

Offered: 5/10/86
Referred: Rules

Original sponsors: Thompson, Sund,
Marrou and Taylor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 331 (Judiciary) am S
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 theft of commercial fishing
7 gear."

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

9 * Section 1. AS 12.55.045 is amended by adding a new subsection to read:

10 (d) In a case in which the defendant is convicted of a violation
11 of AS 11.46.120 - 11.46.150 and in which the property is commercial
12 fishing gear as defined in AS 16.43.990, the court shall consider the
13 victim's need for, and may order, restitution that may include compen-
14 sation for loss of income.

15 * Sec. 2. AS 12.80.050 is amended by adding a new subsection to read:

16 (c) In a prosecution for a violation of AS 11.46.120 - 11.46.150
17 in which the property is commercial fishing gear as defined in AS 16.-
18 43.990, the gear shall be returned to the owner as soon as possible.
19 The prosecutor may obtain photographs of the gear for use as evidence
20 in accordance with (a) and (b) of this section.

21 * Sec. 3. AS 16.05.710 is amended by adding a new subsection to read:

22 (b) Upon a first conviction of a person for a violation of
23 AS 11.46.120 - 11.46.130 in which the property is commercial fishing
24 gear as defined in AS 16.43.990, the court shall, in addition to the
25 penalty imposed by law, order a suspension of the person's commercial
26 fishing privileges for one year. Upon a second or subsequent convic-
27 tion, the court shall, in addition to the penalty imposed by law,
28 order a suspension of the person's commercial fishing privileges for
29 two years.