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238

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 238

Revision Date: _____ Dept. Affected: Department of Law
 Title: "...relating to the care and regulation of the care of animals...relating to crimes involving animals." BRU: Criminal Division
 Sponsor: Senator Phillips Component: Criminal Division
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of my current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends state laws in several ways to provide for the care and regulation of the care of animals, and the bill amends laws relating to crimes involving animals. First, the bill authorizes a peace officer to seize and arrange for the shelter and care of an animal found to be treated or confined under conditions constituting cruelty to animals.

Second, the bill provides for the issuance of search warrants where there is probable cause to believe violations of the state's cruelty to animal laws has occurred or is occurring.

Third, the bill provides that employees of the Department of Environmental Conservation, designated by the commissioner of environmental conservation, and peace officers shall be responsible for enforcement of the state's cruelty to animals laws.

Prepared by: Richard I. Pegues, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: 1/28/96
 Date: 1/26/96

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STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 238

ANALYSIS CONTINUATION:

Fourth, the bill provides that the Department of Environmental Conservation shall annually provide voluntary rabies vaccinations to animals at reduced cost to the owners of the animals. The bill further provides that the cost of a vaccination may not exceed the cost to the department of the amount of vaccination administered to the animal.

Fifth, the bill provides that the Department of Environmental Conservation shall establish minimum standards for the proper care of animals. These standards cover food, water, indoor shelter, outdoor shelter, space, sanitation, and medical care to maintain an animal in good health.

Sixth, the bill establishes an animal abuser registration program to be maintained by the Department of Environmental Conservation, which requires that a person convicted of an animal abuse offense register with the department within seven days after being released from a correctional facility, or within seven days of conviction for a violation of an animal abuse offense if the animal abuser is not sentenced to a term of incarceration, or within 14 days of becoming physically present in the state. An animal abuser's requirement to register ends 10 years following the abuser's unconditional discharge from a conviction for an animal abuse offense.

Seventh, the bill amends the state's existing cruelty to animal statutes to provide two levels of criminal conduct, cruelty to animals in the first degree and cruelty to animals in the second degree. Cruelty to animals in the first degree is a class A misdemeanor and includes: intentionally inflicting severe and prolonged physical pain or suffering on an animal; killing or injuring an animal by the use of a decompression chamber; killing a dog or cat for the purpose of preparing or serving the animal for human consumption; killing or injuring a domestic animal by the use of poison; or committing the offense of cruelty to animals in the second degree and, as a result of that offense, causing the death of the animal or causing severe pain or suffering to the animal. The bill further provides that a person convicted of cruelty to animals in the first degree is guilty of a class C felony if, within the preceding seven years, the person was convicted of the same offense.

The offense of cruelty to animals in the second degree, which would be a class B misdemeanor, includes: recklessly abandoning a domestic animal; recklessly failing to provide care by failing to provide an animal with proper food, water, shelter, rest, sanitation, ventilation, space, or medical attention; failing, while operating a propelling vehicle and striking and injuring an animal, to stop as close as possible to the scene of the accident and notifying the owner of the animal if the owner can reasonably be discovered, and notifying the appropriate law enforcement agency; keeping a dog, unless the property on which the dog is kept contains, or is contiguous with, a permanently occupied residence by a person who is responsible for the daily care, maintenance and supervision of the dog; and setting a steel jaw, leg-hold, snare, spring, or similar trap that has the capacity to injure or kill an animal. It would be a defense for a prosecution under this last provision that a defendant's conduct in setting a trap was for a commercially reasonable purpose, or necessarily incident to lawful hunting or trapping activities.

The number of cruelty to animal offenses referred to the Department of Law is small, and there will probably not be a fiscal impact for the department. We do note, however, that the bill establishes substantial new responsibilities for the Department of Environmental Conservation that may have a fiscal impact on that department. Moreover, the Department of Law believes that the new duties encompassed by this bill will serve to increase the size of state government in an area that is primarily a local matter. Consequently, the department further believes these duties are the proper responsibility of municipalities and should be the subject of local ordinance rather than state statute.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 238

Revision Date: _____ Dept. Affected: Corrections
 Title: "An Act relating to the care and regulation of the BRU: State Wide Programs
care of animals; relating to registration of animal abuse offenders;..." Component: _____
 Sponsor: Senator Phillips
 Requester: Senate Judiciary COMPONENT SERIAL NO. #1381

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 11.61.140 and adds AS 11.61.142 to create two levels of criminal conduct, cruelty to animals in the first degree and cruelty to animals in the second degree. Cruelty to animals in the first degree is a class A misdemeanor. The bill further provides a new sub-section AS 11.61.140 (e) that a person convicted of cruelty to animals in the first degree is guilty of a class C felony if, the person was previously convicted of the same offense within the past seven years. Cruelty to animals in the second degree is a class B misdemeanor.

The number of cruelty to animals cases are very small and there is little or no impact on the Department of Corrections.

Prepared by: Jerry Shriner
 Division: Office of the Commissioner
 Approved by Commissioner: Margaret Pugh Margaret Pugh
 Agency: Department of Corrections

Phone: 465-4652
 Date: 1/29/96
 Date: 1/29/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SB 238

Revision Date: _____ Dept. Affect: Public Safety
 Title: Cruelty to Animals BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Senator Phillips
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 0799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	13.6	13.6	13.6	13.6	13.6	13.6
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	13.6	13.6	13.6	13.6	13.6	13.6
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	13.6	13.6	13.6	13.6	13.6	13.6
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	13.6	13.6	13.6	13.6	13.6	13.6

Estimate of current year (FY 95) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

See Attached.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: February 2, 1996
 Approved by Commissioner: *Dee Smith* Date: 2/15/96
 Agency: Ronald L. Ote, Department of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SB 238

Revision Date: February 2, 1996

Dept. Affected: Public Safety

ANALYSIS CONTINUED:

During 1995, the Alaska State Troopers investigated 20 cruelty to animal cases and 831 animal related offenses. Of the 831 animal related offenses most were likely to have been "barking dog" type cases. For this fiscal note it was assumed that 200 (about one fourth of the 831) would become criminal acts if this bill were to be enacted.

To investigate these new offenses it will cost the division, \$7,600.

200
x one hour (estimated average investigation time for these offenses)
x \$38 (average trooper cost per hour, straight time)

\$7,600 Total for investigating new offenses

It was estimated that one fourth of the offenses would involve repeat offenders under the bill and would be charged as a felony. The time need to investigate these new felony offenses is included in the estimate above. However, every felony charge must be presented to a grand jury or a superior court judge in a preliminary hearing. To have the investigating trooper testify at the grand jury or a preliminary hearing it cost the division, \$5,976.

4 (one fourth of the 20 cruelty cases)
+ 50 (one fourth of the estimated 200 new cases)

54 new felony cases
18 (one third of the 54 new felony cases estimated to be worked by troopers assigned to day shift)
x one hour (time estimated for these troopers to testify at the grand jury or preliminary hearing)
x \$38 (average trooper cost per hour straight time)

\$684 Total for day shift troopers to testify at the grand jury or preliminary hearing

36 (two thirds of the 54 new felony cases estimated to be worked by trooper assigned to swing and graveyard shifts)
x three hours (the minimum number of hours required by contract, to be paid for overtime not contiguous with shift)
x \$49 (average trooper cost per hour, overtime)

\$5,292 Total for swing and graveyard shift troopers to testify at the grand jury or preliminary hearing.

\$5,976 Total for troopers to testify at the grand jury or preliminary hearing

\$13,576 Total for the division to respond to, investigate, and prosecute the new offenses.

Note: the average trooper cost per hour are averages, the actual cost are affected by seniority, shift differential, geographic differentials, etc

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 238

Revision Date: _____
Title: Cruelty to Animals
Sponsor: Senator Phillips
Requestor: _____

Department Affected: Environmental Conservation
BRU: Environmental Health
Component: Animal Industries

COMPONENT SERIAL NO.

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	191.4	191.4	191.4	191.4	191.4	191.4
TRAVEL	178.0	178.0	178.0	178.0	178.0	178.0
CONTRACTUAL	11.8	6.8	6.8	6.8	6.8	6.8
SUPPLIES	127.9	127.9	127.9	127.9	127.9	127.9
EQUIPMENT	9.5	2.0	2.0	2.0	2.0	2.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	518.6	506.1	506.1	506.1	506.1	506.1

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 CF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 OP	393.6	393.6	393.6	393.6	393.6	393.6
1005 CF/Program Receipts	125.0	125.0	125.0	125.0	125.0	125.0
1006 OPM/OTLA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	518.6	518.6	518.6	518.6	518.6	518.6

Estimate of any current year (FY 96) cost: 0.0

POSITIONS:

FULL-TIME	4	4	4	4	4	4
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

See Attached

Prepared by: Jarice Adair
Division: Director, Division of Environmental Health

Phone: 269-7645
Date: 2/5/96

Approved by Commissioner: [Signature]
Agency: Department of Environmental Conservation

Date: 2/1/96

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SB 238
Fiscal Note Analysis - DEC

Personal Services:

Vet Assistant	73.5
Environmental Tech (2)	84.0
Admin. Clerk II	33.9
Total PS	191.4

Travel:

Investigatory Travel:	78.0	(estimates about 70 investigations a year)
Rabies Travel:	100.0	(the bill requires rabies be offered at every municipality in the state. Estimating that travel is difficult; please see attached two pages for a listing of all municipalities where this service would be required to be offered)
Total:	178.0	

Contractual:

Lab Testing	3.3	
Training:	3.5	
Animal Abuse Awareness		
Equine Abuse Awareness		
Dept. Of Law	5.0	(Regulation development; first year only)
Total	11.8	

Supplies:

Photographic supplies	.2
Office Supplies	2
Syringes/Euthanasia	1.5
Misc.	1.0
Total	2.9

Equipment:

Office equipment	2.0	(first year only)
Photographic	1.0	(first year only)
Computers for new staff	9.5	(first year only)
Necropsy kit	1.0	
Vet equipment	1.0	
Total	9.5	

CITIES WITHIN ORGANIZED BOROUGHS

Aleutians East Borough
 Akutan Second Class
 Cold Bay Second Class
 False Pass Second Class
 King Cove First Class
 Sand Point First Class

Denali Borough
 Anderson Second Class

Fairbanks North Star Borough
 Fairbanks Home Rule
 North Pole Home Rule

Kenai Peninsula Borough
 Homer First Class
 Kachemak Second Class
 Kenai Home Rule
 Galdvick First Class
 Seward Home Rule
 Soldotna First Class

Ketchikan Gateway Borough
 Ketchikan Home Rule
 Saxman Second Class

Haines Borough
 Haines First Class

Kodiak Island Borough
 Kodiak Second Class
 Kodiak Home Rule
 Larsen Bay Second Class
 Old Harbor Second Class
 Ozunika Second Class
 Port Lions Second Class

Lake and Peninsula Borough
 Chignik Second Class
 Egegik Second Class
 Newhalen Second Class
 Nondalton Second Class
 Pilot Point Second Class
 Port Heiden Second Class

Matanuska-Susitna Borough
 Houston Second Class
 Palmer Home Rule
 Wasilla First Class

North Slope Borough
 Anaktuvuk Pass Second Class
 Atkasuk Second Class
 Barrow First Class
 Kaktovik Second Class
 Nuiqsut Second Class
 Point Hope Second Class
 Wainwright Second Class

Northwest Arctic Borough
 Ambler Second Class
 Buckland Second Class
 Deering Second Class
 Kiana Second Class
 Kivalina Second Class
 Kobuk Second Class
 Kotzebue Second Class
 Noomik Second Class
 Selawik Second Class
 Snungnak Second Class

→ * **ORGANIZED BOROUGHS - UNIFIED MUNICIPALITIES**

	<u>Classification</u>	<u>Page</u>
Aleutians East Borough	Second Class	1
Municipality of Anchorage	Unified Home Rule	2
Bristol Bay Borough	Second Class	3
Denali Borough	Home Rule	4
Fairbanks North Star Borough	Second Class	5
Haines Borough	Third Class	6
City and Borough of Juneau	Unified Home Rule	7
Kenai Peninsula Borough	Second Class	8
Ketchikan Gateway Borough	Second Class	9
Kodiak Island Borough	Second Class	10
Lake and Peninsula Borough	Home Rule	11
Matanuska-Susitna Borough	Second Class	12
North Slope Borough	Home Rule	13
Northwest Arctic Borough	Home Rule	14
City and Borough of Sitka	Unified Home Rule	15
City and Borough of Yakutat	Home Rule	16

INCORPORATED CITIES

→ HOME RULE CITIES	PAGE	SECOND CLASS CITIES	PAGE	SECOND CLASS CITIES	PAGE
Cordova	43	Bethel	32	Nightmute	104
Fairbanks	55	Bettles	33	Nikolai	105
Kenai	77	Brevig Mission	34	Nondaton	107
Ketchikan	78	Buckland	35	Noorvik	108
Kodiak	84	Chefomak	36	Nulqsut	110
Nenana	101	Chevak	37	Nulato	111
North Pole	109	Chignik	38	Nunapitchuk	112
Palmer	116	Chuathbaluk	39	Old Harbor	113
Petersburg	117	Clarke Point	40	Ouzinkie	114
Seward	138	Coffman Cove	41	Pilot Point	110
Valdez	158	Cold Bay	42	Pilot Station	119
Wrangell	162	Deering	45	Platinum	120
		Delta Junction	46	Point Hope	121
		Diomedea	46	Port Alexander	122
FIRST CLASS CITIES		Eagle	40	Port Heiden	123
Barrow	31	Eak	50	Port Lions	124
Craig	44	Egegik	51	Quinhagak	125
Dillingham	47	Elkwok	52	Ruby	126
Galena	58	Edm	53	Russian Mission	127
Haines	63	Emmonak	54	St. George	128
Homer	65	False Pass	56	St. Michael	130
Hoonah	68	Fort Yukon	57	St. Paul	131
Hydaburg	71	Gambell	59	Savoonga	133
Kake	73	Golovin	60	Saxman	134
King Cove	80	Goodnews Bay	61	Scammon Bay	135
Klawock	82	Grayling	62	Selawik	138
Nome	106	Holy Cross	64	Shageluk	139
Palican	118	Hooper Bay	67	Shaktolik	140
St. Mary's	129	Houston	68	Sheldon Point	141
Sand Point	132	Hughes	69	Shishmaref	142
Seldovia	137	Huslia	70	Shungnak	143
Skagway	144	Kachemak	72	Stebbins	146
Soldotna	145	Kaktovik	74	Teller	148
Tenana	147	Katag	75	Tanakee Springs	149
Unalaska	154	Kasaan	76	Thomas Bay	150
Wadella	159	Kiana	79	Togiak	151
		Kvilline	81	Toksock Bay	152
SECOND CLASS CITIES		Kobuk	83	Unalakleet	153
Akhiok	17	Kodiak	85	Upper Kaktag	155
Aldak	18	Kotzebue	86	Wainwright	157
Akutan	19	Koyuk	87	Wales	158
Alakanuk	20	Koyukuk	88	White Mountain	160
Aleknagik	21	Kupreanof	89	Whitler	161
Aliakaket	22	Kwethluk	90		
Ambler	23	Larsen Bay	91	ORGANIZED	
Anaktuvuk Pass	24	Lower Kaktag	92	UNDER FEDERAL LAW	
Anderson	25	Manokotak	93		
Angoon	26	Marshall	94	Matakote	97
Aniak	27	McGrath	95		
Anvik	28	Mekoryuk	96		
Atka	29	Mountain Village	98		
Atkasuk	30	Napetuk	99		
		Napaskuk	100		
		New Stuyahok	102		
		Newhalen	103		

JUDICIARY COMMITTEE
DELIVERY ACCEPTANCE LOG

MEETING DATE 2/5/96

BILL NUMBERS SB 238

LEGISLATOR ACCEPTED BY TIME DATE

SEN. GREEN. RM 423 John Green 3:00 2/2/96

SEN. MILLER. RM 125 Miller

SEN. ADAMS RM 417 Adams

SEN. ELLIS RM 9 Ellis

9-LS1495\F
Luckhaupt
4/1/96

CS FOR SENATE BILL NO. 238()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR PHILLIPS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the care and regulation of the care of animals; and
2 relating to crimes involving animals."

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

4 * Section 1. AS 03.53 is amended by adding a new section to read:

5 ARTICLE 2. CARE OF ANIMALS.

6 Sec. 03.53.100. STANDARDS OF PROPER CARE FOR ANIMALS. An
7 animal that is in the possession, custody, or care of a person shall be properly cared for.
8 At a minimum, each animal must be provided

9 (1) food and water that is sufficient to maintain the animal in good
10 health; if potable water is not provided to an animal at all times, it must be provided
11 daily and in sufficient quantity to maintain the good health of the animal;

12 (2) shelter; shelter provided an animal indoors must be maintained at a
13 temperature and with the amount of ventilation compatible with the good health of the
14 animal, shelter provided an animal outdoors must

1 (A) provide sufficient shade to protect the animal from sunlight
2 likely to cause heat exhaustion of an animal;

3 (B) protect the animal from inclement weather to an extent
4 sufficient to maintain the animal in good health;

5 (C) be structurally sound and maintained in good repair to protect
6 the animal from injury and to contain the animal;

7 (3) space, whether provided indoors or outdoors, that is sufficient to
8 allow the animal adequate freedom of movement so as to maintain the good health of
9 the animal and so that the animal is free from debility, stress, and abnormal behavior
10 patterns;

11 (4) sanitation of indoor or outdoor enclosures or shelters that includes
12 periodic cleaning to remove excreta and other waste material, dirt, and trash;

13 (5) medical care that is provided at times and to the extent necessary to
14 maintain the animal in good health.

15 * Sec. 2. AS 11.61.140 is amended to read:

16 Sec. 11.61.140. CRUELTY TO ANIMALS. (a) A person commits the crime
17 of cruelty to animals in the first degree if the person

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

20 (2) violates AS 11.61.142 [RECKLESSLY NEGLECTS AN ANIMAL]
21 and, as a result of that violation [NEGLECT], causes the death of the animal or causes
22 severe pain or suffering to the animal; [OR]

23 (3) kills or injures an animal by the use of a decompression chamber;
24 or

25 (4) kills or injures a domestic animal by the use of poison.

26 (b) It is a defense to a prosecution under

27 (1) (a)(1), (2), or (4) [OR (2),] of this section that the conduct of the
28 defendant

29 (A) [(1)] conformed to accepted veterinary practice; or

30 (B) [(2)] was part of scientific research governed by accepted
31 standards;

32 (2) (a)(1) or (2) of this section that the conduct of the defendant [OR

1 (3)] was necessarily incident to lawful hunting or trapping activities;

2 (3) (a)(1) of this section that the conduct of the defendant involved
3 the circumstances set out in AS 11.61.142(a)(4) and was

4 (A) for a commercially reasonable purpose; or

5 (B) for the capture of a rodent or other pest within a
6 structure or adjacent to a structure.

7 (c) In this section,

8 (1) "animal" means a vertebrate living creature not a human being, but
9 does not include fish;

10 (2) "domestic animal" means an animal as defined under
11 AS 11.61.140 that is tame by nature, has become accustomed to man by the passage
12 of time, or has been subjected to the will of human beings to the extent that the
13 animal is without the disposition to escape the dominion of human beings.

14 (d) Except as provided in (e) of this section, cruelty [CRUELTY] to animals
15 in the first degree is a class A misdemeanor.

16 * Sec. 3. AS 11.61.140 is amended by adding new subsections to read:

17 (e) A person convicted under this section is guilty of a class C felony if, within
18 the preceding seven years, the person was convicted under this section or a law or
19 ordinance of this or another jurisdiction with elements substantially similar to those of
20 the offenses described in this section.

21 (f) In addition to any other penalty provided by law, a court may order a
22 defendant convicted under this section not to own or care for animals for a period of
23 time not less than one year nor more than 10 years.

24 (g) An animal that is the subject of a prosecution under this section may be
25 forfeited by the court to the state if the defendant is the owner of the animal and the
26 defendant is convicted under this section.

27 * Sec. 4. AS 11.61 is amended by adding a new section to read:

28 Sec. 11.61.142. CRUELTY TO ANIMALS IN THE SECOND DEGREE. (a)
29 A person commits the crime of cruelty to animals in the second degree if the person

30 (1) recklessly abandons a domestic animal;

31 (2) owns or is responsible for the care of an animal and recklessly fails
32 to provide proper care by failing to provide the animal with proper food, water, shelter,

1 rest, sanitation, ventilation, space, or medical attention;

2 (3) while operating a propelled vehicle, strikes and injures an animal and
3 fails to

4 (A) stop as close as possible to the scene of the accident; and

5 (B) notify

6 (i) the owner of the animal if the owner of the animal can
7 be reasonably discovered; and

8 (ii) the appropriate law enforcement agency; or

9 (4) sets a steel jaw, leg-hold, snare, spring, or similar trap that has the
10 capacity to injure or kill an animal.

11 (b) It is a defense to a prosecution under (a)(4) of this section that the
12 defendant's conduct in setting the trap was

13 (1) for a commercially reasonable purpose;

14 (2) for the capture of a rodent or other pest within a structure or adjacent
15 to a structure; or

16 (3) necessarily incident to lawful hunting or trapping activities.

17 (c) Proof that an animal has been left unattended by the defendant for 72 hours
18 or more is prima facie evidence that an animal has been abandoned under (a)(1) of this
19 section.

20 (d) Proof that a defendant's provision of food, water, shelter, sanitation,
21 ventilation, space, or medical attention under (a)(2) of this section does not meet the
22 standards of care set under AS 03.53.100 is prima facie evidence that proper care has not
23 been provided to the animal under (a)(2) of this section.

24 (e) An animal that is the subject of a prosecution under this section may be
25 forfeited by the court to the state if the defendant is the owner of the animal and the
26 defendant is convicted under this section.

27 (f) In this section, "animal" and "domestic animal" have the meanings given in
28 AS 11.61.140.

29 (g) Cruelty to animals in the second degree is a class B misdemeanor. In
30 addition to any other penalty provided by law, a court may order a defendant convicted
31 under this section not to own or care for animals for a period of time not less than one
32 year nor more than 10 years.

pg 1 of 2

February 4, 1996

To: Senate Judiciary Committee

From: Carol Jensen

RE: SB 238 Care of Animals

Funding seems to be a very big concern in animal welfare bills. However, if the law is rewritten to close huge loopholes that presently exist, allowing (or forcing) more offenders to be charged and successfully prosecuted, the high mandatory fines that should be set will more than pay for the investigation and court cases.

This bill is a good start to a long-needed change in our almost non-existent domestic animal law. However, we need to change the statute to make it more specific and inclusive. The present wording gives too much leeway to the offender and makes it practically impossible to prosecute anyone no matter how obvious the cruelty and neglect is. Believe me, we have more than our share of animal abuse and neglect in this state. Countless animals are left starving, dehydrating and freezing to death while DA's, law enforcement people and veterinarians claim everything is alright; then the animals die and they still take no action because there isn't enough evidence or "intentional" abuse. We need to first of all get the word "intentional" out of the statute. Animal owners have been counseled repeatedly about proper animal care, been threatened with the animals being taken into protective custody, etc. and still the abuse continues with authorities doing nothing.

The term "good health" needs to be defined. Presently "good health" apparently means "not yet dead". For horses, the International Scale for Conditioning should be used. For other animals, body weight, coat health, and other standards of accepted veterinary care should be written into the bill. The State Veterinarian and local humane organizations and veterinarian groups should be asked to provide input.

Other points that need to be written in:

Fresh water must be provided AT ALL TIMES to prevent dehydration.

A State Humane Officer needs to be appointed.

Sec. 03.53.100 Seizure: (b) the officer should only be allowed to kill an animal if there is no veterinarian within a 50-mile radius to which the animal can be transported or a vet that can be called out immediately to either provide

pg 2 of 2

medical care or euthanize the animal. Otherwise you may have VPO's killing animals randomly.

Sec. 03.53.140 Standards: (1) add "space for exercise and clean confinement area. (2) ...compatible with the good health and comfort of the animal. (2)B add and comfort. (3) D (4) delete periodic cleaning and add regular cleaning.

Section 3 AS 11.61.140(b) (pg. 5): Delete B was part of scientific research governed by accepted standards. Animals should not be subjected to pain or injury in scientific research. What are "accepted standards"? Animals in research labs through the US are subjected to excruciating torture and confinement. The government does nothing to prevent or ease this unnecessary suffering or curtail unnecessary experiments being done on animals.

Sec. 4 AS 11.61.140 (pg. 5) Cruelty should be a Class C felony for the first offense.

Sec. 6 11.61.142 Cruelty...Second Degree (page 6): (1) Delete recklessly. Anytime someone abandons an animal it is reckless, irresponsible and cruel. (2) delete recklessly... this word is a large loophole for offenders to crawl through (like "intentionally"). (3) Add iii: If the animal is not dead, take whatever action is necessary to get immediate medical attention and care to the animal.

Why are standards developed by the Environmental Conservation Dept.? Shouldn't it be the Public Safety Dept. with input from the State Veterinarian and other veterinarian organizations throughout the state?

AS 03.53.140 (g) make second degree cruelty a felony (first offense).

We need very high fines (mandatory minimum \$1,000 for each first offense) and high maximums.

Thank you,
Carol Jensen

F A X

Gaudin Roberts
 HC 1 Box 6310, 550 Hyer Rd.
 Palmer, Alaska 99845-9605

Date: 2.5.96

Tel: (907) 376-7676
 Fax: (907) 376-4682

To: Senator Taylor Fax No: (907) 465-3922
State of Alaska
 From: Gaudin Roberts Reference: HB238
 Subject: animal cruelty No. of Pages: 1
 (Including cover)
Teleconference schedule 1:30 pm

If you do not receive all pages, or if there are any problems with this transmission, please call

Dear Sen. Taylor,

After the state fair last year I sold a pair of llamas to a lady in Soldotna. A week later I went to see them at their new home and am upset at what I found. Contacting Dr. Bert Gou, the Soldotna animal abuser, the SPCA in Anchorage, and my own veterinarian I have come to this conclusion: we need better animal cruelty laws! No law exists today that can allow me to remove those animals from their situation. Only on their death and a substantiating necropsy showing neglect, starvation, or similar would I have the opportunity to seek charges against them. We need this cruelty bill passed! The lack of it makes ^{us} both sides of this issue criminals! I would be happy to elaborate on the specifics of this situation, but to be brief I hope you understand my frustration. I am seeing an awful abuse here and my offer to buy these animals back has been refused. Please pass this bill. If I could, I'd make it much more substantiated as I am an animal fancier and ashamed to "look the other way" at cruelty. My appreciation of your efforts,
 Gaudin Roberts



ALASKA STATE LEGISLATURE

SENATOR RANDY PHILLIPS

SENATE DISTRICT L

SESSION
State Capitol
Juneau, AK 99801
(907) 465-4949
800-478-4950
Fax: 465-4979

INTERIM
P.O. Box 142
Eagle River AK 99577
(907) 694-4949
Fax: 694-4848

Memorandum

TO: Members of the Senate Judiciary Committee

FROM: Senator Randy Phillips

DATE: February 1, 1996

RE: Sponsor Statement, SB 238

The Society for the Prevention of Cruelty to Animals contacted me this past fall with concerns about the lack of enforcement of animal cruelty laws in Alaska. These concerns include lack of standards for animal care, vague animal cruelty statutes and lack of resources for the investigation of complaints. I worked with the SPCA and with the group MUSH with P.R.I.D.E. to craft a bill that would meet some of these concerns.

SB 238 amends state laws in the following ways:

- Provides minimum standards for the care of animals
- Authorizes a peace officer to seize and shelter animals that have been abandoned or not properly cared for
- Provides for private individuals to obtain search warrants to allow for investigation of cruelty complaints, provides that the individual will be accompanied by an appropriate peace officer and/or veterinarian
- Provides for voluntary rabies vaccinations at cost
- Provides for an animal abuser registry
- Provides for two levels of criminal conduct, cruelty to animals in the second degree, a class B misdemeanor and cruelty to animals in the first degree, a class A misdemeanor

SPONSOR STATEMENT

- Provides that the second offense of cruelty in the first degree is a class C felony

It is not the intention of this legislation to interfere with any lawful hunting or trapping activities or the working of dogs or other domestic animals in customary and traditional ways.

MUSH WITH PRIDE NEWS

Providing Responsible Information on a Dog's Environment



Will Forsberg, President
Box 378
Healy, Ak. 99743

Sen. Randy Phillips
State Capitol
Juneau, Ak, 99801

Feb. 3, 1996

RE: S.B. 238- The Animal Cruelty Bill

Sen. Phillips,

I would like to thank you for introducing S.B. 238. Our state needs a strengthened animal cruelty statute to allow troopers and other peace officers to quickly resolve cases of extreme abuse or neglect of animals. Peace officers are forced to spend too much time watching animals suffer under the current inadequate statute.

I believe that the minimal care standards proposed in S.B. 238 are well founded and already within the norm in most legitimate mushing kennels. These standards are necessary so that animal owners know what is acceptable and so that peace officers can evaluate kennel conditions when investigating a complaint.

It is important that this bill specifies various penalties for degrees of abuse or neglect so that minor cases can be addressed before they become extreme. The present law only specifies one level of penalty for cruelty offenses.

We are concerned, however, about the following points:

Sec. 03.53.100 a & b - Are peace officers in the state of Alaska required to undergo training sufficient to render a qualified judgement before seizing an animal or humanely destroying an animal? If not, we would suggest such training be required.

Sec. 03.53.140.(3) - space requirements cannot be predicated on "abnormal behavior patterns" - this is too vague and subjective. People who are unfamiliar with the behavior of a shy sleddog when penned or chained may consider this shy behavior to be an "abnormal behavior pattern" or even a symptom of abuse. Many sleddogs exhibit shy or frightened behavior in the presence of strangers simply because they are not pets and are not used to seeing lots of people and to being handled.

Page 6, line 18 of the bill- (5) of the new section added to sec. 11.61.142 - We believe that a prohibition on keeping dogs on a vacant lot is counter-productive to public safety. Title 03.55.070 gives Village Councils the power to regulate dogs within a 20 mile radius of the village. Because of the close proximity of many residences in bush villages we believe that

SUPPORTING DOCUMENTS

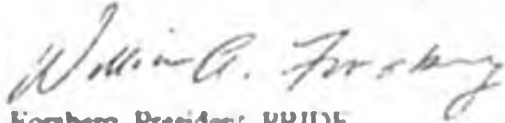
sleddogs should not be kenneled in the village proper but are best chained outside of the village away from areas frequented by children. Alaskan villages have a frightening rate of serious dog maulings of children. We believe that (1) of this section which prohibits the reckless abandonment of a domestic animal is sufficient to protect animals which are kenneled on an unoccupied lot.

Page 5, line 27 & page 7, line 13- This specifies that a court "shall" order a convicted offender to not own or care for animals for one to ten years. This is too inflexible, especially for the 2nd degree offense, which could be a relatively minor offense. Suggest changing the wording to "may order a defendant ...".

Finally, we are concerned about the increasing number of maulings of children by dogs in Alaska. Several children are killed by dogs in Alaska every year and a dozen more are hospitalized with severe injuries. As the sport of dog sledding grows in Alaska we see a need for a vicious and dangerous dog provision in the State statutes. Dogs which have exhibited a tendency to bite or attack people or domestic animals may be legally killed by any person if running at large under Title 03.55.010 & .030. Dogs which are deemed vicious under Title 03.55.020 should receive special treatment such as mandatory confinement in a pen. The Municipality of Anchorage's Title 17 contains examples of classification and treatment of vicious dogs.

We believe that S.B. 238 is a step in the right direction for animal protection in extreme cases and would urge the State legislature to give it full consideration.

Sincerely,



William A. Forsberg, President, PRIDE

Animal protection bill introduced

Proposed law could affect Alaska mushers, as well as pet owners

By KATE RIPLEY
Staff Writer

A bill that has been introduced in the legislature would allow peace officers to seize animals deemed abused or neglected by their owners, set standards for the proper care of pets and require known animal abusers to register with the state.

Senate Bill 236, sponsored by Sen. Randy Phillips of Eagle River, came at the urging of the Alaska Society for the Prevention of Cruelty to Animals and Mushers with PRIDE, an educational group of dog mushers.

PRIDE president Will Forsberg, a musher from Healy, said he's concerned with several of the bill's provisions but overall believes it's on target.

"This looks like a law which legitimate mushers will have no problem living with," Forsberg said. "The basic concept of

having some sort of law to cover these extreme cases is a good idea."

Last April state authorities euthanized 81 severely malnourished dogs at a homestead along the Glenn Highway near Chistochina. Dog owner Charlotte Fitzhugh had a record of animal cruelty complaints. A neighbor pestered authorities for two years to get Fitzhugh out of the dog business.

The current law, Forsberg said, allowed the Fitzhugh case to drag on too long. Currently, a person can be charged with animal cruelty only if it can be shown that he or she intentionally inflicted severe and prolonged physical pain or suffering on an animal.

"Reckless neglect" occurs under the law only if the animal dies or suffers severe pain.

The proposed revision would

establish a lesser classification for animal cruelty in which people could be charged if they recklessly abandon an animal or recklessly fail to provide proper food, water, shelter, rest, sanitation, ventilation, space or medical attention. Abandonment would be considered after 72 hours.

Under the bill a neighbor or any person with reason to believe someone has violated the law could apply for a search warrant in the state Superior Court. A state trooper could then search the alleged abuser's property and seize animals deemed abused or neglected. The court would determine if a veterinarian should accompany the trooper.

Sen. Phillips could not be reached for comment Sunday. But Rep. Gene Theriault of North Pole, whose district includes a large mushing contingent in Two Rivers, said the bill likely faces an uphill battle.

"I would be a little bit leery of adding yet one more thing onto the troopers' list of things to do," said Theriault.

The Republicans also expressed concern about minimum standards of care set out in statute.

Under the bill, shelter for an outdoor animal would have to provide enough shade to protect the animal from heat exhaustion, be structurally sound and in good repair. Further, space for "adequate freedom of movement" would be required, and the space must be kept clean. Medical care to keep the animal in good health also would be required.

"What's adequate to me might not be adequate to someone else," Theriault said. "With a huge dog yard, what's adequate shade?"

ATTENTION:
Jerry
Burrill

MUSH WITH PRIDE



Providing Responsible Information on a Dog's Environment

Will Forsberg, President
Box 378
Healy, Alaska, 99743
Ph or fax 907 683 2644

Sen. Randy Phillips
State Capitol
Juneau, AK, 99801

December 18, 1995

RE: State animal control laws

Dear Senator Phillips,

On behalf of the 400 member mushers' educational group, "Mush with PRIDE", I would like to thank you for considering legislation which would strengthen Alaska's animal control laws.

We agree with the Alaska S.P.C.A. that the current state anti-cruelty law is inadequate because it is too vague and difficult to enforce. We believe that current law should be revised to address the following issues relating to domestic animals:

1- Identification and kenneling regulations for vicious or dangerous animals. Alaska has ninety times the national per capita rate of death due to dog maulings. Every year 2 or 3 children are killed by dogs and a dozen more are hospitalized (see enclosed article). This is a public health problem in rural villages which is spreading to more populated areas as the popularity of dog sledding increases. Most of these deaths and injuries are preventable if the dogs are well socialized and properly kenneled away from areas frequented by children. The full extent of this epidemic is not known because state law does not require the reporting by medical officials of all dog bites and attacks.

We would suggest:

- mandatory reporting of all dog bites to the State Department of Health.
- mandatory fencing of dog kennels in areas frequented by children.
- classification and restriction of vicious dogs (see enclosed sample laws)

We do not believe huskies to be any more dangerous than other breeds. However, some mushers do not socialize their sled dogs adequately enough to prevent biting. Even well socialized dogs often react differently to children than to adults. Many adults and children do not realize that sled dogs can be dangerous. PRIDE is initiating an educational program (see enclosed) but our resources are limited. We would suggest an educational program through DCRA to alert parents and children to the dangers of strange dogs.

2- Expansion of state anti-cruelty laws. The current state law is very subjective and general and therefore very hard to enforce. In a recent case of obvious abuse by a previously convicted offender the authorities (district attorney) refused to indict until dogs had literally starved to death on their chains. Musers attempted to intervene for the dogs by supplying dog food but this only prolonged the problem. On contacting the dogs' owner we found that she was not capable of providing food for the 90 or more dogs but would not give them up. On visiting the premises we found that 10 or more dogs were loose and had become feral. They constituted a substantial threat to local children and other dog teams. After many months the case was resolved in court and most of the dogs destroyed. Incidents such as this are beyond the ability of groups such as PRIDE to resolve with peer pressure or education. More specific laws such as those provided by the ASPCA are needed so that local or state authorities can intervene to remedy these issues before they become so serious. We would suggest:

- enacting more specific humane legislation.
- appointing a State Humane Officer to investigate complaints.
- authorizing all certified state police to enforce humane laws.
- adopt a graduated system of citations for lesser offenses and first time offenders
- adopt strict penalties for serious violations and repeat offenders

We believe that the legislation suggested by the ASPCA needs the following revisions:

DEFINITIONS-- "Animals" This must specify domestic animals.

"Vicious dog"-- Should be better clarified (see enclosed)

Under heading CRUELTY TO ANIMALS

"Number 1- No person may intentionally or with criminal negligence kill or abandon an animal." This wording is too restrictive. Dog owners frequently are required to euthanize dogs which are sick, injured, aged, vicious or inadequate for the dog's own good. Often they are in remote areas where veterinarians or shelters are not available. This needs better wording or exceptions to allow for humane euthanization.

We would suggest sticking with the existing statute AS 11.61.140(a) Sec. 3 with the following minor revision- "No person may: (1) intentionally inflict severe and prolonged physical pain or suffering on an animal; (2) recklessly neglect an animal and, as a result of that neglect, cause the death of or physical injury to the animal or recklessly cause severe pain, physical injury or suffering to the animal, or (3) intentionally or with criminal negligence abandon an animal." (Also see enclosed Anchorage Municipal Code 17.10.060 "Cruelty to Animals", which is generally acceptable as long as Subsection B exceptions are included and definitions of terms per AMC 17.05.010 are utilized.)

Under Cruelty to Animals

Number 4- We see no compelling reason to prohibit keeping dogs on vacant property as long as the dogs are checked and fed regularly and are not abandoned. In fact, in some instances it may be safer for the children of a rural community to have the sled dogs staked out in an area away from town instead of right between cabins or houses where unwitting children may wander too close. Under some circumstances dogs quartered on vacant lots may require perimeter fencing for public safety.

Also under Cruelty to Animals

We would remove the following sentence- " No person may use any type of trap that might physically harm an animal for non-commercial reasons." This prohibition is too restrictive. It is sometimes necessary to trap unsocialized sleddogs which have gotten loose and can not be caught in any other way. This can be done safely with small padded traps as long as the dog is quickly removed from the trap. The alternative could be shooting the dog. Also, any perceived restriction on trapping in this legislation will doom it to failure. We would support a prohibition on setting traps in public trails which are used by dog teams.

Under the section titled Animal Cruelty and Abandonment, number 2.

We do not believe that all law enforcement officers are qualified to make a judgement on cruelty charges without first being certified by a State Humane officer or veterinarian. We would therefore change the wording to: 2) "Any **certified** law enforcement officer or other law enforcement officers in conjunction with the State Humane officer or on advisement of a certified veterinarian, may..... "

The suggested measures from the ASPCA are a good start but should be aired in public meetings and reviewed by animal user groups. Again, PRIDE members are most concerned with control of dangerous and vicious dogs, safe kenneling practices and enforcement of minimal humane standards. I have enclosed a copy of relevant sections of Anchorage Municipal Code Title 17, as well as PRIDE's Guidelines, a safety pamphlet for school children and parents and articles on dog maulings and dog abuse. I hope this is of some help in establishing the need for better regulation and aiming toward workable solutions. I would welcome the chance to review any legislation.

Sincerely,



William A. Forsberg, President, Mush with PRIDE



THE ALASKA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, INC.

SPCA State Headquarters and Spay Clinic • 549 W. International Airport Road • Anchorage, Alaska 99518
Phone: 562-2999

Animal Cruelty and Abandonment

Animals; neglected or abandoned; police powers.

- (1) No person may abandon any animal.
- (2) Any law enforcement officer may remove, shelter and care for any animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.
- (3) If the owner or custodian is unknown and cannot with reasonable effort be ascertained, or does not within 5 days after notice redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
- (4) Whenever in the opinion of any such officer an animal is hopelessly injured or diseased so as to be beyond the probability of recovery it shall be lawful for such officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.
- (5) An animal left unattended for 72 hours or more shall be deemed abandoned.

Providing proper food and drink to confined animals.

No person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient supply of food and water as prescribed in this section.

- (1) Food. The food shall be sufficient to maintain all animals in good health.
- (2) Water. If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

Providing proper shelter.

No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section. In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.

- (1) Indoor Standards. Minimum indoor standards of shelter shall include:
 - (a) Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.
 - (b) Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- (2) Outdoor Standards. Minimum outdoor standards of shelter shall include:



THE ALASKA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, INC.

SPCA State Headquarters and Spay Clinic • 549 W. International Airport Road • Anchorage, Alaska 99518
Phone: 562-2999

- (a) Shelter from sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.
- (b) Shelter from inclement weather. 1. Animals generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
2. Dogs. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.
- (3) Space standards. Minimum space requirements for both indoor and outdoor enclosures shall include:
- (a) Structural strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
- (b) Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.
- (4) Sanitation Standards. Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt, and trash so as to minimize health hazards.

Investigation of cruelty complaints. Any person who has reason to believe that a violation of this chapter has taken place or is taking place may apply to any circuit court for a search warrant. The court shall examine under oath the person so applying and any witnesses the person may produce and shall take the person's sworn affidavit in writing. The affidavit shall set forth the facts tending to establish probable cause to believe that a violation of this chapter has occurred or is occurring. If the court is satisfied that probable cause exists, it shall issue a search warrant directing a law enforcement officer in the county to proceed immediately to the location of the alleged violation with a doctor of veterinary medicine, if the court determines that a veterinarian is necessary for purposes of the search, and directing the law enforcement officer to search the place designated in the warrant, retaining in his or her custody subject to the order of the court such property or things as are specified in the warrant, including any animal. The warrant shall be executed and returned to the court which issued the warrant.

No dogs or cats shall be used for the purpose of human consumption.

Penalties. Class A Misdemeanor, \$5000 Maximum fine, 1 year Maximum, Warning issued and probation for convicted person to report to the state humane official with current states of address and phone.

"Kindness Uplifts The World"

121 12/2/85



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Would like to see definite fines instituted to cover court cost incurred. Progressive penalty for repeat convictions to include felony charge.

A sentencing court shall require a criminal violator to pay restitution to a person, including any local humane society or county or municipal pound or a law enforcement officer, for any pecuniary loss suffered by the person as a result of the crime, including expenses in keeping any animal that is involved in the crime. This requirement applies regardless of whether the criminal violator is placed on probation or a repeat offender. If restitution is ordered, the court shall consider the financial resources and future ability of the payment. Upon the application of any interested party, the court shall schedule and hold an evidentiary hearing to determine the value of any pecuniary loss under this paragraph.

A sentencing court may order that an animal be delivered to the local humane society or the county or municipal pound or to a law enforcement officer if a person commits a crime under this chapter, the person is the owner of the animal that is involved in the crime and the court considers the order to be reasonable and appropriate. The society, pound or officer shall release the animal to person other than the owner or dispose of the animal in a proper and humane manner.

The Society for the Prevention of Cruelty of Animals, (SPCA) would be willing to have a state office in Anchorage located at it's current address to serve as a communications headquarters to assist the state veterinarian, state troopers, private citizens, animal control, and other humane organizations.

DEFINITIONS

"Adequate Shelter" means either the domicile or garage of the owner or a separate structure which protects the animal from wind, precipitation, sun and cold.

"Animal" means all members of the vertebrate kingdom Animalia.

"Business Facility" means a premises where a person derives income from the physical harboring of animals, included but no limited to buying/selling, training, boarding and grooming.

"Current rabies vaccination" means a vaccination administered in accordance with Alaska state law.

"Vicious dog" means any dog, UNPROVOKED, inflicts injury on a human being, serious enough to require extensive professional medical attention.

ENFORCEMENT

Enforcement of these statutes will be the responsibility of all official state, local or designated law enforcement officer.

INSPECTIONS

An officer may inspect premises where animals are kept based upon the United State Constitution and the Alaska state laws.

64) 12/2/95

MAINTENANCE & SANITATION

A person who owns an animal shall maintain all pens, yards and structures in a clean and sanitary condition.

DISEASED ANIMALS

No person may sell an animal which the person knows to be diseased, injures or otherwise physically defective without disclosing to the buyer the nature of the disease, injury or defect.

CRUELTY TO ANIMALS

No person may:

1. intentionally or with criminal negligence kill or abandon an animal;
2. intentionally or with criminal negligence injure, torment, poison, provoke or otherwise abuse an animal;
3. maintain an animal in other than a humane manner;
4. keep dogs on vacant property unless such property contains a contiguous permanently occupied residence, occupied by the dog's owner or a designated agent, who shall be responsible for the daily care, maintenance and supervision of the animal or animals.

Any person involved in the injury of an animal must stop as close as possible to the scene and report such an injury to the owner, if known, or to the proper authority.

No person may use any type of trap (such as steel jaw traps, snares, spring traps) that might physically harm an animal for non-commercial reasons.

To preserve an animal's health or safety, an officer or designated agent may take an animal into protective custody. If an animal has been placed in protective custody due to charges of cruelty against the owner the animal will not be subject to redemption until such

time as a legal determination of the cruelty charges has been made. Costs of 'care and keep' shall be born by the owner while in protective custody

RABIES IMMUNIZATION

To help owners to keep their animals current on rabies vaccinations, the State or designated agent will make rabies vaccinations available at a nominal cost on at least a yearly or less basis.

ABANDONED ANIMALS

An animal may be considered abandoned if the owner or custodian has left them unattended for 72 hours or more. Any animal lost animal may be considered abandoned only if every effort has been made to find its owner. The normal period would be 5 days before being considered abandoned.

PENALTIES

Penalties to violators will vary from "fines" to imprisonment. Severe cases will be treated as felonies. Anyone convicted of cruelty charges must not be allowed to own or care for animals and shall report to the proper authorities as to their whereabouts on a yearly basis to assure that they are abiding by these restrictions.

All costs involved of the 'care and keep' of the 'owned' animals will be born by the owners and not the State.

NOTE: The current SEC. 11.61.145 Promoting and exhibition
of fighting animals should stand aas written.

Chapter 17.05

GENERAL PROVISIONS

Sections:

17.05.010	Definitions.
17.05.020	Animal Control Office.
17.05.030	Animal control officers.
17.05.040	Powers and duties of animal control officers.
17.05.045	Enforcement.
17.05.050	Records.
17.05.060	Penalties and remedies.
17.05.070	Citation procedure.
17.05.080	Regulations.
17.05.090	Inspections.
17.05.100	Animal Control Appeals Board.
17.05.110	Law enforcement animals.

17.05.010 Definitions.

As used in Title 17:

- A. "Adequate shelter" means either the domicile or garage of the owner or a separate structure which protects the animal from wind, precipitation and sun. These minimum standards may be altered based upon written recommendations made by a disinterested licensed veterinarian. The chief animal control officer will be responsible for the final determination.
- B. "Animal" means all members of the vertebrate kingdom Animalia.
- C. "At large" means not under restraint.
- D. "Attack" means, for the purposes of a human victim, that an animal:
 - 1. bites a person without provocation, or
 - 2. takes action without provocation and while unconfined which action creates a reasonable apprehension of such injury to that person, whether or not the animal actually touches the person.

- E. "Cat" means a member of the genus and species Felis domestica.
- F. A "cattery" means a premises where a person owns four or more cats over the age of four months.
- G. "Business facility" means a premises where a person derives income from the physical harboring of animals, included but not limited to buying/selling, training, boarding and grooming, and which is not a dog fancier's facility, dog musher's facility or cattery.
- H. "Criminal negligence" A person acts with "criminal negligence" with respect to a result or to a circumstance described by a provision of law defining an offense when the person fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists; the risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.
- I. "Current rabies vaccination" means a vaccination:
1. as specified in the current "Compendium of Animal Rabies Vaccines" prepared by the Rabies Subcommittee of the National Academy of Sciences and by the National Association of State Public Health Veterinarians, Inc.;
 2. administered in accordance with state law; and
 3. evidenced by a current rabies vaccination certificate in a form approved by the State Division of Public Health and signed by a currently licensed veterinarian.
- J. "Dog" means a member of the genus and species Canis familiaris.
- K. "Dog fancier's facility" means a premises where a person owns four or more dogs over the age of four months, and which is not a dog musher's facility, or a business facility.

- L. "Dog musher's facility" means a premises where a person owns four or more dogs over the age of four months principally for the purpose of dog mushing, and which is not a dog fancier's facility or business facility.
- M. "Humane manner" means care of an animal to include, but not be limited to: adequate heat, ventilation, sanitary and adequate shelter, appropriate space, necessary restraint, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species and breed.
- N. "Intentional" A person acts intentionally with respect to a result described by a provision of law defining an offense when the person's conscious objective is to cause that result; when intentionally causing a particular result is an element of an offense, that intent need not be the person's only objective.
- O. "Officer" means a person charged by law with the duty to enforce provisions of this title.
- P. "To own" an animal includes any one or more of the following: having title to, keeping, harboring, having custody of, or having control of the animal.
- Q. "Person" includes individual, joint venture, partnership, corporation or unincorporated association.
- R. "Provocation" consists of conduct which is directed by a person or an animal toward an animal that may reasonably be expected to arouse rage, fear, protective instinct or fury in the animal. Any animal which is at large cannot be considered to be provoked by an animal that is under restraint.
- S. "Restraint" means:
1. physical confinement, as by leash, chain, fence or building; or
 2. under competent voice control when an animal is engaged in an activity or form of training requiring that it not be physically confined; or
 3. under competent voice control when an animal is on the property of its owner.

2. No dog may be declared dangerous if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.
 3. No dog may be declared dangerous if the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of its owner, or keeper and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.
 4. No dog shall be declared dangerous if the dog has been trained to attack persons independently or upon oral command while under the control and supervision of an authorized government or law enforcement unit and the act is directly associated with the proper execution of its duties.
- Y. "Vicious dog" means an dog which according to the records of the Animal Control Office has inflicted injury on a human being, serious enough to require treatment by a medical professional, without provocation on public or private property. Upon verification of the dog in question, the Animal Control Office must notify the owner by certified mail or personal service upon the owner.
- Z. "Vicious dog owner" means any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports, sells or advertises for sale a vicious dog.
- AA. "Breeder" means any person who intentionally breeds a dog and subsequently sells, trades, gives away or otherwise disposes of the offspring. (Adapted from GAAB 17.05.010, am AO 78-65A, AO 83-97 (effective November 21, 1982), AO 86-39) AO 89-25(S), AO 90-27(S-1), AO 91-85(S-1), AO 92-75(S)).

17.05.020 Animal Control Office.

- A. There shall be an Animal Control Office which, except as this title provides otherwise, shall be the entity responsible for the administration of this title.

Chapter 17.10

STANDARDS FOR THE KEEPING OF ANIMALS

Sections:

- 17.10.010 Animal creating a disturbance.
- 17.10.020 Control and confinement of animals.
- 17.10.030 Maintenance and sanitation.
- 17.10.040 Diseased animals.
- 17.10.050 Animals near street.
- 17.10.060 Cruelty to animals.

17.10.010 Animal creating a disturbance.

No person may permit an animal which he owns to annoy another person by interfering with the latter's sleep, work or reasonable right to peace or privacy by making repeated or continued noise. (Adapted from AO 50-76, am AO 78-65A).

17.10.020 Control and confinement of animals.

- A. A person who owns a dog or a cat shall keep that animal under restraint at all times.
- B. A person who owns an animal other than a dog that is capable of annoying or endangering other persons or damaging their property shall keep the animal under restraint at all times.
- C. A person who owns an animal which has attacked another animal or a person without provocation shall at all times either confine the animal in a building or a secure enclosure or otherwise secure the animal so it cannot injure other persons or property.
- D. A person who owns a female dog or cat in heat or during ovulation shall keep the dog or cat under restraint in such a manner that it cannot come into contact with a male of its species except for planned breeding purposes, provided that a female sled dog in heat shall be confined unless it is restrained by proper harnessing in a team in such a manner that it cannot come in contact with a male dog except for planned breeding purposes.

E. No person other than an officer performing his duties under this title may release an animal from restraint without its owner's consent, except to preserve the animal's life. (Adapted from AO 50-76, GAAB 17.05.070, new, GAAB 17.15.040, am AO 78-65A, AO 83-97 (effective November 21, 1983), AO 86-39).

17.10.030 Maintenance and sanitation.

A person who owns an animal shall maintain all structures, pens and yards where he keeps the animal, and all areas adjacent thereto, in a clean and sanitary condition and free from objectionable odor. (Adapted from AO 50-76, am AO 78-65A).

17.10.040 Diseased animals.

No person may sell an animal which the person knows to be diseased, injured or otherwise physically defective without disclosing to the buyer the nature of the disease, injury or defect. (AO 50-76, am AO 78-65A).

17.10.050 Animals near street.

No person may tie, stake or otherwise confine an animal within a street, sidewalk, alley or public place, or in such a manner that the animal may enter a street, alley or public place, except for the purpose of participation in a race, show or other temporary sporting or festive event. (Adapted from AO 50-76, am AO 78-65A, AO 86-39).

17.10.060 Cruelty to animals.

A. No person may:

1. intentionally or with criminal negligence kill or abandon an animal;
2. intentionally or with criminal negligence injure, torment, poison, provoke or otherwise abuse an animal;
3. maintain an animal in other than a humane manner;

- X
4. maintain an animal showing symptoms of an infectious or contagious disease without keeping the animal confined in a building or secure enclosure and under proper care;
 5. keep dogs on vacant property unless such property contains a contiguous permanently occupied residence, occupied by the dog's owner, or the owner's designated agent, who shall be responsible for the daily care, maintenance and supervision of the animals.
- B. Subsection A of this section does not apply to:
1. impounding, destruction or other disposition of an animal in a humane manner as authorized by law;
 2. killing or injuring an animal where necessary to protect a human being or domesticated animal from death or bodily injury;
 3. the humane destruction of an animal by its owner or the owner's authorized agent.
- C. No person may use a tranquilizer gun to capture an animal unless it is the only reasonable means of preventing death or bodily injury to a human being or domesticated animal.
- D. Animal fighting.
1. No person may:
 - a. cause an animal to fight another animal or human being, whether for amusement of himself or others or for financial gain; or
 - b. train, or keep for the purpose of training, an animal for exhibition in combat with an animal or human being.
 2. No person may permit his premises to be used for the purposes described in paragraph 1 of this subsection, or be present as a spectator at an exhibition described in paragraph 1 of this subsection.

Chapter 17.40

DEALING WITH DANGEROUS DOGS

Sections:

- 17.40.010 Tattooed--Certificate of registrations.
- 17.40.020 Confinement.
- 17.40.030 Conditions of ownership.
- 17.40.040 Insurance requirement.
- 17.40.050 Penalties--Applicable to dangerous dogs.
- 17.40.060 Procedure for challenge of dangerous dog designation.
- 17.40.065 Signs.

17.40.010 Tattooed--Certificate of registration.

Individual dogs that are classified as dangerous are required to be tattooed and have a Certificate of Registration identifying the name and address of the owners. Tattoos will be administered by the Animal Control Office and payment shall be made in accordance with AMCR 17.05.001A10.

- A. The Animal Control Office may also require two photographs of the animal clearly showing its color and approximate size.
- B. If the dog in question dies, is sold, transferred or permanently removed from the municipality where the owner or keeper resides, the owner of the dangerous dog shall notify the Animal Control Office of the changed condition and new location and/or ownership of the dog in writing within five working days. (AO 91-85(S-1)).

17.40.020 Confinement.

A dangerous dog, while on the owner's property, shall at all times be kept indoors, or in a six sided enclosure which meets the following requirements:

- A. The enclosure must have secure sides and a secure top;
- B. The enclosure must have a bottom permanently attached to the sides or the sides embedded into the ground not less than one foot; and
- C. The enclosure must be of such a material and close in such a manner that the animal cannot exit the enclosure on its own.

17.40.050 Penalties--Applicable to dangerous dogs.

A person who violates this section shall, upon conviction, be subject to a fine as set forth in the attached table, imprisonment for not more than six months or both. The court may also require that the defendant complete community work service as provided in AS 12.55.055. A mandatory imprisonment of 72 hours is required for any violation listed on the table as bite and slash, prolonged bite, multiple bites or multiple attacks or predatory attacks of the degree greater or equal to four. (AO 91-85(S-1)).

17.40.060 Procedure for challenge of dangerous dog designation.

The owner of a dangerous dog as defined in Section 17.05.010 of this code may seek review of the designation through a challenge to the accuracy of the records of the Animal Control Center within 15 days of receipt of notice by certified mail or by personal service as provided for in the definition of "dangerous dog" in Section 17.05.010 by applying for an administrative hearing before the chief animal control officer or his/her designee who shall hold a hearing pursuant to Chapter 3.60 of this code. (AO 91-85(S-1), AO 92-75(S)).

17.40.065 Signs.

All owners, keepers or harborers of any dangerous dog shall be required to display in a prominent place on their premises a sign easily readable by the public using the words "Dangerous Dog." (AO 91-85(S-1)).

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17-50

(Supp. #56 9/30/91)

					<p>1. If the dog is not confined to its own property, the owner shall be liable for the damage.</p>
\$100	\$200	\$400	SKIN PUNCTURE - single bite that punctures skin followed by immediate release.	Visitor bitten by dog that is confined to premise.	2
\$125	\$250	\$500	BITE AND TEAR - single bite with tearing of flesh caused by victim pulling away or weight of dog (dog jumps and bites and then drops to ground causing tearing).	Person bitten by dog that is on leash with owner or another person responsible for the dog.	3
\$200	\$400	\$800	BITE AND SLASH - single bite with tearing of flesh caused by dog shaking head side to side.	Person bitten by dog that is off leash with owner (or another person responsible for the dog) in the vicinity.	4
\$250	\$500	\$1,000	PROLONGED BITE - bite and hold for more than five seconds producing substantial bruising around two or more opposing puncture wounds.	Person bitten by a dog that is roaming unattended.	5
\$350	\$700	\$1,400	MULTIPLE BITES OR MULTIPLE ATTACKS - more than two bites in a single attack or more than two attacks in a single incident.		
\$500	\$1,000	\$2,000	PREDATORY ATTACK - multiple bite attack (whether aggressive or playful) resulting in consumption of flesh and/or death of a victim.		