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Honorable Harrell Blakeney
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Conservation and Natural
Resources - Game and Fish -
Baited Fields.

Section 9-11-244 does not
prohibit the use of planted
green patches in hunting game.

Dear Representative Blakeney:

This is in reply to your request for an opinion from the Attorney General's Office concerning the legality of the use of planted green patches in hunting game.

Code of Alabama 1975, §9-11-244 provides that it is unlawful in Alabama for any person to catch or kill any bird or animal protected by law by use of bait "such as shelled, shucked or unshucked corn or of wheat or other grain, salt or any other feed whatsoever that has been deposited, placed, distributed or scattered" (Emphasis added). Section 9-11-244 further provides that such birds or animals may be taken under "standing crops of corn, wheat or other grain or feed."

It is the opinion of this office that section 9-11-244 does not prohibit the use of planted green patches in hunting game.

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The language of section 9-11-244 makes it clear that the legislature intended to prohibit the distribution of grains or salt at a site to attract game. If they had intended to prohibit the planting of green patches, they would have used language which specifically made that practice unlawful. Furthermore, section 9-11-244 states that it is not unlawful to take game under standing crops of grain or feed. By the inclusion of that language, the legislature excepted planted green patches from their definition of baiting for game.

We hope this response sufficiently answers your question. If we may be of further assistance, please do not hesitate to contact us.

Very truly yours,

CHARLES A. GRADDICK
ATTORNEY GENERAL

By-



LEURA J. GARRETT
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LJG/mi