

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

March 10, 2008

1:33 p.m.

MEMBERS PRESENT

Senator Hollis French, Chair
Senator Lesil McGuire
Senator Bill Wielechowski
Senator Gene Therriault

MEMBERS ABSENT

Senator Charlie Huggins, Vice Chair

COMMITTEE CALENDAR

HOUSE BILL NO. 165

"An Act relating to providing field accommodations for big game hunters."

HEARD AND HELD

SENATE BILL NO. 273

"An Act relating to cruelty to animals and promoting an exhibition of fighting animals."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 165

SHORT TITLE: BIG GAME GUIDES AND TRANSPORTERS

SPONSOR(S): REPRESENTATIVE(S) LEDOUX

02/28/07	(H)	READ THE FIRST TIME - REFERRALS
02/28/07	(H)	RES
03/12/07	(H)	RES AT 1:00 PM BARNES 124
03/12/07	(H)	Heard & Held
03/12/07	(H)	MINUTE(RES)
03/19/07	(H)	RES AT 1:00 PM BARNES 124
03/19/07	(H)	Moved Out of Committee
03/19/07	(H)	MINUTE(RES)
03/21/07	(H)	RES RPT 8DP 1NR
03/21/07	(H)	DP: WILSON, ROSES, GUTTENBERG, EDGMON, KOHRING, SEATON, GATTO, JOHNSON
03/21/07	(H)	NR: KAWASAKI
05/01/07	(H)	RETURNED TO RLS COMMITTEE

05/05/07 (H) TRANSMITTED TO (S)
 05/05/07 (H) VERSION: HB 165
 05/07/07 (S) READ THE FIRST TIME - REFERRALS
 05/07/07 (S) RES, JUD
 05/09/07 (S) RES AT 4:00 PM BUTROVICH 205
 05/09/07 (S) Heard & Held
 05/09/07 (S) MINUTE(RES)
 02/18/08 (S) RES AT 3:30 PM BUTROVICH 205
 02/18/08 (S) Moved HB 165 Out of Committee
 02/18/08 (S) MINUTE(RES)
 02/19/08 (S) RES RPT 7DP
 02/19/08 (S) DP: HUGGINS, GREEN, MCGUIRE, STEVENS,
 WIELECHOWSKI, WAGONER, STEDMAN
 03/03/08 (S) JUD AT 1:30 PM BELTZ 211
 03/03/08 (S) Scheduled But Not Heard
 03/10/08 (S) JUD AT 1:30 PM BELTZ 211

BILL: SB 273

SHORT TITLE: CRUELTY TO ANIMALS

SPONSOR(s): SENATOR(s) WIELECHOWSKI

02/15/08 (S) READ THE FIRST TIME - REFERRALS
 02/15/08 (S) JUD
 02/27/08 (S) JUD AT 1:30 PM BELTZ 211
 02/27/08 (S) Scheduled But Not Heard
 03/05/08 (S) JUD AT 1:30 PM BELTZ 211
 03/05/08 (S) Heard & Held
 03/05/08 (S) MINUTE(JUD)
 03/10/08 (S) JUD AT 1:30 PM BELTZ 211

WITNESS REGISTER

REPRESENTATIVE GABRIELLE LEDOUX

Alaska State Capitol

Juneau, AK

POSITION STATEMENT: Introduced HB 165 as sponsor.

SUZANNE HANCOCK, Staff

to Representative LeDoux

Alaska State Capitol

Juneau, AK

POSITION STATEMENT: Responded to questions related to HB 165.

RICK METZGER, Rural Property Owner

Kodiak Island

POSITION STATEMENT: Testified in support of HB 165.

JAMES MARTIN, Hunter
Homer, AK

POSITION STATEMENT: Testified in support of HB 165.

KELLY SALTZGIVER, Hunter
Homer, AK

POSITION STATEMENT: Testified in support of HB 165.

DAVE SALTZGIVER, Hunter
Kenai, AK

POSITION STATEMENT: Testified in support of HB 165.

KATHERINE PUSTAY, Staff
to Senator Wielechowski

POSITION STATEMENT: Introduced SB 273 on behalf of the sponsor.

GRACE STANDBORN

Alaska Network on Domestic Violence & Sexual Assault (ANDVSA)
Juneau, AK

POSITION STATEMENT: Stated support for SB 273 on behalf of the
19 domestic violence programs throughout the state.

CHAVA LEE, Executive Director
Gastineau Humane Society (GHS)
Juneau, AK

POSITION STATEMENT: Testified in support of SB 273.

CHRIS ASHENBRENNER, Executive Director
Council on Domestic Violence & Sexual Assault
Juneau, AK

POSITION STATEMENT: Testified that the council hadn't yet met
to discuss SB 273.

CHRIS ASHENBRENNER, Domestic Violence Advocate
Juneau, AK

POSITION STATEMENT: Testified in support of SB 273 and urged
the committee to include a DV component.

CAROL KLECKNER, Volunteer
Fairbanks Animal Shelter
Fairbanks, AK

POSITION STATEMENT: Testified in support of SB 273.

SHANA ANDERSON, Manager and Animal Control Officer
Valdez Animal Shelter
Valdez, AK

POSITION STATEMENT: Testified in support of SB 273.

KIKI STIRLING, Owner
Thistledown Animal Refuge
Fairbanks, AK

POSITION STATEMENT: Testified in support of SB 273.

ACTION NARRATIVE

CHAIR HOLLIS FRENCH called the Senate Judiciary Standing Committee meeting to order at [1:33:07 PM](#). Present at the call to order were Senators French, Wielechowski, Therriault, and McGuire.

HB 165-BIG GAME GUIDES AND TRANSPORTERS

CHAIR FRENCH announced the consideration of HB 165.

[1:33:47 PM](#)

REPRESENTATIVE GABRIELLE LEDOUX, sponsor of HB 165, said this bill rights an inadvertent wrong and promotes economic development in rural areas. It is an Act related to providing field accommodations for big game hunters. She explained that in 1996, much needed legislation was enacted to define who is a big game hunter, outfitter, or transporter and to provide regulations for licensing and other considerations. However, there was no provision for the person who merely wants to rent his or her cabin to people who may or may not be hunting. Many people in rural Alaska have cabins that are empty for part of the year and this bill would allow the rental of those cabins without falling under the current limiting statutory regulations.

REPRESENTATIVE LEDOUX reminded the committee that it is very difficult to generate economic development in rural areas and HB 165 will enable people in such areas to provide a service and make a little extra money. She said that members of the Big Game Commercial Services Board have worked with her office in order to craft this bill.

[1:36:59 PM](#)

SENATOR MCGUIRE explained that the issue came about as a result of the Big Game Guide Task Force. The intention was to keep big guiding operations from using public lands without having the requisite licenses to take in out-of-state hunters. Some folks that have private cabins did testify that they were inadvertently swept in. As it now stands, individuals who have private cabins have to get a transporter license in order to

rent their cabins to any big game hunters. That's the point of the bill, but the drafting is convoluted because it addresses the old law.

1:38:23 PM

CHAIR FRENCH asked whether it's a transporter license or an outfitter guide license that's needed. His understanding is that a transporter license is required to rent out skiffs, and an outfitter guide license is needed to rent out a cabin.

SUZANNE HANCOCK, staff to Representative LeDoux, explained that this bill tries to exempt people who are only providing lodging. They are not taking people out in the field and are not renting skiffs.

CHAIR FRENCH noted the memorandum from legislative legal, and asked if the bill fixes just the lodging prong; anyone who rents skiffs would still need to get a license.

REPRESENTATIVE LEDOUX said that's correct.

SENATOR McGUIRE added that a private cabin owner who also provides transportation, perhaps as part of a package, would still need to get a transporter license.

CHAIR FRENCH summarized that under this bill, a cabin owner could rent out his or her cabin without obtaining an outfitter guide license. It's simple, narrow, and focused, and it's not a broad exemption, he added.

REPRESENTATIVE LEDOUX agreed.

1:40:48 PM

CHAIR FRENCH asked if the bill is opposed by anyone in either body.

MS. HANCOCK replied no opposition has been voiced in the committee meetings, but one man would like this to also apply to leased property. The sponsor doesn't support that expansion.

CHAIR FRENCH opened public testimony.

1:41:48 PM

RICK METZGER, rural property owner, Kodiak Island, said he asked Representative LeDoux to sponsor HB 165 when he found himself in this situation. He explained that the bill was developed with a great deal of cooperation with the Big Game Commercial Services

Board and the sponsor's staff. After much discussion, the scope was narrowed to private property rental accommodations only. He highlighted a broad spectrum of supporters and said this is an opportunity for people who live in rural areas to generate some extra income.

CHAIR FRENCH asked if the state had begun proceedings against him, or was he trying to prevent a problem.

MR. METZGER explained that he rented his cabin for several years prior to 1996 when the state troopers dropped by to inform him of the new interpretation of existing big game guide transporter statutes. Under the new interpretation, private property was considered to be "in the field," and only big game guides or transporters who provide transportation services could rent a cabin in the field. He was warned but not cited, which prompted him to go to the Big Game Commercial Services Board seeking a solution.

CHAIR FRENCH noted that two committee members extensively heard the bill in the past.

[1:45:17 PM](#)

JAMES MARTIN, big game hunter from Homer, said his concern as a resident licensed big game hunter is that it's difficult to access the resource. He has a hunt of a lifetime coming up, but at this point his only option is to tent camp on Kodiak Island for 15 days even though private cabins are available. He'd like to see some resolution so that private cabin owners could rent their cabins, big game guides could continue to provide their valuable services, and people such as himself could rent private cabins and afford big game hunts in Alaska.

[1:47:54 PM](#)

KELLY SALTZGIVER, hunter, stated support for HB 165. He lives in Kenai and has hunted on Kodiak Island for 30 years. He's tried to give all six of his children a hunting experience on the island, but the opportunities are disappearing. Hunting on Kodiak Island used to cost in the hundreds of dollars per person and now it costs between \$3,000 and \$5,000 for a deer hunt. Having private cabins available, as provided in the bill, is an opportunity to continue to take his children and grandchildren hunting.

[1:49:47 PM](#)

DAVE SALTZGIVER, hunter from Kenai, said he's hunted on Kodiak Island for about 12 years and this bill will make it possible to

continue doing that because it'll help keep the cost reasonable. "I support this bill," he said.

CHAIR FRENCH asked the sponsor if there are two sets of rules for cabins on public land versus cabins on private land. The state obviously doesn't need a license to rent its cabins, but individuals must get an outfitter license to rent their private cabins.

REPRESENTATIVE LEDOUX said yes; "The state isn't applying the same rules to its cabin that it's applying to private cabins."

CHAIR FRENCH held HB 165 in committee for a subsequent hearing.

At ease from [1:51:34 PM](#) to [1:53:00 PM](#).

SB 273-CRUELTY TO ANIMALS

CHAIR FRENCH announced the consideration of SB 273. He asked the sponsor's representative to again provide an overview since some members were unavailable last week when it was introduced.

[1:53:29 PM](#)

KATHERINE PUSTAY, staff to Senator Wielechowski, stated that SB 273 seeks to increase penalties for the most heinous acts of animal cruelty and it criminalizes participation in animal fights. Currently in Alaska a person can torture or poison an animal and only be charged with a misdemeanor. The bill won't change the penalty for causing injury to an animal due to criminal negligence. Currently 44 states and the District of Columbia have enacted felony-level penalties for heinous acts of animal cruelty. Alaska ranks among the weakest with respect to animal protection.

MS. PUSTAY said research indicates that without intervention people that abuse and kill animals are more likely to also abuse humans. Over 70 percent of pet owners that enter domestic violence (DV) shelters indicate that their batterer threatened, injured, or killed family pets. Many abusers have a history of abusing animals that precedes domestic violence toward their partner. Hopefully the committee also will discuss ways to strengthen the application toward domestic violence cases. Animal cruelty has been found to be an indicator for predicting which children subsequently will exhibit antisocial and/or aggressive behavior. Serial and school killers frequently have histories of animal abuse. She highlighted the wide ranging support for the bill and said, "We believe that passage of

felony-level animal cruelty is critical in halting the progression of violent crime."

MS. PUSTAY responded to the issue of proportionality with respect to prosecution of animal cruelty cases versus prosecution of domestic violence cases. She stated the following:

We believe that certainly there is an issue with the way domestic violence cases are being prosecuted. That being said, ... the way the statute is written, when you are injuring an animal ... [by] knowingly inflicting severe and prolonged physical pain or suffering on an animal—we see that as ... similar to assault in the first degree—knowingly injuring or causing injury to a human. Assault in the first degree is ... a class A felony. We are saying when you do it to a human it's a class A felony; when you do it to an animal it's a class C felony.

We do not intend to suggest that ... crimes against animals should be punished the same as crimes against humans, but we do want to say that it's not acceptable in this state.

[1:57:27 PM](#)

SENATOR McGUIRE asked if she had reviewed the record on the animal cruelty bill that passed several years ago. At that time there was debate about the offense being either a misdemeanor or felony. She recalls that there was a compromise, but she's not sure why.

MS. PUSTAY said she would again review the record and supply that information.

CHAIR FRENCH highlighted the five animal cruelty defenses in AS11.61.140(c) and surmised that paragraph (5) allows the Iditarod race.

- (1) was part of scientific research governed by accepted standards;
- (2) constituted the humane destruction of an animal;
- (3) conformed to accepted veterinary or animal husbandry practices;
- (4) was necessarily incidental to lawful fishing, hunting or trapping activities;

(5) conformed to professionally accepted training and discipline standards.

MS. PUSTAY directed attention to the more explicit subsection (e) that says, "This section does not apply to generally accepted dog mushing or pulling contests or practices or rodeos or stock contests."

CHAIR FRENCH opened public testimony.

[2:00:12 PM](#)

GRACE STANDBORN, Alaska Network on Domestic Violence and Sexual Assault (ANDVSA), stated support for SB 273 on behalf of the 19 domestic violence programs throughout the state. She highlighted statistics on the relationship between animal abuse and victim abuse. National studies indicate that over 70 percent of the women entering shelters say that their animals have been threatened, killed, or significantly harmed by their batterers. As a further means of control, 87 percent of batterer-perpetrated incidents of pet abuse are committed while family members are present. Similar studies have not been conducted in Alaska, but anecdotal evidence indicates that similar patterns are prevalent. "For these reasons we are in support of this bill," she said.

[2:01:52 PM](#)

SENATOR WIELECHOWSKI relayed that in pursuing SB 273 he didn't realize the connection between domestic violence and animal abuse. With that in mind, he has an amendment for the committee to consider. It says that it would be a misdemeanor if a person injures an animal for the purpose of intimidating, threatening, or terrorizing another person. He asked if she would support that amendment.

MS. STANDBORN said ANDVSA supports the bill as written, but if there's interest in discussing the amendment ANDVSA would certainly participate in and support that discussion.

[2:03:07 PM](#)

CHAVA LEE, Executive Director, Gastineau Humane Society (GHS), explained that GHS has a contract with the City and Borough of Juneau (CBJ) to provide animal control services. She oversees animal cruelty and neglect investigations. Most of the animal cruelty cases are actually neglect. Those can be resolved through education, but intentional harming, maiming, mutilation and torture of animals falls into a far different category. Over the past 25 years a variety of studies show a definite link

between animal cruelty and human violence. Animal cruelty crimes are gruesome and the penalty should go beyond the slap on the wrist that current law provides. Also, animal fighting is not a sport; it's the epitome of a community of people that has reduced itself to the lowest common denominator. "Turning a blind eye to animal cruelty condemns all of us to the inevitable results that comes from a society that does not protect vulnerable living creatures," she said.

MS. LEE asked the committee to include in the bill, a provision to protect veterinarians and their staff when investigating and testifying about cases of animal cruelty. Without that professional expertise, most cases don't stand a chance in court. Without immunity for good-faith reporting of suspected animal cruelty, many veterinarians are unwilling to provide testimony that could put their livelihood and license in jeopardy. This has happened.

[2:05:48 PM](#)

CHAIR FRENCH asked her to expound on the need for immunity for veterinarians and which part of statute is relative.

MS. LEE explained that under the Veterinary Practices Act, veterinarians are specifically prohibited from giving testimony that would breach the relationship with their client. A veterinarian cannot testify against a client or about the client's pet without violating that privilege. Since she's been with GHS she's seen veterinarians prosecuted for testifying, and their licenses were jeopardized.

[2:07:11 PM](#)

SENATOR WIELECHOWSKI relayed that Representative Gardner introduced a bill that addresses that issue.

MS. LEE said she reviewed the bill recently and didn't see the specific language. If it is included she would encourage members to support the bill. When a case goes to court, the first thing a judge asks for is the veterinarian's testimony, and without that the case goes nowhere.

[2:08:12 PM](#)

CHAIR FRENCH commented he's astonished at that because he doesn't believe the veterinarian client privilege is recognized under Alaska evidentiary law, but "apparently it's recognized within their own sort of gild," he said.

[2:09:05 PM](#)

CHRIS ASHENBRENNER, Executive Director, Council on Domestic Violence and Sexual Assault, said the council hasn't had the opportunity to meet and so it hasn't taken an official position. After the meeting this week she will report the outcome.

CHRIS ASHENBRENNER, domestic violence advocate, said that her personal opinion is that people who harm animals are likely to be harming the people in their homes. This is a means of control. When she first became an advocate she was surprised at the number of domestic violence victims who wouldn't leave their homes because they were afraid their pet would be hurt. People absolutely are controlled by the threat of heinous acts against animals, she said. People who are hurting animals are likely to be hurting people they love as well. Society says that domestic violence is wrong and it also ought to say that violence against animals is wrong. She'd like to see that the penalties for these crimes are enhanced across the board.

[2:12:21 PM](#)

MS. ASHENBRENNER offered the belief that it should be a penalty or an aggravator to hurt or threaten to hurt an animal in order to coerce or intimidate a domestic partner. The penalty would then involve the animal and the person. My opinion is based on my experience as an advocate, she said. "Be aware that children are in many of these situations, and they're learning that behavior by watching it."

[2:14:41 PM](#)

CAROL KLECKNER, volunteer, Fairbanks animal shelter, said she'd really like SB 273 to pass. She pointed out that Alaska is the dog mushing capital of the world, yet it has some of the weakest cruelty to animal laws in the nation. Working as a volunteer she has seen many emaciated and mistreated dogs come through the shelter, but she doesn't recall even one cruelty case that's been prosecuted. She believes the borough would like to prosecute the worst cases, but its hands are tied by weak laws. Passing this bill will strengthen the ability to charge abusers and set an example that this treatment won't be tolerated in Alaska.

SENATOR THERRIault said he isn't sure that passing this legislation would increase prosecutions; it would increase the penalty.

MS. KLECKNER replied she believes that increasing the penalty will make it more likely that the borough will prosecute.

[2:17:21 PM](#)

SHANA ANDERSON, Manager and Animal Control Officer, Valdez Animal Shelter, said she is also past president of the Alaska Animal Control Association. She said that while most cruelty investigations are neglect cases that are resolved by educating the pet owner, there are some cases of intentional cruelty that need more stringent action. Alaska is one of seven states that does not have felony-level animal cruelty laws. This bill will provide that option in the most horrendous cases. Alaska is unique in its size and expanses of undeveloped land, and state troopers are frequently unable to find time to deal with animal cases. But Alaska is not unique in that it has its share of animal hording, physical abuse, torture, neglect and abandonment. Many cruelty cases don't ever make the newspaper. For example, last year in Valdez there were 23 reported cases of animal abuse and neglect, and about six of those cases were examples of intentional animal cruelty. She believes that the difference between a misdemeanor and a felony penalty is whether there is an act of cruelty that's intentional. She also believes that law enforcement is able to tell the difference when charging a person under animal cruelty prevention.

MS. ANDERSON said it's a well-know fact that animal cruelty is strongly linked to other forms of family violence. Children who are abused may abuse animals in return, and adults may abuse family pets as a way to control other family members. Also, animal abuse can be an early sign of future criminal behavior. Most serial killers and school shooters have stated that they began by torturing and killing animals. She believes that most people feel strongly that all types of family violence, whether human or animal, should carry felony penalties. Strong animal cruelty laws are a first step toward stemming both future human and animal violence in Alaska.

[2:20:30 PM](#)

SENATOR THERRIAULT asked if the prosecutions in the Valdez jurisdiction are state prosecutions.

MS. ANDERSON replied it depends on the severity of the case. The police department has prosecuted both ways. Often times the animal cruelty violations go along with other violations and the animal cruelty is dropped, but we still try in the most horrendous cases to prosecute, she said. There are local ordinances against animal cruelty, but they don't carry either misdemeanor or felony charges. The highest penalty under the local ordinance is a \$300 fine.

SENATOR THERRIAULT asked what percentage of the animal cruelty cases are charged under local ordinance and under state law.

MS. ANDERSON surmised that most cases are charged under local ordinance, but that would probably change if this bill were to pass. This would provide law enforcement another tool and it would send a message that beating your dog carries a stronger penalty than a slap on the hand. Having seen many horrendous cases over the last 19 years, she feels very strongly about this.

[2:23:35 PM](#)

SENATOR WIELECHOWSKI moved Amendment 1, 25-LS1127\C.1, Luckhaupt.

A M E N D M E N T 1

OFFERED IN THE SENATE BY SENATOR WIELECHOWSKI
TO: SB 273

Page 1, following line 2:

Insert new bill sections to read:

*** Section 1.** AS 11.61.140(a) is amended to read:

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

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

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

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

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

(5) knowingly kills or injures an animal with the intent to intimidate, threaten, or terrorize another person.

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

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

Page 1, line 3:

Delete "**Section 1**"

Insert "**Sec. 3**"

Renumber the following bill section accordingly.

Page 1, line 5, following "(a)(2)":
Insert "or (5)"

CHAIR FRENCH objected for discussion purposes.

SENATOR WIELECHOWSKI explained that he decided to offer the amendment based on the testimony that approximately 70 percent of the women who report being victims of domestic violence also report that animals in the household are abused. This is another tool for prosecutors to use to say that it's not acceptable to use an animal to intimidate or terrorize someone.

[2:25:09 PM](#)

CHAIR FRENCH relayed that as a former prosecutor, he knows that injury to an animal happens with depressing regularity in the course of a domestic violence assaults.

[2:26:07 PM](#)

SENATOR THERRIault remarked that it seems that the suggested language repeats the existing paragraph (1). He understands that the idea is to get at the action of intimidating another person, but "commits cruelty to animals" is the physical action that's taking place and not necessarily the intent.

CHAIR FRENCH observed that it appears to be something less than what's suggested by paragraph (1). He posed a hypothetical example of a man who assaults his wife, kicks the dog and tells his wife that he's going to treat her just like he treated the dog. The man didn't inflict severe and prolonged physical pain or suffering on the animal, but because of what he said to his wife, he's increased it to the next level. He believes that's what the amendment is trying to get at.

[2:28:10 PM](#)

SENATOR WIELECHOWSKI agreed that's the idea. He added that it's very difficult to prove "knowingly inflicts severe and prolonged physical pain or suffering" under AS11.61.140(a)(1). Expounding on the hypothetical example, he said if the man shot the dog in the course of fighting with his wife, that wouldn't technically meet the requirements of animal cruelty, but it would be captured under the proposed amendment. Adding the domestic violence component gets at two things, he said.

[2:29:43 PM](#)

SENATOR THERRIAULT questioned whether the section doesn't belong in the domestic violence part of the statutes. If taking a gun out and shooting the dog dead doesn't trigger paragraph (1), then it doesn't fall under cruelty. Under the amendment it will.

SENATOR WIELECHOWSKI responded that the bill is intended to get at the most heinous cases of animal cruelty, while the amendment is directed more at domestic violence. States are beginning to do this now that the stunning correlation between animal cruelty and domestic violence is more widely recognized.

[2:32:18 PM](#)

CHAIR FRENCH acknowledged Senator Therriault's point and said it's worth debate. He can see it either way. On one hand it's an assault toward a person type of crime, but on the other hand it's the animal that's been injured and the person who's been frightened.

At ease from [2:32:48 PM](#) to [2:37:32 PM](#)

CHAIR FRENCH removed his objection, and finding no further objected, he announced that Amendment 1 is adopted.

[2:38:00 PM](#)

KIKI STIRLING, owner, Thistledown Animal Refuge, Fairbanks, said she and her husband have been rescuing and rehabilitating dogs for 10 years and she supports SB 273. Alaska is one of just seven states that doesn't have a felony-level charge for animal abuse and torture, she said. Also, Alaska has one of the highest rape rates, domestic abuse rates, and murder rates and it's one of the worst animal welfare states in the nation. Although the bill doesn't address neglect, it is as big a problem in this state as abuse, and in many cases the line is nearly indistinguishable. She cited an example of a man who beat his dog nearly to death with a pipe. He was charged with disorderly conduct, but not animal cruelty. "There will never be an end to abuse, torture, or neglect if there aren't laws that are strong enough or that can't be enforced," she said.

[2:40:10 PM](#)

SENATOR THERRIAULT asked if she has further information as to why the man wasn't charged.

MS. STIRLING replied she doesn't know.

SENATOR THERRIAULT said that illustrates part of his concern. There's a problem with prosecutions that isn't solved by

increasing the penalties. He wants to make sure that if the penalty is increased, that will force people to mount a stronger defense. He'd like to talk with Ms. Carpeneti to figure out what the problem is as far as bringing a charge in a fairly cut and dried case. Something's wrong there, he said.

[2:41:39 PM](#)

SENATOR WIELECHOWSKI said as a previous prosecutor the Chair knows that felony cases are more likely to be prosecuted. If the base is a misdemeanor, the person will probably fight the charge because there's no place to plead it down, but with a felony you can plead it down to a misdemeanor.

CHAIR FRENCH said he can see both ways. He shares Senator Therriault's concern about the general lack of resources and historically low numbers, but on the other hand to knowingly inflict severe and prolonged and physical pain or suffering on an animal is outrageous. You wonder if you don't increase the odds of prosecution by making the penalty more severe and more attention getting, but the balance of the work load in the prosecutors' offices isn't likely to change by passing this bill. That may be the root problem, but it doesn't mean you shouldn't do the right thing just because you can't respond. Perhaps the next step is to allocate more money to fight that crime.

CHAIR FRENCH set SB 273 aside for a subsequent hearing.

There being no further business to come before the committee, Chair French adjourned the meeting at [2:43:19 PM](#).