

Introduced: 2/25/74  
Referred: Resources  
and Judiciary

1 IN THE SENATE

BY POLAND

2 SENATE BILL NO. 419

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,

20 [OR]

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

24 (3) with respect to crab aboard a commercial crab fishing  
25 vessel, during the first full three days after the time when a taking  
26 is prohibited.

27 \* Sec. This Act takes effect on the day after its passage and approval  
28 or on the day it becomes law without approval.

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