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ALASKA STATE LEGISLATURE



*Serving Midtown,
University, and
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REPRESENTATIVE ANDY JOSEPHSON

SPONSOR STATEMENT

House Bill 40 – Trapping Near Public Trails

The purpose of House Bill 40 is to prevent conflicts between trappers and recreational users on public trails, facilities, and other areas. Around the state there have been incidents of pet dogs getting caught in traps while hiking with their owners on trails that are both public and highly trafficked. These incidents also indicate that there is a risk of traps injuring people, especially children, and other wildlife.

In order to be protected by a 200 foot no-trap buffer area, an area must be a trail or public facility, scenic site, campsite, or beach that is both public *and* maintained or improved. Trails and areas that do not receive this attention from the state are not prohibited from trapping within 200 feet thereof. The intention of the bill is not to infringe on the trappers' use of trails and areas that are less peopled, not maintained by the state, and are thus likely to have been historically and regularly used for trapping. The penalty for a trapping violation under this section allows for a fine or jail time, taking into consideration whether an injury occurred, and allows an aggrieved person to seek civil remedies.

The bill prohibits as a defense that an animal injured by trap was off leash. The principle behind this provision is that the consequences for an off-leash dog is prescribed in municipal law, where applicable, and generally amounts to a fine. The consequences for an off-leash dog should not be that the dog is brutally or even fatally maimed by a trap. Also, deterring unsafe trapping also serves the purpose of preventing a child or other person from getting injured by a trap and as of yet there are no child leash laws on public lands.

Another provision of the bill requires all traps to be tagged with a tag provided by the Department of Fish and Game. The purpose of this is for the state to be able to hold liable any person that sets a trap in a way that violates provisions of this bill or other trapping law or regulation. The Department will create a fine schedule for violations of this provision and failure to tag a trap is not subject to the criminal provision of the trapping restriction section.

I invite you to contact my office to begin a dialogue on this bill and I humbly ask for your support.