulations shall be reasonably calculated to effect the expeditious and efficient performance of such functions and duties and shall not be in conflict with applicable statutes. The rule-making power of the Commissioner of Conservation and Natural Resources shall not be delegated, except as otherwise expressly provided. (*Acts 1939, No. 162, p. 255, § 8; Code 1940, T. 8, § 7.*)

Section 9-2-13 Commissioner of Conservation and Natural Resources – Authority to prohibit importation of birds, animals, fish, etc.

- (a) The Commissioner of Conservation and Natural Resources may prohibit by duly promulgated regulation the importation of any bird, animal, reptile, amphibian, or fish when the importation of the animal, bird, reptile, amphibian, or fish would not be in the best interest of the state.
- (b) This section does not apply to birds, animals, reptiles, amphibians, and fish used for display

purposes for carnivals, zoos, circuses, and other like shows and exhibits where ample provision is made so the birds, animals, reptiles, amphibians, and fish will not escape or be released in this state.

- (c) Any person, firm, corporation, partnership, or association who or which imports, brings, or causes to be brought or imported into the State of Alabama any bird, animal, reptile, amphibian, or fish, the importation of which has been forbidden by duly promulgated regulation of the commissioner, shall be in violation of this section and upon conviction thereof shall be guilty of a Class C misdemeanor, except that the punishment for each offense shall be a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or imprisonment in the county jail for not more than 30 days, or both. (*Acts 1969, No. 414, p. 813, §§1-3; Act 2002-510, p. 1314, §1.*)

Section 9-2-14 Advisory Board of Conservation and Natural Resources – Created; composition; qualifications, appointment, terms of office, and compensation of members; residency requirements; meetings; record of meetings and proceedings; transitional members.

- (a) There shall be an Advisory Board of Conservation and Natural Resources. The board shall consist of the Governor, the Commissioner of Agriculture and Industries, the Director of the Agricultural Extension System ex officio, and 10 other members to be appointed by the Governor, one of whom the Governor shall designate as chair of the Advisory Board of Conservation and Natural Resources. The appointed members of the board shall be selected with special reference to training and experience along one or more of the principal lines of activity vested in the Department of Conservation and Natural Resources. The term of office of each appointed member of the board shall be six years. Of members first appointed, however, two members shall be appointed for two years, three members shall be appointed for four years, two members shall be appointed for five years and three members shall be appointed for six years. The members of the board shall receive no salary or compensation as members of the board, but shall be reimbursed for expenses of travel, meals, and lodging while in the performance of their duties as members of the board, pursuant to Article 2 of Chapter 7 of Title 36.
- (b) After July 1, 1998, the members of the advisory board appointed by the Governor shall be appointed so that one member of the board is a resident of each congressional district as the districts are constituted on January 1, 1998, and no more than two members are residents of the same congressional district. If a member appointed from a congressional district ceases to be a resident of the district from which appointed, the member shall vacate his or her office. This subsection shall not affect the term or reappointment of any current member of the board.
- (c) The board shall hold semiannual regular meetings at the time and place designated by the chair of the board or the Commissioner of Conservation and Natural Resources. The chair of the board or the Commissioner of Conservation and Natural Resources may call special meetings as may be necessary.
- (d) The Commissioner of Conservation and Natural Resources shall be ex officio secretary of the board and shall keep minutes of all meetings and a record of all proceedings of the board. The commissioner shall receive no additional compensation for the services.
- (e) On a transitional basis, one additional transitional member of the Advisory Board of Conservation and Natural Resources shall be appointed by the Governor from each congressional district as constituted on January 1, 1998, which is not currently represented on the board. A transitional member shall serve a term of six years or until a permanent member of the advisory board is appointed to represent the congressional district where the transitional member resides. A transitional member may be appointed a permanent member to a full term of office. Transitional members of the board shall have the same powers, rights, and duties, and shall be reimbursed for expenses as other members of the advisory board during their service on the board. (*Acts 1939, No. 162, p. 255, §9; Code 1940, T. 8, §8; Acts 1945, No. 219, p.342, §1; Acts 1973, No. 1248, p. 2096, §1; Act 98-383, p. 729, §§1, 2.*)

Section 9-2-15 Advisory Board of Conservation and Natural Resources -Powers and duties.

The functions and duties of the Advisory Board of Conservation and Natural Resources shall be as follows:

- (1) To assist in formulating the policies of the Department of Conservation and Natural Resources in the performance of its functions and duties;

- (2) To examine all rules and regulations made or promulgated by the Commissioner of Conservation and Natural Resources, to recommend amendments or repeals thereof or additional rules or regulations and by a two-thirds vote of those present at any meeting and with the approval of the Governor to amend or repeal such rules and regulations or to make and promulgate additional rules or regulations;
- (3) To advise with the Commissioner of Conservation and Natural Resources concerning any matter relating to the functions and duties of the Department of Conservation and Natural Resources; and
- (4) To assist in giving publicity to the wildlife and other natural resources, the state parks and monuments and historical sites of the state and the work of the Department of Conservation and Natural Resources in connection therewith. (*Acts 1939, No. 162, p. 255, § 10; Code 1940, T. 8, § 9.*)

Section 9-2-15.1 Advisory Board of Conservation and Natural Resources; promulgation of rules and regulations; prohibition of airboat; penalty.

- (a) The conservation advisory board shall have the power to promulgate rules and regulations having the force and effect of law to regulate, including the authority to prohibit, the use of an airboat on any of the public waters of this state that are subject to an ebb and flow of the tide of at least two inches.
- (b) Any person violating the provisions of the rules and regulations promulgated under the authority of this section shall, upon conviction, be guilty of a Class C misdemeanor. (*Acts 1981, No. 81-425, p. 671, § 1.*)

Section 9-2-17 Employees generally.

The Commissioner of Conservation and Natural Resources shall, with the approval of the Governor and subject to the provisions of the Merit System, determine the number of employees needed for the efficient and economical performance of the functions and duties of the Department of Conservation and Natural Resources. (*Acts 1939, No. 162, p. 255, § 19; Code 1940, T. 8, § 11.*)

Section 9-2-18 Requirement of bonds for certain officers or employees.

Before entering upon the duties of their respective offices, each officer and employee of the Department of Conservation and Natural Resources authorized or permitted to handle any money shall execute to the State of Alabama a bond, to be approved by the Governor, in an amount to be fixed by the Commissioner of Conservation and Natural Resources, for the faithful performance of their duties. (*Acts 1943, No. 122, p. 123, § 1; Acts 1961, Ex. Sess., No. 208, p. 2190.*)

Section 9-2-19 Administrative salaries and expenses to be prorated among divisions of department.

The salary of the Commissioner of Conservation and Natural Resources and the salaries and wages of the administrative staff together with all administrative expenses of the Department of Conservation and Natural Resources shall be prorated by the Commissioner of Conservation and Natural Resources among the various divisions of the Department of Conservation and natural Resources in such manner as he may deem advisable for the best interest of the department as a whole, and such proration charged against any division of the Department of Conservation and Natural Resources shall be paid from funds belonging to such division upon the requisition of the Commissioner of Conservation and Natural Resources. (*Acts 1945, No. 225, p. 349, § 1.*)

Section 9-2-20 Game and Fish Fund - Created; composition.

There is hereby created and there shall be a fund which shall be known as the Game and Fish Fund. This fund shall consist of:

- (1) All moneys received for all occupational licenses or privilege taxes imposed by the state on any person, firm or corporation for engaging in any business or activity relating to taking, catching, capturing or killing of any fur-bearing or game animal or game bird in this state or the taking, catching, capturing or killing of any fish in the public or territorial waters of this state;
- (2) All moneys derived from the levying or imposition upon any person, firm or corporation of any tax, license, permit, certificate, fee or any other charge by whatsoever name called pursuant to the game and fish laws of this state or rules and regulations based thereon;
- (3) All moneys derived from the administration and enforcement of the game and fish laws of this state, or rules and regulations based thereon;
- (4) All moneys paid, derived, received or arising from fines, penalties and forfeitures pursuant to

- the game and fish laws of this state and the rules and regulation bases thereon;
- (5) All moneys derived from the sale of hunting and fishing licenses or permits; and
 - (6) All moneys accruing to the Division of Wildlife and Freshwater Fisheries of the Department of Conservation and Natural Resources from any source. (*Acts 1945, No. 229, p. 352, §1.*)

Section 9-2-20.1 **Game and Fish Fund – Alabama Game and Fish Endowment Fund created as special account; administration; restrictions; use of income.**

- (a) There is hereby created within the Game and Fish Fund a special account to be known as the Alabama Game and Fish Endowment Fund. The assets of said fund shall consist of the following:
 - (1) The proceeds from the sale of the lifetime hunting, lifetime fishing, and combination lifetime hunting and fishing licenses provided in subsections (a) through (c) of Section 9-11-65;
 - (2) The proceeds of any gifts, grants and contributions to the state which are specifically designated for inclusion in said fund; and
 - (3) Such other sources as may be specified by law.
- (b) The Alabama Game and Fish Endowment Fund shall be administered by a board of trustees consisting of the Director of Finance, the Secretary-Treasurer of the State Employee's Retirement System and the Commissioner of the Department of Conservation and Natural Resources. Said board of trustees shall have the power and authority to invest and reinvest the assets of the fund within the guidelines, limitations and restrictions that govern investment of the State Employees Retirement Fund.
- (c) The Alabama Game and Fish Endowment Fund is declared to be a special trust derived from a contractual relationship between the state and the members of the public whose investments contribute to the fund. The following limitations and restrictions are placed on expenditures from said fund:
 - (1) Subject to Amendment No. 272 of the Alabama Constitution of 1901, any limitations or restrictions specified by donors on the uses of the income derived from gifts, grants and voluntary contributions shall be respected but shall not be binding.
 - (2) No expenditures or disbursements shall be made from the principal of said fund except as otherwise provided by law.
- (d) The income derived annually from the Alabama Game and Fish Endowment Fund shall be credited to the Game and Fish Fund regular accounts and expended as provided by law. (*Acts 1981, 3rd Ex. Sess., No. 81-1122, p. 386, §§ 4-7.*)

Section 9-2-20.2 **Game and Fish Fund – Alabama Nongame Wildlife Endowment.**

- (a) There is hereby created within the Game and Fish Fund a special account to be known as the Alabama Nongame Wildlife Endowment. The assets of said fund shall consist of the following:
 - (1) The proceeds from the sale of reproductions of the said print and/or stamp;
 - (2) The proceeds of any gifts, grants and contributions to the state which are specifically designated for inclusion in said fund; and
 - (3) Such other sources as may be specified by law.
- (b) The Alabama Nongame Wildlife Endowment shall be administered by a board of trustees consisting of the Director of Finance, the Secretary-Treasurer of the State Employee's Retirement System and the Commissioner of the Department of Conservation and Natural Resources. Said board of trustees shall have the power and authority to invest and reinvest the assets of the fund within the guidelines, limitations and restrictions that govern investment of the State Employees Retirement Fund.
- (c) The Alabama Nongame Wildlife Endowment is declared to be a special trust derived from a contractual relationship between the state and the members of the public whose investments contribute to the fund. The following limitations and restrictions are placed on expenditures from said fund:
 - (1) Subject to Amendment No. 272 of the Alabama Constitution of 1901, any limitations or restrictions specified by donors on the uses of the income derived from gifts, grants and voluntary contributions shall be respected but shall not be binding.
 - (2) No expenditures or disbursements shall be made from the principal of said fund except as otherwise provided by law.

- (d) The income derived annually from the Nongame Wildlife Endowment shall be credited to the Game and Fish Fund and expended exclusively for purposes of preserving, protecting, perpetuating and enhancing nongame wildlife in the state. (*Acts 1990, No. 90-256, p. 319, §§ 4-7.*)

Section 9-2-21 Game and Fish Fund—Remittance of collections to State Treasurer to credit of fund.

Each officer or employee of the Department of Conservation and Natural Resources or other officer charged with the duty of collecting any of the funds or moneys mentioned in Section 9-2-20 shall remit all such collections on the first day of each month directly to the Commissioner of Conservation and Natural Resources, who shall upon receipt thereof remit such collections to the Treasurer of the State of Alabama to the credit of the Game and Fish Fund. (*Acts 1945, No. 229, p. 352, § 2.*)

Section 9-2-22 Game and Fish Fund—Disbursement.

The said fund hereby created shall be used and expended by the Commissioner of Conservation and Natural Resources in furtherance of the preservation, protection, propagation and development of wild birds, wild fur-bearing animals, game, fish and all other species of wildlife within the state or within the territorial jurisdiction of the state which have not been reduced to private ownership and, when so expended, shall be paid out on the requisition of the Commissioner of Conservation and Natural Resources and charged to said fund. All necessary expenses of the Division of Wildlife and Freshwater Fisheries of the Department of Conservation and Natural Resources, including its pro rata portion of the administrative expense of said Department of Conservation and Natural Resources, shall likewise be paid out of said fund on the requisition of the Commissioner of Conservation and Natural Resources; provided, that no funds shall be withdrawn nor expended for any purpose whatsoever unless the same shall have been allotted and budgeted in accordance with the provisions of Article 4 of Chapter 4 of Title 41 of this code and only in the amounts and for the purposes provided by the Legislature in the general appropriation bill. (*Acts 1945, No. 229, p. 352, § 3; Acts 1951, No. 829, p. 1460.*)

Section 9-2-23 Game and Fish Fund—Diversion of funds from particular purpose for which collected, allotted or budgeted.

Nothing in Sections 9-2-20 through 9-2-22, however, shall require the diversion of any funds from any particular purpose for which they were collected, allotted or budgeted if the effect of such diversion would penalize the state in retaining or securing any federal funds or federal assistance. (*Acts 1945, No. 229, p. 352, § 4.*)

Section 9-2-24 Department not to issue bonds or borrow money.

The Department of Conservation and Natural Resources shall have no power or authority to issue any bonds or to borrow any money. (*Acts 1939, No. 162, p. 255; Code 1940, T. 8, § 12.*)

Section 9-2-25 Refunds on erroneous or excessive license fees.

- (a) This section shall apply to all licenses administered by the Department of Conservation and Natural Resources or any division thereof.
- (b) In the event any license for the same privilege is made available at a lesser price and reasonable notice of its availability has not been given to the public, a person, firm or corporation will be entitled to a refund equal to the amount of the reduction of the license fee; and any person, firm or corporation who, by mistake, purchases any duplicate license or pays an amount in excess of that required by law for the license shall be entitled to have the money incorrectly paid refunded as hereinafter provided, less any amount paid as an issuance fee or other fee to any probate judge, license commissioner, special agent or other person authorized to issue such licenses.
- (c) Any amount charged by a probate judge, license commissioner, special agent or other person authorized to issue such licenses as an issuance fee or other fee that is in excess of the legal and proper issuance fee must be refunded by the probate judge, license commissioner, special agent or other person charging said illegal fee.
- (d) All applications for refund must be made within one year from the date of such erroneous

or excessive payment.

- (e) The Commissioner of the Department of Conservation and Natural Resources or his duly authorized agent, upon receiving an application for refund and satisfactory proof of duplicate or excessive payment for a license fee, shall authorize refund of the money incorrectly paid, less any legal and proper issuance fee retained by the judge of probate, license commissioner, special agent or other person authorized to issue such licenses. The amount of such refund shall be paid by warrant out of the fund into which it was originally paid in the State Treasury. (*Acts 1966, Ex. Sess., No. 438, p. 595, §§ 1, 2.*)

Section 9-2-26 Cooperation with federal agencies.

The Department of Conservation and Natural Resources is authorized to cooperate with the United States Department of Agriculture and other federal agencies in the restoration of wildlife in compliance with the Pittman-Robertson Act and in the restoration or rehabilitation of game, fish, parks or historical sites and monuments. (*Acts 1939, No. 514, p. 803, §§ 1, 2; Code 1940, T. 8, § 14.*)

Section 9-2-27 Compliance with Uniform Relocation Assistance and Land Acquisition Policies Act.

The Department of Conservation and Natural Resources is hereby authorized to expend such appropriated and uncommitted capital improvement funds as may be necessary to comply with Sections 210 and 305 of Public Law 91-646, known as the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970. (*Acts 1971, 3rd Ex. Sess., No. 85, p. 4298, § 1.*)

Section 9-2-28 “Game and fish wardens” deemed “conservation officers.”

Whenever the terms “game and fish warden” or “game and fish wardens” appear in this title, the terms shall mean and refer to conservation officers appointed by the Commissioner of the Department of Conservation and Natural Resources. (*Acts 1977, No. 20, p. 28; Act 2018-201, § 1.*)

Section 9-2-29 Commissioner authorized to designate calendar work week for law enforcement officers.

- (a) The Legislature declares that it is the purpose of this section to authorize the Commissioner of the Department of Conservation and Natural Resources to designate the calendar work week for its law enforcement officers.
- (b) For the purpose of Sections 36-21-4 and 36-21-5, the Commissioner of the Department of Conservation and Natural Resources may designate the calendar work week for the law enforcement officers employed by the department. (*Acts 1995, No. 95-745, p. 1696, §§1, 2.*)

Article 3 Division of Wildlife and Freshwater Fisheries.

Section 9-2-60 Created.

- (a) There is created within the Department of Conservation and Natural Resources a division to be known as the Division of Wildlife and Freshwater Fisheries.
- (b) Wherever reference is made to the Game and Fish Division or the Division of Game and Fish in this title, or in any other statute, rule, or regulation of the State of Alabama, the reference shall be construed to refer to the Division of Wildlife and Freshwater Fisheries. (*Acts 1951, No. 476, p. 840, § 2; Act 99-637, 2nd Sp. Sess., §§ 1, 2.*)

Section 9-2-61 Appointment of director; powers and duties of division generally.

The Division of Wildlife and Freshwater Fisheries shall be a division of the Department of Conservation and Natural Resources and shall be headed by and be under the direction, supervision and control of the Director of the Division of Wildlife and Freshwater Fisheries. He shall be appointed by the Commissioner of Conservation and Natural Resources with the approval of the Governor. The Division of Wildlife and Freshwater Fisheries shall have the personnel, powers, properties, functions and duties of the Department of Conservation and Natural Resources which pertain to the game and fish of the State of Alabama and such personnel, duties, powers, functions and properties as may be hereafter conferred by law. (*Acts 1939, No. 162, p. 255, § 11; Code 1940, T. 8, § 15; Acts 1951, No. 476, p. 840, § 2.*)

Section 9-2-62 Oath of director; director full-time position.

Before entering upon the discharge of his duties, the Director of the Division of Wildlife and Freshwater Fisheries shall take the constitutional oath of office. He shall devote his full time to his official duties and shall hold no other lucrative position. (*Acts 1939, No. 162, p. 255, § 15; Code 1940, T. 8, § 16.*)

Section 9-2-63 Bond of director.

Before entering upon the duties of his office, the Director of the Division of Wildlife and Freshwater Fisheries shall execute to the State of Alabama a bond, to be approved by the Governor, in an amount to be fixed by the Commissioner of Conservation and Natural Resources, for the faithful performance of his duties. (*Acts 1943, No. 122, p. 123, § 15; Acts 1961, Ex. Sess., No. 208, p. 2190, § 1.*)

Section 9-2-64 Appointment, oath, bond and compensation of game and fish wardens.

The Commissioner of Conservation and Natural Resources shall have power to appoint as many game and fish wardens as he or she shall deem necessary for the proper enforcement of the game and fish laws of the state. All game and fish wardens, before entering upon their duties as such, shall take the oath of office as required by law for sheriffs in this state. Before entering upon the duties of their offices, all game and fish wardens shall execute to the State of Alabama a bond, to be approved by the Governor, in the amount of one thousand dollars (\$1,000), for the faithful performance of their duties. The employees provided for in this section shall be reimbursed for their meals, lodging, and transportation when absent from their headquarters in the performance of their duties. (*Acts 1935, No. 240, p. 632, § 12; Code 1940, T. 8, § 18; Acts 1943, No. 122, p. 123, § 1; Acts 1961, Ex. Sess., No. 208, p. 2190, § 1; Act 2018-201, § 1.*)

Section 9-2-65 Powers and duties of game and fish wardens; powers and duties of director with respect to game and fish wardens.

(a) Game and fish wardens shall have power:

- (1) To enforce all laws of this state relating to birds, animals and fish;
- (2) To execute all warrants and search warrants for the violation of the game, fish and fur laws of the state;
- (3) To serve subpoenas issued for examination, investigation and trial of all offenses against the law relating to game, fur bearers, bird and fish;
- (4) To carry firearms as provided by law for enforcement officers when in the discharge of their official duties;
- (5) To confiscate all game, birds, animals or fish or parts thereof which have been caught, taken, killed or held at a time in any manner or for any purpose or had in possession or under control or have been shipped, carried or transported contrary to the laws of this state, and game, fur bearers, birds, fish or parts thereof so confiscated shall be held as evidence in the court in which the defendant is held for trial; and, upon conviction of the defendant, said game, fur bearers, birds, fish or parts thereof shall be disposed of by written order of the court;
- (6) To enter upon any land or water in the performance of their duty;
- (7) To assist individual citizens, clubs, groups and organizations of sportsmen and conservation clubs by furnishing information and such other assistance as may be found necessary in the construction of fish ponds, the establishing of feeding grounds for migratory wild fowl, the planting of fish from the state and federal fish hatcheries, the reclaiming of stranded fish and the control of predators on useful forms of wildlife; and
- (8) To perform such other additional duties as the commissioner may direct.

(b) The director of the division shall:

- (1) Constantly keep in touch with the game and fish wardens;
- (2) Assist and advise them in their work;
- (3) See that all wardens are continuous in the performance of their duties;
- (4) To Make reports to the commissioner of any dereliction of duty;
- (5) Investigate all charges of alleged misconduct or other alleged wrongful acts on the part of any warden and make special reports thereon to the commissioner;
- (6) Assist in the prosecution of violations of all laws relating to the department; and
- (7) Perform such duties as the commissioner may direct. (*Acts 1935, No.240, p. 632, §14; Code 1940, T. 8, §19. No. 208, p. 2190, § 1.*)

Chapter 11 FISH, GAME AND WILDLIFE.

Article 1 General Provisions.

Section 9-11-1 Definitions.

As used in this chapter, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

- (1) **HEREIN, HEREAFTER and HEREOF.** Unless otherwise especially restricted or enlarged, the terms refer to the whole of the conservation laws of this state.
- (2) **OFFICER.** The term includes every person authorized to enforce the game and fish laws of this state, and whenever the possession, use, importation, transportation, storage, sale, offering, or exposing for sale of game birds, animals, or fish is prohibited or restricted, the prohibition or restriction shall extend to and include every part of the game, bird, animal, or fish, and a violation as to each animal, bird, or fish, or part thereof, shall be a separate offense.
- (3) **THIS CHAPTER or PROVISIONS OF THIS CHAPTER.** The words shall be taken and construed to include all rules and regulations of the Commissioner of Conservation and Natural Resources passed under and by the authority provided in the game and fish laws of this state.
- (4) **WARDEN.** The game and fish warden or agent provided for in the game and fish laws of this state. (*Acts 1935, No. 240, p. 632, § 46; Code 1940, T. 8, § 45.; Act 2018-201*)

Section 9-11-2 Acquisition of lands for game lands; erection, etc., of buildings for propagation of game, birds or fish.

The Commissioner of Conservation and Natural Resources may with the consent and approval of the Governor by lease, gift or otherwise acquire title to or control over lands within the state suitable for protection and propagation of game and fish or for public hunting and fishing purposes or to be used otherwise as provided in this chapter, to be known as state game lands. The director may purchase, erect and equip such buildings as may be deemed necessary for propagating game, birds or fish; provided, however, that all purchases made under the powers conferred in this section shall be subject to the provisions of Chapters 4 and 5 of Title 41. (*Acts 1935, No. 240, p. 632, § 24; Code 1940, T. 8, § 25.*)

Section 9-11-2.1 Closing of existing hunting lands; replacement acreage; annual reports.

- (a) For the purposes of this section, the following terms shall have the following meanings:
 - (1) **DEPARTMENT.** The Alabama Department of Conservation and Natural Resources.
 - (2) **DEPARTMENT-MANAGED LANDS.** Privately owned lands that are leased or managed by the department.
 - (3) **DEPARTMENT-OWNED LANDS.** Lands owned by the department and lands owned by the state over which the department holds management authority.
 - (4) **HUNTING.** The lawful pursuit, trapping, shooting, capture, collection, or killing of wildlife or the lawful attempt to pursue, trap, shoot, capture, collect, or kill wildlife.
- (b) Department-owned lands and department-managed lands shall be open to access and use for hunting except as limited by the department for reasons of demonstrable public safety, fish or wildlife management, homeland security, or as otherwise limited by law.
- (c) The department, in exercising its authority pursuant to state law, shall exercise its authority, consistent with this section in a manner that supports, promotes, and enhances hunting opportunities to the extent authorized by state law.
- (d) Department land management decisions and actions shall not result in any net loss of habitat land acreage available for hunting opportunities on department-owned lands that exist on March 22, 2010. The department shall expeditiously find replacement acreage for hunting to compensate for closures of any existing hunting land. Replacement land, to the greatest extent possible, shall be located within the same administrative region of the department and shall be consistent with the hunting discipline that the department allowed on the closed land.
- (e) Any state agency or water management district that owns or manages lands shall assist, coordinate, and cooperate with the department to allow hunting on the lands if the lands are determined by the department to be suitable for hunting. To ensure no net loss of land acreage available for hunting, state agencies and water management districts shall cooperate with the department to open new, additional hunting lands to replace lost hunting acreage. Lands

officially designated as units within the state park system may not be considered for replacement hunting lands and may only be opened for hunting when necessary as a wildlife control or management tool as determined by the Division of State Parks of the department.

- (f) By October 1 of each year, the division director of the Division of Wildlife and Freshwater Fisheries of the department shall submit to the Legislature a written report describing all of the following:
 - (1) The acreage owned or managed by the department that was closed to hunting during the previous fiscal year and the reasons for the closures.
 - (2) The acreage owned or managed by the department that was opened to hunting to compensate for closures of existing land pursuant to this section.
- (g) By October 1 of each year, any state agency or water management district that owns or manages lands shall submit a written report to the department and the Legislature describing all of the following:
 - (1) A list of properties that were open for hunting during the previous fiscal year.
 - (2) A list of properties that were not open for hunting during the previous fiscal year.
 - (3) The acreage for each property and the county where each property is located, except for right-of-way lands and parcels under 50 acres. (*Act 2010-213, p. 349, § 1.*)

Section 9-11-3 Title and deeds to acquired lands; supervision of same.

The title to any land acquired by gift or otherwise shall first be approved by the Attorney General, and such title shall vest in the state. The deed to any such lands shall be recorded in the county where such land lies and shall be deposited with the Commissioner of Conservation and Natural Resources. The supervision of and over such lands shall be under the control of the Commissioner of Conservation and Natural Resources. (*Acts 1935, No. 240, p. 632, § 25; Code 1940, T. 8, § 26.*)

Section 9-11-4 State game refuges or sanctuaries; shooting preserves, game refuges, etc., in national forests, etc.

The Commissioner of Conservation and Natural Resources may on approval of the Governor establish and maintain state game refuges or sanctuaries for the protection, preservation OR propagation of game birds, animals or fish on all or any portion of lands or waters held in fee or trust under lease by the state, and game birds, animals or fish shall not be hunted, pursued, disturbed or molested thereon at any time. The Commissioner of Conservation and Natural Resources may also, by and with the consent of the federal authorities, maintain, develop and cause to be utilized for hunting state shooting preserves, game refuges and sanctuaries in national forests or other federal owned lands. (*Acts 1935, No. 240, p. 632, §26; Code 1940, T. 8, §27.*)

Section 9-11-5 Commissioner, wardens, etc., constituted peace officers.

The Commissioner of Conservation and Natural Resources, his wardens, agents and employees shall be and are hereby constituted peace officers of the State of Alabama with full and unlimited police power and jurisdiction to enforce the provisions of the game and fish laws and the rules and regulations promulgated thereunder, and they may exercise such power in any county of the State of Alabama or in or on any waters of the State of Alabama or within the territorial jurisdiction of the state. (*Acts 1935, No. 240, p.632, §47; Code 1940, T. 8, §46.*)

Section 9-11-6 Violations of fish and game laws - Jurisdiction; reporting of convictions and disposition of fines.

The district courts of Alabama shall be and are hereby given final jurisdiction to try and convict persons, firms or corporations violating any of the provisions of the game and fish laws or the rules and regulations promulgated thereunder, and they shall remit to the Commissioner of Conservation and Natural Resources on or before the first day of each month all fines and forfeitures collected by them for the violation of such laws, rules and regulations as prescribed in the game and fish laws, together with a statement of the name of the person, firm or corporation convicted of such violation, the time such conviction, the amount of the fine or penalty, the date of the remittance and the specific charge for which the defendant was tried. (*Acts 1935, No. 240, p. 632, §48; Code 1940, T. 8, §47.*)

Section 9-11-7 Violations of fish and game laws - District attorneys to prosecute; district attorney's fee.

The district attorney of any county in which any violation of the provisions of the game and fish laws or the rules and regulations set out therein occurs, or his or her assistant, shall appear on behalf of the state and prosecute the offender. The district attorney's fee shall be taxed against the defendant in any

district court in the same manner as taxed in other cases involving criminal violations in the district court. (*Acts 1935, No. 240, p. 632, § 51; Code 1940, T. 8, §50; Acts 1945, No. 449, p. 687, §1; Acts 1995, No. 95-544, p. 1142, §1.*)

Section 9-11-8 Violations of fish and game laws - Authority of enforcement officers, etc., generally; arrest without warrant.

All enforcement officers and inspectors employed by the Commissioner of Conservation and Natural Resources are clothed with the power and authority of deputy sheriffs and shall arrest without warrant and carry before the district court of the county in which an offense is committed any person violating any of the provisions of the game and fish laws or the rules and regulations made and promulgated thereunder. (*Acts 1935, No.240, p. 632, § 52; Code 1940, T. 8, §51.*)

Section 9-11-9 Violations of fish and game laws - Service and return of warrant as to firms or corporations.

In cases of violation of any of the provisions of the game and fish laws or the rules and regulations based thereunder by any person, firm or corporation, the warrant of arrest may be read to the president, secretary or manager of such firm or corporation in this state or to any general or local agent thereof in any county where the action or indictment is pending; and, upon the return of such warrant so served, the corporation shall be deemed in court and subject to jurisdiction thereof, and any fine imposed may be collected by execution against the property of said corporation; provided, however, that this section shall not be so construed as to except or exempt from prosecution any agent or employee of such corporation. (*Acts 1935, No. 240, p. 632, § 53; Code 1940, T. 8, §52.*)

Section 9-11-10 Violations of fish and game laws - Clerks to report results of prosecutions.

Every court or clerk of any court before whom any prosecution under the provisions of the game and fish laws is had shall, on or before the first of the month following after trial or dismissal thereof, report in writing to the Commissioner of Conservation and Natural Resources the result thereof and the amount of the fine collected, if any, and the disposition of same. (*Acts 1935, No. 240, p. 632, § 54; Code 1940, T. 8, §53.*)

Section 9-11-11 Violations of fish and game laws - Charging of several offenses.

Two or more offenses may be charged in the same affidavit, complaint or indictment, and proof as to a part of a game bird, animal or fish shall be sufficient to sustain a charge as to the whole of it; and the violation as to any number of animals, birds or fish of the same kind may be charged in the same count and punished as separate offenses as to each game bird, animal or fish. (*Acts 1935, No. 240, p. 632, §55; Code 1940, T. 8, §54.*)

Section 9-11-12 Violations of fish and game laws – Fees of arresting officers.

When an arrest for a violation of the provisions of the game and fish laws is made by a salaried officer and the defendant is convicted, there shall be taxed, as cost, the same fee as a sheriff in the state is entitled to for similar services and which, if collected from the defendant, shall be immediately remitted by the trial court directly to the Commissioner of Conservation and Natural Resources, and said fee shall be used for the purpose of the administration of the Division of Wildlife and Freshwater Fisheries of the Department of Conservation and Natural Resources. If the arrest is made by a nonsalaried warden or officer and said fee is collected from the defendant, such nonsalaried warden or officer shall be entitled to said fee, but in no case shall such nonsalaried warden or officer be entitled to any part of a fine assessed and collected from the defendant; provided, however, that no fees shall be allowed in cases of acquittal. (*Acts 1935, No. 240, p. 632, § 56; Code 1940, T. 8, § 55; Acts 1945, No. 296, p. 493, § 1; Acts 1959, No. 417, p. 1106, § 1.*)

Section 9-11-13 Violations of fish and game laws - Style of proceedings.

The proceedings before the district court must be prosecuted in the name of the State of Alabama. (*Acts 1935, No. 240, p. 632, §49; Code 1940, T. 8, §48.*)

Section 9-11-14 Violations of fish and game laws - Procedure on appeal.

Appeals from the district court to the circuit court shall be governed by the procedure set forth in Chapter 12 of Title 12 of this code. (*Acts 1935, No. 240, p. 632; Code 1940, T. 8, §56.*)

Section 9-11-15 Violations of fish and game laws - Judgment on appeal.

If the judgment is affirmed on appeal, judgment shall be entered against the defendant for the total amount of the fine, together with all the accrued costs in the case. (*Acts 1935, No. 240, p. 632, §50; Code 1940, T. 8, §49.*)

Section 9-11-16 Seizure, forfeiture and disposal of prohibited devices, etc., used in catching, killing, etc., fish or fur-bearing animals.

- (a) It shall be the duty of the Commissioner of Conservation and Natural Resources or any of his wardens or agents to seize all instruments or devices prohibited by or constructed contrary to law and used unlawfully in trapping, capturing and killing fur-bearing animals in this state, as well as all instruments or devices prohibited by or constructed contrary to law and used unlawfully in taking, catching or killing fish in the public streams or waters of this state and after such seizure to hold the same for evidence.
- (b) In all cases of arrests and convictions for the use of such unlawful or illegal instruments or devices, such instruments or devices are declared to be a nuisance and shall be carried before the court having jurisdiction of such offense, and said court shall order such instruments or devices forfeited to the Department of Conservation and Natural Resources immediately after trial and conviction of the person in whose possession such devices or instruments were found. When any illegal instrument or device prohibited by this section is found and the owner of same shall not be known to the officer finding same, such officer shall procure from the judge of any court having jurisdiction an order forfeiting said instrument or device to the Department of Conservation and Natural Resources.
- (c) The Department of Conservation and Natural Resources may destroy such instrument or device or may otherwise dispose of the same as it shall deem advisable. (*Acts 1933, Ex. Sess., No. 72, p. 67, § 9; Code 1940, T. 8, §76; Acts 1947, No. 610, p. 458, § 1.*)

Section 9-11-18 Furnishing of equipment for game and fish wardens.

Game and fish wardens may be furnished with necessary skiffs, outboard motors and other equipment necessary in the performance of their duties as such game and fish wardens, said equipment to be furnished by the director and paid out of the conservation fund; provided, that no equipment shall be furnished by the director to wardens appointed for privately owned preserves and refuges; provided further, that the purchase of such equipment shall be made in compliance with the provisions of Chapters 4 and 5 of Title 41. (*Acts 1935, No. 240, p. 632, § 62; Code 1940, T. 8, § 58.*)

Section 9-11-19 Assent to federal act relating to fish restoration and management projects; disposition of fishing license fees generally.

The State of Alabama hereby assents to the provisions of the act of Congress entitled "An act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes," approved August 9, 1950 (Public Law 681, 81st Congress), and the Department of Conservation and Natural Resources of the State of Alabama is hereby authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of cooperative fish restoration projects, as defined in said act of Congress, in compliance with said act and rules and regulations promulgated by the secretary of the appropriate federal agency thereunder; and no funds accruing to the State of Alabama from license fees paid by fishermen shall be diverted for any other purpose than the administration of the game and fish activities of the Department of Conservation and Natural Resources and for the protection, propagation, preservation and investigation of fish and game. (*Acts 1951, No. 523, p. 913, §1.*)

Section 9-11-20 Release of turkeys into wild areas of state prohibited; exceptions; penalty.

- (a) It shall be unlawful to release any tame turkey, or any other turkey, whether wild or tame, into any of the wild areas of this state.
- (b) The provisions of this section shall not apply to any turkeys kept by any farmer or homeowner of this state for normal agricultural purposes or for personal consumption.
- (c) Nothing in this section is intended to prohibit the stocking of wild turkeys by authorized personnel of the Department of Conservation and Natural Resources for propagation or research purposes.
- (d) Any person who shall be convicted of violating any provision of this section shall be deemed guilty of a "violation" under the criminal code of this state and shall be punished as provided for in said code. (*Acts 1980, No. 80-601, p. 1019, §§1- 4.*)

Section 9-11-21 Investigation of hunting deaths by grand jury; reporting of such accidents.

- (a) Any hunting accident involving a gun or bow and arrow when such accident results in death and when such death is caused by one person against another, upon the recommendation of the conservation department, shall be investigated by the grand jury of the county in which said death occurs.
- (b) All accidents referred to in subsection (a) of this section shall be reported by the law enforcement agency chiefly involved in the investigation of said death to the office of the Director of the Division of Wildlife and Freshwater Fisheries of the Department of Conservation and Natural Resources within 72 hours of said death, by the coroner and the sheriff's department of the county in which the death occurred. (*Acts 1987, No. 87-730, p. 1423, §§1, 2.*)

Section 9-11-22 Commercial fishing equipment required to be affixed with tags; identifying information.

- (a) Notwithstanding any other provision of law, all commercial fishing equipment used in the waters of this state shall be affixed with a tag which has information adequate to identify the commercial fisherman owning the equipment imprinted on the tag. The Commissioner of Conservation and Natural Resources shall adopt rules requiring the use of a unique identification number or license number to identify the owner of commercial fishing equipment without requiring the disclosure of the owner's Social Security number, home address, or other sensitive personally identifying information.
- (b) A violation of this section shall be a Class B misdemeanor. (*Acts 1995, No. 95-214, p. 351, § 1; Act 2019-308, § 1.*)

Section 9-11-23 Alabama Marine Resources Endowment Fund.

- (a) There is created within the Marine Resources Fund, a special account to be known as the Alabama Marine Resources Endowment Fund. The assets of the fund shall consist of all of the following:
 - (1) The proceeds from the sale of the lifetime resident saltwater fishing license and two hundred fifty dollars (\$250) of the proceeds from the sale of the combination lifetime freshwater and saltwater fishing, combination lifetime saltwater fishing and hunting, and combination lifetime freshwater and saltwater fishing and hunting licenses, provided in subsections (a), (b), (c), and (d) of Section 9-11-65.2.
 - (2) The proceeds of any gifts, grants, and contributions to the state which are specifically designated for inclusion in the fund.
 - (3) Any other sources as may be specified by law.
- (b) The fund shall be administered by the Alabama Marine Resources Endowment Fund Board of Trustees, which shall consist of the Director of Finance, the Secretary Treasurer of the State Employees' Retirement System, and the Commissioner of the Department of Conservation and Natural Resources. The board of trustees shall have the power and authority to invest and reinvest the assets of the fund within the guidelines, limitations, and restrictions that govern investment of the State Employees' Retirement Fund.
- (c) The Alabama Marine Resources Endowment Fund is declared to be a special trust derived from a contractual relationship between the state and the members of the public whose license fees or other contributions accrue to the fund. The following limitations and restrictions are placed on expenditures from the fund:
 - (1) Any limitations or restrictions specified by donors on the uses of the income derived from gifts, grants, and voluntary contributions shall be respected, but shall not be binding.
 - (2) Expenditures or disbursements shall not be made from the principal of the fund except as otherwise provided by law.
- (d) The income derived annually from the Alabama Marine Resources Endowment Fund shall be credited to the Marine Resources Fund regular accounts and expended as provided by law. (*Act 99-660, 2nd Sp. Sess., p. 117, § 3.*)

Section 9-11-24 Violation of fish and game laws - Assessment of court costs.

- (a) Except as otherwise provided in subsections (b) and (c), the total court costs assessed against a defendant convicted of a game and fish violation pursuant to this chapter shall not exceed the amount of any fine assessed against the defendant.
- (b) This section shall not apply to a conviction for hunting at night in violation of Section 9-11-235, or for hunting on the lands of another without permission pursuant to Section 9-11-241.
- (c) This section shall not apply to or take into account any court costs specifically levied by

constitutional amendment or to any court costs which are specifically pledged to the repayment of a bond issue.

- (d) Any court cost reduction provided by this section shall be remitted on a proportional basis in the same manner as total court costs otherwise provided except for court costs excepted pursuant to subsection (c) which shall be remitted in full as otherwise provided. (*Act 2000-746, p. 1667, §1.*)

Section 9-11-25 Licenses and permits not transferable; penalties.

- (a) Licenses and permits issued by the Department of Conservation and Natural Resources pursuant to this chapter are not transferable, and it is unlawful for any person to borrow, lend, or alter the licenses or permits or for any issuing officer to back date any license or permit.
- (b) A person who violates this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than fifty dollars (\$50) nor more than two hundred fifty dollars (\$250). (*Act 2004-449, p. 794, §2.*)

Section 9-11-26 Penalty for offering to sell shellfish, wild fish, or farm-raised fish processed with certain banned drugs.

Any person, including a processor, distributor, retailer, or food service establishment, who knowingly offers for direct retail sale for human consumption any shellfish, wild fish, or farm-raised fish that has been processed with chloramphenicol, nitrofurans, or similar veterinary drugs, which are used in processing some imported seafood and banned by the United States Food and Drug Administration, shall be punished, on conviction, by a fine of not more than ten thousand dollars (\$10,000) or a sentence of not more than one year, or both. (*Act 2004-526, p. 1104, §1.*)

Article 2 Hunting, Fishing and Trapping Licenses Generally.

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 May 1, 2006, which are whitetail deer, elk, and fallow deer, or species of nonindigenous animals lawfully brought into this state prior to May 1, 2006, and their offspring.
- (b) (1) Pursuant to the requirements and restrictions of subdivisions (2) and (3), the Commissioner of Conservation and Natural Resources shall 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.
- (2) Before a license is issued, the Commissioner of Conservation and Natural Resources shall make or cause to be made a thorough investigation and 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.
- (3) 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 subsection (c) of Section 9-2-13 after May 1, 2006, or for the premises of any person, firm, corporation, or association whose license privileges are revoked after May 1, 2006.
- (4) 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 May 1, 2006, and September 30, 2006, shall expire on September 30, 2006.
- (5) 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) (1) 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.
- (2) 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 of animals in excess of 100.

- (3) License fees under this section shall be based on the number of animals on hand as of the immediately preceding April 1 of each year. (*Acts 1935, No. 240, p. 632, § 21; Code 1940, T. 8, § 23; Act 2006-109, p. 159, § 7; Act 2018-162, § 1.*)

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 May 1, 2006, 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 May 1, 2006, 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 May 1, 2006, 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. (*Acts 1935, No. 240, p.632, §22; Code 1940, T. 8, §24; Act 2006-109, p. 159, §7.*)

Section 9-11-31.1 Game breeder's license - Violations

- (a) Any person, firm, corporation, or association who knowingly violates Section 9-11-30 or 9-11-31, or any rules promulgated pursuant to Section 9-11-30 or 9-11-31, including, but not limited to, willfully failing to obtain a license or falsifying records, 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.
- (b) 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.
- (c) 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. (*Act 2006-109, p. 159, § 8; Act 2018-162, § 1.*)

Section 9-11-32 Duration and scope of licenses.

Unless specifically provided otherwise by law, all annual wildlife heritage, hunting, and fishing licenses issued pursuant to this chapter shall be dated when issued and shall authorize the person named on the license to participate in the licensed activities from September 1 or the date of issuance to the next August 31, and then only within the regulations and restrictions provided by law. (*Acts 1935, No. 240, p. 632, §27; Code 1940, T. 8, §28; Acts 1989, No. 89-156, p. 138, §1; Acts 1994, No. 94-655, p. 1269, §1; Act 2000-742, p. 1647, §1; Act 2007-418, p. 874, §1.*)

Section 9-11-33 Hunting and fishing licenses generally – Numbering; delivery of blank licenses to issuing authorities; return of unused licenses and stubs.

All hunting and fishing licenses, both resident and nonresident, shall be numbered consecutively at the time they are printed. Blank licenses shall be furnished by the Department of Conservation and Natural Resources to the judges of probate of the several counties of the state or the license commissioner and to such other person or persons not residing at the county seat as may be designated by the Commissioner of Conservation and Natural Resources to issue hunting and fishing licenses, and the Commissioner of Conservation and Natural Resources shall deliver not less than 15 days before October 1 of each year to the judges of probate of this state and to such other person or persons so designated as many such licenses as may be required and shall charge with same all those to whom licenses have been so issued. On October 1 of each year or within 10 days thereafter each officer or person to whom licenses have been so issued shall return to the Commissioner of Conservation and Natural Resources all unused licenses and all stubs of licenses issued during the preceding fiscal year (*Acts 1935, No. 240, p. 632, § 28; Code 1940, T. 8, § 29.*)

Section 9-11-35 Hunting or fishing license not required of member of armed forces during war.

No person serving as a member of the Armed Forces of the United States of America shall be required to procure a hunting license or a fishing license to hunt or fish within the State of Alabama during any period of time in which the United States of America is engaged in a war. (*Acts 1945, No. 502, p. 727, § 1.*)

Section 9-11-35.1 Licensing exception for residents on active military duty.

A resident of this state on active military duty, who is in this state on leave and who has proof of that status in his or her possession, may hunt and fish without a license required by Sections 9-11-44, 9-11-53, or 9-11-53.1. (*Act 2004-449, p. 794, §3.*)

Section 9-11-36 Issuance of licenses generally – Persons authorized; record.

The judge of probate, the license commissioner or such person or persons not residing at the county seat in which the county courthouse is located and duly appointed by the Commissioner of Conservation and Natural Resources and so authorized by him shall have authority to issue all licenses, resident or nonresident, to all persons complying with the provisions of this article and shall sign his name and shall require the person to whom the license is issued to sign his name on the margin thereof. The person or persons issuing said license shall keep in a book or on specially prepared sheets to be furnished by the Commissioner of Conservation and Natural Resources a correct and complete record of all licenses issued, which record shall remain in his office and be open to inspection by the public at all reasonable times. (*Acts 1935, No. 240, p. 632, § 41; Code 1940, T. 8, § 42.*)

Section 9-11-37 Issuance of licenses generally - Issuance fee; reports.

- (a) There shall be a \$1.00 issuance fee for all licenses sold by the Division of Wildlife and Freshwater Fisheries of the Department of Conservation and Natural Resources, which shall be in addition to the prescribed cost of such licenses. In counties where the probate judge or issuing officer is on the fee system, the issuing fee shall be retained by the probate judge or issuing officer, and in counties where the probate judge or issuing officer is on a salary basis, the fee shall be paid by him into the county treasury to the credit of the appropriate fund. It shall be unlawful to charge any amount that is in excess of the fee provided herein; and, if any probate judge, license commissioner, special agent or other person authorized to issue such licenses does so, he shall be guilty of a misdemeanor and shall be punished, upon conviction, by a fine of not less than \$10.00 nor more than \$25.00 for each offense.
- (b) The balance of such fees shall be remitted to the Department of Conservation and Natural Resources on the first of each month, which balance shall be covered into the Treasury to the credit of the Game and Fish Fund of the department.
- (c) Said judges of probate and all other duly authorized and designated persons shall report to the Department of Conservation and Natural Resources on the first day of each month the number and kind of licenses issued and the name and post-office address of the person or persons to whom issued, giving opposite each name the serial number of the license so issued. (*Acts 1935, No. 240,*

Section 9-11-38 Special agents for issuing hunting and fishing licenses – Application for appointment; authority.

Any person, firm or corporation who or which resides at the county seat in which the county courthouse is located and who or which is engaged in the business of selling hunting and fishing equipment may make application in writing to the judge of probate or license commissioner of said county for the purpose of acting as special agent for issuing hunting and fishing licenses. Such agents shall have authority to issue all such licenses, resident or nonresident, to all persons complying with the provisions of the laws pertaining to the issuance of such licenses. (*Acts 1951, No. 628, p. 1082, § 1.*)

Section 9-11-39 Special agents for issuing hunting and fishing licenses – Bond generally, appointment.

Such person, firm or corporation who or which applies to the judge of probate or license commissioner for the purpose of acting as special agent for the sale of hunting and fishing licenses shall submit with his or its application an indemnity bond in the amount of \$1,000.00, which bond shall be issued by a responsible bonding company authorized to do business in the State of Alabama. Upon receipt of such application and bond, the judge of probate or license commissioner shall forthwith designate and appoint such person, firm or corporation as a special agent to sell hunting and fishing licenses as provided for in Sections 9-11-38 through 9-11-43. (*Acts 1951, No. 628, p. 1082, § 2.*)

Section 9-11-40 Special agents for issuing hunting and fishing licenses – Bond of agents to be payable to judge of probate or license commissioner.

The indemnity bond referred to in Section 9-11-39 shall be made payable to the judge of probate or license commissioner to protect him for the licenses he issues to the special agent. The principal of said bond shall be the special agent. (*Acts 1951, No. 628, p. 1082, § 6.*)

Section 9-11-41 Special agents for issuing hunting and fishing licenses – Furnishing of blank licenses to agents.

Upon the designation or appointment of such person, firm or corporation to act as special agent, as provided for in Section 9-11-39, the judge of probate or license commissioner of the county in which the appointment is made shall immediately furnish to such special agent blank hunting and fishing licenses, retaining a record of the serial numbers of such licenses. In no instance shall the judge of probate or license commissioner furnish blank licenses the value of which exceeds the amount of the bond of such special agent. The person, firm or corporation so designated or appointed by the judge of probate or license commissioner shall be responsible to the judge of probate or license commissioner for all licenses entrusted to them. (*Acts 1951, No. 628, p. 1082, § 3.*)

Section 9-11-42 Special agents for issuing hunting and fishing licenses – Duties generally, remittance of fees collected, etc., to judge of probate or license commissioner.

The special agents shall keep an accurate record of the persons to whom the licenses are sold and shall, on or before the fifth day of each month, report to the judge of probate or license commissioner from whom the license books were supplied a statement of the number and kind of licenses sold and shall remit all moneys collected for the sale of such licenses, together with copies of the licenses so sold. The fees provided by law for the sale of such licenses shall be retained by the judge of probate or license commissioner who designated or appointed the agents. (*Acts 1951, No. 628, p. 1082, § 4.*)

Section 9-11-43 Responsibility of judge of probate or license commissioner as to licenses; disposition of fees from sale of licenses.

The judge of probate or license commissioner shall be responsible to the Department of Conservation and Natural Resources for the licenses which said Department of Conservation and Natural Resources issued to them, and disposition of the issuance fees from the sale of such licenses shall be made by the judge of probate or license commissioner as provided by law. (*Acts 1951, No. 628, p. 1082, § 5.*)

Section 9-11-44 Resident license - Hunting.

(a) Any person who is age 16 years or older, but who has not reached 65 years of age, who has resided in Alabama continuously for a period of not less than 90 days next preceding, and who is not serving as a member of the Armed Forces of the United States of America during any period of time in which the United States of America is in a state of war, as declared by an act of Congress, shall procure an annual resident all-game hunting license before the person is entitled to hunt in this state by filing an application with the person in any county of the state duly authorized to issue the license, stating his or her name, age, place of residence, post office address, and after paying to the person issuing the license a license fee of twenty-three dollars (\$23), plus an issuance fee of one dollar (\$1), which fees shall be subject to adjustment as provided for in Section 9-11-68. Any Alabama resident age 16 through 64 years, in lieu of purchasing the resident all-game hunting license may procure an annual resident small game hunting license to hunt all legal game in this state except deer and turkey. The license fee shall be fifteen dollars (\$15), plus an issuance fee of one dollar (\$1), which fees shall be subject to adjustment as provided for in Section 9-11-68. Notwithstanding the foregoing, a member of the United States military stationed in Alabama on active duty, and his or her spouse and their dependents who reside with them, shall be deemed to be Alabama residents for the purposes of procuring these licenses. Notwithstanding the foregoing, effective with the license year beginning September 1, 2013, U.S. military veterans otherwise meeting the requirements of this section who are certified by the U.S. Veterans' Administration as 50 percent or more physically disabled shall be entitled to purchase an alternative resident hunting license to be known as the Physically Disabled Military Veteran's Appreciation Hunting License for one-half of the cost of the annual resident all-game hunting license plus the applicable issuance fee. Notwithstanding the foregoing, effective with the license year beginning September 1, 2014, U.S. military veterans otherwise meeting the requirements of this section who are certified by the U.S. Veterans' Administration as 100 percent, service-connected, permanently and totally disabled shall be entitled to purchase an alternative resident hunting license to be known as the 100 Percent Disabled Military Veteran's Appreciation Hunting License for a license fee of two dollars (\$2), plus the applicable issuance fee, which fees shall be subject to adjustment as provided for in Section 9-11-68. Persons obtaining the resident all-game hunting license or the resident small game hunting license shall also be entitled to all of the privileges of the wildlife heritage license.

(b) Notwithstanding any other provision of law, any resident 64 years of age procuring a state resident hunting license pursuant to this section shall be issued the license on a lifetime basis. License fees from the sale of a lifetime license pursuant to this subsection to a resident age 64 years shall be deposited to the credit of the Alabama Game and Fish Endowment Fund within the Game and Fish Fund.

(c) All persons making application for an annual state hunting license as provided in this section shall present a valid Alabama driver license or, in the case of nondrivers, proof of permanent residence. All licenses required by this section shall bear the Alabama driver license number of the licensee, except in the case of nondrivers and active duty military personnel stationed in Alabama and their spouses and dependents who reside with them, and all licenses shall bear proof of residence as required by the Commissioner of Conservation and Natural Resources. Active duty military personnel stationed in Alabama and their spouses and dependents who reside with them shall provide military orders that assign them to Alabama. Every person who obtains an annual hunting license without presenting a valid Alabama driver license or, in the case of nondrivers, proof of permanent residence, or who provides any false information in the process of procuring the license, shall be guilty of a Class B misdemeanor punishable as provided by law.

(d) The licenses required by this section shall not apply to any resident or resident member of his or her immediate family who hunts on lands owned by him or her, nor shall it include any tenant or member of his or her immediate family who hunts on lands leased or rented by the tenant and who resides on the lands, nor any resident of this state on active military duty who is in this state on leave and who has proof of that status in his or her possession.

(e) All persons under the age of 16 years shall be exempted from the requirement of procuring the licenses. Any resident of this state 65 years of age and older shall be exempted from the requirement of procuring a hunting license as provided for in this section, provided that the resident has on his or her person while hunting, proof of age, or, in the case of nondrivers, proof of permanent Alabama residence and age.

(f) The licenses shall not be transferable, and it shall be unlawful to borrow, lend, or alter any license, or for any license-issuing officer to falsify any license at the time of issuing the license. A violation of this subsection shall constitute a Class B misdemeanor punishable as provided by law.

(g) There shall be provided on the license form for the licenses provided for in this section a check-off option whereby the licensee may voluntarily choose to donate an additional one dollar (\$1) to the Division of Wildlife and Freshwater Fisheries for the purpose of research on wildlife and wildlife habitat as approved by the Advisory Board of Conservation and Natural Resources. (*Acts 1971, No. 1515, p. 2629, §1; Acts 1975, No. 1171, p. 2301, §1; Acts 1979, No. 79-804, p. 1482, §1; Acts 1982, No. 82-407, p. 619, §1; Acts 1988, 1st Ex. Sess., No. 88-805, p. 242, §1; Act 2000-735, p. 1604, §1; Act 2004-449, p. 794, §1; Act 2007-418, p. 874, §1; Act 2013-248, p. 607, §1; Act 2014-417, p. 1527, §1.*)

Section 9-11-44.1 Certification of completion of approved hunter education course required for issuance of license; penalty; “supervision required” status.

- (a) It shall be unlawful for any person born on or after August 1, 1977, and of 16 years of age or older, or his or her agent, to procure any annual, trip, or wildlife heritage hunting license unless the person has been issued and exhibits to the issuing agent at the time of purchasing any annual, trip, or wildlife heritage hunting license, a certification of satisfactory completion by the person of a hunter education course approved by the Department of Conservation and Natural Resources. The person shall only be required to exhibit the certification at the time of purchase of his or her initial license. The exhibition of the certification shall not be required at the time of purchase of subsequent licenses if the person exhibits to the issuing agent at the time of purchase a license which was issued by this state to him or her in a previous year. Notwithstanding the foregoing, active duty U.S. military personnel, Alabama residents who are active members of the National Guard of the United States, and persons certified by the Alabama Peace Officers Standards and Training Commission as law enforcement officers who are employed by a law enforcement agency, as the terms are defined in Section 36-21-40, upon submission of proof of that status, shall be exempt from this requirement. The Commissioner of Conservation and Natural Resources may provide by regulation for the specific proof requirements.
- (b) Except as otherwise provided in subsection (a), it shall be unlawful for any person authorized to issue hunting licenses in this state to issue any annual, trip, or wildlife heritage hunting license to any person born on or after August 1, 1977, or his or her agent, unless that license agent shall have been provided with a certification of satisfactory completion by the person of a hunter education course approved by the Department of Conservation and Natural Resources or in lieu of a certification a license issued by the state to the person in a previous year.
- (c) Except as otherwise provided in subsection (a), it shall be unlawful for any person born on or after August 1, 1977, of 16 years of age or older, to hunt in the State of Alabama pursuant to any Alabama lifetime hunting or Alabama lifetime hunting and fishing license, without the person first obtaining a certification of satisfactory completion by the person of a hunter education course approved by the Department of Conservation and Natural Resources.
- (d) It shall be unlawful for any person or his or her agent to wrongfully or fraudulently obtain or issue this certification.
- (e) The Commissioner of the Department of Conservation and Natural Resources may provide by regulation the procedure whereby the department may revoke or cancel any hunting license and/or hunter education certification upon determination that the holder thereof was not entitled to issuance or obtained the license or certification by any fraudulent means. Upon revocation or cancellation, the holder thereof shall surrender the license and/or certification to the Department of Conservation and Natural Resources.
- (f) The Department of Conservation and Natural Resources, Division of Wildlife and Freshwater Fisheries, shall prescribe a course of instruction in competency and safety in hunting and in the handling of firearms and archery equipment. The Division of Wildlife and Freshwater Fisheries shall also prescribe procedures whereby competent residents of this state shall be certified as hunter education instructors. The Division of Wildlife and Freshwater Fisheries may approve hunter education courses from other jurisdictions.
- (g) Any person violating any provision of this section shall be guilty of a Class B misdemeanor.
- (h) Notwithstanding the foregoing provisions of this section, a person may obtain any required trip, annual, or wildlife heritage hunting license without the above-required certification, but shall only be entitled to hunt under a “supervision required” status, which shall be noted on the face of the license, under which the person may only hunt under the supervision of another person otherwise meeting the requirements of subsection (a) as a licensed or otherwise lawful hunter, aged 21 years or older, who is not the holder of the “supervision required” license. For the purposes of this

subsection, “supervision” shall mean under the normal voice control, not to exceed 30 feet, of the supervising person. (*Acts 1991, No. 91-600, p. 1106, §1; Act 2004-449, p. 794, §1; Act 2007-418, p.874, §1.*)

Section 9-11-45 License to hunt on wildlife management areas; fee; violations.

- (a) Unless a person is properly licensed for a particular activity under the wildlife heritage license, any person who hunts on state operated wildlife management areas in this state shall pay a special annual license fee of fifteen dollars (\$15) in addition to the amount of the resident or nonresident’s licenses specified in Sections 9-11-44 to 9-11-49, inclusive, payment of which shall be evidenced by a stamp, license, big game tag system, or other appropriate method as the Commissioner of Conservation and Natural Resources may prescribe.
- (b) The issuing officer or authority shall be allowed a fee of one dollar (\$1) for each special license issued by him or her, which issuing fee shall be in addition to the cost of the special license. In counties where the judge of probate or issuing officer is on the fee system, the issuing fee shall be retained by the judge of probate or issuing officer, and in counties where the issuing officer or judge of probate is on a salary basis, the fee shall be paid to the county treasury; provided, that the license established by this section shall not be required of any Alabama resident who is 65 years of age or older or who is less than 16 years of age. The license fees and issuance fees provided for in this section shall be subject to adjustment as provided for in Section 9-11-68.
- (c) All license fees collected under this section shall be deposited in the State Treasury to the credit of the Game and Fish Fund and shall be expended in the operation of the Division of Wildlife and Freshwater Fisheries program, including the acquiring of additional conservation officers and the expansion of public hunting areas.
- (d) Whoever uses a Division of Wildlife and Freshwater Fisheries shooting range and who is age 16 years through 64 years shall hold a valid license issued pursuant to this section, the wildlife heritage license issued pursuant to Section 9-11-71, or a valid license issued pursuant to Sections 9-11-44 to 9-11-49, inclusive.
- (e) Whoever hunts on state-operated wildlife management areas without first obtaining the proper hunting license and the special license required in this section or the wildlife heritage license issued pursuant to Section 9-11-71, if applicable, or whoever utilizes a Division of Wildlife and Freshwater Fisheries shooting range in this state in violation of this section, is guilty of a misdemeanor, punishable as prescribed in Section 9-11-51. (*Acts 1965, 2nd Ex. Sess., No. 121, p. 169; Act 2000-742, p. 169, §§1-3; Act 2007-418, p. 874, §1.*)

Section 9-11-45.1 Use of crossbows for hunting.

The Commissioner of the Department of Conservation and Natural Resources may by regulation authorize the use of crossbows for hunting. (*Acts 1991, No. 91-210, p. 392, §§ 1, 2; Act 2001-1102, p. 1166, § 1.*)

Section 9-11-46 Nonresident hunting licenses - “Small game only.”

Any nonresident of this state who is 16 years old or older shall procure an annual “small game only” hunting license to hunt all legal game in this state except deer and turkey by filing an application with the Commissioner of Conservation and Natural Resources or any judge of probate or other person authorized to issue the license, stating his or her age, race, place of residence, and post office address and after paying to the person issuing the license a fee of eighty-eight dollars (\$88), plus a two dollar (\$2) issuance fee, which fees shall be subject to adjustment as provided for in Section 9-11-68. There shall be provided on the license form for the licenses provided for in this section a check-off option whereby the licensee may voluntarily choose to donate an additional one dollar (\$1) to the Division of Wildlife and Freshwater Fisheries for the purpose of research on wildlife and wildlife habitat as approved by the Advisory Board of Conservation and Natural Resources. (*Acts 1965, No. 751, p. 1365, §1; Acts 1977, No. 764, p. 1321, §1; Acts 1994, No. 94-577, p. 1051, §1; Act 2000-742, p. 1647, §1; Act 2007-418, p. 874, §1.*)

Section 9-11-47 Nonresident hunting licenses - “All game.”

Any nonresident of this state who is 16 years old or older shall procure an annual “all game hunt license” to hunt all legal game in this state by filing an application with the Commissioner of Conservation and Natural Resources or any judge of probate or other person authorized to issue the license, stating his or her age, race, place of residence, and post office address and after paying to the person issuing the license a fee of two hundred seventy-three dollars (\$273), plus a two dollar (\$2) issuance fee, which fees shall be subject to adjustment as provided for in Section 9-11-68.

Every person making application for a nonresident hunting license as provided in this section and Sections 9-11-46, 9-11-48, and 9-11-49 shall provide a valid driver license number or, in the case of nondrivers, proof of permanent residence. All nonresident hunting licenses shall bear the driver license number of the licensee and the state where the license was issued, except in the case of nondrivers, and all licenses shall bear proof of residence as required by the Commissioner of Conservation and Natural Resources.

Every person who obtains a nonresident hunting license without providing a valid driver license number or, in the case of nondrivers, proof of permanent residence, shall be punished by a fine of not less than twice the applicable license fee.

There shall be provided on the license form for the licenses provided for in this section a check-off option whereby the licensee may voluntarily choose to donate an additional one dollar (\$1) to the Division of Wildlife and Freshwater Fisheries for the purpose of research on wildlife and wildlife habitat as approved by the Advisory Board of Conservation and Natural Resources. (*Acts 1965, No. 751, p. 1365, §2; Acts 1977, No. 764, p. 1321, §2; Acts 1982, No. 82-407, p. 619, §1; Acts 1982, 2nd Ex. Sess., No. 82-777, p. 279, §1; Acts 1984, No. 84-446, p. 1040, §4; Acts 1994, No. 94-577, p. 1051, §1; Act 2000-742, p. 1647, §1; Act 2007-418, p. 874, §1.*)

Section 9-11-48 Nonresident hunting licenses - “Trip small game.”

Any nonresident of this state who is 16 years old or older shall, in lieu of the small game license provided for in Section 9-11-46, procure one of the following “trip small game” hunting licenses to hunt all legal game in this state except deer and turkey, the procurement of which shall be in the same manner as provided for procuring nonresident annual hunting licenses provided for in Sections 9-11-46 and 9-11-47, by paying the license fees herein specified, which licenses will authorize the holder of the license to hunt in this state for a period of days specified on the license from the day the license was issued:

- (1) A “nonresident small game 10-day trip hunting license,” the cost of which shall be fifty-three dollars (\$53), plus a two dollar (\$2) issuance fee, which fees shall be subject to adjustment as provided for in Section 9-11-68. This license shall be valid for those legal hunting hours occurring during the then current license year for a period not to exceed 240 consecutive hours from the beginning date and time, as selected and designated by the licensee to the issuing agent at the time of issuance.
- (2) A “nonresident small game 3-day trip hunting license,” the cost of which shall be thirty-eight dollars (\$38), plus a two dollar (\$2) issuance fee, which fees shall be subject to adjustment as provided for in Section 9-11-68. This license shall be valid for those legal hunting hours occurring during the then current license year for a period not to exceed 72 consecutive hours from the beginning date and time, as selected and designated by the licensee to the issuing agent at the time of issuance.
- (3) There shall be provided on the license form for the licenses provided for in this section a check-off option whereby the licensee may voluntarily choose to donate an additional one dollar (\$1) to the Division of Wildlife and Freshwater Fisheries for the purpose of research on wildlife and wildlife habitat as approved by the Advisory Board of Conservation and Natural Resources. (*Acts 1965, No. 751, p. 1365, §3; Acts 1977, No. 764, p. 1321, §3; Acts 1981, No. 81-720, p. 1226, §1; Acts 1994, No. 94- 577, p. 1051, §1; Act 2000-742, p.1647, §1; Act 2007-418, p. 874, §1.*)

Section 9-11-49 Nonresident hunting licenses - “Trip all game.”

Any nonresident of this state who is 16 years or older shall, in lieu of the all game license provided for in Section 9-11-47, procure one of the following “trip all game” hunting licenses to hunt all legal game in this state, the procurement of which shall be in the same manner as provided for procuring the nonresident annual hunting licenses provided for in Sections 9-11-46 and 9-11-47, by paying the license fees herein specified, which licenses will authorize the holder of the license to hunt in this state for a period of days specified on the license from the day the license was issued:

- (1) A “nonresident all game 10-day trip hunting license,” the cost of which shall be one hundred sixty-eight dollars (\$168), plus a two dollar (\$2) issuance fee, which fees shall be subject to adjustment as provided for in Section 9-11-68. This license shall be valid for those legal hunting hours occurring during the then current license year for a period not to exceed 240 consecutive hours from the beginning date and time, as selected and designated by the licensee to the issuing agent at the time of issuance.
- (2) A “nonresident all game 3-day trip hunting license,” the cost of which shall be one hundred

eighteen dollars (\$118), plus a two dollar (\$2) issuance fee, which fees shall be subject to adjustment as provided for in Section 9-11-68. This license shall be valid for those legal hunting hours occurring during the then current license year for a period not to exceed 72 consecutive hours from the beginning date and time, as selected and designated by the licensee to the issuing agent at the time of issuance. In addition, effective with the license year beginning September 1, 2013, there shall be a Physically Disabled Military Veteran's Appreciation three-day trip event license, for events sanctioned by the Commissioner of Conservation and Natural Resources, that shall permit up to 10 U.S. military veterans, resident or non-resident, which names shall be designated on the license, otherwise meeting the requirements of this section who are certified by the U.S. Veterans' Administration as 50 percent or more physically disabled, to purchase the license as an alternative to the trip hunting license for a fee equal to the nonresident all game three-day hunting license, plus the applicable issuance fee. The duration of this license shall be the same as that of the nonresident all game three-day hunting license. (3) There shall be provided on the license form for the licenses provided for in this section a check-off option whereby the licensee may voluntarily choose to donate an additional one dollar (\$1) to the Division of Wildlife and Freshwater Fisheries for the purpose of research on wildlife and wildlife habitat as approved by the Advisory Board of Conservation and Natural Resources. (*Acts 1965, No. 751, p. 1365, §4; Acts 1977, No. 764, p. 1321, §4; Acts 1981, No. 81-720, p. 1226, §1; Acts 1982, No. 82-407, p. 619, §1; Acts 1982, 2nd Ex. Sess., No. 82-777, p. 279, §1; Acts 1994, No. 94-577, p. 1051, §1; Act 2000-742, p. 1647, §1; Act 2007-418, p. 874, §1; Act 2013-248, p. 607, §1.*)

Section 9-11-49.1 Establishment of bag limits, etc., for certain nonresidents.

Notwithstanding any rule, regulation or law to the contrary, the Commissioner of the Department of Conservation and Natural Resources with consent of the conservation advisory board is hereby authorized to establish bag limits, lengths of seasons and license fees for nonresidents who reside in those states which have entered into reciprocal agreements as to the aforementioned with the State of Alabama. But under no circumstance shall the annual all game license be less than \$99.00 nor the trip all game license less than \$50.00. (*Acts 1982, 2nd Ex. Sess., No. 82-777, p. 619, §2.*)

Section 9-11-50 Hunting by persons under 16 years of age.

No person under the age of 16 years will be required to procure a hunting license to hunt within the State of Alabama; provided, that such person or persons shall be required when hunting upon lands other than their own or which they rent or upon which they reside to have a permit to hunt on such lands or to be accompanied by some person of adult age who is authorized to hunt upon said lands. (*Acts 1935, No. 240, p. 632, §33; Code 1940, T. 8, §34.*)

Section 9-11-51 Hunting without license, etc.

- (a) Any person other than a nonresident who hunts in this state or who utilizes a Division of Wildlife and Freshwater Fisheries shooting range without the required hunting license shall be guilty of a Class C misdemeanor, punishable by a fine of not less than seventy-five dollars (\$75) nor more than two hundred fifty dollars (\$250) for each offense. Notwithstanding the foregoing, a hunting license shall not be required for a resident or resident member of the immediate family who hunts on lands owned by him or her, nor shall a hunting license be required for a tenant or a member of the tenant's immediate family who hunts on lands leased or rented by him or her, provided the hunter resides on the lands, nor of any resident of this state on active military duty who is in this state on leave and who has proof of that status in his or her possession.
- (b) Any person other than a nonresident who lends or transfers his or her hunting license to another shall be guilty of a Class C misdemeanor, punishable by a fine of not less than seventy-five dollars (\$75) nor more than two hundred fifty dollars (\$250) for each offense.
- (c) Any nonresident of the state who hunts in this state without first obtaining a nonresident hunting license permitting him or her to do so, or who lends or transfers his or her hunting license to another shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than three times the cost of the nonresident annual license without which he or she was convicted of hunting. (*Acts 1935, No. 240, p. 632, §34; Code 1940, T. 8, §35; Acts 1979, No. 79-750, p. 1335, §1; Act 2007-418, p. 874, §1.*)

Section 9-11-53 Resident license - Freshwater fishing.

- (a) Any person who has been a bona fide resident of this state for a period of not less than 90 days next preceding and who is age 16 or older, but who has not yet reached the age of 65, shall not take, catch, kill or attempt to take, catch, or kill any fish in any of the waters of this state above

that line defined in Rule 220-2-.42 (1) of the Department of Conservation and Natural Resources as published in the Alabama Administrative Code, as well as below that line in any of the ponds or lakes containing freshwater fish, subject to the exceptions contained herein, by any means, except designated commercial fishing gear and wire baskets, expressly allowed by law or regulation without first procuring an annual resident freshwater fishing license and paying therefor the sum of eleven dollars (\$11), plus a one dollar (\$1) issuance fee, which fees shall be subject to adjustment as provided for in Section 9-11-68; provided, however, that U.S. military veterans otherwise meeting the requirements of this section who are certified by the U.S. Veterans Administration as 20 percent or more disabled shall be entitled to purchase an alternative license to the annual resident freshwater fishing license to be known as the disabled military veterans appreciation fishing license for a license fee of two dollars (\$2) plus a one dollar (\$1) issuance fee. All persons making application for the license provided for in this section shall present a valid Alabama driver license, or in the case of nondrivers, proof of permanent residence. All licenses required by this section shall bear the Alabama driver license number of the licensee, except in the case of nondrivers and active duty military personnel stationed in Alabama and their spouses and dependents who reside with them, and all licenses shall bear proof of residence as required by the Commissioner of Conservation and Natural Resources. Notwithstanding the foregoing, a member of the United States military stationed in Alabama on active duty, and his or her spouse and their dependents who reside with them, shall be deemed Alabama residents for the purpose of procuring this license. Active duty military personnel stationed in Alabama and their spouses and dependents who reside with them shall provide military orders that assign them to Alabama. These licenses shall be issued in the manner and under the conditions, limitations, and exemptions as expressly provided for in this section. Persons obtaining the annual resident freshwater fishing license shall also be entitled to all of the privileges of the wildlife heritage license.

- (b) Notwithstanding any other provision of law, any resident 64 years of age procuring a resident freshwater fishing license pursuant to this section shall be issued the license on a lifetime basis. License fees from the sale of a lifetime license pursuant to this subsection to a resident age 64 years shall be deposited to the credit of the Alabama Game and Fish Endowment Fund within the Game and Fish Fund.
- (c) A fishing license shall not be transferable, and it shall be unlawful to borrow, lend, or alter any fishing license, or for any license-issuing officer to falsify any license at the time of issuing the license. A violation of this subsection shall constitute a Class B misdemeanor punishable as provided by law.
- (d) Any citizen of this state who is entitled to purchase a fishing license as provided for in this section may procure a license by applying to any judge of probate, license commissioner, or other persons authorized and designated to issue fishing licenses, stating his or her name, age, place of residence, and post office address, and paying to the issuing officer the amount required in this section for the license. Judges of probate, license commissioners, or other persons authorized and designated to issue fishing licenses shall be entitled to the issuance fee set out herein for each license so issued, which fee shall be in addition to the amount designated in this section as the cost of the license. All fees collected by any judge of probate or license commissioner who is paid a salary for the performance of his or her duties shall be paid into the county treasury to the credit of the appropriate fund.
- (e) All persons under the age of 16 years shall be exempted from the requirement of procuring a license. Any resident of this state 65 years of age and older shall be exempted from the requirement of procuring a fishing license as provided for in this section, provided that the resident has on his or her person while fishing, a valid Alabama driver license, or, in the case of nondrivers, proof of permanent Alabama residence and age.
- (f) Every person who obtains an annual resident freshwater fishing license without presenting a valid Alabama driver license, or in the case of nondrivers, proof of permanent residence, or who provides any false information in the process of procuring the license, shall be guilty of a Class B misdemeanor punishable as provided by law.
- (g) The licenses required by this section shall not apply to a resident of this state on active military duty who is in this state on leave and who has proof of that status in his or her possession, nor to any person who fishes in a private pond. The license required by this section shall not apply to any person fishing from the bank with an ordinary hook and line in his or her county of residence. A person who fishes from the bank with ordinary hook and line in his or her own county of residence shall be required to have on his or her person, while so fishing, a reasonable proof of residency in the county. In addition, the licenses required by this section shall not apply to persons

exempt from fishing license requirements while fishing at commercial fee fishing ponds pursuant to the provisions of Article 17 of this chapter.

- (h) The revenue derived from the sale of the license provided for in this section shall be remitted to the Department of Conservation and Natural Resources on the first day of each month by the issuing officer and shall be deposited into the State Treasury to the credit of the Game and Fish Fund and shall be used in the construction, maintenance, development, and supervision of public fishing lakes, for the purchase of lands to be used for public landings on public streams and for the development, protection, propagation, and distribution of fish and wildlife of this state.
- (i) Except as otherwise provided in this section, any person who violates this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50) nor more than two hundred fifty dollars (\$250) for each offense.
- (j) There shall be provided on the license form for the licenses provided for in this section a check-off option whereby the licensee may voluntarily choose to donate an additional one dollar (\$1) to the Division of Wildlife and Freshwater Fisheries for the purpose of research on fisheries and aquatic habitat as approved by the Advisory Board of Conservation and Natural Resources. (*Acts 1936-37, Ex. Sess., No. 147, p. 165, §§1-4; Code 1940, T. 8, §38; Acts 1955, No. 257, p. 601; Acts 1971, No. 1980, p. 3222, §1; Acts 1979, No. 79-803, p. 1481, §1; Acts 1983, No. 83-743, p. 1223, §1; Acts 1988, 1st Ex. Sess., No. 88-805, p. 242, §2; Acts 1992, No. 92-344, p. 736, §2; Acts 1993, No. 93-624, p. 1047, §1; Act 2000-735, p. 1604, §1; Act 2004-449, p. 794, §1; Act 2007-418, p. 874, §1.*)

Section 9-11-53.1 Resident license - Saltwater fishing.

- (a) (1) Any person who has been a bona fide resident of this state for a period of not less than 90 days next preceding and who is age 16 or older, but has not yet reached the age of 65, shall not take, catch, kill, possess, or attempt to take, catch, kill, or possess, any fish in any of the waters of this state, except those waters for which a license is required by Section 9-11-53, below that line defined in Rule 220-2-42(1) of the Department of Conservation and Natural Resources as published in the Alabama Administrative Code, by angling with rod and reel or by use of any artificial bait, fly, lure, gig, cast net, bow, crab traps that are not required to be licensed by Section 9-12-124, or by spear fishing, as defined by Section 9-11-170, without first procuring an annual resident saltwater fishing license for twenty dollars (\$20), plus a one dollar (\$1) issuance fee, which fees shall be subject to adjustment as provided for in Section 9-11-69.
- (2) A United States military veteran otherwise meeting the requirements of this section who is certified by the United States Veterans Administration as 20 percent or more disabled may purchase an alternative license to the annual resident saltwater fishing license, to be known as the disabled military veterans appreciation saltwater fishing license, for a license fee and issuance fee equivalent to that charged for a disabled military veterans appreciation freshwater fishing license pursuant to Section 9-11-53, subject to the cost adjustments provided for in Section 9-11-69.
- (3) a. All persons making application for the license provided for in this section shall present an Alabama driver license, or, in the case of nondrivers, proof of permanent residence.
b. All licenses required by this section shall bear the driver license number of the licensee, except in the case of nondrivers, and all licenses shall bear proof of residence as required by the Commissioner of Conservation and Natural Resources.
c. Notwithstanding the foregoing, a member of the United States military stationed in Alabama on active duty, and his or her spouse and their dependents who reside with them, shall be deemed to be Alabama residents for the purposes of procuring this license.
- (4) a. A saltwater fishing license shall not be required of any person who has been issued and is the holder of any valid lifetime fishing license that is provided for in Section 9-11-65, provided that such license was issued on or before March 31, 1992, or any valid lifetime saltwater fishing license that is provided for in Section 9-11-65.2.
b. A saltwater fishing license shall not be required of permanent Alabama residents under 16 years of age or age 65 years or over, provided, however, that residents age 65 years or older shall be required to have in their actual possession, while fishing, an Alabama driver license, or in the case of nondrivers, proof of permanent Alabama residence and age.
- (5) The revenue derived from the sale of the license provided for in this section shall be remitted to the Department of Conservation and Natural Resources on the first day of each month by the issuing officer and shall be covered into the State Treasury to the credit of the Marine Resources Fund and shall be used in the research, management, and development of saltwater fisheries. It shall be unlawful to provide false information in the process of obtaining the license.

- (b) (1) Notwithstanding any other law, any resident 64 years of age who procures a resident saltwater fishing license pursuant to this section shall be issued the license on a lifetime basis. The license fees from the sale of a lifetime license pursuant to this subsection shall be deposited to the credit of the Alabama Marine Resources Endowment Fund within the Marine Resources Fund.
- (2) Any person who violates this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50) nor more than two hundred fifty dollars (\$250) for each offense.
- (c) There shall be provided on the license form for the licenses provided for in this section a check-off option whereby the licensee may voluntarily choose to donate an additional one dollar (\$1) to the Division of Marine Resources for the purpose of research on fisheries and aquatic habitat as approved by the Advisory Board of Conservation and Natural Resources. (*Acts 1992, No. 92-344, p. 736, §1; Act 2000-735, p. 1604, §1; Act 2004-449, p. 794, §1; Act 2007-419, p. 891, §1.; Act 2019-134, § 1.*)

Section 9-11-53.3 Reciprocal agreement with Florida exempting persons 65 years or older from licensing requirement.

It is the intent of the Legislature that the State of Alabama Department of Conservation and Natural Resources enter into a reciprocal agreement with the State of Florida exempting persons 65 years of age or older from state fishing and hunting license requirements (*Acts 1992, No. 92-344, p. 736, § 4.*)

Section 9-11-53.5 Resident seven-day trip saltwater fishing license.

A person who has been a bona fide resident of this state for a period of not less than 90 days next preceding and who is age 16 years through 64 years, who is otherwise required to obtain a resident annual saltwater fishing license pursuant to Section 9-11-53.1, may, in lieu thereof, purchase a resident seven-day trip saltwater fishing license which shall entitle the person to engage in the same activities authorized under a license provided in Section 9-11-53.1, but only during those hours occurring during the then current license year for a period not to exceed 168 consecutive hours from the beginning date and time, as selected and designated by the licensee to the issuing agent at the time of issuance. The cost of the license shall be eight dollars (\$8), plus a one dollar (\$1) issuance fee, which fees shall be subject to adjustment as provided for in Section 9-11-69. The license fees shall be deposited into the Marine Resources Fund. A person who violates this section is guilty of a Class B misdemeanor punishable as provided by law except that the minimum fine shall not be less than fifty dollars (\$50). (*Acts 1993, No. 93-322, p. 486, §1; Act 2007-419, p. 891, §1.*)

Section 9-11-53.6 Resident daily state lake fishing license.

Effective with the license year beginning September 1, 2014, a person otherwise meeting the requirements of Section 9-11-53, for the resident annual fishing license, who fishes the state public fishing lakes owned and operated by the Division of Wildlife and Freshwater Fisheries may purchase an alternative license to the annual freshwater fishing license to be known as the resident daily state lake fishing license for a fee of five dollars (\$5) plus the same issuance fee as provided for the resident annual fishing license, which fees shall be subject to adjustment as provided for in Section 9-11-68, and which shall entitle the person to fish at state public fishing lakes, but shall not grant any other privileges of the annual fishing license or wildlife heritage license. (*Act 2014- 340, p. 1262, §1.*)

Section 9-11-54 Special fishing license certain persons with total and permanent disability.

- (a) Any person who is totally and permanently disabled and receiving disability retirement from a public or private entity or a disability benefit from the federal Social Security Administration, the United States Railroad Retirement, the United States Office of Personnel Management, the Retirement Systems of Alabama, or a unit of federal, state, or local government designated by rule of the department and who has been a bona fide resident of this state for not less than 90 days next preceding the date of application may, upon the payment of an annual license fee as provided in subsection (b), plus an issuance fee of one dollar (\$1), procure a special fishing or hunting license in the following manner: The applicant shall file with the person, in the county in which he or she resides, who is duly authorized to issue licenses, an application, stating his or her age, place of residence, post office address, and length of residence in this state. The application shall have attached evidence of the receipt of disability benefits as may be required by rule.
- (b) For purposes of this section, annual license fees shall be as follows:
- (1) Hunting license: five dollars (\$5).
 - (2) Freshwater fishing license: two dollars (\$2).
 - (3) Saltwater fishing license: two dollars (\$2).

- (c) The annual license and issuance fees provided in this section shall be subject to adjustment as provided in Section 9-11-68.
- (d) The license application process, including, but not limited to, providing proof of residency and disability status, may be established by rule.
- (e) (1) a. A fishing license issued pursuant to this section shall be in lieu of the annual resident fishing license in Section 9-11-53.
- b. A hunting license issued pursuant to this section shall be in lieu of the annual resident hunting license in Section 9-11-44, except for the disabled military veterans hunting license provided in that section.
- c. A saltwater fishing license issued pursuant to this section shall be in lieu of the annual resident saltwater fishing license in Section 9-11-53.1.
- (2) This section does not supersede any additional license or requirement to hunt on state-operated wildlife management areas, as provided in Section 9-11-45 or to hunt migratory waterfowl, as provided in Section 9-11-433.
- (3) An annual resident hunting or freshwater fishing license for a person with a disability shall entitle the license holder to all of the privileges of the wildlife heritage license.
- (f) The issuing officer or authority shall be allowed an issuance fee of one dollar (\$1) for each license issued. In counties in which the probate judge or issuing officer is on a fee system, the issuing fee shall be retained by the probate judge or issuing officer, and in a county in which the probate judge or issuing officer is on a salary basis, the issuing fee shall be paid into the county treasury. These licenses shall not be issued by special agents. (*Acts 1966, Ex. Sess., No. 423, p. 567, §§1, 2; Acts 1996, No. 96-667, p. 1129, §1; Act 2015-455, §1.*)

Section 9-11-55 Nonresident freshwater fishing licenses – Annual license; penalty.

Nonresidents of the state 16 years of age or older shall not take, catch, kill or attempt to take, catch, or kill any fish in any of the fresh waters of this state without first procuring an annual nonresident freshwater fishing license which shall authorize the holder to fish in any legally available fresh waters of this state, by filing with any person authorized to issue the license an affidavit stating the applicant's age, place of residence, and post office address and after paying to the person issuing the license a fee of forty-four dollars (\$44), plus a two dollar (\$2) issuance fee, which fees shall be subject to adjustment as provided for in Section 9-11-68. The license fees for residents of the states of Florida, Georgia, Louisiana, Tennessee, and Mississippi shall, upon submittal of a valid driver license issued by one of those states or, in the case of nondrivers, proof of residency of one of those states, be the same as the license fees charged Alabama residents for similar licenses in those states in the event the state charges Alabama residents more than Alabama charges residents from that state. Licenses shall not be required of persons properly licensed for trip fishing under Section 9-11-56.

The issuing officer or authority or special agent shall be allowed the issuance fee set out herein for each license issued by him or her, which issuing fee shall be in addition to the cost of the license. In counties where the probate judge or issuing officer is on the fee system, the issuing fee shall be retained by the probate judge or issuing officer, and in counties where the probate judge or issuing officer is on a salary basis, the fee shall be paid by him or her into the county treasury to the credit of the appropriate fund.

All of the license fees shall be deposited in the State Treasury to the credit of the Game and Fish Fund.

Any person who violates this section is guilty of a Class B misdemeanor punishable as provided by law except that the minimum fine shall not be less than fifty dollars (\$50).

There shall be provided on the license form for the licenses provided for in this section a check-off option whereby the licensee may voluntarily choose to donate an additional one dollar (\$1) to the Division of Wildlife and Freshwater Fisheries for the purpose of research on fisheries and aquatic habitat as approved by the Advisory Board of Conservation and Natural Resources. (*Acts 1935, No. 240, p. 632, §38; Code 1940, T. 8, §39; Acts 1977, No. 351, p. 468, §1; Acts 1984, No. 84-446, p. 1040, §5; Acts 1986, Ex. Sess., No. 86-649, p. 31, §1; Acts 1993, No. 93-322, p. 486, §5; Act 2007-418, p. 874, §1.*)

Section 9-11-55.1 Nonresident freshwater fishing licenses - Use of certain trotlines prohibited; inspection of permissible trotlines required; penalties.

- (a) Nonresidents fishing in the public waters of the State of Alabama pursuant to those licenses

- provided for by Sections 9-11-55 or 9-11-56, are hereby prohibited from taking or attempting to take fish from said waters by means of one or more trotlines having a combination of more than 100 hooks. Said nonresidents are required to inspect permissible trotlines at least once each day.
- (b) Any person who violates the provisions of this section, upon conviction, shall be guilty of a Class C misdemeanor. (*Acts 1991, No. 91-476, p. 864, §§1, 2.*)

Section 9-11-55.2 Nonresident saltwater fishing license; cost; disposition of fees; penalty for violation.

(a) A nonresident of this state who is age 16 or older, shall not take, catch, kill, possess, or attempt to take, catch, kill, or possess any fish in any of the waters of this state except those waters for which a license is required by Section 9-11-53, below that line defined in Rule 220-2-.42(1) of the Department of Conservation and Natural Resources as published in the Alabama Administrative Code, by angling with rod and reel or by use of any artificial bait, fly, lure, gig, cast net, bow, crab traps that are not required to be licensed by Section 9-12-124, or by spear fishing, as defined by Section 9-11-170, without first procuring a nonresident saltwater fishing license. The cost of nonresident saltwater fishing licenses shall be as follows:

- (1) A nonresident annual saltwater fishing license shall cost forty-four dollars (\$44), plus a one dollar (\$1) issuance fee, which fees shall be subject to adjustment as provided for in Section 9-11-69.
- (2) A nonresident seven-day trip saltwater fishing license shall cost twenty-four dollars (\$24), plus a one dollar (\$1) issuance fee, which fees shall be subject to adjustment as provided for in Section 9-11-69. A nonresident seven-day trip fishing license shall authorize a nonresident to fish during those hours occurring during the then current license year for a period not to exceed 168 hours from the beginning date and time, as selected and designated by the licensee to the issuing agent at the time of issuance for a one-time period of seven consecutive days.

(b) The license fee for nonresidents who are residents of the States of Florida, Georgia, Louisiana, Tennessee, or Mississippi, upon submittal of a valid driver's license issued by one of those states, or in the case of nondrivers, proof of residency of one of those states, shall be the same as the license fee charged Alabama residents for a similar license in one of those states in the event the state charges Alabama residents more than the State of Alabama charges residents from that state.

(c) The revenue derived from the sale of the licenses provided for in this section shall be remitted to the Department of Conservation and Natural Resources on the first day of each month by the issuing officer and shall be deposited into the State Treasury to the credit of the Marine Resources Fund and shall be used in the research, management, and development of saltwater fisheries.

(d) Any person who violates this section shall be guilty of a Class B misdemeanor punishable as provided by law except that the minimum fine shall not be less than fifty dollars (\$50). (*Acts 1993, No. 93-322, p. 486, §6; Act 2007-419, p. 891, §1.*)

Section 9-11-55.3 Combination nonresident saltwater-freshwater license; fee.

The Department of Conservation and Natural Resources may provide for the issuance of a combination nonresident saltwater-freshwater fishing license for a combination license fee of \$60, with \$30 going to the Marine Resources Fund, and \$30 going to the Game and Fish Fund. In addition, notwithstanding any provision of law to the contrary, there shall be a \$1 issuance fee imposed for the cost of issuing the combination nonresident saltwater-freshwater license. (*Acts 1993, No. 93-322, p. 486, §7.*)

Section 9-11-55.4 Nonresident state lake fishing license.

Effective with the license year beginning September 1, 2014, a nonresident of any state who fishes the state public fishing lakes owned and operated by the Division of Wildlife and Freshwater Fisheries may purchase an alternative license to the nonresident freshwater fishing license to be known as the nonresident state lake fishing license for a fee of five dollars (\$5) per day or ten dollars (\$10) per license year, plus the same issuance fees, which fees shall be subject to adjustment as provided for in Section 9-11-68. (*Act 2014-340, p. 1262, §2.*)

Section 9-11-55.5 Nonresident family three-day fishing license.

Effective with the license year beginning September 1, 2014, nonresidents of any state, in lieu of any otherwise required fishing licenses, may procure a nonresident three-day family fishing license, for a period of three consecutive days or less by paying the same license fee and issuance fee as the nonresident seven-day trip fishing license provided for in Section 9-11-56, which license will

authorize the holder thereof and up to four other members of his or her immediate family, comprised of his or her parent, spouse, children, and grandchildren, which names shall be designated on the license, to fish in any of the otherwise legally available fresh waters of this state during those hours occurring during the then current license year for a period not to exceed 72 consecutive hours from the beginning date and time, as selected and designated by the licensee to the issuing agent at the time of issuance. (*Act 2014-340, p. 1262, §3.*)

Section 9-11-56 **Nonresident freshwater fishing licenses - Trip license; penalty.**

Any nonresident of this state 16 years of age or older shall not take, catch, kill or attempt to take, catch, or kill any fish in any of the fresh waters of this state for a period of seven consecutive days or less without first procuring a trip fishing license in the same manner provided for other licenses provided in this article, by paying the sum of twenty-four dollars (\$24), plus a two dollar (\$2) issuance fee, which fees shall be subject to adjustment as provided for in Section 9-11-68, which license will authorize the holder thereof to fish in any of the otherwise legally available fresh waters of this state during those hours occurring during the then current license year for a period not to exceed 168 consecutive hours from the beginning date and time, as selected and designated by the licensee to the issuing agent at the time of issuance. The license fees for residents of the States of Florida, Georgia, Louisiana, Tennessee, and Mississippi shall, upon submittal of a valid driver license issued by one of those states, or in the case of nondrivers, proof of residency of one of those states, be the same as the license fees charged Alabama residents for similar licenses in those states in the event the state charges Alabama residents more than Alabama charges residents from that state. In the event no similar license exists in any of those states, residents of the states shall not be permitted to procure a trip fishing license in the State of Alabama. The license shall not be required of persons properly licensed under Section 9-11-55.

The issuing officer or authority or special agent shall be allowed the issuance fee set out herein for each license issued by him or her, which issuing fee shall be in addition to the cost of the license. In counties where the probate judge or issuing officer is on the fee system, the issuing fee shall be retained by the probate judge or issuing officer, and in counties where the probate judge or issuing officer is on a salary basis, the fee shall be paid by him or her into the county treasury to the credit of the appropriate fund.

All of the license fee shall be deposited in the State Treasury to the credit of the Game and Fish Fund.

Any person who violates any of the provisions of this section is guilty of a Class B misdemeanor punishable as provided by law except that the minimum fine shall not be less than fifty dollars (\$50).

There shall be provided on the license form for the licenses provided for in this section a check-off option whereby the licensee may voluntarily choose to donate an additional one dollar (\$1) to the Division of Wildlife and Freshwater Fisheries for the purpose of research on fisheries and aquatic habitat as approved by the Advisory Board of Conservation and Natural Resources. (*Acts 1935, No. 240, p. 632, §39; Code 1940, T. 8, §40; Acts 1977, No. 351, p.468, §1; Acts 1984, No. 84-446, p. 1040, §5; Acts 1986, Ex. Sess., No. 86-649, p. 31, §2; Acts 1993, No. 93-322, p. 486, §8; Act 2007-418, p. 874, §1.*)

Section 9-11-56.1 **Nonresident fishing licenses - Commercial license.**

- (a) The Department of Conservation and Natural Resources, hereinafter referred to as "the department" or duly authorized designees of the department shall sell and issue commercial fishing licenses to residents of other states, which other states reciprocate the sale and issuance of similar such commercial fishing licenses to residents of Alabama to fish the waters of their respective states.
- (b) The amount to be charged for such nonresident commercial fishing license shall be the same as is charged a resident of Alabama for such a license in the reciprocating state, but in no event shall the amount be less than the prevailing amount charged by the department of commercial fishing licenses for Alabama residents.
- (c) Nonresident commercial fishing licensees shall be subject to the same rules, regulations and requirements of law and of the department as may apply to Alabama resident commercial fishing licensees. Each license issued pursuant to this section shall expire on September 30 of the year for which such license is issued.

- (d) All proceeds derived from the issuance of such nonresident commercial fishing licenses shall be deposited to the game and fish fund of the department. (*Acts 1980, No. 80-537, p. 835, § 1.*)

Section 9-11-56.2 Annual “Free Fishing Day.”

An annual “Free Fishing Day” is hereby established and created. Saturday, June 10, 1989, is hereby designated as “Free Fishing Day” for calendar year 1989. For each calendar year thereafter, the Commissioner of the Department of Conservation and Natural Resources shall, not later than February 1 of each year, and without necessity of promulgation of regulation, designate the date of the annual “Free Fishing Day” for that calendar year. During the daylight hours on said day, those persons normally eligible to be and required to be licensed for fishing pursuant to Sections 9-11-53 through 9-11-56, as amended from time to time, shall be permitted to engage in those otherwise lawful fishing activities for which the licenses under Sections 9-11-53 through 9-11-56, would otherwise be required, without said licenses. (*Acts 1989, No. 89-810, p. 1617, § 1.*)

Section 9-11-56.3 Public fishing pier license; saltwater pier fishing license; fees.

- (a) A person, firm, or corporation that operates a fishing pier open to the general public in the inside waters of the State of Alabama as defined by Rule 220-3-.04 of the Alabama Department of Conservation and Natural Resources, may purchase a public fishing pier license to be issued by the Marine Resources Division of the Department of Conservation and Natural Resources. The fee for a public fishing pier license shall be one thousand dollars (\$1,000) per year, which fee shall be subject to adjustment as provided for in Section 9-11-69. Any law or regulation to the contrary notwithstanding, a resident of the State of Alabama may fish from a licensed public fishing pier in the inside waters of the State of Alabama without purchasing a fishing license. A licensed public fishing pier shall be open to the general public. This section shall not be construed to prohibit the operator of a licensed public fishing pier from charging a fee for the use of the pier.
- (b) A person who has been a bona fide resident of this state for a period of not less than 90 days next preceding and who is age 16 through 64, may fish from piers open to the general public in the Gulf of Mexico or the inside waters of the State of Alabama as defined by Rule 220-3-.04 of the Alabama Department of Conservation and Natural Resources by angling with rod and reel or by use of any artificial bait, fly, lure, gig, cast net, bow, or crab trap that is not required to be licensed by Section 9-12-124, after purchasing an annual saltwater pier fishing license at a cost of five dollars (\$5), which fee shall be subject to adjustment as provided for in Section 9-11-69. A nonresident may fish from piers open to the general public in the Gulf of Mexico or the inside waters of the State of Alabama as defined by Rule 220-3-.04 of the Alabama Department of Conservation and Natural Resources by angling with rod and reel or by use of any artificial bait, fly, lure, gig, cast net, bow, or crab trap that is not required to be licensed by Section 9-12-124, after purchasing an annual saltwater pier fishing license at a cost of ten dollars (\$10), which fee shall be subject to adjustment as provided for in Section 9-11-69. Alabama residents and nonresidents possessing a current saltwater fishing license, residents and nonresidents under age 16, and residents age 65 or over are expressly exempt from the requirements of this subsection.
- (c) The licenses provided for in this section may be purchased from any judge of probate, license commissioner, revenue commissioner, or other officer authorized to issue licenses upon application on forms furnished by the Division of Marine Resources of the Department of Conservation and Natural Resources and payment of the required fee for the license plus a one dollar (\$1) issuance fee, which fee shall be subject to adjustment as provided for in Section 9-11-69.
- (d) The licenses provided for in this section shall be issued on an annual basis and shall expire on August 31 of each year.
- (e) Any revenue derived from the sale of these licenses shall be remitted to the Department of Conservation and Natural Resources on the first day of each month by the issuing officer and shall be deposited in the State Treasury to the credit of the Marine Resources Fund.
- (f) Any violation of this section shall be a Class C misdemeanor punishable as provided by law except that the minimum fine shall not be less than fifty dollars (\$50). In addition, the punishment for a violation of subsection (a) shall include an additional mandatory fine of twice the amount of the license. (*Act 2008-384, p. 714, §2; Act 2010-513, p. 846, §1; Act 2014-340, p. 1262, §5.*)

Section 9-11-56.4 Disabled three-day fishing event license.

Effective with the license year beginning September 1, 2014, there shall be a disabled three-day fishing event license, for events sanctioned by the Commissioner of Conservation and Natural

Resources. Except as otherwise provided herein for additional persons, the license shall permit up to 20 disabled residents or non-resident persons plus up to 20 resident and non-resident assistants, in such numbers as determined to be reasonably necessary by the Department of Conservation and Natural Resources, to purchase the license as an alternative to any recreational fishing license otherwise applicable under this chapter, which shall permit such persons, for a period not to exceed 72 consecutive hours, to engage in those same activities as the holders of the annual freshwater fishing license in Section 9-11-53. The license fee shall be one hundred dollars (\$100). Notwithstanding the foregoing, any additional disabled persons over the 20- person limit shall be charged an additional five dollars (\$5) per person, which amount, subject to the approval of the Department of Conservation and Natural Resources, may include an additional assistant. (*Act 2014-340, p. 1262, §4.*)

Section 9-11-56.5 Disabled three-day saltwater fishing event license.

- (a) Effective with the license year beginning September 1, 2019, there shall be a disabled three-day saltwater fishing event license, for events sanctioned by the Commissioner of the Department of Conservation and Natural Resources.
- (b) Except as otherwise provided in this section for additional persons, the license shall permit up to 20 disabled residents or nonresidents, plus up to 20 resident and nonresident assistants, in the numbers as determined to be reasonably necessary by the Department of Conservation and Natural Resources, to purchase the license as an alternative to any recreational saltwater fishing license otherwise applicable under this chapter, which shall permit the persons, for a period not to exceed 72 consecutive hours, to engage in those same activities as the holders of the annual saltwater fishing license in Section 9-11-53.1.
- (c) The license fee shall be one hundred dollars (\$100).
- (d) Notwithstanding subsections (b) and (c), any additional disabled persons over the 20-person limit shall be charged an additional five dollars (\$5) per person, which amount, subject to the approval of the Department of Conservation and Natural Resources, may include an additional assistant. (*Act 2019-134.*)

Section 9-11-58 Licenses of nonresident live fish and minnow dealers; fees of issuing authorities; disposition of fees.

- (a) Any nonresident person, firm or corporation who engages in the capturing, purchasing, raising, propagating, breeding or acquisition or possession of live fish for the purpose of stocking or restocking any fresh waters of this state or the purchasing, raising, propagating, breeding or acquisition of minnows to be used as bait either in or outside this state where any or all of the foregoing are to be sold for stocking purposes or resale shall, before engaging in such activities, purchase an annual license from the state Department of Conservation and Natural Resources, which license shall be effective from October 1 through September 30, next following. Such licenses shall be as follows:

Nonresident retail dealer	\$200.00
Nonresident wholesale dealer	\$250.00

- (b) All such license fees shall be paid to and permits obtained from the judge of probate or license commissioner on forms prescribed by the Department of Conservation and Natural Resources. The judge of probate shall be allowed an issuance fee of \$.25 out of the money received for each such license issued by him and shall remit the balance to the Commissioner of Conservation and Natural Resources for deposit in the state Game and Fish Fund.
- (c) It shall be unlawful for any nonresident retail or wholesale dealer to operate within this state without first obtaining the license or licenses required by subsection (a) of this section, and such dealers shall display such licenses in a conspicuous place in their places of business or vehicles transporting such fish.
- (d) Any person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500.00 for the first offense and not less than \$1,000.00 for the second or subsequent offenses. (*Acts 1970, Ex. Sess., No. 11, p. 2612, §§ 1-4.*)

Section 9-11-59 License to capture or kill fur-bearing animals for commercial purposes; traps.

- (a) It shall be unlawful for any person to take, capture, or kill, or to attempt to take, capture, or kill for commercial purposes by any means or device any of the fur- bearing animals protected by the laws or regulations of this state without first procuring a license therefor, to be issued in the same

manner as is provided for hunting and fishing licenses.

- (b) (1) Any person who has been a bona fide resident of this state for 90 days next preceding may procure a resident trapping license by paying the sum of twenty dollars (\$20).
(2) Any person who has not been a bona fide resident of this state for 90 days next preceding may procure a nonresident trapping license by paying the amount charged a resident of Alabama for a similar license in the nonresident state, except that the license fee for a nonresident in no event shall be less than 10 times the license fee charged by the department for a trapping license for an Alabama resident.
- (c) A trapping license shall be valid only during the season when fur-bearing animals may be legally taken. The license fees provided in this section and the issuance fees for the issuance of licenses shall be subject to adjustment as provided in Section 9-11-68.
- (d) (1) It shall be unlawful for any person to trap in the State of Alabama without identifying each trap with a metal tag bearing information adequate to identify the owner. Should any law enforcement officer of this state or employee of the Department of Conservation and Natural Resources of the State of Alabama discover any trapping device being used in violation of the terms of this section, the officer shall confiscate the device and it shall become the property of the Department of Conservation and Natural Resources and shall be disposed of as ordered by the Commissioner of Conservation and Natural Resources.
(2) The Commissioner of Conservation and Natural Resources shall adopt rules requiring the use of a unique identification number or license number to identify the owner of trapping equipment without requiring the disclosure of the owner's Social Security number, home address, or other sensitive personally identifying information.
- (e) A violation of this section or failure to fully comply therewith shall constitute a misdemeanor and, upon conviction, the person violating same or failing to comply therewith shall be punished by a fine of not less than two hundred fifty dollars (\$250) nor more than two thousand dollars (\$2,000) for each offense. (*Acts 1935, No. 383, p. 813, §10; Code 1940, T. 8, §91; Acts 1951, No. 707, p. 1246, §1; Acts 1961, Ex. Sess., No. 187, p. 2157, §1; Acts 1969, No. 759, p.1339, §2; Acts 1977, No. 801, p. 1381, §1; Act 2008-384, p. 714, §1; Act 2014-181, p. 229, §1. Act 2019-308*)

Section 9-11-60 **Disposition of funds from sale of fur catchers' licenses;report of licenses issued.**

Judges of probate and other persons authorized and designated to issue licenses provided in Section 9-11-59 shall retain out of the license fee the sum of \$.25, which shall cover the services required for issuing and reporting the sale of said licenses, and shall remit the balance to the Commissioner of Conservation and Natural Resources the first of each month, which balance shall be deposited with the State Treasurer to the credit of the Game and Fish Fund; provided, that if any such license is issued by any probate judge, license commissioner or other officer who is paid a salary for the performance of his duties as such officer, he shall be required to remit the entire amount collected to the Commissioner of Conservation and Natural Resources except the \$.25 charged by the issuing officer for the issuance of such licenses, and this amount shall be remitted to the treasurer of the county in which said license was paid for credit to the appropriate fund. Each person authorized to issue fur catchers' licenses shall make a full and complete report on the first day of each month to the Commissioner of Conservation and Natural Resources of the number of licenses issued and the name and post office address of the person or persons to whom issued, giving opposite each name the serial number of the license issued and the amount of money remitted therefor. (*Acts 1935, No. 383, p. 813, § 14; Code 1940, T. 8, §97; Acts 1961, Ex. Sess., No. 185, p. 2156, § 1.*)

Section 9-11-61 **Transporting, etc., furs, skins, or pelts without fur catcher's license.**

Any person, firm, or corporation who sells, ships by mail, express, or otherwise transports within or without this state raw furs, skins, or pelts of fur-bearing animals, the taking, capturing, killing, or catching of which has been done without first procuring a fur catcher's license, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) for each offense; provided, however, that nothing in this section shall apply to commercial shippers and common carriers which merely ship or otherwise transport raw furs, skins, or pelts by request of or contract with the possessor or owner thereof. (*Acts 1935, No. 383, p. 813, §15; Code 1940, T. 8, §98; Acts 1961, Ex. Sess., No. 186, p. 2157, §1; Act 2008-384, p. 714, §1.*)

Section 9-11-62 Fur dealers defined; presumptions.

Any person, other than a fur catcher shipping his own catch, who ships or carries skins and hides of fur-bearing animals out of this state shall be considered a dealer; provided, that any nonresident who accompanies, consults, advises, finances or associates with any resident dealer or trapper or fur catcher in the examination, grading or purchase of furs offered for sale within or without the state shall be presumed to be a dealer and shall be required to obtain a nonresident's license; provided further, that any resident of this state who accompanies, consults, advises, finances or associates with any nonresident, or whose operations under this article are financed in whole or in part by such nonresident, in the examination, grading or purchase of furs offered for sale within or without this state shall be presumed to be a dealer and shall be required to obtain a resident dealer's license. (*Acts 1935, No. 383, p. 813, § 17; Code 1940, T. 8, §100.*)

Section 9-11-63 Fur dealer's license; penalty for violations.

- (a) Any person, firm, association, or corporation who or which engages in the business of buying, trading, selling, or otherwise deals in raw furs, skins, or pelts of fur-bearing animals for which a business license is not otherwise provided in this article shall be required, before engaging in or transacting that business, to first procure a license in the same manner and place as provided for procuring hunting, fishing, and fur licenses and upon the following schedule: A minimum license fee of \$25.00 when the gross sales during the next preceding year amounted to \$15,000.00 or less; a license fee of \$50.00 when such gross sales amounted to more than \$15,000.00 and less than \$30,000.00; a license fee of \$100.00 when such gross sales amounted to \$30,000.00 or more. Any nonresident dealer, trader, or buyer of raw furs, skins, or pelts of fur-bearing animals who or which maintains a place of business in this state or who in person or through an agent buys, trades, or deals in furs, skins, or pelts of fur-bearing animals in this state shall first procure a license and pay a fee of \$300.00 therefor. A nonresident as mentioned in this section is defined as any person, firm, association, or corporation who or which has not been continuously domiciled in this state for one year prior to October 1 of the year for which such license is required.
- (b) Any person, firm, association, or corporation who or which violates any of the provisions of this article for which a penalty is not otherwise provided shall be guilty of a misdemeanor and, upon conviction therefor, shall be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for each offense and in addition thereto the license of the person or entity shall be cancelled by the Commissioner of Conservation and Natural Resources, and shall not be renewed nor shall a new license be issued to the person, firm, association, or corporation for a period of two years thereafter; provided, that amounts required to be paid to the state by Section 40-12-110 shall be deducted from the amounts required to be paid to the Department of Conservation and Natural Resources by firms, associations, or corporations as set out in this section. (*Acts 1935, No. 383, p. 813, §18; Code 1940, T. 8, §101; Act 2008-384, p. 714, §1.*)

Section 9-11-64 Inspection of books and records of dealers, etc.

The Commissioner of Conservation and Natural Resources, his wardens or any other persons appointed and designated by him for such purpose shall have power and authority at any and all reasonable hours to inspect or examine the books and records of any person, firm, association or corporation in order to determine the amount of license fees due under the provisions of Section 9-11-63 and to further require such persons or any member or members or agents or employees of such firm, association or corporation to answer under oath any questions that may be propounded to determine the facts desired. The Commissioner of Conservation and Natural Resources and his said wardens and agents shall further have authority to administer an oath to any such person. (*Acts 1935, No. 383, p. 813, §19; Code 1940, T. 8, §102.*)

Section 9-11-65 Lifetime resident hunting, freshwater fishing and combination licenses.

- (a) Any Alabama resident meeting the residency requirements set out in Section 9-11-44 may in lieu of the resident all-game hunting license purchase a lifetime resident hunting license by filing an application in the office of the Commissioner of the Department of Conservation and Natural Resources on the form prescribed by the commissioner and paying therefor the following license fees, which shall include a one dollar (\$1) issuance fee, which fees shall be subject to adjustment as provided for in Section 9-11-68: Persons less than two years old, three hundred dollars (\$300); persons age two through 11 years, four hundred dollars (\$400); persons age 12 through 49 years,

- five hundred dollars (\$500); and persons age 50 years and above, three hundred dollars (\$300).
- (b) Any Alabama resident meeting the residency requirements set out in Section 9-11-53 may in lieu of the annual resident freshwater fishing license purchase a lifetime resident freshwater fishing license by filing an application in the office of the Commissioner of the Department of Conservation and Natural Resources on the form prescribed by the commissioner and paying therefor the following license fees, which shall include a one dollar (\$1) issuance fee, which fees shall be subject to adjustment as provided for in Section 9-11-68: Persons less than two years old, one hundred fifty dollars (\$150); persons age two through 11 years, two hundred dollars (\$200); persons age 12 through 49 years, two hundred fifty dollars (\$250); and persons age 50 years and above, one hundred fifty dollars (\$150).
 - (c) In lieu of purchasing the licenses provided for in subsections (a) and (b) separately, any person may purchase a combination lifetime resident hunting and freshwater fishing license by filing an application in the office of the Commissioner of the Department of Conservation and Natural Resources on the form prescribed by the commissioner and paying therefor the following license fees, which shall include a one dollar (\$1) issuance fee, which fees shall be subject to adjustment as provided for in Section 9-11-68: Persons less than two years old, four hundred fifty dollars (\$450); persons age two through 11 years, five hundred dollars (\$500); persons age 12 through 49 years, seven hundred dollars (\$700); and persons age 50 years and above, four hundred fifty dollars (\$450).
 - (d) The holder of a valid lifetime hunting or lifetime freshwater fishing license shall also be entitled to all of the privileges of the wildlife heritage license.
 - (e) Notwithstanding any law or regulation to the contrary, nonresidents of the State of Alabama shall not be entitled to the licenses provided for in this section. (*Acts 1981, 3rd Ex. Sess., No. 81-1122, p. 386, §§1-3, 8; Acts 1989, No. 89-300, p. 487, §1; Act 2007-418, p. 874, §1.*)

Section 9-11-65.2 Lifetime resident saltwater fishing license; combination licenses with freshwater fishing, hunting.

- (a) Any Alabama resident meeting the residency requirements set out in Section 9-11-53.1, in lieu of the annual resident saltwater fishing license provided for in Section 9-11-53.1, may purchase a lifetime resident saltwater fishing license by filing an application in the office of the Commissioner of the Department of Conservation and Natural Resources on the form prescribed and paying the following license fees, which shall include a one dollar (\$1) issuance fee, which fees shall be subject to adjustment as provided for in Section 9-11-68: Persons less than two years old, two hundred fifty dollars (\$250); persons age two through 11 years, three hundred dollars (\$300); persons age 12 through 49 years, three hundred fifty dollars (\$350); and persons age 50 years and above, two hundred fifty dollars (\$250). The license fees collected pursuant to this subsection shall be credited to the Alabama Marine Resources Endowment Fund.
- (b) In lieu of obtaining the licenses provided for in subsection (a) and in subsection (b) of Section 9-11-65, any person may purchase a combination lifetime resident freshwater and saltwater fishing license by filing an application in the office of the Commissioner of the Department of Conservation and Natural Resources on the form prescribed and paying the following license fees, which shall include a one dollar (\$1) issuance fee, which fees shall be subject to adjustment as provided for in Section 9-11-68: Persons less than two years old, four hundred dollars (\$400); persons age two through 11 years, five hundred dollars (\$500); persons age 12 through 49 years, six hundred dollars (\$600); and persons age 50 years and above, four hundred dollars (\$400). License fees shall be credited as follows: That portion of the license fee representing the amount of the lifetime resident freshwater fishing license as provided for in subsection (b) of Section 9-11-65 shall be credited to the Alabama Game and Fish Endowment Fund, and that portion of the license fee representing the amount of the lifetime resident saltwater fishing license as provided for in subsection (a) hereof shall be credited to the Alabama Marine Resources Endowment Fund. Section 9-2-20 shall not apply to those fees designated in this section for credit to the Alabama Marine Resources Endowment Fund.
- (c) In lieu of obtaining the licenses provided for in subsections (a) and (b) and in subsection (a) of Section 9-11-65, any person may purchase a combination lifetime resident saltwater fishing and hunting license by filing an application in the office of the Commissioner of the Department of Conservation and Natural Resources on the form prescribed and paying the following license fees, which shall include a one dollar (\$1) issuance fee, which fees shall be subject to adjustment as provided for in Section 9-11-68: Persons less than two years old, five hundred fifty dollars (\$550); persons age two through 11 years, seven hundred dollars (\$700); persons age 12 through 49 years,

eight hundred fifty dollars (\$850); and persons age 50 years and above, five hundred fifty dollars (\$550). License fees shall be credited as follows: That portion of the license fee representing the amount of the lifetime resident hunting license as provided for in subsection (a) of Section 9-11-65 shall be credited to the Alabama Game and Fish Endowment Fund, and that portion of the license fee representing the amount of the lifetime resident saltwater fishing license as provided for in subsection (a) shall be credited to the Alabama Marine Resources Endowment Fund. Section 9-2-20 shall not apply to those fees designated in this section for credit to the Alabama Marine Resources Endowment Fund.

- (d) In lieu of obtaining the license provided for in subsection (a) and in subsection (c) of Section 9-11-65, any person may purchase a combination lifetime resident freshwater and saltwater fishing and hunting license by filing an application in the office of the Commissioner of the Department of Conservation and Natural Resources on the form prescribed and paying the following license fees, which shall include a one dollar (\$1) issuance fee, which fees shall be subject to adjustment as provided for in Section 9-11-68: Persons less than two years old, seven hundred dollars (\$700); persons age two through 11 years, eight hundred dollars (\$800); persons age 12 through 49 years, one thousand fifty dollars (\$1,050); and persons age 50 years and above, seven hundred dollars (\$700). License fees shall be credited as follows: That portion of the license fee representing the amount of the combination lifetime resident hunting and freshwater fishing license as provided for in subsection (c) of Section 9-11-65 shall be credited to the Alabama Game and Fish Endowment Fund, and that portion of the license fee representing the amount of the lifetime resident saltwater fishing license as provided for in subsection (a) hereof shall be credited to the Alabama Marine Resources Endowment Fund. Section 9-2-20 shall not apply to those fees designated in this section for credit to the Alabama Marine Resources Endowment Fund. (*Act 99-660, 2nd Sp. Sess., p. 117, §2; Act 2007-418, p. 874, §1.*)

Section 9-11-65.3 Resident lifetime hunting and fishing licenses for disabled U.S. military veterans.

- (a) Effective beginning with the license year commencing on September 1, 2021, the Department of Conservation and Natural Resources shall issue resident lifetime hunting and fishing licenses to disabled U.S. military veterans subject to the fees, qualifications, and conditions as provided in this section.
- (b) Hunting License.
- (1) A U.S. military veteran who is certified by the U.S. Veterans Administration as 40 percent or more physically disabled and who meets the residency requirements of Section 9-11-44, in lieu of purchasing an annual hunting license, may purchase a lifetime disabled military veteran's appreciation hunting license for the following applicable fee:
 - a. Disabled military veterans less than 50 years old: sixty dollars (\$60).
 - b. Disabled military veterans 50 years old or older: thirty dollars (\$30).
 - (2) A U. S. military veteran who is certified by the U.S. Veterans Administration as 100 percent, service-connected permanently and totally disabled and who meets the residency requirements of Section 9-11-44, in lieu of purchasing an annual hunting license, may purchase a lifetime resident 100 percent disabled military veteran's appreciation hunting license for the following applicable fee:
 - a. Disabled military veterans less than 50 years old: forty-five dollars (\$45).
 - b. Disabled military veterans 50 ears old or older: twenty-five dollars (\$25).
 - (3) The license fees collected pursuant to this subsection shall be deposited into the Alabama Game and Fish Endowment Fund.
- (c) Freshwater Fishing License.
- (1) A U.S. military veteran meeting the disability and residency requirements of Section 9-11-53, in lieu of purchasing an annual freshwater fishing license, may purchase a lifetime disabled military veteran's appreciation freshwater fishing license for the following applicable fee:
 - a. Disabled military veterans less than 50 years old: forty-five dollars (\$45).
 - b. Disabled military veterans 50 years old or older: twenty-five dollars (\$25).
 - (2) The license fees collected pursuant to this subsection shall be deposited into the Alabama Game and Fish Endowment Fund.
- (d) Saltwater Fishing License.
- (1) A U.S. military veteran meeting the disability and residency requirements of Section 9-11-53.1 may in lieu of purchasing an annual saltwater fishing license purchase a lifetime

resident disabled military veteran's appreciation saltwater fishing license for the following applicable fees:

- a. Disabled military veterans less than 50 years old: forty-five dollars (\$45).
- b. Disabled military veterans 50 years old or older: twenty-five dollars (\$25).

(2) The license fees collected pursuant to this subsection shall be deposited into the Alabama Marine Resources Endowment Fund.

- (e) Combination License. The department may offer a combination lifetime license for hunting, freshwater fishing, and saltwater fishing to disabled military veterans for a total of the applicable license fees listed in this section.
- (f) In addition to paying any license fee required by this section, an applicant shall pay an issuance fee of one dollar and ten cents (\$1.10) when submitting his or her license application.
- (g) The license fees and issuance fees prescribed in this section are subject to adjustment pursuant to Section 9-11-68 and Section 9-11-69.
- (h) Applications for lifetime licenses authorized by this section shall be filed in the office of the Commissioner of the Department of Conservation and Natural Resources or as otherwise authorized by the commissioner on forms prescribed by the commissioner.
- (i) Lifetime licenses issued pursuant to this section are not transferable.
- (j) Nonresidents of this state may not purchase the licenses provided for in this section.
- (k) The holder of a valid lifetime disabled military veteran's hunting or lifetime disabled military veteran's freshwater fishing license shall also be entitled to all of the privileges of the wildlife heritage license. (*Act 2021-83, § 1.*)

Section 9-11-66 Fishing in Pike County public lake without paying admission fee.

Any person who is a citizen of the State of Alabama and over 65 years of age shall be entitled to fish in the Pike County public fishing lake operated by the Department of Conservation and Natural Resources, without the requirement of payment of any admission fee. (*Acts 1987, No. 87-451, p. 668, § 1.*)

Section 9-11-68 Cost adjustments - Hunting and fishing licenses.

Beginning with the license year October 1, 2010, and each license year thereafter, those license fees and issuance fees specified in Act 2007-418 shall be subject to a possible cost adjustment based on the following procedure: By the end of November of 2009, and each November thereafter, the Director of the Division of Wildlife and Freshwater Fisheries of the Department of Conservation and Natural Resources, with the approval of the Commissioner of the Department of Conservation and Natural Resources, may submit to the Chair of the Advisory Board of Conservation and Natural Resources, a recommendation of an increase in both the license fees and issuance fees for the licenses, based on the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) (All Items - U.S. City Average) maintained by the U.S. Department of Labor, Bureau of Labor Statistics, for the immediately preceding yearly period of October to October, rounded down to the nearest nickel. The recommendation shall be subject to the approval of the Advisory Board of Conservation and Natural Resources on or before the end of March of each year. If the increase is approved by the Advisory Board of Conservation and Natural Resources, the board through its secretary, by the end of March of each year, shall submit the board's recommendation to the Chair of the Legislative Council, for the Legislative Council's review and approval. In the event the recommendation is not disapproved by the Legislative Council by the end of April of each year, the recommendation of the board shall be deemed to be approved. In the event one or more years elapses during which there is no adjustment as provided for herein, the same procedure may be followed to obtain a net cumulative increase since the previous increase. (*Act 2007-418, p. 874, §2.*)

Section 9-11-69 Cost adjustments - Saltwater fishing licenses.

Beginning with the license year October 1, 2010, and each license year thereafter, those license fees and issuance fees specified in Sections 9-11-53.1, 9-11-53.5, and 9-11-55.2, shall be subject to a cost adjustment based on the following procedure: By the end of November of 2009, and each November thereafter, the Director of the Division of Marine Resources of the Department of Conservation and Natural Resources, with the approval of the Commissioner of the Department of Conservation and Natural Resources, may submit to the Chair of the Advisory Board of Conservation and Natural Resources a recommendation of an increase in both the license fees and issuance fees for the licenses based on the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) (All Items - U.S. City Average) maintained by the U.S. Department of Labor, Bureau of Labor Statistics,

for the immediately preceding yearly period of October to October, rounded down to the nearest nickel. Such recommendation shall be subject to the approval of the Advisory Board of Conservation and Natural Resources on or before the end of March of each year. If the increase is approved by the advisory board, the board through its secretary, by the end of March of each year, shall submit the board's recommendation to the Legislative Council for the Legislative Council's review and approval. In the event the recommendation is not approved by the Legislative Council by the end of April of each year, the recommendation of the board shall be deemed to be approved. In the event one or more years elapses during which there is no adjustment as provided for herein, the same procedure may be followed to obtain a net cumulative increase since the previous increase. (*Act 2007-419, p. 891, §2.*)

Section 9-11-70 Hunting, fishing, or trapping with revoked or suspended license; licenses not transferable; penalties.

- (a) No person shall hunt, fish, or trap in areas or under any conditions that a hunting, fishing, or trapping license is required by law, during any period that the person's hunting, fishing, and trapping privileges pursuant to the license have been revoked or suspended by a court of competent jurisdiction.
- (b) Unless specifically otherwise authorized by law, all hunting, fishing, and trapping licenses issued pursuant to this chapter shall not be transferable, and it shall be unlawful to borrow, lend, or alter any such license, provide false information in the process of obtaining any such license, or for any license-issuing officer to falsify any license at the time of issuing the license.
- (c) A violation of this section shall be a Class B misdemeanor punishable as provided by law. (*Act 2007-418, p. 874, §3.*)

Section 9-11-71 Wildlife heritage license.

(a) There is established a wildlife heritage license. This license shall have a fee of nine dollars (\$9), plus an issuance fee of one dollar (\$1), which fees shall be subject to adjustment as provided for in Section 9-11-68, if purchased separately from one of the other licenses. The wildlife heritage license shall enable all Alabama residents age 16 through 64 years to do the following: Fish those waters under the jurisdiction of the Division of Wildlife and Freshwater Fisheries as provided under Rule 220-2-.42, Alabama Administrative Code, with a hook and line from the bank in other than the person's county of residence; fish in Division of Wildlife and Freshwater Fisheries operated public fishing lakes, provided that the person obtains the required permit; hunt small game, except waterfowl, on Division of Wildlife and Freshwater Fisheries Wildlife Management Areas; shoot on Division of Wildlife and Freshwater Fisheries shooting ranges; and provide a means to contribute to the conservation of all wildlife species. The requirements for the issuance of the wildlife heritage license shall be as provided in subsection (c) of Section 9-11-44. The wildlife heritage license may be issued on a lifetime basis for a license fee of two hundred dollars (\$200) which shall include a one dollar (\$1) issuance fee, which fees shall be subject to adjustment as provided for in Section 9-11-68.

(b) The initial five hundred thousand dollars (\$500,000) of license revenues accruing to the Division of Wildlife and Freshwater Fisheries as a result of the licenses sold under this section shall be utilized by the Division of Wildlife and Freshwater Fisheries for the purpose of research on wildlife and wildlife habitat as approved by the Advisory Board of Conservation and Natural Resources. (*Act 2007-418, p. 874, §4.*)

Section 9-11-72 Violation of rules prohibiting transportation and release of live feral swine.

A violation of any rule of the Department of Conservation and Natural Resources prohibiting the transportation and release of live feral swine shall be a Class B misdemeanor punishable as provided by law, except the defendant shall be subject to a mandatory minimum fine of not less than two thousand five hundred dollars (\$2,500). (*Act 2015-519, 1st Sp. Sess., p. 1862, § 1.*)

Section 9-11-73 Nonresident Student hunting and fishing licenses.

(a) For purposes of this section, the following words have the following meanings:

- (1) INSTITUTION OF HIGHER EDUCATION. An institution of higher education located in this state which meets the requirements of and conforms to the definitions contained in the federal Higher Education Act of 1965, as amended, 20 United States Code, Section 1001(a) and the regulations, guidelines, and procedures promulgated by the U.S. Secretary of Education.
- (2) NONRESIDENT STUDENT. A nonresident who is 17 years of age or older and under 24

years of age who is enrolled as a full-time student at an institution of higher education.

- (b) A nonresident student who is enrolled at an institution of higher education may purchase any noncommercial resident hunting, fishing, or combination hunting and fishing license or permit issued pursuant to Chapters 11 and 12, except a lifetime resident hunting or fishing license or a combination lifetime resident hunting and fishing license, for the same fee as the respective resident license and shall have the same privileges as a resident holder of the same respective license or permit.
- (c) In order to obtain a hunting, fishing, or combination hunting and fishing license or permit, a nonresident student shall submit proof that he or she is a nonresident student pursuant to rules adopted by the Commissioner of the Department of Conservation and Natural Resources. (*Act 2017-92, § 1.*)

Article 3 Fishing Laws.

Section 9-11-80 Public and private waters defined.

(a) All waters of this state are hereby declared to be public waters if such waters are natural bodies of water such as rivers, creeks, brooks, lakes, bayous, bays, channels, canals or lagoons or are dug, dredged or blasted canals and if these waters traverse, bound, flow upon or through or touch lands title to which is held by more than one person, firm or corporation. Any water impounded by the construction of any lock or dam or other impounding device placed across the channel of a navigable stream is declared a public water. All waters caused to be impounded or owned or leased by any municipality, county or other governmental unit are also declared to be public waters; likewise, all impoundments owned or operated by public utilities when such impoundments touch or bound lands title to which is held by more than one person, firm or corporation are declared to be public waters; provided, that before any person may go or be upon the posted lands of another for the purpose of fishing he shall procure the consent of the landowner or his agent.

(b) Private waters are defined as any body of water wholly on lands held in fee or in trust or under lease by any one person, firm, corporation or club and include impoundments that are wholly on lands held in fee or in trust, or under lease by any one person, firm, corporation or club, and regardless of the extent of the impounded stream, provided such stream is nonnavigable. (*Acts 1933, Ex. Sess., No. 72, p. 67; Code 1940, T. 8, §68; Acts 1943, No. 553, p. 541, § 1.*)

Section 9-11-81 Title to freshwater fish vested in state.

The title ownership to all fish in the public fresh waters of the State of Alabama is vested in the state for the purpose of regulating the use and disposition of the same in accordance with the provisions of the laws of this state and regulations based thereon. (*Acts 1933, Ex. Sess., No. 72, p. 67, §1; Code 1940, T. 8, §59.*)

Section 9-11-82 Game fish designated.

For the purposes of this title the following shall be considered game fish: largemouth and smallmouth black bass, commonly called trout or green trout; bream, crappie or perch and all other members of the sunfish family, including rock bass or goggle eye, calico bass, warmouth, redbreast, white perch, speckled perch, bluegill and copper nose; walleye pike, sauger or jack salmon, jack fish or pickerel and all other members of the pickerel and pike families; and white lake bass, commonly called striped bass, yellow bass and other members of the bass family; also, the saltwater striped bass or rock fish when taken in fresh water. (*Acts 1933, Ex. Sess., No. 72, p. 67, § 2; Code 1940, T.8, & sect;60; Acts 1961, Ex. Sess., No. 192, p. 2165, § 1; Acts 1961, Ex. Sess., No. 239, p. 2252, § 1.*)

Section 9-11-83 Commercial or nongame fish designated.

The following shall be considered commercial fish or nongame fish: drum, buffalo, channel catfish and all members of the catfish family and the spotted sucker and all members of the sucker family, including the species known as red horse and black horse. (*Acts 1933, Ex. Sess., No. 72, p. 67, §8; Code 1940, T. 8, §61.*)

Section 9-11-84 Sale, transportation, etc., of game fish taken from public or private waters.

(a) It shall be unlawful for any person to sell or offer for sale within this state, or ship or transport for sale within or without this state, or to ship into this state any game fish caught or taken in any of the fresh waters, whether public or private, of this state or any other state. All species of black bass, white bass, yellow bass, saltwater striped bass, bream, and pickerel, as well as walleye, sauger, black and white crappie, and yellow perch are designated game fish for the purpose of this section.

(b) This section shall not apply to the sale of game fish raised in hatcheries and sold for the purposes of stocking ponds and lakes, nor shall it apply to the sale of nonnative game fish raised for human consumption, nor shall it apply to the sale of yellow perch, large- mouth bass, shellcracker, and bluegill bream raised in farm ponds; provided, that, prior to any sale provided for in this section, the seller shall have first obtained a permit for the sale from the Commissioner, Department of Conservation and Natural Resources.

(c) Nothing in this section shall prevent the practice of private pond owners or managers charging for game fish caught by fishermen from the pond when the charges are based on the number of fish caught or the total pounds caught.

(d) A violation of this section shall constitute a misdemeanor; and, upon conviction there- of, the person, firm, or corporation convicted shall be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for each offense. (*Acts 1975, No. 1172, p. 2303, §§1-4; Act 2008-384, p. 714, §1; Act 2011-682, p. 2013, §1.*)

Section 9-11-85 **Game fish to be transported openly; confiscation, etc., of game fish taken or transported illegally.**

All game fish taken in this state must at all times be carried or transported openly, and failure to do so shall constitute a misdemeanor punishable by a fine of not less than \$10.00 nor more than \$25.00. All game fish carried or transported in an illegal manner or taken or killed illegally shall be confiscated and disposed of under regulations promulgated by the Commissioner of Conservation and Natural Resources. (*Acts 1935, No. 383, p. 813, § 24; Code 1940, T. 8, §64.*)

Section 9-11-86 **Limitation on transportation, etc., of game fish beyond boundaries of state.**

No person, firm, or corporation shall carry, ship, or transport beyond the boundaries of this state more than one day's creel limit of any species of game fish and then only for his or her personal use. Any person violating this section shall be guilty of a misdemeanor and, on conviction, shall be fined not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250). (*Acts 1933, Ex. Sess., No. 72, p. 67, §8; Code 1940, T. 8, §65; Act 2008-384, p. 714, §1.*)

Section 9-11-87 **Means of catching game fish generally.**

It shall be unlawful for any person to take, catch, or kill or attempt to take, catch, or kill any game fish by any other means than ordinary hook and line, artificial lure, troll, or spinner in any of the public waters of this state. Any person who violates this section shall be guilty of a misdemeanor and, on conviction, shall be punished by a fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500). (*Acts 1933, Ex. Sess., No. 72, p. 67, §10; Code 1940, T. 8, §66; Acts 1961, Ex. Sess., No. 191, p. 2164, §1; Acts 1961, Ex. Sess., No. 298, p. 2360, §1; Act 2008-384, p. 714, §1.*)

Section 9-11-88 **Catching game or nongame fish by use of gill, trammel, etc., nets.**

(a) It shall be unlawful for any person to take, catch, capture, or kill any game or non- game fish by use of a gill, trammel, or similar type net in the waters impounded by Jordan Dam, Lay Dam, Mitchell Dam, and Martin Dam. Whoever violates this subsection is guilty of a misdemeanor and, upon conviction, shall be punished as prescribed by law.

(b) It shall be unlawful for any person to take, catch, capture, or kill any game or non- game fish by use of a gill, trammel, or similar type net in that part of the Tennessee River lying within the boundaries of Alabama and all tributaries thereto. Any person violating this subsection shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for six months, or by both a fine and imprisonment. (*Acts 1973, No. 1234, p. 2081, §1; Acts 1976, No. 336, p. 366, §§1, 2; Act 2008-384, p. 714, §1.*)

Section 9-11-89 **Use of game fish for bait - Generally.**

It shall be unlawful for any person in the State of Alabama to use any game fish for fish bait at any time. (*Acts 1933, Ex. Sess., No. 72, p. 67, §11; Code 1940, T. 8, §67.*)

Section 9-11-90 **Use of game fish for bait - Use of sunfish.**

It shall be lawful to use the following species of the sunfish family for bait in the streams and waters of Alabama: bluegill, redear sunfish, green sunfish and/or any other species of bream; provided, that nothing in this section shall be so construed as to allow any person to have in his possession any

sunfish or bream in excess of the daily creel limit, regardless of size. (*Acts 1953, No. 644, p. 903, §1; Acts 1967, No. 572, p. 1327, §1.*)

Section 9-11-91 **Catching, etc., of fish in private ponds, lakes, pools, or reservoirs.**

- (a) It is unlawful for any person to take, catch, or kill or attempt to take, catch, or kill fish or aid in the taking, catching, or killing of fish of any species by the means or use of a seine, net, trap, or any similar or other device which may be used for taking, catching, killing, or stunning fish, or by the use of hook and line, rod and reel, by use of dynamite or other explosives, or by the use of any poison, poisonous substance, fish berries, lime, or other delirious or poisonous matter in any private pond, private lake, private pool, or private reservoir of this state, except as otherwise specifically provided in this section.
- (b) Any person who violates subsection (a) shall be guilty of a misdemeanor and, on conviction, shall be fined not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500), but if the violation is for seining, netting, dynamiting, or poisoning fish in such private bodies of water, the fine shall be not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), and the convicted violator may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months at the discretion of the court.
- (c) This section shall not apply to the owner of any private pond, private lake, private pool, or private reservoir, or to any member of his or her family, duly authorized agent, lessee, any other person holding from the owner specific written authorization, or any person who accompanies the owner or person in possession or control of such private body of water.
- (d) Any federal or state agent engaged in research, restocking, or rescue work shall be exempt from this section, or any private fish culturist who holds a written permit from the owner or person in charge of the private pond, private lake, private pool, or private reservoir shall also be exempt.
- (e) All money arising from fines, penalties, or forfeitures for violations of this section shall be forwarded to the Commissioner of Conservation and Natural Resources by the trial court on the first day of each month and shall be covered into the Game and Fish Fund of the Department of Conservation and Natural Resources. (*Acts 1951, No. 924, p. 1573, §§1-5; Act 2008-384, p. 714, §1.*)

Section 9-11-91.1 **Unauthorized fishing from or near fish farm.**

- (a) It shall be unlawful for any person to fish or take fish from any fish farm except with the consent of the owner thereof. Any person possessing fishing tackle on the premises of a fish farm shall be rebuttably presumed to be fishing.
- (b) Any motor vehicle, or fishing tackle, or other fishing equipment which has been or is used for illegal fishing shall be contraband, and, in the discretion of the circuit court may be forfeited to the county wherein the violation occurred, as provided by law. A commercial fish pond shall be posted with signs which are readable from the public right-of-way.
- (c) The sheriff or any other person authorized to enforce the game and fish laws of this state who apprehends any person violating the provisions of this section, or who finds any vehicle which is being or has been used in illegal fishing shall seize the vehicle and any fishing tackle and other fishing equipment found in the possession of or on the person of the person, or in or on the vehicle, and shall report the seizure and the facts connected therewith to the district attorney or other prosecuting official in the judicial circuit. The report shall contain a full description of the vehicle or other equipment seized and detained, the name of the person in whose possession it was found, the name of the person making claim to the same, or any interest therein, if the name is known or can be ascertained, the date of the seizure, and a statement of the circumstances surrounding the seizing of the property.
- (d) The district attorney or other prosecuting officer of the judicial circuit upon receiving the report may at once institute, or cause to be instituted, condemnation proceedings in the circuit court, in the same manner that he or she is directed by law to institute proceedings for the condemnation and forfeiture of automobiles and other vehicles used in the illegal transportation of alcoholic beverages. Except as herein otherwise provided, the procedures for the condemnation, forfeiture, and sale of motor vehicles and fishing equipment under this section used in the illegal fishing shall be governed in all things by and shall conform to the law relative to proceedings for the condemnation, forfeiture, and sale of vehicles used in the illegal transportation of alcoholic beverages. Without limiting the generality of the foregoing sentence, the provisions of Sections 28-4-286 and 28-4-287 shall apply to and govern all such proceedings.

- (e) The proceeds of the sale of any property condemned and forfeited to any county under authority of this section, after payment of all expenses in the cause, including the cost of seizure and a keeping of the property pending the proceedings, shall be paid into the State Treasury to the credit of the county in which the violation occurred.
- (f) Any lienholder with a perfected security interest recorded in accordance with the Uniform Commercial Code may recover the vehicle in kind or may recover the balance remaining after deduction of any costs of recovery and sale.
- (g) Except as provided in subsection (i), any person violating this section shall be guilty of a misdemeanor and fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) and, at the discretion of the court, by imprisonment in the county jail for a period not to exceed one year, or both fine and imprisonment, and for subsequent offenses, fined not less than one thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000) and a mandatory jail sentence for not less than 30 days nor more than one year.
- (h) It shall be unlawful for any person to fish from any public road or public road right-of-way at any location along the road or right-of-way within 100 yards of any commercial fish pond. This section shall not apply to free flowing streams, ponds, or other independent bodies of water which are separate and apart from a commercial fish pond and do not receive fish due to overflows of a commercial fish pond.
- (i) Any person who violates subsection (h) shall be guilty of a misdemeanor and fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) and, at the discretion of the court, by imprisonment in the county jail for a period not to exceed 48 hours, or both fine and imprisonment, and for subsequent offenses, fined not less than one thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000) and a mandatory jail sentence of not less than 30 days nor more than one year. No confiscation of nor condemnation of property shall be initiated for violation of subsection (h). (*Acts 1983, 2nd Ex. Sess., No. 83-152, p. 160, §§1,2; Act 2000-687, p. 1396, §1.*)

Section 9-11-92 Preventing passage of fish up rivers or creeks.

Any person who by means of traps or other obstructions other than dams prevents the passage of fish up the waters of any river or creek in this state must, on conviction, be fined not more than \$100.00, but it shall not be unlawful to erect or maintain a dam on a nonnavigable stream for the impounding of private waters for the production of fish for food and recreation or for the furtherance of any lawful business without providing or maintaining means for the passage of fish up such stream. (*Code 1886, §4167; Code 1896, §5587; Code 1907, §6898; Acts 1911, No. 364, p. 405; Code 1923, §4059; Code 1940, T. 8, §78; Acts 1943, No. 530, p. 505, §1.*)

Section 9-11-93 Catching, killing, etc., of fish by use of poisons or explosives.

Any person who takes, catches, kills, or attempts to take, catch, or kill fish by depositing in any public stream or public body of water in Alabama any poison, poisonous substance, fish berries, lime, or other deleterious or poisonous matter, or any person who takes, catches, kills, or attempts to take, catch, or kill fish in any of the public streams or public bodies of water in this state by the use of giant powder, dynamite, gunpowder, or any other explosive substance, on conviction, shall be fined not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000), to be paid into the State Treasury to the credit of the Game and Fish Fund of the Department of Conservation and Natural Resources. (*Code 1852, §206; Code 1867, §3753; Code 1876, §4211; Code 1886, §4168; Code 1896, §5588; Code 1907, §6899; Code 1923, §4060; Code 1940, T. 8, §79; Acts 1947, No. 611, p. 458, §1; Act 2008-384, p. 714, §1.*)

Section 9-11-94 Catching, killing, etc., of game or nongame fish by means not expressly allowed.

- (a) It shall be unlawful for any person to take, catch, stun, or kill or attempt to take, catch, stun, or kill any game or nongame fish by any means other than those which are expressly allowed by law or regulation of the Department of Conservation and Natural Resources in any of the public waters of this state.
- (b) Any person who uses any electrical device or any other device or instrument capable of taking, catching, stunning, or killing game or nongame fish, which is not expressly allowed by law or regulation of the Department of Conservation and Natural Resources shall be in violation of this section, and the violation shall be punishable by a fine of not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000). Any person convicted the second time of violating this

section shall be guilty of a misdemeanor and shall be punished by a fine of not less than one thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000). The court, for any conviction, may also impose a jail sentence of not longer than six months.

(c) The possession of any electrical device or any other device or instrument, on the bank of a public stream or other public body of water or in a boat on such water which is capable of taking, catching, stunning, or killing fish and which device or instrument is not expressly allowed by law or regulation of the Department of Conservation and Natural Resources shall be prima facie evidence that the device or instrument is being used illegally for the purpose of taking, catching, stunning, or killing or attempting to take, catch, stun, or kill game or nongame fish. (*Acts 1951, No. 786, p. 1384, §1-3; Act 2008-384, p. 714, §1.*)

Section 9-11-94.1 Purchase of tags required for each tarpon taken, killed, or harvested.

(a) It shall be unlawful for any person to possess or kill or harvest from the public waters of this state the fish commonly known as the tarpon (*Megalops Atlanticus*), and has been designated as the official state saltwater fish of the State of Alabama, pursuant to Section 1-2-8, without first obtaining from the Marine Resources Division of the State of Alabama Department of Conservation and Natural Resources a tag which shall be affixed to the tarpon immediately upon the kill or harvest from the public waters of Alabama.

(b) The cost of the tags for the tarpon shall be \$50 per tag, and the Marine Resources Division may promulgate rules and regulations concerning the sale of the tags and the quantity thereof which may be purchased by any person during one calendar year.

(c) Any person who violates this section shall be guilty of a Class C misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$100 nor more than \$250 for each offense. (*Acts 1993, No. 93-750, p. 1487, §§1-3.*)

Section 9-11-95 Disposition of fines, forfeitures, etc.

All money arising under the provisions of this article from fines, forfeitures, etc., and not otherwise provided for shall be forwarded to the Treasurer on the first day of each month and covered into the Game and Fish Fund. (*Code 1907, §6903; Code 1923, §4064; Code 1940, T. 8, §81.*)

Article 4 Commercial Fishing in Public Impounded Waters and Navigable Streams.

Section 9-11-140 Use of commercial fishing gear in public impounded waters and navigable streams - When, where, and how permitted.

Any person engaged in the taking, killing or capturing of commercial or nongame fish from the public impounded waters and navigable streams of the State of Alabama may use in such commercial fishing operations hoop and fyke nets, seines, gill nets, trammel nets, setlines, trotlines, snaglines and lawful fish traps. However, all such nets, setlines, trotlines, snaglines and fish traps shall conform to the rules and regulations promulgated by the Commissioner of Conservation and Natural Resources covering the same, who shall designate when, where and how same shall be used. (*Acts 1953, No. 784, p. 1069, §1.*)

Section 9-11-141 Use of commercial fishing gear in public impounded waters and navigable streams - License - Required generally.

Prior to using any nets, seines, traps or other commercial fishing devices, as specified in this article, a person shall, except to the extent otherwise provided for in this article, have first secured a license permitting the use of such fishing gear, such license to be issued in the manner prescribed by this article. (*Acts 1953, No. 784, p. 1069, §1; Acts 1991, No. 91-580, p. 1067, §1.*)

Section 9-11-142 Use of commercial fishing gear in public impounded waters and navigable streams - License - Individual licenses required; exception for certain assistants.

It is the intent of this article that the license provided herein for the taking of commercial or nongame fish from the public impounded waters and navigable streams of the State of Alabama shall be issued

upon an individual basis only, and, except to the extent otherwise provided for in this article, each person engaging in such activities or operations shall be required to purchase said license. It is hereby provided, however, that each person licensed pursuant to the provisions of Sections 9-11-141 and 9-11-142 may be assisted by one "helper" or assistant, who shall, while in the course of such assistance, be located in the licensed person's boat and/or shall be accompanied by the licensed person at all times. While engaged in providing such assistance, said "helper" or assistant shall be exempt from the otherwise applicable licensing requirements of Sections 9-11-141 and 9-11-142. (*Acts 1953, No. 784, p. 1069, §1 1/2; Acts 1991, No. 91-580, p. 1067, §2.*)

Section 9-11-143 Use of commercial fishing gear in public impounded waters and navigable streams - License - Issuance; fees; records; disposition of fees.

The judge of probate, the commissioner of licenses or such person or persons duly appointed by the Commissioner of Conservation and Natural Resources and so authorized by him to issue the license provided by this article shall issue such a license to any resident of this state complying with the provisions of this article and shall sign his name and shall require the person to whom the license is issued to sign his name on the margin thereof. The license for the use of such commercial fishing gear as authorized under the provisions of this article shall be \$100.00. A resident of the State of Alabama, as applicable to this article, shall be a person who has resided continuously in this state for 12 months next preceding the application for said license. The person or persons issuing said licenses shall keep in a book or on specially prepared sheets to be furnished by the Commissioner of Conservation and Natural Resources a correct and complete record of all licenses issued, which record shall remain in his office and be open to inspection by the public at all reasonable times. Judges of probate and other persons authorized and designated to issue licenses shall retain out of the money received for each license issued by them under the provisions of this article \$1.00 for each license issued, which amount shall cover services required by the provisions of this article, and shall remit the balance to the Commissioner of Conservation and Natural Resources on the first of each month. Said judges of probate and all other duly authorized and designated persons shall report to the Commissioner of Conservation and Natural Resources of the State of Alabama on the first day of each month the number and kind of licenses issued under this article and the name and post office address of the person or persons to whom issued, giving opposite each name the serial number of the license so issued and the amount of money remitted; provided, that if any such license is issued by any probate judge, license commissioner or any other officer who is paid a salary for the performance of his duties as such officer, he shall be required to remit the entire amount collected to the Commissioner of Conservation and Natural Resources, except the amount charged by the issuing officer for the issuance of such license, and this amount shall be remitted to the treasurer of the county in which said license was paid. (*Acts 1953, No. 784, p. 1069, §4; Acts 1966, Ex. Sess., No. 402, p. 545; Acts 1991, No. 91-580, p. 1067, §3.*)

Section 9-11-144 Use of commercial fishing gear in public impounded waters and navigable streams -License - Expiration.

Each license issued under the provisions of this article shall expire on September 30 of the year for which such license is issued. (*Acts 1953, No. 784, p. 1069, §3.*)

Section 9-11-145 Use of commercial fishing gear in public impounded waters and navigable streams - License - Forfeiture.

Upon conviction of any person for the violation of any of the provisions of this article, all licenses held by any such person to fish commercially or operate or use commercial fishing gear in the public impounded waters or navigable streams of this state shall be forfeited for a period of 12 months from the date of conviction. (*Acts 1953, No. 784, p. 1069, §10; Acts 1975, No. 1122, p. 2211, §1.*)

Section 9-11-146 Disposition of proceeds from sale of licenses, etc.

The proceeds from the sale of all licenses required by any of the provisions of this article and all other proceeds arising under this article shall be deposited to the credit of the Game and Fish Fund of the Department of Conservation and Natural Resources. (*Acts 1953, No. 784, p. 1069, §5.*)

Section 9-11-147 Marking location of and identifying fishing gear.

It shall be unlawful for any person to use any of the fishing gear mentioned in Section 9-11-141, except slat boxes, in the public impounded waters and navigable streams of this state without marking their location by buoys or floats and identifying such nets and lines by showing the license number in plain figures upon the buoys or floats. The license number must be attached to all seines and nets, and at least one such buoy shall bear the name and address of the owner. It shall be unlawful to use slat

boxes in said waters with- out permanently affixing thereto a metal tag stating thereon the name, address and license number of the licensee operating and using each slat box. (*Acts 1953, No. 784, p. 1069, §2; Acts 1981, No. 81-351, p. 506, §1.*)

Section 9-11-148 Game fish taken to be returned to waters; possession of game fish by commercial fishermen.

Should any species of fish designated by the laws or regulations of this state as game fish be taken from the public impounded waters or navigable streams of this state by the use of commercial fishing gear, such fish, without injury, shall be immediately returned to the waters from whence they were taken. The possession by commercial fishermen of any of such fish shall constitute a violation of the provisions of this article, and such possession by such commercial fishermen shall be prima facie evidence of the fact that such fish were taken by the use of commercial fishing gear. (*Acts 1953, No. 784, p. 1069, §6.*)

Section 9-11-149 Use of fishing gear within one-half mile below lock or dam.

The use of the commercial fishing gear as designated in this article shall not be permitted within one-half mile below any lock or dam on any waters to which this article applies. (*Acts 1953, No. 784, p. 1069, §7.*)

Section 9-11-150 Use of fishing gear within 100 yards of mouths of streams, etc., emptying into salt waters or bays.

No person shall take or catch or attempt to take or catch any fish by means of any of the fishing gear designated in this article within 100 yards above or below the mouth of any of the streams, lakes, estuaries, bayous or rivers emptying into any of the salt waters or bays of this state. (*Acts 1953, No. 784, p. 1069, §8.*)

Section 9-11-151 Seizure, confiscation and disposition of fishing gear used in violation of article.

Should any law enforcement officer of this state or employee of the Department of Conservation and Natural Resources of the State of Alabama discover commercial fishing gear being used in violation of the terms of this article, he shall seize and hold the same; and, in the event no one within a reasonable time claims seized commercial fishing gear and the owner thereof is unknown to the person finding the same, it shall be confiscated and shall become the property of the Division of Wildlife and Freshwater Fisheries of the Department of Conservation and Natural Resources and shall be disposed of as ordered by the Commissioner of Conservation and Natural Resources. (*Acts 1953, No. 784, p. 1069, §9.*)

Section 9-11-152 Shipment or transportation of fish taken in violation of article; seizure, confiscation and disposition of fish illegally transported or shipped.

It shall be unlawful to knowingly ship or transport or to knowingly receive for shipment or transportation any fish taken from the public impounded waters or navigable streams of this state in violation of the terms of this article; and should such fish be knowingly shipped or transported or knowingly received for shipment or transportation, the same shall be seized and confiscated and, upon confiscation, shall be disposed of as ordered by the Commissioner of Conservation and Natural Resources. (*Acts 1953, No. 784, p. 1069, §11.*)

Section 9-11-153 Wholesale and retail freshwater nongame fish dealers' licenses; commercial paddlefish dealer's license.

- (a) Every person, firm, association, or corporation engaged in the buying, selling, or handling of freshwater nongame fish for the purpose of resale, whether handled on a commission basis or otherwise, and every person, firm, association, or corporation shipping freshwater nongame fish out of the State of Alabama on consignment or order shall be considered a wholesale dealer of freshwater nongame fish, and shall be required to pay a license of \$25.00 per annum. Any person, firm, association, or corporation handling freshwater nongame, uncooked fish strictly at retail to the consumer shall be considered a retailer and must purchase a license and pay \$10.00 per annum for the same. The revenue to be derived from such licenses shall be covered into the State Treasury to the credit of the Game and Fish Fund of the Department of Conservation and Natural Resources. Wholesale and retail licenses as prescribed in this section shall be issued in the same manner and under the same provisions as provided for other licenses in this article.

- (b) In addition to the above licenses, every resident person, firm, association, or corporation who buys, processes, sells, or ships paddlefish roe, flesh, or parts, other than a licensed paddlefish fisherman selling or shipping within the state fish or roe that the fisherman has caught to an Alabama licensed commercial paddlefish dealer, shall purchase a commercial paddlefish dealer's license and pay a license fee of seven hundred fifty dollars (\$750) per license year. The Department of Conservation and Natural Resources or duly authorized designees of the department shall sell and issue commercial paddlefish licenses to residents of another state if the other state by reciprocal agreement or otherwise provides for the sale and issuance of a similar commercial paddlefish license to residents of this state to buy, process, sell, or ship paddlefish roe, flesh, or parts from the waters of the other state. The amount to be charged for a nonresident commercial paddlefish dealer's license shall be the same as the license fee charged a resident of this state for a license in the state of the nonresident, but in no event shall the amount be less than the license fee charged by the department for commercial fishing licenses for a resident of this state. Any person, firm, association, or corporation who engages in any activity without a license, for which the paddlefish dealer's license as provided in this subsection is required, upon conviction, shall be guilty of a Class A misdemeanor, except the minimum fine for the first offense shall be one thousand five hundred dollars (\$1,500), and for the second or any subsequent violation, the fine shall be not less than two thousand dollars (\$2,000) nor more than ten thousand dollars (\$10,000). (*Acts 1953, No. 784, p. 1069, §12; Act 2012-471, p. 1300, §1.*)

Section 9-11-154 Records of wholesalers and retailers of freshwater nongame fish; inspection, etc., of records.

All wholesalers and retailers of freshwater nongame fish in this state shall be required to keep in record form the names and addresses of the persons, firms, corporations or associations from whom said fish were purchased or received and the date or dates of such purchase or receipt. The Commissioner of Conservation and Natural Resources or such other persons appointed and designated by him for such purpose shall have power and authority at any and all reasonable hours to inspect and examine the books and records of any person, firm, association or corporation engaging in the business of wholesaling or retailing freshwater nongame fish in order to determine the amount of license fees due under this article and to ascertain the names and addresses of persons, firms, associations or corporations from whom or to whom the fish were purchased, received, shipped or consigned. (*Acts 1953, No. 784, p. 1069, §13.*)

Section 9-11-155 Applicability of provisions of article.

The provisions of this article licensing the use of setlines, trotlines or snag lines shall not apply to resident fishermen and shall not apply to state or federal agencies conducting research on freshwater fish, nor shall it apply to nonresident fishermen who have acquired a sport fishing license of this state. (*Acts 1953, No. 784, p. 1069, §14; Acts 1955, 1st Ex. Sess., No. 36, p. 59.*)

Section 9-11-156 Penalties for violations of provisions of article.

Any person, firm, copartnership, association or corporation violating any of the provisions of this article or rules and regulations based thereon shall be guilty of a Class A misdemeanor and, upon conviction for the first offense, shall be punished by a fine of not more than \$2,000.00 and/or sentenced to imprisonment for not more than one year; upon conviction for the second or any subsequent offense, the punishment shall be by a fine of not less than \$500.00 nor more than \$2,000.00, and/or by imprisonment for not less than one month nor more than one year. In addition thereto, all commercial fishing gear, boats, motors, implements, instruments, appliances or things of whatsoever nature used in connection with the commission of such misdemeanor, if the owner is unknown, shall be seized and confiscated and shall become the property of the Division of Wildlife and Freshwater Fisheries of the Department of Conservation and Natural Resources and shall be disposed of as ordered by the Commissioner of Conservation and Natural Resources. Such fishing gear, boats, motors, implements, instruments, appliances or things of whatsoever nature used in connection with the commission of such misdemeanor, if the owner is known, shall be seized and confiscated and shall be disposed of as ordered by the court having jurisdiction thereof. (*Acts 1953, No. 784, p. 1069, §15; Acts 1975, No. 1122, p. 2211, §1; Acts 1980, No. 80-368.*)

Article 5 Spearfishing.

Section 9-11-170 Spearing of commercial or nongame fish for sport – When, where and how permitted; notice of competitive events.

- (a) The spearing of commercial or nongame fish solely for the purpose of sport in all waters of this state, both fresh and salt, shall be lawful; provided, that the person engaged in the act of spearing shall be completely submerged. “Commercial or nongame fish” as used in this article shall be limited to those freshwater fish designated as such by the Department of Conservation and Natural Resources and all species of saltwater fish. “Spearing” as used in this article shall be limited to the use of a spear or similar instrument that is held in the hand of the person using same and the use of a weapon, other than a firearm, which propels or forces a projectile, arrow or similar device therefrom to which a wire, rope, line, cord or other means of recovering the propelled projectile, arrow or similar device is attached and is secured to the weapon or to the person using the weapon.
- (b) When a group of individuals shall meet for the purpose of a competitive spearfishing event, notice thereof shall be given to the Department of Conservation and Natural Resources at least one week prior thereto designating the time, date and place of the event. (*Acts 1961, 1st Ex. Sess., No. 266, p. 2282, §1.*)

Section 9-11-171 Spearing of commercial or nongame fish for sport - License - Required; issuance; fees; disposition of revenue from sale.

Each person engaged in the spearing of commercial or nongame fish shall, in addition to all other Alabama fishing licenses, have a commercial or nongame fish spearfishing license. The fee for the commercial or nongame spearfishing license shall be as follows: state resident’s license, \$5.00; nonresident seven-day license, \$2.50; nonresident annual license, \$7.50. Said licenses shall be issued only by the Department of Conservation and Natural Resources, Montgomery, Alabama. The revenue derived from the sale of the licenses provided for in this article shall be covered into the State Treasury to the credit of the Game and Fish Fund. (*Acts 1961, Ex. Sess., No. 266, p. 2282, §1.*)

Section 9-11-172 Spearing of commercial or nongame fish for sport--License--Display.

Said commercial or nongame spearfishing license must be kept in the boat or other base of operations for said skin diver and readily available for inspection by any conservation officer, agent or employee of the Department of Conservation and Natural Resources. (*Acts 1961, Ex. Sess., No. 266, p. 2282, §2.*)

Section 9-11-173 Regulation of seasons, hours, etc.

The Commissioner of Conservation and Natural Resources shall have the power to open and close spearfishing of commercial or nongame fish on any and all waters of this state or at any time of the day or night by regulation and shall have the power to further regulate or restrict spearfishing if he deems it necessary in the interest of good conservation practices. (*Acts 1961, Ex. Sess., No. 266, p. 2282, §3.*)

Section 9-11-174 Compliance with water safety laws.

The provisions of Chapter 5 of Title 33 of this code requiring a diver’s flag to be displayed on the surface of the water where skin divers are operating and any and all other present and future regulations promulgated under authority of said act which affect the operation of skin divers must be obeyed by spear fishermen when engaged in spearfishing under authority of this article. (*Acts 1961, Ex. Sess., No. 266, p. 2282, §4.*)

Section 9-11-175 Possession of spear, etc., evidence of spearfishing; exception.

The possession of a spear, spear gun or spearing device in a boat, on the bank of a body of public water or on or in the public waters of this state shall be prima facie evidence to the court having jurisdiction that the person in possession of the same is engaged in spearfishing, unless said person is frog gigging only. (*Acts 1961, Ex. Sess., No. 266, p. 2282, §5; Acts 1975, No. 1207, p. 2520, §1.*)

Section 9-11-176 Penalty for violations.

Any person who violates this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided for by law, except that the fine under this article shall be not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250). (*Acts 1961, Ex. Sess., No. 266, p. 2282, §6; Act 2008-384, p. 714, §1.*)

Article 6 Catching of Nongame Fish With Wire Baskets.

Section 9-11-190 Catching of nongame fish from public waters by use of wire baskets - When, where and how permitted.

The Commissioner of Conservation and Natural Resources is hereby authorized and empowered to promulgate rules and regulations authorizing the taking, catching or killing of nongame fish from the public waters of this state by the use of wire baskets having a mesh of one inch or more; provided, however, that the Commissioner of Conservation and Natural Resources shall only promulgate such a regulation upon the written petition of all of the state representatives and state senators from the county or counties in which said regulation or regulations shall be effective.

Petitions from state representatives and state senators as provided for above shall specify whether the wire baskets they desire shall have a mesh of one inch or two inches. No regulation shall be promulgated allowing the use of wire baskets in Lewis M. Smith reservoir on the Sipsey fork of the Warrior River unless the Commissioner of Conservation and Natural Resources receives a petition from all of the state representatives and state senators from the counties which border on said reservoir. (*Acts 1967, No. 287, p.814, §1.*)

Section 9-11-191 Catching of nongame fish from public waters by use of wire baskets - License - Required; issuance; fees; disposition of fees.

Any person desiring a license to fish with such wire basket in areas where they may be legalized by regulation as provided for in this article may apply to the probate judge or other appropriate licensing authority in any county of this state affected by the provisions of this article and shall pay a privilege license tax of \$1.00 for each wire basket he proposes to fish. Judges of probate, license commissioners or other persons authorized and designated to issue fishing licenses shall be entitled to a fee of \$.25 for each license so issued, which fee shall be in addition to the amount designated in this article as the cost of such license; provided, that all fees collected by any probate judge or license commissioner who is paid a salary for the performance of his duties shall be paid by him into the county treasury to the credit of the appropriate fund.

The revenue derived from the sale of the license provided for in this section shall be remitted to the Department of Conservation and Natural Resources on the first day of each month by the issuing officer and shall be covered into the State Treasury to the credit of the Game and Fish Fund. (*Acts 1967, No. 287, p. 814, §2.*)

Section 9-11-192 Licenses not to be sold to persons holding commercial fishing licenses, etc.; sale or offer for sale of fish by licensees, etc.

The licenses provided for in this article shall not be sold to any person holding a commercial fishing license or engaged in the business of commercial fishing, and it shall be unlawful for any person holding a wire basket license or using a wire basket under the provisions of this article to sell or offer for sale any fish within or without this state. It is the specific intent of this article to allow the use of wire baskets to catch fish for personal consumption only. (*Acts 1967, No. 287, p. 814, §7.*)

Section 9-11-193 Obtaining more than four licenses or fishing with more than four baskets.

It shall be illegal for any person to obtain more than four such licenses or fish with more than four such baskets. (*Acts 1967, No. 287, p. 814, §3.*)

Section 9-11-194 Marking of baskets.

Any basket or baskets that may become legal for use in the waters of this state under the provisions of this article shall be clearly marked with the name of the licensee operating, using and owning said basket and the license number of said basket. (*Acts 1967, No. 287, p. 814, §4.*)

Section 9-11-195 Destruction of unmarked baskets.

All wire baskets not marked in accordance with the provisions of Section 9-11-194 shall be destroyed upon discovery by any officer, agent or employee of the Department of Conservation and Natural Resources. (*Acts 1967, No. 287, p. 814, §5.*)

Section 9-11-196 Nongame fish only to be taken, etc., with baskets; return of game fish taken to waters.

Only nongame fish may be taken, captured or killed by means of any basket that may become legal for use in this state under the provisions of this article. All game fish taken in such baskets shall immediately be returned to the waters from whence taken with the least possible harm. (*Acts 1967, No. 287, p. 814, §6.*)

Section 9-11-197 Taking of fish from baskets, etc., by unlicensed persons.

It shall be illegal for any person to raise, inspect or take fish from any wire basket that may be legalized under the provisions of this article unless such person shall hold in his name and have in his possession the license for the particular basket he is raising, inspecting or from which he is taking fish. Nothing in this section shall prevent the raising of such baskets for inspection by any officer, agent or employee of the Department of Conservation and Natural Resources. (*Acts 1967, No. 287, p. 814, §8.*)

Section 9-11-198 Penalty for violations of provisions of article; revocation of licenses.

Any person who violates this article shall be guilty of a misdemeanor and, upon conviction, shall be punished as prescribed by law; provided, that the fine shall be not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250), and in addition to that punishment, the court trying the case shall revoke all basket licenses issued or to be issued to the person for a period of three years from the date of the conviction. (*Acts 1967, No. 287, p. 814, §9; Act 2008-384, p. 714, §1.*)

Article 7 Reciprocal Agreements as to Freshwater Fishing.

Section 9-11-210 Agreements as to fishing in waters of Alabama and of bordering states.

The Commissioner of Conservation and Natural Resources shall have authority to enter into agreements of reciprocity with conservation commissioners or directors or other proper officials of states bordering Alabama who have jurisdiction over the freshwater fishing laws and regulations of such states whereby the citizens of the State of Alabama may be permitted to catch or take fish from the waters under the jurisdiction of such other states upon similar agreements whereby such nonresidents are allowed to take or catch fish from the public waters of the State of Alabama regardless of residence. (*Acts 1957, No. 196, p. 254, §1.*)

Section 9-11-211 Agreements as to fishing in waters lying between Alabama and adjoining states or partly in Alabama and partly in adjoining state.

The Commissioner of Conservation and Natural Resources is hereby authorized and empowered to make and enter into agreements from time to time with the proper authorities of the states of Georgia, Florida, Tennessee and Mississippi whereby a valid fishing license issued by the State of Alabama will be accepted and honored as and in lieu of a fishing license for the respective state so agreeing for fishing on the lakes and in the waters of lakes, rivers and streams lying between the State of Alabama and such adjoining states or partly within the borders of the State of Alabama and the adjoining state, and valid licenses issued by the resident state so agreeing shall be accepted and honored in lieu of an Alabama fishing license for fishing upon said lakes, rivers and streams. (*Acts 1957, No. 196, p. 254, §2.*)

Section 9-11-212 Agreements to apply separately to waters lying between Alabama and each agreeing bordering state.

The purpose of this article is to authorize the state Department of Conservation and Natural Resources to enter into such agreements with all states bordering on the State of Alabama, but it is not intended that the benefits of such agreements should extend to licenses of all bordering states on all lakes, rivers and streams lying upon the border of Georgia, Florida, Tennessee and Mississippi, but such agreements are to apply separately to those lakes, rivers and streams lying between the State of Alabama and each respective state so agreeing. (*Acts 1957, No. 196, p. 254, §3.*)

Section 9-11-213 Rights and privileges granted to be exercised in accordance with Alabama laws, etc.

The fishing rights and privileges which may be granted by or through such reciprocal agreements shall be exercised by all nonresidents of the State of Alabama in accordance with the laws of Alabama and the rules and regulations promulgated by the Commissioner of Conservation and Natural Resources of the State of Alabama which pertain to the taking and catching of freshwater fish of all species. (*Acts 1957, No. 196, p. 254, §4.*)

Article 8 Hunting and Trapping of Birds and Game.

Section 9-11-230 Title to wild birds and animals vested in state.

The title and ownership to all wild birds and wild animals in the State of Alabama or within the territorial jurisdiction of the state are vested in the state for the purpose of regulating the use and disposition of the same in accordance with the laws of the state. (*Acts 1935, No. 383, p. 813, §1; Code 1940, T. 8, §82.*)

Section 9-11-230.1 Definitions

For purposes of this article, the words “nighttime hours,” “night,” “between the hours of sunset and daylight,” or similar words shall be defined as between 30 minutes after sunset and 30 minutes before sunrise of the following day. (*Act 2016-447, 1st Sp. Sess., p. 1226, § 2.*)

Section 9-11-231 Permits for collection of invertebrate or vertebrate species, or their eggs, for scientific purposes.

- (a) No person shall at any time collect any protected wild invertebrate or vertebrate species, or their eggs, in this state for propagation or scientific purposes except under the direction, supervision and regulation of the Commissioner of Conservation and Natural Resources, who, on the payment of the applicable fee, may issue propagation or scientific permits annually to properly accredited persons or institutions, as follows:
- (1) A general permit for individuals...\$50.
 - (2) An educational permit for professors or teachers, which shall also allow their current students to operate there under ...\$10.
 - (3) A master collecting permit involving more than one individual acting in the name of a firm, corporation, or agency ...\$100.
- (b) Any person, firm, association or corporation being or having in possession at any time a protected wild invertebrate or vertebrate species, or their eggs, without a permit as required in this section shall be guilty of a misdemeanor and, upon conviction therefor, shall be punished by a fine of three times the amount of the applicable permit.
- (c) The permit requirements under this section shall not apply to the Opp Rattlesnake Rodeo. (*Acts 1935, No. 383, p. 813, § 3; Code 1940, T. 8, §84 2016-258. P. 627, § 1 .*)

Section 9-11-232 Possession, sale, purchase, etc., of protected wild birds, etc.

Any person, firm, association, or corporation who takes, catches, kills, or has in possession at any time, living or dead, any protected wild bird not a game bird, or who sells or offers for sale, buys, purchases, or offers to buy or purchase any such bird or exchange same for anything of value, or who shall sell or expose for sale or buy any part of the plumage, skin, or body of any bird protected by the laws of this state, or who shall take or willfully destroy the nests of any wild bird, or who shall have the nests or eggs of the birds in his or her possession, except as otherwise provided by law, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each offense. (*Acts 1935, No. 383, p. 813, §2; Code 1940, T. 8, §83; Act 2008-384, p. 714, §1.*)

Section 9-11-233 Enumeration of birds not protected.

English sparrows, crows and starlings are not protected by the game laws of this state and may be killed at any time. (*Acts 1935, No. 383, p. 813, §4; Code 1940, T. 8, §85; Acts 1971, No. 233, p. 541, §1.*)

Section 9-11-234 Hunting, etc., of protected birds or animals on state or federal game sanctuaries or refuges.

It shall be unlawful for any person to hunt, take, catch or kill or to attempt to hunt, take, catch or kill any bird or animal protected by the game laws or regulations of this state on any land in the State of Alabama which is designated as a state or federal game sanctuary or refuge. Any violation of this section shall constitute a misdemeanor, and anyone convicted for the violation of any of the provisions of this section shall be punished by a fine of not less than \$250.00 nor more than \$500.00, the amount of which fine shall be fixed, determined and imposed by the judge of the court presiding at the trial of any case brought under the provisions of this section. (*Acts 1947, No. 612, p. 459, § 1.*)

Section 9-11-235 Taking, etc., of protected birds or animals, during nighttime hours; nighttime feral swine and coyote hunting.

- (a) It shall be unlawful, except as otherwise provided by law or rule of the commissioner, for a person to take, capture, or kill, or attempt to take, capture, or kill, any bird or animal protected by the laws of this state during nighttime hours.
- (b) Any person violating this section shall be guilty of a Class B misdemeanor and, upon conviction thereof, shall be punished for the first offense by a fine of not less than two thousand dollars (\$2,000) nor more than three thousand dollars (\$3,000) and may be imprisoned in the county jail for a period not to exceed six months. In addition, the court shall revoke all hunting license privileges for a period of three years from the date of conviction.
- (c) (1) This section shall not apply to an individual hunting feral swine or coyotes during nighttime hours on privately owned or leased lands during the specified nighttime feral swine and coyote hunting season dates if the individual has purchased, and is in possession of, a nighttime feral swine and coyote hunting license issued by the Department of Conservation and Natural Resources as follows:
 - a. Any individual hunting feral swine or coyotes during the special nighttime feral swine and coyote season shall purchase the nighttime feral swine and coyote hunting license. The nighttime feral swine and coyote license does not include any other license privilege provided by Sections 9-11-11, 9-11-46, 9-11-47, 9-11-48, 9-11-49, 9-11-65, or 9-11-65.2, or the wildlife heritage license, all of which do not include privileges for hunting feral swine and coyotes during nighttime hours.
 - b. The annual resident nighttime feral swine and coyote hunting license fee is fourteen (\$14), plus an issuance fee of one dollar (\$1).
 - c. The annual nonresident nighttime feral swine and coyote hunting license fee is fifty dollars (\$50), plus an issuance fee of one dollar (\$1).
 - d. A person who possesses a 100 percent physically disabled resident hunting license or a 100 percent disabled military veteran's appreciation hunting license may obtain an annual resident nighttime feral swine and coyote hunting license by paying the issuance fee of one dollar (\$1).
- (2) The fees provided for in this section are subject to adjustment as provided in Section 9-11-68.
- (3) A special nighttime feral swine and coyote hunting license required by this subsection shall be procured in the same manner as an annual hunting license, with the issuance fee for the nighttime feral swine and coyote hunting license paid to and retained by the issuing office or agency.
- (4) An individual who is exempt from purchasing a hunting license is not exempt from the requirement to purchase a nighttime feral swine and coyote hunting license pursuant to this section.
- (5) A landowner and his or her agents who possess a valid permit to take protected wildlife causing crop damage, property damage, or concern for human safety, as provided by rule of the commissioner, shall be exempt from the requirement to purchase a nighttime feral swine and coyote hunting season license pursuant to this section. (*Acts 1935, No. 383, p. 813, § 5; Code 1940, T. 8, § 86; Acts 1949, No. 662, p. 1026, § 1; Acts 1953, No. 767, p. 1028, § 1; Acts 1982, No. 82-488, p. 811, § 1; Acts 1995, No. 95-215, p. 252, § 2; Act 2008-384, p. 714, § 1; Act 2016-153, p. 391, § 1; Act 2016-447, 1st Sp. Sess., p. 1226, § 1; Act 2021-277, § 1.*)

Section 9-11-236 Hunting, etc., or possession of protected birds or animals during closed season.

Any person who hunts, takes, catches, captures, kills, or has in his or her possession or who attempts to hunt, take, catch, capture, or kill, any bird or animal protected by law or regulation of this state except during the open season when same may be hunted, taken, caught, captured, or killed shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) and, at the discretion of the court, may also be imprisoned in the county jail for not longer than six months. It is provided further that any person who hunts, takes, catches, captures, or kills, or attempts to hunt, take, catch, capture, or kill, a wild turkey in an illegal manner or during the closed hunting season, or has in his or her possession a wild turkey killed during the closed hunting season or taken in an illegal manner, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) and, at the discretion of the court, may also be imprisoned in the county jail for not longer than six months. (*Acts 1935, No. 383, p. 813, §6; Code 1940, T. 8, §87; Acts 1949, No. 665, p. 1029, §1; Acts 1961, Ex. Sess., No. 193, p. 2166, §1; Acts 1961, Ex. Sess., No. 261, p. 2277, §1; Acts 1991, 1st Ex. Sess., No. 91-750, p. 129, §1; Act 2008-384, §1.*)

Section 9-11-237 Sale and purchase of game birds and animals including the meat or other product thereof.

Any person, firm, or corporation who sells, offers, or exposes for sale, buys, purchases, barter, or exchanges anything of value for any game bird or game animal or any part thereof at any time shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$250.00 nor more than \$500.00 for each offense. Duly licensed catchers of fur-bearing animals may sell to regularly licensed buyers or dealers only the furs, skins, or pelts of fur-bearing animals which they lawfully take, capture, or kill. The licensed catcher of fur-bearing animals may sell or offer for sale for food the dressed carcass of edible fur-bearing animals named by law or regulations. However, notwithstanding anything herein to the contrary, it shall not be a violation of this section to sell, offer, or expose for sale, buy, purchase, barter, or exchange anything of value for any of the following: (1) Lawfully taken "green" or raw untanned deer hides and their hooves, squirrels' skins, hides, and tails; (2) Finished product items such as gloves, shoes, clothing, jewelry, tanned deer hides, and similar products; and (3) Labeled, pre-packaged venison, other than white-tailed deer, which has been inspected by a state or federal meat inspection agency and which meets all requirements of this state. The venison shall be maintained in original labeled containers with receipts until prepared for consumption. The records, facilities, and venison shall be available during normal business hours for inspection by the Department of Conservation and Natural Resources. (*Acts 1935, No. 383, p. 813, §7; Code 1940, T. 8, §88; Acts 1979, No. 79-793, p. 1450, §1; Acts 1989, No. 89-941, p. 1849, §1; Acts 1995, No. 95-579, p. 1217, §1.*)

Section 9-11-238 Hunting, etc., of wild turkeys with dogs.

Any person who hunts, pursues, captures or kills a wild turkey in this state with the aid of a dog at any time shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$25.00 nor more than \$50.00 for each offense. (*Acts 1935, No. 383, p. 813, §8; Code 1940, T. 8, §89.*)

Section 9-11-240 Opening of season for hunting, etc., of female deer and unantlered male deer.

Any law of the State of Alabama to the contrary notwithstanding, the Commissioner of Conservation and Natural Resources is hereby authorized to open a season in any county, area or section of the state for the hunting, taking, capturing and killing of female deer or unantlered male deer by a duly promulgated regulation when, in his best judgment, he deems it necessary for biological reasons or because of crop damage to open the season on such deer, provided this meets with the approval of the landowner or leaseholder. (*Acts 1966, Ex. Sess., No. 180, p. 213, § 1.*)

Section 9-11-241 Hunting, trapping, etc., of wild game during day on lands of another without permission.

Any person who hunts, traps, captures, injures, kills, or destroys, or attempts to hunt, trap, capture, injure, kill, or destroy any wild game on the lands of another between the hours of daylight and sunset without the written permission of or accompanied by the landowner or person in possession or control of the lands shall be guilty of a misdemeanor and, upon conviction, shall be punished for the first

offense by a fine of not less than one thousand dollars (\$1,000), and at the discretion of the court may have all hunting license privileges revoked for up to one year from the date of conviction. Any person shall be punished for the second and each subsequent offense by a fine of not less than two thousand dollars (\$2,000) and the revocation of all hunting license privileges for one year from the date of conviction, and shall be imprisoned in the county jail for a period not less than 10 nor more than 30 days.

This section shall not apply to the members of the family, guests, servants, or agents of the landowner. (*Acts 1936-37, Ex. Sess., No. 191, p. 224, §1; Code 1940, T. 8, §92; Acts 1975, No. 1119, p. 2208, §1; Acts 1982, No. 82-489, p. 813, §1; Act 2008-384, p. 714, §1.*)

Section 9-11-242 Hunting, trapping, etc., of wild game at night on lands of another without permission.

Any person who hunts, traps, captures, injures, kills, or destroys, or attempts to hunt, trap, capture, injure, kill, or destroy any wild game on the lands of another between the hours of sunset and daylight without the written permission of or accompanied by the land- owner or person in possession or control of the lands shall be guilty of a misdemeanor and, upon conviction, shall be punished for the first offense by a fine of not less than one thousand dollars (\$1,000), and at the discretion of the court may have all hunting license privileges revoked for up to one year from the date of conviction. A person shall be punished for the second and each subsequent offense by a fine of not less than two thousand dollars (\$2,000) and the revocation of all hunting license privileges for one year from the date of conviction, and shall be imprisoned in the county jail for a period not less than 10 nor more than 30 days.

This section shall not apply to the members of the family, guests, servants, or agents of the landowner; provided further, that this section shall not apply to fox hunting with dogs exclusively; and, provided further, that this section shall not apply to raccoon and opossum hunting with dogs only. (*Acts 1936-37, Ex. Sess., No. 191, p. 224, §2; Code 1940, T. 8, §93; Acts 1982, No. 82-490, p. 814, §1; Act 2008-384, p. 714, §1.*)

Section 9-11-243 Hunting, trapping, etc., of fur-bearing animals within 10 feet of banks of waters on property of another without permission.

Any person who hunts, traps, captures, injures, kills or destroys or attempts to hunt, trap, capture, injure, kill or destroy any fur-bearing animal on or in any river, creek, branch, lake, pond or other waters in this state running through or on property not his own or under his control, within 10 feet of the banks thereof, without the written permission of or accompanied by the landowner or person in possession or control of said lands shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$10.00 nor more than \$50.00 for each offense. (*Acts 1945, No. 231, p. 353, § 1.*)

Section 9-11-244 Taking, etc., of protected birds or animals by means of bait; bait privilege license.

(a) Except as provided in subsection (b), no person at any time shall take, catch, kill, or attempt to take, catch, or kill any bird or animal protected by law or rule of the State of Alabama by means, aid, or use, directly or indirectly, of any bait, such as shelled, shucked, or unshucked corn or of wheat or other grain, salt, or any other feed whatsoever that has been so deposited, placed, distributed, or scattered as to constitute for the birds or animals a lure, attraction, or enticement to, on, or over the area where a hunter or hunters are attempting to kill or take them; provided, that the birds or animals may be taken under properly shocked corn and standing crops of corn, wheat, or other grain or feed and grains scattered solely as a result of normal agricultural harvesting; and provided further, migratory birds may be hunted under the most recent regulations established by the U.S. Fish and Wildlife Service or rules adopted by the Commissioner of the Department of Conservation and Natural Resources within the limits of the federal regulations.

(b)(1) This section shall not apply to a person hunting whitetail deer or feral swine with the aid of bait on privately owned or leased lands; provided, that the person has purchased, and is in possession of, a bait privilege license issued by the Department of Conservation and Natural Resources as follows:

- a. The annual resident bait privilege license fee shall be fourteen dollars (\$14), plus an issuance fee of one dollar (\$1).

b. The annual nonresident bait privilege license fee shall be fifty dollars (\$50), plus an issuance fee of one dollar (\$1).

(2) The fees provided for by this section shall be subject to adjustment as provided in Section 9-11-68.

(3) A bait privilege license required by this section shall be procured in the same manner as an annual hunting license, with the issuance fee for the bait privilege license paid to and retained by the issuing office or agency.

(4) A person who is exempt from purchasing a hunting license shall not be exempt from the requirement to purchase a bait privilege license pursuant to this section.

(c) The commissioner may, without refund, suspend the use of a baiting privilege license and adopt rules to manage the feeding of wild game animal populations on a county, regional, or statewide basis to prevent the spread of diseases among wildlife by announcing the suspension in a news release.

(d) The Department of Conservation and Natural Resources may adopt rules to implement this section. (*Acts 1951, No. 1001, p. 1672, § 1; Acts 1991, No. 91-591, p. 1093, § 1; Act 2019-103, § 1.*)

Section 9-11-245 Unlawful methods of hunting birds or animals protected by law or regulation.

No person shall at any time make use of any pitfall, deadfall, baited field, cage, trap, net, pen, baited hook, snare, poison, explosive, or chemical for the purpose of injuring, capturing, or killing birds or animals protected by law or regulation of this state. This section shall not prevent the trapping of animals classified as fur-bearing animals by a duly licensed fur catcher. It shall be legal to use a scaffold for gun hunting of all legal game species except wild turkey and to use a scaffold for bow hunting of all legal game species. (*Acts 1951, No. 1001, p. 1672, §2; Acts 1975, No. 195, p. 681, §1; Acts 1995, No. 95-563, p. 1174, §1.*)

Section 9-11-246 Penalties for violations of provisions of Sections 9-11- 244 and 9-11-245.

Any person who violates any of the provisions of Sections 9-11-244 or 9-11-245 shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$25.00 nor more than \$100.00 for each offense. Any person convicted the second time of violating Sections 9-11-244 or 9-11-245 shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$50.00 nor more than \$250.00 and, at the discretion of the court, may also be imprisoned in the county jail for not longer than six months. Any person convicted of violating Sections 9-11-244 or 9-11-245 the third or subsequent times shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$100.00 nor more than \$500.00 and, at the discretion of the court, may also be imprisoned in the county jail for not longer than six months. Notwithstanding anything herein to the contrary, any person who violates the provisions of Section 9-11-244 with respect to the taking, catching, killing, or attempting to take, catch, or kill, deer or turkey, shall be guilty of a misdemeanor and, upon conviction, shall be punished for the first offense by a fine of not less than \$250.00 nor more than \$500.00, and at the discretion of the court may have all hunting privileges revoked for up to one year from the date of conviction. The second and each subsequent offense shall be punished by a fine of not less than \$500.00 nor more than \$2,000.00, and the automatic loss of hunting privileges for one year from the date of conviction, and, at the discretion of the trial court judge, imprisonment in the county jail for a period of not less than 10 nor more than 30 days. (*Acts 1951, No. 1001, p. 1672, §3; Acts 1989, No. 89-534, p. 1096, §1.*)

Section 9-11-250 Taking, etc., of deer from public waters.

It shall be unlawful for any person, firm or corporation to take or catch, by any means or device, deer, whether dead or alive, from the public waters of Alabama. (*Acts 1971, No. 2309, p. 3731, §1.*)

Section 9-11-251 Taking, etc., of deer at night.

It shall be unlawful for any person, firm or corporation to take, capture or kill deer at night in Alabama by any means or device, including but not limited to the use of any type of light. (*Acts 1971, No. 2309, p. 3731, §2.*)

Section 9-11-252 Penalties for violations of provisions of Sections 9-11-250 and 9-11-251.

A violation of Sections 9-11-250 or 9-11-251 shall constitute a misdemeanor and, upon conviction, the person, firm or corporation violating same shall be punished for the first offense by a fine of not less than \$500.00, by the revocation of all hunting license privileges for a period of one year from the date of conviction, and shall also be imprisoned in the county jail for a period of not less than three

nor more than 10 days. Any person, firm or corporation convicted the second time of violating Sections 9-11-250 or 9-11-251 shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$1,000.00, by the revocation of all hunting license privileges for a period of three years from the date of conviction, and shall also be imprisoned in the county jail for a period of not less than 10 nor more than 30 days. Any person, firm or corporation convicted of violating Sections 9-11-250 or 9-11-251 the third or subsequent times shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$1,000.00, by the revocation of all hunting license privileges for a period of five years from the date of conviction, and shall also be imprisoned in the county jail for a period of not less than 30 nor more than 60 days. (*Acts 1971, No. 2309, p. 7331, §3; Acts 1982, No. 82-278, p. 350, §1.*)

Section 9-11-252.1 Motor vehicle, weapons, etc., used in nighttime deer hunting declared contraband; seizure report; condemnation and forfeiture; disposition of proceeds.

- (a) Any motor vehicle, or any gun, rifle, ammunition or other hunting equipment which has been or is used for illegal nighttime deer hunting shall be contraband, and, in the discretion of the circuit court may be forfeited to the State of Alabama, as hereinafter provided.
- (b) The sheriff or any other person authorized to enforce the game and fish laws of this state who apprehends any person hunting deer in the nighttime, or who finds any vehicle which is being or has been used in such illegal nighttime hunting shall seize such vehicle and any gun, rifle, ammunition or other deer hunting equipment found in the possession of or on the person of such person or in or on such vehicle and shall report such seizure and the facts connected therewith to the district attorney or other prosecuting official in the judicial circuit. The report shall contain a full description of the vehicle or other equipment seized and detained, the name of the person in whose possession it was found, the name of the person making claim to the same, or any interest therein, if the name is known or can be ascertained, the date of seizure and a statement of the circumstances surrounding the seizing of the property.
- (c) The district attorney or other prosecuting officer of the judicial circuit upon receiving such report shall at once institute, or cause to be instituted, condemnation proceedings in the circuit court, in the same manner that he is directed by law to institute proceedings for the condemnation and forfeiture of automobiles and other vehicles used in the illegal transportation of alcoholic beverages. Except as herein otherwise provided, the procedures for the condemnation, forfeiture and sale of motor vehicles and hunting equipment under this act used in the illegal nighttime hunting of deer shall be governed in all things by and shall conform to the law relative to proceedings for the condemnation, forfeiture and sale of vehicles used in the illegal transportation of alcoholic beverages. Without limiting the generality of the foregoing sentence the provisions of Sections 28-4-286 and 28-4-287, shall apply to and govern all such proceedings.
- (d) The proceeds of the sale of any property condemned and forfeited to the state under authority of this section, after payment of all expenses in the cause, including the cost of seizure and a keeping of the property pending the proceedings, shall be paid into the State Treasury to the credit of the state Game and Fish Fund. (*Acts 1979, No. 79-626, p. 1107, §§1-4.*)

Section 9-11-253 Transportation or shipment of skins or hides of fur-bearing animals without payment of state tax; bonds of dealers.

It shall be a violation of this article, subject to the same penalties as are provided for other offenses in Section 9-11-235, for any person, firm or corporation or association to ship or carry from this state any skin or hide of any fur-bearing animal on which the state tax is due without the state tax first being paid. Any nonresident dealer or his or its agent operating in this state shall be required to post a cash deposit or bond of \$1,000.00, and any resident dealer shall be required to post a cash deposit or a bond of \$500.00 to guarantee payment of all taxes due by such dealer under the provisions of this article. (*Acts 1935, No. 383, p. 813, §11; Code 1940, T. 8, §94.*)

Section 9-11-254 Limitation as to number of traps for taking, etc., of fur-bearing animals; penalty.

No person using traps for the purpose of taking or catching fur-bearing animals shall be permitted to set or have set in any one day more than 150 traps. A violation of the provisions of this section shall be a misdemeanor, and the person so violating shall be punished by a fine of not less than \$10.00 nor more than \$25.00 for each offense. (*Acts 1935, No. 383, p. 813, § 13; Code 1940, T. 8, §96.*)

Section 9-11-255 Transportation, shipment, etc., of protected birds or game.

Any person, firm, association, or corporation who takes, ships, or transports without or within this state any of the birds or game protected by the laws of this state, unless the same are in the personal possession of or are carried openly by the owner thereof or person killing the same, who has in his or her possession a nonresident's license if the game is to be carried without this state or a resident's license if the game is to be transported wholly within this state shall be guilty of a misdemeanor and, on conviction, shall be punished by a fine of not less than \$25.00 nor more than \$50.00; provided, however, that under proper regulations by the Department of Conservation and Natural Resources issued by the Commissioner of Conservation and Natural Resources, any person may transport as baggage or by express not more than two days' bag limit of any game birds or animals taken legally; and provided further, that the baggage or express is marked or tagged with the shipping tag procured from the Department of Conservation and Natural Resources and a fee of \$.25 paid therefor. Failure or refusal on the part of any person to comply with this section shall be deemed a misdemeanor and, upon conviction, shall be punished by a fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) for each offense. (*Acts 1935, No. 383, p. 813, §20; Code 1940, T. 8, §103; Act 2008-384, p. 714, §1.*)

Section 9-11-256 Liability of common carriers, etc., transporting, shipping, etc., protected birds or game.

Any person, company, corporation or common carrier who shall ship or transport any game birds or game animals or parts thereof without first ascertaining that the person, firm or corporation offering same for shipment or transportation has in his possession a license authorizing his possession of same and covering the period when such shipment is offered and the license tax required in this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$25.00 nor more than \$50.00. (*Acts 1935, No. 383, p. 813, §21; Code 1940, T. 8, §104.*)

Section 9-11-257 Hunting or discharge of firearm from, upon, or across public roads, etc.

Any person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, who hunts or discharges any firearm from, upon, or across any public road, public highway, or railroad, or the rights-of-way of any public road, public highway, or railroad, or any person, except a landowner or his or her immediate family hunting on land of the landowner, who hunts within 50 yards of a public road, public highway, or railroad, or their rights-of-way, with a centerfire rifle, a shotgun using slug or shot larger in diameter than manufacturer's standard designated number four shot, or a muzzleloading rifle .40 caliber or larger in this state, shall be guilty of a misdemeanor and, upon conviction, shall be punished for the first offense by a fine of not less than one thousand dollars (\$1,000), and shall be punished for the second and each subsequent offense by a fine of not less than two thousand dollars (\$2,000) and shall have all hunting license privileges revoked for one year from the date of conviction. (*Acts 1935, No. 383, p. 813, §23; Code 1940, T. 8, §105; Acts 1982, No. 82-522, p. 870, §1; Acts 1988, 1st Ex. Sess., No. 88-945, p. 566, §1; Act 99-442, p. 1007, §1; Act 2008-384, p. 714, §1.*)

Section 9-11-258 Persons hunting deer at night liable for killing stock.

If any person hunting deer by fire in the nighttime kills any horse, mare, colt or other domestic animal, he is liable to double damages in a civil action instituted by the owner of the property. (*Code 1852, § 1114; Code 1867, § 1295; Code 1876, § 1600; Code 1886, § 1378; Code 1896, § 420; Code 1907, § 4485; Code 1923, § 8260; Code 1940, T. 8, § 106.*)

Section 9-11-259 Game, birds or animals to be transported openly; confiscation, etc., of game, birds or animals transported or taken illegally.

All game, birds or animals taken or killed in this state must at all times be carried or transported openly, and failure to do so shall constitute a misdemeanor punishable by a fine of not less than \$10.00 nor more than \$25.00. All game, birds or animals carried or transported in an illegal manner or taken or killed illegally shall be confiscated and disposed of under regulations promulgated by the Commissioner of Conservation and Natural Resources. (*Acts 1935, No. 383, p. 813, § 24; Code 1940, T. 8, §107.*)

Section 9-11-260 Acquisition of lands, expenditure of revenues, etc., by commissioner for propagation of game birds, game and fur-bearing animals.

The Commissioner of Conservation and Natural Resources is hereby authorized on behalf of the State of Alabama to engage in the propagation of game birds, game and fur-bearing animals, and for this purpose the said Commissioner of Conservation and Natural Resources is authorized and empowered to secure by lease, gift or otherwise lands in the State of Alabama suitable for the propagation of birds or animals, the increase from which shall be planted under proper regulations of the Commissioner of Conservation and Natural Resources for brood stock for propagation purposes. He shall be further authorized to expend revenues out of the Game and Fish Fund for the purpose of erecting suitable buildings, the purchase of all necessary equipment and the employment of expert assistance in the breeding and propagation of birds and animals. (*Acts 1933, Ex. Sess., No. 71, p. 65, §1 1/2; Code 1940, T. 8, §108.*)

Section 9-11-261 Permits for propagation of game birds, and game or fur-bearing animals for private purposes.

- (a) The Commissioner of Conservation and Natural Resources, upon the payment of a fee of \$1.00, may issue an annual permit to any individual, association, partnership, firm, or corporation owning property in the State of Alabama permitting the permit holder to engage in the business of raising game birds and game or fur-bearing animals for propagation purposes in the State of Alabama under the rules and methods as may be prescribed by the Department of Conservation and Natural Resources, for the exclusive purpose of stocking private or protected lands under the ownership, supervision, or control of the holder of the permit. The holder of the permit shall not be authorized to dispose of any game or fur-bearing animals propagated under the permit authorized by this section.
- (b) Any permittee having game birds or game or fur-bearing animals in his or her possession at the time of the expiration of the permit so issued and held and who fails or refuses to renew the permit on or before the beginning of the new fiscal year shall immediately make such disposition of the game birds or game or fur-bearing animals as may be provided in regulations issued and promulgated by the Commissioner of Conservation and Natural Resources.
- (c) Any individual, association, partnership, firm, or corporation violating this section or any regulations based thereunder shall forfeit the permit held at the time of the violation and in addition therefor shall be adjudged guilty of the violation and upon conviction shall be fined not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500). (*Acts 1935, No. 383, p. 813, §3; Code 1940, T. 8, §109; Act 2008-384, p. 714, §1.*)

Section 9-11-263 Consent to acquisition of lands, etc., for establishment of migratory bird reservations.

Consent of the State of Alabama is given to the acquisition by the United States by purchase, gift, devise or lease of such areas of land or water or of land and water in the State of Alabama as the United States may deem necessary for the establishment of migratory bird reservations in accordance with the act of Congress approved February 18, 1929, entitled "An Act to more effectively meet the obligations of the United States under the Migratory Bird Treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement and for other purposes," reserving, however, to the State of Alabama full and complete jurisdiction and authority over all such areas not incompatible with the administration, maintenance, protection and control thereof by the United States under the terms of said act of Congress. (*Acts 1931, No. 119, p. 188, §1; Code 1940, T. 8, §110.*)

Section 9-11-264 Liability for injury or damage to persons or domestic animals of persons using traps, etc., to take, capture, etc., fur-bearing animals; exemption of Lawrence County.

Any person shall be strictly liable for civil damages who causes the injury or damage to any person or domestic animal as a result of using any trap or similar device on public land to take, capture, or kill any of the fur-bearing animals protected by the laws or regulations of this state.

Any person who suffers injury or damage to his person or domestic animal as a result of such activity shall have an action for civil damages and such aggrieved person need not prove negligence.

The provisions of this section shall not apply to Lawrence County. (*Acts 1977, No. 801, p. 1381, §2; Acts 1979, No. 79-123, p. 154, §1; Act 2015-485, p. 1663, §1.*)

Section 9-11-265 Trapping on or from right-of-way of state highway; exemption of Lawrence County.

It shall be unlawful for anyone to trap on or from a state highway right-of-way unless the trapper has the permission of adjoining landowners.

The provisions of this section shall not apply to Lawrence County. (*Acts 1977, No. 801, p. 1381, §3; Acts 1979, No. 79-123, p. 154, §1.*)

Section 9-11-265.1 Sections 9-11-264 and 9-11-265 inapplicable in Limestone County.

The provisions of Sections 9-11-264 and 9-11-265 shall not apply to Limestone County. (*Acts 1978, No. 432, p. 440, § 1.*)

Section 9-11-266 Checking of traps; hanging or suspending of bait over or within 25 feet of steel trap.

All traps set in or beneath water must be checked at least once every 72 hours. All traps other than water sets must be checked at least once every 24 hours.

It shall be unlawful for anyone to hang or suspend bait over or within 25 feet of a steel trap. (*Acts 1977, No. 801, p. 1381, §4.*)

Section 9-11-267 Filing of reports as to animals trapped, purchased, etc., by persons licensed to trap fur-bearing animals and by fur dealers.

Any person licensed to trap fur-bearing animals in the State of Alabama shall file with the Division of Wildlife and Freshwater Fisheries office in Montgomery a report listing by county the number and type of animals trapped during the preceding season and the names and addresses of the persons or companies to whom the furs were sold.

Any person, firm or corporation licensed as a fur dealer pursuant to the laws of Alabama shall file a report with the Division of Wildlife and Freshwater Fisheries office in Montgomery listing the names and addresses of each trapper from whom furs were purchased and describing the number and type of furs purchased from each trapper.

All reports required by this section must be submitted no later than 45 days after the close of each trapping season. (*Acts 1977, No. 801, p. 1381, §5.*)

Section 9-11-268 Penalty for violations of provisions of Sections 9-11- 265, 9-11-266 and 9-11-267.

A violation of the provisions of Sections 9-11-265, 9-11-266 and 9-11-267 or failure to fully comply therewith shall constitute a misdemeanor and the person violating same or failing to comply therewith shall be punished by a fine of not less than \$50.00 nor more than \$200.00 for each offense. (*Acts 1977, No. 801, p. 1381, §6; Acts 1978, No. 432, p. 440, §1.*)

Section 9-11-269 Protection of flattened musk turtle.

- (a) The flattened musk turtle (*sternotherus minor depressus*) is a reptile unique to the State of Alabama. The Legislature finds the protection of this unique specie is required for its survival.
- (b) Except as provided in subsection (c) of this section, it is unlawful for any individual, corporation, partnership, trust, association, or any other entity to:
 - (1) Hunt, wound, injure, kill, trap, collect or capture a flattened musk turtle (*sternotherus minor depressus*), or to attempt to engage in such conduct; or
 - (2) Sell, offer for sale, purchase, offer to purchase, deliver, transport, carry or ship, in intrastate, interstate, or foreign commerce a flattened musk turtle (*sternotherus minor depressus*), whether alive or dead, or any of its parts or products, or to attempt to engage in such conduct.
- (c) The Alabama Department of Conservation and Natural Resources shall permit, under such reasonable terms and conditions as it may prescribe consistent with this section, any act otherwise prohibited by subsection (b) of this section for one of the following purposes: scientific or survival research, zoological exhibition, or education; provided that, the prohibitions of subsection (b)(2) of this section shall not be effective until 30 calendar days after passage of this section; and

provided further, that the prohibitions of subsection (b)(1) of this section regarding the killing and injuring of a flattened musk turtle (*sternotherus minor depressus*) shall not apply to activities where such killing or injuring is incidental to, and not the purpose of, such activities which are otherwise lawful; provided further, that the prohibitions of subsection (b) and the permitting process of subsection (c) shall not apply to any flattened musk turtle captured prior to the passage of this section, or to any offspring of such previously captured flattened musk turtle.

- (d) Any individual, corporation, partnership, trust, association or other entity who violates the provisions of subsection (b) of this section shall, upon conviction be fined not more than \$5,000.00, or imprisoned for not more than one year, or both. (*Acts 1984, No. 84-621, p. 1259.*)

Article 8A Interference with Legal Hunting or Fishing.

Section 9-11-270 Interference with persons legally hunting or fishing.

No person shall willfully and knowingly prevent, obstruct, impede, disturb, or interfere with, or attempt to prevent, obstruct, impede, disturb, or interfere with any person in legally hunting or fishing pursuant to the rules and regulations of the Department of Conservation and Natural Resources and the law of the State of Alabama. (*Acts 1994, No. 94-321, p. 561, §1; Acts 1996, No. 96-668, p. 1131, §1.*)

Section 9-11-271 Activities prohibited.

Activities prohibited by this article shall include, but not be limited to the following:

- (a) Creating a visual, aural, olfactory, or physical stimulus intended to affect the natural behavior of the wild animal being hunted or fish for the purpose of fishing.
(b) Affecting the condition or location of personal property intended for use in the hunting or fishing. (*Acts 1994, No. 94-321, p. 561, §2; Acts 1996, No. 96-668, p. 1131, §1.*)

Section 9-11-272 Obeying order of peace officer.

No person shall fail to obey the order of a peace officer to desist from conduct which violates this article. (*Acts 1994, No. 94-321, p. 561, §3.*)

Section 9-11-273 Limited application.

This article applies only to activities on lands or waters upon which hunting or fishing may legally occur. This article does not apply to acts of a peace officer, owner of the lands or waters, or the tenant or other person acting under authority of the owner of the lands or waters; provided, however, that the provisions of this article shall apply to wildlife and game management areas operated by the Division of Wildlife and Freshwater Fisheries of the Alabama Department of Conservation and Natural Resources. This article shall not be construed to prohibit conduct protected under the First Amendment to the United States Constitution. (*Acts 1994, No. 94-321, p. 561, §4; Acts 1996, No. 96-668, p. 1131, §1.*)

Section 9-11-274 Penalties.

Any person violating this article is guilty of a Class C misdemeanor. (*Acts 1994, No. 94-321, p. 561, §5.*)

Section 9-11-275 Construction of article.

This article is supplemental to all laws relating to hunting and fishing and shall be construed in pari materia with Chapter 15 of Title 35. (*Acts 1994, No. 94-321, p. 561, §7; Acts 1996, No. 96-668, p. 1131, §1.*)

Article 9 Reciprocal Agreements as to Waterfowl Hunting.

Section 9-11-280 Agreements as to hunting and taking of waterfowl from waters of Alabama and of bordering states.

The Commissioner of Conservation and Natural Resources with approval of the governor shall have authority to enter into agreements of reciprocity with conservation commissioners or directors or other proper officials of states bordering Alabama who have jurisdiction over waterfowl hunting laws

and regulations of such states whereby the citizens of the State of Alabama may be permitted to hunt and take waterfowl from the waters under the jurisdiction of such other states upon similar agreements whereby such nonresidents are allowed to take or catch waterfowl from the waters within the State of Alabama regardless of residence. (*Acts 1961, Ex. Sess., No. 240, p. 2252, §1.*)

Section 9-11-281 Agreements as to hunting and taking of waterfowl from waters lying between Alabama and adjoining states or partly in Alabama and partly in adjoining states.

The Commissioner of Conservation and Natural Resources with approval of the Governor is hereby authorized and empowered to make and enter into agreements from time to time with the proper authorities of the states of Georgia, Florida, Tennessee and Mississippi whereby a valid hunting license issued by the State of Alabama will be accepted and honored as and in lieu of a hunting license for the respective state so agreeing for waterfowl hunting, and waterfowl only, on the lakes, rivers and streams lying between the State of Alabama and such adjoining states or partly within the borders of the State of Alabama and the adjoining state, and valid licenses issued by the resident state so agreeing shall be accepted and honored in lieu of an Alabama hunting license for hunting waterfowl upon said lakes, rivers and streams. (*Acts 1961, Ex. Sess., No. 240, p. 2252, §2.*)

Section 9-11-282 Agreements to apply separately to waters lying between Alabama and each agreeing bordering state; hunting privileges limited to waterfowl.

The purpose of this article is to authorize the state Department of Conservation and Natural Resources upon approval of the Governor to enter into such agreements with all states bordering on the State of Alabama, but is not intended that the benefits of such agreements should extend to licenses of all bordering states on all lakes, rivers and streams lying upon the border of Georgia, Florida, Tennessee and Mississippi, but are to apply separately to those lakes, rivers and streams lying between the State of Alabama and each respective state so agreeing. Such hunting privileges shall apply only to the killing and taking of waterfowl. (*Acts 1961, Ex. Sess., No. 240, p. 2252, §3.*)

Section 9-11-283 Rights and privileges granted to be exercised in accordance with Alabama laws, etc.

The waterfowl hunting rights and privileges which may be granted by or through such reciprocal agreements shall be exercised by all nonresidents of the State of Alabama in accordance with the laws of Alabama and the rules and regulations promulgated by the Commissioner of Conservation and Natural Resources of the State of Alabama which pertain to the hunting and taking of waterfowl of all species. (*Acts 1961, Ex.Sess., No. 240, p. 2252, §4.*)

Article 10 Wildlife Management Areas.

Section 9-11-300 Establishment.

The Department of Conservation and Natural Resources, through the Commissioner of Conservation and Natural Resources, is hereby authorized and directed to establish by proclamation such wildlife management areas as may be in the public interest and to enter into agreements with the United States Forest Service, the United States Bureau of Biological Survey, the Tennessee Valley Authority or other owners, lessees or administrators of such lands as may be necessary and suitable for the purpose of establishing wildlife management areas. Such agreements shall provide for the fixing and demarcation of the boundaries of said area or areas, define the responsibilities of the Department of Conservation and Natural Resources and the cooperating party or parties for restocking of wildlife species, the planting and cultivation of game and fish foods, the protection of such areas from predatory animals and unauthorized hunting or fishing and any other work necessary for the management of wildlife on such areas, shall include provision for the harvesting of game and fish crops in accordance with special rules and regulations approved by the Commissioner of Conservation and Natural Resources and provide for the collection by the Department of Conservation and Natural Resources of special fees for the privilege of hunting on or fishing on such wildlife management areas and may provide that a portion not to exceed 50 percent of the gross receipts collected by the Department of Conservation and Natural Resources from any such wildlife management area be paid to the cooperating party or parties. (*Acts 1939, No. 668, p. 1061, §1; Code 1940, T. 8, §110(1).*)

Section 9-11-301 Fixing of boundaries; promulgation of special rules and regulations for management and protection of areas.

The Commissioner of Conservation and Natural Resources is authorized to fix such boundaries and promulgate such special rules and regulations for the management and protection of wildlife management areas as may be necessary or desirable. Without limiting the generality of the foregoing, he is specifically authorized to set up for any wildlife management area special open and closed seasons on game animals, game birds and fish, to establish the amount of the fees to be collected for the privilege of hunting and fishing during any open season, to collect such fees and to authorize their collection by designated employees of the Department of Conservation and Natural Resources, to require the possession of a special permit when hunting or fishing within wildlife management areas, and to limit the number of permits to be issued during any open season to such members as he may direct. (*Acts 1939, No. 668, p. 1061, §2; Code 1940, T. 8, §110(2).*)

Section 9-11-302 Closing of land or water in areas to hunting and fishing.

The Commissioner of Conservation and Natural Resources is authorized to close to all hunting and fishing any land or water within the boundary of a wildlife management area which is not under a cooperative wildlife management agreement with the Department of Conservation and Natural Resources; provided, that at least 90 percent of the said wildlife management area is under such agreement. (*Acts 1939, No. 668, p. 1061, §3; Code 1940, T. 8, §110(3).*)

Section 9-11-303 Searches and seizures.

The Commissioner of Conservation and Natural Resources and his designated agents or employees are authorized to search without warrant any automobile, wagon, truck or other vehicle or any hunting sack or hunting coat within any wildlife management area and to confiscate any protected bird, animal or fish found killed or held in violation of the game laws or the regulations of the Commissioner of Conservation and Natural Resources; provided, that this section shall not be operative against persons traveling on state and federal highways within any wildlife management areas. (*Acts 1939, No. 668, p. 1061, §4; Code 1940, T. 8, §110(4).*)

Section 9-11-304 Carrying or possession of firearms.

The carrying or possession of firearms within any wildlife management area, except while in possession of a valid permit allowing this privilege, is prohibited; provided, that the provisions of this section shall not apply to any authorized law enforcement officer nor to any officer of the United States forest service, the United States Bureau of Biological Survey, or of the Alabama Department of Conservation and Natural Resources while in the pursuit of his official duty. (*Acts 1939, No. 668, p. 1061, §5; Code 1940, T. 8, §110(5).*)

Section 9-11-305 When dogs permitted in areas; liability of owners of dogs at large in areas.

No dog shall be permitted except on leash within any wildlife management area except in accordance with the rules and regulations promulgated by the Commissioner of Conservation and Natural Resources, and whoever shall be the owner of any dog at large within any wildlife management area shall be guilty of a misdemeanor. (*Acts 1939, No. 668, p. 1061, §6; Code 1940, T. 8, §110(6).*)

Section 9-11-307 Penalties for violations of provisions of article, etc.

Any person violating this article or any rule adopted by the Commissioner of the Department of Conservation and Natural Resources under the authority of this article shall be guilty of a Class C misdemeanor punishable as provided by law, except that the minimum fine shall not be less than one hundred dollars (\$100). (*Acts 1939, No. 668, p. 1061, §8; Code 1940, T. 8, §110(8) acts 2019-369.*)

Article 11 Possession of Wildlife for Public Exhibition Purposes.

Section 9-11-320 Definitions.

For the purpose of this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) WILDLIFE. Any wild mammal, wild bird, reptile or amphibian; and

(2) PERSON. Such term includes an individual, firm, corporation, association or partnership. (*Acts 1971, No. 2246, p. 3602, §1.*)

Section 9-11-321 Possession of wildlife in captivity for public exhibition purposes.

No person shall possess any wildlife in captivity for public exhibition purposes, except as provided in this article or any rule or regulation promulgated by the commissioner. (*Acts 1971, No. 2246, p. 3602, §2.*)

Section 9-11-322 Appointment of committee to study and recommend standards for care and treatment of captive wildlife.

The Commissioner of Conservation and Natural Resources shall appoint a committee, not to exceed five in number, of recognized experts in the exhibition, conservation, preservation and humane care of public wildlife to study and recommend to him reasonable standards for the care and treatment of captive wildlife for public display purposes, including standards of sanitation. (*Acts 1971, No. 2246, p. 3602, §2.*)

Section 9-11-323 Promulgation of regulations prescribing standards for care and treatment of captive wildlife.

The Commissioner of Conservation and Natural Resources shall give due consideration to the recommendations of the committee appointed under Section 9-11-322 and shall issue regulations prescribing reasonable standards for the care and treatment of captive wildlife for public display purposes, including standards of sanitation. (*Acts 1971, No. 2246, p. 3602, §3.*)

Section 9-11-324 Permits to possess wildlife for public exhibition purposes; contents of applications for permits.

- (a) The Commissioner of Conservation and Natural Resources, upon application of any person qualified by education or experience in the care and treatment of wildlife, may issue an annual permit to such person at a cost of \$25.00, under such terms and conditions as he prescribes, to possess wildlife for public exhibition purposes in accordance with this article and regulations adopted pursuant thereto.
- (b) Each application for a permit shall include:
 - (1) A statement regarding such person's education or experience in the care and treatment of wildlife and that of any individual employed by such person for such purpose;
 - (2) A description of the facilities used to keep the wildlife in captivity;
 - (3) A statement of the number of species or subspecies of wildlife to be covered by the permit and a statement relative to where or from whom such wildlife was acquired;
 - (4) A signed agreement that recommended standards for wildlife exhibitors as promulgated by the Commissioner of Conservation and Natural Resources will be adopted and adhered to; and
 - (5) Such other information as the Commissioner of Conservation and Natural Resources deems appropriate. (*Acts 1971, No. 2246, p. 3602, §4.*)

Section 9-11-325 Condition in permits to allow inspections; notice of and abatement of violations.

Each permit issued under this article shall include a condition authorizing anyone designated by the Commissioner of Conservation and Natural Resources to enforce this article to enter upon and inspect the facilities where the wildlife covered by such permit is held in captivity. If the Commissioner of Conservation and Natural Resources or his designee uncovers a violation, the Commissioner of Conservation and Natural Resources shall give reasonable time and adequate notice, as he so determines, to the permittee to allow him to abate the violation. If, upon the expiration of such time, the violation has not been abated, the Commissioner of Conservation and Natural Resources may cause an action to be brought in the appropriate court to abate such violation. (*Acts 1971, No. 2246, p. 3602, §5.*)

Section 9-11-326 Enforcement of article, standards and provisions of permits.

Anyone authorized by the Commissioner of Conservation and Natural Resources to enforce this article may, with or without a warrant, arrest any person who violates such provisions or standards in his presence or view and may execute any warrant or other process issued by any officer or court of competent jurisdiction and may, with a search warrant or as incident to a lawful arrest, search for and

seize any wildlife possessed in violation of this article or the standards issued thereunder or the provisions of any permit. (*Acts 1971, No. 2246, p. 3602, §6.*)

Section 9-11-327 Penalties for violations of article, standards or provisions of permits.

Anyone who knowingly violates any provision of this article or the standards adopted thereunder or the provisions of any permit shall, upon conviction, be fined not more than \$500.00 or imprisoned for not more than three months, or both. (*Acts 1971, No.2246, p. 3602, §6.*)

Section 9-11-328 Applicability of article; importation of Cervidae species.

(a) Except as provided in subsection (b), this article shall not apply to a municipal, county, state, or other publicly owned zoo or wildlife exhibit, or a privately owned traveling zoo, circus, or pet shop.
(b) A municipal, county, state, or other publicly owned zoo or wildlife exhibit, or a privately owned traveling zoo, circus, or pet shop shall not import or cause to be imported into the state any species of the family Cervidae. (*Acts 1971, No. 2246, p. 3602, §7.; Acts 2019-371, §1.*)

Article 12 Commercial Quail Breeding.

Section 9-11-340 “Pen-raised quail” defined.

A pen-raised quail is a quail which has been hatched from an egg laid by a quail confined in a pen or coop and has itself been wholly raised in a pen or coop by a duly licensed quail breeder holding a permit as provided by this article from the state Department of Conservation and Natural Resources. (*Acts 1959, No. 408, p. 1040, §1.*)

Section 9-11-341 Persons, etc., authorized to engage in propagation,etc., of pen-raised quail.

Any person, firm or corporation may engage in the business of propagating pen-raised quail, commonly known as bobwhite quail, for restocking, propagation and other commercial purposes by complying with the provisions of this article and may thereafter sell either live quail or the carcasses of such pen-raised quail for any purpose, including sale for food, either within or without this state. (*Acts 1959, No. 408, p. 1040, §1.*)

Section 9-11-342 Commercial quail breeder’s license.

A commercial quail breeder’s license must first be obtained from the state Department of Conservation and Natural Resources or its agents upon payment of \$25.00 for each such license. Said license shall be valid from October 1 to September 30 next following. Such license must bear a number as designated by the state Department of Conservation and Natural Resources and shall be conspicuously exhibited at all time at the place where said quail are bred. (*Acts 1959, No. 408, p. 1040, §2.*)

Section 9-11-343 Licensees to obtain markers or marking devices.

Before any sale may be made of the carcass of any bobwhite quail, the holder of a commercial quail breeder’s license shall obtain a proper marker or marking device as prescribed by a regulation promulgated by the Commissioner of Conservation and Natural Resources. (*Acts 1959, No. 408, p. 1040, §3.*)

Section 9-11-344 Carcasses to be marked before sale; quail to be killed otherwise than by shooting.

- (a) Before the carcass of a dead pen-raised quail shall be sold, the holder of the commercial quail breeder’s license shall plainly mark each such carcass sold with an authorized mark or marker. Any person selling or purchasing the carcass of a pen-raised quail not so marked shall be guilty of a violation of this law.
(b) All pen-raised quail offered for sale or sold for commercial purposes must be killed otherwise than by shooting with firearms. (*Acts 1959, No. 408, p. 1040, §4.*)

Section 9-11-345 Invoices to be attached to packages of carcasses.

Such pen-raised quail, when dressed and marked as provided in this article, when delivered into the hands and possession of the purchaser, his agent or common carrier or into the hands of a donee and prior to leaving the place of the licensed breeder by whatever method employed, shall have firmly and substantially attached to the package an invoice signed by such licensed breeder or his agent

stating the number of the license, the number of quail contained in said package and the name and address of the purchaser, consignee or donee. Such invoice shall authorize transportation within this state, possession and use for 30 days after its date and shall be substantially in the following form:

Name of licensed breeder. Number of breeder's license,

Date _____ of 2 _____

Kind and number of quail _____

Name of consignee _____

Address of consignee _____

This authorizes transportation within

this state, possession and sale

for 30 days after date if attached to package.

By: _____ (Breeder) _____ (Agent) (*Acts 1959, No. 408, p. 1040, §5.*)

Section 9-11-346 Packages of carcasses to be shipped with invoices attached.

When any such package containing a shipment of quail carcasses for which an invoice is required is to be shipped by rail, express or other carrier, public or private, the invoice shall be securely attached thereto or to the package containing the same in plain sight, and the same may then be lawfully carried and delivered within this state to the consignee named in such invoice. (*Acts 1959, No. 408, p. 1040, §6.*)

Section 9-11-347 Invoices to be kept attached to packages of carcasses during storage.

If such package or shipment of quail carcasses is kept in storage in any hotel, restaurant, cafe or boardinghouse or elsewhere, such invoice shall be kept attached thereto as aforesaid until the same shall have been prepared for consumption. (*Acts 1959, No. 408, p. 1040, §7.*)

Section 9-11-348 Resale or disposition of quail by persons other than retail vendors.

In case of the resale or disposition of such quail or any part thereof by any person other than a retail vendor, he shall at such time make an exact copy of such original invoice and endorse thereon the date of his sale, the number of quail carcasses so disposed of and the name of the purchaser and sign and deliver the same to the purchaser or donee, who shall keep it attached as aforesaid until the quail are prepared for consumption, and the same shall have the same force and effect as the original invoice. (*Acts 1959, No. 408, p. 1040, §8.*)

Section 9-11-349 Records of licensees; inspection of records and premises of licensees.

Each person, firm or corporation holding a commercial quail breeder's license shall keep permanent records in a suitable, permanently bound book of all bird carcasses sold, to whom sold, the date of the sale, the address of the vendee or consignee and the number of carcasses sold, which records, as well as the premises of such licensed breeder, shall be subject to examination and inspection by any agent of the state Department of Conservation and Natural Resources or by any peace officer, without the issuance of any warrant, upon displaying his credentials of authority to such breeder. (*Acts 1959, No. 408, p. 1040, §9.*)

Section 9-11-350 Article applicable to persons, etc., shipping quail into state.

Any person, firm or corporation shipping quail into this state shall be subject to the provisions of this article. (*Acts 1959, No. 408, p. 1040, §10.*)

Section 9-11-351 Penalty for violations of provisions of article.

Any person, firm or corporation violating any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law. (*Acts 1959, No. 408, p. 1040, §11.*)

Article 13 Taking of Mussels or Mollusks From Fresh Waters

Section 9-11-370 “Nonresident” defined; burden of proof as to residence.

For the purposes of this article, a “nonresident” shall be deemed to be any person who has not resided continuously in the State of Alabama for 12 months next preceding the application for a license. The burden for proof of residence is placed strictly upon the applicant for a license. (*Acts 1966, Ex. Sess., No. 426, p. 570, §5.*)

Section 9-11-371 Promulgation of rules and regulations as to taking of mussels or mollusks from fresh waters.

The Commissioner of Conservation and Natural Resources is hereby empowered to promulgate and establish rules and regulations as to when, where and how and under what conditions mussels or any type of mollusk may be caught or taken from the fresh waters of this state. This regulatory and rule-making power shall include, but not be limited to, the following:

- (1) The number, size and type of mussels or mollusks that may be caught or taken;
- (2) The dates, times and areas when mussels or mollusks may be caught or taken;
- (3) The type of gear, equipment and boats that may be used to take or catch mussels or mollusks;
- (4) The type, kind and number of records and reports which must be submitted to the Department of Conservation and Natural Resources on activities in the mussel and mollusk fishing industry; and
- (5) The type of gear and equipment and the number and kind of boat or boats that may be used under each “mussel catcher’s license.” (*Acts 1966, Ex. Sess., No. 426, p. 570, § 1.*)

Section 9-11-372 Mussel catcher’s license.

Before any person shall take or catch or attempt to take or catch any mussel or any type of mollusk for commercial purposes from the fresh waters of this state, he or she shall purchase a “mussel catcher’s license.” The license shall be issued in the same manner and be effective for the same period as commercial fishing licenses. The cost of the license shall be \$250 for residents, and \$750 for nonresidents, as defined in Section 9-11-370, plus an issuance fee of \$1 which shall be in addition to the initial amount charged for the license. A violation of this section shall be a Class B misdemeanor, the punishment for which shall include, but not be limited to, a fine of five times the cost of the license. (*Acts 1966, Ex. Sess., No. 426, p. 570, §2; Acts 1990, No. 90-85, p. 90, §1; Acts 1993, No. 93-638, p. 1094, §1.*)

Section 9-11-373 Mussel buyer’s license.

Before any person shall buy or purchase or attempt to buy or purchase any type of fresh- water mussel or any type of freshwater mollusk or the shells thereof within this state, he shall purchase a “mussel buyer’s license.” Said license shall be issued in the same manner and be effective for the same period as commercial fishing licenses. The cost of said license shall be \$100.00 for residents and \$300.00 for nonresidents, plus an issuance fee of \$.25 which shall be in addition to the initial amount charged for the license. (*Acts 1966, Ex. Sess., No. 426, p. 570, §3.*)

Section 9-11-374 Disposition of proceeds of sale of licenses.

All proceeds from the sale of said licenses, except the issuance fee, shall be deposited in the State Treasury to the credit of the Game and Fish Fund of the Department of Conservation and Natural Resources. The issuance fee shall be retained by the judges of probate and other persons authorized and designated to issue licenses in each of the counties of Alabama where said officials are on a fee basis; in those counties where said judges of probate and other officials authorized to issue licenses are on a salary, said issuance fee shall be paid to the general fund of that county. If said license is issued directly from the Department of Conservation and Natural Resources, said issuance fee shall be deposited in the State Treasury to the credit of the Game and Fish Fund of the Department of Conservation and Natural Resources. (*Acts 1966, Ex. Sess., No. 426, p. 570, §4.*)

Section 9-11-375 Charge for buying or otherwise obtaining freshwater mussels; disposition of revenues; violation as a misdemeanor.

- (a) Any person, firm, or corporation who purchases or otherwise obtains freshwater mussels taken from Alabama waters shall pay to the Alabama Department of Conservation and Natural Resources Division of Wildlife and Freshwater Fisheries the amount equal to \$0.05 per pound of

mussel shells, with or without meat, purchased or obtained.

- (b) The payment to the Division of Wildlife and Freshwater Fisheries shall be calculated from receipts filled out by the buyer for each transaction. A copy of each receipt shall be given to the seller and a copy retained by the buyer, and shall be made available by the buyer for inspection by agents of the Division of Wildlife and Freshwater Fisheries for a period of two years. When mussels are exported without first going through a buyer, the method of payment shall be as described in the rules and regulations promulgated by the Division of Wildlife and Freshwater Fisheries. For purposes of this section, a buyer is any person, firm, or corporation who buys, or otherwise obtains, mussels from mussel harvesters or mussel buyers from Alabama.
- (c) Payments from buyers shall be made monthly and shall be received by the Division of Wildlife and Freshwater Fisheries no later than the 15th day of the month following payment.
- (d) Revenue from this section shall be used for mussel management, research, enforcement, and administration. However, no more than 50 percent of the total revenue shall be spent on enforcement.
- (e) Violation of this section shall be punishable as a Class A misdemeanor. (*Acts 1993, No. 93-638, p. 1094, §2.*)

Article 15 Commercial Fowl Hunting Preserves.

Section 9-11-410 License required.

Any person, firm, or corporation desiring to operate a bird hunting preserve commercially on which artificially propagated birds may be hunted, taken, captured, killed, harvested, or otherwise recovered shall obtain a bird hunting preserve license and comply with the provisions of this article and all rules promulgated by the Commissioner of Conservation and Natural Resources governing the operation of hunting preserves. (*Acts 1979, No. 79-431, p. 678, §1; Act 2010-398, p. 653, §1; Act 2010-697, p. 1688, §1.*)

Section 9-11-412 Birds to be hunted.

Game which may be hunted on a preserve licensed under this article shall be artificially propagated or pen-raised bob-white quail, pheasants, chukar partridge, and such other species of birds, except for artificially propagated or pen-raised turkeys, as the Commissioner of Conservation and Natural Resources shall designate. (*Acts 1979, No. 79-431, p. 678, §3; Act 2010-398, p. 653, §1; Act 2010-697, p. 1688, §1.*)

Section 9-11-413 License fee; issuance of license; license to operate a commercial bird hunting preserve.

(a) Except as provided in subsection (b), the privilege license fee for operating a hunting preserve shall be twenty-five dollars (\$25) per year for the first 100 acres of hunting preserve area plus five dollars (\$5) per year for each additional 100 acres or part thereof. Upon application to the judge of probate of the county in which the preserve is located and payment of the license fee required in this subsection and an issuance fee of two dollars (\$2), the judge of probate shall issue a privilege license to operate a hunting preserve to the applicant. Privilege licenses to operate hunting preserves shall be issued on forms prescribed by the Commissioner of Conservation and Natural Resources furnished to the judge of probate. All fees collected by the judge of probate for issuing hunting preserve licenses shall be remitted at the same time and in the same manner that hunting and fishing license fees are remitted and shall be paid into the Game and Fish Fund of the state Department of Conservation and Natural Resources.

(b) In lieu of the license fee provided for in subsection (a), the operator of a commercial bird hunting preserve may purchase a license which entitles the licensee to operate a commercial bird hunting preserve and exempts the patrons of the preserve from the license requirement of Section 9-11-417. The fee for the license shall be five hundred dollars (\$500), plus a two dollar (\$2) issuance fee. The license shall be issued in the same manner as the license provided for in subsection (a). The license or a copy thereof shall be in the possession of at least one person in each hunting party. (*Acts 1979, No. 79-431, p. 678, §4; Act 2010-398, p. 653, §1; Act 2010-697, p. 1688, §1.*)

Section 9-11-414 Limits on harvest; hunting period for "pen-raised birds."

There shall be no daily commercial limit as to the number of released pen-raised birds commercially taken or recovered by patrons under this article. The period during which pen-raised birds may be

hunted, taken, captured, killed, or otherwise recovered on preserves shall begin on October 1 each year and extend through March 31 of the following calendar year. (*Acts 1979, No. 79-431, p. 678, §5; Act 2010-398, p. 653, §1; Act 2010-697, p. 1688, §1.*)

Section 9-11-417 Hunting licenses required of preserve patrons; seven-day license; operators as agent vendors of licenses.

- (a) Except for patrons hunting artificially propagated or pen-raised birds on preserves licensed pursuant to subsection (b) of Section 9-11-413, Alabama hunting licenses shall be required of all persons hunting on licensed hunting preserves. Alabama residents shall be licensed under the regularly established game laws. Each non-resident hunting on a licensed preserve shall be required to possess a regular non-resident annual hunting license or a non-resident trip hunting license.
- (b) In lieu of a regular hunting license as provided in subsection (a), either a resident or a non-resident may purchase a seven-day commercial bird hunting preserve license that allows that person the privilege of hunting only artificially propagated or pen-raised birds as designated by the Commissioner of Conservation and Natural Resources as legal to hunt on a licensed commercial bird hunting preserve. The cost of a seven-day commercial bird hunting preserve license shall be eight dollars (\$8), plus a two dollar (\$2) issuance fee. The license shall be valid for seven consecutive days from the date of issuance.
- (c) To better serve the public and in order that the state will not lose revenue from the loss of sale of licenses to out-of-state visitors arriving on weekends, each hunting preserve operator licensed pursuant to this article shall be an agent vendor of all non-resident and resident hunting licenses with any issuance fees collected therefor to be remitted to the judge of probate of the county in which the preserve is located. (*Acts 1979, No. 79-431, p. 678, §8; Acts 1992, 2nd Ex. Sess., No. 92-702, p. 172, §1; Act 2010-398, p. 653, §1; Act 2010-697, p. 1688, §1.*)

Section 9-11-418 Enforcement of game and fish laws; inspection of preserves.

Duly authorized agents of the state Department of Conservation and Natural Resources, game wardens and other law enforcement officers duly authorized to enforce game and fish laws shall have authority to enforce all game and fish laws and regulations on such preserves; and for such purposes are authorized to enter and inspect licensed hunting preserves. (*Acts 1979, No. 79-431, p. 678, §9.*)

Section 9-11-419 Violations; license revocation.

Any person, firm or corporation who is found guilty of operating a licensed hunting preserve in violation of any provision of this article, upon conviction, shall have his hunting preserve license revoked forthwith. (*Acts 1979, No. 79-431, p. 678, §10.*)

Article 16 Preservation of Wetlands and Hunting of Migratory Waterfowl

Section 9-11-430 Definitions.

Whenever used in this article, the following words and terms shall have the following respective meaning unless the context clearly indicates otherwise:

- (1) MIGRATORY WATERFOWL. Any wild duck, wild goose, brant or coot (poule d'eau).
- (2) DEPARTMENT. State Department of Conservation and Natural Resources.
- (3) STAMP. The state migratory waterfowl stamp furnished by the department. (*Acts 1979, No. 79-545, p. 985, §1.*)

Section 9-11-431 Construction of article; purpose thereof.

This article shall be construed in furtherance of the purpose thereof, which is to ensure the procurement, development, restoration, maintenance or preservation of wetlands for migratory waterfowl habitat. (*Acts 1979, No. 79-545, p. 985, §2.*)

Section 9-11-432 Stamp required for hunting migratory waterfowl; form; procedure.

A person may not hunt migratory waterfowl within the State of Alabama or its coastal waters without first procuring a state migratory waterfowl stamp. The stamp shall be validated by the signature of the

hunter written across the face of the stamp in ink. The stamp shall be in the possession of the hunter while the hunter is hunting or taking migratory waterfowl. The form of the stamp shall be determined by the department and the department shall furnish the stamps to the judge of probate or issuing officer of the counties or to other authorized license agents as provided in Section 9-11-433 for issuance or sale in the same manner as state hunting licenses are issued or sold. (*Acts 1979, No. 79-545, p. 985, §3; Act 98-615, p. 1355, §1.*)

Section 9-11-433 Issuance of annual stamp; lifetime migratory waterfowl stamp; fees; issuing agents; refund for unsold stamps.

- (a) A stamp shall be issued to each hunting license applicant by the judge of probate or issuing officer of any county of the state or other authorized license agent as provided herein upon the payment of a fee of ten dollars (\$10). Each stamp shall be valid for the duration of one hunting season as established by the department. Stamps shall be available for sale prior to any waterfowl season, including any special season which may precede the regular season. The stamp fee provided in this subsection shall be subject to periodic adjustments by the Department of Conservation and Natural Resources based on increases in the Consumer Price Index in the same manner as other fishing and hunting licenses and fees are adjusted pursuant to Section 9-11-68.
- (b) In lieu of an annual stamp, a lifetime migratory waterfowl stamp may be purchased by or for individuals meeting the residency requirements set out in Section 9-11-44 for the following license fees:
 - (1) Persons less than two years old, one hundred thirty dollars (\$130).
 - (2) Persons age two through 11 years old, one hundred seventy dollars (\$170).
 - (3) Persons age 12 through 49 years, two hundred ten dollars (\$210).
 - (4) Persons age 50 years and above, one hundred thirty dollars (\$130).
 - (5) The stamp fee provided in this subsection may be subject to periodic adjustments by the Department of Conservation and Natural Resources upon approval of the commissioner based on increases in the Consumer Price Index in the same manner as other fishing and hunting licenses and fees are adjusted pursuant to Section 9-11-68.
 - (6) In addition to the license fee provided by this subsection, there shall be a twenty dollar (\$20) issuance fee collected and deposited in the State Treasury to the credit of the Department of Conservation and Natural Resources for the development of waterfowl habitat.
- (c) The judge of probate, or issuing officer, or other authorized license agent as provided herein shall be allowed a fee of one dollar (\$1) for each license issued, which issuing fee shall be in addition to the cost of the stamp and shall be subject to adjustment as provided for in Section 9-11-68. In counties where the judge of probate or issuing officer is on the fee system, the issuing fee shall be retained by the judge of probate or issuing officer, and in counties where the judge of probate or issuing officer is on a salary basis, the fee shall be paid into the county treasury to the credit of the appropriate fund.
- (d) Other license agents as authorized by the Department of Conservation and Natural Resources may issue migratory waterfowl stamps, provided the other authorized license agents prepurchase sheets of stamps for resale at face value plus the issuance fee provided herein. An agent shall place an initial order for one or more sheets of 10 stamps each for the license year. At the end of the license period, the agent may return unsold stamps for a refund. (*Acts 1979, No. 79-545, p. 985, §4; Act 98-615, p. 1355, §1 Act 2016-384. Act 2018-551, §1.*)

Section 9-11-434 Revenue used in preservation of wetlands; contracts with non-profit organizations for project outside United States.

The revenue derived from the sale of the stamp provided for herein shall be remitted to the department on the first day of each month by the judge of probate or issuing officer and shall be covered into the State Treasury to the credit of the Game and Fish Fund and shall be used for projects approved by the department for the procurement, development, restoration, maintenance or preservation of wetlands, for waterfowl habitat, and the development or improvement of controlled public waterfowl hunting areas, except that part which is specified by the department for use in paying administrative expenses. No part of revenues derived from the sale of this stamp shall be used to pay administrative expenses not directly related to waterfowl management and no part of revenues shall be used to pay enforcement expenses.

No part of the revenues derived from the sale of this stamp shall be used to replace revenues and

allocations presently being made by the department for management of waterfowl refuges and public waterfowl hunting areas.

No part of the revenues derived from the sale of this stamp shall be used to maintain, procure or restore habitat for other wild

game except where their occurrence is coexistent with migratory waterfowl. The department may enter into contracts with nonprofit organizations for the use of one-half of such funds outside the United States if the department finds that such contracts are necessary for carrying out the purposes of this article. (*Acts 1979, No. 79-545, p. 985, § 5.*)

Section 9-11-435 Requirements for approval of outside United States projects.

Before approving and allocating funds for a proposed project to be undertaken outside the United States, the department shall obtain evidence that the project is acceptable to the government agency having jurisdiction over the lands and waters affected by the project. (*Acts 1979, No. 79-545, p. 985, § 6.*)

Article 17 Commercial Fee Fishing Ponds.

Section 9-11-450 Permit required; rules and regulations.

Any person, firm or corporation desiring to operate a "commercial fee fishing pond" (as provided for herein) from which otherwise legally permitted freshwater fish, which are private farm raised or private hatchery produced fish only, may be taken, captured, harvested, or otherwise recovered, may do so upon obtaining an annual "commercial fee fishing pond" letter permit and complying with the provisions of this article and laws relating to the importation and control of exotic fish species. (*Acts 1988, No. 88-578, p. 902, §1.*)

Section 9-11-451 Site of fee fishing ponds; marking of entrance.

Each fee fishing site to be operated hereunder may contain one or more man-made ponds in one tract of leased or owned land. Under no circumstances, however, shall any fishing site as provided for herein, be operated on any public waters of the State of Alabama as defined by Section 9-11-80. The entrance to each fee fishing site shall be clearly marked with a sign, at the top of which shall appear in letters not less than two inches high, the words "LICENSED COMMERCIAL FEE FISHING PONDS". (*Acts 1988, No. 88-578, p. 902, §2.*)

Section 9-11-452 Ponds to be stocked with farm or hatchery produced fish.

No ponds shall qualify to be operated hereunder which are stocked with or which contain any fish other than private farm raised or private hatchery produced fish. (*Acts 1988, No. 88-578, p. 902, §3.*)

Section 9-11-453 Application procedure.

Any person who desires to operate a fee fishing site as provided for herein shall first file a request with a local conservation officer or with the Department of Conservation and Natural Resources. If it meets the requirements of this article, the operator shall be issued a letter permit to operate such fee fishing site. (*Acts 1988, No. 88-578, p. 902, §4.*)

Section 9-11-454 Fishing license not required; letter permit prominently displayed.

Holders of the letter permit issued pursuant to this article, their guests and patrons may, to the extent that said persons fish in accordance with the provisions hereof, fish from the ponds on the approved site without an approved fishing license. The letter permit shall be displayed prominently adjacent to the place where the fish taken from said site are checked and weighed. (*Acts 1988, No. 88-578, p. 902, §5.*)

Section 9-11-455 Creel limits.

Creel limits for fish taken from the said fee fishing ponds shall be at the discretion of the operator. (*Acts 1988, No. 88-578, p. 902, §6.*)

Section 9-11-456 Selling of fish caught.

No fish caught or taken from the said fee fishing sites shall be sold or offered to be sold or traded or offered to be traded, except as otherwise provided by law. (*Acts 1988, No. 88-578, p. 902, §7.*)

Section 9-11-457 Violations; fines.

Any violation of the provisions of this article shall be punishable by a fine of not more than \$250.00. (*Acts 1988, No. 88-578, p. 902, §8.*)

Article 18 Protection of Black Bears.

Section 9-11-480 Legislative findings.

The Legislature finds that the black bear (*Ursus americanus*) is a unique mammal in the State of Alabama requiring special protection. (*Act 2001-634, p. 1223, § 1.*)

Section 9-11-481 Prohibited activities; exceptions; applicability; penalties.

(a) Except as provided in subsection (b), it shall be unlawful for any individual, corporation, partnership, trust, association, or any other entity to do any of the following:

- (1) Hunt, wound, injure, kill, trap, collect, or capture a black bear, or to attempt to engage in that conduct during the closed season for black bear.
- (2) Sell, offer for sale, purchase, offer to purchase, deliver, transport, carry, or ship, in intrastate, interstate, or foreign commerce a black bear, whether alive or dead, or any of its parts or products, or to attempt to engage in that conduct. Nothing in this article shall prohibit legal possession of black bear taken legally in other states.

(b) The Alabama Department of Conservation and Natural Resources shall permit, under reasonable terms and conditions as it may prescribe, any act otherwise prohibited by subsection (a) for any of the following purposes:

- (1) Scientific or survival research.
- (2) Zoological exhibition.
- (3) Education.
- (4) Any other purposes as may be determined by the Alabama Department of Conservation and Natural Resources.

(c) The prohibitions of subdivision (1) of subsection (a) shall not apply to activities where killing or injuring a black bear is incidental to, and not the purpose of, activities which are otherwise lawful.

(d) Any individual, corporation, partnership, trust, association, or other entity who violates this section shall, upon conviction, be guilty of a Class A misdemeanor, punishable as follows:

- (1) For the first offense, by a fine of not less than two thousand dollars (\$2,000) and not more than five thousand dollars (\$5,000), or imprisonment for not more than one year, or both.
- (2) For the second and any subsequent offense, by a fine of not less than three thousand five hundred dollars (\$3,500) and not more than five thousand dollars (\$5,000), or imprisonment for not less than six months or more than one year, or both.
- (3) Any individual shall have all hunting and fishing license privileges revoked for a period of three years from the date of conviction.
- (4) Any motor vehicle, weapons, or other property, which has been or is used in any activity prohibited by this section may be confiscated under the same procedures set forth in Section 9-11-252.1. (*Act 2001-634, p. 1223, §2.*)

Article 19 Hunting of Native Game Animals and Certain Nonindigenous Animals.

Section 9-11-500 Definitions.

For purposes of this article, the following words have the following meanings:

- (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. (*Act 2006-109, p. 159, §1.*)

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. (*Act 2006-109, p. 159, §2.*)

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. (*Act 2006- 109, p. 159, §3.*)

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. (*Act 2006-109, p. 159, §4.*)

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. (*Act 2006-109, p. 159, §5.*)

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. (*Act 2006-109, p. 159, §6.*)

Chapter 12 MARINE RESOURCES.

Article 2 Seafoods.

(Division 3 Additional Regulations.)

Section 9-12-113.1 Selling, buying, trading, or bartering certain saltwater game fish prohibited.

No person shall do, or attempt to do, any of the following: sell, trade, or barter, or buy, trade for, or barter for, any saltwater game fish specified in Section 9-12-113 or by regulation of the Department

of Conservation and Natural Resources. The first offense of this section shall be a Class B misdemeanor with a mandatory minimum fine of one thousand dollars (\$1,000). Any subsequent offenses shall be a Class A misdemeanor with a mandatory minimum fine of two thousand dollars (\$2,000), plus forfeiture of vehicle used in transporting the game fish. Any person violating this section or any regulation promulgated pursuant to this section shall be strictly liable and it shall not be necessary to prove any criminal intent for conviction. (*Acts 1995, No. 95-287, p. 535, §3.*)

Section 9-12-125 Licenses for selling, brokering, processing, etc., fresh or frozen seafood.

Any person, firm, or corporation who engages in the selling, brokering, trading, bartering, or processing of any fresh or frozen seafood, whether on a consignment basis or otherwise, is a seafood dealer and shall purchase a seafood dealer's license for a fee of two hundred dollars (\$200) for Alabama residents domiciled for a period of more than one continuous year immediately preceding date of issuance and four hundred dollars (\$400) for nonresidents except for residents of states which charge Alabama residents in excess of four hundred dollars (\$400) for the activity, in which case it shall be the amount the other state charges. To obtain the license, all entities other than brokers shall have and present proof of a business license from the location of the business, a tax identification number, and the appropriate seafood processing health permit. This license is not required by nonresident seafood dealers buying from or selling to a licensed Alabama seafood dealer or licensed commercial fishermen when selling their catch to a licensed Alabama seafood dealer nor by restaurants where the seafood is cooked and sold for consumption on or off its premises. Restaurants shall not purchase seafoods from any person, firm, or corporation that is not licensed to sell seafoods in Alabama. If the licensee owns or operates more than one place of business, then additional dealer's licenses must be purchased for each separate place of business, providing the location of each. A vehicle used solely for transporting seafoods to or from an Alabama seafood dealer is not considered a place of business. Each vehicle from which seafood is sold to or purchased from any person, firm, or corporation other than an Alabama seafood dealer, is a place of business and shall be licensed under this section. The seafood dealer shall purchase a license for each vehicle for a fee of one hundred dollars (\$100) per license and the operator of the vehicle shall have the original license in his or her possession when selling or buying seafood from that vehicle. Seafood dealers may purchase seafoods only from commercial fishermen validly licensed in Alabama, Alabama seafood dealers, and any nonresident seller who is validly licensed to sell seafoods under the laws of that state. It shall be unlawful for any person, firm, or corporation to sell, broker, trade, barter, or process seafoods as provided for in this section without first purchasing a seafood dealer's license. Any person, firm, or corporation violating this section shall, upon conviction, be guilty of a Class A misdemeanor, with a minimum mandatory fine of one thousand dollars (\$1,000) for first offenses, two thousand five hundred dollars (\$2,500) for second offenses within three years of the date of the first conviction, and five thousand dollars (\$5,000) and a mandatory jail sentence of 10 to 30 days for conviction of any subsequent offenses within three years of the date of the first conviction. (*Acts 1988, No. 88-577, p. 897, §9; Acts 1995, No. 95-287, p. 535, §6.*)

Article 6 Commercial Alligator Operations

Section 9-12-200 Definitions.

For the purposes of this article, the following terms shall have the meanings described herein, unless the context otherwise requires:

- (1) ALLIGATOR FARM. An enclosed area not located on public lands or waters, constructed so as to prevent the ingress and egress of alligators from surrounding public or private lands or waters and meeting other specifications prescribed by the department, where alligators are bred and raised under controlled conditions.
- (2) ALLIGATOR FARMER. A person who raises alligators under controlled conditions which prohibit free movement of the animals onto and off of the farm or controlled area, and who may harvest alligators under the supervision of the department.
- (3) ALLIGATOR PART. Any part of the carcass of an alligator, except its skin.
- (4) ALLIGATOR PARTS DEALER. Any person who deals in alligator parts and who buys from an alligator farmer for the purpose of resale; or manufactures within the state alligator parts into a finished product; or purchases, cans, processes, or distributes alligator meat for wholesale or retail; provided, that a retailer selling canned alligator parts or a retailer purchasing alligator parts

from an alligator parts dealer or a restaurant selling pre- pared alligator meat for human consumption shall not be classified as an alligator parts dealer.

- (5) COMMISSIONER. The Commissioner of the Alabama Department of Conservation and Natural Resources.
- (6) DEPARTMENT. The Alabama Department of Conservation and Natural Resources.
- (7) TRANSPORT. In its different tenses, the act of shipping, attempting to ship, receiving or delivering for shipment, transporting, conveying, carrying, or exporting by air, land, or water, or by any means whatsoever. (*Acts 1989, No. 89-874, p. 1749, §1.*)

Section 9-12-201 Who may engage in business of propagating alligators.

Any person, firm, or corporation may engage in the business of propagating alligators on an alligator farm for restocking, propagation, and other commercial purposes by complying with the provisions of this article, and may thereafter sell either live alligators to other licensed alligator farmers only, or the parts or skins of such farm-raised alligators to any person, for any purpose, including sale for food, either within or without this state. (*Acts 1989, No. 89-874, p. 1749, §2.*)

Section 9-12-202 License; fee.

Whoever desires to engage in the business of raising, exhibiting, and selling alligators on alligator farms shall apply to the department for a license to do so. If it appears that the application is made in good faith, upon payment of \$1,000.00, an alligator farmer license may be issued permitting the applicant to breed, propagate, exhibit and sell to other licensed alligator farmers only, such alligators alive, or sell their skins and parts and to kill and transport them and sell their skins and parts as herein provided. (*Acts 1989, No. 89-874, p. 1749, §3.*)

Section 9-12-203 Expiration and renewal of license; fee.

Alligator farmer licenses shall expire on the thirtieth day of September of each year. On or before the first day of October of the following year, every licensee shall apply for a renewal of his license. In conjunction with this application, the licensee shall provide a report including all information as specified by the department. Upon payment of \$1,000.00, the department shall renew his license. (*Acts 1989, No. 89-874, p. 1749, §4.*)

Section 9-12-204 Marketing or taking of alligators; rules and regulations; tagging; affidavit; transportation of carcass.

Alligators raised on such licensed breeding farms may be sold alive to other licensed alligator farmers only, or taken for their skins or for food, according to such rules and regulations as the department may promulgate. All skins shall be tagged according to rules and regulations of the department. The severance tax, as provided in Section 9-12- 210, shall be paid before the raw alligator skins are sold or shipped within or without the state, and a written affidavit as to the number and kinds of skins sold or shipped shall be furnished to the department as specified. No alligator carcass or parts intended for sale shall be shipped, transported, sold, or offered for sale unless tagged according to department regulations. (*Acts 1989, No. 89-874, p. 1749, §5.*)

Section 9-12-205 Property rights.

Whoever under the authority of this article has in his lawful possession any such alligators or parts thereof on such posted or fenced alligator farm shall have a property right therein and shall be the owner thereof. Whoever enters the alligator farm and catches, takes, or attempts to catch or take such alligators when the area has been posted or fenced according to law shall be punished as though the alligators were ordinary domestic animals and subject to the property rights of the State of Alabama. (*Acts 1989, No. 89-874, p. 1749, §6.*)

Section 9-12-206 Alligator parts dealer license; retail and restaurant license; fees.

- (a) Each alligator parts dealer shall secure an alligator parts dealer license from the department before commencing business. The license shall be secured annually and shall be furnished upon the payment of \$100.00.
- (b) Each retailer selling canned alligator parts or purchasing alligator parts, and each restaurant selling prepared alligator meat for human consumption shall secure a license from the department before commencing business. The license shall be secured annually and shall be furnished upon payment of \$5.00. (*Acts 1989, No. 89-874, p. 1749, §7.*)

Section 9-12-207 Alligator parts transaction forms; bills of sale; inspection; records.

- (a) Any licensed alligator farmer may sell alligator carcasses or parts, provided he completes an official alligator parts transaction form, furnished by the department, for every alligator parts transaction. These forms shall be submitted to the department at 30-day intervals until all parts are sold.
- (b) Any alligator parts dealer purchasing alligator parts, other than skins, shall complete an official alligator parts transaction form for each purchase. Any alligator parts dealer selling alligator parts, other than skins, shall complete an official alligator parts sale form for each sale. These forms shall be furnished by the department and shall be submitted to the department at 30-day intervals until final disposition of all parts. Each alligator farmer and parts dealer shall furnish a bill of sale to each retailer or restaurant purchasing alligator parts.
- (c) Any retailer or restaurant purchasing alligator parts shall maintain a bill of sale for each purchase for a period of six months after such purchase. These records shall be available for inspection at any and all reasonable hours by the Commissioner of Conservation and Natural Resources, his law enforcement officers or any other persons appointed and designated by him for such purpose.
- (d) The records of transaction involving alligator parts of alligator farmers and parts dealers shall be available for inspection at any and all reasonable hours by the Commissioner of Conservation and Natural Resources, his law enforcement officers or any other persons appointed and designated by him for such purpose. Each parts dealer shall maintain complete records for a period of one year following any transaction. (*Acts 1989, No. 89-874, p. 1749, §8.*)

Section 9-12-208 Alligator parts tag.

Each alligator farmer shall tag with an official alligator parts tag, furnished by the department, all carcasses, meat, or nonedible alligator parts prior to sale and upon dissection from the carcass. This tag shall be completed in full and remain attached to the carcass or part until final disposition by the alligator farmer, parts dealer, or consumer if purchased directly from an alligator farmer. (*Acts 1989, No. 89-874, p. 1749, §9.*)

Section 9-12-209 Shipment of alligator skins; tags.

All raw alligator skins shipped within this state shall be tagged so as to show the number and kinds of skins in the shipment, the consignor, shipping point, consignee, and destination. The department shall supply suitable tags to all shippers requiring them for actual shipments. No alligator skin intended for shipment within this state shall be accepted by any post office, express company, or agent, or the agent of any common carrier, unless there is attached to one of the packages composing the shipment to each consignee one of the tags specified herein. (*Acts 1989, No. 89-874, p. 1749, §10.*)

Section 9-12-210 Severance tax on alligator skins; penalty.

There is hereby levied a severance tax on each alligator skin taken from any alligator within this state, payable to the state through the department by the alligator farmer selling or shipping his skins within or without the state or taking his own catch out of state, at the rate of \$1.00 on each skin. Failure to pay such severance tax subjects all alligator skins held by such alligator farmers to confiscation by order of the department. Failure to maintain complete records and to pay the severance tax as provided herein subjects any alligator farmer to the full penalties provided in this article and the immediate revocation of his license by the department. No license shall be issued to any alligator farmer who has not paid such severance tax for the preceding year. Violation of this section is a Class A misdemeanor. (*Acts 1989, No. 89-874, p. 1749, §11.*)

Section 9-12-211 Taking or possession of alligators, eggs, parts or skins prohibited except as provided; applicability of section; penalty.

No person shall take or possess the eggs of alligators, alligators, or their parts or skins in any county of this state except as provided for in this article, and the provisions of this section shall not apply to legal finished products, alligators or parts thereof legally acquired prior to May 17, 1989, or alligators harvested or collected under a permit from the Commissioner of the Department of Conservation and Natural Resources. Violation of this section is a Class C felony. (*Acts 1989, No. 89-874, p. 1749, §12.*)

Section 9-12-212 Disbursement of license fees and taxes.

All license fees and taxes resulting from the provisions of this article shall be paid into the State Treasury to the credit of the Game and Fish Fund of the Department of Conservation and Natural Resources. (*Acts 1989, No. 89-874, p. 1749, §13.*)

Section 9-12-213 Effect of federal endangered species status.

Notwithstanding anything herein to the contrary, in the event the federal government places the alligator in an endangered species status, all licenses issued pursuant to this article shall be null and void upon the earlier of the following dates: (1) the expiration date of said licenses or (2) one year from the date that the federal government placed the alligator in an endangered species status. (*Acts 1989, No. 89-874, p. 1749, §14.*)

Section 9-12-214 Violations; forfeiture of property and license; eligibility for new license.

Any person licensed as an alligator farmer under Section 9-12-202 convicted of violating any of the provisions of this article shall have his license cancelled and all alligators, alligator parts, and alligator skins in his possession shall be forfeited to the Department of Conservation and Natural Resources. These shall be disposed of by the department through public auction and the proceeds thereof deposited in the Game and Fish Fund. Any alligator farmer having his license so cancelled will be ineligible to purchase such a license for a period of five years. After five years, said person may purchase an alligator farmer license only on written recommendation of the Director of the Division of Wildlife and Freshwater Fisheries of the department. (*Acts 1989, No. 89-874, p. 1749, §15.*)

Chapter 13 Forests and Forest Products

Article 10 Ginseng Regulation.

Section 9-13-240 Findings and purpose.

The Legislature has found that ginseng *Panax quinquefolius* L., is listed as endangered by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and as such, must be protected from extinction. The purpose of this article is to provide a mechanism for collection and exportation of ginseng while at the same time preventing the depletion of wild ginseng populations throughout the state. (*Acts 1987, No. 87-582, §1.*)

Section 9-13-241 Definitions.

As used in this article, the following words shall have the meaning stated below, unless the context clearly requires otherwise:

- (1) BOARD. The State Board of Agriculture and Industries.
- (2) COMMISSIONER. The Commissioner of Agriculture and Industries or his designated representative.
- (3) CULTIVATED GINSENG. Ginseng that has been planted and cultivated by standard horticultural practices.
- (4) DEPARTMENT. The Department of Agriculture and Industries.
- (5) EXPORT. To transport, deliver or cause to be transported or delivered to any person or place for the purpose of transportation from any place in this state to any place outside this state.
- (6) GINSENG. The plant *Panax quinquefolius* L., including cuttings, roots, fruits, seed, propagules or any other portion thereof.
- (7) GINSENG COLLECTOR. Any person who intentionally removes wild ginseng from the location in which the plant grew for the purpose of sale, resale or export.
- (8) GINSENG DEALER. Any person who collects or purchases ginseng for the purpose of reselling, selling, manufacturing or exporting same.
- (9) COLLECT. To dig, cut or otherwise remove any ginseng from the location where it grew for the specific purpose of export.
- (10) GINSENG GROWER. Any person who grows cultivated ginseng as a commercial crop.
- (11) PERSON. Any individual, corporation, company, society, association or other business entity.
- (12) PURCHASE. To acquire, obtain or receive or to attempt to acquire, obtain or receive by exchange of money or other valuable consideration and specifically includes barter or exchange.
- (13) SELL. Dispose of, transfer or convey or attempt to dispose of, transfer or convey by exchange of money or other valuable consideration and specifically includes barter or exchange.
- (14) WILD GINSENG. Ginseng in, or collected from its native habitat, notwithstanding whether the ginseng occurs naturally from that habitat or was introduced or increased in abundance by the actions of humans, including, but not limited to, sowing ginseng seed or by transplanting ginseng plants from other areas.
- (15) GREEN GINSENG. Ginseng roots retaining moisture, not dried.

- (16) DRIED GINSENG. Ginseng roots that have been dried to remove moisture. (*Acts 1987, No. 87-582, §2.*)

Section 9-13-242 Collection of ginseng.

- (a) The season for the legal collection of ginseng shall be from September 1 through December 13 inclusive. Collection of ginseng outside of this period is unlawful, unless the plants are collected from land owned or managed by the ginseng collector for the personal use of such collector and/or members of the collector's immediate family.
- (b) It shall be unlawful to collect ginseng that has less than three five-leaf prongs.
- (c) It shall be unlawful to collect ginseng with immature green, unripe fruit (seeds).
- (d) It shall be unlawful for any person collecting ginseng to fail to plant immediately after collection the ripe berries or seeds of collected ginseng in the same location at which such ginseng was collected, provided such berries are present.
- (e) It shall be unlawful for any person to collect ginseng from private or public property without first obtaining written permission from the landowner or his agent, except on property where general public permission is granted to trespass and to collect such items.
- (f) All ginseng not exported from state must be weighed and receipted by March 31 following harvest. Future export certification against this receipt shall be completed by the department.
- (g) Ginseng selling season shall be September 15 through March 31, or year round if root was state weighed and receipted by March 31 after harvest.
- (h) Ginseng dealers shall not purchase ginseng during the closed season unless they have evidence that the collector dug the roots between September 1 and December 31 of the collecting season and had the roots weighed and receipted by the state no later than March 31 following harvest.
- (i) Should the commissioner determine through site observation and investigation that wild ginseng populations are being depleted, he may elect to establish collection quotas or temporarily suspend ginseng collection until such time that the wild ginseng population is restored. (*Acts 1987, No. 87-582, §3.*)

Section 9-13-243 Registration of ginseng dealers, growers and collectors.

Ginseng dealers, collectors and growers shall register annually with the department on forms provided by the department on or before August 1 of each year. Such registration shall be accompanied by a fee in an amount determined by the board but in no event shall the board prescribe fees in excess of \$200.00. Delinquent fees shall be handled as provided under Section 2-9-2. (*Acts 1987, No. 87-582, §4.*)

Section 9-13-244 Record keeping requirements.

- (a) Ginseng dealers shall keep records on forms provided by the department of all ginseng purchases and sales. These records will include date of transaction, month collected, county where collected, weight of ginseng bought or sold, seller's permit number and signature of the seller. The report shall also show whether the root was wild or cultivated and if green or dry. These records shall be kept for a period of three years and shall be made available to the department upon request. A clear and legible copy of such records shall be submitted to the commissioner at such times as he deems necessary.
- (b) Ginseng growers shall keep accurate records on forms provided by the department of sales of ginseng. Such records shall include date of transaction, county where grown, weight of ginseng sold, purchaser's permit number and name of purchaser. These records shall be kept for a period of three years and shall be made available to the department upon request. A clear and legible copy of such records shall be submitted to the commissioner at such times as he deems necessary.
- (c) Ginseng collectors shall, upon request by the commissioner, provide any and all information concerning the precise site from which he has collected ginseng.
- (d) Any and all records required to be kept by any ginseng dealer, grower or collector shall be open for inspection by the commissioner at any time during normal business hours. (*Acts 1987, No. 87-582, §5.*)

Section 9-13-245 Exportation of ginseng from Alabama.

- (a) Any person who has ginseng in any quantity and wishes to export any amount out of the state may obtain an export permit from the commissioner. To obtain an export permit, the person must maintain accurately kept records of his purchases and sales, be currently registered with the

department as a ginseng dealer, and be in compliance with all requirements of this article and regulations promulgated hereto. He shall also present for the purpose of weighing and examination the ginseng to be exposed to the department if requested.

- (b) The exportation of ginseng without an export permit is a violation of this article. (*Acts 1987, No. 87-582, §6.*)

Section 9-13-246 Promulgation of rules and regulations

The commissioner is empowered with the approval of the board to promulgate such rules and regulations as are reasonable and necessary to accomplish the evident purpose and intent of the law and also for the purpose of complying with guidelines imposed by the United States Department of Interior, Fish and Wildlife Service, concerning the certification and export of ginseng. (*Acts 1987, No. 87-582, §7.*)

Section 9-13-247 Monitoring program conducted.

The commissioner shall conduct or cause to be conducted a monitoring program of sufficient depth and scope so as to insure that wild ginseng populations are not depleted. (*Acts 1987, No. 87-582, §8.*)

Section 9-13-248 Right of entry.

The commissioner shall have power to enter into or upon any place and to open any bundle, package or other container containing or thought to contain ginseng held or maintained in violation of this article or regulations promulgated thereto. (*Acts 1987, No. 87-582, §9.*)

Section 9-13-249 Refusal or recall of permits, etc.

- (a) The commissioner shall have the power to refuse to issue a permit or certificate or to recall any permit or certificate already issued when he shall have reasonable cause to believe that the applicant for or holder of said permit or certificate may have or has violated this article or regulations promulgated hereto.
- (b) Appeals from the action of the commissioner in refusal to issue or recall any certification or permit shall be heard by the board. Notice of an appeal to the board must be received by the commissioner in writing within 10 days of receiving notice of the commissioner's action. The board shall hear the appeal at its next scheduled meeting, but in no circumstances more than 30 days from the date the commissioner receives the notice of the appeal. The action of the commissioner shall not be stayed pending an appeal before the board.
- (c) Appeals from action by the board shall be conducted as provided under the Alabama Administrative Procedure Act, Section 41-22-1, et seq. (*Acts 1987, No. 87-582, §10.*)

Section 9-13-250 Violations.

- (a) Any person who shall violate any provision or requirement of this article or of regulations promulgated hereto or of any notice or order given pursuant thereto or who shall forge, counterfeit, destroy or wrongfully or improperly use any permit or certificate provided for in this article or in the regulations promulgated hereto or who shall interfere with or obstruct any inspector or other employee of the commissioner in the performance of his duties under this article shall be deemed guilty of a Class C misdemeanor.
- (b) There is conferred upon the commissioner and his specifically authorized representatives assigned by him to enforce the provisions of this statute the same powers as are possessed by sheriffs of this state for the purpose of enforcing the provisions of this article. In the exercise of their duty they shall exhibit their official identification to any person questioning their authority upon demand. They are authorized and empowered to make lawful arrests of any person violating any provisions of this article. (*Acts 1987, No. 87-582, §11.*)