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STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

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May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary	4/19/85	1:15 pm
" "	4/17/85	1:30 pm

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 31
 Title: Obstruction or hindrance of
hunting, fishing or trapping
 Sponsor: Shultz and Marrou
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Fish and Game; FWP
 Program Category Affected: _____
Natural Resource Management
 BRU, Program or Subprogram(s) Affected: _____
Game

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Phil Koehl
 Division: Game

Phone: 465-4190
 Date: 4/19/85

Approved by Commissioner: *James H. Poyer*
 Agency: Fish and Game

Date: 4-22-85

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 31
 Title: "An Act relating to obstruction of lawful hunting, fishing or trapping."
 Sponsor: Rep. Shultz
 Requestor: H. Judiciary
 Date of Request: 4/19/85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: NRMEC
 BRU, Program or Subprogram(s) Affected: Fish & Wildlife Protection

of lawful

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Marcia Lynn McKenzie
 Division: Administrative Services

Phone: 465-4349
 Date: 4/19/85

Approved by Commissioner: Robert J. Sindberg
 Agency: Department of Public Safety

Date: 4/19/85

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - HB 546

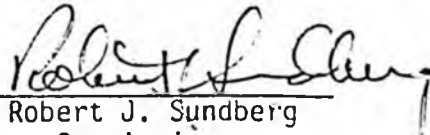
Support

"HB 546 - An Act relating to harassment of persons lawfully engaged in hunting, fishing, or trapping."

The Department of Public Safety supports passage of HB 546.

This bill adequately addresses conduct that is illegally aimed at interfering with lawful hunting, fishing or trapping.

British Columbia has had severe problems between legal hunters and anti-hunting groups that have led to armed confrontations. The potential for that to occur in Alaska is evident and I think enacting a law to address this problem would be a good start toward prevention.


Robert J. Sundberg
Commissioner

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

JAN 16 1985

June 19, 1984

The Honorable Joe L. Hayes
Speaker of the House
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

Re: CSHB 546(Res) am S
(An Act relating to the
obstruction or
hindrance of lawful
hunting, fishing, or
trapping.)

Dear Representative Hayes:

Under the authority granted in art. II, sec. 15, of the Alaska Constitution, I have vetoed CSHB 546(Res) am S -- a bill that would have made it a misdemeanor for a person "to perform an act with the intent to obstruct or hinder hunting, fishing, or trapping engaged in lawfully by another person." As you may recall, I vetoed a similar bill (2d SCS CSHB 163(Jud)) last year.

I have decided to veto this legislation for the following reasons:

First, an amendment to the bill made on the House floor (the insertion of the language "possessing a valid State of Alaska license or permit" which appears on page 1, lines 13 -- 14, of the final bill) creates both a potential constitutional problem and a public policy problem.

The amendment was made to ensure that a person who obstructs the capture of orca whales in Alaskan waters by Sea World could not be prosecuted under this law. The overall result of this amendment is that if a person obstructs a hunter holding a valid state license or permit, that person can be prosecuted under this law, whereas, if a person obstructs a hunter who is lawfully hunting with only a federal permit, (this includes orca capture, as well as any other kind of hunting, fishing, or trapping requiring a federal permit only) that person is

exempt from prosecution. Such disparate treatment of similar offenders, with no apparent rational basis for the distinction, raises an equal protection question under the constitution.

On a policy basis, I question the wisdom of granting -- just because we want to specifically exempt from prosecution those who might attempt to obstruct the capture of orca whales -- blanket immunity to persons who obstruct hunters, fishermen, and trappers who are hunting, fishing, or trapping lawfully without a state license or permit. This provision should be given more thoughtful consideration.

Secondly, it may be difficult to effectively prosecute an offender under the bill. The new law would not apply to obstruction or hindrance that is "incidental" to a person's lawful use of public or private land or water. This exception was included so that hunting activities would not be given a clear priority over other lawful outdoor activities such as camping, hiking, birdwatching, etc. Although adding this provision serves a laudable purpose, especially since last year's bill included no recognition of the validity of such competing uses, this language is likely to make it more difficult to prosecute some cases. That is, it may be difficult to prove that obstructive acts were deliberate as opposed to being the incidental result of another person's lawful use of the land.

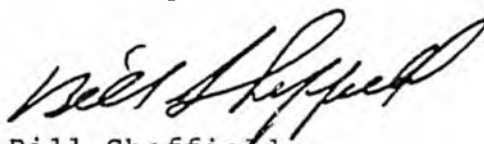
Thirdly, there have apparently been no verified reports in Alaska of the types of "sabotage" tactics that the proponents of this bill seek to prohibit. I am not convinced of the need to establish a new crime prohibiting conduct that has yet to occur in this state.

Fourthly, as I stated in last year's veto letter, existing criminal statutes provide adequate coverage for physical interference with lawful hunting and fishing. In particular, the crimes of assault, criminal mischief, and harassment provide criminal penalties similar to those imposed under this bill.

Finally, creating such a crime in the Alaska statutes gives the impression that Alaska seeks to give hunting, fishing and trapping of wildlife, (whether it be for sport, commercial purposes, or subsistence use) priority over efforts to protect and preserve wildlife. Despite the fact that I myself have participated in sport hunting and fishing, I do not believe that it is appropriate to make such a strong statement in our laws.

For these reasons, I have vetoed this bill.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Sheffield".

Bill Sheffield
Governor

STATE OF ALASKA THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907.465.3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

November 20, 1984

SUBJECT: Draft bill reintroducing HB 546, An Act relating to the obstruction or hindrance of lawful hunting, fishing or trapping. (WO 14-0063)

TO: Rep. Richard Shultz

FROM: George Edwards
Legislative Counsel

The draft bill for reintroduction of HB 546 from last session has been completed with some modifications I wish to point out. The modifications are responsive to objections set out in the Governor's veto letter of June 19, 1984.

The initial objection went to language in section (a) which limited the protected group to persons holding valid Alaska licenses. The constitutional argument against this language is compelling and my reaction has been to eliminate the suspect phrase.

Thus, where the former version read:

"(a) a person may not perform an act with the intent to obstruct or hinder hunting, fishing, or trapping engaged in lawfully by another person possessing a valid State of Alaska license or permit or exempted from license requirements under AS 16.05.044,"

the current draft reads:

"(a) a person may not perform an act with the intent to obstruct or hinder hunting, fishing, or trapping engaged in lawfully by another person."

The Governor's other objection which can be responded to in the proposed legislation is the interpretation of section (d) which formerly read:

Representative Shultz
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"This section does not apply to obstruction or hindrance that is incidental to the lawful use of public or private land or water."

If this section was incorporated to protect commercial fishermen who may inadvertently hinder other fishermen in the ordinary course of their work, it appears to be unnecessary. The affirmative defenses cover such a situation as well as others in which legitimate rights conflict. Thus, I have simply deleted the original section (d).

The only other substantive change occurs in Sec. 16.05.927 (formerly 926) where "costs for" has been inserted before "special equipment and supplies."

If you have questions or further suggestions, please don't hesitate to contact me.

GE:mkr
Enclosure
017:M1



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

April 13, 1984

MEMORANDUM

TO: Representative M. Mike Miller

FROM: Nancy Pease *Nancy Pease*
Legislative Analyst

RE: HB 546 Harassment of Hunters
Research Request 84-081

You requested information on statutes prohibiting the harassment of hunters in other states. Specifically, you asked how other states define harassment of hunters, what penalties other states prescribe for the harassment of hunters, and how many people have actually been prosecuted in each state in which these laws are in place.

Statutory Definitions of Harassment

Nine states currently have statutes which prohibit persons from intentionally interfering with the lawful taking of fish and game.¹ Most of the states' statutes use fairly broad language to prohibit persons from intentionally:

- harassing persons engaged in lawful hunting, trapping, and/or fishing; or
- interfering with the process of the lawful taking of fish or game; or
- disturbing fish or game in order to hinder fishermen or hunters from lawful taking.

In most of these states, the language of the statutes does not define "harassment", "interference", or "disturbance" in terms of specific activities which are disallowed. There are some instances in which states mention activities that would constitute harassment under the

¹Arizona, Illinois, Louisiana, Maine, Michigan, Nevada, Pennsylvania, South Dakota and Vermont. Arkansas repealed a law prohibiting the harassment of hunters after landowners protested that the law, as written, might have legalized trespassing on private lands.

Representative Miller
April 13, 1984
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law: Pennsylvania prohibits persons from tampering with, mutilating, destroying or removing traps, and from removing animals from traps; Louisiana prohibits the disturbing of wild animals by placing any object or substance intended to alter the behavior of the animals to the detriment of hunters; Vermont, Arizona and Pennsylvania specify that the "driving" of animals with the intent to hinder hunters constitutes illegal interference with a hunt. Nevada frames illegal interference with hunters in narrow terms by prohibiting "a group of people, acting together, [from] intentionally interfering with a person who is lawfully hunting or trapping."

The statutes of several states also mention specific activities which the law does not curtail even though the activities may, in some instances, hinder hunters, fishermen or trappers. For example, the Pennsylvania statutes specify that landowners may remove traps which have been set on their private property without their permission; in Maine the law does not prevent private landowners from keeping hunters off their property; and in several states, the law "may not be construed to prohibit incidental interference arising from lawful activity by land users such as farmers and recreationists (Vermont) or ranchers and miners (Nevada).

For the most part, states have either not defined "harassment", or have set out very general circumstances under which activities of many types might be construed as "harassment" of hunters. As an example of the broad language common to these statutes, Louisiana and Illinois forbid persons from disturbing any hunter, trapper or fisherman who is "engaged in the lawful taking of a wild animal or who is engaged in the process of taking (including travel, camping or other hunt preparations) with intent to dissuade or otherwise prevent the taking." In addition, other parties may not act to "prevent such person's enjoyment of the outdoors." Also, other parties may not enter or remain on state-managed or private lands or waters with the intent to disturb game or harass hunters.

Actual Incidents of Harassment

I talked with game wardens or legal specialists in the Fish and Game Departments of fifteen states to try to compile a list of activities which might commonly be considered interference in the lawful taking of fish and game. It appears that Fish and Game personnel have differing and uncertain impressions, under the broadly written statutes, of what activities might constitute intentional harassment of hunters or interference in the taking of game. Several of the fish and game officers with whom I spoke emphasized that they would not charge a

person with interference unless his presence and activities in a hunting area were blatantly intended to disrupt a hunt. The wardens mentioned planned, publicized disruptions by anti-hunting groups as instances in which they would charge participants with interference in the lawful taking of game.

Game wardens in Maine and South Dakota mentioned incidents of disturbance to hunters where charges were considered but not filed. In Maine, game wardens issued warnings to a person who drove a deer out of a clearing, interrupting the stalk of a bow hunter; and to an elderly couple dressed in blaze-orange clothing and carrying a red umbrella who settled themselves in lawnchairs right behind a duck blind where hunters were hunting over decoys. In South Dakota, state conservation officers investigated two incidents between competing sportsmen and failed to file charges because the harassment appeared to have been mutual and of unverifiable origin. The first such incident involved two parties of fishermen throwing rocks at one another in a dispute over access to a creek on private land. The second incident occurred when a goose hunter was ordered to leave a section line by a farmer who owned the land on either side of the right-of-way and charged hunters to hunt on his property.

Only two states report that persons have been convicted under their statutes prohibiting interference with the lawful taking of fish and game.² These cases apparently did not involve serious challenges to the vagueness of the statutes; to date, there have been no court rulings to further define what activities and circumstances constitute intentional harassment of hunters.

Because anti-harassment statutes have resulted in few actual charges, officials in most states explained the scope and intent of the statutes by mentioning past instances of harassment of hunters in their states, or incidents that have occurred in other states. Following is a list of instances of harassment of hunters mentioned by fish and game officials as contributing to the passage of anti-harassment legislation, or as defining the application of such laws.

Arizona. According to Assistant Attorney General Joe Clifford, three incidents of harassment of hunters in Arizona led to his state's passage in 1981 of the first law prohibiting interference with the legal taking of game. The earliest incident involved Arizona's small bison

²Vermont's Chief Warden of Fish and Game reported that four complaints of interference with the taking of game in the second half of 1983 resulted in three convictions, all related to trapping. In Illinois, since the anti-harassment law took effect on January 1, 1984, one person has been convicted of tampering with traps.

Representative Miller

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herd. Approximately 10 years ago, anti-hunting groups began to protest the annual permit hunt by which the Arizona Game Department culls the bison herd to keep the herd's population stable. The protest escalated year by year until the anti-hunters were threatening to lie down between the herd and the hunters. A second protest was sparked over Arizona's desert bighorn sheep, which Mr. Clifford called "a rare animal", highly valued by both trophy hunters and wildlife conservationists. Individuals opposed to the sheep hunt attempted to protect a herd of bighorns in the Tucson area by hiking in the mountains and beating pots and pans. The final incident which contributed to passage of an anti-harassment law in Arizona involved a shootout between a hunter and a ranch owner over the locking of a gate on grazing lands owned by the state.

Because the conflicts in Arizona primarily involved organized protests, the anti-harassment law in Arizona was drafted specifically to prevent harassment of hunters by organized groups. The Arizona law becomes effective only in instances where the game commission (1) "finds that a significant interference or disruption of a hunt is likely to occur," and (2) establishes a designated hunting area where harassment is illegal. This law passed unanimously. There have been no arrests under the Arizona law.

Illinois. Jennifer Breedlove, an officer of the Illinois Department of Conservation's Law Enforcement Division, stated that anti-harassment legislation was instigated in Illinois by incidents involving duck hunters along the Mississippi River. The hunting of animals by drawing them to bait or feed is illegal in Illinois, and hunting protesters would attempt to protect waterfowl by spreading grain in popular hunting areas to make hunting illegal there.

Since the law went into effect on January 1, 1984, there has been one incident of arrest; a person was convicted of tampering with traps, and fined.

Louisiana. In 1982, Louisiana adopted a very broad law prohibiting interference with the lawful taking of game. According to Major Tommy Candize of the Louisiana Department of Wildlife and Fisheries, there have been no reported incidents of interference in Louisiana before or after the passage of the law; the law was passed as a preventive measure.

Michigan. According to Dick Elden, Assistant Chief of the Wildlife Division of Michigan, there were no incidents in his state which led to the introduction of an anti-harassment bill, and there have been no reported incidents since its enactment. The bill was inspired by hunting protests in the western states and by the CBS documentary "Guns of Autumn" which portrayed a negative image of hunters. Mr. Elden characterizes his state as having a high potential for conflicts

between hunters and anti-hunters because of Michigan's large urban population for whom hunting is not traditional, and the state's healthy wildlife resource which attracts hunters from many areas.

Maine. In Maine, the passage of a law to prohibit interference with the taking of fish and game was largely a preventive measure. According to Dave Allen, Executive Director and lobbyist for the Sportsmen's Alliance of Maine, Maine hunters were inspired to campaign for a protective law by two out-of-state events: the disruption of a trophy hunt in British Columbia by Greenpeace protesters, and the distribution in the Northeast of a tip sheet of tactics for "hunt saboteurs". Within Maine, there was debate over whether or not to hold a moose hunting season, but according to Mr. Allen, the moose hunt was challenged only by ballot referendum; and the sportsmen's fears of a protest in the woods were not confirmed.

Mr. Allen stated that the terms "willful" and "harassment" used in Maine's anti-harassment law were not discussed at any length during hearings on the bill; the terms draw on their standard legal definitions. Mr. Allen did offer his opinion that the law would not prevent landowners from keeping hunters off their private land, or prevent someone from walking in the woods with a radio unless a prosecutor could prove that the action was willful disruption of a hunt.

Nevada. The staff specialist in law enforcement with the Nevada Division of Fish and Game could recall no instances of harassment of hunters in his state before or after the passage of a law to prohibit such harassment.

Pennsylvania. John Plowman, legislative liaison with Pennsylvania Fish and Wildlife, reports that there have been no direct confrontations between hunters and hunt protesters in his state. Pennsylvania has had for many years a law protecting law-abiding trappers from interference; protection for hunters was instituted in 1983 as a preventive measure, with the backing of the Federation of Sportsmen and the Wildlife Legislative Fund of America. No charges have been filed under the new law.

South Dakota. South Dakota appears to be the only state that has prohibited interference with hunters partly because of conflicts among the hunters themselves. According to state conservation officer Bob Pract, the primary conflicts with hunters in South Dakota have involved pay-to-hunt operations run by farmers who own the wheat and corn fields on the bluffs above the wildlife refuges in the bottomlands of the Missouri River. These farmers construct duck blinds along their bluffs and charge hunters fees to hunt the ducks and geese that fly out of the bottomlands to feed in the grain fields. Hunters who choose not to pay to hunt from private lands have legal access to the bluff hunting areas only along the public right-of-way of the section lines.

Representative
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The competition for ducks and geese, pitting nonpaying hunters against farmers and their client-hunters, has led to confrontations--verbal threats and physical blows. The anti-interference statute seeks to discourage harassment of hunters by competing hunters. Officer Pract added that while he knows of no anti-hunting groups in South Dakota, this law was also intended to prevent such groups from establishing themselves in the state.

Vermont. The Vermont State Constitution (written in 1777) guarantees that all citizens have the right to hunt, fish, and trap the state's wildlife. In 1981, the Vermont legislature adopted an anti-harassment law to safeguard that constitutional right by prohibiting disturbance of hunters and fishermen. (Trappers in Vermont had been protected by the statute for over 20 years.) The new statute seeks to minimize restrictions on other legitimate users of public lands by exempting from the ban "any incidental interference arising from lawful activity by land users including farmers and recreationists."

Vermont's Chief Warden Roger Whitcomb reports that the anti-harassment law is actively enforced in Vermont because trapping and hunting are activities traditional to the Vermont lifestyle. During the six-month period from July 1 to December 1, 1983, the warden's office pursued four complaints of harassment, leading to three convictions in trapping cases. The harassment problem in Vermont has been limited primarily to instances of individuals tampering with traps.

In summary, of the nine states which have adopted laws to prohibit interference with the lawful taking of fish and game,

- only two states have convicted persons of violating the law, in a total of four cases,
- a few states have used the authority of the law to issue warnings rather than to make arrests, and
- in over half of the states which have passed a law to prohibit harassment of hunters, there have never been major, reported instances of harassment of hunters, trappers or fishermen.

Representative Miller
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Comments from Advocacy Groups

In addition to talking with Fish and Game Department officials and legislative specialists, I contacted several organizations dedicated to the protection of wildlife and several organizations that promote hunting, fishing and trapping.³ While these groups were not aware of further incidents or arrests involving interference with hunters, they did offer a few comments on the issue. Susan Russell, Director of Friends of Animals (a national animal protection agency) cautioned that the "intent" of persons who disrupt a hunt may be difficult to prove. She added that legislation to prohibit interference with a hunt may be unconstitutional in its vagueness and in its infringement upon a person's rights to use public lands. From the opposite point of view, the Wildlife Legislative Fund of America (a hunters lobby) argues that, when charges of interference arise, a non-hunter who is using a hunting area should have the burden of justifying his activities. The Wildlife Legislative Fund is sending us a copy of a "model" statute, proposed by their organization, which would make interference with hunting a felony; we will forward a copy to you.

Incidents in States Without Anti-Harassment Laws

The confrontations between hunters and hunt protesters have become most heated in the northeastern states. Fish and game officials or legislative specialists in other states commonly cited conflicts in New York, Massachusetts, Connecticut or New Jersey in explaining the intent and scope of laws passed in their own states. The major conflicts that have occurred in these states are summarized below.

New York. The New York Director of Fish and Wildlife stated that most instances of alleged harassment of hunters in his state were not well-documented. He recalled two protests involving the "peaceful, though noisy" picketing of deer hunts in state parks by the Committee Against Sports Hunting. A third incident involved the special Ripley Hunt to curtail deer damage to orchards in a deer wintering area; hunters' car tires were punctured by unidentified persons. Partly on the basis of these three incidents of potential violence between hunters and hunt protesters, the New York legislature is now considering legislation to prohibit interference with the taking of game.

³Greenpeace, USA; Fund for Animals; Friends of Animals; Animal Protection Institute of America; National Rifle Association; National Shooting Sports Foundation; Wildlife Legislative Fund of America; Game Conservation International.

Massachusetts. Fisheries and Wildlife Director Richard Cronin characterized hunting conflicts in his state as involving a core group of no more than 200 sophisticated protesters who achieve major disruption by playing to the media. Their strategies have included picketing deer check stations, playing music at duck hunting lakes, and announcing that they would place themselves in hunters' lines-of-fire in order to halt a hunt scheduled for the culling of the deer herd on a private nature preserve at Cranes Beach. Legislation has been proposed to prohibit such activities, but Mr. Cronin estimated that it has only a slim chance of passage.

New Jersey. Legislation to prohibit hunt interference is much closer to passage in New Jersey, where a bill has been introduced with 21 co-sponsors (in an 81-member House). According to the game department's legislative specialist, Bob Hitchmoney, New Jersey has experienced isolated incidents in which duck blinds have been contaminated through methods advocated by wildlife protection groups. In addition, Mr. Hitchmoney says a group of protesters from New York City annually picket the Great Swamp deer hunt, attracting considerable media attention.

Connecticut. The Director of Wildlife said that incidents of harassment were common several years ago (although legislation failed to pass at that time), but Connecticut has experienced no major problems within the past year. Past incidents have involved the New York-based protection society Friends of Animals, whose tactics include walking in the woods with loud radios, beating on pots and pans, and sprinkling lighter fluid along deer trails. There was also an incident where anti-hunters launched a raft in Long Island Sound from which they shot flares and played martial music to alarm ducks and geese, and an incident where limbs were sawed through on a deer stand, resulting in a hunter's falling and injuring himself. Connecticut's Director of Wildlife said that, in the absence of a statute to prohibit such harassment, Connecticut conservation officers would in the future arrest hunt protesters on other applicable charges; for example, a person pouring lighter fluid along deer trails could be charged with illegal disposal of flammable substances.

Penalties

Most states classify intentional interference with the lawful taking of fish or game as a misdemeanor offense, punishable by a fine in the range of \$100 to \$500, or a jail term in the general range of 30 to 90 days, or both. (See attached table.) The severity of the penalty usually depends on whether or not the violator actively disrupted a hunt, refused an enforcement officer's order or a court injunction not to disturb a hunt, or was only present in the hunting area with the

Representative Miller
April 13, 1984
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intent to disrupt the hunt. In addition to civil penalties, a convicted violator may be liable for court costs, for punitive damages, and for damages incurred by the affected hunter when the interference rendered his hunting efforts and expenditures futile. (For example, the affected hunter might collect the cost of his license and permit fees, travel, guides, special equipment and supplies.)

I hope this information is helpful to you. If you have further questions, please let us know how we can be of assistance.

NP

Attachment

PENALTIES FOR
INTERFERENCE WITH THE LAWFUL TAKING OF FISH & GAME

Arizona Actual interference is a Class 2 misdemeanor punishable by a fine not to exceed \$750.00.

Presence in a hunting area with intent to disrupt a hunt is a Class 3 misdemeanor punishable by a fine not to exceed \$500.00.

A hunter may claim reimbursement for expenses related to an interrupted hunt.

Illinois Failure to obey a peace officer's orders to cease interference or to leave a hunting area is a Class B misdemeanor punishable by a fine of up to \$500, or a jail term of up to 6 months, or both.

Actual interference with a hunt, or presence in a hunting area with the intent to interfere, is a Class C misdemeanor, punishable by a fine of up to \$500, or 30 days in jail, or both.

A hunter may claim punitive damages and damages for expenditures that were rendered futile by the actions of the person who disrupted the hunt.

Louisiana Actual interference with a hunt, or presence in a hunting area with intent to interfere is a Class 2 violation.

Failure to obey an enforcement officer's orders not to engage in disruptive activities or to cease disruptive activities is a Class 3 violation.

The first such offense is punishable by a fine of \$25 to \$100, or 10 to 60 days of imprisonment, or both. A subsequent offense is punishable by a fine of \$100 to \$300, or 30 to 90 days in jail, or both.

Maine. Interference with the taking of fish and game in Maine is a civil violation punishable by a fine of \$100 to \$300.

A hunter may collect damages for costs related to the interrupted hunt.

PENALTIES (continued)

- Michigan Interference with a hunt is a misdemeanor violation of game laws which may result in a fine of not more than \$100 plus the costs of prosecution, or jail for up to 90 days, or both.
- Nevada The law makes no provision for penalties.
- Pennsylvania Interference with the lawful taking of game is punishable by a fine of up to \$500, or jail for up to 30 days, or both.
- South Dakota Failure to heed a peace officer's warning not to engage in, or to cease, an act disruptive to hunters is a Class 1 misdemeanor.
- Interfering with hunters, the process of the hunt, or the hunted game is a Class 2 misdemeanor.
- A violation may draw a fine of not more than \$500, or a jail sentence of not more than one year, or both.
- Damages may include an award for punitive damages as well as license fees, travel or other expenses which were rendered futile by the interference.
- Vermont Violators of minor hunting laws in Vermont are generally penalized by a fine of not more than \$100.

Source: State statutes, and telephone conversations with Fish and Game enforcement officers in the respective states.

Prepared by: House Research Agency, April 1984.