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4 7

Mandatory Prison & fines: winter waste
moose & caribou

HB 477

Grussendorf
Bethisworth, Fanning
Phillips, Randolph

technical sk; but Title 8VI

toughens winter waste law -
mandatory minimum fines & jail
for total waste (hindquarters)
broadens edible meat to include
neck and rib meat
takes away Beard's power to provide
exceptions
if convicted, forfeit hunting license
that year & the next, for 5 years
for total waste

COMMITTEE REPORT

HOUSE

3/1

5/22/81

FURTHER:

Relev

(7)

Date:

Apr 1, 82

Mr. Speaker:

The Committee on JUDICIARY has had HB 47

"An Act establishing mandatory imprisonment and fines as penalties for violation of hunting laws prohibiting waste of moose and caribou."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for CS HB 47 (Judiciary) same title new title
- and recommends it do pass
- AND attaches a "Letter of Intent" Fiscal Note w/analysis
- reports it back without recommendation 2-0 Suppl.
- referred to the _____ Committee

MEMBERS SIGNING

DO PASS

[Signature]

[Signature]

R. L. E. [Signature] D. Pen

[Signature]

[Signature]

MEMBERS HAVING

OTHER RECOMMENDATIONS:

[Signature]

CHAIRMAN

COMMITTEE REPORT

HOUSE

5/22

2/3/81

FURTHER: JUDICIARY

(11)

Date: MAY 22, 1981

Mr. Speaker:

The Committee on RESOURCES has had HB 47

"An Act establishing mandatory imprisonment and fines as penalties for violation of hunting laws prohibiting waste of moose and caribou."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 47 (Rec) same title
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING:
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Jerry Gaudin
Bob Jones
Rick Halford
Eric Sutcliffe
Vernon Huselby
Barney

Paul F. Zharoff No Rec

Jerry Gaudin
 CHAIRMAN
Paul F. Zharoff

as per (?)

Original sponsors: Grussendorf, Bettisworth,
Fanning, et al

Offered: 3/1/82
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 47 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the prohibition against waste of
7 the meat of big game animals and wild fowl."

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

9 * Section 1. AS 16.30.010 is repealed and reenacted to read:

10 Sec. 16.30.010. WANTON WASTE OF BIG GAME ANIMALS AND WILD FOWL.

(1 year, \$5,000 fine max.)

11 (a) It is a class A misdemeanor for a person who kills a big game
12 animal or a species of wild fowl to fail, intentionally, knowingly,
13 recklessly, or with criminal negligence, to salvage for human consump-
14 tion the edible meat of the animal or fowl.

NEW

15 (b) A person convicted of violating this section who has failed to
16 salvage from a big game animal at least the hindquarters as far as the
17 distal joint of the tibia-fibula (stifle joint) shall be sentenced to

Mandatory

18 (1) a definite term of imprisonment of not less than 160
19 consecutive hours; and *6 months now* "not more than 6 mos. or

b⁷ 3 days

20 (2) a fine of not less than \$2,500. *5,000 now \$5,000*

21 (c) A sentence imposed under (b) of this section may not be sus-
22 pending, nor may imposition of the sentence be suspended.

23 * Sec. 2. AS 16.30 is amended by adding new sections to read:

24 Sec. 16.30.015. SURRENDER OF SALVAGED PORTIONS, LICENSE FORFEITURE.

25 A person convicted of violating AS 16.30.010

26 (1) shall surrender to the department all salvaged portions
27 of the animal or fowl;

28 *NEW* (2) forfeits his hunting license;

29 (3) is ineligible to hold a hunting license for

2/2/82

1 (A) the year in which the conviction is entered and the
2 year following the year in which the conviction is entered;

3 (B) a period of five years from the date of the convic-
4 tion if he has failed to salvage from a big game animal at least
5 the hindquarters as far as the distal joint of the tibia-fibula
6 (stifle joint).

7 Sec. 16.30.017. DEFENSES. It is a defense to a criminal charge
8 under AS 16.30.010 that the failure to salvage the edible meat was due
9 to circumstances beyond the control of the person charged, including

- 10 (1) theft of the animal or fowl;
11 (2) unanticipated weather conditions or other acts of God;
12 (3) unavoidable loss in the field to another wild animal.

13 * Sec. 3. AS 16.30.030 is amended by adding new paragraphs to read:

14 (3) "big game animal" means moose, caribou, mountain sheep,
15 mountain goat, feral reindeer, deer, elk, bison, walrus, or musk-ox;

16 (4) "criminal negligence" means criminal negligence as
17 defined in AS 11.81.900(a)(4);

18 (5) "edible meat" means, in the case of big game animals, the
19 meat of the ribs, neck, brisket, front quarters as far as the juncture
20 of the humerus and the radius-ulna (knee), hindquarters as far as the
21 distal joint of the tibia-fibula (stifle joint), and that portion of the
22 animal ~~between the front and hindquarters~~ *[meat of ribs ~~is~~ used to be excluded]* in the case of wild fowl, the
23 meat of the breast; however, "edible meat" of big game or wild fowl does
24 not include

25 (A) meat of the head;

26 (B) meat that has been damaged and made inedible by the
27 method of taking;

28 (C) bones, sinew, and incidental meat reasonably lost as
29 a result of boning or a close trimming of the bones;

1 (D) viscera;

2 (6) "intentionally" means intentionally as defined in AS 11.-
3 81.900(a)(1);

4 (7) "knowingly" means knowingly as defined in AS 11.81.900(a)-
5 (2);

6 (8) "recklessly" means recklessly as defined in AS 11.81.900-
7 (a)(3);

8 (9) "wild fowl" means species of wild fowl for which seasons
9 or bag limits have been established by state or federal law.

10 * Sec. 4. AS 16.30.020 is repealed.

11 *animals the board has exempted*
12 *by regulation - allows no exceptions*
13

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 47

Title "An act relating to the prohibition against waste of the meat of

Requested by Repr. Barnes, House Judiciary Date Feb. 22, 1982
wild food animals."

II. FISCAL DETAIL

Agency Affected Department of Law

Program Category Affected Administration of Justice

BRU, Program, Or Subprogram(s) Affected Prosecution

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

| | FY 82 | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 |
|--------------------------|-------|-------|-------|-------|-------|-------|
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | | | | | | |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 0 |

FUNDING (Thousands of Dollars)

| | FY 82 | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 |
|------------------------|-------|-------|-------|-------|-------|-------|
| GENERAL FUND | 0 | 0 | 0 | 0 | 0 | 0 |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |

POSITIONS

| | FY 82 | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 |
|-----------|-------|-------|-------|-------|-------|-------|
| FULL TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART TIME | | | | | | |
| TEMPORARY | | | | | | |

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

This bill makes amendments to the state's laws pertaining to the waste of the meat of wild food animals, including minimum mandatory fines and jail terms. Additionally, the bill now categorizes the meat of the neck and the ribs as part of "most of the edible meat" of big game wild food animals. There is the distinct possibility that the number of guilty pleas for violating the state's wanton waste laws will decrease in view of the more severe penalties specified, and that with corresponding increase in trials a need for additional attorney positions may arise. While this possibility is speculative and consequently no additional positions have been requested at this time, any legislative action diminishing the resources available to the department in FY 83, coupled with the enactment of this and other crime bills requiring a greater prosecution effort will severely hamper the department's overall ability to prosecute criminal offenses.

IV. DATE February 22, 1982

PREPARED BY Richard I. Pegues, Director, Admin. Svcs.
Department of Law

Original: Legislative Finance

PHONE 65-3672

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

Richard I. Pegues

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 47

Title "An Act Establishing Mandatory Imprisonment/Fines for Violation of Hunting Laws....
Requested by House Resources Date 1/29/82

II. FISCAL DETAIL

Agency Affected Department of Public Safety

Program Category Affected NRMEC

BRU, Program, Or Subprogram(s) Affected Fish & Wildlife Protection

(Note: If more than one budget component is affected, sep rate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

| | FY 82 | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 |
|--------------------------|------------|------------|------------|------------|------------|------------|
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 COMMODITIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

FUNDING (Thousands of Dollars)

| | FY 82 | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 |
|------------------------|-------|-------|-------|-------|-------|-------|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |

POSITIONS

| | FY 82 | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 |
|-----------|-------|-------|-------|-------|-------|-------|
| FULL TIME | | | | | | |
| PART TIME | | | | | | |
| TEMPORARY | | | | | | |

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

NO FISCAL IMPACT

IV. DATE 1/29/82

PREPARED BY AS Col. Robert J. Stickle

AGENCY Fish & Wildlife Protection, DPS

PHONE 269-5534

Original: Legislative Finance
cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

AMENDED TITLE:

AN ACT ESTABLISHING MANDATORY IMPRISONMENT AND FINES AS PENALTIES FOR VIOLATION OF HUNTING LAWS PROHIBITING WASTE OF MOOSE AND CARIBOU

PRIME SPONSOR: GRUSSENDORF.

CO-SPONSORS: BETTISWORTH, FANNING, PHILLIPS, RANDOLPH.

CURRENT DATE: 3/01/82 IN (H) RULES

HB 47 HOUSE ACTION

DATE SEQ PAGE

LEGISLATIVE ACTION

02/04/81 01 0126
05/22/81 02 1623
03/01/82 03 0631
03/01/82 04 0631

FIRST READING -- COMMITTEE REPORTS
RES -- CS06, NR01
JUD -- CS05
F/NOTES EQUAL ZERO HSE SJPL #19
RULES
RULES

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