



# LAWS OF ALASKA

1989

**Source**

SCS CSHB 219(R1s) am S

**Chapter No.**

64

**AN ACT**

Prohibiting the taking of bears near solid waste disposal facilities; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 10

Approved by the Governor: May 30, 1989  
Actual Effective Date: July 1, 1989

AN ACT

Prohibiting the taking of bears near solid waste disposal facilities; and providing for an effective date.

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

Sec. 16.05.782. TAKING OF BROWN OR GRIZZLY BEAR NEAR SOLID WASTE DISPOSAL FACILITY PROHIBITED. (a) Except as provided in (d) of this section, a person who with criminal negligence takes a brown or grizzly bear within one-half mile of a solid waste disposal facility is guilty of a class A misdemeanor.

(b) In addition to the penalty imposed by law under (a) of this section, the court shall order forfeiture of the hide and skull of the bear, but if the hide and skull are not salvaged and delivered to the department then the court shall impose an additional fine of up to \$10,000.

(c) It is an affirmative defense to a prosecution under (a) of this section that the person took the bear in defense of life or property if the person who took the bear shows by a preponderance of the evidence that

(1) the necessity for the taking was not brought about by harassment or provocation of the bear by the person who took the bear;

(2) the necessity for the taking was not brought about by the negligent disposal of garbage or the creation of a similar attractive nuisance by the person who took the bear; and

Chapter 64

1 (3) the person exhausted all other practicable means to  
2 protect life and property before the bear was taken.

3 (d) Notwithstanding (a) - (c) of this section, the department  
4 may authorize the taking of a problem brown or grizzly bear within  
5 one-half mile of a solid waste disposal facility at any time, if the  
6 taking of the bear is necessary to protect the public and is consis-  
7 tent with sound game management principles.

8 (e) In this section

9 (1) "criminal negligence" has the meaning given in AS 11.-  
10 81.900(a);

11 (2) "property" means

12 (A) a dwelling, permanent or temporary;

13 (B) an aircraft, boat, automobile, or other convey-  
14 ance;

15 (C) a domestic animal;

16 (D) other property of substantial value necessary for  
17 the livelihood or survival of the owner;

18 (3) "solid waste disposal facility" means a facility for  
19 the disposal of solid waste, other than sewage, for which a permit has  
20 been issued under AS 46.03.100.

21 \* Sec. 2. This Act takes effect July 1, 1989.