

HOUSE BILL NO. 263

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE JOSEPHSON

Introduced: 1/16/24

Referred: Resources, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the obstruction or hindrance of lawful trapping of game; and
2 providing for an effective date."

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

4 * **Section 1.** AS 16.05.790(c) is amended to read:

5 (c) **It is an affirmative defense in** [IN] a prosecution under this section

6 **(1)** [, IT IS AN AFFIRMATIVE DEFENSE] that the person was
7 lawfully entitled to obstruct or hinder the hunting, fishing, trapping, or viewing of fish
8 or game; **or**

9 **(2) for disabling a trap or snare on public land that the person**

10 **(A) was lawfully using a public trail, park, campsite, or**
11 **other facility; and**

12 **(B) disabled the trap or snare based on the person's**
13 **objectively reasonable belief that disabling the trap or snare was**
14 **necessary to protect the welfare of the public or private property.**

1 * **Sec. 2.** AS 16.05.791(b) is amended to read:

2 (b) **Except as provided in (d) of this section, a** [A] person aggrieved by a
3 violation of AS 16.05.790 is entitled to recover general damages and special damages,
4 including license and permit fees, travel costs, guide-outfitting fees, costs for special
5 equipment and supplies, and other related expenses.

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

7 (c) **Except as provided in (d) of this section, a** [A] court may award punitive
8 damages in addition to the damages set out in (b) of this section.

9 * **Sec. 4.** AS 16.05.791 is amended by adding a new subsection to read:

10 (d) A person may not recover damages under this section from an individual
11 who committed a violation of AS 16.05.790 if the individual successfully raises an
12 affirmative defense to the violation under AS 16.05.790(c)(2).

13 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).