

SB

284



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

MEMORANDUM

To: Senator Tim Kelly, Chair
Senate Rules Committee

From: Senator Dave Donley *DD*

Date: March 23, 1998

Re: Hearing Request for CS SB 284 (STA) - "An Act relating to animal cruelty"

I respectfully request that the CS SB 284 be scheduled for floor calendaring at your earliest convenience. CS SB 284 will improve current statutory language in order to enable prosecutors to convict those that have participated in obvious acts of neglect and cruelty against animals. This legislation was offered in response to numerous animal cruelty cases in Alaska that have gone un-prosecuted because of the current wording in the statute addressing this issue. CS SB 284 passed the Senate Judiciary Committee with Senators Taylor and Pearce signing do pass and Senator Parnell signing no recommendation.

CS SB 284 is supported by Mush With Pride, the State Farm Bureau, the Alaska Livestock Producers Cooperative, the Alaska Animal Control Association, Alaska Society for the Prevention of Cruelty to Animals, Iditarod Race winner Libby Riddles, Mush With Pride, Fairbanks Animal Control, Kenai Animal Control, Friends of Pets, and the Gastineau Humane Society.

DD/ljh

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MEMBER: Senate Finance Committee • Legislative Budget & Audit Committee
• Senate Community & Regional Affairs Committee

Produced in House



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

Sponsor Statement for CSSB 284 (STA) "An Act relating to cruelty to animals"

CS SB 284 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 un-prosecuted 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 "un-prosecutable". CS SB 284 gives the state a more workable statute. The following outlines 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 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..." AS 11.81.900.
- ❖ Adds "animal husbandry" to existing statute as an accepted practice and a defense to the prosecution.
- ❖ Does not affect existing statute which protects farmers, ranchers, hunters and trappers who are conducting accepted veterinary practices including castration, de-horning, branding, euthanizing, etc. AS 11.61.140
- ❖ Does not affect the existing statute which designates cruelty to animals as a class A misdemeanor.

Supporters of this bill include: Mush With Pride, the Alaska Farm Bureau, the Alaska Livestock Producers Cooperative, the Alaska Animal Control Association, Alaska Society for the Prevention of Cruelty to Animals, Iditarod Race Winner Libby Riddles, Fairbanks Animal Control, Kenai Animal Control, Friends of Pets, and the Gastineau Humane Society.

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Mush with PRIDE

Providing Responsible Information on a Dog's Environment

David Monson, President Mush with PRIDE
P.O. Box 60249
Fairbanks, AK 99706

Sen. Dave Donely
State Capitol
Juneau, AK 99801

March 18, 1998

RE: SB-284 ANIMAL CRUELTY BILL

Dear Sen. Donely,

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 specialty within the veterinary profession. Veterinary 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 the 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 all major Alaskan racing organizations (Iditarod, Quest and ADMA) as well as most 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. We do not feel that any other musher-specific defense against prosecution is needed to protect mushers against prosecution.

We are hopeful that SB-284 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,

David Monson



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

SPCA State Headquarters and Spay Clinic • 849 W. International Airport Road • Anchorage, Alaska 99518
Phone: 662-2999

March 2, 1998

To Whom It May Concern:

The Alaska Society for the Prevention of Cruelty to Animals, SPCA is in full support of SB 284. Efforts 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 SPCA 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 SPCA, as well as most of the general public, are in strong support of SB 284, and show a very strong interest in the passage of this bill.

Sincerely,

Ethel Christensen, Director

Diane Zarfoss

John McLaughlin

Diane Vuckovich

Lori Cornett

"Kindness Uplifts The World"



FAIRBANKS NORTH STAR BOROUGH

2408 Davis Road P.O. Box 71267 *Fairbanks, Alaska 99701-0267

Department of Direct Services
Division of Animal Control

(907) 459-1451 *FAX (907) 459-1120

March 13, 1998

The Honorable Dave Donley
Alaska State Capitol, Room 508
Juneau, AK 99801

Dear Senator,

I support passage of CSSB 284, an act relating to cruelty to animals.

The proposed changes create a more useful tool for investigators and prosecutors of cruelty to animals cases than the current language. It has long been known that under the current statute the only good evidence to prove the crime of cruelty to animals is a dead animal. The proposed changes will give enforcement officers the ability to intervene and hopefully save animals before they die or suffer severe injury due to inhumane treatment.

With the strong connection between cruelty to animals and abuse of children and other humans it is essential that we take cruelty to animals very seriously. Recognition, intervention and effective prosecution of cruelty to animals cases may help prevent the cycle of abuse from continuing in Alaskan families. Cruelty to animals cannot be tolerated, and an enforceable law is the first step in addressing the problem. Thank you.

Sincerely,

Laura Hood, Manager
Division of Animal Control



7705 GLACIER HWY.

JUNEAU, ALASKA 99801

(907) 789-0260

FAX (907) 789-1795

February 26, 1998

Senator Dave Donley
State Capitol Building
Juneau, Alaska 99801

Senator Dave Donley:

On behalf of the Gastineau Humane Society we would like to go on record as being in support of Senate Bill 284. 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 284 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.

Currently both the Humane Society of the United States and American Humane have initiated campaigns, "First Strike Animal Cruelty / Human Violence" and "Campaign Against Violence", this year to increase the awareness and alert all agencies involved in addressing issues of child abuse and neglect that there is a high correlation between animal abusers and child abusers. If the animal abuser can be prosecuted under AS 11.61.140 this could be a tool not only to prevent further animal cruelty but also provide opportunity for intervention in cases where children are also victims.

If there is anything I can do to facilitate passage of Bill 284 please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Linda M. Bleggen".

Linda M. Bleggen
Executive Director