

CS FOR HOUSE BILL NO. 107(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/7/05

Referred: Finance

Sponsor(s): REPRESENTATIVE RAMRAS

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to unlawful obstruction or hindrance of hunting, fishing, trapping, or**
2 **viewing of fish or game; and amending Rule 82, Alaska Rules of Civil Procedure, and**
3 **Rule 508, Alaska Rules of Appellate Procedure."**

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

5 * **Section 1.** AS 16.05.790(a) is amended to read:

6 (a) Except as provided in (e) of this section, a person may not intentionally
7 obstruct or hinder another person's lawful hunting, fishing, trapping, or viewing of fish
8 or game by

9 (1) placing one's self in a location in which human presence may alter
10 the

11 (A) behavior of the fish or game that another person is
12 attempting to take or view; or

13 (B) feasibility of taking or viewing fish or game by another
14 person; [OR]

(2) creating a visual, aural, olfactory, or physical stimulus in order to alter the behavior of the fish or game that another person is attempting to take or view;
or

(3) physically interfering or tampering with equipment being used for lawful hunting, fishing, trapping, or viewing purposes.

* Sec. 2. AS 16.05.790(d) is amended to read:

(d) In a prosecution under this section, it is an affirmative defense that the person was

(1) a law enforcement officer engaged in performing the duties of the office; or

(2) lawfully entitled to obstruct or hinder the hunting, fishing, trapping, or viewing of fish or game.

* Sec. 3. AS 16.05.791(b) is amended to read:

(b) A person aggrieved by a violation of AS 16.05.790 is entitled to recover general damages and special damages, including license and permit fees, travel costs, guide-outfitting fees, costs for special equipment and supplies, and other related expenses. **The prevailing party in an action described in this subsection, other than an action relating to commercial fishing, is entitled to costs and 90 percent of reasonable actual attorney fees.**

* Sec. 4. The uncoded law of the State of Alaska is amended by adding a new section to read:

INDIRECT COURT RULE CHANGE. The provisions of AS 16.05.791(b), amended by sec. 3 of this Act, have the effect of amending Rule 82, Alaska Rules of Civil Procedure, and Rule 508, Alaska Rules of Appellate Procedure, by providing for the award of 90 percent of reasonable actual attorney fees to the prevailing party in an action brought by a person aggrieved by a violation of AS 16.05.790.