

SB

164

<TARGET><BILL>SB 164</BILL><SUBJECT>SB
164</SUBJECT><COMM>SJUD29</COMM></TARGET>

SENATE COMMITTEE REPORT

DATE: 3/7/16

FURTHER: Rules
 DATE TURNED IN TO OFFICE: 4/7/16

Judiciary Committee considered SENATE BILL NO. 164

SB 164-FISH & GAME: OFFENSES;LICENSES;PENALTIES

"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."

and recommends:

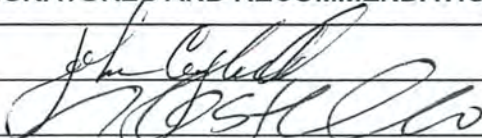
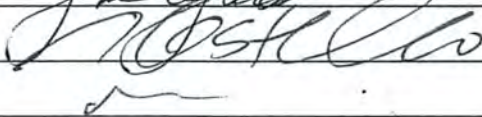

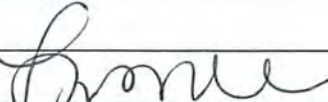
- be replaced with CS SB 164 (JUD) [] Same Title [] New Title
- [] adopt previous CS _____ (_____) [] Same Title [] New Title
- [] attached amendment(s)
- [] adopt _____ Letter of Intent
- [] further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
EED	MVA
DEC	DNR
DFG	DPS
GOV	REV
DHS	DOT
AJS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
DFG			✓	2
DPS			✓	1

[] APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
	COGHILL	✓			
	COSTELLO	✓			
	WIERZBOWSKI			✓	
CHAIR: 	MCGUIRE	✓			

CS FOR SENATE BILL NO. 164(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:
Referred:

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

SB 164 Summary of Changes to Version "H"
April 2, 2016

- 1) Page 1, line 5 adds a semicolon to the title creating an exemption from payment of restitution for certain unlawful takings of gig game animals.
- 2) Page 2, section 3, line 21 removes the words "tag or permit" from an item that can be correctable, and removes reference to the Court. An individual can correct a violation at a Department of Public Safety office.
- 3) Page 5, section 17, line 6 adds language "and c of this section" to address changes in section 18 of this bill.
- 4) Page 5, section 17 lines 14-25 changes restitution amounts that the court may apply if the court feels it is appropriate. These increases represent the value of the illegally taken resource to the citizens of Alaska.
- 5) Page 5, line 26 deleted section 17 of the original bill which was redundant with section 15 of the original bill.
- 6) Page 5, section 18, lines 26-31 creates a new section that provides that a court may not order restitution under section 17 of this bill in a case where a defendant voluntarily turns themselves in and is charged with a violation offence. It also provides that a person must voluntarily and immediately report to ADFG or DPS a violation that they committed to qualify for this affirmative defense.
- 7) Page 6, section 24, line 21-22 was a drafting error that was corrected to reflect the correct statute number.
- 8) Page 7, line 7, delete section 27 of the original bill related to Court Rule 5(a)(4) .

HB286 Summary of Changes to Version "E"
March 31, 2016

House version of
changes

- 1) Page 1, line 5 adds a semicolon to the title creating an exemption from payment of restitution for certain unlawful takings of gig game animals.
- 2) Page 2, section 3, line 21 removes the words "tag or permit" from an item that can be correctable, and removes reference to the Court. An individual can correct a violation at a Department of Public Safety office.
- 3) Page 5, section 17, line 6 adds language "and c of this section" to address changes in section 18 of this bill.
- 4) Page 5, section 17 lines 14-25 changes restitution amounts that the court may apply if the court feels it is appropriate. These increases represent the value of the illegally taken resource to the citizens of Alaska.
- 5) Page 5, line 26 deleted section 17 of the original bill which was redundant with section 15 of the original bill.
- 6) Page 5, section 18, lines 26-31 creates a new section that provides that a court may not order restitution under section 17 of this bill in a case where a defendant voluntarily turns themselves in and is charged with a violation offence. It also provides that a person must voluntarily and immediately report to ADFG or DPS a violation that they committed to qualify for this affirmative defense.
- 7) Page 6, section 24, line 21-22 was a drafting error that was corrected to reflect the correct statute number.
- 8) Page 7, line 7, delete section 27 of the original bill related to Court Rule 5(a)(4) .

29-GF2958\B
Bullard
3/30/16

House Resource

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.

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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;

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19 conviction not described in (3) of this subsection; and

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21 year period.

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

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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
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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
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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.



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

March 7, 2016

The Honorable Lesil McGuire, Chair
Senate Judiciary Committee
State Capitol Building, Room 121
Juneau, AK 99801

Dear Senator McGuire:

The Department of Fish and Game respectfully requests SB164 "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 Senate Judiciary 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

STATE CAPITOL
P.O. Box 110001
Juneau, AK 99811-0001
907-465-3500
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Governor Bill Walker
STATE OF ALASKA

January 28, 2016

The Honorable Kevin Meyer
President of the Senate
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear President Meyer:

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 violates certain fish and game laws, they can only be charged with a criminal offense. A criminal

The Honorable Kevin Meyer
Transmittal Fish and Game Offenses
January 28, 2016
Page 2

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, SB 164
Fish and Game: Offenses; Licenses; Penalties
March 7, 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 offense when appropriate. These sections maintain the option of charging a person with a misdemeanor offense 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 offense when appropriate. These sections maintain the option of charging a person with a misdemeanor offense 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 SB 164
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
OPERATING EXPENDITURES	FY17	FY17	FY18	FY19	FY20	FY21	FY22
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

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. SB 164

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 SB 164
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
OPERATING EXPENDITURES	FY17	FY17	FY18	FY19	FY20	FY21	FY22
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

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. SB 164

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.

SENATE BILL NO. 164

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/29/16

Referred: Resources, Judiciary

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; relating
5 to commercial fishing violations; allowing lost federal matching funds from the Pittman
6 - Robertson, Dingell - Johnson/Wallop - Breaux programs to be included in an order of
7 restitution; adding a definition of 'electronic form'; amending Rule 5(a)(4), Alaska Rules
8 of Minor Offense Procedure; and providing for an effective date."

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

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

11 (a) Except as otherwise permitted in this chapter, without having the
12 appropriate license, [OR] tag, or permit in actual possession, a person may not

1 engage in

- 2 (1) sport fishing, including the taking of razor clams;
 3 (2) hunting or [,] trapping [, OR FUR DEALING];
 4 (3) the farming of fish, fur, or game;
 5 (4) taxidermy or fur dealing; or
 6 (5) control of nuisance wild birds and nuisance wild small mammals

7 for compensation.

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

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

17 * **Sec. 3.** AS 16.05.330 is amended by adding new subsections to read: *dropping tag & permits*

18 (f) A person charged with violating (a)(1) or (2) of this section may not be
 19 convicted if the person produces in ^{drop} court or in the office of the arresting or citing
 20 officer, a license, tag, or permit previously issued to the person that was valid at the
 21 time of the offense.

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

24 (h) Any peace officer presented with an electronic device under this section
 25 shall be 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 BY A FINE OF
 31 NOT MORE THAN \$1,000, OR BY IMPRISONMENT FOR NOT MORE THAN

1 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 under 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 AS 16.05, 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 fine
16 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 skull
2 are not salvaged and delivered to the department then the court shall impose an
3 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.

7 (g) A person who, without any culpable mental state, violates (a) of this
8 section is guilty of a violation punishable under 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 AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN
12 \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY
13 BOTH]. In addition, the court may order the aircraft and equipment used in or in aid
14 of a violation of this section to be forfeited to the state.

15 * **Sec. 12.** AS 16.05.789 is amended by adding a new subsection to read:

16 (c) A person who, without any culpable mental state, violates this section is
17 guilty of a violation punishable under AS 12.55.

18 * **Sec. 13.** AS 16.05.790 is amended by adding a new subsection to read:

19 (g) A person who, without any culpable mental state, violates this section is
20 guilty of a violation punishable under AS 12.55.

21 * **Sec. 14.** AS 16.05.831(c) is amended to read:

22 (c) A person who violates this section or a regulation adopted under it is guilty
23 of a class A misdemeanor [PUNISHABLE BY A FINE OF NOT MORE THAN
24 \$10,000, OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR
25 BY BOTH]. In addition, a person who violates this section is subject to a civil action
26 by the state for the cost of replacing the salmon wasted.

27 * **Sec. 15.** AS 16.05.901 is amended by adding a new subsection to read:

28 (c) A person who, without any culpable mental state, violates AS 16.05.871 -
29 16.05.896 is guilty of a violation punishable under AS 12.55.

30 * **Sec. 16.** AS 16.05.925(b) is amended to read:

31 (b) In addition to a penalty imposed under (a) of this section or any other

1 penalty for violation of this title or a regulation adopted under this title, a person who
 2 is convicted of unlawfully taking an animal listed in this subsection may be ordered by
 3 the court to pay restitution to the state in the amount set out in this subsection for each
 4 animal unlawfully taken:

- 5 (1) Bear, black \$900 [\$600]
- 6 (2) Bear, brown or grizzly 1,950 [1,300]
- 7 (3) Bison 1,950 [1,300]
- 8 (4) Caribou 1,275 [850]
- 9 (5) Deer 600 [400]
- 10 (6) Elk 1,200 [800]
- 11 (7) Goat 1,200 [800]
- 12 (8) Moose 1,500 [1,000]
- 13 (9) Musk oxen 4,500 [3,000]
- 14 (10) Sheep 1,650 [1,100]
- 15 (11) Wolf 750 [500]
- 16 (12) Wolverine 750 [500].

17 *SB 1641*
 * **Sec. 17.** AS 16.05.925 is amended by adding a new subsection to read:
 18 (c) A person who, without any culpable mental state, violates AS 16.05.871 -
 19 16.05.896 is guilty of a violation punishable under AS 12.55. *delete redundant*

20 * **Sec. 18.** AS 16.05.940 is amended by adding a new paragraph to read:

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

23 * **Sec. 19.** AS 16.10.030 is amended to read:

24 **Sec. 16.10.030. Penalty for violation of AS 16.10.010 - 16.10.050.** A person
 25 who violates AS 16.10.010 - 16.10.050 is guilty of a class A misdemeanor [AND,
 26 UPON CONVICTION, IS PUNISHABLE BY A FINE OF NOT LESS THAN \$100
 27 NORE MORE THAN \$500].

28 * **Sec. 20.** AS 16.10.030 is amended by adding a new subsection to read:

29 (b) A person who, without any culpable mental state, violates AS 16.10.010 -
 30 16.10.050 is guilty of a violation punishable under AS 12.55.

31 * **Sec. 21.** AS 16.10.090 is amended to read:

1 **Sec. 16.10.090. Penalty for violation of AS 16.10.070.** A person who violates
 2 AS 16.10.070 is guilty of a class A misdemeanor [AND IS PUNISHABLE BY
 3 IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF NOT
 4 MORE THAN \$5,000 OR BY BOTH].

5 * **Sec. 22.** AS 16.10.090 is amended by adding a new subsection to read:

6 (b) A person who, without any culpable mental state, violates AS 16.10.070 is
 7 guilty of a violation punishable under AS 12.55.

8 * **Sec. 23.** AS 16.10.110 is amended to read:

9 ~~Sec. 16.10.010~~¹¹⁰ **Penalty for violation of AS 16.10.100.** A person who violates
 10 AS 16.10.100 is guilty of a class A misdemeanor [AND IS PUNISHABLE BY
 11 IMPRISONMENT FOR NOT MORE THAN ONE YEAR OR BY A FINE OF NOT
 12 MORE THAN \$5,000, OR BY BOTH].

13 * **Sec. 24.** AS 16.10.110 is amended by adding a new subsection to read:

14 (b) A person who, without any culpable mental state, violates AS 16.10.100 is
 15 guilty of a violation punishable under AS 12.55.

16 * **Sec. 25.** AS 16.10.130 is amended to read:

17 **Sec. 16.10.130. Penalty for violation of AS 16.10.120 or 16.10.125.** A person
 18 who violates AS 16.10.120 or 16.10.125 is guilty of class A misdemeanor [AND
 19 UPON CONVICTION IS PUNISHABLE BY IMPRISONMENT FOR NOT MORE
 20 THAN SIX MONTHS, OR BY A FINE OF NOT MORE THAN \$1,000, OR BY
 21 BOTH].

22 * **Sec. 26.** AS 16.10.130 is amended by adding a new subsection to read:

23 (b) A person who, without any culpable mental state, violates AS 16.10.120 or
 24 16.10.125 is guilty of a violation punishable under AS 12.55.

25 * **Sec. 27.** The uncodified law of the State of Alaska is amended by adding a new section to
 26 read:

27 ~~DIRECT COURT RULE AMENDMENT. Rule 5(a)(4), Alaska Rules of~~
 28 ~~Minor Offense Procedure, is amended to read:~~

29 (4) Provide proof of compliance to a law enforcement agency if a
 30 statute, regulation, or ordinance permits dismissal of the citation upon a showing of
 31 compliance, except that proof of compliance may also be made to the court for

1 violation of AS 28.15.131 (failure to carry or exhibit license), [OR] AS 28.22.019
2 (proof of insurance), ~~or AS 16.05.330 (failure to carry sport fishing, hunting, or~~
3 ~~trapping license, tag, or permit).~~ The court or municipality shall dismiss the citation
4 upon notification from the agency or proof of compliance.

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

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

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