

## HB 147 – Animals: Protection/Release/Custody

### Explanation of Changes: Version Y to Version D

Draft Version "Y" and Draft Version "D" are substantially similar, but items that appear in Draft Version "D" that did not appear in Draft Version "Y" are noted in **bold**.

Section 1 amends AS 03.55.110(b) by replacing the word "take" with "seize" and removes AS 03.55.110(c) to section 2 of the bill.

Section 2 removes the definition of "peace officer" and "cruelty to animals" from AS 03.55.110(d) and adds it to sec. 10 of the bill; replaces the word "take" with "seize."

Section 3 amends AS 03.55.120(c) to require notice to be posted at a premises from which an animal is removed under AS 03.55.120. Replaces the words "removing," "removed," and "removal" in AS 03.55.120(a), (b), and (c) with "seizing," "seized," and "seizure," respectively.

Section 4 removes AS 03.55.130(d) to section 6 and amends AS 03.55.130(a) by replacing the word "removed" with "seized."

Section 5 removes AS 03.55(e) to section 7 and amends AS 03.55.130(b) by replacing the word "removed" with "seized."

Section 6 removes AS 11.56.740(a) to section 11 of the bill and **amends AS 03.55.130(d) to allow a custodian to prevent the adoption or destruction of a seized animal**. Replaces the word "removed" with "seized." Removes a provision that allowed the posting of a bond or security sufficient to care for an animal to prevent the adoption or destruction of the animal, this provision is replaced by AS 03.55.130(e) (sec. 7).

Section 7 removes AS 12.30.027(a) from the bill and repeals and reenacts AS 03.55.130(e). Allows a court on its own or in response to a filing by the custodian or owner of an animal, to enter an order for the cost of care of an animal. The order may include a required bond or security. Failure to comply may result in forfeiture of the animal.

Section 8 removes AS 18.65.520(a) to section 13 of the bill and amends AS 03.55.130(f) by replacing the words "a removal" and "removed" with "the seizure" and "seized," respectively. Replaces a description of "cost of care" with a reference to "cost of care," as "cost of care" is defined under sec. 10 of the bill.

Section 9 removes AS 18.65.590 to section 14 and adds a new subsection to AS 03.55.130 that states that nothing in AS 03.55.130(d) or (e) is to shift the burden of proof from the party that would otherwise have that burden.

Section 10 removes AS 18.66.100(b) from the bill and adds new definitions to AS 03.55.190 for "cost of care" and "cruelty to animals;" adds a new paragraph for the

definition of "peace officer," as that definition previously appeared in AS 03.55.110(c) (sec. 2 of the bill).

Section 11 removes AS 18.66.100(c) to section 15 and amends AS 11.56.740(a) to clarify that it is a crime to violate one or more of the provisions of a domestic violence protective order.

Section 12 removes AS 18.66.110(a) from the bill and **amends AS 11.61.140(a) to clarify that a person commits cruelty to animals if the person "has a legal duty to care for the animal" and with criminal negligence fails to care for an animal.**

Section 13 removes AS 18.66.110(b) from the bill and amends AS 18.65.520(a) to require that the form providing notice to a victim of domestic violence must state that a protective order may grant a victim possession of a pet regardless of the ownership of that pet.

Section 14 removes AS 18.66.130(a) from the bill and **adds a definition of "pet" at AS 18.65.590.**

Section 15 removes AS 18.66.990 from the bill and amends AS 18.66.100(c) to allow a domestic violence protective order issued under AS 18.66.100(c) to grant a petitioner possession of a pet, regardless of the ownership of the pet.

Section 16 AS 22.15.030(a) is removed to section 18 and **amends the definition of "domestic violence" to include cruelty to animals under AS 11.61.140(a)(5) if the animal is a pet.**

Section 17 removes AS 25.24.160(a) to section 19 and adds a definition of "pet" at AS 18.66.990.

Section 18 removes AS 25.24.200(a) from the bill and adds "well-being of the animal" to section 19 of the bill and amends AS 22.15.030(a) to give the district court the jurisdiction over cases involving cruelty to or seizure, destruction, adoption, or costs of care of animals under AS 03.55.100 - 03.55.190.

Section 19 removes AS 25.24.200(b) from the bill and amends AS 25.24.160(a) to allow a court to consider the well-being of an animal when considering ownership or joint ownership of an animal as part of a divorce proceeding.

Section 20 amends AS 25.24.200(c) by adding a requirement that, before a spouse can waive an appearance at a dissolution, or hearing if an animal is owned, the spouses have agreed to the ownership of the animal, taking into consideration the well-being of the animal.<sup>1</sup>

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<sup>1</sup> Draft Version Y" contained provisions amending AS 25.24.200(a) and (b). Those sections are not contained in Draft Version "D".

**Section 21** removes AS 25.24 to section 26 and adds a new subsection to AS 25.24.200 to provide that a husband and wife may provide for the ownership or joint ownership of an animal in a petition filed under (a) or (b) of that section.

**Section 22** amends AS 25.24.201(e) to provide that a petition filed by both spouses under AS 25.24.200(a) may provide for the ownership or joint ownership of an animal.

**Section 23** amends AS 25.24.220(d) requiring that the court consider whether the written agreements between the spouses concerning the ownership or joint ownership of an animal, taking into consideration the well-being of the animal.

**Section 24** amends AS 25.24.220(g) allowing the court to amend the written agreements between the spouses relating to the ownership or joint ownership of an animal, taking into consideration the well-being of the animal.

**Section 25** amends AS 25.24.230(a) requiring court to consider whether the written agreements between the spouses concerning the ownership or joint ownership of an animal take into consideration the well-being of the animal in issuing a final decree of dissolution.

**Section 26** adds a definition of "animal" at AS 25.24.990.