

**HB**

**286**

<TARGET><BILL>HB 286</BILL><SUBJECT>HB  
286</SUBJECT><COMM>HRES29</COMM></TARGET>

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Governor Bill Walker  
STATE OF ALASKA

January 28, 2016

The Honorable Mike Chenault  
Speaker of the House  
Alaska State Legislature  
State Capitol, Room 208  
Juneau, AK 99801-1182

Dear Speaker Chenault:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to sport fishing, hunting, or trapping licenses, tags, or permits; relating to penalties for certain sport fishing, hunting, and trapping license violations; relating to restrictions on the issuance of sport fishing, hunting, and trapping licenses; creating violations and amending fines and restitution for certain fish and game offenses; relating to commercial fishing violations; allowing lost federal matching funds from the Pittman - Robertson, Dingell - Johnson/Wallop - Breaux programs to be included in an order of restitution; adding a definition of "electronic form;" and amending Rule 5(a)(4), Alaska Rules of Minor Offense Procedure.

The bill would allow a person to correct a citation for not having a sport fishing, hunting, or trapping license, tag, or permit on their person, by bringing a copy of the license, tag, or permit that was valid at the time of the citation to the office of the citing officer or to court. There are many reasons why a person may not have a fishing, hunting, or trapping license on their person in the field. This provision would prevent what may have been an honest mistake from turning into an unnecessary conviction.

In addition, the bill would allow a person to show actual possession of a license or permit in paper or electronic form. Electronic form would mean the display of a license or permit on an electronic device, such as a mobile telephone, tablet, or computer. However, tags are not conducive to display in electronic format and so are excluded from this provision.

In order to better manage issuance of a fishing, hunting, or trapping license, if a person has had their fishing, hunting, or trapping privileges revoked or suspended in this or any other state, this bill would prohibit them from obtaining a fishing, hunting, or trapping license in Alaska. A person should not be able to avoid sanctions merely by obtaining another license.

The bill also gives greater discretion to prosecutors and law enforcement by allowing almost all fish and game offenses to be charged as violations rather than criminal offenses. Currently, if a person

The Honorable Mike Chenault  
Transmittal Fish and Game Offenses  
January 28, 2016  
Page 2

violates certain fish and game laws, they can only be charged with a criminal offense. A criminal conviction is not always appropriate, nor is it necessarily the best outcome for the State or the offender. By creating the option of a violation where the offender acts without any culpable mental state, prosecutors and law enforcement can more appropriately enforce the State's fish and game laws while maximizing public use and enjoyment.

One of the ways Alaska manages its fish and game resources is through the sale of hunting and fishing licenses. The sale of licenses helps track the harvest of resources and sustains important conservation and management programs. Under the Pittman - Robertson, Dingell - Johnson programs, the State receives significant federal funding for fish and game management activities that is matched at a 3:1 ratio using license revenue. When a person fails to obtain a license, the State loses an important funding source used to manage fish and game resources. The bill would allow the State to collect restitution when a person fails to obtain a lawful hunting or fishing license, including lost federal funds.

The bill also increases the strict liability fine limits on commercial fishing violations as well as restitution amounts for unlawfully taking an animal. The increased fines and restitution amounts are necessary to ensure that more people can use and enjoy the resource by deterring illegal fishing and hunting that harms other users.

The bill would directly amend Rule 5(a)(4), Alaska Rules of Minor Offense Procedure to allow a person charged with engaging in hunting or sport fishing without a license to present proof of compliance to the appropriate court or municipality in order for the citation to be dismissed.

Protecting the proper use of Alaska's resources is one of our most important responsibilities. I urge your prompt and favorable action on this measure.

Sincerely,



Bill Walker  
Governor

Enclosure



**Sectional Analysis, HB 286**  
**Fish and Game: Offenses; Licenses; Penalties**  
**February 4, 2016**

- Sec. 1** This section amends AS 16.05.330(a) to include “permit” in addition to “license” and “tag” for purposes of clarifying the proper types of documentation a person must have in their actual possession when engaging in certain activities, and reorders the activities of “trapping” and “fur dealing” to exclude the latter from being a correctable citation.
- Sec. 2** This section amends AS 16.05.330(d) to make it unlawful for a person to obtain a sport fishing, hunting, or trapping license if the person has had their rights to engage in those activities revoked or suspended in Alaska.
- Sec. 3** This section amends AS 16.05.330 by adding three subsections.
- The first provides that a person charged with failing to have the appropriate sport fishing, hunting or trapping license, tag, or permit in their actual possession may not be convicted if the person produces a license, tag, or permit previously issued to the person that was valid at the time of the offense.
  - The second subsection specifies that a license or permit may be in actual possession in paper or electronic form.
  - The third subsection specifically states any peace officer presented with an electronic device under this section shall be immune from any liability resulting from damage to the device.
- Sec. 4** Under fish and game licensing statutes, this section removes the specific fines and penalties associated with an unclassified misdemeanor and replaces it with a class A misdemeanor.
- Sec. 5** Related to section 4, this section creates the ability to charge some offenses as violations that are currently only misdemeanors. It also addresses the Pittman-Robertson act and federal matching dollars lost by the State of Alaska when the state is defrauded by a defendant who does not purchase the proper license and/or tag as required by law to participate in a given hunt or fishery.
- Sec. 6** This section raises the strict liability commercial fishing violation fines. The current fine schedule has been in place for many years and has not been increased. These fine increases will act as a deterrent for future commercial fisheries crimes which will ultimately help protect the commercial fisheries resource and the commercial fishing industry.
- Sec. 7** This section requires the court system to transmit notice of all convictions under this section to the Commercial Fisheries Entry Commission (CFEC). Transmittal of these convictions to CFEC has not always been done by the court system. Commercial fishing permits are applied points similar to drivers licenses when a person commits a violation.

This section will require the court to notify the CFEC of the conviction so applicable points can be applied to the violators permit.

**Sec. 8** This section makes it clear that a person may not take a brown or grizzly bear within one-half mile of a solid waste disposal facility.

**Sec. 9** Related to section 8, this section removes the unnecessary reference to section (a).

**Sections 10-15** generally standardize penalties in the statutes listed by providing an additional option of charging a person with a violation offence when appropriate. These sections maintain the option of charging a person with a misdemeanor offence if the violation is more serious.

**Sec. 10** Also related to section 8, this section establishes the violation as a class A misdemeanor, and also provides the additional option of charging a person with a violation offense when appropriate.

**Sec. 11** Under "Same day airborne hunting" statutes, this section removes the specific fines and penalties associated with an unclassified misdemeanor and replaces it with a class A misdemeanor.

**Sec. 12** Under the "Prohibition of hunting adjacent to highway" statute, this section provides the additional option of charging a person with a violation offense when appropriate.

**Sec. 13** Under "Obstruction or hindrance" statute, this section provides the additional option of charging a person with a violation offense when appropriate.

**Sec. 14** Under "Waste of salmon" statutes, this section removes the specific fines and penalties associated with an unclassified misdemeanor and replaces it with a class A misdemeanor.

**Sec. 15** Under "Protection of fish and game" statute, this section provides the additional option of charging a person with a violation offense when appropriate.

**Sec. 16** This section increases the restitution amounts for animals taken illegally by 50%.

**Sec. 17** Related to section 16, this section provides the additional option of charging a person with a violation offense when appropriate.

**Sec. 18** This section adds a definition of "electronic form".

**Sections 19- 26** generally standardize penalties in the statutes listed by providing an additional option of charging a person with a violation offence when appropriate. These sections maintain the option of charging a person with a misdemeanor offence if the violation is more serious.

**Sec. 19** Under "Interference with salmon spawning streams and waters" statutes, this section removes the specific fines and penalties associated with an unclassified misdemeanor and replaces it with a class A misdemeanor.

- Sec. 20** Related to section 19, this section provides the additional option of charging a person with a violation offense when appropriate.
- Sec. 21** Under “Operation of fish traps” statutes, this section removes the specific fines and penalties associated with an unclassified misdemeanor and replaces it with a class A misdemeanor.
- Sec. 22** Related to section 21, this section provides the additional option of charging a person with a violation offense when appropriate.
- Sec. 23** Under “Erection of fish traps” statutes, this section removes the specific fines and penalties associated with an unclassified misdemeanor and replaces it with a class A misdemeanor.
- Sec. 24** Related to section 23, this section provides the additional option of charging a person with a violation offense when appropriate.
- Sec. 25** Under “Use of drum or reel” and “Use of termination device” statutes, this section removes the specific fines and penalties associated with an unclassified misdemeanor and replaces it with a class A misdemeanor.
- Sec. 26** Related to section 25, this section provides the additional option of charging a person with a violation offense when appropriate.
- Sec. 27** This section amends the uncodified rules of the court of Alaska to make it clear the court has the authority to dismiss citations written for people failing to have their license, tag, or permit in their possession.
- Sec. 28** This section amends the uncodified law of Alaska to make it clear that the act applies to offenses that occur on or after the effective date of the act.
- Sec. 29** This section provides for an effective date of July 1, 2016.

# Fiscal Note

State of Alaska  
2016 Legislative Session

Bill Version:	HB 286
Fiscal Note Number:	1
(H) Publish Date:	1/29/2016

Identifier: DFG-CO-1-28-16  
 Title: FISH & GAME:  
           OFFENSES;LICENSES;PENALTIES  
 Sponsor: RLS BY REQUEST OF THE GOVERNOR  
 Requester: Governor

Department: Department of Fish and Game  
 Appropriation: Statewide Support Services  
 Allocation: Commissioner's Office  
 OMB Component Number: 2175

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

<b>Change in Revenues</b>								
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**Estimated SUPPLEMENTAL (FY2016) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2017) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
 If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Prepared By:	Carol A. Petraborg, Administrative Services Director	Phone:	(907)465-6077
Division:	Administrative Services	Date:	01/28/2016 02:00 PM
Approved By:	Keven Brooks, Deputy Commissioner	Date:	01/28/16
Agency:	Department of Fish and Game		

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2016 LEGISLATIVE SESSION

**Analysis**

This Bill creates violations for certain fish and game offenses; amends fines relating to hunting and commercial fishing violations; allows lost federal matching funds from the Pittman-Robertson, Dingell-Johnson/Wallop-Breaux programs to be included in an order of restitution. The Bill would allow the court or municipality to dismiss a citation for a person sport fishing, hunting, or trapping without a license in their possession upon proof of compliance.

These violations , amendments to fines, change in order of restitution, and allowing for citation dismissal would not have a fiscal impact on the department.

# FISCAL NOTE

**STATE OF ALASKA**  
**2016 LEGISLATIVE SESSION**

Bill Version HB 286  
 Fiscal Note Number \_\_\_\_\_  
 () Publish Date \_\_\_\_\_

Identifier (file name) FISH AND GAME OFFENSES and VIOLATION DISMISSAL Dept. Affected Fish and Game  
 Title \_\_\_\_\_ Appropriation Statewide Support Services  
 Allocation Commissioner's Office  
 Sponsor GOVERNOR WALKER  
 Requester Rules Committee OMB Component Number 2175

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY17 Appropriation Requested	Included in Governor's FY17 Request	Out-Year Cost Estimates				
			FY18	FY19	FY20	FY21	FY22
<b>OPERATING EXPENDITURES</b>	<b>FY17</b>	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>FY20</b>	<b>FY21</b>	<b>FY22</b>
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>FUND SOURCE</b>		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1007	I/A Rcpts (Other)						
1178	temp code (UGF)						
		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>POSITIONS</b>							
Full-time							
Part-time							
Temporary							

<b>CHANGE IN REVENUES</b>							

Estimated **SUPPLEMENTAL (FY16) operating costs** \_\_\_\_\_ (separate supplemental appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY17) costs** \_\_\_\_\_ (separate capital appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
 If yes, by what date are the regulations to be adopted, amended, or repealed? \_\_\_\_\_ Discuss details in analysis section.

**Why this fiscal note differs from previous version (if initial version, please note as such)**

Prepared by Carol A. Petraborg, Administrative Services Director  
 Division Administrative Services  
 Approved by Keven Brooks, Deputy Commissioner  
 Agency Department of Fish and Game

Phone 907-465-6077  
 Date/Time 2/2/16 4:00 PM  
 Date \_\_\_\_\_

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2016 LEGISLATIVE SESSION

BILL NO. HB 286

**Analysis**

This Bill creates violations for certain fish and game offenses; amends fines relating to hunting and commercial fishing violations; allows lost federal matching funds from the Pittman-Robertson, Dingell-Johnson/Wallop-Breaux programs to be included in an order of restitution. The Bill would allow the court or municipality to dismiss a citation for a person sport fishing, hunting, or trapping without a license in their possession upon proof of compliance.

These violations , amendments to fines, change in order of restitution, and allowing for citation dismissal would not have a fiscal impact on the department.

# Fiscal Note

State of Alaska  
2016 Legislative Session

Bill Version:	HB 286
Fiscal Note Number:	2
(H) Publish Date:	1/29/2016

Identifier: DPS-AWT-12-18-15  
 Title: FISH & GAME:  
           OFFENSES;LICENSES;PENALTIES  
 Sponsor: RLS BY REQUEST OF THE GOVERNOR  
 Requester: Governor

Department: Department of Public Safety  
 Appropriation: Alaska State Troopers  
 Allocation: Alaska Wildlife Troopers  
 OMB Component Number: 2746

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

<b>Change in Revenues</b>								
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**Estimated SUPPLEMENTAL (FY2016) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2017) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
 If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable, initial version.

Prepared By:	Major Bernard Chastain	Phone:	(907)269-2054
Division:	Alaska Wildlife Troopers	Date:	12/18/2015 04:00 PM
Approved By:	Gary Folger, Commissioner	Date:	12/18/15
Agency:	Public Safety		

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2016 LEGISLATIVE SESSION**Analysis**

This legislation would allow most fish and game offenses to be charged as violations rather than criminal offenses; allow the state to collect restitution from resource users who fail to obtain a hunting or fishing license; and increase the strict liability fine amounts on commercial fishing violations.

This bill also allows a person to correct a citation for not having a sport fishing, hunting, or trapping license, permit, or tag on their person while exercising their hunting, fishing, or trapping rights in the field. It also prohibits a person from obtaining a sport fishing, hunting, or trapping license, permit, or tag in Alaska if they have had these same rights previously suspended or revoked in Alaska (or any other state).

This bill would have no fiscal impact to the Department of Public Safety's Division of Alaska Wildlife Troopers.



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

**Department of Fish and Game**

OFFICE OF THE COMMISSIONER  
Headquarters Office

1255 West 8th Street  
P.O. Box 115526  
Juneau, Alaska 99811-5526  
Main: 907.465.4100  
Fax: 907.465.2332

February 4, 2016

The Honorable Benjamin Nageak, Co-Chair  
House Resources Committee  
State Capitol Building, Room 126  
Juneau, AK 99801

The Honorable David Talerico, Co-Chair  
House Resources Committee  
State Capitol Building, Room 126  
Juneau, AK 99801

Dear Representative Nageak and Talerico:

The Department of Fish and Game respectfully requests HB 286 "An Act relating to sport fishing, hunting, or trapping licenses, tags, or permits; relating to penalties for certain sport fishing, hunting, and trapping license violations; relating to restrictions on the issuance of sport fishing, hunting, and trapping licenses; creating violations and amending fines and restitution for certain fish and game offenses; relating to commercial fishing violations; allowing lost federal matching funds from the Pittman - Robertson, Dingell - Johnson/Wallop - Breaux programs to be included in an order of restitution; adding a definition of 'electronic form'; amending Rule 5(a)(4), Alaska Rules of Minor Offense Procedure; and providing for an effective date," be scheduled for a hearing in the House Resources Committee at your earliest convenience.

The purpose of this legislation is to provide the Alaska Wildlife Troopers the authority to issue correctable citations, similar to that available for driver's licenses. This bill will prohibit a person from receiving a sport fishing, hunting, or trapping license in Alaska if their privileges have been suspended or revoked in another state. This bill increases the restitution for animals harvested illegally, standardizes penalties for offenses, and also provides an additional tool for the Alaska Wildlife Troopers in charging wildlife, fisheries, and habitat crimes by allowing for some offenses to be reduced to violations. Finally, the bill allows for the display of a license in an electronic format to reflect modernization efforts made to the fish and game licensing program.

Your favorable consideration of this request is appreciated. If you need any additional information, please contact Kevin Brooks, Deputy Commissioner for the Alaska Department of Fish and Game at 907-465-6138.

Sincerely,

A handwritten signature in blue ink that reads "Sam Cotten".

Sam Cotten  
Commissioner

cc: Darwin Peterson, Legislative Director, Office of the Governor

29-GH2958\E  
Bullard  
3/30/16

**CS FOR HOUSE BILL NO. 286( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-NINTH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to sport fishing, hunting, or trapping licenses, tags, or permits; relating**  
2 **to penalties for certain sport fishing, hunting, and trapping license violations; relating to**  
3 **restrictions on the issuance of sport fishing, hunting, and trapping licenses; creating**  
4 **violations and amending fines and restitution for certain fish and game offenses;**  
5 **creating an exemption from payment of restitution for certain unlawful takings of big**  
6 **game animals; relating to commercial fishing violations; allowing lost federal matching**  
7 **funds from the Pittman - Robertson, Dingell - Johnson/Wallop - Breaux programs to be**  
8 **included in an order of restitution; adding a definition of 'electronic form'; and**  
9 **providing for an effective date."**

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

11 **\* Section 1.** AS 16.05.330(a) is amended to read:

12 (a) Except as otherwise permitted in this chapter, without having the

1 appropriate license, [OR] tag, or permit in actual possession, a person may not  
2 engage in

3 (1) sport fishing, including the taking of razor clams;

4 (2) hunting or [,] trapping [, OR FUR DEALING];

5 (3) the farming of fish, fur, or game;

6 (4) taxidermy or fur dealing; or

7 (5) control of nuisance wild birds and nuisance wild small mammals  
8 for compensation.

9 \* **Sec. 2.** AS 16.05.330(d) is amended to read:

10 (d) A person may not receive a sport fishing, hunting, or trapping license or  
11 other permit or tag issued under AS 16.05.330 - 16.05.430, if the person's right to  
12 obtain, or exercise the privileges granted by, a sport fishing, hunting, or trapping  
13 license is suspended or revoked in this or another state. A person who applies for a  
14 sport fishing, hunting, or trapping license or other permit or tag issued under  
15 AS 16.05.330 - 16.05.430 shall sign a statement that the person's right to obtain, or  
16 exercise the privileges granted by, a sport fishing, hunting, or trapping license is not  
17 suspended or revoked in this or another state.

18 \* **Sec. 3.** AS 16.05.330 is amended by adding new subsections to read:

19 (f) A person charged with violating (a)(1) or (2) of this section for failure to  
20 have a license in actual possession may not be convicted if the person produces, in an  
21 office of the arresting or citing agency, a license previously issued to the person that  
22 was valid at the time of the offense.

23 (g) A license in actual possession may be in paper or electronic form.

24 (h) A peace officer presented with an electronic device under (g) of this  
25 section is immune from any liability resulting from damage to the device.

26 \* **Sec. 4.** AS 16.05.430(a) is amended to read:

27 (a) Except as provided in AS 16.05.330(f), 16.05.407(b) [AS 16.05.407(b)]  
28 and (d), 16.05.408(b), and 16.05.420(b), a person who violates AS 16.05.330 -  
29 16.05.420 or a regulation adopted under AS 16.05.330 - 16.05.420 is guilty of a class  
30 A misdemeanor [AND UPON CONVICTION IS] punishable as provided in  
31 AS 12.55 [BY A FINE OF NOT MORE THAN \$1,000, OR BY IMPRISONMENT

1 FOR NOT MORE THAN SIX MONTHS, OR BY BOTH].

2 \* **Sec. 5.** AS 16.05.430 is amended by adding new subsections to read:

3 (c) Except as provided in AS 16.05.407(b) and (d), 16.05.408(b), and  
4 16.05.420(b), a person who, without any culpable mental state, violates AS 16.05.330  
5 - 16.05.420 or a regulation adopted under AS 16.05.330 - 16.05.420 is guilty of a  
6 violation punishable as provided in AS 12.55.

7 (d) In addition to any penalty imposed under (a) or (b) of this section, a person  
8 may be ordered to pay restitution to the state equal to the amount of any lost state or  
9 federal matching funds from the Pittman - Robertson, Dingell - Johnson/Wallop -  
10 Breaux programs incurred from the person's violation of AS 16.05.330 - 16.05.420 or  
11 a regulation adopted under this chapter, AS 16.20, or AS 16.40.

12 \* **Sec. 6.** AS 16.05.722(a) is amended to read:

13 (a) A person who, without any culpable mental state, violates AS 16.05.440 -  
14 16.05.690 [,] or a regulation of the Board of Fisheries or the department governing  
15 commercial fishing [,] is guilty of a violation and upon conviction is punishable by a  
16 fine of not more than

17 (1) \$6,000 [\$3,000] for a first conviction;

18 (2) \$12,000 [\$6,000] for a second conviction or for a subsequent  
19 conviction not described in (3) of this subsection; and

20 (3) \$15,000 [\$9,000] for a third or subsequent conviction within a 10-  
21 year period.

22 \* **Sec. 7.** AS 16.05.722 is amended by adding a new subsection to read:

23 (d) The court shall transmit notice of all convictions under this section to the  
24 Alaska Commercial Fisheries Entry Commission.

25 \* **Sec. 8.** AS 16.05.782(a) is amended to read:

26 (a) Except as provided in (d) of this section, a person **may not take** [WHO  
27 WITH CRIMINAL NEGLIGENCE TAKES] a brown or grizzly bear within one-half  
28 mile of a solid waste disposal facility [IS GUILTY OF A CLASS A  
29 MISDEMEANOR].

30 \* **Sec. 9.** AS 16.05.782(b) is amended to read:

31 (b) In addition to the penalty imposed by law under [(a) OF] this section, the

1 court shall order forfeiture of the hide and skull of the bear; [, BUT] if the hide and  
2 skull are not salvaged and delivered to the department, [THEN] the court shall impose  
3 an additional fine of up to \$10,000.

4 \* **Sec. 10.** AS 16.05.782 is amended by adding new subsections to read:

5 (f) A person who, with criminal negligence, violates (a) of this section is  
6 guilty of a class A misdemeanor punishable as provided in AS 12.55.

7 (g) A person who, without any culpable mental state, violates (a) of this  
8 section is guilty of a violation punishable as provided in AS 12.55.

9 \* **Sec. 11.** AS 16.05.783(c) is amended to read:

10 (c) A person who violates this section is guilty of a **class A** misdemeanor  
11 **punishable as provided in AS 12.55** [, AND UPON CONVICTION IS  
12 PUNISHABLE BY A FINE OF NOT MORE THAN \$5,000, OR BY  
13 IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH]. In  
14 addition, the court may order the aircraft and equipment used in or in aid of a violation  
15 of this section to be forfeited to the state.

16 \* **Sec. 12.** AS 16.05.789(b) is amended to read:

17 (b) A person who violates this section is guilty of a class A misdemeanor  
18 **punishable as provided in AS 12.55.**

19 \* **Sec. 13.** AS 16.05.789 is amended by adding a new subsection to read:

20 (c) A person who, without any culpable mental state, violates this section is  
21 guilty of a violation punishable as provided in AS 12.55.

22 \* **Sec. 14.** AS 16.05.790 is amended by adding a new subsection to read:

23 (g) A person who, without any culpable mental state, violates this section is  
24 guilty of a violation punishable as provided in AS 12.55.

25 \* **Sec. 15.** AS 16.05.831(c) is amended to read:

26 (c) A person who violates this section or a regulation adopted under it is **guilty**  
27 **of a class A misdemeanor** punishable **as provided in AS 12.55** [BY A FINE OF  
28 NOT MORE THAN \$10,000, OR BY IMPRISONMENT FOR NOT MORE THAN  
29 SIX MONTHS, OR BY BOTH]. In addition, a person who violates this section is  
30 subject to a civil action by the state for the cost of replacing the salmon wasted.

31 \* **Sec. 16.** AS 16.05.901 is amended by adding a new subsection to read:

1 (c) A person who, without any culpable mental state, violates AS 16.05.871 -  
2 16.05.896 is guilty of a violation punishable as provided in AS 12.55.

3 \* **Sec. 17.** AS 16.05.925 is amended to read:

4 **Sec. 16.05.925. Penalty for violations.** (a) Except as provided in  
5 AS 16.05.430, 16.05.665, 16.05.722, 16.05.723, 16.05.783, 16.05.831, 16.05.861,  
6 [AND] 16.05.905, **and (c) of this section,** a person who violates AS 16.05.920 or  
7 16.05.921, or a regulation adopted under this chapter or AS 16.20, is guilty of a class  
8 A misdemeanor **punishable as provided in AS 12.55.**

9 (b) In addition to a penalty imposed under (a) of this section or any other  
10 penalty for violation of this title or a regulation adopted under this title, **and except as**  
11 **provided in (c) of this section,** a person who is convicted of unlawfully taking an  
12 animal listed in this subsection may be ordered by the court to pay restitution to the  
13 state in the amount set out in this subsection for each animal unlawfully taken:

- 14 (1) Bear, black ..... **\$ 900** [\$ 600]
- 15 (2) Bear, brown or grizzly ..... **2,500** [1,300]
- 16 (3) Bison ..... **3,000** [1,300]
- 17 (4) Caribou ..... **1,500** [850]
- 18 (5) Deer ..... **1,000** [400]
- 19 (6) Elk ..... **2,000** [800]
- 20 (7) Goat ..... **2,000** [800]
- 21 (8) Moose ..... **2,500** [1,000]
- 22 (9) Musk oxen ..... **4,500** [3,000]
- 23 (10) Sheep ..... **2,000** [1,100]
- 24 (11) Wolf ..... **1,000** [500]
- 25 (12) Wolverine ..... **750** [500].

26 \* **Sec. 18.** AS 16.05.925 is amended by adding a new subsection to read:

27 (c) A defendant may not be ordered to pay restitution under (b) of this section  
28 if the defendant

- 29 (1) voluntarily and immediately reported the taking to the department  
30 or a state law enforcement officer engaged in fish and wildlife protection; and
- 31 (2) surrendered to the department all salvaged portions of the animal,

1 including its horns, antlers, hide, and skull, as applicable.

2 \* **Sec. 19.** AS 16.05.940 is amended by adding a new paragraph to read:

3 (38) "electronic form" means the display of images on an electronic  
4 device such as a mobile telephone, tablet, or computer.

5 \* **Sec. 20.** AS 16.10.030 is amended to read:

6 **Sec. 16.10.030. Penalty for violation of AS 16.10.010 - 16.10.050.** A person  
7 who violates AS 16.10.010 - 16.10.050 is guilty of a class A misdemeanor [AND,  
8 UPON CONVICTION, IS] punishable as provided in AS 12.55 [BY A FINE OF  
9 NOT LESS THAN \$100 NOR MORE THAN \$500].

10 \* **Sec. 21.** AS 16.10.030 is amended by adding a new subsection to read:

11 (b) A person who, without any culpable mental state, violates AS 16.10.010 -  
12 16.10.050 is guilty of a violation punishable as provided in AS 12.55.

13 \* **Sec. 22.** AS 16.10.090 is amended to read:

14 **Sec. 16.10.090. Penalty for violation of AS 16.10.070.** A person who  
15 violates AS 16.10.070 is guilty of a class A misdemeanor [AND IS] punishable as  
16 provided in AS 12.55 [BY IMPRISONMENT FOR NOT MORE THAN ONE  
17 YEAR, OR BY A FINE OF NOT MORE THAN \$5,000 OR BY BOTH].

18 \* **Sec. 23.** AS 16.10.090 is amended by adding a new subsection to read:

19 (b) A person who, without any culpable mental state, violates AS 16.10.070 is  
20 guilty of a violation punishable as provided in AS 12.55.

21 \* **Sec. 24.** AS 16.10.110 is amended to read:

22 **Sec. 16.10.110. Penalty for violation of AS 16.10.100.** A person who violates  
23 AS 16.10.100 is guilty of a class A misdemeanor [AND IS] punishable as provided in  
24 AS 12.55 [BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR OR BY A  
25 FINE OF NOT MORE THAN \$5,000, OR BY BOTH].

26 \* **Sec. 25.** AS 16.10.110 is amended by adding a new subsection to read:

27 (b) A person who, without any culpable mental state, violates AS 16.10.100 is  
28 guilty of a violation punishable as provided in AS 12.55.

29 \* **Sec. 26.** AS 16.10.130 is amended to read:

30 **Sec. 16.10.130. Penalty for violation of AS 16.10.120 or 16.10.125.** A  
31 person who violates AS 16.10.120 or 16.10.125 is guilty of a class A misdemeanor [,

1 AND UPON CONVICTION IS] punishable as provided in AS 12.55 [BY  
2 IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY A FINE OF  
3 NOT MORE THAN \$1,000, OR BY BOTH].

4 \* **Sec. 27.** AS 16.10.130 is amended by adding a new subsection to read:

5 (b) A person who, without any culpable mental state, violates AS 16.10.120 or  
6 16.10.125 is guilty of a violation punishable as provided in AS 12.55.

7 \* **Sec. 28.** The uncodified law of the State of Alaska is amended by adding a new section to  
8 read:

9 APPLICABILITY. This Act applies to offenses committed on or after the effective  
10 date of this Act.

11 \* **Sec. 29.** This Act takes effect July 1, 2016.