

**HOUSE BILL NO. 275**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES CHENAULT, Gruenberg, Heinze, Foster, Seaton, Masek, Kerttula, McGuire, Crawford, Stoltze**

**Introduced: 4/17/03**

**Referred: Labor and Commerce, Resources**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to veterinarians and animals."**

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

3 \* **Section 1.** AS 03.25.020 is amended to read:

4 **Sec. 03.25.020. Duties of veterinarians.** Veterinarians employed by the  
5 commissioner shall

6 (1) visit the fur farms of the state, study problems incidental to raising  
7 fur bearing animals, and advise those engaged in the industry in matters pertaining to  
8 the breeding and care of fur bearing animals and the prevention and cure of diseases of  
9 fur bearing animals;

10 (2) prepare, publish, and distribute such data as the veterinarian, with  
11 the advice and consent of the commissioner, considers useful to those engaged in the  
12 industry;

13 (3) make reports to the commissioner when required by the  
14 commissioner for transmittal to the state legislature;

15 (4) initiate and carry on experiments, on or in connection with a fur

1 farm, with relation to the care and feeding of fur bearing animals, the improvements of  
 2 the breed, or the cure or prevention of any disease to which they may be subject or the  
 3 extermination of the parasites by which they may be attacked, and in this connection  
 4 employ and pay for the necessary assistance and rent and use of necessary facilities;

5 (5) perform other duties [AS MAY BE PRESCRIBED BY THE  
 6 COMMISSIONER] as are related to wild or domestic mammals [NOT  
 7 INCONSISTENT WITH THE DUTIES SPECIFICALLY IMPOSED BY THIS  
 8 CHAPTER];

9 (6) study problems incidental to the raising of livestock and other  
 10 domestic animals, and advise those engaged therein upon matters pertaining to the  
 11 breeding, care, and the prevention and cure of diseases of livestock and other domestic  
 12 animals;

13 (7) actively work to protect and provide for the well-being of  
 14 livestock and domestic animals;

15 (8) within three days after receiving a complaint that livestock or  
 16 domestic animals are being mistreated or neglected, investigate the complaint,  
 17 compile a report based upon the investigation, and refer possible violations of  
 18 state laws to the Department of Law;

19 (9) assist, promote, and encourage mushing and other animal  
 20 activities and events;

21 (10) immediately remove and provide care for livestock and  
 22 domestic animals that are being mistreated or neglected;

23 (11) provide for the education of the public regarding the proper  
 24 care of animals.

25 \* **Sec. 2.** AS 11.61 is amended by adding a new section to read:

26 **Sec. 11.61.135. Cruelty to animals in the first degree.** (a) A person  
 27 commits cruelty to animals in the first degree if the person

28 (1) knowingly tortures an animal and as a result of that torture causes  
 29 the death of the animal;

30 (2) kills an animal by the use of a decompression chamber;

31 (3) violates AS 11.61.140 and the violation is committed against a

1 herd, collection, or kennel of 10 or more animals; or

2 (4) violates AS 11.61.140 and has been previously convicted of a  
3 crime under this section or AS 11.61.140, or a law or ordinance in this or another  
4 jurisdiction with elements similar to this section or AS 11.61.140.

5 (b) In this section, "animal" has the meaning given in AS 11.61.140.

6 (c) Cruelty to animals in the first degree is a class C felony. The court may  
7 also

8 (1) require the forfeiture of all animals owned by the defendant to the  
9 state;

10 (2) require the defendant to reimburse the state or a person providing  
11 care or treatment for animals owned or cared for by the defendant; and

12 (3) limit the defendant's ownership, possession, or custody of animals.

13 \* **Sec. 3.** AS 11.61.140(a) is amended to read:

14 (a) A person commits the crime of cruelty to animals **in the second degree** if  
15 the person

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

18 (2) with criminal negligence, fails to **provide proper food, water,**  
19 **shelter, or other** care for an animal [AND, AS A RESULT, CAUSES THE DEATH  
20 OF THE ANIMAL OR CAUSES SEVERE PHYSICAL PAIN OR PROLONGED  
21 SUFFERING TO THE ANIMAL]; or

22 (3) **intentionally abandons an animal under circumstances creating**  
23 **a substantial risk of physical injury or death to the animal** [KILLS AN ANIMAL  
24 BY THE USE OF A DECOMPRESSION CHAMBER].

25 \* **Sec. 4.** AS 11.61.140(d) is amended to read:

26 (d) Cruelty to animals **in the second degree** is a class A misdemeanor. **The**  
27 **court may also**

28 **(1) require the forfeiture of all animals owned by the defendant to**  
29 **the state;**

30 **(2) require the defendant to reimburse the state or a person**  
31 **providing care or treatment for animals owned or cared for by the defendant;**

1           and

2                           **(3) limit the defendant's ownership, possession, or custody of**

3           animals.

4       \* **Sec. 5.** AS 47.17.020(a) is amended to read:

5                   (a) The following persons who, in the performance of their occupational  
6                   duties, or with respect to (8) of this subsection, in the performance of their appointed  
7                   duties, have reasonable cause to suspect that a child has suffered harm as a result of  
8                   child abuse or neglect shall immediately report the harm to the nearest office of the  
9                   department:

10                           (1) practitioners of the healing arts;

11                           (2) school teachers and school administrative staff members of public  
12                   and private schools;

13                           (3) peace officers and officers of the Department of Corrections;

14                           (4) administrative officers of institutions;

15                           (5) child care providers;

16                           (6) paid employees of domestic violence and sexual assault programs,  
17                   and crisis intervention and prevention programs as defined in AS 18.66.990;

18                           (7) paid employees of an organization that provides counseling or  
19                   treatment to individuals seeking to control their use of drugs or alcohol;

20                           (8) members of a child fatality review team established under  
21                   AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created  
22                   under AS 47.14.300;

23                           **(9) a person who has a duty under state law or municipal ordinance**  
24                   **to investigate animal cruelty, abuse, or neglect.**