

BY FANNING, FAIKS, COGHILL,
FAHRENKAMP, KELLY, FISCHER
AND KERTTULA

1 IN THE SENATE

2

SENATE BILL NO. 397

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH 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) 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 compliance with this title, regulations adopted
16 under this title, and applicable federal statutes and regulations; and

17 (2) with the permission of the private landowner if the
18 hunting, fishing, or trapping occurs 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 reasonably believed that the person was law-
24 fully entitled to obstruct or hinder the hunting, fishing or trapping.

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

28 Sec. 16.05.927. CIVIL REMEDIES. (a) A person aggrieved by
29 conduct or threatened conduct in violation of AS 16.05.926 may

1 petition a superior court to enjoin the respondent from engaging in
2 the conduct.

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

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