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Wallace
1/27/16

CS FOR HOUSE BILL NO. 147()

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

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

A BILL

FOR AN ACT ENTITLED

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

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

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

8 (b) A peace officer who receives a complaint of animal cruelty may apply for
9 a search warrant under AS 12.35 to the judicial officer in the judicial district in which
10 the alleged violation has taken place or is taking place. If the court finds that probable
11 cause exists, the court shall issue a search warrant directing a peace officer to proceed
12 immediately to the location of the alleged violation, search the place designated in the
13 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 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, 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,

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(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 03.55.130(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. 5.** 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. 6.** 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)] petitioning the court of the judicial district in which the animal was **seized** [REMOVED] for the animal's [IMMEDIATE] return, subject [, IF APPROPRIATE,] to court-imposed conditions [; OR

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

1 THE ANIMAL WAS REMOVED].

2 * **Sec. 7.** AS 03.55.130(e) is repealed and reenacted to read:

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

10 * **Sec. 8.** AS 03.55.130(f) is amended to read:

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

16 * **Sec. 9.** AS 03.55.130 is amended by adding a new subsection to read:

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

19 * **Sec. 10.** AS 03.55.190 is amended by adding new paragraphs to read:

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

22 (5) "cruelty to animals" includes acts constituting cruelty to animals
23 under AS 11.61.140(a), acts promoting an exhibition of fighting animals under
24 AS 11.61.145(a)(1) or (2), and other serious acts of animal cruelty warranting
25 protective actions under AS 03.55.100 - 03.55.190, whether or not they are
26 specifically listed in AS 11.61.140 or 11.61.145;

27 (6) "peace officer" means

28 (A) an officer of the state troopers;

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

30 (C) a village public safety officer; or

31 (D) a regional public safety officer.

1 * **Sec. 11.** AS 11.56.740(a) is amended to read:

2 (a) A person commits the crime of violating a protective order if the person is
3 subject to a protective order

4 (1) issued or filed under AS 18.66 and **the protective order contains**
5 **one or more of the provisions** [CONTAINING A PROVISION] listed in
6 AS 18.66.100(c)(1) - (7) and **the person** knowingly commits or attempts to commit an
7 act with reckless disregard that the act violates or would violate a provision of the
8 protective order;

9 (2) issued under AS 18.65.850, 18.65.855, or 18.65.860, and **the**
10 **person** knowingly commits or attempts to commit an act that violates or would violate
11 a provision listed in AS 18.65.850(c)(1) - (3); or

12 (3) issued under AS 13.26.207 - 13.26.209, and **the person** knowingly
13 commits or attempts to commit an act with reckless disregard that the act violates or
14 would violate a provision of the protective order.

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

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

17 (1) knowingly inflicts severe and prolonged physical pain or suffering
18 on an animal;

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

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

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

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

27 (6) knowingly

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

29 (B) under circumstances not proscribed under AS 11.41.455,

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

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

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

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

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

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

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

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

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

4 (3) remove your abuser from your residence;

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

8 (5) prohibit your abuser from entering your vehicle or a
9 vehicle you occupy;

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

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

16 (8) request a peace officer to accompany you to your
17 residence to ensure your safe possession of the residence, vehicle, or
18 other items, or to ensure your safe removal of personal items from the
19 residence;

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

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

26 (11) prohibit your abuser from consuming controlled
27 substances;

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

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

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

(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;

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

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

6 (5) prohibit the respondent from entering a propelled vehicle in the
7 possession of or occupied by the petitioner;

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

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

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

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

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

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

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

26 (11) prohibit the respondent from consuming controlled substances;

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

31 (13) require the respondent to reimburse the petitioner or other person

1 for expenses associated with the domestic violence, including medical expenses,
2 counseling, shelter, and repair or replacement of damaged property;

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

5 (15) order the respondent, at the respondent's expense, to participate in
6 (A) a program for the rehabilitation of perpetrators of domestic violence that meets the
7 standards set by, and that is approved by, the Department of Corrections under
8 AS 44.28.020(b), or (B) treatment for the abuse of alcohol or controlled substances, or
9 both; a protective order under this section may not require a respondent to participate
10 in a program for the rehabilitation of perpetrators of domestic violence unless the
11 program meets the standards set by, and that is approved by, the Department of
12 Corrections under AS 44.28.020(b);

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

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

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

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

21 (B) burglary under AS 11.46.300 - 11.46.310;

22 (C) criminal trespass under AS 11.46.320 - 11.46.330;

23 (D) arson or criminally negligent burning under AS 11.46.400 -
24 11.46.430;

25 (E) criminal mischief under AS 11.46.475 - 11.46.486;

26 (F) terrorist threatening under AS 11.56.807 or 11.56.810;

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

28 [OR]

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

30 **(I) cruelty to animals under AS 11.61.140(a)(5) if the animal**

31 **is a pet;**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (a) In a judgment in an action for divorce or action declaring a marriage void
7 or at any time after judgment, the court may provide

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

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

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

24 (B) the age and health of the parties;

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

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

31 (E) the conduct of the parties, including whether there has been

1 unreasonable depletion of marital assets;

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

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

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

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

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

19 (B) the age and health of the parties;

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

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

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

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

31 (G) the circumstances and necessities of each party;

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

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

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

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

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

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

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

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

28 (e) If the petition is filed by both spouses under AS 25.24.200(a), the petition
29 must state in detail the terms of the agreement between the spouses concerning the
30 custody of children, child support in terms of periodic payments and in terms of health
31 care expenses, visitation, spousal maintenance and tax consequences, if any, and fair

1 and just division of property, including retirement benefits. **A petition filed by both**
2 **spouses under AS 25.24.200(a) may provide for the ownership or joint ownership**
3 **of an animal, taking into consideration the well-being of the animal.** Agreements
4 on spousal maintenance and property division must fairly allocate the economic effect
5 of dissolution and take into consideration the factors listed in AS 25.24.160(a)(2) and
6 (4). In addition, the petition must state

7 (1) the respective occupations of the petitioners;

8 (2) the income, assets, and liabilities of the respective petitioners at the
9 time of filing the petition;

10 (3) the date and place of the marriage;

11 (4) the name, date of birth, and current marital, educational, and
12 custodial status of each child born of the marriage or adopted by the petitioners who is
13 under the age of 19;

14 (5) whether the wife is pregnant;

15 (6) whether either petitioner requires medical care or treatment;

16 (7) whether any of the following has been issued or filed during the
17 marriage by or regarding either spouse as defendant, participant, or respondent:

18 (A) a criminal charge of a crime involving domestic violence;

19 (B) a protective order under AS 18.66.100 - 18.66.180;

20 (C) injunctive relief under former AS 25.35.010 or 25.35.020;

21 or

22 (D) a protective order issued in another jurisdiction and filed
23 with the court in this state under AS 18.66.140;

24 (8) whether either petitioner has received the advice of legal counsel
25 regarding a divorce or dissolution;

26 (9) other facts and circumstances that the petitioners believe should be
27 considered;

28 (10) that the petition constitutes the entire agreement between the
29 petitioners; and

30 (11) any other relief sought by the petitioners.

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

1 (d) If the petition is filed by both spouses under AS 25.24.200(a), the court
2 shall examine the petitioners or petitioner present and consider whether

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

5 (2) the written agreements between the spouses concerning child
6 custody, child support, and visitation are just as between the spouses and in the best
7 interests of the children of the marriage; in determining whether the parents'
8 agreement on visitation is in the best interests of the children under this paragraph, the
9 court shall also consider whether the agreement should include visitation by
10 grandparents and other persons;

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

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

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

19 **(6) the written agreements between the spouses concerning**
20 **ownership or joint ownership of an animal, taking into consideration the well-**
21 **being of the animal.**

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

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

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

30 (a) If the petition is filed under AS 25.24.200(a), and is not subject to
31 AS 25.24.220(h), the court may grant the spouses a final decree of dissolution and

1 shall order other relief as provided in this section if the court, upon consideration of
2 the information contained in the petition and the testimony of the spouse or spouses at
3 the hearing, finds that

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

6 (2) the written agreements between the spouses concerning spousal
7 maintenance and tax consequences, if any, division of property, including retirement
8 benefits, and allocation of obligations are fair and just and constitute the entire
9 agreement between the parties;

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

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

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

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

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

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