

**SENATE CS FOR CS FOR HOUSE BILL NO. 307(JUD) am S**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Amended: 4/11/08

Offered: 4/4/08

Sponsor(s): REPRESENTATIVES HOLMES, GARA, DAHLSTROM, FAIRCLOUGH, JOHNSON, BUCH, HARRIS AND DOLL, Lynn, Salmon, Ramras, Samuels, Edgmon, Crawford, Doogan, Gardner, Olson, Gatto, Kerttula, LeDoux, Kawasaki, Nelson, Wilson, Gruenberg, Guttenberg, Roses

SENATORS Wielechowski, McGuire, Elton, Ellis, Dyson, Bunde, Thomas, Wagoner, French, Davis

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to cruelty to animals and promoting an exhibition of fighting animals;**  
2 **and penalizing certain misdemeanor assaults as felonies."**

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

4 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 INTENT. It is the intent of the legislature that the courts and the Department of Law  
7 should ensure that the enhanced penalty under AS 11.41.220(a)(5), added by sec. 2 of this  
8 Act, is applied to the perpetrators of domestic violence and not to innocent victims of  
9 domestic violence.

10 \* **Sec. 2.** AS 11.41.220(a) is amended to read:

11 (a) A person commits the crime of assault in the third degree if that person

12 (1) recklessly

13 (A) places another person in fear of imminent serious physical  
14 injury by means of a dangerous instrument;

1 (B) causes physical injury to another person by means of a  
2 dangerous instrument; or

3 (C) while being 18 years of age or older

4 (i) causes physical injury to a child under 10 years of  
5 age and the injury would cause a reasonable caregiver to seek medical  
6 attention from a health care professional in the form of diagnosis or  
7 treatment;

8 (ii) causes physical injury to a child under 10 years of  
9 age on more than one occasion;

10 (2) with intent to place another person in fear of death or serious  
11 physical injury to the person or the person's family member makes repeated threats to  
12 cause death or serious physical injury to another person;

13 (3) while being 18 years of age or older, knowingly causes physical  
14 injury to a child under 16 years of age but at least 10 years of age and the injury  
15 reasonably requires medical treatment; [OR]

16 (4) with criminal negligence causes serious physical injury under  
17 AS 11.81.900(b)(56)(B) to another person by means of a dangerous instrument; or

18 (5) commits a crime that is a violation of AS 11.41.230(a)(1) or (2)  
19 and, within the preceding 10 years, the person was convicted on two or more  
20 separate occasions of crimes under

21 (A) AS 11.41.100 - 11.41.170;

22 (B) AS 11.41.200 - 11.41.220, 11.41.230(a)(1) or (2),  
23 11.41.280, or 11.41.282;

24 (C) AS 11.41.260 or 11.41.270;

25 (D) AS 11.41.410, 11.41.420, or 11.41.425(a)(1); or

26 (E) a law or ordinance of this or another jurisdiction with  
27 elements similar to those of an offense described in (A) - (D) of this  
28 paragraph.

29 \* **Sec. 3.** AS 11.41.220 is amended by adding a new subsection to read:

30 (e) In (a)(5) of this section, when considering whether a conviction has  
31 occurred in the preceding 10 years, the date that sentence is imposed is the date that a

1 previous conviction has occurred.

2 \* **Sec. 4.** AS 11.61.140(a) is amended to read:

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

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

6 (2) with criminal negligence, fails to care for an animal and, as a result,  
7 causes the death of the animal or causes severe physical pain or prolonged suffering to  
8 the animal;

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

10 [OR]

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

12 **or**

13 **(5) knowingly kills or injures an animal, other than as provided in**  
14 **(1) or (3) of this subsection, with the intent to intimidate, threaten, or terrorize**  
15 **another person.**

16 \* **Sec. 5.** AS 11.61.140(b) is amended to read:

17 (b) Each animal that is subject to cruelty to animals under **(a)** [(a)(1) - (4)] of  
18 this section shall constitute a separate offense.

19 \* **Sec. 6.** AS 11.61.140(f) is amended to read:

20 (f) **Except as provided in (g) of this section, cruelty** [CRUELTY] to animals  
21 is a class A misdemeanor. The court may also

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

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

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

29 \* **Sec. 7.** AS 11.61.140 is amended by adding a new subsection to read:

30 (g) Cruelty to animals is a class C felony if the person has been previously  
31 convicted on two or more separate occasions within 10 years of the date of the present

1 offense of a crime under this section, AS 11.61.145(a)(1) or (2), or a law or ordinance  
2 of another jurisdiction having elements similar to those offenses. The court may also

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

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

8 (3) prohibit or limit the defendant's ownership, possession, or custody  
9 of animals for up to ten years.

10 \* **Sec. 8.** AS 11.61.145(d) is amended to read:

11 (d) Promoting an exhibition of fighting animals

12 (1) under (a)(1) or (2) of this section is a class C felony;

13 (2) under (a)(3) of this section is a violation for the first offense,  
14 [AND] a class B misdemeanor for the second **offense, and a class A misdemeanor**  
15 **for the third** and each subsequent offense.

16 \* **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to  
17 read:

18 APPLICABILITY. AS 11.41.220(a)(5), added by sec. 2 of this Act, applies to  
19 offenses committed on or after the effective date of this Act. References to previous  
20 convictions apply to convictions for offenses committed on or after the effective date of this  
21 Act.