

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

January 26, 2010

9:01 a.m.

MEMBERS PRESENT

Senator Linda Menard, Chair
Senator Kevin Meyer, Vice Chair
Senator Hollis French
Senator Albert Kookesh
Senator Joe Paskvan

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 6(JUD) AM
"An Act relating to proscribing certain sexual conduct or sexual activities as cruelty to animals."

MOVED CSHB 6(JUD) AM OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 6

SHORT TITLE: CRUELTY TO ANIMALS

SPONSOR(S): REPRESENTATIVE(S) LYNN

01/20/09	(H)	PREFILE RELEASED 1/9/09
01/20/09	(H)	READ THE FIRST TIME - REFERRALS
01/20/09	(H)	JUD, FIN
03/20/09	(H)	JUD AT 1:00 PM CAPITOL 120
03/20/09	(H)	Moved CSHB 6(JUD) Out of Committee
03/20/09	(H)	MINUTE(JUD)
03/25/09	(H)	JUD RPT CS(JUD) NT 4DP 1NR 1AM
03/25/09	(H)	DP: LYNN, GRUENBERG, COGHILL, GATTO
03/25/09	(H)	NR: RAMRAS
03/25/09	(H)	AM: HOLMES
04/11/09	(H)	FIN REFERRAL WAIVED
04/17/09	(H)	TRANSMITTED TO (S)
04/17/09	(H)	VERSION: CSHB 6(JUD) AM
04/18/09	(S)	READ THE FIRST TIME - REFERRALS
04/18/09	(S)	STA, JUD
01/26/10	(S)	STA at 9:00 AM Beltz 105 (TS Bldg)

WITNESS REGISTER

REPRESENTATIVE LYNN
Alaska State Capitol
Juneau, AK

POSITION STATEMENT: Sponsor of HB 6.

MIKE SICA
Staff to Representative Lynn
Alaska State Capitol
Juneau, AK

POSITION STATEMENT: Supported HB 6.

DONALD MARVIN, Mayor of Klawock
Klawock, AK

POSITION STATEMENT: Supported HB 6.

LESLIE ISAACS, Klawock City Manager
Klawock, AK

POSITION STATEMENT: Supported HB 6.

TALEA DAVIS
Representing herself
Wrangell, AK.

POSITION STATEMENT: Supported HB 6.

RONNIE ROSENBERG, Chairperson
Fairbanks North Star Bureau Animal Control Commission

POSITION STATEMENT: Supported HB 6.

CHAVA LEE, Executive Director
Gastineau Humane Society
Juneau, AK

POSITION STATEMENT: Supported HB 6.

DR. RACHEL DZUIBA, Veterinary Clinical Director
Gastineau Humane Society
Juneau, AK

POSITION STATEMENT: Supported HB 6.

ACTION NARRATIVE

[9:01:09 AM](#)

CHAIR LINDA MENARD called the Senate State Affairs Standing Committee meeting to order at 9:01 AM. Senators Kookesh, Paskvan, French, and Menard were present at the call to order.

HB 6-CRUELTY TO ANIMALS

[9:02:15 AM](#)

CHAIR MENARD announced consideration of HB 6. [Before the committee was CSHB 6 (JUD) AM.]

[9:04:25 AM](#)

SENATOR MEYER joined the meeting.

REPRESENTATIVE LYNN, sponsor of HB 6, said animal cruelty is a serious concern, but even more serious is the link between animal cruelty and sexual abuse of children. Representative Lynn explained that this issue came to his attention a couple of years ago upon reading an article in the Anchorage Daily News about a man in Klawock who sexually abused a dog. There was no state law to prevent such an act. The alleged perpetrator also had a history of child sexual assault.

Representative Lynn advised that a connection exists between animal abuse, domestic abuse, child abuse and other violent crimes and that 35 other states have outlawed acts of bestiality. Exceptions in HB 6 allow for accepted and common veterinarian and animal husbandry procedures.

[9:07:34 AM](#)

REPRESENTATIVE LYNN informed the committee that several strong letters of support from organizations such as the Department of Corrections, the Alaska Farm Bureau, the Alaska Peace Officers Association and the Humane Society, are in the bill packets. He said that while HB 6 started out as a routine bill against animal cruelty, the relationship between animal sexual assault and public safety was also recognized as another important element of the bill.

MIKE SICA, staff to Representative Lynn, said HB 6 closes a gap in the existing animal cruelty statutes. An animal is incapable of consent; therefore bestiality does qualify as cruelty even if there is no physical harm to the animal. The type of person who is prone to sexually abuse an animal is prone to do the same to a child or vulnerable adult who is also incapable of consent.

[9:10:21 AM](#)

MR. SICA said the perpetrator in the Klawock case was a two-time child sex offender. Studies have shown that sexual offenders have histories of abusing animals. As illustrated in an FBI study, the background of serial sexual offenders includes a high rate of animal sexual assault. Mr. Sica said Leslie Isaacs, City Manager of Klawock, and Donald Marvin, Mayor of Klawock, have spoken about the fear that ran through the village after the incident.

The assistant District Attorney in Ketchikan said no law could be applied to the incident. In some specific cases, such as when the animal is killed or if sexual abuse of the animal is tied to domestic violence, prosecution is possible. However, a clear law is needed to allow prosecution for sexually assaulting an animal.

9:12:19 AM

MR. SICA stated that the bill adds a 6th offense, sexual conduct with animals, and related offenses, to the existing statute. A definition of "sexual conduct" is included.

SENATOR PASKVAN questioned the distinction between "knowingly" in sub-paragraph (6) versus "intentionally" in sub-paragraph (7).

MR. SICA replied that a House Representative wanted a higher threshold for finding someone guilty of this crime. "Intentionally" is a higher threshold than "knowingly." You have to be aware of what is going on on your property to the point of intentionally setting it up.

SENATOR KOOKESH asked if there are other examples of this problem in Alaska.

MR. SICA replied that Chava Lee, Executive Director of the Gastineau Humane Society, has said she gets a handful of cases every year. He said a Ft. Wainwright soldier was suspected of dog sodomy in July and another dog was sexually abused and killed near Hurricane Gulch.

9:14:50 AM

MR. SICA said that many cases are not known because no law against animal sexual abuse exists; more cases will arise when a law against it is in place.

SENATOR MEYER asked if the penalty for sexual conduct with an animal is a Class C felony.

MR. SICA replied that it is a Class A misdemeanor like the other offenses that fall under Section 1 [of HB 6, pages 1-2].

SENATOR MEYER noted that he did not see any fiscal notes and asked if this was because not many cases were expected.

MR. SICA replied that HB 6 would generate only a few extra cases beyond regular case loads. He hopes that after a case or two, the message of animal sexual assault being punishable by law will get out to the public and discourage this behavior.

[9:17:19 AM](#)

DONALD MARVIN, mayor of Klawock, spoke in support of HB 6. He said the previously mentioned case of animal sexual assault against a dog was difficult to deal with. The people in Klawock were scared by the incident, but without an appropriate law, prosecution of the perpetrator was impossible.

[9:18:47 AM](#)

LESLIE ISAACS, City Manager of Klawock, spoke in support of HB 6. He recalled some citizens of Klawock wanting to find the perpetrator and "render justice in their own way." Mr. Isaacs recounted Mayor Marvin telling these citizens that anyone who went after the perpetrator could end up in jail rather than the perpetrator. Without a law that could be put forth by the District Attorney, the city officials of Klawock had a difficult time calming the public.

[9:20:51 AM](#)

TALEA DAVIS, representing herself, Wrangell, spoke in support of HB 6. Ms. Davis, a Wrangell high school student, described an incident in which a coffee shop owner, going out of business, hired a student to get rid of 23 cats. The student trapped the cats, stomped their heads in and poisoned them. The student is still in school with Ms. Davis, and the former coffee shop owner is a substitute at the school. Ms. Davis said she is afraid of the student because she believes if a person harmed or killed animals in that manner, the person could also harm a human. Ms. Davis said her friend found her pet cat to be one of those killed and dumped out the road. She expressed the opinion that it is ironic for the state to pass a bill making the malamute the state dog when there is no law to protect the dog from abuse or sexual assault.

[9:24:15 AM](#)

RONNIE ROSENBERG, Chairperson, Fairbanks North Star Bureau Animal Control Commission, spoke in support of HB 6. She said she has served on the commission for 15 years and has been a shelter volunteer for 17 years. Every year one or two cases of sexual animal abuse comes to her attention and that, because a link exists between animal abuse and child sexual abuse, a law is needed that would allow troopers to pursue these cases.

[9:26:25 AM](#)

CHAVA LEE, Executive Director of the Gastineau Humane Society in Juneau, supported HB 6.

MS. LEE read prepared remarks. She expressed the opinion that "sexual abuse of an animal is a violent criminal act." Referring to the incident in Klawock, she said:

That community was disgusted by the act and frightened by the consequences to their own pets, themselves and especially their children. There was no small amount of anger and helplessness generated by the knowledge that nothing could be done to this person to punish him for his acts.

MS. LEE deviated from her prepared remarks and responded to Senator Kookesh's earlier inquiry about examples other than the Klawock incident. She said this is not a rural or village crime as opposed to an urban crime; animal sexual abuse happens all across the state.

MS. LEE returned to reading from her prepared statement. "This is not a victimless crime. This is an act committed upon a defenseless living creature." She reported being involved in two cases of animal sexual abuse. One revolved around a man terrorizing his neighbor by having sexual intercourse with his dog within her sight and hearing. The perpetrator knew no charges could be made against him. In another incident, a man threatened to hurt his girlfriend's dog if her children did not do what he wanted them to do. After several conversations with one of the children, Ms. Lee learned that that "hurt" meant to have intercourse with the dog. The mother fled Juneau with her children.

MS. LEE said that "in the final analysis, it is ironic that animals have to look to humans to stand between them and the cruelty and abuse we inflict upon them." She said that while this bill may not stop cruelty, it would provide a consequence.

[9:31:50 AM](#)

DR. RACHEL DZUIBA, Veterinary Clinical Director of Gastineau Humane Society, and owner and operator of Bridge Veterinary Services, spoke in support of HB 6. She read a prepared statement. She felt the graphic wording of the bill was necessary and provided the clarity needed to avoid imposing penalties on standard veterinary, farming or husbandry practices. She expressed the opinion that:

The pattern of aggression and control exhibited by humans seeking to purport sexual acts against animals must be recognized as a punishable crime in order to ultimately encourage a society that is safer to live in.

[9:34:18 AM](#)

DR. DZUIBA said that she has been aware of several instances of animal sexual assault and that these instances need to be addressed in state law.

CHAIR MENARD closed public testimony.

SENATOR MEYER said he is not comfortable with the difference between "intentional" and "knowingly," but would let the Judiciary committee deal with the wording.

SENATOR PASKVAN moved to report CS for HB 6, version E.A from committee with individual recommendations and attached fiscal note(s). Without objection CSHB 6(JUD)AM moved out of committee.

[9:36:02 AM](#)

Finding no further business to come before the committee, Chair Menard adjourned the meeting at 9:36 p.m.