

SENATE BILL NO. 196

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY SENATOR HUGGINS

Introduced: 2/10/12

Referred: Judiciary, Resources

A BILL

FOR AN ACT ENTITLED

1 "An Act creating an affirmative defense and an exemption from payment of fines and
2 restitution for a person who reports the person's own first-time unlawful taking of
3 certain big game animals."

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

5 * **Section 1.** AS 16.05.925 is amended to read:

6 **Sec. 16.05.925. Penalty for violations.** (a) Except as provided in
7 AS 16.05.430, 16.05.665, 16.05.722, 16.05.723, 16.05.783, 16.05.831, 16.05.861,
8 [AND] 16.05.905, **and (c) of this section,** a person who violates AS 16.05.920 or
9 16.05.921, or a regulation adopted under this chapter or AS 16.20, is guilty of a class
10 A misdemeanor.

11 (b) In addition to a penalty imposed under (a) of this section or any other
12 penalty for violation of this title or a regulation adopted under this title, a person who
13 is convicted of unlawfully taking an animal listed in this subsection may, **except as**
14 **provided by (e) of this section,** be ordered by the court to pay restitution to the state

1 in the amount set out in this subsection for each animal unlawfully taken:

- 2 (1) Bear, black \$ 600
- 3 (2) Bear, brown or grizzly 1,300
- 4 (3) Bison 1,300
- 5 (4) Caribou 850
- 6 (5) Deer 400
- 7 (6) Elk 800
- 8 (7) Goat 800
- 9 (8) Moose 1,000
- 10 (9) Musk oxen 3,000
- 11 (10) Sheep 1,100
- 12 (11) Wolf 500
- 13 (12) Wolverine 500.

14 * **Sec. 2.** AS 16.05.925 is amended by adding new subsections to read:

15 (c) In a prosecution for unlawfully taking an animal listed in (b) of this section
 16 that did not meet the sex, age, or size limitations adopted by the Board of Game under
 17 AS 16.05.255(a)(4), it is an affirmative defense, which reduces the crime to a
 18 violation, that the defendant

19 (1) voluntarily and promptly reported the taking to the department or a
 20 state law enforcement officer engaged in fish and wildlife protection; and

21 (2) surrendered to the department all salvaged portions of the animal,
 22 including, as may be applicable, its horns, antlers, hide, and skull.

23 (d) The affirmative defense provided by (c) of this section does not apply if
 24 the defendant has previously been convicted of taking an animal listed in (b) of this
 25 section that did not meet the sex, age, or size limitations adopted by the Board of
 26 Game under AS 16.05.255(a)(4).

27 (e) Notwithstanding AS 12.55.035 and (b) of this section, a defendant who
 28 successfully establishes the affirmative defense provided by (c) of this section may not
 29 be required to pay a fine under AS 12.55.035 or restitution under (b) of this section.

30 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
 31 read:

1 APPLICABILITY. In AS 16.05.925(d), added by sec. 2 of this Act, the reference to a
2 previous conviction for taking an animal includes convictions occurring before, on, or after
3 the effective date of this Act.