

Offered: 4/18/89  
Referred: Rules

6-0848H

Original sponsors: Grussendorf, Goll,  
and Davidson

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 219 (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 prohibiting the taking of bears near solid  
7 waste disposal facilities; and providing for an  
8 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 and delivered to the department then the  
18 court shall impose an additional fine of up to \$10,000.

19 (c) It is an affirmative defense to a prosecution under this  
20 section that the person took the bear in defense of life or property  
21 if the person who took the bear shows by a preponderance of the evi-  
22 dence that

23 (1) the necessity for the taking was not brought about by  
24 harassment or provocation of the bear by the person who took the bear;

25 (2) the necessity for the taking was not brought about by  
26 the negligent disposal of garbage or the creation of a similar attrac-  
27 tive nuisance by the person who took the bear; and

28 (3) the person exhausted all other practicable means to  
29 protect life and property before the bear was taken.

1 (d) In this section  
2 (1) "criminal negligence" has the meaning given in AS 11.-  
3 81.900(a);  
4 (2) "property" means  
5 (A) a dwelling, permanent or temporary;  
6 (B) an aircraft, boat, automobile, or other convey-  
7 ance;  
8 (C) a domestic animal;  
9 (D) other property of substantial value necessary for  
10 the livelihood or survival of the owner;  
11 (3) "solid waste disposal facility" has the meaning given  
12 in AS 46.03.900.  
13 \* Sec. 2. This Act takes effect July 1, 1989.