

HOUSE BILL NO. 138

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES GATTO, Gruenberg

Introduced: 2/18/09

Referred: Judiciary, Finance

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) [WITH CRIMINAL NEGLIGENCE, FAILS TO CARE FOR AN
8 ANIMAL AND, AS A RESULT, CAUSES THE DEATH OF THE ANIMAL OR
9 CAUSES SEVERE PHYSICAL PAIN OR PROLONGED SUFFERING TO THE
10 ANIMAL;

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

12 **or**

13 **(3)** [(4)] intentionally kills or injures a pet or livestock by the use of
14 poison [; OR

15 (5) KNOWINGLY KILLS OR INJURES AN ANIMAL, OTHER

1 THAN AS PROVIDED IN (1) OR (3) OF THIS SUBSECTION, WITH THE
 2 INTENT TO INTIMIDATE, THREATEN, OR TERRORIZE ANOTHER PERSON].

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (3) conformed to accepted veterinary or animal husbandry practices;
2 (4) was necessarily incidental to lawful fishing, hunting, or trapping
3 activities;
4 (5) conformed to professionally accepted training and discipline
5 standards.

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

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

11 (f) Cruelty to animals in the second degree is a class A misdemeanor. The
12 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. 4.** AS 11.61.140(d) and 11.61.140(f) are repealed.