

Introduced: 3/8/63
Referred: Judiciary

1 IN THE SENATE BY SENATORS KILCHER AND MCNEALY
2 SENATE BILL NO. 163

3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to confiscation by court of
7 guns, boats, etc., used in a violation of the
8 Fish and Game Code."

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

10 * Section 1. AS 16.05.190 is amended to read:

11 Sec. 16.05.190. SEIZURE WITHOUT WARRANT AND CONFISCATION
12 BY COURT. (a) Guns, traps, nets, fishing tackle, boats,
13 aircraft, automobiles or other vehicles, sleds, and other
14 paraphernalia used in or in aid of a violation of this
15 chapter, or rule or regulation of the department may be
16 seized under a valid search, if considered useful as evidence,
17 and all fish and game, or parts of fish and game, or nests or
18 eggs of birds [,] taken, transported, or possessed contrary
19 to the provisions of this chapter, or rule or regulation of
20 the department shall be seized by any person designated in
21 sec. 150 of this chapter. Upon conviction of the offender or
22 upon judgment of the court having jurisdiction that the item
23 was taken, transported, or possessed in violation of this
24 chapter or rule or regulation of the department, all fish and
25 game, or parts of them are forfeited to the state and shall
26 be disposed of as directed by the court. If sold, the
27 proceeds of the sale shall be transmitted to the proper state
28 officer for deposit in the general fund. Guns, traps, nets,
29 fishing tackle, boats, aircraft, or other vehicles, sleds,

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and other paraphernalia seized under the provisions of this chapter, or rule or regulation of the department [, UNLESS FORFEITED BY ORDER OF THE COURT,] shall be returned [,] after completion of the case [AND PAYMENT OF THE FINE, IF ANY].

(b) Notwithstanding the foregoing, traps, nets, fishing tackle, boats and aircraft used unlawfully in commercial fishing may be seized and ordered forfeited by the court.