

Introduced: 5/3/89
Referred: Rules

6-0848J

Original sponsors: Grussendorf, Goll,
and Davidson

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 SENATE CS FOR 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 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 IN SOUTHEAST ALASKA PROHIBITED. (a) A person who
13 with criminal negligence takes a brown or grizzly bear within one mile
14 of a solid waste disposal facility located in Southeast Alaska is
15 guilty of a class A misdemeanor.

16 (b) In addition to the penalty imposed by law, the court shall
17 order forfeiture of the hide and skull of the bear, but if the hide
18 and skull are not salvaged and delivered to the department then the
19 court shall impose an additional fine of up to \$10,000.

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

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

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

29 (3) the person exhausted all other practicable means to

1 protect life and property before the bear was taken.

2 (d) In this section

3 (1) "criminal negligence" has the meaning given in AS 11.-
4 81.900(a);

5 (2) "property" means

6 (A) a dwelling, permanent or temporary;

7 (B) an aircraft, boat, automobile, or other convey-
8 ance;

9 (C) a domestic animal;

10 (D) other property of substantial value necessary for
11 the livelihood or survival of the owner;

12 (3) "solid waste disposal facility" means a facility for
13 the disposal of solid waste, other than sewage, for which a permit has
14 been issued under AS 46.03.100;

15 (4) "Southeast Alaska" means that portion of the state that
16 is east of 141 degrees west longitude.

17 * Sec. 2. This Act takes effect July 1, 1989.