

Introduced: 1/14/85
Referred: Judiciary, Resources
and Finance

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AND DUNCAN

1 IN THE HOUSE

2 HOUSE BILL NO. 27

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: An Act relating to failure to adequately maintain
7 animals, forfeiture of inadequately maintained ani-
8 mals, and protection from liability for persons
9 aiding such animals."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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

12 (a) A person commits the crime of cruelty to animals if the
13 person

14 (1) intentionally inflicts severe and prolonged physical
15 pain or suffering on an animal;

16 (2) recklessly neglects an animal and, as a result of that
17 neglect, causes the death of the animal or causes severe pain or
18 suffering to the animal; [OR]

19 (3) kills an animal by the use of a decompression chamber;
20 or

21 (4) recklessly neglects to provide a confined animal with a
22 sufficient quantity of good and wholesome food and water.

23 * Sec. 2. AS 11.61 is amended by adding a new section to read:

24 Sec. 11.61.148. FORFEITURE OF ANIMALS. (a) In addition to any
25 other sentence it may impose, a court may require a defendant con-
26 victed under AS 11.61.140 - 11.61.145 to forfeit any rights of the
27 defendant in the animal and to repay the reasonable costs incurred
28 before judgment by a person or agency caring for the animal.

29 (b) When a court orders a defendant's rights in an animal to be

1 forfeited, the court may further order that those rights be given over
2 to an appropriate person or agency demonstrating a willingness to
3 accept and care for the animal or to the state or an appropriate
4 animal care agency for further disposition in accordance with accepted
5 practices for humane treatment of animals. This subsection does not
6 limit the right of the person or agency to whom the defendant's rights
7 are granted to resell or otherwise make disposition of the animal. A
8 transfer of rights under this subsection constitutes a transfer of
9 ownership.

10 * Sec. 3. AS 09.65 is amended by adding a new section to read:

11 Sec. 09.65.093. LIABILITY FOR VOLUNTARY CARE OF CONFINED ANI-
12 IMALS. (a) When an animal is confined for more than 12 consecutive
13 hours without a sufficient quantity of good and wholesome food and
14 water, it is lawful for any person to supply food and water.

15 (b) The person is not liable for civil damages as a result of
16 the act of entering another's property, other than a dwelling, to
17 supply food and water. The person is entitled to reimbursement from
18 the animal's owner for the reasonable cost of the food, water, and
19 service provided. The owner's failure to reimburse the provider
20 subjects the animal involved to attachment and sale upon execution
21 following judgment.

22 (c) This section does not preclude liability for civil damages
23 as a result of gross negligence or reckless or intentional misconduct.