

Original sponsor: Poland

Offered: 4/4/74
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR 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
12 other paraphernalia or gear used in or in aid of a violation of this
13 title, or regulation promulgated under this title, and all fish and
14 game or parts of fish and game, or nests or eggs of birds taken,
15 transported or possessed contrary to the provisions of this title,
16 or regulation promulgated under it, may be forfeited to the state

17 (1) upon conviction of the offender in a criminal proceeding
18 of a violation of this title in a court of competent jurisdiction; 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
21 was used in or in aid of a violation of this title 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 title 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) No forfeiture may be made of an item subsequently sold to
7 an innocent purchaser in good faith. The burden of proof as to
8 whether the purchaser purchased the item innocently and in good faith
9 shall be on the purchaser.

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