

**HOUSE BILL NO. 179**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES LYNN, Guttentberg

Introduced: 3/9/11

Referred: Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to cruelty to animals and making failure to care for five or more**  
2   **animals in a single continuous episode a class C felony."**

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

4    \* **Section 1.** AS 11.61.140(a) is amended to read:

5                   (a) A person commits cruelty to animals if the person

6                               (1) knowingly inflicts severe and prolonged physical pain or suffering  
7                   on an animal;

8                               (2) with criminal negligence, fails to care for an animal and, as a result,  
9                   causes the death of the animal or causes severe physical pain or prolonged suffering to  
10                  the animal;

11                              (3) kills or injures an animal by the use of a decompression chamber;

12                              (4) intentionally kills or injures a pet or livestock by the use of poison;

13                              (5) knowingly kills or injures an animal, other than as provided in (1)

14                  or (3) of this subsection, with the intent to intimidate, threaten, or terrorize another

1 person;

2 (6) knowingly

3 (A) engages in sexual conduct with an animal; or

4 (B) under circumstances not proscribed under AS 11.41.455,

5 (i) photographs or films, for purposes of sexual  
6 gratification, a person engaged in sexual conduct with an animal; or

7 (ii) causes, induces, aids, or encourages another person  
8 to engage in sexual conduct with an animal; [OR]

9 (7) intentionally permits sexual conduct with an animal to be  
10 conducted on any premises under the person's control; or

11 **(8) with criminal negligence, contemporaneously fails to care for**  
12 **five or more animals and, as a result, causes the death of five or more animals or**  
13 **causes severe physical pain or prolonged suffering to five or more animals.**

14 \* **Sec. 2.** AS 11.61.140(h) is amended to read:

15 (h) Cruelty to animals under (a)(1), (3), [OR] (4), or (8) of this section is a  
16 class C felony. Cruelty to animals is also a class C felony if the person is convicted  
17 under (a)(2), (5), (6), or (7) of this section and the person has been previously  
18 convicted on one or more separate occasions within 10 years of the date of the present  
19 offense of a crime under this section, AS 11.61.145(a)(1) or (2), or a law or ordinance  
20 of another jurisdiction having elements similar to those offenses. For a conviction  
21 under this subsection, the court may also

22 (1) require forfeiture of any animal affected to the state or to a  
23 custodian that supplies shelter, care, or medical treatment for the animal;

24 (2) require the defendant to reimburse the state or a custodian for all  
25 reasonable costs incurred in providing necessary shelter, care, veterinary attention, or  
26 medical treatment for any animal affected;

27 (3) prohibit or limit the defendant's ownership, possession, or custody  
28 of animals for up to 10 years.