

Panel told hunting violation penalties must hit in the pocketbook

By **BILL HESS**
Tundra Times Staff

If penalties for fish and game violations are to be effective, as a deterrent, they must hit the perpetrators in the pocketbook. Fish and Game officials meeting with a special commission looking into ways to make sentencing more uniform throughout the state had a chance last week to express their frustrations with penalties that are administered unevenly, and which do little to prevent future violations.

"Our feeling is that the whole fish and game code

needs to be re-evaluated," said Nick Szabo, Chairman of the Board of Fisheries. "All fish and game violations are misdemeanors. Some need to be re-classified as felonies. Our feeling is that it (the illegal taking of Alaska's fish and game) is not a lot different than breaking into Fort Knox and stealing the gold."

A recent Alaska Judicial Council report showed that the punishment a violator receives can have a great deal to do with where the violation occurred. In the Kuskokwim region the average fine for commercial fishing was \$1,022.71, compared to only \$436.23 in Southeast Alaska. One proposal pending before the state Legislature to remedy this situation would be mandatory minimum sentences for those convicted of committing different violations.

Yet, District Court Judge Robin Taylor who hears cases in the Wrangell-Petersburg area, warned that mandatory minimum sentences should be looked at very carefully.

Taylor stated that such legislative action, no matter how well intentioned, could create problems if it was "ill con-

ceived, not well thought out."

Taylor noted that proposed legislation would call for a mandatory sentence of three days in jail. "I guarantee there are places in Southeast where (a violator fishing in closed waters) can make \$30,000! That's \$10,000 a day for three days in jail. \$500 is only a small fee."

Taylor emphasized that the person could plead guilty, quickly serve his time, and then be out taking fish once again. "That's if he's dumb enough to plead out!" Taylor stressed. He could instead plead "not guilty," demand a jury trial, pay the bond, and be out fishing immediately.

Taylor said that his experience with mandatory minimum sentences for drunk drivers demonstrates that the mandatory minimum sentences tend to become the standard sentence.

Yet present statutes do not serve as adequate deterrents. Taylor noted that the maximum fine which could be imposed on violators currently is \$5,000. That is a small price to pay for someone who can make \$50,000 by fishing in closed waters.

There are other problems with mandatory sentences. Fairbanks District Court Judge Steve Kline cited an example of a hunter who shot a cow moose by accident. He reported the incident himself. Should he automatically receive the same penalty as a true poacher?

Kline also noted the disparity between the seriousness of the violation by a man who lives in the interior Bush and takes illegal fish, and the man who takes 20,000 fish. \$200 can sound like quite a lot to the man in the Bush," he noted. "while the other could pay \$5,000 and laugh all the way to the bank."

There are places in the state where violators taking illegal crabs are being hit with civil, rather than criminal suits. In such cases their boats can be seized and held, and penalties run higher. An average penalty is \$10,000, said Taylor. Having boats seized coupled with higher penalties creates an economic hardship on the perpetrator and serves as a deterrent.

The Kenai Peninsula Borough demands a 45-day jail sentence for anyone convicted of taking an illegal moose. This too creates a hardship. Not only is jail unpleasant, but 45 days of it is likely to cost the violator a job.