

HOUSE BILL NO. 101

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE WILSON

Introduced: 2/3/17

Referred: Resources, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act creating an affirmative defense and an exemption from payment of fines and
2 restitution for a person who reports the person's own first-time unlawful taking of
3 certain big game animals."

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

5 * **Section 1.** AS 16.05.925 is amended to read:

6 **Sec. 16.05.925. Penalty for violations.** (a) Except as provided in
7 AS 16.05.430, 16.05.665, 16.05.722, 16.05.723, 16.05.783, 16.05.831, 16.05.861,
8 [AND] 16.05.905, **and (c) of this section,** a person who violates AS 16.05.920 or
9 16.05.921, or a regulation adopted under this chapter or AS 16.20, is guilty of a class
10 A misdemeanor.

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

1 in the amount set out in this subsection for each animal unlawfully taken:

2	(1) Bear, black	\$ 600
3	(2) Bear, brown or grizzly	1,300
4	(3) Bison	1,300
5	(4) Caribou	850
6	(5) Deer	400
7	(6) Elk	800
8	(7) Goat	800
9	(8) Moose	1,000
10	(9) Musk oxen	3,000
11	(10) Sheep	1,100
12	(11) Wolf	500
13	(12) Wolverine	500.

14 * **Sec. 2.** AS 16.05.925 is amended by adding new subsections to read:

15 (c) In a prosecution for unlawfully taking an animal listed in (b) of this section
16 that did not meet the sex, age, or size limitations adopted by the Board of Game under
17 AS 16.05.255(a)(4), it is an affirmative defense, which reduces the crime to a
18 violation, that the defendant

19 (1) voluntarily and promptly reported the taking to the department or a
20 state law enforcement officer engaged in fish and wildlife protection; and

21 (2) surrendered to the department all salvaged portions of the animal,
22 including, as may be applicable, its horns, antlers, hide, and skull.

23 (d) The affirmative defense provided by (c) of this section does not apply if
24 the defendant has previously been convicted of taking an animal listed in (b) of this
25 section that did not meet the sex, age, or size limitations adopted by the Board of
26 Game under AS 16.05.255(a)(4).

27 (e) Notwithstanding AS 12.55.035 and (b) of this section, a defendant who
28 successfully establishes the affirmative defense provided by (c) of this section may not
29 be required to pay a fine under AS 12.55.035 or restitution under (b) of this section for
30 the violation.

31 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 APPLICABILITY. In AS 16.05.925(d), added by sec. 2 of this Act, the reference to a
3 previous conviction for taking an animal includes convictions occurring before, on, or after
4 the effective date of this Act.