

HOUSE BILL NO. 511

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE OGAN

Introduced: 2/12/96

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to deposits into the fish and game fund."

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

3 * **Section 1.** PURPOSE. This Act allows fines and forfeitures in criminal cases involving
4 violations that damage or present a threat of damage to a fishery resource of the state, to the
5 extent permitted by applicable state and federal law, to be deposited in the fish and game fund
6 with the intent that these fines and forfeitures support fisheries law enforcement activities.

7 * **Sec. 2.** AS 16.05.190 is amended to read:

8 Sec. 16.05.190. SEIZURE AND DISPOSITION OF EQUIPMENT. (a) Guns,
9 traps, nets, fishing tackle, boats, aircraft, automobiles or other vehicles, sleds, and other
10 paraphernalia used in or in aid of a violation of this chapter or a regulation of the
11 department may be seized under a valid search, and all fish and game, or parts of fish
12 and game, or nests or eggs of birds, taken, transported, or possessed contrary to the
13 provisions of this chapter or a regulation of the department shall be seized by any
14 peace officer designated in AS 16.05.150. Upon conviction of the offender or upon
15 judgment of the court having jurisdiction that the item was taken, transported, or

1 possessed in violation of this chapter or a regulation of the department, all fish and
2 game, or parts of them, are forfeited to the state and shall be disposed of as directed
3 by the court. If sold, the proceeds of the sale shall be transmitted to the proper state
4 officer for deposit in the general fund; **however, the proceeds of the sale of fish, or**
5 **parts of fish, forfeited to the state for a violation of this chapter, or a regulation**
6 **of the department, that damages or presents a threat of damage to a fishery**
7 **resource of the state shall be deposited in the fish and game fund.**

8 (b) Guns, traps, nets, fishing tackle, boats, aircraft, or other vehicles, sleds, and
9 other paraphernalia seized under the provisions of this chapter or a regulation of the
10 department, unless forfeited by order of the court, shall be returned [,] after completion
11 of the case and payment of the fine, if any.

12 * **Sec. 3.** AS 22.15.250 is amended to read:

13 Sec. 22.15.250. DISPOSITION OF FINES. When by law any fees, fines,
14 forfeitures, or penalties are levied and collected by the district judge or magistrate, the
15 proceeds and all other money collected shall be accounted for and transmitted to the
16 administrative director of the judicial system for transfer to the general fund of the
17 state except as provided in **(b) of this section or** AS 22.15.270.

18 * **Sec. 4.** AS 22.15.250 is amended by adding a new subsection to read:

19 (b) Fees, fines, forfeitures, or penalties levied and collected by the district
20 court or magistrate for a violation of AS 16, or a regulation adopted under AS 16 by
21 the Board of Fisheries or the Department of Fish and Game, that damages or presents
22 a threat of damage to a fishery resource of the state shall be accounted for and
23 transmitted to the administrative director of the judicial system for transfer to the fish
24 and game fund.