

Introduced: 1/23/73
Referred: Resources and
Judiciary

1 IN THE HOUSE

BY SPECKING, HARTIG, OSE,
TILLION AND WILSON

2 HOUSE BILL NO. 116

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST 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 transporting
18 fish or game in the state, upon the request of a person authorized to
19 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
5 held.

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

18 (c) In this section

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

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

1 legitimacy, and "inspection" of game, fish, or parts of them means
2 direct observation and examination necessitated by biological, conserva-
3 tion or protection considerations.

4 (d) A person who refuses to permit the inspection authorized in
5 (a) of this section, upon conviction is guilty of a misdemeanor if the
6 court or jury finds that the person conducting the inspection had
7 reasonable cause to believe that fish or game or parts of them were
8 being withheld from inspection. In addition to the penalty provided
9 in this subsection, the court may suspend the license of a person con-
10 victed of a violation of (a) of this section for a period of not more
11 than one year.

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

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