

Introduced: 1/14/85
Referred: Judiciary and
Resources

1 IN THE HOUSE

BY SHULTZ AND MARROU

2

HOUSE BILL NO. 31

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST 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. 16.05.926. 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.

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

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

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

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

22 (d) In a prosecution under this section, it is an affirmative
23 defense that the person

24 (1) had a right to obstruct or hinder the hunting, fishing
25 or trapping, or

26 (2) reasonably believed that the person had the right to
27 obstruct or hinder the hunting, fishing or trapping.

28 (e) A person who violates this section is guilty of a misdemean-
29 or punishable by a fine of not more than \$500 or imprisonment for not

1 more than 30 days or both.

2 Sec. 16.05.927. CIVIL REMEDIES. (a) A person aggrieved by
3 conduct in violation of AS 16.05.926 or threatened with such conduct
4 may petition a superior court to enjoin the respondent from engaging
5 in such conduct.

6 (b) A person aggrieved by a violation of AS 16.05.926 is en-
7 titled to recover general damages and special damages, including
8 license and permit fees, travel costs, guide fees, costs for special
9 equipment and supplies, and other related expenses.

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