

1 IN THE SENATE

BY POLAND

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2 SENATE BILL NO. 433

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 forfeiture of equipment for fish
7 and game violations."

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

9 * Section 1. AS 16.05 is amended by adding a new section to read:

10 Sec. 16.05.195. FORFEITURE OF EQUIPMENT. (a) Guns, traps, nets,
11 fishing gear, vessels, aircraft, other motor vehicles, sleds, and other
12 paraphernalia or gear used in or in aid of a violation of this chapter,
13 or regulation promulgated under this chapter, and all fish and game
14 or parts of fish and game, or nests or eggs of birds taken, transported
15 or possessed contrary to the provisions of this chapter, or regulation
16 promulgated under it, may be forfeited to the state

17 (1) upon conviction of the offender in a criminal proceeding
18 in the superior court; or

19 (2) upon judgment of a court of competent jurisdiction in
20 a proceeding in rem that the item specified in (a) of this section was
21 used in or in aid of a violation of this chapter or a regulation pro-
22 mulgated under it.

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

26 (c) An action for forfeiture under this section may be joined
27 with an alternative action for damages brought by the state to recover
28 damages for the value of fish and game or parts of them, or nests or
29 eggs of birds, taken, transported or possessed contrary to the

1 provisions of this chapter or a regulation promulgated under it.

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

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