

BY SEN. FRANK, Kelly, Fahrenkamp

1 IN THE SENATE

2

SENATE BILL NO. 469

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the obstruction or hindrance of
7 lawful hunting, fishing, or trapping."

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

9 * Section 1. AS 16.05 is amended by adding new sections to read:

10 Sec. 16.05.790. OBSTRUCTION OR HINDRANCE OF LAWFUL HUNTING,
11 FISHING, OR TRAPPING. (a) Except as provided in (e) of this section,
12 a person may not intentionally obstruct or hinder another person's
13 lawful hunting, fishing, or trapping.

14 (b) For purposes of (a) of this section, "lawful" means

15 (1) in compliance with this title, regulations adopted
16 under this title, and applicable federal statutes and regulations; and

17 (2) with the permission of the private landowner if the
18 hunting, fishing, or trapping occurs on private land.

19 (c) A peace officer who has probable cause to believe that a
20 person has violated this section may arrest or cite the person or
21 order the person to desist.

22 (d) In a prosecution under this section, it is an affirmative
23 defense that the person was lawfully entitled to obstruct or hinder
24 the hunting, fishing, or trapping.

25 (e) This section does not apply to a commercial fisherman while
26 engaged in a customary practice recognized in the commercial fishing
27 industry.

28 (f) A person who violates this section is guilty of a misdemean-
29 or and is punishable by a fine of not more than \$500 or imprisonment

1 for not more than 30 days, or both.

2 Sec. 16.05.791. CIVIL REMEDIES. (a) A person aggrieved by
3 conduct or threatened conduct in violation of AS 16.05.790 may peti-
4 tion a superior court to enjoin the respondent from engaging in the
5 conduct.

6 (b) A person aggrieved by a violation of AS 16.05.790 is en-
7 titled to recover general damages and special damages, including
8 license and permit fees, travel costs, guide-outfitting fees, costs
9 for special equipment and supplies, and other related expenses.

10 (c) A court may award punitive damages in addition to the dam-
11 ages set out in (b) of this section.