

Introduced: 1/19/87  
Referred: Resources and  
Judiciary

1 IN THE HOUSE

BY SHULTZ

2 HOUSE BILL NO. 34

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH 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) 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 that is in violation of AS 16.05.926 or threatened with  
7 conduct that is in violation of AS 16.05.926 may petition a superior  
8 court to enjoin the respondent from engaging in the 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 damages  
14 under (b) of this section.