

HOUSE BILL NO. 67

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES KOPONEN, Moyer

Introduced: 1/23/91

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the impoundment of mistreated animals."**

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

3 *** Section 1.** AS 03.55 is amended by adding a new section to read:

4 **ARTICLE 2. MISTREATED ANIMALS.**

5 **Sec. 03.55.110. IMPOUNDMENT OF MISTREATED ANIMALS. (a)** Outside of
6 municipalities and within municipalities that do not provide by ordinance for the impoundment
7 of mistreated animals, the Department of Public Safety may impound a mistreated animal and
8 remove the animal to a place where humane care and treatment can be provided. The department
9 may impound an animal only if a licensed veterinarian has issued a certificate of mistreatment
10 regarding the animal. The department shall give a notice of impoundment to the owner, the
11 owner's agent, or the person in possession of the animal at the time the animal is impounded.
12 If the department cannot notify the owner of the animal or the owner's agent of the impoundment
13 at the time of impoundment, the department shall post a conspicuous notice of impoundment at
14 the premises where the animal was impounded. If the department cannot notify the owner of the

1 animal or the owner's agent of the impoundment within 72 hours after the impoundment, the
2 department shall send a notice of impoundment by certified mail to the address, if any, where
3 the animal was impounded. The cost of impounding and caring for the animal is a lien upon the
4 animal.

5 (b) A certificate of mistreatment must state that in the professional judgment of the
6 veterinarian and based on the facts known to the veterinarian the animal that is subject of the
7 certificate is being mistreated. The certificate shall be signed by the veterinarian issuing the
8 certificate.

9 (c) A notice of impoundment must contain a description of the animal impounded, a
10 statement that the animal is in the custody of the state, a statement of the reasons for impounding
11 the animal, the location of the animal, and a statement of the rights of the owner to appeal the
12 impoundment or to recover the animal and of the procedures to appeal the impoundment or to
13 recover the animal.

14 (d) The department shall provide an opportunity to the owner of an animal impounded
15 under this section or the owner's agent for an expedited hearing to appeal the impoundment. An
16 owner or owner's agent who prevails at an appeal hearing under this subsection is entitled to
17 immediate recovery of the animal without liability for costs of impoundment or costs of care
18 while the animal is in state custody. A person who is aggrieved by the decision of the
19 department at the appeal hearing may appeal the decision to the superior court.

20 (e) Except as provided in (d) of this section, the department may not release an animal
21 to its owner or the owner's agent unless the owner or the owner's agent pays the costs of
22 impounding and caring for the animal and the department finds that the conditions leading to
23 mistreatment will not recur.

24 (f) If an animal impounded under this section is not reclaimed by its owner or the
25 owner's agent within 60 days after the impoundment or the dispatch of a notice of impoundment
26 by certified mail, whichever is later, or is abandoned by the owner, the department may cause
27 the animal to be offered for adoption or otherwise removed from state custody as provided by
28 regulation adopted by the department.

29 (g) An employee or agent of the department or a veterinarian who takes an action in
30 good faith under this section is immune from civil or criminal liability for the act.

31 (h) The department shall adopt regulations to implement this section.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

(i) In this section,

(1) "animal" means domestic animal;

(2) "department" means the Department of Public Safety;

(3) "livestock" means a horse, mule, burro, cow, goat, sheep, swine, reindeer, or rabbit;

(4) "mistreatment" means, except in an emergency or circumstances beyond reasonable control of the owner of the animal, the abandonment of an animal without providing for the continued health and well-being of the animal or the failure to provide care sufficient to preserve the health and well-being of an animal including the failure to provide

(A) food of sufficient quantity and quality to provide for normal growth or maintenance of body weight;

(B) access to potable water in sufficient quantity to satisfy the animal's needs; snow or ice is not an adequate water source;

(C) in the case of a animal other than livestock,

(i) access to an enclosed structure that is sufficient to protect the animal from wind, rain, snow, or sun and that has adequate bedding to protect against cold and dampness;

(ii) adequate space for exercise necessary for the health of the animal;

(iii) a clean confinement area, free from excess waste or other contaminant that could affect the health of the animal;

(D) veterinary care considered necessary by a reasonably prudent person to relieve distress from injury, neglect, or disease.