

CS FOR SENATE BILL NO. 38 (JUDICIARY)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/4/91
Referred: Rules

Sponsor(s): SENATORS FRANK, Sturgulewski, Pearce

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;

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; or

10 (3) tampering with personal property of another intended for use in the taking of
11 fish or game.

12 (b) For purposes of (a) of this section,

13 (1) "lawful" means

14 (A) in compliance with

1 (i) this title, regulations adopted under this title, and applicable
2 federal statutes and regulations; or

3 (ii) the Marine Mammal Protection Act (P.L. 92-522); and

4 (B) with the permission of the private landowner if the hunting, fishing,
5 or trapping occurs on private land;

6 (2) "tamper" has the meaning given in AS 11.46.490.

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

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

11 (e) This section does not apply to lawful competitive practices among persons engaged
12 in hunting, fishing, or trapping.

13 (f) A person who violates this section is guilty of a misdemeanor and is punishable by
14 a fine of not more than \$500 or imprisonment for not more than 30 days, or both.

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

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

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