

CS FOR HOUSE BILL NO. 64 (RESOURCES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 2/20/91
Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES TAYLOR, M.W.Miller, Sharp, Zawacki

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the obstruction or hindrance of lawful hunting, fishing, or trapping."

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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

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

7 (1) altering the feasibility of taking fish or game by another person; or
8 (2) creating a visual, aural, olfactory, or physical stimulus in order to alter the
9 behavior of the fish or game that another person is attempting to take.

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

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

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

1 (c) Notwithstanding AS 12.25, only a peace officer may arrest a person for violating this
2 section. A peace officer who has probable cause to believe that a person has violated this section
3 may arrest or cite the person or order the person to desist.

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

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

8 (f) A person who violates this section is guilty of a class B misdemeanor.

9 Sec. 16.05.791. CIVIL REMEDIES. (a) A person aggrieved by conduct or threatened
10 conduct in violation of AS 16.05.790 may petition a superior court to enjoin the respondent from
11 engaging in the conduct.

12 (b) A person aggrieved by a violation of AS 16.05.790 is entitled to recover general
13 damages and special damages, including license and permit fees, travel costs, guide-outfitting
14 fees, costs for special equipment and supplies, and other related expenses.

15 (c) A court may award punitive damages in addition to the damages set out in (b) of this
16 section.