

HB

57

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Luckhaupt
2/3/97

CS FOR HOUSE BILL NO. 57()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES GRUSSENDORF, Berkowitz

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to cruelty to animals."

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

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

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

5 (1) knowingly [INTENTIONALLY] inflicts severe [AND
6 PROLONGED] physical pain or prolonged suffering on an animal;

7 (2) with criminal negligence, fails to care for [RECKLESSLY
8 NEGLECTS] an animal and, as a result [OF THAT NEGLECT], causes the death of
9 the animal or causes severe physical pain or prolonged suffering to the animal; or

10 (3) kills an animal by the use of a decompression chamber.

Alaska State Legislature

REPRESENTATIVE
BEN GRUSSENDORF
1221 HALIBUT POINT ROAD
SITKA, ALASKA 99836
(907) 747-0458

WHILE IN JUNEAU
STATE CAPITOL
JUNEAU, ALASKA 99801-1102
(907) 465-3824



FINANCE COMMITTEE

DISTRICT 2
KUPREANOF
PETERSBURG
SITKA
WRANGELL

House of Representatives

Sponsor Statement HB 57

"An Act relating to cruelty to animals"

This bill was introduced in response to concerns about the treatment of animals and the difficulty of prosecuting cases which involve animal cruelty.

There have been numerous incidents of animal cruelty and neglect in Alaska which have gone unprosecuted because of the current statutory language. One district attorney testified that the language, which reads "intentionally inflicts severe and prolonged physical pain or suffering on an animal," is "unprosecutable." He said "a dead animal is your only evidence." HB 57 gives the state a more workable statute. The following explains the changes the bill would make.

- Changes "intentionally" to "knowingly" which lowers the state of mind the state must prove in prosecuting an animal cruelty case. This would help in cases of starving animals. An owner's actions may not have been "intentional," but a reasonable person would "know" that a lack of food causes starvation.
- Changes "recklessly" to "with criminal negligence" which lowers the criminal standard. Recklessness is indicated by an awareness and conscious disregard. Criminal negligence is indicated by a "failure to perceive a substantial and unjustifiable risk that the result will occur..." 11.81.900
- Does not affect existing statute which protects farmers, hunters and trappers who conduct traditional, lawful practices. 11.61.140
- Does not affect the existing statute which designates cruelty to animals as a class A misdemeanor.
- Supporters of this bill include: *Alaska Animal Control Association* (statewide), *Alaska Society for the Prevention of Cruelty to Animals* (Anchorage), *Iditarod Race Winner Libby Riddles* (Wasilla), *Mush With Pride* (statewide), *Fairbanks Animal Control* (Fairbanks), *Kenai Animal Control* (Kenai), *Friends of Pets* (Anchorage), *Gastineau Humane Society* (Juneau).

Neighbors help expose tragedy on dog lot

By LIN GALE
Staff Writer

Charlotte Fitzhugh's hand-painted plywood sign still sits along the Glenn Highway near Chistochina: "Husky pups for sale—\$50."

For the last two years, tourists drawn to her homestead by the ad emerged outraged by what they found. Some called Alaska State Troopers.

Others stopped by Clay Farnham's place.

Their description of emaciated, skulking sled dogs living belly-deep in excrement was not news to him. Farnham, a 60-year-old competitive sprint musher who lives and operates a 20-

dog kennel nearby, pestered authorities for two years to get Fitzhugh out of the dog business.

Even after Fitzhugh was convicted of her third animal abuse charge in December 1993 for the starvation death of five huskies, she was allowed to keep nearly 100 dogs for 16 months before the state took action. During that time, the dogs continued to suffer.

"It went on too long, too many animals died, and nobody listened," Farnham said.

Farnham's efforts finally succeeded Monday, when state authorities and volunteers from the

Alaska Society for the Prevention of Cruelty to Animals in Anchorage went to Fitzhugh's property and euthanized 81 severely malnourished dogs. Troopers initially reported that more than 90 dogs were killed.

A judge authorized the killings when 65-year-old Fitzhugh, who commutes between Chistochina and Fairbanks, missed a judge's deadline to get rid of all but three neutered dogs by March 21. The order resulted from the December neglect conviction.

See DOGS, Page A-10

DOGS: Neighbors help expose tragedy of sled dogs

Continued from Page A-1

Fitzhugh showed up at Chistochina with about 100 sled dogs in the spring of 1993, after she was convicted in Fairbanks of animal cruelty for the starvation death of a husky on her Miller Hill Road property. As a condition of probation, Superior Court Judge Jane Kauvar prohibited Fitzhugh from owning more than 20 dogs within the borough.

Fitzhugh hauled the dogs to her homestead, enlisted a neighbor to feed them, then headed back to Fairbanks.

That's when Farnham got involved.

"I went there and that's when I started witnessing the neglect," Farnham said.

Fitzhugh had left an inadequate food supply, no food or water dishes, and many dogs on eight-inch chains.

After that, Fitzhugh found a variety of drifters to stay at the property. Most lasted only a couple of days.

Fitzhugh would appear about once a week from Fairbanks, where she drives a cab part-time and sells puppies out of her truck in

shopping mall parking lots. Most of the time, Farnham said, no one was at the homestead.

Dogs ran around loose on the highway, and killed and ate the other dogs, he said. Breeding went unchecked.

"It was just litter after litter of pups being thrown out, and no care," he said.

Farnham began videotaping the dog yard.

"I have videos of dead dogs, dogs running loose, killing other dogs and cannibalizing them. I have videos of dead dogs on chains, dead, frozen in the houses," he said.

There was never any indication the dogs were harnessed and run, he said. Many of them were attached to their chains with crimped "S" hooks from which they could not be easily released.

Farnham worked with Glenallen Trooper Tom Pierce.

Pierce said he tried to convince the Palmer district attorney to press charges, but was told that until dogs were found dead on the ends of their chains, they would not prosecute her because neglect is difficult and expensive to prove.

On Christmas Eve, 1993, Pierce went to the homestead to check on Fitzhugh because she had not been seen for a while. He found five huskies starved to death on the ends of their chains.

The evidence was enough to charge her, but she was not convicted for another year. She was then given three months to get rid of all but three dogs. During that time, their numbers grew.

Fitzhugh's attempt to get another extension was denied.

Early Monday, a caretaker hired last week in Anchorage, Chuck Hines, loaded three females and 29 puppies in Fitzhugh's truck and brought them to Fairbanks. Hines said he planned to return with them to the property and begin training them for the Iditarod.

In Fairbanks on Monday, Fitzhugh said she has always taken good care of her dogs, and constantly monitored their condition. The judge should have given her more time to sell the puppies. The other dogs, she said, she had sold to Hines.

"I'm against killing dogs. I've always raised them to their highest potential," she said.

In addition to the Fairbanks and Palmer convictions, Fitzhugh was convicted of animal neglect in 1982 after the ASPCA rescued more than 30 starving sled dogs from her camp at Mile 101 Glenn Highway.

About 10 a.m. Monday, state veterinarian Bert Gore, Pierce and the three ASPCA volunteers arrived to euthanize the dogs.

ASPCA assistant director Amy Low was one of the volunteers who helped kill the dogs.

The stench from the unshoveled excrement was "overwhelming," and the dogs so afraid of humans they had to be caught and dragged out of their houses to be tranquilized, then taken to the euthanasia table, Low said.

"None of us wanted to do it, but we had to do it. We put them out of their misery," Low said.

Farnham had hoped the whole situation would come to a quiet end without publicity.

"I thought maybe we could take care of this without putting a black eye on dog mushing," he said. "It affects all dog mushers, because she claimed to be a dog musher. It's just downright embarrassing and disgusting."



Fairbanks Daily News Miner
4-27-95

*

Sec. 11.61.140. Cruelty to animals. (a) A person commits the crime of cruelty to animals if the person

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

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

(3) kills an animal by the use of a decompression chamber.

(b) It is a defense to a prosecution under (a)(1) or (2) of this section that the conduct of the defendant

(1) conformed to accepted veterinary practice;

(2) was part of scientific research governed by accepted standards; or

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

(c) In this section, "animal" means a vertebrate living creature not a human being, but does not include fish.

(d) Cruelty to animals is a class A misdemeanor. (§ 7 ch 166 SLA 1978; am § 1 ch 78 SLA 1980; am § 20 ch 59 SLA 1982)

Editor's notes. — The provisions of paragraphs (2) and (3) of subsection (a) as it existed prior to the 1980 amendment may now be found in AS 11.61.145.

Collateral references. — 4 Am. Jur. 2d, Animals, §§ 27-30.

3A C.J.S., Animals, §§ 99-112.

Cruelty in trapping animals, 79 ALR 1308.

What constitutes statutory offense of cruelty, 82 ALR2d 794.

Sec. 11.81.620. Effect of ignorance or mistake upon liability.

NOTES TO DECISIONS

Applied in *Russell v. State*, 793 P.2d 1085 (Alaska Ct. App. 1990).

Quoted in *De Nardo v. State*, 819 P.2d 903 (Alaska Ct. App. 1991).

Sec. 11.81.640. Application of AS 11.81.600 — 11.81.630.

NOTES TO DECISIONS

Cited in *Cole v. State*, 828 P.2d 175 (Alaska Ct. App. 1992).

Article 6. Definitions.

Section
900. Definitions

Sec. 11.81.900. Definitions. (a) For purposes of this title, unless the context requires otherwise,

* (1) 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;

* (2) a person acts "knowingly" with respect to conduct or to a circumstance described by a provision of law defining an offense when the person is aware that the conduct is of that nature or that the circumstance exists; when knowledge of the existence of a particular fact is an element of an offense, that knowledge is established if a person is aware of a substantial probability of its existence, unless the person actually believes it does not exist; a person who is unaware of conduct or a circumstance of which the person would have been aware had that person not been intoxicated acts knowingly with respect to that conduct or circumstance;

* (3) a person acts "recklessly" with respect to a result or to a circumstance described by a provision of law defining an offense when the person is aware of and consciously disregards 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 disregard of it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation; a person who is unaware of a risk of which the person would have been aware had that person not been intoxicated acts recklessly with respect to that risk;

* (4) 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.

ALASKA ANIMAL CONTROL ASSOCIATION

c/o F.N.S.B. Division of Animal Control
P.O. Box 71287
Fairbanks, AK 99707

January 31, 1997

Representative Ben Grussendorf
State Capitol Building
Juneau, AK 99801

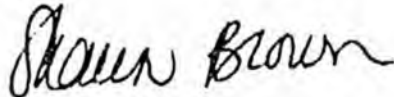
Dear Representative Grussendorf:

On behalf of the Alaska Animal Control Association (AACCA), we would like to go on record as being in support of House Bill 57.

* The current language in law AS 11.61.140 is very difficult to prove and courts have been unable to prosecute a number of neglect and cruelty cases. Bill 57 will improve the language in AS 11.61.140 and enable prosecutors to convict those that have participated in obvious acts of neglect and cruelty.

If there is anything I can do to facilitate passage of Bill 57, please let me know.

Sincerely,



Shaun Brown
President



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

Jan. 23, 1987

To Whom it may Concern:

The Alaska Society for the Prevention of Cruelty to Animals, is in full support of House Bill 57. Extent in past cruelty cases have been next to nothing. Alaska needs to have a stronger law to support our justice system in prosecution of animal abusers. The ASPCA in past years, has witnessed animal abusers in the worst scenarios. Due to insufficient laws, the District Attorney's office was unable to penalize these people.

*
Animal abuse is and has been occurring throughout the state. Most people are unaware of the severity of some of these cases. Public awareness is increasing and the state needs to update legislation to deal with cruelty offenders. Statistics show that there is a definite link between animal cruelty and spousal, child abuse occurring within the home.

Again, the ASPCA, as well as most of the public, is in strong support of HB 57, and shows a very strong interest in the passage of this bill.

"Kindness Uplifts The World"

Sincerely,
Diane [Signature]



Mush with PRIDE

Providing Responsible Information on a Dog's Environment

Will Forsberg, President
Box 378
Healy, Ak. 99743

Rep. Ben Grussendorf
State Capital
Juneau, Ak. 99801

Jan. 17, 1997

RE: HB 57- ANIMAL CRUELTY BILL

Dear Rep. Grussendorf,

Thank you for your continuing efforts to strengthen Alaska's animal cruelty laws. We believe that the lowering of the criminal standard for prosecution of cruelty to animals is a necessary step in protecting Alaska's domestic animals from negligent owners.

Sleddog medicine has become a speciality within the veterinary profession. Veterinarian members of the International Sled Dog Veterinary Medical Association (an internationally recognized professional organization), as well as most veterinarians in the Alaska Veterinary Medical Association are well aware of conditions and standards used in assessing care and well-being of sleddogs. In addition, Mush with PRIDE has issued Sleddog Care Guidelines which set standards for most common sleddog practices. These PRIDE standards, which have been endorsed by the major Alaskan racing organizations (Iditarod, Quest and ADMA) as well as several international sleddog racing groups (ISDRA and IFSS) were developed with constant input from several mushing veterinarians who are Directors of PRIDE. Therefore, we believe that the current statute does provide adequate protection against prosecution for legitimate recreational mushers and sleddog racers within its clause specifying that "accepted veterinary practice" may be used as a defense against prosecution. We do not feel that any other musher-specific defense against prosecution is needed to protect mushers against prosecution.

We are hopeful that HB 57 will be passed this session so that state officials can better deal with the small minority of abusive owners who tarnish the image of our state and the official state sport of dogsledding.

Sincerely,

William A. Forsberg, PRIDE President

Libby Riddles
Blazing Kennels
P.O. Box 372901
Wasilla AK 99687
907-376-8668 Ph & Fax

January 15, 1997

To Whom It May Concern,

* House Bill HB 57 has my support as a way to help control animal abuse cases in our state. The severe conditions in Alaska necessitate a stronger vehicle for dealing with cruelty or neglect cases, and it is pathetic to have to have a dead animal before the responsible party can be prosecuted. Your support of this bill is appreciated.

Sincerely,



Libby Riddles



CITY OF KENAI

" Oil Capital of Alaska "

210 FIDALGO AVE., SUITE 200 KENAI, ALASKA 99811-7794
TELEPHONE 907-283-7535
FAX 907-283-3014



January 21, 1997

Representative Ben Grussendorf
Alaska State Legislature
State Capitol (MS 415)
Juneau, AK 99801-1182

Subject: Support For House Bill No. 57

As an Animal Control Officer in the state of Alaska for over 17 years, I'm very pleased to support changes in the language of Alaska's present cruelty statute.

* These language changes will streamline investigations and prosecutions of animal cruelty cases in Alaska.

If I can be of any further assistance, please let me know.

Sincerely,

Bill Godek / JRG

Bill Godek
Chief Animal Control Officer, Kenai
Vice President Alaska Animal Control Association



7705 GLACIER HWY.

JUNEAU, ALASKA 99801

(907) 789-0280

FAX (907) 789-1795

January 21, 1997

Representative Ben Grussendorf
State Capitol Building
Juneau, Alaska 99801

Representative Ben Grussendorf:

*

On behalf of the Gastineau Humane Society we would like to go on record as being in support of House Bill 57. The statutory language currently in AS 11.61.140 is very difficult to prove and courts have been unable to prosecute a number of neglect and cruelty cases. Bill 57 will improve the language in AS 11.61.140 and enable prosecutors to convict those that have participated in obvious acts of neglect and cruelty.

If there is anything I can do to facilitate passage of Bill 57 please let me know.

Sincerely,

Linda M. Bleggen
Gastineau Humane Society

'It was like a case out of Auschwitz'

Officials seize 11 sickly dogs from home

By KATE RIPLEY
Staff Writer

Borough animal control officials have seized 11 dogs from the home of a Fairbanks man they say starved one dog to death and caused the others to suffer without adequate water, food and veterinary care.

Officials are awaiting a final necropsy report on the dead dog before deciding whether to charge the man, Steve Ferraro, with violating the borough's animal cruelty law. The husky mix dogs were taken from Ferraro's home off the Elliott Highway earlier this month.

Ferraro said he's innocent and would not allow his dogs to suffer. In explaining the dead dog, he said he shot it in the head because it had parvo, a condition that attacks the intestines.

"They can't say I'm starving them to death. I'm not an animal criminal here," Ferraro said Monday. "My dogs never suffered one bit. Never one bit."

But Dr. R.W. Van Pelt, the veterinarian who examined all the dogs for the borough, said there was no evidence of a bullet wound anywhere on the dead dog's body.

"I know what parvo looks like, and it doesn't look like this," Van Pelt said. "This dog starved to death."

Van Pelt said he could nearly count every bone in the dog's body without opening it up.

"He had literally digested his own tissues. It was like a case out of Auschwitz," Van Pelt said. "It was one of the worst cases I've seen, and I've seen a lot of them."

Indeed, a week after the dogs were seized, three of the adults still looked skeletal and acted listless Friday at the borough animal shelter, off Peger Road. Their ribs protruded from their sides and their hip bones jutted out sharply.

Four other adults were thin but in better shape. Most of the

dogs were infested with lice. All were severely dehydrated.

The dogs were seized from Ferraro's trailer, at about 9 Mile Elliott Highway, Feb. 15. They've been under the care of the borough since and are slowly improving.

Animal control officer Vicki Adkins said the dogs were taken into custody just in time. One mother and her 6-week-old pup weren't moving and had to be pulled out of their house. She was wobbly when Adkins stood her up.

"I think she would have died that night. She was dying," Adkins said of the shy cream-colored mother. The pup, found curled on top of its mother trying to stay warm, was hypothermic and full of worms.

Van Pelt also discovered two older pups, ages 4½ and 5½ months, have rickets, a bone disease caused by lack of vitamin D and calcium. The pups' front legs

See DOGS, Page B-2



News-Gleaner/News-Miner

ABUSED—Animal control officer Vicki Adkins holds one of the huskies that were removed from a home off the Elliott Highway. The dogs were all underweight and dehydrated.

DOGS: Owner may face cruelty charges

Continued from Page B-1

are bowed and their back legs knock-kneed. They are stunted, about the size of 3-month-old dogs, Van Pelt said.

The two pups seemed not to know of their health problems as they played in a large cage at the shelter Friday. They wagged their tails and walked around on their funny legs, happy to see visitors.

Ferraro admitted his dogs had worms, and he contends that's why they're so skinny. He said he was feeding them worm medication but found out later it was the wrong kind.

"It's my fault for not taking them to the vet, but I don't have

the money to take them to the vet," said Ferraro, who said he lost his latest job and doesn't own a vehicle that runs.

Ferraro said he has been mushing dogs for two years but is getting out of the sport because it's too expensive. He said he hasn't run his dogs much this winter.

Rather than get into a legal fight, Ferraro said he wants to work something out with the borough and have his dogs assigned to a friend.

It was a neighbor's complaint that led Adkins and Colleen Thompson, another animal control officer, to Ferraro's place Feb. 8. They could see the

mother and pup in front of the trailer and suspected other dogs were chained out back. The dead dog was stashed in an open shed in front of the trailer.

"That gave us probable cause to believe others would die," Adkins said.

Adkins wanted to get a search warrant right away, but an attorney wasn't available to help. She and Thompson made one more visit before obtaining the search warrant six days later.

People may be cited under the borough's animal cruelty law if they intentionally or negligently fail to provide dogs with adequate food, water, shelter or veterinary care to prevent physical suffering. The charge is a misdemeanor punishable by a \$500 maximum fine and up to 30 days in jail.

Adkins said that in her 16 years as an animal control officer she can remember the borough obtaining search warrants for similar cases only three times.

That's because many cruelty cases are borderline and difficult to prove, Adkins said. It's even more difficult in areas outside the borough, which falls under state jurisdiction.

Critics say the state law is vague and heavily requires an animal to die before authorities can act. Two bills in the Legislature would give those laws more teeth, but one, Senate Bill 238, has bogged down in the Senate Judiciary Committee while another, House Bill 380, is slowly working its way through the House.

Will Forsberg, of the educational group Mush with PRIDE, said animal cruelty laws must be strengthened.

"Authorities are at the scene, yet they don't have good enough statutes to go in and protect these animals until it's so extreme," Forsberg said. "That's what we've got to address."



Details emerge surrounding slaying of elder

By LISA DEMER
Daily News reporter

While Nikolai village elder Alaxendria Dennis spent her last evening celebrating Russian Orthodox Christmas, another sort of party was in full swing just a short distance from her home.

Someone in the tiny village had chartered a plane to McGrath for a booze run, and Bernie Alexia ended up with two half-gallon bottles of vodka. Sometime late Wednesday or early Thursday, a drunken Alexia went to Dennis' home, and, according to prosecutors, beat and strangled her. Now Alexia is charged with first-degree murder. He is being held at the Cook Inlet Pre-Trial Facility on \$500,000 bail.

New details about the killing, and sketchy information about Alexia's criminal past, emerged Sunday when a formal charging document became public.

At his first court appearance on Sunday, Alexia clutched the charging document in his shackled hands, reading and re-reading it. Other jail inmates fidgeted, chatted or yawned as they waited their turn, but Alexia was silent. Only when Magistrate Brian Johnson read the charge against him did the other inmates straighten up, taking notice of who among them was accused of murder.

Alexia has been in and out of trouble for nearly three decades, starting with a public drunkenness conviction in



BILL ROTH / Anchorage Daily News

Bernie Alexia appears before a magistrate via a television monitor Sunday in Anchorage.

1968, the charging document said. He has a couple of assaults on his record, including a felony conviction in 1977. And in 1993, his vio-

lence crossed paths with Dennis. He was convicted of cruelty to animals after he

Please see Page C-2, SLAYING

SLAYING: Accused man makes court appearance

Continued from Page C-1

strangled and mutilated her dog, according to the charging document.

Alexia, 50, told Alaska State Troopers he was drunk and didn't remember going to Dennis' house.

"He says he was in blackout," prosecutor Samuel Adams, who drew up the charging document, said in a brief interview on Sunday.

This much is known from the troopers' investigation, and interviews with village residents.

Dennis, 84, lived by herself in a one-room home. Her daughter lives next door and checked on her daily. Nikolai is home to some 125 people along the Kuskokwim River, about 200 air miles from Anchorage, off the road system.

Around 8 or 8:30 p.m. on Wednesday, a group of 25 to

30 people celebrating Russian Orthodox Christmas stopped at Dennis' house. They were going door to door with a hand-crafted star leading the way. At each stop, they would sing and pray and share food. No alcohol was allowed, said John Runkle, whose wife, Martha, is Dennis' granddaughter.

"People follow the star, the same as the wise men did, to see the savior," Runkle said.

After about 30 minutes, the group left, but Martha stayed behind to clean up. Her grandmother was in good spirits when she said good night around 11 p.m.

When the attack began, Dennis was in her bed. The assailant dragged her off the bed and across the floor. She was severely beaten, and a cord was used to choke her, according to the charging document.

About 9 a.m. Thursday, her daughter made her morning check and found her on the floor, dead. Also found in the home were a baseball cap, a knit cap and the remnants of a half gallon of vodka. Troopers were called to investigate.

In the meantime, Alexia was talking to other villagers. He appeared intoxicated. He mentioned he was looking for a lost hat. He asked the postmaster for \$10 in change so he could wash his clothes. And he contacted villager Joshua Nikolai and said "I confess, I confess," though he didn't say what he was confessing to, according to the charging document.

By the time troopers arrived, their investigation already had a target.

"People were talking about it in the village," prosecutor Adams said. "Everyone in the village knew what had hap-

pened, and his name came up during the initial part of the investigation."

Troopers interviewed Alexia and noticed a red substance on his snowmachine pants, which was later found to be blood. Alexia identified the baseball cap and knit cap as his, according to the charging document.

Adams said prosecutors are awaiting further laboratory tests and autopsy results to learn more about what happened. The case will be prosecuted out of the Bethel District Attorney's office, he said.

In the village, friends and family of both Dennis and Alexia are trying to be supportive in their grief. They don't want the killing to split the village in two, Runkle said.

"It is a terrible incident," he said, "and everyone is trying to help each other."

1996-97

Pet lovers sign up for 10 abused huskies

FAIRBANKS — A local animal shelter said it has been flooded with inquiries after 10 huskies were taken from a man facing animal cruelty counts. The dogs were seized from owner Steve Ferraro, who authorities say failed to provide sufficient food, water and veterinary care. Ferraro faces 11 criminal counts of cruelty. One dog was found dead at his home. The husky-mix dogs have been at the shelter since Feb. 15 and recently were readied for adoption. One dog, a female named Sasha, was placed with a new family on Friday, the shelter said. "I think it will be a real good home," shelter employee Andi Christman said. "They had been looking at her for quite a while." Christman said three of the dogs were still too skinny and would be nursed along at least for another week. Thirteen people were on a list of potential new owners. Ferraro, who was scheduled for a court appearance Thursday, relinquished ownership after receiving the criminal complaint. If convicted on the misdemeanor counts, he faces up to 30 days in jail and a \$500 fine.

METRO NEWS

Old, sick dog abandoned in trash bin

Robbin Terpstra heard a strange whimpering coming from a trash bin outside her pet store off Tudor Road. The owner of Fins, Fur and Feathers discovered an old golden retriever with its muzzle duct-taped and a Carrs grocery bag over its head, underneath layers of garbage, Terpstra said. Cancerous tumors covered its body. Its front legs were shaved and had multiple needle marks — a possible sign of treatment for diabetes, she said. It couldn't walk. Terpstra paid \$400 for a veterinarian to save the dog, but the dog had to be euthanized, she said. "We were just beside ourselves," Terpstra said. "We could not believe someone could do this." Anchorage Animal Control had few leads and they went nowhere, manager Greg Jefferies said. Terpstra found the dog about a week and a half ago. Jefferies will reopen the case if he gets more information, he said. Animal control charges \$5 to euthanize an animal, but will do it for free if a person can't afford it, Jefferies said. "Anything would have been more humane than what they've done," Terpstra said. "It's horrifying."

HB 57 - Terry 3824

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Dept of Law

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 57

Revision Date: _____
 Title: "An Act relating to cruelty to animals"
 Sponsor: Representative Grussendorf
 Requestor: (H) JUD

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	***	***	***	***	***	***
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	***	***	***	***	***	***

CAPITAL EXPENDITURES	***	***	***	***	***	***
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CHANGE IN REVENUES ()	***	***	***	***	***	***
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts	***	***	***	***	***	***
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	***	***	***	***	***	***

Estimate of any current year (FY 97) cost: \$ -0-

POSITIONS:

FULL-TIME	***	***	***	***	***	***
PART-TIME						
TEMPORARY						

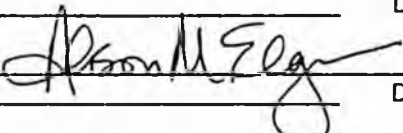
ANALYSIS: (Attach a separate page if necessary.)

The bill increases the potential numbers of cases which may be prosecuted by punishing "negligent" (not reckless) conduct which results in the death or physical pain of an animal and "knowing" (not intentional) conduct that causes severe pain or prolonged suffering. Without accurate predictions as to anticipated numbers of prosecutions, fiscal impact cannot be quantified.

Prepared by: Barbara K. Brink, Director
 Division: Public Defender Agency

Phone: (907) 264-4414
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration



Date: 2/14/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: HB 57

Revision Date: _____
Title: Cruelty to animals
Sponsor: Representative Grussendorf
Requestor: House Judiciary

Dept. Affected: Public Safety
BRU: Alaska State Troopers
Component: Detachments
COMPONENT SERIAL NO. 0799

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

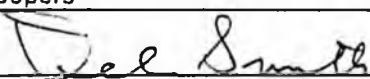
Estimate of current year (FY 97) impact: \$ _____

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.)

This bill will have a negligible fiscal impact on the Division of Alaska State Troopers.

Prepared By: Lt. Dan Lowden Phone: 269-5412
Division: Alaska State Troopers Date: January 24, 1997
Approved by Commissioner:  Date: 1/31/97
Agency: Ronald L. Otte, Department of Public

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 57

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to cruelty to animals." BRU: Criminal Division
 Component: Criminal Division
 Sponsor: Representative Grussendorf
 Requester: House Judiciary COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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						
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CHANGE IN REVENUES ()						
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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 any current year (FY97) 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 AS 11.61.140(a) relating to cruelty to animals by lowering the legal standard of conduct from one who acts intentionally to one who acts knowingly and inflicts severe physical pain or prolonged suffering on an animal. Similarly, the bill lowers the legal standard of conduct from one who acts recklessly to one who acts with criminal negligence and neglects an animal and, as a result of that neglect, causes the death of the animal or causes severe physical pain or prolonged suffering of the animal. These changes have the effect of making cruelty to animal cases easier to prove and, may result in more of such cases referred for prosecution. We do not anticipate any fiscal impact at this time. However, if significant numbers of such cases are referred for prosecution, it could have a fiscal impact on the department and we would seek to reassess our budget position at that time.

Prepared by: Joan M. Kasson *Joan M. Kasson* Phone: 465-5370
 Division: Administrative Services Division Date: 1/31/97
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 1/31/97
 Agency: Department of Law

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