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SEARCH - QUERY  
0002B '16.05.160'.CITATION.

SB 806

AS16.05.160 DOCUMENT= 1 OF 1

HEADINGS TITLE 16.  
FISH AND GAME.  
CHAPTER 05.  
FISH AND GAME CODE.  
ARTICLE 1.  
THE DEPARTMENT OF FISH AND GAME.

CITATION SEC. 16.05.160.

CATCH LINE

DUTY TO ARREST.

TEXT EACH PERSON DESIGNATED IN SEC. 150 OF THIS CHAPTER SHALL ARREST A PERSON VIOLATING THIS CHAPTER, OR ANY RULE OR REGULATION MADE UNDER THIS CHAPTER, IN HIS PRESENCE OR VIEW, AND SHALL TAKE THE PERSON IMMEDIATELY FOR EXAMINATION OR TRIAL BEFORE AN OFFICER OR COURT OF COMPETENT JURISDICTION.

HISTORY (SEC. 21 ART I CH 94 SLA 1959)

R0601 \* END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

LEGISLATION SUMMARY

CSSB 806 (Res): "An Act relating to the issuance of citations for fish and game violations.

GENERAL: This bill adds a new provision to the Fish and Game Code, allowing enforcement officers to issue citations, rather than arrest suspected offenders, at the officer's discretion, and establishes a procedure similar to that for traffic violations, which allow payment and forfeiture of bail in lieu of a court appearance.

Sec. 1: Authorizes peace officers to issue a citation, rather than make an arrest, for suspected violations of the Fish and Game Code, at the discretion of the officer.

Requires the supreme court to specify those misdemeanors which may be disposed without a court appearance, and to establish a schedule of bail amounts, not to exceed the maximum specified fine for the offense. If the misdemeanor for which the citation is issued is one which does not require a court appearance, the citing officer shall specify the applicable bail on the citation.

Allows persons cited for misdemeanors for which a bail has been established to deliver by mail or in person the specified bail and a signed copy of the citation indicating that person's waiver of appearance, plea of no contest, and forfeiture of bail, within 15 days of the citation date.

Forfeiture of bail results in a judgement of conviction. Forfeiture of bail and all seized items is a complete satisfaction of the misdemeanor, and the clerk of the court accepting the bail is required to provide the offender with a receipt to that effect.

Failure to pay bail or appear in court, if required, results in the citation being considered a summons for the charge.

Notwithstanding other existing law, if the cited person appears in court and is convicted, the penalty shall not exceed the bail amount for the offense established under this Act.

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SPONSOR: Resources

ORIGINAL SPONSOR: Rules (Governor's request)

SENATE RESOURCES COMMITTEE  
LEGISLATION CHECKLIST

BILL NUMBER SB 806

IDENTIFICATION:

BILL NAME: "An Act relating to the issuance of citations for fish and game violations."

SPONSOR(S): Rules (Governor's request)

RELATED BILLS PENDING:

DATE INTRODUCED: 2/16/82

REFERRALS Resources  
Judiciary

INITIAL RESEARCH:

INITIAL BILL SUMMARY COMPLETED \*yes\*

SUMMARY BY LEGAL DIVISION:  
DEPT. OF LAW SUMMARY:

SPONSOR CONTACTED FOR BACKUP  
MATERIALS: *Gov's transmittal letter*

FISCAL NOTE: ✓

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR  
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPRATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE

BACKGROUND MATERIAL DISTRIBUTED

PSA/PRESS RELEASE

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/CS DRAFTED:

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. SB 806  
 Title Ac Act Relating to the Issuance of Citations for Fish and Game violations  
 Requested by Requested by the Governor Date 2/16/82

II. FISCAL DETAIL  
 Agency Affected Dept. of Public Safety  
 Program Category Affected NPMEC  
 BRU, Program, Or Subprogram(s) Affected Fish & Wildlife Protection  
 (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						
FEDERAL FUNDS						
OTHER (Specify Source)						
	0	0	0	0	0	0

POSITIONS

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

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

IV. DATE 2/24/82 PREPARED BY Colonel Robert J. Stickles  
 AGENCY Dept. of Public Safety  
 PHONE 269-5532  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 806  
Title "An Act relating to Issuance of Citations for Fish & Game Violations..."  
Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Department of Public Safety  
Program Category Affected Fish & Wildlife Protection  
BRU, Program, Or Subprogram(s) Affected \_\_\_\_\_  
(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-				

FUNDING (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME		0				
PART TIME						
TEMPORARY						

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

No fiscal impact is anticipated.

IV. DATE February 16, 1982 PREPARED BY Michael Orelove  
AGENCY Department of Public Safety  
Original: Legislative Finance PHONE 465-4349  
cc: Budget and Management  
Prime Sponsor (First Legislator Name?)  
33-001 (Rev. 12/81)

be enacted to benefit the state. It is desired that the department participate in the federal aid programs on the same basis as other states. (§ 20 art I ch 94 SLA 1959)

**Sec. 16.05.150. Enforcement authority.** The following persons are peace officers of the state and they shall enforce this chapter:

- (1) an employee of the department authorized by the commissioner;
- (2) a police officer in the state
- (3) any other person authorized by the commissioner. (§ 21 art I ch 94 SLA 1959)

**Enforcement of fish and game laws on military reservations.** — Where the military does not assign sufficient personnel to enforce fish and game laws on military reservations, state game officials as well might enforce them, possibly by deputizing state game officials as federal marshals, since 10 U.S.C. 2671(c) makes violation of state fish and game laws a federal offense. 1964 Op. Att'y Gen., No. 2.

Since state fish and game laws operate

on a federal military reservation, not only as federal law but also as state law, both the federal and state officers may enforce these laws. 1964 Op. Att'y Gen., No. 2.

State officers should have full access to military reservations in Alaska, subject to safety and military security requirements, to enforce laws and manage and harvest fish and game resources. 1964 Op. Att'y Gen., No. 2.

**Sec. 16.05.160. Duty to arrest.** Each person designated in § 150 of this chapter shall arrest a person violating this chapter, or any rule or regulation made under this chapter, in his presence or view, and shall take the person immediately for examination or trial before an officer or court of competent jurisdiction. (§ 21 art I ch 94 SLA 1959)

Cited in *Schuster v. State*, Sup. Ct. Op. No. 1305 (File No. 2911), 553 P.2d 925 (1976).

**Sec. 16.05.170. Power to execute warrant.** Each person designated in § 150 of this chapter may execute a warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of this chapter, and may, with a search warrant, search any place at any time. The judge of a court having jurisdiction may, upon proper oath or affirmation showing probable cause, issue a warrant in all cases. (§ 21 art I ch 94 SLA 1959)

**Sec. 16.05.180. Power to search without warrant.** Each person designated in § 150 of this chapter may without a warrant search any thing or place if the search is reasonable or is not protected from searches and seizures without warrant within the meaning of § 14, art. I of the state constitution, which specifically enumerates "persons, houses and other property, papers and effects." However, before a search without warrant is made a signed written statement by the person making the search shall be submitted to the person in control of the property or object to be searched, stating the reason the search is being conducted. A written receipt shall be given by the person



# Alaska State Legislature

## SENATE Resources Committee

Official Business

Pouch V  
State Capitol  
Juneau, Alaska 99811

TO: Bob Mulcahy, Chairman  
Fisheries Subcommittee

FROM: Bettye Fahrenkamp, *B.F.* Chairman  
Senate Resources Committee

DATE: February 25, 1982

The following legislation has been referred to the Senate Resources Committee for consideration:

- SSSB 51: "An Act relating to penalties for violations of fishing laws and regulations."
- SB 755: "An Act relating to the licensing of commercial fishing; and providing for an effective date."
- SB 787: "An Act relating to damage to fishermen's gear caused by contact with certain man-made objects; and providing for an effective date."
- SB 788: "An Act making special appropriations to the Department of Revenue for administration of the fishermen's gear damage compensation fund and to the Department of Natural Resources for a survey of man-made obstructions hazardous to gear of commercial fishermen fishing in state waters; and providing for an effective date."
- SB 806: "An Act relating to the issuance of citations for fish and game violations."
- SJR 70: Relating to commercial fishing North Pacific chinook salmon.

I am assigning the above listed legislation to the Fisheries Subcommittee for your Subcommittee's consideration.

# Klawock **A.N.B.** Camp 9

P.O. Box 143

Klawock, Alaska 99925

Elwood Thomas

Secretary

James Martinez

President

Donald Thomas

Vice President

March 16, 1982

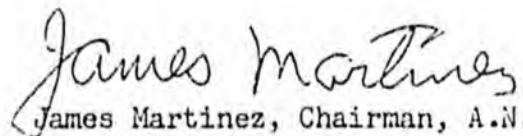
Chairman, Resources and Judiciary Committee  
In the Senate  
Alaska State Legislature  
Juneau, Ak. 99801

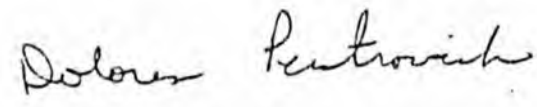
Gentlemen,

We, the Alaska Native Brotherhood and the Alaska Native Sisterhood, in a joint meeting of March 10, 1982, read and discussed SENATE BILL NO. 206,

\* Section. 1. AS 16.05, as it is to be amended.

We do not feel that this bill as amended is in the best interest of the people and will strive to oppose it to the fullest extent of our ability.

  
James Martinez, Chairman, A.N.B.

  
Dolores Peratrovich, Chairwoman, A.N.S.

JAY S. HAMMOND  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 16, 1982

The Honorable Jalmar Kerttula  
President of the Senate  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

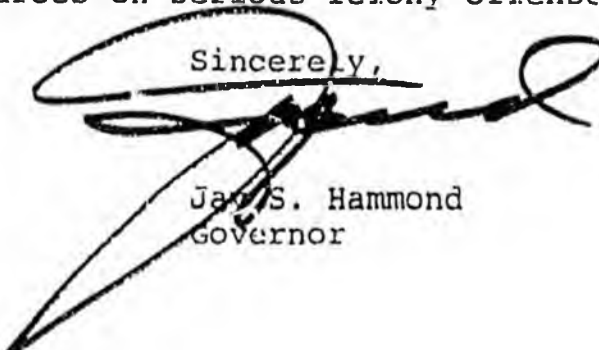
Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that will establish an expeditious procedure to dispose of minor uncontested misdemeanor fish and game violations.

Under existing law, peace officers have the authority to issue citations for misdemeanors instead of arrest under AS 12.25.180. However, once a citation is issued, the offender must ordinarily appear in court, even if he does not wish to contest the charge. The attached bill adopts a procedure similar to that found in the motor vehicle code (AS 28.05.151) which allows the offender to post and forfeit bail if he does not wish to contest the charge. The bill also authorizes the supreme court to establish a bail schedule for specified misdemeanor offenses.

Passage of this bill will benefit both law enforcement and the person cited for relatively minor offenses. The person will avoid the time and expense associated with a court appearance, while law enforcement will be able to concentrate its resources on serious felony offenses.

Sincerely,



Jay S. Hammond  
Governor

## LEGISLATION SUMMARY

SB 806: "An Act relating to the issuance of citations for fish and game violations."

GENERAL: This bill adds a new section to the Fish and Game Code, allowing enforcement officers to issue citations, rather than arrest suspected offenders, at the officers' discretion, and establishes a procedure similar to that for traffic violations, which allow payment and forfeiture of bail in lieu of a court appearance.

Sec. 1: Authorizes peace officers to issue a citation, rather than make an arrest, for suspected violations of the Fish and Game code, at the discretion of the officer.

Requires the supreme court to specify those misdemeanors appropriate for disposition without a court appearance, and to establish a schedule of bail amounts, not to exceed the maximum specified fine for the offense. If the misdemeanor for which the citation is issued is one which does not require a court appearance, the citing officer shall specify the applicable bail on the citation.

Allows persons cited for misdemeanors for which a bail amount has been established to deliver by mail or in person the specified bail and a signed copy of the citation indicating that persons waiver of appearance, plea of no contest, and forfeiture of bail.

Forfeiture of bail results in a judgement of conviction. Forfeiture of bail and any seized items is a complete satisfaction of the misdemeanor, and the offender must be given a receipt stating that fact.

Failure to pay bail or appear in court, if required, results in the citation being considered a summons for the charge, and the cited person must be proceeded against according to law.

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PRIME SPONSOR: Rules (Governor's request)

CO-SPONSOR(S): None



# Alaska State Legislature

## SENATE Resources Committee

Official Business

BETTYE FAHRENKAMP, Chairman  
VIC FISCHER, Vice-Chairman  
BRAD BRADLEY  
DICK ELIASON  
DON GILMAN  
BOB MULCAHY  
ARLISS STURGULEWSKI

POUCH V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3835

TO: Senate Resources Committee  
FROM: Senate Resources Committee Staff  
RE: Monday Committee Hearing, 4/12/82  
DATE: April 8, 1982

-----  
Please find attached background information for Monday's hearing on the following bills:

SB 710 Relating to state trust funds and their administration.

SB 806 Relating to the issuance of citations for fish and game violations.

The meeting will be held from 1:00 to 2:00 p.m. in the Beltz Room.



# Alaska State Legislature

## SENATE Resources Committee

### Official Business

BETTYE FAHRENKAMP, Chairman  
VIC FISCHER, Vice-Chairman  
BRAD BRADLEY  
DICK ELIASON  
DON GILMAN  
BOB MULCAHY  
ARLISS STURGULEWSKI

### MEMBERS PRESENT

Senator Fahrenkamp  
Senator Fischer  
Senator Gilman  
Senator Mulcahy  
Senator Sturgulewski

POUCH V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3835

April 12, 1982  
1:05 p.m.

Beltz Room  
Capitol - Room 211

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### Hearing:

SB 710 Relating to state trust funds and their administration.  
SB 806 Relating to the issuance of citations for fish and game violations.

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### SB 710

Senator Parr expressed support for SB 710, explaining that the State has a moral and a legal obligation to resolve the issue of the mental health lands. Although a bill was passed in 1978 providing for funds to be appropriated to the Mental Health Trust Fund, no money was ever appropriated. He stated that the Mental Health Association is prepared to sue the State if the issue is not resolved this session. Although Parr has no objection to CSSB 710 (Res), he does not see the need for a \$50,000 appropriation to the Department of Revenue, Mental Health Advisory Board, for the needs assessment.

Senator Gilman reminded the Committee that the 1978 law was put into effect because the mental health lands were the only ones available for municipal land selections. This law changed the status so the lands were available for general selection.

Senator Fahrenkamp stated that she spoke to Natalie Gottstein, Executive Director, Alaska Mental Health Association, just prior to today's meeting. Natalie urged the passage of CSSB 710 (Res).

Senator Mulcahy moved the Resources Committee Substitute and asked unanimous consent. He then moved CSSB 710 (Res) with individual recommendations.

Senator Sturgulewski asked that the three fiscal notes be sent forward with the bill.

### SB 806

Senator Mulcahy stated that testimony on SB 806 had been taken in the Fisheries Subcommittee. He explained that this bill allows citations

Senate Resources Committee

April 12, 1982

Page 2

to be written for minor fish and game violations, with fines ranging from \$25 to \$100. The Committee Substitute allows a 15-day period for payment of a fine (rather than the 5 days in the original bill), and adds a statement to the effect that a person who contests a citation cannot be charged a larger fine than a person who doesn't contest it.

Senator Gilman expressed support for SB 806, explaining that it allows people to send in fines rather than having to appear in court.

Senator Gilman moved the Committee Substitute and asked unanimous consent. He then moved CSSB 806 with individual recommendations.

The meeting was adjourned at 1:40 p.m.