

26-LS0351VP
Luckhaupt
4/2/09

CS FOR HOUSE BILL NO. 138()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES GATTO, Gruenberg

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to cruelty to animals."**

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

3 *** Section 1.** AS 11.61.140(a) is amended to read:

4 (a) A person commits cruelty to animals in the first degree if the person
5 (1) knowingly inflicts severe and prolonged physical pain or suffering
6 on an animal;

7 (2) violates AS 11.61.142 and the person has been previously
8 convicted on two or more separate occasions within 10 years of the date of the
9 present offense of a crime under this section, AS 11.61.142, 11.61.145(a)(1) or (2),
10 or a law or ordinance of another jurisdiction having elements similar to those
11 offenses [WITH CRIMINAL NEGLIGENCE, FAILS TO CARE FOR AN ANIMAL
12 AND, AS A RESULT, CAUSES THE DEATH OF THE ANIMAL OR CAUSES
13 SEVERE PHYSICAL PAIN OR PROLONGED SUFFERING TO THE ANIMAL];

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

15 or

1 (4) intentionally kills or injures a pet or livestock by the use of poison
 2 [; OR
 3 (5) KNOWINGLY KILLS OR INJURES AN ANIMAL, OTHER
 4 THAN AS PROVIDED IN (1) OR (3) OF THIS SUBSECTION, WITH THE
 5 INTENT TO INTIMIDATE, THREATEN, OR TERRORIZE ANOTHER PERSON].

6 * **Sec. 2.** AS 11.61.140(g) is amended to read:

7 (g) Cruelty to animals in the first degree is a class C felony [IF THE
 8 PERSON HAS BEEN PREVIOUSLY CONVICTED ON TWO OR MORE
 9 SEPARATE OCCASIONS WITHIN 10 YEARS OF THE DATE OF THE PRESENT
 10 OFFENSE OF A CRIME UNDER THIS SECTION, AS 11.61.145(a)(1) OR (2), OR
 11 A LAW OR ORDINANCE OF ANOTHER JURISDICTION HAVING ELEMENTS
 12 SIMILAR TO THOSE OFFENSES]. The court may also

13 (1) require forfeiture of any animal affected to the state or to a
 14 custodian that supplies shelter, care, or medical treatment for the animal;

15 (2) require the defendant to reimburse the state or a custodian for all
 16 reasonable costs incurred in providing necessary shelter, care, veterinary attention, or
 17 medical treatment for any animal affected;

18 (3) prohibit or limit the defendant's ownership, possession, or custody
 19 of animals for up to 10 years.

20 * **Sec. 3.** AS 11.61 is amended by adding a new section to read:

21 **Sec. 11.61.142. Cruelty to animals in the second degree.** (a) A person
 22 commits cruelty to animals in the second degree if the person

23 (1) with criminal negligence, fails to care for an animal and, as a result,
 24 causes the death of the animal or causes severe physical pain or prolonged suffering to
 25 the animal; or

26 (2) knowingly kills or injures an animal, other than as provided in
 27 AS 11.61.140(a)(1) or (3), with the intent to intimidate, threaten, or terrorize another
 28 person.

29 (b) Each animal that is subject to cruelty to animals under (a) of this section
 30 constitutes a separate offense.

31 (c) It is a defense to a prosecution under this section that the conduct of the

1 defendant

2 (1) was part of scientific research governed by accepted standards;

3 (2) constituted the humane destruction of an animal;

4 (3) conformed to accepted veterinary or animal husbandry practices;

5 (4) was necessarily incidental to lawful fishing, hunting, or trapping
6 activities;

7 (5) conformed to professionally accepted training and discipline
8 standards.

9 (d) In (a)(1) of this section, failure to provide the minimum standards of care
10 for an animal under AS 03.55.100 is prima facie evidence of failure to care for an
11 animal.

12 (e) This section does not apply to generally accepted dog mushing or pulling
13 contests or practices or rodeos or stock contests.

14 (f) Cruelty to animals in the second degree is a class A misdemeanor. The
15 court may also

16 (1) require forfeiture of any animal affected to the state or to a
17 custodian that supplies shelter, care, or medical treatment for the animal;

18 (2) require the defendant to reimburse the state or a custodian for all
19 reasonable costs incurred in providing necessary shelter, care, veterinary attention, or
20 medical treatment for any animal affected;

21 (3) prohibit or limit the defendant's ownership, possession, or custody
22 of animals for up to 10 years.

23 * **Sec. 4.** AS 11.61.140(d) and 11.61.140(f) are repealed.