

# ALASKA STATE LEGISLATURE



REPRESENTATIVE ANDY JOSEPHSON

## Summary of Changes

### *House Bill 40 – Trapping on Public Trails*

House Bill 40 as introduced prohibited trapping within 200 feet of a “campsite, recreational beach, roadside rest, scenic site, or other public facility or area [established in statute]” or public trail. It provided a penalty of a class B misdemeanor with a maximum fine and jail time depending on whether there was injury to a person or domestic animal.

The most recent version has several changes. First, a new **Section 1** is added that imposes a requirement that a tag issued by the Department of Fish and Game that has an identification number be affixed to a trap. The penalties for failure to affix such a tag will be set by the Department and may include fines or other administrative penalty. The Department may use trapping permit fees or penalty fines to pay for tags. The purpose of this provision is to effectuate enforcement, allowing the state to determine liability for illegally setting a trap.

Changes in **Section 2** include narrowing the geographic areas covered by the prohibition to only include areas likely to be peopled. In order to be protected, a facility, area, or trail must have been developed or improved by the state. Although Department of Natural Resources, which performs development and improvement of such areas, does not maintain a list of these assets, it is anticipated that if the statute is challenged, the court will hold an accused to an obviousness standard: was is obvious that the area has been developed or improved by the state?

Additionally, a reference to the chapter in the Alaska statutes that creates state parks generally was removed as it unintentionally spanned the prohibition to 200 feet from or within a state park.