

Offered: 5/13/83
Referred: Rules

Original sponsors: Bettisworth and
Grussendorf

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 94 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the seizure of items used in or
7 in aid of fish and game violations."

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

9 * Section 1. AS 16.05.190 is amended to read:

10 Sec. 16.05.190. SEIZURE OF ITEMS USED IN FISH AND GAME VIOLA-
11 TIONS [WITHOUT WARRANT AND CONFISCATION BY COURT]. Guns, traps, nets,
12 fishing tackle, boats, aircraft, automobiles or other vehicles, sleds,
13 and other paraphernalia used in or in aid of a violation of this
14 chapter [, OR RULE] or a regulation of the department may be seized
15 under a valid search if the person making the seizure determines that
16 the seizure is necessary to preserve an item as evidence of a viola-
17 tion or to prevent the removal of an item from the judicial district
18 in which the violation occurred, and all fish and game, or parts of
19 fish and game, or nests or eggs of birds, taken, transported, or
20 possessed contrary to the provisions of this chapter [, OR RULE] or a
21 regulation of the department shall be seized by any person designated
22 in AS 16.05.150. Upon conviction of the offender or upon judgment of
23 the court having jurisdiction that the item was taken, transported, or
24 possessed in violation of this chapter [OR RULE] or a regulation of
25 the department, all fish and game, or parts of them are forfeited to
26 the state and shall be disposed of as directed by the court. If sold,
27 the proceeds of the sale shall be transmitted to the proper state
28 officer for deposit in the general fund. If the owner of an item
29 [GUNS, TRAPS, NETS, FISHING TACKLE, BOATS, AIRCRAFT, OR OTHER

1 VEHICLES, SLEDS, AND OTHER PARAPHERNALIA] seized under [THE PROVISIONS
2 OF] this chapter [, OR RULE] or a regulation of the department estab-
3 lishes that the item is necessary to the owner's livelihood, [UNLESS
4 FORFEITED BY THE ORDER OF THE COURT,] the item shall be returned to
5 the owner within seven days after the charges for the associated
6 violation are filed with the court, unless the court determines that
7 the item is evidence of the violation for which it was seized or that
8 there is reason to believe that the owner or custodian of the item
9 will remove it from the judicial district in which the violation
10 occurred [, AFTER COMPLETION OF THE CASE AND PAYMENT OF THE FINE, IF
11 ANY].