

LEGAL SERVICES

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MEMORANDUM

April 14, 2015

SUBJECT: Sectional Summary of CSHB 147()
(Work Order No. 29-LS0302\U)

TO: Representative Max Gruenberg
Attn: Nicoli Bailey

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 amends AS 03.55.110(b) by replacing the word "take" with "seize."

Section 2 removes the definition of "peace officer" from AS 03.55.110(c) 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 amends AS 03.55.130(a) by replacing the word "removed" with "seized."

Section 5 amends AS 03.55.130(b) by replacing the word "removed" with "seized."

Section 6 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 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 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 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 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 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 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 13 adds a definition of "pet" at AS 18.65.590.

Section 14 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 15 adds a definition of "pet" 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, adoption, or costs of care 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 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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