

**CS FOR HOUSE BILL NO. 67 (JUDICIARY)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 3/16/92  
Referred: Rules**

**Sponsor(s): REPRESENTATIVES KOPONEN, Moyer**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to mistreatment of animals and standards for treatment of 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) A peace officer  
6 may impound a mistreated animal as evidence of a crime under AS 11.61.140 or in order to  
7 protect the health and life of the animal. The peace officer may remove the animal to a place  
8 where humane care and treatment can be provided. The peace officer shall, if practical, give a  
9 notice of impoundment to the owner, or the owner's agent at the time the animal is impounded.  
10 If the peace officer cannot notify the owner of the animal or the owner's agent of the  
11 impoundment at the time of impoundment, the peace officer shall post a conspicuous notice of  
12 impoundment at the premises where the animal was impounded. If the peace officer cannot  
13 notify the owner of the animal or the owner's agent of the impoundment within 72 hours after  
14 the impoundment, the peace officer shall send a notice of impoundment by certified mail to the

1 address, if any, where the animal was impounded. The cost of impounding and caring for the  
2 animal is a lien upon the animal.

3 (b) If the peace officer determines that continued custody of the animal is necessary to  
4 protect the animal or to preserve evidence of a crime under AS 11.61.140, the peace officer shall  
5 notify the district court of the impoundment by filing, within 72 hours after the impoundment,  
6 a complaint alleging that the animal was impounded to protect the animal or to preserve evidence  
7 of a crime. The district court shall, within 10 days after receiving the complaint unless prevented  
8 by lack of transportation, hold a hearing at which the owner of the animal or the owner's agent,  
9 if the owner or owner's agent can be found, shall be permitted to be present. The court shall  
10 determine whether probable cause exists for impoundment of the animal. The court shall inform  
11 the owner or the owner's agent if the owner or owner's agent can be found, of the reasons given  
12 as constituting probable cause and the reasons given as authorizing the impoundment. If the  
13 court finds that probable cause exists it shall order the animal to remain in the custody of the  
14 peace officer or the peace officer's agent or order the animal returned to the custody of the owner  
15 or the owner's agent subject to the peace officer's supervision of the animal's care and treatment.  
16 If the court finds no probable cause it shall order the animal returned to the custody of the owner  
17 or the owner's agent without liability for costs of impoundment or costs of care while the animal  
18 was in custody.

19 (c) Except as provided in (b) of this section, an animal may not be released to its owner  
20 or the owner's agent unless

- 21 (1) the animal is not being held as evidence of a crime under AS 11.61.140; and  
22 (2) the owner or the owner's agent  
23 (A) pays the costs of impounding and caring for the animal; and  
24 (B) demonstrates that the conditions resulting in the impoundment will not  
25 recur.

26 (d) An animal impounded under this section may be offered for sale or adoption or  
27 disposed of in a humane manner if the animal is

- 28 (1) not reclaimed by its owner or the owner's agent within 30 days after the later  
29 of  
30 (A) the impoundment;  
31 (B) the dispatch of a notice of impoundment by certified mail; or

1 (C) the expiration of the right to appeal the finding of probable cause for  
2 the impoundment of the animal by the district court; or

3 (2) abandoned by the owner.

4 (e) The owner of an animal impounded under this section is not liable for damages  
5 caused by the animal while the animal is subject to the custody of the peace officer who  
6 impounded the animal or the peace officer's agent. A peace officer who impounds an animal  
7 under this section is liable in the peace officer's official capacity for damage to or by the animal  
8 while the animal is subject to the custody of the peace officer or the peace officer's agent, except  
9 that the peace officer and the peace officer's agent are not liable for damage to the animal caused  
10 by or resulting from a condition that existed before the animal was impounded.

11 (f) The state veterinarian and the Board of Veterinary Examiners shall adopt jointly by  
12 regulation standards for treatment of animals in order to provide guidelines for identifying  
13 mistreated animals.

14 (g) In this section "animal" has the meaning given in AS 11.61.140.

15 \* Sec. 2. AS 08.98.050(a) is amended to read:

16 (a) The board shall

17 (1) establish examination requirements for eligible applicants for licensure to  
18 practice veterinary medicine;

19 (2) examine, or cause to be examined, eligible applicants for licensure or  
20 registration;

21 (3) approve the issuance of licenses to qualified applicants;

22 (4) establish standards for the practice of veterinary medicine by regulation;

23 (5) conduct disciplinary proceedings in accordance with this chapter;

24 (6) adopt regulations requiring proof of continued competency before a license  
25 is renewed;

26 (7) prepare and submit an annual report to the department containing information  
27 concerning board activities, the number of examinations held, the number of applicants for  
28 examination, the number of persons who pass and the number who fail each examination,  
29 financial data, including receipts and expenditures, and other information which the department  
30 may require;

31 (8) as requested by the department, monitor the standards and availability of

- 1 veterinary services provided in the state and report its findings to the department;
- 2 (9) collect, or cause to be collected, data concerning the practice of veterinary  
3 technology by veterinary technicians in the state and submit the data to the department for  
4 maintenance;
- 5 (10) establish, by regulation, educational and training requirements for the  
6 delegation of duties by veterinarians licensed under this chapter to veterinary technicians;
- 7 (11) adopt regulations establishing standards for treatment of animals by  
8 veterinarians and other persons.

9 \* Sec. 3. AS 11.61.140(a) is amended to read:

- 10 (a) A person commits the crime of cruelty to animals if the person
- 11 (1) intentionally inflicts severe and prolonged physical pain or suffering on an  
12 animal;
- 13 (2) recklessly neglects an animal and, as a result of that neglect, causes the death  
14 of or physical injury to the animal or recklessly causes severe pain, physical injury, or  
15 suffering to the animal; or
- 16 (3) kills an animal by the use of a decompression chamber.

17 \* Sec. 4. AS 22.15.030(a) is amended to read:

- 18 (a) The district court has jurisdiction of civil cases, including foreign judgments filed  
19 under AS 09.30.200 and arbitration proceedings under AS 09.43.170, as follows:
- 20 (1) for the recovery of money or damages when the amount claimed exclusive  
21 of costs, interest, and attorney fees does not exceed \$50,000;
- 22 (2) for the recovery of specific personal property, when the value of the property  
23 claimed and the damages for the detention do not exceed \$50,000;
- 24 (3) for the recovery of a penalty or forfeiture, whether given by statute or arising  
25 out of contract, not exceeding \$50,000;
- 26 (4) to give judgment without action upon the confession of the defendant for any  
27 of the cases specified in this section, except for a penalty or forfeiture imposed by statute;
- 28 (5) for establishing the fact of death of any person in the manner prescribed in  
29 AS 09.55.020 - 09.55.060;
- 30 (6) for the recovery of the possession of premises in the manner provided under  
31 AS 09.45.070 - 09.45.160 when the value of the arrears and damage to the property does not

- 1 exceed \$50,000;
- 2 (7) for the foreclosure of a lien when the amount in controversy does not exceed
- 3 \$50,000;
- 4 (8) for the recovery of money or damages in motor vehicle tort cases when the
- 5 amount claimed exclusive of costs, interest, and attorney fees does not exceed \$50,000;
- 6 (9) over civil actions for taking utility service and for damages to or interference
- 7 with a utility line filed under AS 42.20.030;
- 8 (10) over cases involving injunctive relief for domestic violence under
- 9 AS 25.35.010 and 25.35.020;
- 10 (11) to determine whether probable cause exists for impoundment of an
- 11 animal under AS 03.55.110.