

BY THE RULES COMMITTEE BY  
REQUEST OF THE INTERIM  
COMMITTEE ON FISHERIES

1 IN THE HOUSE

2 HOUSE BILL NO. 527

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to penalties for fish and game  
7 violations."

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

9 \* Section 1. AS 16.05.720(a) is amended to read:

10 (a) Except as modified by (c) of this section, a [ANY] person  
11 who violates secs 480 - 700 of this chapter or the [RULES AND] regu-  
12 lations of the department pertaining to commercial fisheries is guilty  
13 of a misdemeanor and upon conviction is punishable by a fine of not  
14 more than \$5,000 or by imprisonment for not more than one year, or by  
15 both.

16 \* Sec. 2. AS 16.05.720 is amended by adding a new subsection to read:

17 (c) A person who is convicted of commercial fishing in closed  
18 waters, commercial fishing during a closed period or season, or  
19 commercial fishing with unlawful gear including but not limited to  
20 nets, pots, tackle, or other devices designed or employed to take  
21 fish commercially, is guilty of a misdemeanor and in addition to the  
22 penalty imposed under (a) of this section is punishable by a fine of  
23 not less than the gross value to the fisherman of the fish found on  
24 the vessel or at the fishing site at the time of the violation. Upon  
25 a third conviction of a person for a violation under this subsection,  
26 and in addition to the forfeiture provision in sec. 710 of this  
27 chapter, the fine shall be not less than three times the gross value  
28 to the fisherman of the fish found on the vessel or at the fishing  
29 site, or, if no fish are found on the vessel or at the fishing

1 site, a fine of not more than \$10,000.

2 \* Sec. 3. AS 16.05 is amended by adding a new section to read:

3 Sec. 16.05.195. FORFEITURE OF EQUIPMENT. (a) Guns, traps,  
4 nets, fishing gear, vessels, aircraft, other motor vehicles, sleds,  
5 and other paraphenalia or gear used in or in aid of a violation of  
6 this title, or regulation promulgated under this title, and all fish  
7 and game or parts of fish and game, or nests or eggs of birds taken,  
8 transported or possessed contrary to the provisions of this title, or  
9 regulation promulgated under it, may be forfeited to the state

10 (1) upon conviction of the offender in a criminal proceeding  
11 of a violation of this title in a court of competent jurisdiction; or

12 (2) upon judgment of a court of competent jurisdiction in a  
13 proceeding in rem that the item specified in (a) of this section was  
14 used in or in aid of a violation of this title or a regulation promulgated  
15 under it.

16 (b) Items specified in (a) of this section may be forfeited  
17 under this section regardless of whether they were seized before  
18 instituting the forfeiture action.

19 (c) An action for forfeiture under this section may be joined  
20 with an alternative action for damages brought by the state to recover  
21 damages for the value of fish and game or parts of them, or nests or  
22 eggs of birds, taken, transported or possessed contrary to the provi-  
23 sions of this title or a regulation promulgated under it.

24 (d) It is no defense that the person who had the item specified  
25 in (a) of this section in possession at the time of its use and  
26 seizure has not been convicted or acquitted in a criminal proceeding  
27 resulting from or arising out of such use.

28 (e) No forfeiture may be made of an item subsequently sold to an  
29 innocent purchaser in good faith. The burden of proof as to whether

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the purchaser purchased the item innocently and in good faith shall be on the purchaser.

(f) An item forfeited under this section shall be disposed of at the discretion of the department.