

1 IN THE SENATE

BY POLAND

2 SENATE BILL NO. 419 *am*

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 the burden of proof in fish and
7 game violations; and providing for an effective date."

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

9 * Section 1. AS 16.05.810 is amended to read:

10 Sec. 16.05.810. BURDEN OF PROOF. The possession of fish or game
11 or a part of fish or game, or a nest or egg of a bird during the time
12 the taking of it is prohibited is prima facie evidence that it was
13 taken, possessed, bought, or sold or transported in violation of this
14 chapter. The burden of proof is upon the possessor or claimant of it
15 to overcome the presumption of illegal possession and to establish the
16 fact that it was obtained and is possessed lawfully. This section does
17 not apply

18 (1) during the first full 10 days after the time when a
19 taking is prohibited, except as provided in (3) of this section. [OR]

20 (2) if the fish or game or part of fish or game is in a
21 preserved condition whether frozen, smoked, canned, salted, pickled
22 or otherwise preserved, or

23 (3) with respect to commercially taken crab, during the first
24 full three days after the time when a taking is prohibited.

25 * Sec. 2. This Act takes effect on the day after its passage and approval
26 or on the day it becomes law without approval.

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