

1 IN THE SENATE

BY COGHILL AND FAIKS

2

SENATE BILL NO. 191

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act amending the definition of big game guiding;
7 and prohibiting compensation of an unlicensed person
8 for guiding."

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

10 * Section 1. AS 08.54.210 is amended to read:

11 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

12 (1) a master guide, registered guide, special guide,
13 class-A assistant guide, or assistant guide to fail to timely report
14 to the Department of Public Safety, division of fish and wildlife
15 protection, and in no event later than 30 days, a violation of a state
16 fish, game, or guiding statute or regulation that the guide reasonably
17 believes was committed by a client or an employee of the guide;

18 (2) a guide to commit or aid the commission of a violation
19 of this chapter or of a state game or guiding statute or regulation or
20 to permit the commission of a violation that the guide knows or rea-
21 sonably believes is being or will be committed without attempting to
22 prevent it, short of using force, and without reporting it;

23 (3) a person to guide without having a current valid guide
24 license and resident hunting license in actual possession;

25 (4) a person to advertise as or represent to be a guide
26 without holding a current valid guide license;

27 (5) a guide to intentionally obstruct or hinder or attempt
28 to obstruct or hinder lawful hunting engaged in by a person who is not
29 a client of the guide;

1 (6) a person to guide without being validly licensed as a
2 guide under this chapter and as a resident hunter under AS 16;

3 (7) an assistant guide to contract to conduct a guided
4 hunt;

5 (8) an assistant guide to be in the field on a guided hunt
6 except while employed and supervised by a registered or master guide;

7 (9) a person to compensate or agree to compensate another
8 person for guiding in violation of (6) of this subsection.

9 (b) A person who violates (a)(1) - (5) of this section is guilty
10 of a misdemeanor and upon conviction is punishable by a fine of not
11 more than \$1,000 or by imprisonment for not more than one year, or by
12 both, and the person's license may be revoked for a period up to five
13 years. However, a person who engages in guiding activity during the
14 period for which the person's license is suspended or revoked under
15 this chapter, or who violates (a)(6) - (9) [(a)(6) - (8)] of this
16 section, is guilty of a felony punishable, upon conviction, by a fine
17 of not more than \$5,000 and by imprisonment for not less than one year
18 nor more than three years. In addition to punishment for a felony,
19 all guns, fishing tackle, boats, aircraft, automobiles or other vehi-
20 cles, camping gear and other equipment and paraphernalia used in, or
21 in aid of, guiding activity engaged in during the period of suspension
22 or revocation may be seized by persons authorized to enforce this
23 chapter and may be forfeited to the state as provided under AS 16.05.-
24 195.

25 * Sec. 2. AS 08.54.240(3) is repealed and reenacted to read:

26 (3) "guide" or "guiding" means accompanying or being pre-
27 sent with, or providing a camp for, a hunter in the field, personally
28 or through an assistant, for compensation or with the intent or an
29 agreement to receive compensation; "guide" or "guiding" does not

1 include accompanying or being present with a hunter
2 (A) in a boat with living quarters;
3 (B) at a permanent lodge or a lawfully established
4 cabin; or
5 (C) in a vehicle of any kind while providing transpor-
6 tation to or from the field, so long as the persons providing
7 transportation and the persons being transported do not stalk,
8 pursue, track, kill, or attempt to kill big game, or spot with
9 the intent to stalk, pursue, track, or kill big game, on the way
10 to or from the field;