

Original sponsors: Grussendorf, Bettisworth,
Fanning, et al

Offered: 5/8/82
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 47 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the prohibition against waste of
7 the meat of big game animals and wild fowl."

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

9 * Section 1. AS 16.30.010 is repealed and reenacted to read:

10 Sec. 16.30.010. WANTON WASTE OF BIG GAME ANIMALS AND WILD FOWL.

11 (a) It is a class A misdemeanor for a person who kills a big game
12 animal or a species of wild fowl to fail intentionally, knowingly,
13 recklessly, or with criminal negligence to salvage for human consumption
14 the edible meat of the animal or fowl.

15 (b) If a person is convicted of violating this section and in the
16 course of that violation failed to salvage from a big game animal at
17 least the hindquarters as far as the distal joint of the tibia-fibula
18 (stifle joint), the court shall impose a sentence of (1) imprisonment of
19 not less than seven consecutive days and (2) a fine of not less than
20 \$2,500.

21 (c) The imposition or execution of the minimum sentence prescribed
22 in (b) of this section may not be suspended under AS 12.55.080 or 12.55.-
23 085. The minimum sentence prescribed in (b) of this section may not be
24 reduced.

25 * Sec. 2. AS 16.30.012 is repealed and reenacted to read:

26 Sec. 16.30.012. POSSESSION OF HORNS OR ANTLERS. It is a class A
27 misdemeanor for a person to possess the horns or antlers of a big game
28 animal that was killed after the opening of the current or most recent
29 lawful hunting season for that animal unless the person also possesses

1 the edible meat of the animal.

2 * Sec. 3. AS 16.30 is amended by adding new sections to read:

3 Sec. 16.30.015. SURRENDER OF SALVAGED PORTIONS, LICENSE FORFEITURE.

4 A person convicted of violating AS 16.30.010

5 (1) shall surrender to the department all salvaged portions
6 of the animal or fowl;

7 (2) forfeits his hunting license;

8 (3) is ineligible to hold a hunting license for

9 (A) the year in which the conviction is entered and the
10 year following the year in which the conviction is entered;

11 (B) a period of five years from the date of the convic-
12 tion if the person has failed to salvage from a big game animal at
13 least the hindquarters as far as the distal joint of the tibia-
14 fibula (stifle joint).

15 Sec. 16.30.017. DEFENSES. (a) It is a defense to a criminal
16 charge under AS 16.30.010 or 16.30.012 that the failure to salvage or
17 possess the edible meat was due to circumstances beyond the control of
18 the person charged, including

19 (1) theft of the animal or fowl;

20 (2) unanticipated weather conditions or other acts of God;

21 (3) unavoidable loss in the field to another wild animal.

22 (b) It is a defense to a criminal charge under AS 16.30.012 that

23 (1) the defendant acquired the horns or antlers as a gift
24 after the edible meat of the big game animal was salvaged;

25 (2) the defendant does not possess the edible meat of the big
26 game animal because the meat has been consumed by human beings.

27 * Sec. 4. AS 16.30.020 is amended to read:

28 Sec. 16.30.020. ANIMALS EXEMPTED [EXCEPTED]. The provisions of
29 AS 16.30.010 - 16.30.012 do not apply to animals which the board exempts

1 by regulation.

2 * Sec. 5. AS 16.30.030 is amended by adding new paragraphs to read:

3 (3) "big game animal" means moose, caribou, mountain sheep,
4 mountain goat, feral reindeer, deer, elk, bison, walrus, or musk-ox;

5 (4) "criminal negligence" means criminal negligence as
6 defined in AS 11.81.900(a)(4);

7 (5) "edible meat" means, in the case of big game animals, the
8 meat of the ribs, neck, brisket, front quarters as far as the juncture
9 of the humerus and the radius-ulna (knee), hindquarters as far as the
10 distal joint of the tibia-fibula (stifle joint), and that portion of the
11 animal between the front and hindquarters; in the case of wild fowl, the
12 meat of the breast; however, "edible meat" of big game or wild fowl does
13 not include

14 (A) meat of the head;

15 (B) meat that has been damaged and made inedible by the
16 method of taking;

17 (C) bones, sinew, and incidental meat reasonably lost as
18 a result of boning or a close trimming of the bones;

19 (D) viscera;

20 (6) "intentionally" means intentionally as defined in AS 11.-
21 81.900(a)(1);

22 (7) "knowingly" means knowingly as defined in AS 11.81.900-
23 (a)(2);

24 (8) "recklessly" means recklessly as defined in AS 11.81.900-
25 (a)(3);

26 (9) "wild fowl" means species of wild fowl for which seasons
27 or bag limits have been established by state or federal law.

28 * Sec. 6. AS 16.30.030(2) is repealed.

29