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Wallace
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CS FOR HOUSE BILL NO. 147(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES VAZQUEZ, Gruenberg, LeDoux, Lynn, Drummond, Edgmon, Guttenberg, Josephson, Ortiz, Tarr, Tuck, Muñoz, Talerico, Stutes, Spohnholz

A BILL

FOR AN ACT ENTITLED

"An Act relating to cruelty to animals; relating to the seizure of animals; relating to the destruction of animals; relating to the costs of care of animals that have been seized; relating to the inclusion of animals in protective orders and crimes and arrests for violating those protective orders; and relating to the ownership of animals upon divorce or dissolution of marriage."

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

* **Section 1.** AS 03.55.110(b) is amended to read:

(b) A peace officer who receives a complaint of animal cruelty may apply for a search warrant under AS 12.35 to the judicial officer in the judicial district in which the alleged violation has taken place or is taking place. If the court finds that probable cause exists, the court shall issue a search warrant directing a peace officer to proceed immediately to the location of the alleged violation, search the place designated in the warrant, and, if warranted, seize [TAKE] property, including animals, specified in the

warrant. The warrant shall be executed by the peace officer and returned to the court.

* **Sec. 2.** AS 03.55.110(c) is amended to read:

(c) Before a peace officer may seize [TAKE] an animal and place it into protective custody, the peace officer shall request an immediate inspection and decision by a veterinarian licensed under AS 08.98 that placement into protective custody is in the immediate best interest of the animal. If a veterinarian is not available and willing to perform an inspection, before a peace officer may seize [TAKE] an animal, the peace officer shall communicate with a veterinarian who has, after hearing a description of the condition of the animal and its environment, decided it is in the immediate best interest of the animal that it be placed into protective custody. If the peace officer is not able to communicate with a veterinarian, before the officer may take an animal, the officer shall decide it is in the immediate best interest of the animal that it be placed into protective custody [. FOR PURPOSES OF THIS SECTION, "PEACE OFFICER" MEANS

- (1) AN OFFICER OF THE STATE TROOPERS;
- (2) A MEMBER OF THE POLICE FORCE OF A MUNICIPALITY;
- (3) A VILLAGE PUBLIC SAFETY OFFICER; OR
- (4) A REGIONAL PUBLIC SAFETY OFFICER].

* **Sec. 3.** AS 03.55.120 is amended to read:

Sec. 03.55.120. Seizure of animals. (a) A peace officer shall place an animal in protective custody before seizing [REMOVING] the animal from the location where it was found. If the animal is seized [REMOVED], the peace officer shall place the animal with a veterinarian licensed under AS 08.98 or, if a veterinarian is not readily available and willing to accept the animal, then [,] with a responsible public or private custodian to be sheltered, cared for, and provided necessary medical attention.

(b) A peace officer who has seized [REMOVED] an animal shall immediately notify the animal's owner in writing of the seizure [REMOVAL] and of the owner's right to petition the court under AS 03.55.130 for return of the animal. Notification may be delivered in person, posted at the owner's residence, or mailed to the owner.

(c) If a seized [REMOVED] animal's owner is unknown and cannot be

ascertained with reasonable effort,

(1) the animal shall be considered a stray or abandoned; and

(2) the notice required in (b) of this section shall be conspicuously posted at the premises from which the animal was seized.

(d) The state, a municipality, or a person [,] that supplies shelter, care, veterinary attention, or medical treatment for an animal seized under this section shall make a reasonable effort to locate the owner.

* **Sec. 4.** AS 03.55.120 is amended by adding a new subsection to read:

(e) The owner of an animal seized under (a) of this section may not recover damages for injury or death to the animal occurring while the animal is in the custody of the state, a municipality, or a person under this section, unless the owner shows that the injury or death was caused by gross negligence or reckless or intentional misconduct.

* **Sec. 5.** AS 03.55.130(a) is amended to read:

(a) If a determination is made by a veterinarian licensed under AS 08.98, by a peace officer in consultation with a veterinarian licensed under AS 08.98, or by a peace officer who is unable to locate or communicate with a veterinarian licensed under AS 08.98 that an animal **seized** [REMOVED] under AS 03.55.100 - 03.55.190 is injured or diseased to such an extent that, in the opinion of the veterinarian, it is probable the animal cannot recover, the veterinarian or the peace officer may humanely destroy the animal or arrange for the animal's humane destruction.

* **Sec. 6.** AS 03.55.130(b) is amended to read:

(b) Upon diagnosis and recommendation of a veterinarian licensed under AS 08.98, a public or private custodian may humanely destroy or arrange for the humane destruction of a severely injured, diseased, or suffering animal that has been **seized** [REMOVED] under AS 03.55.100 - 03.55.190.

* **Sec. 7.** AS 03.55.130(d) is amended to read:

(d) Except as provided in (a) or (b) of this section, the custodian of an animal may not adopt, provide for the adoption of, or euthanize the animal within 10 business days after the animal is taken into custody. An owner **or custodian** may prevent the animal's adoption or destruction by

1 [(1)] petitioning the court of the judicial district in which the animal
2 was seized [REMOVED] for the animal's [IMMEDIATE] return, subject [, IF
3 APPROPRIATE,] to court-imposed conditions [; OR

4 (2) POSTING A BOND OR SECURITY WITH THE COURT OF
5 THE JUDICIAL DISTRICT IN WHICH THE ANIMAL WAS SEIZED IN AN
6 AMOUNT DETERMINED BY THE COURT TO BE SUFFICIENT TO PROVIDE
7 FOR THE ANIMAL'S CARE FOR A MINIMUM OF 30 DAYS FROM THE DATE
8 THE ANIMAL WAS REMOVED].

9 * **Sec. 8.** AS 03.55.130(e) is repealed and reenacted to read:

10 (e) The court may, on its own accord or upon a filing by the custodian, the
11 owner of the animal, or the entity that seized the animal, enter an order for the cost of
12 care of the animal pending final disposition of the custody of the animal. An order
13 under this section may include a requirement that the owner of the animal post a bond
14 or other security to guarantee that the cost of care of the animal is received and
15 maintained. If, without justifiable cause, the owner of the animal fails to comply with
16 an order under this section, the court may order that the animal be forfeited.

17 * **Sec. 9.** AS 03.55.130(f) is amended to read:

18 (f) The state may not be required to reimburse a public or private agency,
19 organization, or person that voluntarily assists with the seizure [A REMOVAL] of an
20 animal or receives custody of an animal seized [REMOVED] under this section for
21 the cost of care of [COSTS OF SHELTER, CARE, VETERINARY ASSISTANCE,
22 OR MEDICAL TREATMENT RENDERED TO] the animal.

23 * **Sec. 10.** AS 03.55.130 is amended by adding a new subsection to read:

24 (g) Nothing in (d) or (e) of this section shall shift the burden of proof from the
25 party who would otherwise have that burden.

26 * **Sec. 11.** AS 03.55.190 is amended by adding new paragraphs to read:

27 (4) "cost of care" means the cost of shelter, care, veterinary assistance,
28 and medical treatment rendered to the animal;

29 (5) "cruelty to animals" includes acts constituting cruelty to animals
30 under AS 11.61.140(a), acts promoting an exhibition of fighting animals under
31 AS 11.61.145(a)(1) or (2), and other serious acts of animal cruelty warranting

protective actions under AS 03.55.100 - 03.55.190, whether or not they are specifically listed in AS 11.61.140 or 11.61.145;

(6) "peace officer" means

(A) an officer of the state troopers;

(B) a member of the police force of a municipality;

(C) a village public safety officer; or

(D) a regional public safety officer.

*** Sec. 12.** AS 11.61.140(a) is amended to read:

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

(1) knowingly inflicts severe or [AND] prolonged physical pain or suffering on an animal;

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

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

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

(5) knowingly kills or injures an animal, other than as provided in (1) or (3) of this subsection, with the intent to intimidate, threaten, or terrorize another person;

(6) knowingly

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

(B) under circumstances not proscribed under AS 11.41.455,

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

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

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

*** Sec. 13.** AS 18.65.520(a) is amended to read:

(a) A peace officer investigating a crime involving domestic violence shall orally and in writing inform the victim of the rights of victims of domestic violence

1 and the services available to them. The notice must be in substantially the following
2 form:

3 If you are the victim of domestic violence and you believe that
4 law enforcement protection is needed for your physical safety, you
5 have the right to request that the officer assist in providing for your
6 safety, including asking for an emergency protective order.

7 You may also request the officer to assist you in obtaining your
8 essential personal belongings and locating and taking you to a safe
9 place, including a designated meeting place or shelter, the residence of
10 a household member or friend, or a similar place of safety. In some
11 places in Alaska there are organizations that provide aid and shelter to
12 victims of domestic violence. The nearest organization is located at
13 _____.

14 If you are in need of medical treatment, you may request that
15 the officer assist you in obtaining medical treatment.

16 You may obtain information about whether the prosecuting
17 attorney will file a criminal complaint about the domestic violence.
18 Additionally, the victim/witness assistance program of the Department
19 of Law may be able to help you. This information is available from the
20 district attorney's office, which is located at _____.

21 You also have the right to file a petition in court requesting a
22 protective order that may include any of the following provisions:

23 (1) prohibit your abuser from threatening to commit or
24 committing further acts of domestic violence;

25 (2) prohibit your abuser from stalking, harassing,
26 telephoning, contacting, or otherwise communicating with you, directly
27 or indirectly;

28 (3) remove your abuser from your residence;

29 (4) order your abuser to stay away from your residence,
30 school, place of employment, or any other specified place frequented
31 by you or another designated household member;

1 (5) prohibit your abuser from entering your vehicle or a
2 vehicle you occupy;

3 (6) prohibit your abuser from using or possessing a
4 deadly weapon if the court finds your abuser was in the actual
5 possession of or used a weapon during the commission of your abuse;

6 (7) direct your abuser to surrender any firearm owned
7 or possessed by that person if the court finds your abuser was in the
8 actual possession of or used a firearm during the commission of your
9 abuse;

10 (8) request a peace officer to accompany you to your
11 residence to ensure your safe possession of the residence, vehicle, or
12 other items, or to ensure your safe removal of personal items from the
13 residence;

14 (9) award temporary custody of a minor child to the
15 petitioner and may arrange for visitation with a minor child if the safety
16 of the child and the petitioner can be protected;

17 (10) grant you possession and use of a vehicle and other
18 essential personal **items, including a pet, regardless of the ownership**
19 **of those items** [EFFECTS];

20 (11) prohibit your abuser from consuming controlled
21 substances;

22 (12) require your abuser to pay support for you, [OR] a
23 minor child in your care, **or a pet in your care** if there is an
24 independent legal obligation of your abuser to support you, [OR] the
25 child, **or the pet**;

26 (13) require your abuser to reimburse you for your
27 expenses caused by domestic violence, including medical bills, or for
28 your costs in getting a protective order;

29 (14) order your abuser to participate in an intervention
30 program for batterers; and

31 (15) other relief the court determines to be necessary for

your safety.

The forms you need to obtain a protective order are available from the nearest court. It is not necessary to have an attorney to obtain a protective order, but you may consult an attorney if you choose. If you would like help obtaining a protective order, you may contact the nearest domestic violence program located at _____. The program can also tell you about other resources available in this community for information about domestic violence, treatment of injuries, and places of safety and shelter.

You may also qualify for compensation from the Violent Crimes Compensation Board. The board may be contacted at _____.

* **Sec. 14.** AS 18.65.590 is amended to read:

Sec. 18.65.590. Definitions [DEFINITION]. In AS 18.65.510 - 18.65.590,

(1) "domestic violence" has the meaning given in AS 18.66.990;

(2) "pet" means a vertebrate living creature maintained for companionship or pleasure, but does not include dogs primarily owned for participation in a generally accepted mushing or pulling contest or practice or animals primarily owned for participation in rodeos or stock contests.

* **Sec. 15.** AS 18.66.100(c) is amended to read:

(c) A protective order under this section may

(1) prohibit the respondent from threatening to commit or committing domestic violence, stalking, or harassment;

(2) prohibit the respondent from telephoning, contacting, or otherwise communicating directly or indirectly with the petitioner;

(3) remove and exclude the respondent from the residence of the petitioner, regardless of ownership of the residence;

(4) direct the respondent to stay away from the residence, school, or place of employment of the petitioner or any specified place frequented by the petitioner or any designated household member;

(5) prohibit the respondent from entering a propelled vehicle in the

possession of or occupied by the petitioner;

(6) prohibit the respondent from using or possessing a deadly weapon if the court finds the respondent was in the actual possession of or used a weapon during the commission of domestic violence;

(7) direct the respondent to surrender any firearm owned or possessed by the respondent if the court finds that the respondent was in the actual possession of or used a firearm during the commission of the domestic violence;

(8) request a peace officer to accompany the petitioner to the petitioner's residence to ensure that the petitioner

(A) safely obtains possession of the petitioner's residence, vehicle, or personal items; and

(B) is able to safely remove a vehicle or personal items from the petitioner's residence;

(9) award temporary custody of a minor child to the petitioner and may arrange for visitation with a minor child if the safety of the child and the petitioner can be protected; if visitation is allowed, the court may order visitation under the conditions provided in AS 25.20.061;

(10) give the petitioner possession and use of a vehicle and other essential personal items, **including a pet**, regardless of ownership of the items;

(11) prohibit the respondent from consuming controlled substances;

(12) require the respondent to pay support for the petitioner, [OR] a minor child in the care of the petitioner, **or a pet in the care of the petitioner** if there is an independent legal obligation of the respondent to support the petitioner, [OR] child, **or pet**;

(13) require the respondent to reimburse the petitioner or other person for expenses associated with the domestic violence, including medical expenses, counseling, shelter, and repair or replacement of damaged property;

(14) require the respondent to pay costs and fees incurred by the petitioner in bringing the action under this chapter;

(15) order the respondent, at the respondent's expense, to participate in (A) a program for the rehabilitation of perpetrators of domestic violence that meets the

standards set by, and that is approved by, the Department of Corrections under AS 44.28.020(b), or (B) treatment for the abuse of alcohol or controlled substances, or both; a protective order under this section may not require a respondent to participate in a program for the rehabilitation of perpetrators of domestic violence unless the program meets the standards set by, and that is approved by, the Department of Corrections under AS 44.28.020(b);

(16) order other relief the court determines necessary to protect the petitioner or any household member.

* **Sec. 16.** AS 18.66.990(3) is amended to read:

(3) "domestic violence" and "crime involving domestic violence" mean one or more of the following offenses or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:

(A) a crime against the person under AS 11.41;

(B) burglary under AS 11.46.300 - 11.46.310;

(C) criminal trespass under AS 11.46.320 - 11.46.330;

(D) arson or criminally negligent burning under AS 11.46.400 - 11.46.430;

(E) criminal mischief under AS 11.46.475 - 11.46.486;

(F) terrorist threatening under AS 11.56.807 or 11.56.810;

(G) violating a protective order under AS 11.56.740(a)(1);

[OR]

(H) harassment under AS 11.61.120(a)(2) - (4); or

(I) cruelty to animals under AS 11.61.140(a)(5) if the animal is a pet;

* **Sec. 17.** AS 18.66.990 is amended by adding a new paragraph to read:

(11) "pet" means a vertebrate living creature maintained for companionship or pleasure, but does not include dogs primarily owned for participation in a generally accepted mushing or pulling contest or practice or animals primarily owned for participation in rodeos or stock contests.

* **Sec. 18.** AS 22.15.030(a) is amended to read:

(a) The district court has jurisdiction of civil cases, including foreign judgments filed under AS 09.30.200 and arbitration proceedings under AS 09.43.170 or 09.43.530 to the extent permitted by AS 09.43.010 and 09.43.300, as follows:

(1) for the recovery of money or damages when the amount claimed exclusive of costs, interest, and attorney fees does not exceed \$100,000 for each defendant;

(2) for the recovery of specific personal property, when the value of the property claimed and the damages for the detention do not exceed \$100,000;

(3) for the recovery of a penalty or forfeiture, whether given by statute or arising out of contract, not exceeding \$100,000;

(4) to give judgment without action upon the confession of the defendant for any of the cases specified in this section, except for a penalty or forfeiture imposed by statute;

(5) for establishing the fact of death or cause and manner of death of any person in the manner prescribed in AS 09.55.020 - 09.55.069;

(6) for the recovery of the possession of premises in the manner provided under AS 09.45.070 - 09.45.160 when the value of the arrears and damage to the property does not exceed \$100,000;

(7) for the foreclosure of a lien when the amount in controversy does not exceed \$100,000;

(8) for the recovery of money or damages in motor vehicle tort cases when the amount claimed exclusive of costs, interest, and attorney fees does not exceed \$100,000 for each defendant;

(9) over civil actions for taking utility service and for damages to or interference with a utility line filed under AS 42.20.030;

(10) over cases involving protective orders for domestic violence under AS 18.66.100 - 18.66.180;

(11) over cases involving cruelty to or seizure, destruction, adoption, or cost of care of animals under AS 03.55.100 - 03.55.190.

* **Sec. 19.** AS 25.24.160(a) is amended to read:

(a) In a judgment in an action for divorce or action declaring a marriage void

or at any time after judgment, the court may provide

(1) for the payment by either or both parties of an amount of money or goods, in gross or installments that may include cost-of-living adjustments, as may be just and proper for the parties to contribute toward the nurture and education of their children, and the court may order the parties to arrange with their employers for an automatic payroll deduction each month or each pay period, if the period is other than monthly, of the amount of the installment; if the employer agrees, the installment shall be forwarded by the employer to the clerk of the superior court that entered the judgment or to the court trustee, and the amount of the installment is exempt from execution;

(2) for the recovery by one party from the other of an amount of money for maintenance, for a limited or indefinite period of time, in gross or in installments, as may be just and necessary without regard to which of the parties is in fault; an award of maintenance must fairly allocate the economic effect of divorce by being based on a consideration of the following factors:

(A) the length of the marriage and station in life of the parties during the marriage;

(B) the age and health of the parties;

(C) the earning capacity of the parties, including their educational backgrounds, training, employment skills, work experiences, length of absence from the job market, and custodial responsibilities for children during the marriage;

(D) the financial condition of the parties, including the availability and cost of health insurance;

(E) the conduct of the parties, including whether there has been unreasonable depletion of marital assets;

(F) the division of property under (4) of this subsection; and

(G) other factors the court determines to be relevant in each individual case;

(3) for the delivery to either party of that party's personal property in the possession or control of the other party at the time of giving the judgment;

(4) for the division between the parties of their property, including retirement benefits, whether joint or separate, acquired only during marriage, in a just manner and without regard to which of the parties is in fault; however, the court, in making the division, may invade the property, including retirement benefits, of either spouse acquired before marriage when the balancing of the equities between the parties requires it; and to accomplish this end the judgment may require that one or both of the parties assign, deliver, or convey any of their real or personal property, including retirement benefits, to the other party; the division of property must fairly allocate the economic effect of divorce by being based on consideration of the following factors:

(A) the length of the marriage and station in life of the parties during the marriage;

(B) the age and health of the parties;

(C) the earning capacity of the parties, including their educational backgrounds, training, employment skills, work experiences, length of absence from the job market, and custodial responsibilities for children during the marriage;

(D) the financial condition of the parties, including the availability and cost of health insurance;

(E) the conduct of the parties, including whether there has been unreasonable depletion of marital assets;

(F) the desirability of awarding the family home, or the right to live in it for a reasonable period of time, to the party who has primary physical custody of children;

(G) the circumstances and necessities of each party;

(H) the time and manner of acquisition of the property in question; and

(I) the income-producing capacity of the property and the value of the property at the time of division;

(5) if an animal is owned, for the ownership or joint ownership of the animal, taking into consideration the well-being of the animal.

1 * **Sec. 20.** AS 25.24.200(c) is amended to read:

2 (c) Except as provided in AS 25.24.220(i), a spouse who has been personally
3 served with a copy of a petition filed under (a) of this section may execute an
4 appearance, waiver of time to answer, and waiver of notice of hearing. The appearance
5 and waivers must include an acknowledgment signed before an officer authorized to
6 administer an oath or affirmation that the spouse being served has read the petition;
7 assents to the terms relating to custody of the children, child support, visitation,
8 spousal maintenance taking into consideration the factors listed in AS 25.24.160(a)(2),
9 and tax consequences, division of property, including retirement benefits and taking
10 into consideration the factors listed in AS 25.24.160(a)(4), **ownership of animals,**
11 **taking into consideration the well-being of the animals,** and allocation of debts;
12 agrees that the conditions otherwise required by (a) of this section exist; agrees that
13 the petition constitutes the entire agreement between the parties; understands fully the
14 nature and consequences of the action; and is not signing the appearance and waivers
15 under duress or coercion.

16 * **Sec. 21.** AS 25.24.200 is amended by adding a new subsection to read:

17 (f) A petition filed under (a) or (b) of this section may, if an animal is owned
18 by a husband and wife together, provide for the ownership or joint ownership of the
19 animal. The ownership or joint ownership of an animal provided for in a petition under
20 (a) or (b) of this section must take into consideration the well-being of the animal.

21 * **Sec. 22.** AS 25.24.210(e) is amended to read:

22 (e) If the petition is filed by both spouses under AS 25.24.200(a), the petition
23 must state in detail the terms of the agreement between the spouses concerning the
24 custody of children, child support in terms of periodic payments and in terms of health
25 care expenses, visitation, spousal maintenance and tax consequences, if any, and fair
26 and just division of property, including retirement benefits. **A petition filed by both**
27 **spouses under AS 25.24.200(a) may provide for the ownership or joint ownership**
28 **of an animal, taking into consideration the well-being of the animal.** Agreements
29 on spousal maintenance and property division must fairly allocate the economic effect
30 of dissolution and take into consideration the factors listed in AS 25.24.160(a)(2) and
31 (4). In addition, the petition must state

- (1) the respective occupations of the petitioners;
- (2) the income, assets, and liabilities of the respective petitioners at the time of filing the petition;
- (3) the date and place of the marriage;
- (4) the name, date of birth, and current marital, educational, and custodial status of each child born of the marriage or adopted by the petitioners who is under the age of 19;
- (5) whether the wife is pregnant;
- (6) whether either petitioner requires medical care or treatment;
- (7) whether any of the following has been issued or filed during the marriage by or regarding either spouse as defendant, participant, or respondent:
 - (A) a criminal charge of a crime involving domestic violence;
 - (B) a protective order under AS 18.66.100 - 18.66.180;
 - (C) injunctive relief under former AS 25.35.010 or 25.35.020;
- or
- (D) a protective order issued in another jurisdiction and filed with the court in this state under AS 18.66.140;
- (8) whether either petitioner has received the advice of legal counsel regarding a divorce or dissolution;
- (9) other facts and circumstances that the petitioners believe should be considered;
- (10) that the petition constitutes the entire agreement between the petitioners; and
- (11) any other relief sought by the petitioners.

* **Sec. 23.** AS 25.24.220(d) is amended to read:

- (d) If the petition is filed by both spouses under AS 25.24.200(a), the court shall examine the petitioners or petitioner present and consider whether
 - (1) the spouses fully understand the nature and consequences of their action;
 - (2) the written agreements between the spouses concerning child custody, child support, and visitation are just as between the spouses and in the best

interests of the children of the marriage; in determining whether the parents' agreement on visitation is in the best interests of the children under this paragraph, the court shall also consider whether the agreement should include visitation by grandparents and other persons;

(3) the written agreements between the spouses relating to the division of property, including retirement benefits, spousal maintenance, and the allocation of obligations are just; the spousal maintenance and division of property must fairly allocate the economic effect of dissolution and take into consideration the factors listed in AS 25.24.160(a)(2) and (4);

(4) the written agreements constitute the entire agreement between the parties; [AND]

(5) the conditions in AS 25.24.200(a) have been met; and

(6) the written agreements between the spouses concerning ownership or joint ownership of an animal take into consideration the well-being of the animal.

* **Sec. 24.** AS 25.24.220(g) is amended to read:

(g) The court may amend the written agreements between the spouses relating to child custody, child support, visitation, division of the property, including retirement benefits, spousal maintenance, ownership or joint ownership of an animal, taking into consideration the well-being of the animal, and allocation of obligations, but only if both petitioners concur in the amendment in writing or on the record.

* **Sec. 25.** AS 25.24.230(a) is amended to read:

(a) If the petition is filed under AS 25.24.200(a), and is not subject to AS 25.24.220(h), the court may grant the spouses a final decree of dissolution and shall order other relief as provided in this section if the court, upon consideration of the information contained in the petition and the testimony of the spouse or spouses at the hearing, finds that

(1) the spouses understand fully the nature and consequences of their action;

(2) the written agreements between the spouses concerning spousal

1 maintenance and tax consequences, if any, division of property, including retirement
2 benefits, and allocation of obligations are fair and just and constitute the entire
3 agreement between the parties;

4 (3) the spousal maintenance and division of property fairly allocate the
5 economic effect of dissolution and take into consideration the factors listed in
6 AS 25.24.160(a)(2) and (4);

7 (4) each spouse entered into the agreement voluntarily and free from
8 the coercion of another person; [AND]

9 (5) the conditions in AS 25.24.200(a) have been met; **and**

10 **(6) the written agreements between the spouses concerning**
11 **ownership or joint ownership of an animal take into consideration the well-being**
12 **of the animal.**

13 * **Sec. 26.** AS 25.24 is amended by adding a new section to read:

14 **Sec. 25.24.990. Definition.** In this chapter, "animal" means a vertebrate living
15 creature not a human being.