

HOUSE BILL NO. 385

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

BY REPRESENTATIVE GARDNER

Introduced: 2/19/08
Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to cruelty to animal complaints reported by veterinarians, veterinary**
2 **technicians, and veterinarians' employees."**

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

4 *** Section 1.** AS 03.55.110(a) is amended to read:

5 (a) A person licensed as or holding a temporary permit to practice as a
6 veterinarian under AS 08.98.120 - 08.98.200, including a person who holds a
7 license as a veterinary technician, as authorized by AS 08.98.167, and any
8 employee of a person licensed as or holding a temporary permit to practice as a
9 veterinarian, who is engaging in professional activities authorized by that license
10 or permit who reasonably believes that cruelty to animals has taken place or is
11 taking place because the standards of care for an animal under AS 03.55.100
12 have not been met or because of commission of an act that constitutes the offense
13 of cruelty to animals under AS 11.61.140, and any other person who believes that
14 cruelty to animals has taken place or is taking place may, file a complaint with a

1 public or private animal control agency or organization, the department, or a peace
 2 officer. An agency or organization or the department **receiving a complaint under**
 3 **this subsection** may refer the complaint to a peace officer.

4 * **Sec. 2.** AS 03.55.110(b) is amended to read:

5 (b) **Except when the complaint is received from a veterinarian or**
 6 **veterinary technician concerning an animal that is, at the time of the complaint,**
 7 **in the physical custody of the person making the complaint, a** [A] peace officer
 8 who receives a complaint of animal cruelty may apply for a search warrant under
 9 AS 12.35 to the judicial officer in the judicial district in which the alleged violation
 10 has taken place or is taking place. If the court finds that probable cause exists, the
 11 court shall issue a search warrant directing a peace officer to proceed immediately to
 12 the location of the alleged violation, search the place designated in the warrant, and, if
 13 warranted, take property, including animals, specified in the warrant. The warrant
 14 shall be executed by the peace officer and returned to the court.

15 * **Sec. 3.** AS 03.55.110(c) is amended to read:

16 (c) **Except when the complaint concerns an animal that is, at the time of**
 17 **the complaint, in the physical custody of a veterinarian or veterinary technician**
 18 **making the complaint, before** [BEFORE] a peace officer may take an animal and
 19 place it into protective custody, the peace officer shall request an immediate inspection
 20 and decision by a veterinarian licensed under AS 08.98 that placement into protective
 21 custody is in the immediate best interest of the animal. If a veterinarian is not available
 22 to perform an inspection, before a peace officer may take an animal, the peace officer
 23 shall communicate with a veterinarian who has, after hearing a description of the
 24 condition of the animal and its environment, decided it is in the immediate best
 25 interest of the animal that it be placed into protective custody. If the peace officer is
 26 not able to communicate with a veterinarian, before the officer may take an animal,
 27 the officer shall decide it is in the immediate best interest of the animal that it be
 28 placed into protective custody. [FOR PURPOSES OF THIS SECTION, "PEACE
 29 OFFICER" MEANS

30 (1) AN OFFICER OF THE STATE TROOPERS;

31 (2) A MEMBER OF THE POLICE FORCE OF A MUNICIPALITY;

1 (3) A VILLAGE PUBLIC SAFETY OFFICER; OR

2 (4) A REGIONAL PUBLIC SAFETY OFFICER.]

3 * **Sec. 4.** AS 03.55.110 is amended by adding new subsections to read:

4 (d) If the person making a complaint of animal cruelty under (a) of this section
5 is a veterinarian or veterinary technician and, at the time of making the complaint, has
6 physical custody of the animal about which the complaint is made, the provisions of
7 AS 03.55.130 relating to the disposition of the animal apply.

8 (e) In this section, "peace officer" means

9 (1) an officer of the state troopers;

10 (2) a member of the police force of a municipality;

11 (3) a village public safety officer; or

12 (4) a regional public safety officer.

13 * **Sec. 5.** AS 03.55.120(a) is amended to read:

14 (a) **Unless the animal about which an animal cruelty complaint has been**
15 **filed by a veterinarian or veterinary technician under AS 03.55.110(a) is, at the**
16 **time the complaint is filed, in the physical custody of the person making the**
17 **complaint, a** [A] peace officer shall place an animal in protective custody before
18 removing the animal from the location where it was found. If the animal is removed,
19 the peace officer shall place the animal with a veterinarian licensed under AS 08.98 or,
20 if a veterinarian is not readily available, with a responsible public or private custodian
21 to be sheltered, cared for, and provided necessary medical attention.

22 * **Sec. 6.** AS 08.98.050 is amended by adding a new subsection to read:

23 (c) A standard for the practice of veterinary medicine established in a
24 regulation adopted by the board under (a) of this section directing a licensee to
25 establish and maintain a confidential relationship between the licensee and a person
26 who seeks professional service or to whom a professional service is provided does not
27 apply to prevent the licensee from filing a complaint under AS 03.55.110. For
28 purposes of this subsection, "licensee" includes a person who holds a permit issued
29 under this chapter.