

HB242 INTRODUCED



1 28B2SS-1

2 By Representatives Crawford, Standridge, Shedd, Lee, Smith,

3 Whitt, Wood (D), Kitchens, Pettus, Moore (P), Reynolds,

4 Lovvorn, Hammett, Ingram

5 RFD: Agriculture and Forestry

6 First Read: 04-Apr-23

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SYNOPSIS:

Under existing law, a person is guilty of permitting livestock or animals to run at large in the State of Alabama upon the premises of another or public lands if they do so knowingly, voluntarily, negligently, or willfully.

This bill would provide that no municipal governing body may adopt or continue in effect any ordinance, rule, resolution, or directive that prohibits this same conduct but does not require the same mental state as state law.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to livestock; to amend Section 3-5-2, Code of Alabama 1975, to provide that no municipal governing body may adopt or continue in effect any ordinance, rule, resolution, or directive that prohibits a person from permitting their livestock or animals to run at large on the premises of



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29 another or public land which does not require the same mens
30 rea as state law; and to make nonsubstantive, technical
31 revisions to update the existing code language to current
32 style.

33 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

34 Section 1. Section 3-5-2, Code of Alabama 1975, is
35 amended to read as follows:

36 "§3-5-2

37 (a) It shall be unlawful for the owner of any livestock
38 or animal, as defined in Section 3-5-1, to knowingly,
39 voluntarily, negligently, or wilfully permit any such
40 livestock or animal to ~~go~~ run at large in the State of Alabama
41 either upon the premises of another or upon the public lands,
42 highways, roads, or streets in the State of Alabama.

43 (b) Nothing in this section or elsewhere in this
44 chapter shall be construed to make it unlawful for livestock
45 or other animals to run at large on the premises of another
46 when the owner or person in charge of the premises has
47 consented in writing to ~~let~~ allow livestock or other animals
48 to run at large on the ~~same or to subject the owner of such~~
49 ~~livestock or other animals to criminal prosecution therefor~~
50 premises.

51 (c) There shall be no "open range" counties in this
52 state. This section shall apply to all counties within the
53 state.

54 (d) Any person or persons owning or having the
55 possession, custody, or control of any livestock who
56 unlawfully and knowingly permit the same to run or be at



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57 large, shall be guilty of a misdemeanor, and, on conviction,
58 shall be fined not less than double the damages sustained by
59 the injured party or parties, but in no case more than ~~\$50.00~~
60 fifty dollars (\$50), one half of such fine to go to the
61 injured party or parties, and may also be imprisoned in the
62 county jail or sentenced to hard labor for the county for a
63 term not exceeding six months at the discretion of the court
64 trying the case.

65 (e) No municipal governing body may adopt or continue
66 in effect any ordinance, rule, resolution, or other directive
67 that is inconsistent with this section. For purposes of this
68 subsection, an ordinance, rule, resolution, or directive shall
69 be considered inconsistent with this section if it proscribes
70 the same conduct prohibited by this section and provides no
71 requisite mental state or a mental state different than what
72 is provided in subsection (a) or (d)."

73 Section 2. This act shall become effective on the first
74 day of the third month following its passage and approval by
75 the Governor, or its otherwise becoming law.