

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

February 26, 2010
1:07 p.m.

MEMBERS PRESENT

Representative Jay Ramras, Chair
Representative Nancy Dahlstrom, Vice Chair
Representative Bob Herron
Representative Bob Lynn
Representative Max Gruenberg

MEMBERS ABSENT

Representative Carl Gatto
Representative Lindsey Holmes

COMMITTEE CALENDAR

HOUSE BILL NO. 331

"An Act relating to funding for youth courts; and relating to accounting for criminal fines."

- MOVED CSHB 331(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 52

"An Act authorizing psychological counseling for jurors serving in criminal trials who are traumatized by graphic evidence or testimony."

- MOVED HB 52 OUT OF COMMITTEE

HOUSE BILL NO. 323

"An Act increasing the number of superior court judges designated for the third judicial district; and providing for an effective date."

- MOVED HB 323 OUT OF COMMITTEE

HOUSE BILL NO. 138

"An Act relating to cruelty to animals."

- MOVED CSHB 138(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 331

SHORT TITLE: YOUTH COURTS AND CRIMINAL FINES

SPONSOR(S): REPRESENTATIVE(S) MUNOZ

02/08/10 (H) READ THE FIRST TIME - REFERRALS
02/08/10 (H) JUD, FIN
02/24/10 (H) JUD AT 1:00 PM CAPITOL 120
02/24/10 (H) Heard & Held
02/24/10 (H) MINUTE(JUD)
02/25/10 (H) JUD AT 1:00 PM CAPITOL 120
02/25/10 (H) Heard & Held
02/25/10 (H) MINUTE(JUD)
02/26/10 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 52

SHORT TITLE: POST-TRIAL JUROR COUNSELING

SPONSOR(S): REPRESENTATIVE(S) KERTTULA

01/20/09 (H) PREFILE RELEASED 1/9/09
01/20/09 (H) READ THE FIRST TIME - REFERRALS
01/20/09 (H) JUD, FIN
02/26/10 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 323

SHORT TITLE: INCREASING NUMBER OF SUPERIOR CT JUDGES

SPONSOR(S): RULES BY REQUEST

02/03/10 (H) READ THE FIRST TIME - REFERRALS
02/03/10 (H) JUD, FIN
02/19/10 (H) JUD AT 1:00 PM CAPITOL 120
02/19/10 (H) -- MEETING CANCELED --
02/26/10 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 138

SHORT TITLE: CRUELTY TO ANIMALS

SPONSOR(S): GATTO

02/18/09 (H) READ THE FIRST TIME - REFERRALS
02/18/09 (H) JUD, FIN
04/08/09 (H) JUD AT 1:00 PM CAPITOL 120
04/08/09 (H) Heard & Held
04/08/09 (H) MINUTE(JUD)
02/18/10 (H) JUD AT 1:00 PM CAPITOL 120
02/18/10 (H) -- MEETING CANCELED --
02/26/10 (H) JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

T. TERRY HARVEY, Staff
Representative Cathy Munoz
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 331 on behalf of the sponsor,
Representative Munoz.

TIANA PETERSON
(No address provided)

POSITION STATEMENT: Asked a question during discussion of
HB 331.

REPRESENTATIVE BETH KERTTULA
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 52.

HANNA McCARTY, Staff
Representative Beth Kerttula
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 52 on behalf of the sponsor,
Representative Kerttula.

MINDY LOBAUGH
Juneau, Alaska

POSITION STATEMENT: As a former juror, provided comments during
discussion of HB 52.

DOUG WOOLIVER, Administrative Attorney
Administrative Staff
Office of the Administrative Director
Alaska Court System (ACS)
Anchorage, Alaska

POSITION STATEMENT: Presented HB 323 on behalf of the
administration.

QUINLAN STEINER, Director
Central Office
Public Defender Agency (PDA)
Department of Administration (DOA)
Anchorage, Alaska

POSITION STATEMENT: Responded to a question during discussion
of HB 323.

THOMAS REIKER, Staff

Representative Carl Gatto
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: On behalf of the sponsor, Representative Gatto, presented the proposed committee substitute (CS) for HB 138, Version T.

KRIS SELL, Lieutenant
Juneau Police Department (JPD)
City & Borough of Juneau (CBJ);
President
Capital City Chapter - Juneau
Alaska Peace Officers Association (APOA)
Juneau, Alaska

POSITION STATEMENT: During discussion of HB 138, provided comments and spoke in support of increased penalties for crimes of cruelty to animals.

KAYLA EPSTEIN, Member
Animal Control Advisory Board
Municipality of Anchorage (MOA)
Anchorage, Alaska

POSITION STATEMENT: Testified in favor of HB 138.

SANDY SAMANIEGO, Executive Director
Council on Domestic Violence and Sexual Assault (CDVSA)
Department of Public Safety (DPS)
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 138.

RODNEY DIAL, Lieutenant, Deputy Commander
A Detachment
Division of Alaska State Troopers
Department of Public Safety (DPS)
Ketchikan, Alaska

POSITION STATEMENT: Provided a comment during discussion of HB 138.

TIANA PETERSON
(No address provided)

POSITION STATEMENT: Provided a comment during discussion of HB 138.

ACTION NARRATIVE

[1:07:47 PM](#)

CHAIR JAY RAMRAS called the House Judiciary Standing Committee meeting to order at 1:07 p.m. Representatives Ramras, Gruenberg, Dahlstrom, Herron, and Lynn were present at the call to order. Representatives Gatto and Holmes were excused.

HB 331 - YOUTH COURTS AND CRIMINAL FINES

[1:09:50 PM](#)

CHAIR RAMRAS announced that the first order of business would be HOUSE BILL NO. 331, "An Act relating to funding for youth courts; and relating to accounting for criminal fines."

[1:10:23 PM](#)

T. TERRY HARVEY, Staff, Representative Cathy Munoz, Alaska State Legislature, on behalf of the sponsor, Representative Munoz, again explained that HB 331 offers a means by which Alaska's youth courts could be funded; specifically, the bill authorizes an appropriation of a portion of the criminal fines collected [by the Alaska Court System (ACS)]. Youth courts provide a very important alternative in Alaska's juvenile justice system (JJS). He mentioned that the sponsor is amenable to a forthcoming amendment intended to address members' concerns.

REPRESENTATIVE GRUENBERG began describing Amendment 1.

The committee took an at-ease from 1:11 p.m. to 1:12 p.m.

[1:12:35 PM](#)

REPRESENTATIVE GRUENBERG [made a motion to adopt] Amendment 1, which would add to page 1, line 10, the words "up to" between the words "appropriate" and "25"; the new language on lines 10-11 would then in part read, "The legislature may appropriate up to 25 percent of the fines".

CHAIR RAMRAS objected for the purpose of discussion.

REPRESENTATIVE GRUENBERG proffered that Amendment 1 would eliminate any possible misinterpretation of the bill, in that it would clarify that any appropriation under the bill could also be less 25 percent.

The committee took an at-ease from 1:14 p.m. to 1:17 p.m.

MR. HARVEY, in response to a question, acknowledged that in his youth, had he been able to go before a youth court, it might have benefited him.

[1:18:44 PM](#)

TIANA PETERSON questioned how many students in Alaska have participated in a youth court.

MR. HARVEY relayed that although he doesn't have the exact number, he's heard that about 1,000 [students] have, adding that the youth court program has been very well utilized in Alaska.

CHAIR RAMRAS noted that youth courts in Alaska have an average recidivism rate of 8 percent. He offered his understanding that for every misdemeanor juvenile who's gone before a youth court, the ACS has saved about \$10,000 and is therefore able to focus more on felony-level cases.

CHAIR RAMRAS then removed his objection to Amendment 1. There being no further objection, Amendment 1 was adopted.

[1:21:15 PM](#)

REPRESENTATIVE DAHLSTROM moved to report HB 331, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 331(JUD) was reported from the House Judiciary Standing Committee.

The committee took an at-ease from 1:21 p.m. to 1:24 p.m.

HB 52 - POST-TRIAL JUROR COUNSELING

[1:25:04 PM](#)

CHAIR RAMRAS announced that the next order of business would be HOUSE BILL NO. 52, "An Act authorizing psychological counseling for jurors serving in criminal trials who are traumatized by graphic evidence or testimony."

[1:25:46 PM](#)

REPRESENTATIVE BETH KERTTULA, Alaska State Legislature, sponsor, explained that HB 52 was engendered by the experiences of a constituent who'd sat on the jury in the Rachelle Waterman murder trial, a particularly difficult case; her constituent had

suggested that it might be a good idea for the State to provide psychological counseling to jurors who hear such cases in order to alleviate the trauma they experience when hearing testimony and evidence about particularly heinous crimes. In conclusion, she said she would appreciate the committee's support of HB 52.

The committee took an at-ease from 1:27 p.m. to 1:31 p.m.

[1:31:56 PM](#)

HANNA McCARTY, Staff, Representative Beth Kerttula, Alaska State Legislature, explained on behalf of the sponsor, Representative Kerttula, that HB 52's proposed AS 12.45.018(a) provides that a trial judge may offer not more than 10 hours of post-trial psychological counseling without charge to a juror who serves on a trial involving extraordinarily graphic, gruesome, or emotional evidence or testimony.

REPRESENTATIVE HERRON, noting that he supports the concept of the bill, questioned whether the term, "extraordinarily" as used in the bill is already defined in statute.

MS. McCARTY relayed that she would have to research that point.

REPRESENTATIVE KERTTULA opined that it is necessary to include that term because there could be a lot of other types of trials that involve graphic, gruesome, or emotional evidence or testimony. House Bill 52 is intended to apply to extremely graphic, extremely gruesome, or extremely emotional evidence/testimony. She surmised that as used in the bill, the term, "extraordinarily" would be interpreted as having the normal dictionary definition.

REPRESENTATIVE HERRON questioned who would determine whether testimony or evidence is extraordinarily graphic, gruesome, or emotional.

REPRESENTATIVE KERTTULA explained that it would be the trial judge who would make that determination.

MS. McCARTY went on to explain that HB 52's proposed AS 12.45.018(b) specifies which crimes the trials for which could warrant post-trial psychological counseling for jurors. Those crimes include: murder under AS 11.41.100 and AS 11.41.110, manslaughter under AS 11.41.120, criminally negligent homicide under AS 11.41.130, felonious assault under AS 11.41.200-220, and a sexual offense under AS 11.41.410-460. She also explained

that HB 52's proposed AS 12.45.018(c)(1) states that the counseling must occur not later than 180 days after the jury is dismissed; and that HB 52's proposed AS 12.45.018(b)(2)-(3) states that the counseling may be provided by the court system, by a state agency, or by contract, and that it may be either individual or group counseling.

REPRESENTATIVE GRUENBERG, on the issue of the definition of the term, "extraordinarily", predicted that the court would determine on a case-by-case basis whether a particular trial warranted post-trial psychological counseling.

[1:39:20 PM](#)

MINDY LOBAUGH remarked that HB 52 represents a bridge, a bridge that she and many other jurors did not have at the end of a trial. She went on to say:

You arrive at the court, given detailed instructions of what is expected of you as a juror and how the process of the trial will work. What the court system does not do is transition jurors out of the process after a trial. It is not uncommon to have major criminal trials run for many days. As you know, I served on the Rachele Waterman trial four years ago, and it lasted approximately ... 10 days. For me, I arrived open and ready to do my civic duty as a juror, and by the end of the trial, I left there as a victim, feeling closed, confused, and very traumatized by the burden of knowledge I now carried.

For 10 days, prosecutors went into great detail to help the jurors relive the events of an unsuspecting mother getting abducted from her home, tortured, and finally murdered. It was our duty to determine if the defendant, her daughter, was guilty of masterminding this tragedy against a woman who was a pillar in her community. I am here to tell you the media does not even come close to covering the depth of this trial. As a juror, we had access to piles of e-mails that detailed out various ways these men planned to kill the mother; the physical evidence; the photographs; and, of course, the hours of testimony that we sat through.

For quite some time during and following that trial, eating, for me, was a near impossibility because of

how sickened I was from this experience. To my friends and family, I became a stranger, and each night I prayed myself to sleep. One of my fellow jury-mates was pregnant with her second child - she had shared the ultrasound pictures with us early on; by the end of the trial, she lost her baby and had to be excused. When this trial ended with a hung jury, I turned to the presiding judge and I asked if the courts offer some kind of counseling or process to help jurors deal with this traumatizing information. The answer was no.

For me, it was like having a door slammed in my face, and then you turn around and you find there's no bridge to help me return to the life that I had before this trial, ... a life that did not hold this kind of dark knowledge. It was at this point I felt the court had failed me as a juror doing my civic duty. Please help me to build the bridge by supporting HB 52 - post-trial jury counseling. I may not have found closure with [respect] ... to this trial, but maybe you can bridge that for the jurors doing their civic duties in the future, by passing HB 52.

[1:43:08 PM](#)

REPRESENTATIVE DAHLSTROM noted that while that trial was going on, it even affected many of the people who worked in the Capitol, right across the street from the courthouse, and surmised that the media accounts of that trial couldn't have accurately portrayed what the jurors must have been going through.

REPRESENTATIVE GRUENBERG mentioned that he has sat on several coroner's juries - once having had to declare a friend of his dead - and that sitting on such juries can also be traumatizing.

CHAIR RAMRAS, after ascertaining that no one else wished to testify, closed public testimony on HB 52.

[1:45:42 PM](#)

REPRESENTATIVE DAHLSTROM moved to report HB 52 out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE LYNN objected for the purpose of demonstrating a roll call vote.

A roll call vote was taken. Representatives Dahlstrom, Herron, Lynn, Gruenberg, and Ramras voted in favor of reporting HB 52 from committee. No one voted against it. Therefore, HB 52 was reported from the House Judiciary Standing Committee by a vote of 5-0.

The committee took an at-ease from 1:46 p.m. to 1:50 p.m.

HB 323 - INCREASING NUMBER OF SUPERIOR CT JUDGES

[1:50:17 PM](#)

CHAIR RAMRAS announced that the next order of business would be HOUSE BILL NO. 323, "An Act increasing the number of superior court judges designated for the third judicial district; and providing for an effective date."

[1:50:49 PM](#)

[Chair Ramras turned the gavel over to Vice Chair Dahlstrom.]

DOUG WOOLIVER, Administrative Attorney, Administrative Staff, Office of the Administrative Director, Alaska Court System (ACS), explained on behalf of the administration that HB 323 would add a new superior court judge position to the third judicial district - that which includes Anchorage. This proposed addition must occur through statute because it's the statutes that establish how many judges there are in a given judicial district. It is the ACS's intention, he relayed, to have the new judge preside over civil cases, such as child in need of aid (CINA) cases, because the amount of time the courts are spending on them has increased substantially, in part due to the fact that more of them are being heard in their entirety by superior court judges rather than by standing masters acting as assistants to the superior court. This change in the ACS's process provides for a much better case model, allowing the presiding judge to have a much better understanding of the families involved. Another reason there has been an increase in the CINA case workload is that there has also been an increase in the number of what he termed "status hearings" - derived from the therapeutic court model; status hearings help keep the families on track and increase the likelihood of their success in getting their kids back - the ultimate goal of the entire CINA process.

MR. WOOLIVER explained that the ACS's workload has also increased due to the fact that there has been an increase in the number of unrepresented litigants addressing the court in family law cases. He surmised that one of the biggest reasons more people are choosing to litigate their family law matters without the assistance of counsel is cost. Such cases, however, result in a lot more work for the court because although they can be expensive, attorneys help cases move along in many different ways - they know the legal issues involved, they know how to file motions, they know when to file motions, and they know how to focus the court's attention [on legally relevant issues]. In contrast, unrepresented litigants don't necessarily have that knowledge, and so it requires a lot of judicial time to help such litigants through the process. He mentioned that in addition to, at some point, requesting more judges, the ACS is also intending to implement other procedural changes in how it handles pro se cases in particular, and would be attempting to hire more staff to help better manage pro se cases.

[Vice Chair Dahlstrom returned the gavel to Chair Ramras.]

[1:55:53 PM](#)

REPRESENTATIVE HERRON asked what the proposed new judge's caseload would be.

MR. WOOLIVER said that even with the new judge, the caseload would be about 600 cases per judge.

REPRESENTATIVE GRUENBERG remarked that he is very much in favor of expanding the use of [judges pro tempore], which could involve training suitable members of the bar to serve as [judges pro tempore]. He suggested that the ACS consider pursuing that option; it wouldn't cost very much, it would speed the judicial system along, and it would provide [extra] judges.

MR. WOOLIVER reiterated that it is the statutes that determine who gets to serve as a judge. Furthermore, judges must be appointed by the governor, and so, currently, the ACS uses retired judges as judges pro tempore. To allow a non-appointed person to serve as a judge pro tempore would require a statutory change. In response to a question, he explained that although the ACS does use special masters occasionally, it doesn't do so on routine cases.

REPRESENTATIVE GRUENBERG requested that Mr. Wooliver ask the ACS to consider making a change to the Alaska Rules of Court so that the use of such people could be expanded.

MR. WOOLIVER agreed to do so. In response to a question about the ACS's fiscal note for HB 323, he explained that the biggest single cost would be for the new judge - \$257,000 for salary and benefits; that every judge has an in-court clerk, a law clerk, and an administrative assistant - \$61,400, \$60,400, and \$61,400, respectively, for salary and benefits; and that there is a "one-time" cost for the necessary equipment - [\$33,800]. He mentioned that the necessary capital costs were already included in last year's capital budget.

[2:03:33 PM](#)

QUINLAN STEINER, Director, Central Office, Public Defender Agency (PDA), Department of Administration (DOA), in response to a question, said that the PDA has no particular concern regarding the proposed addition of a superior court judge position to the third judicial district, but predicted that that addition could put added pressure on the PDA due to it then having insufficient personnel.

CHAIR RAMRAS, after ascertaining that no one else wished to testify, closed public testimony on HB 323.

[2:04:59 PM](#)

REPRESENTATIVE DAHLSTROM moved to report HB 323 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 323 was reported from the House Judiciary Standing Committee.

The committee took an at-ease from 2:05 p.m. to 2:07 p.m.

HB 138 - CRUELTY TO ANIMALS

[Contains brief mention that Version T of HB 138 would act as a House companion bill to SB 214, and that the provisions of those two bills along with the provisions of HB 6 might be incorporated into a single vehicle.]

[2:07:40 PM](#)

CHAIR RAMRAS announced that the final order of business would be HOUSE BILL NO. 138, "An Act relating to cruelty to animals."

[Before the committee was the proposed committee substitute (CS) for HB 138, Version 26-LS0351\P, Luckhaupt, 4/2/09, which had been adopted as the work draft on 4/8/09.]

[2:07:48 PM](#)

REPRESENTATIVE GRUENBERG moved to adopt the proposed committee substitute (CS) for HB 138, Version 26-LS0531\T, Luckhaupt, 2/4/10, as the work draft.

REPRESENTATIVE HERRON objected.

[2:08:38 PM](#)

THOMAS REIKER, Staff, Representative Carl Gatto, Alaska State Legislature, on behalf of the sponsor, Representative Gatto, explained that Version T would bring HB 138 in line with, and make it a house companion bill to, SB 214, sponsored by Senator Wielechowski. He indicated that under Version T, killing an animal through the use of poison or a decompression chamber, or knowingly inflicting severe and prolonged physical pain or suffering would be a class C felony; and, for a first offense within 10 years, negligently causing the death or severe physical pain or prolonged suffering of an animal, or killing or injuring an animal] with the intent to intimidate or terrorize another person would be class A misdemeanor. He noted that Version T no longer proposes to establish the crimes of cruelty to animals in the first degree and cruelty to animals in the second degree.

[2:10:22 PM](#)

KRIS SELL, Lieutenant, Juneau Police Department (JPD), City & Borough of Juneau (CBJ); President, Capital City Chapter - Juneau, Alaska Peace Officers Association (APOA), relayed that on behalf of the JPD, the CBJ, and the APOA, she would be speaking in support of the increased penalties for crimes of cruelty to animals as proposed via HB 138. At 8:56 a.m. this morning, she recounted, the JPD received a call from a woman asking for help because her husband verbally abuses her and physically abuses her dog; the police report stated that the husband kicks the dog and locks it in the bathroom for days, and that two days ago, the husband told his wife that he had a bullet for the dog. The woman was uncooperative with the investigation, however, because she didn't have any other place to go where she could also take her dog. Under HB 138, the officers could have investigated this incident as laying the

groundwork for a felony charge in the future when the perpetrator's behavior escalated.

LIEUTENANT SELL recounted that she'd once worked a serial domestic violence (DV) case involving a man who was beating his wife and terrorizing his children. During one assault on his family, the man was raging at his wife when his attention was drawn to the family's pet bird because it was making noise, and so, wanting to show his family that when he talked, everybody had to be quiet, he grabbed the bird out of its cage and threw it against the wall, breaking its wing. At trial, the jury members were sickened by the man's behavior; even without having been shown any studies illustrating the link between animal abuse and DV, the jurors knew intuitively, as would most people, that a man who would abuse a helpless animal would have no boundaries preventing him from abusing people. The perpetrator in this incident, however, didn't receive any significant consequences for harming the bird, but had HB 138 been in place, his actions might have warranted more jail time than he did get.

LIEUTENANT SELL pointed out that a lot of studies illustrate the link between animal abuse and DV and other violent crimes - it's just a known fact in her line of work - but what sticks in her mind, she relayed, is a case involving a large angry man who would use anything within his reach to terrorize his family - a very small woman and her two young daughters. Equally well-documented is the link between children and teens involved in animal abuse and how such people then continue to go on to commit violence against people, including committing serial murder. Some cited examples of such people include Jeffrey Dahmer; Albert DeSalvo - the Boston Strangler; and Dennis Rader - the BTK killer. A 1999 article in the Boston Globe described how Eric Harris and Dylan Klebold - responsible for the Columbine High School massacre in which twelve students and one teacher were killed and 21 other students were injured - used to horrify their classmates with descriptions of how they mutilated animals, and how the two boys, during the massacre, taunted many of their victims before they shot them.

LIEUTENANT SELL, in conclusion, proffered that if crimes of cruelty to animals were taken more seriously, perhaps someone would have followed up on the animal torture incidents described by Eric Harris and Dylan Klebold, and maybe the massacre could have been avoided. In response to a question, she pointed out that when someone abuses an animal in order to intimidate, threaten, or terrorize another person - as outlined under AS 11.61.140(a)(5) - it's a form of domestic violence. The animal

being hurt or killed in such situations is not really the intended target - the animal and the damage inflicted on it are simply being used to control the perpetrator's family. For example, a DV perpetrator will kill the family dog in front of the children in order to keep them in line. The law enforcement community, she assured the committee, understands the nuances of pets being used as tools to terrorize people. Again, the intent of the perpetrators in such situations is much greater than simply targeting an animal for abuse.

[2:16:35 PM](#)

MR. REIKER indicated that Version T maintains existing statutory proportionality with regard to abusive actions taken against animals, and abusive actions taken against people, and that the intent is to stop people from escalating their abusive behavior then towards other people. In response to questions, he assured the committee that existing statute provides exemptions for accepted veterinary practices and animal husbandry practices, dog mushing and pulling contests, rodeos and stock contests; that Version T would not be amending those exemptions; and that someone could still choose to euthanize an ill animal himself/herself as long as he/she could show, if a complaint is filed, that the animal was sick and that it didn't suffer while being euthanized. He relayed that the sponsor worked extensively with the Alaska Farm Bureau to address its concerns, and that the Alaska Farm Bureau now supports both HB 138 and SB 214.

MR. REIKER, in response to questions, indicated that the sponsors of HB 138, SB 214, and HB 6 are considering incorporating the provisions of all three bills into a single vehicle. In response to questions regarding an incident that occurred recently in Houston, Alaska, he indicated that existing statute addressing the act of coercing someone to commit a crime would also address those instances wherein someone abuses an animal at the direction of another person, though the courts would have to make that determination on a case-by-case basis.

LIEUTENANT SELL, in response to further questions and comments, noted that officers often put down animals that are injured, but that if someone is coerced into abusing/killing an animal, then the culpability would lie with the instigator, and the existing statutes regarding the crime of contributing to the delinquency of a minor could be used instead of HB 138 to address situations in which the instigator is an adult and the person who commits the crime of cruelty to animals is a minor.

REPRESENTATIVE GRUENBERG, in response to comments and a question, indicated that a forthcoming amendment [which later became known as Amendment 1, would make certain instances of animal abuse eligible for an aggravating factor at sentencing].

[2:31:35 PM](#)

KAYLA EPSTEIN, Member, Animal Control Advisory Board, Municipality of Anchorage (MOA), relayed that the Animal Control Advisory Board unanimously voted in favor of HB 138. She went on to remark that there is a very close tie between domestic violence and sexual abuse of children, and animal abuse. Those who sexually abuse children will threaten to kill or hurt their victims' pets in order to ensure their victims' silence, and the abuse of animals is used as an aid by the perpetrators of domestic violence and of sexual [abuse of children] to demonstrate power and control over their human victims, to punish them, to isolate them, to perpetuate an environment of fear, to prevent them from leaving, or to coerce them into coming back. She noted that 71 percent of pet-owning women entering shelters have reported that their batterers have injured, maimed, killed, or threatened family pets specifically for revenge or for psychological control, and that 25 percent of abused women stay in an abusive situation because of threats to their animals - whether they are livestock or personal pets.

MS. EPSTEIN relayed that in homes where a spouse is abused, a child is twice as likely to be abused if there is also animal abuse occurring. In some states, animal control officers and those who investigate cases of DV are cross-trained because of the [known] link between the crimes of DV and animal abuse. She mentioned that she's heard of cases wherein perpetrators of DV have been convicted of their assaultive behavior against animals, though not for their assaultive behavior against their human victims, because their human victims were finally willing to testify against them for the animal abuse. Furthermore, children reluctant to testify about their own abuse will testify about the abuse of an animal that they feel responsible for.

MS. EPSTEIN, pointing out that healthy animals are regularly put down simply because they aren't wanted, said she doesn't see how the bill could be used against anyone who puts down an animal that is already in "an animal control situation."

REPRESENTATIVE GRUENBERG declared a potential conflict of interest in that Ms. Epstein is his wife, and asked to be excused [from voting].

REPRESENTATIVE DAHLSTROM and REPRESENTATIVE LYNN objected, thereby requiring Representative Gruenberg to participate [in any voting that takes place].

[2:37:29 PM](#)

SANDY SAMANIEGO, Executive Director, Council on Domestic Violence and Sexual Assault (CDVSA), Department of Public Safety (DPS), stated that the CDVSA supports the intent of HB 138. She added that a person can't work at a domestic violence shelter for very long without hearing stories illustrating that animal abuse is used to control DV victims.

REPRESENTATIVE GRUENBERG again noted that a forthcoming amendment would provide for an aggravating factor at sentencing for those who have a history of animal abuse and are convicted of a felony.

[2:39:32 PM](#)

RODNEY DIAL, Lieutenant, Deputy Commander, A Detachment, Division of Alaska State Troopers, Department of Public Safety (DPS), pointed out that in addition to charging an adult with the crime of contributing to the delinquency of a minor if he/she directs, encourages, or coerces a minor into harming an animal, the adult could also potentially be charged with the crime of solicitation or the crime of coercion.

CHAIR RAMRAS, after ascertaining that no one else wished to testify, closed public testimony on HB 138.

REPRESENTATIVE HERRON removed his objection to the adoption of Version T as the work draft. There being no further objection, Version T was before the committee.

[2:41:20 PM](#)

REPRESENTATIVE GRUENBERG made a motion to adopt Amendment 1, labeled 26-LS0351\T.1, Luckhaupt, 2/26/10, which read:

Page 1, line 1, following "**animals**":

Insert "; and relating to aggravating factors at sentencing involving assaultive behavior and cruelty to animals;"

Page 2, following line 12:

Insert a new bill section to read:

"* **Sec. 3.** AS 12.55.155(c)(8) is amended to read:

(8) the defendant's prior criminal history includes conduct involving aggravated assaultive behavior, [OR] repeated instances of assaultive behavior, repeated instances of cruelty to animals proscribed under AS 11.61.140(a)(1) and (3) - (5), or a combination of assaultive behavior and cruelty to animals proscribed under AS 11.61.140(a)(1) and (3) - (5); in this paragraph, "aggravated assaultive behavior" means assault that is a felony under AS 11.41, or a similar provision in another jurisdiction;"

Renumber the following bill section accordingly.

Page 2, line 16, following the first occurrence of "Act":

Insert ", and to aggravating factors at sentencing under AS 12.55.155(c)(8) made by sec. 3 of this Act"

CHAIR RAMRAS, after ascertaining that there were no objections, announced that Amendment 1 was adopted.

[2:41:53 PM](#)

REPRESENTATIVE LYNN said he supports HB 138 because he views it as providing an appropriate punishment for all the damaged/sick/sadistic people who violently abuse animals, and characterized such behavior as spring training for future egregious crimes against humans. People like this, he opined, need more than just a slap on the hand; instead, they need handcuffs on their wrists. Certain of the egregious acts of animal cruelty that HB 138 addresses rise to a level that speaks more about the perpetrator than they do about the victim or property destroyed. He said that he sees egregious acts of animal abuse as a "stair-step kind of crime," with the perpetrators being on the threshold of committing serious crimes against children and other humans. In conclusion, he characterized HB 138 as a good bill that he intends to support,

and opined that HB 138 compliments HB 6 - a bill [he introduced] that addresses the crime of bestiality.

[2:43:31 PM](#)

REPRESENTATIVE DAHLSTROM moved to report the proposed CS for HB 138, Version 26-LS0531\T, Luckhaupt, 2/4/10, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 138(JUD) was reported from the House Judiciary Standing Committee.

TIANA PETERSON said she respects HB 138, and that she has been opposed to animal cruelty ever since she can remember, and indicated that her mother, aunt, and grandmother [work with animals].

[CSHB 138(JUD) was reported from committee.]

[2:45:08 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:45 p.m.