



LAWS OF ALASKA

1982

Source

CCSHB 47

Chapter No.

123

AN ACT

Relating to the prohibition against waste of the meat of big game animals and wild fowl.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 24, 1982
Actual Effective Date: September 22, 1982

AN ACT

Relating to the prohibition against waste of
the meat of big game animals and wild fowl.

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 AS 16.30.010 is repealed and reenacted to read:

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

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

(b) If a person is convicted of violating this section and in the course of that violation failed to salvage from a big game animal at least the hindquarters as far as the distal joint of the tibia-fibula (stifle joint), the court shall impose a sentence of imprisonment of not less than seven consecutive days and a fine of not less than \$2,500.

(c) The imposition or execution of the minimum sentence prescribed in (b) of this section may not be suspended under AS 12.55.080 or 12.55.085. The minimum sentence prescribed in (b) of this section may not be reduced.

* Sec. 2. AS 16.30.012 is repealed and reenacted to read:

Sec. 16.30.012. POSSESSION OF HORNS OR ANTLERS. (a) It is a class A misdemeanor for a person to possess the horns or antlers of a big game animal that was killed after the opening of the current or most recent lawful hunting season for that animal if the person does not

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1 possess the edible meat of the animal.

2 (b) A person may not be arrested or prosecuted for a violation of
3 this section unless the arresting officer determines that there is
4 probable cause to believe that the edible meat of the big game animal
5 from which the horns or antlers were taken has not been salvaged.

6 * Sec. 3. AS 16.30 is amended by adding new sections to read:

7 Sec. 16.30.015. SURRENDER OF SALVAGED PORTIONS, LICENSE FORFEITURE.
8 A person convicted of violating AS 16.30.010

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

11 (2) forfeits his hunting license;

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

13 (A) the year in which the conviction is entered and the
14 year following the year in which the conviction is entered;

15 (B) a period of five years from the date of the conviction
16 if the person has failed to salvage from a big game animal at
17 least the hindquarters as far as the distal joint of the tibia-
18 fibula (stifle joint).

19 Sec. 16.30.017. DEFENSES. (a) It is a defense to a criminal
20 charge under AS 16.30.010 or 16.30.012 that the failure to salvage or
21 possess the edible meat was due to circumstances beyond the control of
22 the person charged, including

23 (1) theft of the animal or fowl;

24 (2) unanticipated weather conditions or other acts of God;

25 (3) unavoidable loss in the field to another wild animal.

26 (b) It is a defense to a criminal charge under AS 16.30.012 that
27 the defendant does not possess the edible meat of the big game animal
28 because the meat was

29 (1) consumed by human beings; or

1 (2) delivered to another person.

2 (c) In this section, "delivered" means given, sold, or bartered in
3 a manner that does not violate state or federal law.

4 * Sec. 4. AS 16.30.020 is amended to read:

5 Sec. 16.30.020. ANIMALS EXEMPTED [EXCEPTED]. The provisions of
6 AS 16.30.010 - 16.30.012 do not apply to animals which the board exempts
7 by regulation.

8 * Sec. 5. AS 16.30.030 is amended by adding new paragraphs to read:

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

11 (4) "criminal negligence" means criminal negligence as defined
12 in AS 11.81.900(a)(4);

13 (5) "edible meat" means, in the case of big game animals, the
14 meat of the ribs, neck, brisket, front quarters as far as the juncture
15 of the humerus and the radius-ulna (knee), hindquarters as far as the
16 distal joint of the tibia-fibula (stifle joint), and that portion of the
17 animal between the front and hindquarters; in the case of wild fowl, the
18 meat of the breast; however, "edible meat" of big game or wild fowl does
19 not include

20 (A) meat of the head;

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

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

25 (D) viscera;

26 (6) "intentionally" means intentionally as defined in AS 11.-
27 81.900(a)(1);

28 (7) "knowingly" means knowingly as defined in AS 11.81.900-
29 (a)(2);

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1 (8) "possess the edible meat" includes possessing portions of
2 the edible meat in more than one location while the meat is being trans-
3 ported from the place where it was salvaged;

4 (9) "recklessly" means recklessly as defined in AS 11.81.900-
5 (a)(3);

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

8 * Sec. 6. AS 16.30.030(2) is repealed.
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