

Offered: 3/25/86
Referred: Judiciary

Original sponsors: Shultz, Marrou,
Taylor and Boucher

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 SENATE CS FOR HOUSE BILL NO. 31 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH 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. 16.05.926. OBSTRUCTION OR HINDRANCE OF LAWFUL HUNTING,
11 FISHING, OR TRAPPING. (a) Except as provided in (d) of this section,
12 a person may not perform an act with the intent to obstruct or hinder
13 hunting, fishing, or trapping engaged in lawfully by another person.
14 For purposes of this subsection, "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 (b) 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 (c) 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 (d) This section does not apply to a commercial fisherman while
29 engaged in a customary practice recognized in the commercial fishing

1 industry.

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

5 Sec. 16.05.927. CIVIL REMEDIES. (a) A person aggrieved by
6 conduct in violation of AS 16.05.926 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 16.05.926 is en-
10 titled to recover general damages and special damages, including
11 license and permit fees, travel costs, guide fees, costs for special
12 equipment 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.