



Sectional Analysis, CSHB 286(RES)
Fish and Game: Offenses; Licenses; Penalties
April 4, 2016

- Sec. 1** This section amends AS 16.05.330(a) to include “permit” in addition to “license” and “tag” for purposes of clarifying the proper types of documentation a person must have in their actual possession when engaging in certain activities, and reorders the activities of “trapping” and “fur dealing” to exclude the latter from being a correctable citation.
- Sec. 2** This section amends AS 16.05.330(d) to make it unlawful for a person to obtain a sport fishing, hunting, or trapping license if the person has had their rights to engage in those activities revoked or suspended in Alaska.
- Sec. 3** This section amends AS 16.05.330 by adding three subsections.
- The first provides that a person charged with failing to have the appropriate sport fishing, hunting or trapping license in their actual possession may not be convicted if the person produces a license previously issued to the person that was valid at the time of the offense.
 - The second subsection specifies that a license may be in actual possession in paper or electronic form.
 - The third subsection specifically states any peace officer presented with an electronic device under this section shall be immune from any liability resulting from damage to the device.
- Sec. 4** Under fish and game licensing statutes, this section removes the specific fines and penalties associated with an unclassified misdemeanor and replaces it with a class A misdemeanor.
- Sec. 5** Related to section 4, this section creates the ability to charge some offenses as violations that are currently only misdemeanors. It also addresses the Pittman-Robertson act and federal matching dollars lost by the State of Alaska when the state is defrauded by a defendant who does not purchase the proper license and/or tag as required by law to participate in a given hunt or fishery.
- Sec. 6** This section raises the strict liability commercial fishing violation fines. The current fine schedule has been in place for many years and has not been increased. These fine increases will act as a deterrent for future commercial fisheries crimes which will ultimately help protect the commercial fisheries resource and the commercial fishing industry.
- Sec. 7** This section requires the court system to transmit notice of all convictions under this section to the Commercial Fisheries Entry Commission (CFEC). Transmittal of these convictions to CFEC has not always been done by the court system. Commercial fishing permits are applied points similar to drivers licenses when a person commits a violation.

This section will require the court to notify the CFEC of the conviction so applicable points can be applied to the violators permit.

Sec. 8 This section makes it clear that a person may not take a brown or grizzly bear within one-half mile of a solid waste disposal facility.

Sec. 9 Related to section 8, this section removes the unnecessary reference to section (a).

Sections 10-15 generally standardize penalties in the statutes listed by providing an additional option of charging a person with a violation offence when appropriate. These sections maintain the option of charging a person with a misdemeanor offence if the violation is more serious.

Sec. 10 Also related to section 8, this section establishes the violation as a class A misdemeanor, and also provides the additional option of charging a person with a violation offense when appropriate.

Sec. 11 Under “Same day airborne hunting” statutes, this section removes the specific fines and penalties associated with an unclassified misdemeanor and replaces it with a class A misdemeanor.

Sec. 12 Under the “Prohibition of hunting adjacent to highway” statute, this section provides the additional option of charging a person with a violation offense when appropriate.

Sec. 13 Related to section 12, this section provides the additional option of charging a person with a violation offense when appropriate.

Sec. 14 Under “Obstruction or hindrance” statute, this section provides the additional option of charging a person with a violation offense when appropriate.

Sec. 15 Under “Waste of salmon” statutes, this section removes the specific fines and penalties associated with an unclassified misdemeanor and replaces it with a class A misdemeanor.

Sec. 16 Under “Protection of fish and game” statute, this section provides the additional option of charging a person with a violation offense when appropriate.

Sec. 17 This section increases the restitution amounts for animals taken illegally. Originally set at a 50% increase, some amounts were raised by the House Resources Committee.

Sec. 18 Creates a new section that provides that a court may not order restitution under section 17 of this bill in a case where a defendant voluntarily turns themselves in and is charged with a violation offence. It also provides that a person must voluntarily and immediately report to ADFG or DPS a violation that they committed to qualify for this affirmative defense.

Sec. 19 This section adds a definition of “electronic form”.

Sections 20-27 generally standardize penalties in the statutes listed by providing an additional option of charging a person with a violation offense when appropriate. These sections maintain the option of charging a person with a misdemeanor offense if the violation is more serious.

- Sec. 20** Under “Interference with salmon spawning streams and waters” statutes, this section removes the specific fines and penalties associated with an unclassified misdemeanor and replaces it with a class A misdemeanor.
- Sec. 21** Related to section 20, this section provides the additional option of charging a person with a violation offense when appropriate.
- Sec. 22** Under “Operation of fish traps” statutes, this section removes the specific fines and penalties associated with an unclassified misdemeanor and replaces it with a class A misdemeanor.
- Sec. 23** Related to section 22, this section provides the additional option of charging a person with a violation offense when appropriate.
- Sec. 24** Under “Erection of fish traps” statutes, this section removes the specific fines and penalties associated with an unclassified misdemeanor and replaces it with a class A misdemeanor.
- Sec. 25** Related to section 24, this section provides the additional option of charging a person with a violation offense when appropriate.
- Sec. 26** Under “Use of drum or reel” and “Use of termination device” statutes, this section removes the specific fines and penalties associated with an unclassified misdemeanor and replaces it with a class A misdemeanor.
- Sec. 27** Related to section 26, this section provides the additional option of charging a person with a violation offense when appropriate.
- Sec. 28** This section amends the uncodified law of Alaska to make it clear that the act applies to offenses that occur on or after the effective date of the act.
- Sec. 29** This section provides for an effective date of July 1, 2016.