

Introduced: 3/15/89  
Referred: Resources and  
Judiciary

6-0848A

1 IN THE HOUSE

BY GRUSSENDORF, GOLL AND  
DAVIDSON

2

HOUSE BILL NO. 219

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act prohibiting the taking of brown or grizzly  
7 bear near solid waste disposal facilities; and pro-  
8 viding for an effective date."

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

10 \* Section 1. AS 16.05 is amended by adding a new section to read:

11 Sec. 16.05.782. TAKING OF BROWN OR GRIZZLY BEAR NEAR SOLID WASTE  
12 DISPOSAL FACILITY PROHIBITED. (a) A person may not recklessly take a  
13 brown or grizzly bear within one mile of a solid waste disposal facil-  
14 ity.

15 (b) In addition to the penalty under AS 16.05.925, the court  
16 shall order forfeiture of the hide and skull of the bear, but if the  
17 hide and skull are not salvaged then the court shall impose an addi-  
18 tional fine equal to the fair market value of the bear.

19 (c) It is a defense to prosecution under this section that the  
20 person took the bear in defense of life or property if the

21 (1) necessity for the taking is not brought about by harass  
22 ment or provocation of the bear or by an unreasonable invasion of the  
23 bear's habitat by the person who takes the bear;

24 (2) necessity for the taking is not brought about by the  
25 improper disposal of garbage or the creation of a similar attractive  
26 nuisance by the person who takes the bear; and

27 (3) person exhausts all other practicable means to protect  
28 life and property before the bear is taken.

29 (d) In this section

- 1                   (1) "property" means  
2                    (A) a dwelling, permanent or temporary;  
3                    (B) an aircraft, boat, automobile, or other convey-  
4                    ance;  
5                    (C) a domestic animal;  
6                    (D) other property of substantial value necessary for  
7                    the livelihood or survival of the owner;  
8                    (2) "recklessly" has the meaning given in AS 11.81.900(a);  
9                    (3) "solid waste disposal facility" has the meaning given  
10                   in AS 46.03.900.  
11                   \* Sec. 2. This Act takes effect July 1, 1989.