

Offered: 4/6/89
Referred: Judiciary

6-0848E

Original sponsors: Grussendorf, Goll,
and Davidson

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 CS FOR HOUSE BILL NO. 219 (Resources)
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 who with criminal negli-
13 gence takes a brown or grizzly bear within one mile of a solid waste
14 disposal facility is guilty of a class A misdemeanor.
15 (b) In addition to the penalty imposed by law, the court shall
16 order forfeiture of the hide and skull of the bear, but if the hide
17 and skull are not salvaged then the court shall impose an additional
18 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
22 harassment or provocation of the bear or by an unreasonable invasion
23 of the 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) "criminal negligence" has the meaning given in AS 11.-
2 81.900(a);
- 3 (2) "property" means
- 4 (A) a dwelling, permanent or temporary;
- 5 (B) an aircraft, boat, automobile, or other convey-
6 ance;
- 7 (C) a domestic animal;
- 8 (D) other property of substantial value necessary for
9 the livelihood or survival of the owner;
- 10 (3) "solid waste disposal facility" has the meaning given
11 in AS 46.03.900.
- 12 * Sec. 2. This Act takes effect July 1, 1989.