

# LEGAL SERVICES

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## MEMORANDUM

March 2, 2015

**SUBJECT:** Cruelty to Animals Cases in District Court  
(Work Order No. 29-LS0302\P)

**TO:** Representative Max Gruenberg

**FROM:** Emily Nauman   
Legislative Counsel

Please find the above-mentioned work order enclosed. Please consider the following two items.

First, you requested that cases involving cruelty to, or seizure, destruction, or adoption of an animal under AS 03.55.100 - 03.55.190 be heard in district court. I added "cases involving cruelty to or seizure, destruction, or adoption of animals under AS 03.55.100 - 03.55.190" to AS 22.15.030(a), giving the district court jurisdiction over such cases. I did not add the references to district court in AS 03.55.100 - 03.55.190. Under the scheme in this draft, the superior and district courts have concurrent jurisdiction. An action with concurrent jurisdiction may not be filed with the superior court, except as provided by the rule of the Supreme Court. I believe this accomplishes your intent. As you may be aware, some criminal cruelty to animals cases, under AS 11.61.140, are required to be held in superior court because they are charged and classified as felonies. This model may also allow the superior court to hear a case or issue a warrant in the event of an emergency.

Second, as you are aware, the definition provided for "animal" in your bill at AS 18.65.590 and AS 18.66.990 differs from the existing definition of "animal" at AS 03.55.190(1) and AS 11.81.900(3).<sup>1</sup> This may cause confusion if a court interprets the two definitions differently. Also please note that "vertebrate" is listed primarily as an adjective in the dictionary. The dictionary does state that "vertebrate" may be used as a noun, however it is listed as its third and least common usage. The word "vertebrate" is not used as a noun in the Alaska statutes.

If I may be of further assistance, please advise.

ELN:Ind  
15-157 Ind

Enclosure

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<sup>1</sup> In those sections, "animal" is defined as "a vertebrate living creature not a human being, but does not include fish."