

Original sponsor: Resouces Committee
by Request

Offered: 4/19/72
Referred: Rules

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 359

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the inspection of fish and game
7 licenses, gear, and fish and game."

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

9 * Section 1. INTENT. The functions of inspection and examination under
10 this Act are intended to protect the fish and game resources of the state
11 by providing a reasonable check on the legitimacy of licenses and gear, and
12 by providing necessary information for the management and conservation of
13 fish and game resources.

14 * Sec. 2. AS 16.05 is amended by adding a new section to read:

15 Sec. 16.05.205. INSPECTION BY AUTHORIZED ENFORCEMENT PERSONNEL.

16 (a) A person engaging in the activity of hunting, trapping, or fishing,
17 or in any manner killing, taking, capturing, possessing or transport-
18 ing fish or game in the state, upon the request of a person authorized
19 to enforce this chapter and at a reasonable time, shall produce for
20 inspection

21 (1) all licenses, permits, or tags required to be kept in
22 his actual possession;

23 (2) fish or game, or both, or parts of them in his possession
24 or under his control, whether possessed, carried or transported openly
25 or covered, concealed or stored in an article of clothing, camp, tent,
26 receptacle, motor vehicle or other conveyance, or other temporary
27 storage area;

28 (3) all hunting, trapping, or fishing gear, apparatus, or
29 implements in his possession or under his control which are ordinarily

1 used in the activities of hunting, trapping, or fishing;

2 (4) fish or game, or both, or parts of them, held in a
3 cannery, saltery, taxidermy establishment, or any other place, other
4 than a private dwelling, where fish and game resources are commonly held

5 (b) Before making an inspection under this section, the authorized
6 person shall seek consent to inspect from the person in apparent
7 possession or control of the place or container. If a person refuses
8 to permit the inspection requested under (a)(2) of this section the
9 person authorized to enforce this chapter may, if he reasonably believes
10 that fish or game or parts of them are being withheld from inspection,
11 enter and conduct an examination, at a reasonable time and in a reason-
12 able manner of areas, containers, or other places under the control
13 of the person engaging in the activity of hunting, fishing, or trapping,
14 where fish or game, or parts of them could reasonably be kept. If
15 fish or game, or parts of them are found, they may be subjected to
16 inspection.

17 (c) In this section

18 (1) "engaging in the activity of hunting, trapping, or
19 fishing" means personally participating in or aiding in the act of
20 taking, pursuing, hunting, fishing, trapping, or in any manner attempt-
21 ing to take, pursue, hunt, fish, trap, or aiding another in an attempt
22 to take, pursue, hunt, fish, or trap, including reasonably related
23 travel to and from hunting, trapping, or fishing areas and the activity
24 of establishing a base of operations in the hunting, trapping, or
25 fishing area, no matter how temporary, for the purpose of hunting,
26 trapping, or fishing;

27 (2) "inspection" of a license, permit, or tag, means
28 a direct examination of it for the purpose of determining its currency
29 and legitimacy, and "inspection" of game, fish, or parts of them means

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direct observation and examination necessitated by biological, conservation, or protection considerations.

(d) A person who refuses to permit the inspection authorized in (a) of this section, upon conviction is guilty of a misdemeanor if the court or jury finds that the person making the search had reasonable cause to believe that fish or game or parts of them were being withheld from inspection. In addition to the penalty provided in this subsection the court may suspend the license of a person convicted of a violation of (a) of this section for a period of not more than one year.

* Sec. 3. AS 16.05.180 is amended by adding a new subsection to read:

(b) The search of an automobile, boat, plane, snowmobile, or other vehicle without a warrant is reasonable if the person making the search has probable cause to believe that the vehicle contains fish and game resources illegally taken or possessed and a reasonable opportunity to obtain a warrant does not exist.