

Original sponsors: Grussendorf, Bettisworth,  
Fanning, et al

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1 IN THE HOUSE

BY THE CONFERENCE COMMITTEE

2 CONFERENCE CS FOR HOUSE BILL NO. 47

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 AS 16.30.010 is repealed and reenacted to read: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 AS 16.30.012 is repealed and reenacted to read: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. (a) It is a  
27 class A misdemeanor for a person to possess the horns or antlers of a  
28 big game animal that was killed after the opening of the current or most  
29 recent lawful hunting season for that animal if the person does not

1 possess the edible meat of the animal.

2 (b) A person may not be arrested or prosecuted for a violation of  
3 this section unless the arresting officer determines that there is  
4 probable cause to believe that the edible meat of the big game animal  
5 from which the horns or antlers were taken has not been salvaged.

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

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

8 A person convicted of violating AS 16.30.010

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

11 (2) forfeits his hunting license;

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

13 (A) the year in which the conviction is entered and the  
14 year following the year in which the conviction is entered;

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

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

23 (1) theft of the animal or fowl;

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

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

26 (b) It is a defense to a criminal charge under AS 16.30.012 that  
27 the defendant does not possess the edible meat of the big game animal  
28 because the meat was

29 (1) consumed by human beings; or

1 (2) delivered to another person.

2 (c) In this section, "delivered" means given, sold, or bartered in  
3 a manner that does not violate state or federal law.

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

5 Sec. 16.30.020. ANIMALS EXEMPTED [EXCEPTED]. The provisions of  
6 AS 16.30.010 - 16.30.012 do not apply to animals which the board exempts  
7 by regulation.

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

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

11 (4) "criminal negligence" means criminal negligence as defined  
12 in AS 11.81.900(a)(4);

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

20 (A) meat of the head;

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

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

25 (D) viscera;

26 (6) "intentionally" means intentionally as defined in AS 11.-  
27 81.900(a)(1);

28 (7) "knowingly" means knowingly as defined in AS 11.81.900-  
29 (a)(2);

1 (8) "possess the edible meat" includes possessing portions of  
2 the edible meat in more than one location while the meat is being trans-  
3 ported from the place where it was salvaged;

4 (9) "recklessly" means recklessly as defined in AS 11.81.900-  
5 (a)(3);

6 (10) "wild fowl" means species of wild fowl for which seasons  
7 or bag limits have been established by state or federal law.

8 \* Sec. 6. AS 16.30.030(2) is repealed.  
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