



# LAWS OF ALASKA

1991

**Source**

HCS CSSB 38(JUD)

**Chapter No.**

47

**AN ACT**

Relating to the obstruction or hindrance of lawful hunting, fishing, trapping, or viewing of fish or game.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 14, 1991  
Actual Effective Date: September 12, 1991

AN ACT

1 Relating to the obstruction or hindrance of lawful hunting, fishing, trapping, or viewing  
2 of fish or game.

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6 \* Section 1. AS 16.05 is amended by adding new sections to read:

7 Sec. 16.05.790. OBSTRUCTION OR HINDRANCE OF LAWFUL HUNTING,  
8 FISHING, TRAPPING, OR VIEWING OF FISH OR GAME. (a) Except as provided in (c) of  
9 this section, a person may not intentionally obstruct or hinder another person's lawful hunting,  
10 fishing, trapping, or viewing of fish or game by

11 (1) placing one's self in a location in which human presence may alter the

12 (A) behavior of the fish or game that another person is attempting to take  
13 or view; or

14 (B) feasibility of taking or viewing fish or game by another person; or

15 (2) creating a visual, aural, olfactory, or physical stimulus in order to alter the  
16 behavior of the fish or game that another person is attempting to take or view.

17 (b) For purposes of (a) of this section, "lawful" means

18 (1) in compliance with

19 (A) this title, regulations adopted under this title, or applicable federal  
20 statutes and regulations;

21 (B) the Marine Mammal Protection Act (P.L. 92-522) or the Endangered

**Chapter 47**

1 Species Act (P.L. 93-205); or

2 (C) federal regulations adopted under 16 U.S.C. 3111 - 3126 relating to  
3 subsistence hunting, fishing, or trapping on federal land; and

4 (2) with the permission of the private landowner if the hunting, fishing, trapping,  
5 or viewing of fish or game occurs on private land.

6 (c) Notwithstanding AS 12.25, only a peace officer may arrest a person for violating this  
7 section. A peace officer who has probable cause to believe that a person has violated this section  
8 may arrest or cite the person or order the person to desist.

9 (d) In a prosecution under this section, it is an affirmative defense that the person was  
10 lawfully entitled to obstruct or hinder the hunting, fishing, trapping, or viewing of fish or game.

11 (e) This section does not apply to

12 (1) lawful competitive practices among persons engaged in lawful hunting, fishing,  
13 or trapping;

14 (2) actions taken on private property with the consent of the owner; or

15 (3) the obstruction or hindrance of the viewing of fish or game by a person  
16 actively engaged in lawful fishing, hunting, or trapping.

17 (f) A person who violates this section is guilty of a misdemeanor and is punishable by  
18 a fine of not more than \$500 or imprisonment for not more than 30 days, or both.

19 Sec. 16.05.791. CIVIL REMEDIES. (a) A person aggrieved by conduct or threatened  
20 conduct in violation of AS 16.05.790 may petition a superior court to enjoin the respondent from  
21 engaging in the conduct.

22 (b) A person aggrieved by a violation of AS 16.05.790 is entitled to recover general  
23 damages and special damages, including license and permit fees, travel costs, guide-outfitting  
24 fees, costs for special equipment and supplies, and other related expenses.

25 (c) A court may award punitive damages in addition to the damages set out in (b) of this  
26 section.