

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 40
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE JOSEPHSON

Introduced:
Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act requiring the Department of Fish and Game to issue trap tags; requiring a trap**
2 **to have a trap tag affixed; prohibiting and providing penalties and civil remedies for**
3 **trapping within 200 feet of certain public facilities, areas, and trails; and providing for**
4 **an effective date."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 16.05 is amended by adding a new section to read:

7 **Sec. 16.05.348. Trapping tags.** (a) The department shall

8 (1) issue a durable trap or snare identification tag to a person holding a
9 trapping license issued under AS 16.05.330 - 16.05.430; the tag must display an
10 identification number;

11 (2) maintain a record of the name and current address of the licensee
12 requesting the trap tag and the identification number on that tag;

13 (3) adopt regulations to implement this subsection, including
14 establishing a fee for the issuance of a trap tag required under this subsection.

- 1 (b) A person may not set a trap or snare for animals unless
- 2 (1) the trap or snare has an identification tag issued under (a) of this
- 3 section securely affixed to the trap or snare; and
- 4 (2) the trap identification tag number was issued to the licensee using
- 5 the trap or snare.

6 * **Sec. 2.** AS 16.05 is amended by adding a new section to read:

7 **Sec. 16.05.793. Trapping near certain public use areas.** (a) A person may

8 not set a trap or snare for animals within 200 feet of a

- 9 (1) developed or improved campsite, recreational beach, roadside rest,
- 10 scenic site, or other developed and improved public facility or area established under
- 11 AS 41.21; or

- 12 (2) public trail developed or improved with public funds.

13 (b) A person who violates this section is guilty of a class B misdemeanor and

14 shall

- 15 (1) be punished by a fine of not more than \$500, by imprisonment for
- 16 not more than 30 days, or by both, unless the circumstance described under (2) of this
- 17 subsection applies; or

- 18 (2) if the violation caused physical harm to an individual or domestic
- 19 animal, be punished by a fine of not more than \$1,000, by imprisonment for not more
- 20 than 60 days, or by both.

21 (c) In an action under this section, it is not a defense that another person was

22 violating a local ordinance relating to the restraint or control of a domestic animal.

23 (d) A person aggrieved by conduct or threatened conduct in violation of this

24 section may petition a superior court to enjoin the respondent from engaging in the

25 conduct. A person who violates this section is liable for general damages and special

26 damages resulting from that violation.

27 (e) The department shall adopt regulations to identify areas where trapping is

28 prohibited under (a) of this section.

29 (f) In this section, "public trail" means a trail or footpath designated under

30 AS 41.21.850 - 41.21.872 or other trail, footpath, or way that is open to public use as a

31 matter of right.

1 * **Sec. 3.** AS 16.05.925(a) is amended to read:

2 (a) Except as provided in AS 16.05.430, 16.05.665, 16.05.722, 16.05.723,
3 16.05.783, **16.05.793**, 16.05.831, 16.05.861, and 16.05.905, a person who violates
4 AS 16.05.920 or 16.05.921, or a regulation adopted under this chapter or AS 16.20, is
5 guilty of a class A misdemeanor.

6 * **Sec. 4.** This Act takes effect January 1, 2018.