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COMMITTEE REPORT

HOUSE

(7)

FURTHER:

4/25/83

Date: 5-2-83

Mr. Speaker: (Returned to Judiciary 4/25/83)

The Committee on JUDICIARY has had HB 312

"An Act relating to harming a police dog."

under consideration and reports it back as follows:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 312 (SUB)  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]  
[Signature]  
[Signature]  
[Signature]  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

MEMBER HAVING  
OTHER RECOMMENDATIONS:

[Signature]  
[Signature]  
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 \_\_\_\_\_  
 \_\_\_\_\_

[Signature]  
CHAIRMAN

I. REQUEST

Bill/Resolution No.: HB 312  
 Title: "...harming a police dog."  
 Sponsor: Repr. Adams  
 Requestor: House Judiciary Committee

II. FISCAL DETAIL

Agency Affected: Department of Law  
 Program Category Affected: Adm. of Justice  
 BRU, Program of Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Pegues, Director Phone: 465-3672  
 Division: Administrative Services Division Date: April 18, 1983  
 Approved by Commissioner: Norman C. Gorsuch, Attorney General Date: April 18, 1983  
 Department: Department of Law

Distribution:

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HB 312  
Fiscal Note  
Analysis

The intentional harming of a police dog is such a rare occurrence that any fiscal impact to the department will be relatively insignificant.

Kotzebue

1 dog

not subject to harassment or threats

Alaska State Troopers

3 Search & Rescur Dogs

2 Narcotics Dogs

Support the legislation. Were to call back saturday  
with info re: harassment

*Did not call back*

Ketchikan Police Department

1 Narcotics Dog - Not subject to threats or  
harassment

Support the legislation

Kenai Police Department

1 Street Dog - Not aware of harassment. Dispatcher  
could not comment on the bill

Juneau Police Department

No Dogs

Fairbanks Police Department

No Dogs

Anchorage Police Department

3 Street Dogs

2 Narcotics Dogs

Support the legislation. Their dogs (all of them) have  
be harassed and threatened. One dog was threatened  
wednesday (April 27) with a knife.

The department feels that it would be very difficult  
to convince the prosecutors to file charges under  
the Criminal Mischief Statute because it covers such  
a broad range of offenses. If there were specific  
statutes relating to harassment or injuring a police  
dog it would be much easier to convince the prosecution  
to prosecute.

The department has never attempted to file charges under  
the criminal mischief statute as they felt there would  
be no chance of prosecution.





POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4990

Alaska State Legislature  
HOUSE OF REPRESENTATIVES

REPRESENTATIVE  
CHARLIE BUSSELL  
CHAIRMAN

## Committee on Judiciary

### M E M O R A N D U M

DATE: April 20, 1983

TO: File

FROM: Cynthia Nelson *CN*  
Administrative Assistant

SUBJECT: Proposed CS for HB 312 (Judiciary)  
"An Act relating to harming a police dog."

On April 20, 1983 I spoke with Deputy Chief Audie of the Anchorage Police Department. The Anchorage Police Department strongly supports this legislation and hopes that it will act as a deterrent to the threats which have been made towards their police dogs.

The Anchorage Police Department presently owns and maintains five (5) police dogs. Four (4) are classified as "Street Dogs" and are used for building searches and in situations where there would be a substantial danger to a police officer. In addition, "Street Dogs" are used for search and rescue situations locating lost persons.

The additional dog owned by the Anchorage Police Department is classified as a "Narcotics Dog". This particular dog was imported from Germany and is used to locate narcotics by smell. This dog in particular has been subjected to numerous threats of harm.

These dogs represent an investment of approximately \$12,000 each which includes an eight week training session with it's designated police officer "handler". This figure does not include salary and per diem paid to the officer while in training at the outside school.

There is not only a substantial financial investment in these dogs but a great deal of time investment. However, the value of these dogs to the life and safety of the public and to the police officers they serve would be difficult to measure.

MEMBERS:  
REP. JOHN LISKA, VICE CHAIRMAN; REP. RAMONA BARNES, EMERITUS;  
REP. JOE HAYES; REP. HUGH MALONE; REP. DON CLOCKSIN; REP. RON WENDTE

# STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

## LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

April 21, 1983

SUBJECT: Harming police dogs  
(CSHB 312 (Judiciary))

TO: Representative Charlie Bussell  
Chairman, House Judiciary Committee

FROM: James H. Lear *JHL*  
Legislative Counsel

You have asked our office to compare the penalties under the existing law and the penalties under CSHB 312 (Judiciary) associated with the crime of harming a police dog. Under AS 11.46.486 (Criminal mischief in the fourth degree) the prosecution would have to establish that the offender "tampered" with a police dog with reckless disregard for the risk of harm or with intent to cause substantial inconvenience to another person; or that the offender damaged a police dog in an amount less than \$50 and with the intent to cause such damage. Criminal mischief in the fourth degree is a class B misdemeanor.

Comparing criminal mischief in the fourth degree with proposed Sec. 11.56.710 (Harming a police dog in the second degree), one would observe that under the proposed statute it would be unnecessary to establish damage to a police dog. It would be sufficient for the prosecution to establish that the offender tormented, kicked, struck, stoned, or tampered with a police dog, knowing the dog to be a police dog. Such conduct would be punishable as a class A misdemeanor, a greater penalty than that imposed for criminal mischief in the fourth degree.

Under AS 11.46.484 (Criminal mischief in the third degree) the prosecution would have to establish that the offender intentionally damaged a police dog in an amount of \$50 or more but less than \$500. If the prosecution were successful, the offender would be facing a class A misdemeanor charge. Again, comparing this with the proposed section of harming a police dog in the second degree, the prosecution

must establish damage to the police dog to prevail under the existing law, while under the new provision the offender may be punished even though he inflicts no physical injury to the police dog.

Under AS 11.46.482 (Criminal mischief in the second degree) the prosecution would have to establish that the offender intentionally damaged a police dog in an amount of \$500 or more in order to impose penalties as a class C felony. Compared with Sec. 11.56.705 (Harming a police dog in the first degree), one would observe that an offender is subject to penalties for a class C felony violation if the offender intentionally kills or causes serious physical injury to a police dog. Under the existing law the prosecution would have to establish that the intentional killing or infliction of serious physical injury amounted to more than \$500 in damages.

In short, a comparison of existing law with proposed CSHB 312 (Judiciary) shows that it would be easier to prosecute an offender under the proposed bill and in certain instances higher penalties could be attached upon conviction.

If you have any further questions, please feel free to contact our office.

JHL:ljb  
15/026

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST

Bill/Resolution No.: HB 312  
 Title: "Act Relating to Harming a Police Dog"  
 Sponsor: Representative Adams  
 Requestor: House Judiciary

II. FISCAL DETAIL

Agency Affected: Public Safety  
 Program Category Affected: Crime ID  
 BRU, Program of Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact anticipated

Prepared By: Paul Conger Phone: 465-4338  
 Division: Administrative Services Date: 4/14/83  
 Approved by Commissioner: [Signature] Date: 4-15-83  
 Department: Public Safety

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STATE OF ALASKA

BILL ANALYSIS

Department <b>Public Safety</b>	Sponsor (Principal) <b>Adams</b>	Bill Number <b>HB 312</b>
Department Position  <b>Support</b>		
Division Director <b>Col. M. C. Kolivosky mcr</b>	Date <b>4-8-83</b>	Signature <i>[Signature]</i> <b>R. J. Sundberg</b>
		Date <b>4-15-83</b>

Comments:

<input type="checkbox"/> Position Noted	By	Date
---	----	------

SUMMARY

1. a) Related Bills (Similar or Conflicting)	1. b) Other Agencies Affected by Bill <b>All law enforcement agencies statewide.</b>
2. a) Organizational Support for Bill	2. b) Organizational Opposition to Bill

3. Program Effects of Bill  
 Passage of this bill will help to protect these valuable assets in police work. These animals are used not only for general police work but also in narcotics enforcement.

4. Fiscal Impact:  None  Fiscal Note Attached

5. Amendments Proposed:

6. Comments:

# CITY OF KOTZEBUE

P.O. BOX 46  
KOTZEBUE, ALASKA 99752

KOTZEBUE POLICE DEPARTMENT  
907-442-3351

March 23, 1983

Representative Al Adams  
Pouch V  
State Capital  
Juneau, Alaska 99811

HB312

RE: POLICE DOG PROTECTION BILL

I was given a copy of your draft bill amending AS 11.56 to protect police dogs.

I and the Police Department, and I am sure the City Fathers, thank you for this much needed legislation.

It is definitely a measure of protection for the dog and a protection to the large investment made by the City of Kotzebue and hopefully will act as a deterrent.

In reviewing the draft legislation, the two stumbling blocks I see is the phrase "knowing the dog to be a police dog" and the language following to the end of the sentence in Section 11.56.705 and Section 11.56.710.

By necessity the dog becomes a part of the Officers family and it is generally agreed that this is when the dog is most vulnerable. Police Department that have used dogs over a great period of time have found that the dogs are poisoned, shot at and injured mostly when "off duty".

All Police dogs are the property of the handlers employer and like an Officer, are "on duty" 24 hours a day.

Might it be possible to revise the language to reflect these concerns.

Sincerely,



DONALD E. BUEHLER  
Chief of Police

cc: Representative Adams' file  
City Manager  
City Manager file  
Sgt Jcnes

"GATEWAY TO NORTHWEST ALASKA"

## Bill would protect police dogs

NEWS 5-8-83

The Associated Press

JUNEAU — The House has sent to the Senate a measure to penalize anyone who killed or tried to harm a police dog.

The measure (HB312) was introduced by Rep. Al Adams, D-Kotzebue, because of a problem in his area. The police dog has been threatened several times, according to testimony in the House Judiciary Committee.

Rep. Don Clocksin, D-Anchorage, said the measure was unnecessary because penalties for killing a dog were covered by criminal mischief statutes.

Adams countered that the bill was needed, because it would specifically identify a crime.

He said the dogs provide public protection and crime detection and should be protected.

Killing a police dog would be a Class C felony, punisha-

JK  
ble by up to five years imprisonment and a fine of up to \$50,000.

Harming a police dog would be a Class A misdemeanor, punishable by up to a year in jail and a fine of up to \$5,000.