

Offered: 5/3/89
Referred: Rules

6-0861J

Original sponsors: Foster, Jacko,
Goll, et al.

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 201 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to additional penalties for viola-
7 tion of commercial fishing laws and for theft of
8 commercial fishing gear; and providing for an effec-
9 tive date."

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

11 * Section 1. AS 16.05.710(a) is repealed and reenacted to read:

12 (a) Upon a person's first or second misdemeanor or felony con-
13 viction within a 10-year period for violating a commercial fishing law
14 of this state or another jurisdiction, the court may, in addition to
15 other penalties imposed by law, suspend one or more of the person's
16 commercial fishing privileges and licenses for a period of not more
17 than one year. Upon the person's third or subsequent misdemeanor or
18 felony conviction within a 10-year period for violating a commercial
19 fishing law of this state or another jurisdiction, the court shall, in
20 addition to other penalties imposed by law, suspend one or more of the
21 person's commercial fishing privileges and licenses for a period of
22 not more than three years.

23 * Sec. 2. AS 16.05.710(b) is amended to read:

24 (b) Upon a first conviction of a person for a violation of
25 AS 11.46.120 - 11.46.130 in which the property is commercial fishing
26 gear as defined in AS 16.43.990, the court shall, in addition to the
27 penalty imposed by law, suspend one or more [ORDER A SUSPENSION] of
28 the person's commercial fishing privileges and licenses for one year.
29 Upon a second or subsequent conviction for a violation of

1 AS 11.46.120 - 11.46.130 or a similar law of another jurisdiction in
2 which the property is commercial fishing gear as defined in AS 16.43.-
3 990, the court shall, in addition to the penalty imposed by law,
4 suspend one or more [ORDER A SUSPENSION] of the person's commercial
5 fishing privileges and licenses for two years.

6 * Sec. 3. AS 16.05.710(c) is amended to read:

7 (c) If proceedings in which commercial fishing privileges or
8 licenses may be suspended under this section are pending against a
9 limited entry permit holder, the permit holder's limited entry permit
10 may not be permanently transferred, unless allowed by order of the
11 court in which the proceedings are pending, and a permanent transfer
12 of the permit, unless allowed by order of the court, is void. During
13 the period for which a limited entry permit or the permit holder's
14 right to obtain a limited entry permit or to engage in an activity for
15 which a limited entry permit is required is suspended under [(a) OF]
16 this section, a permit card may not be issued to the permit holder and
17 the permit holder's permit may not be transferred or sold.

18 * Sec. 4. AS 16.05.710(d) is repealed and reenacted to read:

19 (d) In this section

20 (1) "commercial fishing license" means a limited entry
21 permit or a crew member license;

22 (2) "commercial fishing privilege" means the privilege of
23 participating in an activity for which a commercial fishing license is
24 required and the privilege of obtaining a commercial fishing license;

25 (3) "commercial fishing law" means a statute or regulation
26 that regulates the conduct of a person engaged in commercial fishing
27 activities by establishing requirements relating to fishing licenses
28 and permits; catch records and reports; size, nature, or use of fish-
29 ing vessels, sites, and gear; time, place, or manner of taking fishery

1 resources; possession, transportation, sale, barter, or waste of
2 fishery resources; or other aspects of commercial fishing;

3 (4) "limited entry permit" means an entry permit or an
4 interim use permit issued under AS 16.43.

5 * Sec. 5. AS 16.43.170 is amended by adding a new subsection to read:

6 (f) The permanent transfer of an entry permit is void if pro-
7 ceedings in which commercial fishing privileges and licenses may be
8 suspended under AS 16.05.710 are pending against the permit holder at
9 the time of transfer unless the transfer of the entry permit is al-
10 lowed by order of the court in which the proceedings are pending.

11 * Sec. 6. The provisions of this Act are applicable to cases involving
12 a commercial fishing violation or theft of commercial fishing gear that
13 occurs on or after the effective date of this Act.

14 * Sec. 7. This Act takes effect immediately under AS 01.10.070(c).