

Offered: 3/20/84
Referred: Judiciary and
Finance

Original sponsor: Resources Committee

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 546 (Resources) am S

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the obstruction or hindrance of
7 lawful hunting, fishing, or trapping."

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

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

10 Sec. 16.05.925. OBSTRUCTION OR HINDRANCE OF LAWFUL HUNTING,
11 FISHING, OR TRAPPING. (a) A person may not perform an act with the
12 intent to obstruct or hinder hunting, fishing, or trapping engaged in
13 lawfully by another person possessing a valid State of Alaska license
14 or permit or exempted from license requirements under AS 16.05.400.

15 (b) For purposes of (a) of this section, "lawfully" means

16 (1) in accordance with AS 16, regulations adopted under
17 AS 16, and applicable federal statutes and regulations; and

18 (2) with the permission of the private landowner if the
19 hunting, fishing, or trapping is engaged in on private land.

20 (c) A peace officer who has probable cause to believe that a
21 person has violated this section may order the person to desist. The
22 officer may cite or arrest the person upon refusal to desist.

23 (d) This section does not apply to obstruction or hindrance that
24 is incidental to the lawful use of public or private land or water.

25 (e) In a prosecution under this section, it is an affirmative
26 defense that the person

27 (1) had a right to obstruct or hinder the hunting, fishing
28 or trapping, or

29 (2) reasonably believed that the person had the right to

1 obstruct or hinder the hunting, fishing or trapping.

2 (f) A person who violates this section is guilty of a
3 misdemeanor punishable by a fine of not more than \$500 or imprisonment
4 for not more than 30 days or both.

5 Sec. 16.05.926. CIVIL REMEDIES. (a) A person aggrieved by
6 conduct in violation of AS 16.05.925 or threatened with such conduct
7 may petition a superior court to enjoin the respondent from engaging
8 in such conduct.

9 (b) A person aggrieved by a violation of AS 16.05.925 is en-
10 titled to recover general damages and special damages, including
11 license and permit fees, travel costs, guide fees, special equipment
12 and supplies, and other related expenses.

13 (c) A court may award punitive damages in addition to the dam-
14 ages set out in (b) of this section.