



LAWS OF ALASKA

1989

Source

SCS CSHB 201 (R1s)

Chapter No.

63

AN ACT

Relating to additional penalties for violation of commercial fishing laws and for theft of commercial fishing gear; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 11

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TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.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: May 30, 1989
Actual Effective Date: May 31, 1989

AN ACT

Relating to additional penalties for violation of commercial fishing laws and for theft of commercial fishing gear; and providing for an effective date.

* Section 1. AS 16.05.710(a) is repealed and reenacted to read:

(a) Upon the conviction of a person for a misdemeanor or felony violation of a commercial fishing law of this state, the court, in addition to other penalties imposed by law

(1) may suspend one or more of the person's commercial fishing privileges and licenses for a period of not more than one year, if the conviction is the person's first or second misdemeanor or felony conviction within a 10-year period for violating a commercial fishing law of this state or another jurisdiction; or

(2) shall suspend one or more of the person's commercial fishing privileges and licenses for a period of not more than three years, if the conviction is the person's third or subsequent misdemeanor or felony conviction within a 10-year period for violating a commercial fishing law of this state or another jurisdiction.

* Sec. 2. AS 16.05.710(b) is amended to read:

(b) Upon a first conviction of a person for a violation of AS 11.46.120 - 11.46.130 in which the property is commercial fishing gear as defined in AS 16.43.990, the court shall, in addition to the penalty imposed by law, suspend one or more [ORDER A SUSPENSION] of

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1 the person's commercial fishing privileges and licenses for one year.
2 Upon a second or subsequent conviction for a violation of AS 11.46.-
3 120 - 11.46.130 or a similar law of another jurisdiction in which the
4 property is commercial fishing gear as defined in AS 16.43.990, the
5 court shall, in addition to the penalty imposed by law, suspend one or
6 more [ORDER A SUSPENSION] of the person's commercial fishing privileges
7 and licenses for two years.

8 * Sec. 3. AS 16.05.710(c) is amended to read:

9 (c) If proceedings in which commercial fishing privileges or
10 licenses may be suspended under this section are pending against a
11 limited entry permit holder, the permit holder's limited entry permit
12 may not be permanently transferred, unless allowed by order of the
13 court in which the proceedings are pending, and a permanent transfer
14 of the permit, unless allowed by order of the court, is void. During
15 the period for which a limited entry permit or the permit holder's
16 right to obtain a limited entry permit or to engage in an activity for
17 which a limited entry permit is required is suspended under [(a) OF]
18 this section, a permit card may not be issued to the permit holder and
19 the permit holder's permit may not be transferred or sold.

20 * Sec. 4. AS 16.05.710(d) is repealed and reenacted to read:

21 (d) In this section

22 (1) "commercial fishing law" means a statute or regulation
23 that regulates the conduct of a person engaged in commercial fishing
24 activities by establishing requirements relating to fishing licenses
25 and permits; catch records and reports; size, nature, or use of fish-
26 ing vessels, sites, and gear; time, place, or manner of taking fishery
27 resources; possession, transportation, sale, barter, or waste of
28 fishery resources; or other aspects of commercial fishing;

29 (2) "commercial fishing license" means a limited entry

permit or a crew member license;

(3) "commercial fishing privilege" means the privilege of participating in an activity for which a commercial fishing license is required and the privilege of obtaining a commercial fishing license;

(4) "limited entry permit" means an entry permit or an interim-use permit issued under AS 16.43.

* Sec. 5. AS 16.43.170 is amended by adding a new subsection to read:

(f) The permanent transfer of an entry permit is void if proceedings in which commercial fishing privileges and licenses may be suspended under AS 16.05.710 are pending against the permit holder at the time of transfer unless the transfer of the entry permit is allowed by order of the court in which the proceedings are pending.

* Sec. 6. The provisions of this Act are applicable to cases involving a commercial fishing violation or theft of commercial fishing gear that occurs on or after the effective date of this Act.

* Sec. 7. This Act takes effect immediately under AS 01.10.070(c).