

# LEGAL SERVICES

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## MEMORANDUM

March 20, 2015

**SUBJECT:** Sectional Summary of HB 147 (Work Order No. 29-LS0302\Y)

**TO:** Representative Liz Vazquez  
Attn: Catherine Simpson

**FROM:** Emily Nauman   
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 removes the definition of "peace officer" from AS 03.55.110(c) to conform with the definition subsection added by sec. 2 of the bill.

Section 2 adds a definition of "cruelty" to AS 03.55.110.

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.

Section 4 amends AS 03.55.130 by adding a requirement that, if the owner of an animal wants to prevent the destruction or adoption of an animal by posting a bond or other security for the cost of care for the animal, the bond or security must be posted within ten business days after a court order to post the bond or security.

Section 5 amends AS 03.55.130 by requiring a cost of care bond or security to be sufficient to cover 30 days of care of a seized animal; requires the owner to post additional bond every 30 days; states that if a bond or security expires, the animal becomes custody of its temporary custodian; allows the court to hold a cost of care hearing within ten days after the animal was seized; requires the custodian to provide notice of the time and place of a cost of care hearing to the owner of the animal.

Section 6 amends AS 11.56.740(a) to make it a crime to violate certain provisions of a domestic violence protective order related to animals.

Section 7 amends AS 12.30.027(a) to allow a judicial officer to impose certain restrictions related to animals on a person charged with or convicted of a crime involving domestic violence.

Section 8 amends AS 18.65.520(a) to require that the form given to a victim of domestic violence must state that a protective order may: prohibit the victim's abuser from harming, removing, or disposing of an animal possessed by the victim, the abuser, or another person living in the residence of the victim; authorize a victim to remove an animal from the possession of the abuser; or grant a victim custody of an animal possessed by the victim, abuser, or another person living in the residence of the victim.

Section 9 adds a definition of "animal" at AS 18.65.590.

Section 10 amends AS 18.66.100(b) to allow provisions of a protective order related to pets to be effective for one year.

Section 11 amends AS 18.66.100(c) to allow a domestic violence protective order issued under AS 18.66.100(c) to prohibit a respondent from harming, removing, or disposing of an animal possessed by the petitioner, the respondent, or another person living in the residence of the petitioner; authorizes a petitioner to remove an animal from the possession of the respondent; or grants a petitioner custody of an animal possessed by the petitioner, responder or another person living in the residence of the petitioner.

Section 12 amends AS 18.66.110(a) to allow a court to include certain provisions related to animals in an ex parte domestic violence protective order.

Section 13 amends AS 18.66.110(b) to allow a court to include certain provisions related to animals in an emergency domestic violence protective order.

Section 14 amends AS 18.66.130(a) to prohibit a domestic violence protective order respondent from removing, harming, or destroying an animal possessed by the petitioner, the respondent, or another person living in the residence of the petitioner.

Section 15 adds a definition of "animal" at AS 18.66.990.

Section 16 amends AS 22.15.030(a) to give the district court the jurisdiction over cases involving cruelty to or seizure, destruction, or adoption of animals under AS 03.55.100 - 03.55.190.

Section 17 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 18 amends AS 25.24.200(a) by adding a requirement that, before a husband and wife can jointly petition the court for a dissolution, if an animal is owned, the spouses

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have agreed to the ownership or joint ownership of the animal, taking into consideration the well-being of the animal.

Section 19 amends AS 25.24.200(b) by adding a requirement that before a husband or wife can separately petition the court for a dissolution, the petitioning spouse must demonstrate that he or she has been unable to ascertain the other spouse's position on the ownership of an animal.

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.

Section 21 adds a definition of "animal" at AS 25.24.990.

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