

HB

489

*Adopted
4.22.02*

CS FOR HOUSE BILL NO. 489(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES CHENAULT, Kott, Croft, Foster, Lancaster, Meyer

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 08.98 is amended by adding a new section to article 3 to read:

4 **Sec. 08.98.241. Duty to report cruelty to animals.** (a) A person licensed
5 under this chapter who has reasonable cause to suspect that an animal has been
6 subjected to cruelty to animals in violation of AS 11.61.140 shall immediately report
7 the suspected animal cruelty to the Alaska State Troopers or municipal law
8 enforcement agency.

9 (b) A person who in good faith makes a report under this section is immune
10 from civil or criminal liability that might otherwise be incurred or imposed for making
11 the report unless the person making the report is the person who subjected the animal
12 to cruelty.

13 * Sec. 2. AS 11.61.140(d) is amended to read:

14 (d) Cruelty to animals is a class A misdemeanor. The court may also
15 (1) require a defendant convicted of cruelty to animals to

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participate in psychological counseling and treatment, at the defendant's expense, as the court determines to be appropriate;

(2) prohibit a defendant from owning or possessing an animal for a period of not more than five years.

* Sec. 3. AS 11.61.140 is amended by adding a new subsection to read:

(e) Each infliction of severe physical pain or prolonged suffering on an individual animal under (a)(1) of this section, failure to care for an individual animal under (a)(2) of this section, or killing of an individual animal under (a)(3) of this section is a separate violation of this section.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

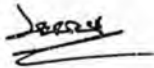
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 22, 2002

SUBJECT: Special sentencing provisions for cruelty to animals
(Work Order No. 22-LS1580\S)

TO: Representative Norman Rokeberg
Attn: Heather

FROM: Gerald P. Luckhaupt 
Legislative Counsel

Enclosed is the draft CS(JUD) you requested. You asked me to consider placing the special sentencing provisions¹ for this crime in AS 12.55. I did not place those provisions in AS 12.55 and here are my reasons. Generally, when creating crimes the legislature usually just identifies the level of misdemeanor or felony that is being created. To discover the range of punishments permitted for that level of crime one must look to AS 12.55 where the legislature has established general provisions related to sentencing, the types of sentences that are available, and the forms those sentences may take. Apart from provisions setting minimum jail terms for certain misdemeanor offenses² the legislature has not placed individual sentencing provisions that only apply to individual crimes in AS 12.55. In those cases when the legislature has chosen to establish or emphasize a special sentencing option or component of a sentence that is not generally available to all sentences in AS 12.55 and is specific to one crime, the legislature has placed that provision in the section defining the offense. See, e.g., AS 11.46.487; AS 11.51.120(c); AS 11.61.110(c); AS 11.76.140(b).

GPL:med
02-400.med

Enclosure

¹ Those provisions relate to allowing the trial court to impose a limitation of ownership of animals by the defendant and allowing the court to require counseling or treatment for the defendant.

² See AS 12.55.135(c), (d), (f), (g), and (h).

22-LS15800
Luckhaupt
4/18/02

*Adopted
4.19.02*

CS FOR HOUSE BILL NO. 489()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES CHENAULT, Kott, Croft, Foster, Lancaster

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 inflicts severe physical pain or prolonged suffering on
6 an animal;

7 (2) with criminal negligence, fails to provide the minimal standard
8 of care for an animal, including food, water, shelter, and humane veterinary care
9 and, as a result, causes the death of the animal or causes severe physical pain or
10 prolonged suffering to the animal; or

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

12 * Sec. 2. AS 11.61.140(d) is amended to read:

13 (d) Cruelty to animals is a class A misdemeanor if the defendant has not
14 previously been convicted of violating this section. Cruelty to animals is a class C
15 felony if the defendant has been previously convicted of violating this section.

*delete
new
language*

remove

Multiple offenses = Multiple charges

L

1 The court may

title 12?

2 (1) require a defendant convicted of cruelty to animals to
3 participate in psychological counseling and treatment, at the defendant's expense,
4 as the court determines to be appropriate;

5 (2) prohibit a defendant from owning or possessing an animal for a
6 period of not more than five years.

7 * Sec. 3. AS 08.98 is amended by adding a new section article 3 to read:

8 Sec. 08.98.241. Duty to report cruelty to animals. (a) A person licensed
9 under this chapter who has reasonable cause to suspect that an animal has been
10 subjected to cruelty to animals in violation of AS 11.61.140 shall immediately report
11 the suspected animal cruelty to the Alaska State Troopers or municipal law
12 enforcement agency.

13 (b) A person who in good faith makes a report under this section is immune
14 from civil or criminal liability that might otherwise be incurred or imposed for making
15 the report unless the person making the report is the person who subjected the animal
16 to cruelty.

Conceptual
AMENDMENT #1

OFFERED IN THE HOUSE

BY REPRESENTATIVE JAMES

TO: CSHB 489(), Draft Version "X"0"

1 Page 1, line 8, following "care":

2 Insert ", that conforms to accepted animal husbandry practices"

3

4 Page 1, following line 11:

5 Insert a new bill section to read:

6 **** Sec. 2.** AS 11.61.140(b) is amended to read:

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

8 (1) (a)(1) [OR (2)] of this section that the conduct of the defendant

9 (A) [(1)] conformed to accepted veterinary or animal
10 husbandry practice;

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

13 (C) [(3)] was necessarily incident to lawful hunting or trapping
14 activities; or

15 (D) [(4)] conformed to professionally accepted training and
16 disciplinary methods; or

17 (2) (a)(2) of this section that the conduct of the defendant

18 (A) conformed to accepted veterinary practice;

19 (B) was part of scientific research governed by accepted
20 standards;

21 (C) was necessarily incident to lawful hunting or trapping
22 activities; or

23 (D) conformed to professionally accepted training and
24 disciplinary methods."

1

2 Renumber the following bill section accordingly.

STATE OF ALASKA

REPRESENTATIVE
MIKE CHENAULT

Official Business

Interim:
145 Main St. Loop, Second Floor
Kenai, Alaska 99611
(907) 283-7223
Fax: (907) 283-3075



HOUSE OF REPRESENTATIVES

Session:
Capitol Building, Room 432
Juneau, Alaska 99801-1182
(907) 465-3779
Toll Free: (800) 469-3779
Fax: (907) 465-2833

Sponsor Statement House Bill 489

This fall in Sterling, State Troopers, animal rescuers, veterinarians and a member of my staff witnessed possibly the worst case of mass animal cruelty in Alaska. Dozens of dogs, some frozen to the ground but still alive, were found on a parcel of land in the Sterling area. Some were locked in an abandoned bus, some tied to trees and stakes. None had the bare margin of food, water, or humane shelter. The only bedding was canine feces or ice. *A video is available for viewing with the warning that it is quite graphic and not for the faint of heart.*

A week ago, a police officer stopped a drunk driver who had his dog tied to the bumper of his truck. While the dog received emergency medical treatment, it was put down as a result of being dragged for several miles.

It is appalling to find any human being capable of such horror. In fact, many individuals who are later convicted of grave crimes to fellow humans are found to have seriously abused animals at some time in their lives.

Several days ago, I distributed animal cruelty information. I hope one of your staff had the opportunity to read it. The purpose of this memo is to appeal to your humane side and ask for your support to stop cruelty to animals. This is an issue decent human beings should never have to consider. Common sense and compassion dictates how we should treat animals, unfortunately we cannot depend on fellow human beings to be decent and provide basic food, water and shelter for animals. This is not an issue for partisan politics, as most of us have delightful memories of childhood pets.

Please join me in setting an example to stop abuse of animals. You and I have the opportunity to show our children how kind and compassionate animals can be while teaching responsibility of animal care.

My four kids have a dog names Destiny that is a loving, mischievous companion to each of us. Although she has to be into what ever I am doing, be it painting or repairing the kitchen sink, the kids are learning the responsibility of caring and providing for another living being, an important part of becoming an adult.

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Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 22, 2002

SUBJECT: Sectional Summary - (HB 489; Work Order No. 22-LS1580A))

TO: Representative Mike Chenau!

FROM: Gerald P. Luckhaupt 
Legal Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1. Amends the crime of cruelty to animals by amending an existing form of the crime and by adding a new form of the crime.

Section 2. Changes the crime of cruelty to animals from a class A misdemeanor to a class C felony.

GPL:med
02-190.med

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 489
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to cruelty to animals." BRU Criminal Division
 Component All
 Sponsor Representative Chenault
 Requester House Judiciary Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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 (Specify Type--Do not abbreviate)						
TOTAL	*****	*****	*****	*****	*****	*****

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 HB 489 adds seeing someone commit animal cruelty, and then knowingly fail to report the crime to law enforcement, to the definition of cruelty to animals. The bill further increases the penalty for cruelty to animals from a misdemeanor to a class C felony.

 During 2000, the Department of Law got convictions in eight cruelty to animal cases. Due to the relatively low number of these cases, increasing the penalty for animal cruelty to a felony as defined in current law is expected to have a negligible fiscal impact on the agency. However, making failure to report animal cruelty a felony is expected to cause many new referrals for prosecution, which will need to be investigated and reviewed, even if the state cannot ultimately prosecute. While we believe passage of section 2 of HB 489 will increase the department's workload, we have no way of reliably estimating the impact.

Prepared by: Joan M. Kasson Phone (907) 465-5370
 Division: Attorney General's Office Date/Time 3/8/02 8:30 AM
 Approved by: Kathryn Daughhete for Bruce M. Botelho, Attorney General Date 3/8/2002
 Agency: Department of Law

Pet Industry Joint Advisory Council

1220 19th Street, N.W., Suite 400

Washington, DC 20036

(202) 452-1525 - Telephone

(202) 293-4377 - Facsimile

NAME/COMPANY:	Honorable Norman Rokeberg, Chair, Judiciary Committee	
FROM:	Michael Maddox	
FAX NUMBER:	907-465-2040	
DATE:	3/14/02	PAGES (INCLUDES COVER SHEET): 4

MESSAGE: IMPORTANT - Please include the attached testimony in the March 15, 2002 hearing on House Bill 489, for distribution to all committee members and (if appropriate) being read into the record. Thank you for your kind assistance.

Should you receive this transmission in error or have any other difficulty, please contact the sender at 202-452-1525 immediately. This facsimile may contain PRIVILEGED AND CONFIDENTIAL INFORMATION and is intended for the addressee(s) identified above. If you are not the intended recipient, you are hereby notified that any dissemination or use of this communication is strictly prohibited. The direct line to our fax machine is 202-293-4377.

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**PET INDUSTRY JOINT ADVISORY COUNCIL
TESTIMONY ON HOUSE BILL 489**

BEFORE THE HOUSE COMMITTEE ON JUDICIARY

March 15, 2002

The Pet Industry Joint Advisory Council (PIJAC) requests introduction of the following testimony on House Bill 489. PIJAC is the largest trade association in the United States representing the entire pet industry, counting among its membership national associations, regional and local organizations, and individual businesses throughout the United States. Such organizations and businesses are involved in and associated with the breeding, distribution, wholesale and retail sale of pets and the manufacture, distribution, wholesale and retail sale of pet-related products.

In its representation of the pet industry, PIJAC regularly endorses and supports high standards of excellence in the care and handling of pet animals. We have for decades worked with federal and state agencies to enhance the effectiveness of licensing and oversight programs. PIJAC's animal care certification programs are highly respected by persons in the pet industry as well as the humane community. PIJAC regularly strives to maintain and enhance a state and federal regulatory scheme to ensure an effective oversight mechanism for the commercial breeding, distribution and sale of companion animals in the United States.

Because PIJAC endorses humane animal treatment, it is not often that we oppose legislation enacting or amending animal cruelty statutes. Typically, only where such bills are ambiguous or overly broad would PIJAC offer testimony in opposition. However, the extraordinary nature of this measure compelled our attention. The prohibition proffered by H 489 violates a fundamental precept of criminal law: that citizens shall not be guilty of a crime for the absence to act except where a special relationship or exceptional circumstances exist. It is not uncommon for persons acting in a specific capacity to be charged by law with an affirmative duty to respond. It is highly unusual for any citizen (which is to say, every citizen), regardless of circumstances, to be legally imposed with a duty to act merely for observing a condition.

**PET INDUSTRY JOINT
ADVISORY COUNCIL**

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Alexandre G. Perrinelle
Pet Center, Inc., Los Angeles, CA

**EXECUTIVE VICE-PRESIDENT
AND GENERAL COUNSEL**
N. Marshall Meyers

Yet that is precisely what this bill would codify. The amendment to Alaska Statutes Section 11.61.140(a)(2) establishes a criminal offense for failing to "provide the necessary standard of care for an animal." Such a mandate in itself is sufficiently ambiguous that one might question the wisdom of enacting it into law. But to criminalize "observ[ing] and knowingly fail[ing] to report a violation" of such a mandate is literally unprecedented. Is one to be legally required every time they see a companion animal to evaluate whether its owner is providing necessary care? The subjectivity inherent in such a duty is evident on its face.

There is no analogy in state law anywhere, much less in Alaska itself. Perhaps the closest example in Alaska Statutes would be Section 11.56.765, which criminalizes a failure to report a violent crime against a child. Under the provisions of this section, however, to be in violation a person must "witness what the person knows or reasonably should know is" the murder, attempted murder, kidnapping or attempted kidnapping, sexual penetration or attempted sexual penetration of a child, or the assault of a child resulting in serious physical injury."

Actual observation of such gross physical violence against a child can in no measure be viewed comparably to witnessing an animal which may (or may not) have failed to receive the "necessary standard of care" in any of myriad particulars. Again, PIJAC must reiterate, such a criminal statute would be completely novel and, we believe, an unacceptable burden on the average citizen.

The subject of this bill is not one of complicit behavior. Section 11.16.110 already makes criminal any act which is complicit in another's commission of a crime. PIJAC certainly has no objection to this. Rather, H 489 makes mere inaction a crime. We question the appropriateness of such a standard as applied to any part of the cruelty statute, but must emphatically object to its application to subsection (a)(2), which already involves a high level of subjectivity in determining the existence of a violation.

With due respect to Representative Chenault, the offense contemplated by this bill is made even more alarming with its designation as a felony. The aforementioned criminal offense of failing to report a violent crime against a minor is only a misdemeanor. Would this committee honestly wish to communicate to the good people of Alaska the notion that observing neglect of (or even observing active cruelty to) an animal is actually a more egregious offense than failing to respond to violent physical abuse of a child? Surely not.

While PIJAC questions the wisdom of adopting legislation criminalizing the failure to report animal cruelty (absent existence of a special relationship or professional status which may dictate such an affirmative obligation) at all, we submit it to be self-evident that such an offense cannot appropriately be categorized as a felony. Indeed, we would further suggest that there is a significant distinction between misfeasance and malfeasance. Thus, even if subsection (a)(1) were to be made a felony, subsection (a)(2) should not be.

We ask the committee not to report this measure. The novel provision criminalizing the failure to report a violation of the underlying statute is ambiguous and should not be made a part of your code. The revised standard for criminal negligence is likewise subject to capricious enforcement, and requires greater deliberation. The penalty provision of this bill is simply excessive, particularly as applied to subsections (a)(2) and (a)(4) of AS 11.61.140.

PIJAC does not lightly oppose measures to properly enforce animal cruelty or neglect, but H 489 is simply not a well-crafted bill. Please reject it. PIJAC thanks this committee for its kind indulgence of our comments, and due deliberation of the concerns we have expressed on behalf of Alaska's pet trade and the people of this state.

Respectfully Submitted
Pet Industry Joint Advisory Council


By: Michael P. Maddox, Counsel

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 489
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
Title: "An Act relating to cruelty to animals" BRU: Administration and Operation
Component: All
Sponsor: Rep. Chenault
Requester: House Judiciary Committee Component No: 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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						
1007 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	***	***	***	***	***	***

Estimate of any current year (FY2002) cost: 00

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation elevates cruelty to animals from an A misdemeanor to a C felony. It also broadens the elements of the crime to include "failure to provide the necessary standard of care" but removes "and as a result, causes the death of the animal or cause severe physical pain or prolonged suffering to the animal". Finally, this legislation would make the observation and knowing failure to report a violation to a law enforcement agency a C level felony also.

The Department of Law reports that in 2000 there were 8 convictions of cruelty to animals with an average sentence of about 10 days. It difficult to estimate what an average sentence would be if this becomes a felony. There will undoubtedly be additional imprisonment as well as probation supervision imposed. While the impact to the Department is difficult to quantify, there will be an impact. Most

Prepared by: Candace Ertner Phone: _____
Division: Commissioner's Office Date/Time: 3/14/02 1:41 PM
Approved by: Margaret Fugh, Commissioner Date: 3/14/02
Agency: Department of Corrections

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. HB 489

ANALYSIS CONTINUATION

troubling is the creation of a new felony for failure to report. The Department of Corrections has been experiencing an overcrowding crisis for a number of years. Each year, our population increases due to increased sentences, new crimes and converting misdemeanors into felons. This legislation represents all of those things. We are also facing significant budget cuts. Although we cannot quantify the impact, serious consideration needs to be given to amending the current statutes to add to the serious burden that already exists on the criminal justice system.

DID YOU KNOW

REPORT ON THE STERLING ALASKA RESCUE SITUATION

By
Judy McConnell



Brad asked me, "How did you get involved in the Sterling, Alaska rescue?" My answer is, "Do not have dinner with Dale Cuddy." The night before we left the Specialty in Phoenix, Dale asked me if I would consider doing rescue for ABRL (American Bouvier Rescue League) in Alaska. It was a spontaneous "Sure." I arrived back from Phoenix on November 6 to find a message that Carolyn B. had

come back into our lives. Last year she had been cited but somehow "the problem had gone away." She had been given until Friday to clean the place up or to face prosecution. Her choice was to give the dogs to the Alaska SPCA. She was allowed in the agreement to keep seven dogs—six Bouviers and a Miniature Schnauzer.

I received a call from the SPCA asking me to go to Sterling, a small town on the Kenai Peninsula, approximately 3 hours from Anchorage. Finn, my 3-1/2 year old male Bouv, and I arrived in 30-degree below zero Sterling around 3:00 pm, only slightly recalling the 90-degree temperatures we had left in Phoenix. I left Finn in the motel room and met with a representative from Sterling. We went to the site. It was horrific—Bouviers everywhere, tied to trees, trucks and fences on 6 inch leads. They looked like buffalo with hair matted to the skin with feces, sticks, grass, you name it. The dogs had not eaten for 3 weeks. Each Bouvier looked into my soul, and the competition of the Specialty seemed like a dream. It made me reevaluate what was truly important.

I then boarded a Greyhound type bus lined with wooden boxes, approximately 2 feet by two feet by two feet, with Bouviers and Kerry Blues in them. They had eaten through the wood so that only their heads could stick out and their eyes could peer woefully at me. I stood in feces and urine up to my ankles and cried. I cried for the live dogs and for the five dead Bouviers and the



five dead Kerry Blues in the bus. We left the site, went to a small town store and I purchased all the dog food that they had on hand. We returned to the site and fed and watered all the animals. As I walked I notice something moving in the snow. There was a pair of six-week-old Bouvier pups cuddled together. After spending a couple of hours more, the two pups and I joined Finn at the motel. I was unable to sleep after seeing such vivid images. But was heartened to see the two half frozen pups defrosting, thanks to the wonderful instructions given to me by the Alaska SPCA workers. (I groomed one of the puppies today, happy and healthy in her new home.) The SPCA workers and I returned to the site. We counted and assessed the breed and health of the dogs. There was never a sign of aggression, only grateful looks. It was 17 below that morning and all we could think about was getting the truck and the hospital-on-wheels and getting those babies back to Anchorage.

In Anchorage a warehouse was donated and set up like a hospital unit. Each dog was evaluated for medicine, shaved and fed three times daily. They were emaciated but in amazingly good health. Volunteers from the University of Alaska Anchorage and all over the city, walked the dogs. I received a call from Carolyn and she handed over the last of the Bouviers by the weekend.



The outpouring of money that came from individuals, the ABRL, ABDFC, SCBDFC, BCNC, Northern Alaska Kennel Club and Cook Inlet Kennel Club was amazing. The bill totaled \$13,000-\$15,000. A total of 64 dogs were rescued including 28 Bouviers, 16 Kerry Blues as well as Siberians, Huskies and mixes thereof. There were ten dead dogs, five Bouviers and five Kerry Blues, not counted among the 64. Two people-aggressive dogs, a Bouvier and a Kerry Blue, were euthanized. 26 Bouviers are in homes in Alaska, all are doing beautifully, and almost all were Bouvier owners. 2 Bouviers are in Michigan and 24 dogs are yet to be placed. None of this could have been done without the loving and caring workers of the Alaska SPCA. They are professionals in every sense and an amazing group of people. I have never been able to pride myself on being a volunteer. I have always loved my own family, my close friends and my dogs. This rescue experience has truly made me realize what reaching out really does for the soul—mine.

Thanks, Judy!

BB



HB 489 YES

I am Judy McConnell of Anchorage Alaska. I come before you as the representative of the National Bouvier des Flanders Club (the Bouvier is a large friendly dog of the herding group). I head the Club's "Rescue for Alaska" operation when needed. I am here to ask you to help prevent cruelty to animals by passing HB No. 489, which will serve as a deterrent to Alaskan tragedies such as I witnessed last year.

Last November, I was asked to assist in the rescue of 64 dogs (half of which were Bouviers) in Sterling, Alaska. The 64 were the starving and freezing survivors of what can only be described as a canine concentration camp. The article I passed out to you provides only a glimpse of the physical pain and suffering these dogs endured—many to their last breath.

The five frozen Bouviers that I chiseled out of the snow didn't survive, and many more were on the brink of dying when the rescue team arrived. The article I distributed to you just now, was originally written for the Southern California Bouvier des Flandres Club to give them an account of the rescue; they contributed very generously.

The article provides a stark overview of the cruelty that was visited upon these creatures, but it does not begin to convey what I

Judy McConnell
Plea to the AK Legislature
sleepingladybouvier@hotmail.com

1

03/15/02

Phone: 907 346-1929

HB 489 YES

experienced when I arrived at the site in Sterling, Alaska in minus 30 degree weather with the Anchorage SPCA team.

I saw emaciated Bouviers and Kerry Blue terriers, some huddled in a bus in cube shaped cells amid their own filth with the corpses of their dead companions dangling from the enclosures and on the floor. Others were unsheltered outside the bus, tethered to leads as short as 9 inches, dead and dying, and some so tangled they had become maimed. All were unkempt with coats matted and covered in feces, and weighed less than 50 pounds when normal body weight was 100. All of the rescue team were obliged to wear masks in order to carry on with the work. The owner who victimized these dogs, said to me, "Things got out of control." No punishment was meted to her for her unconscionable cruelty to these animals. We need to add teeth to the Alaska Statutes, to better deter cruelty to animals. HB No 489 does that, by amending AS 11.61.140(a).

The amendment clearly defines cruelty to animals, and makes cruelty to animals a class C felony. HB 489 is a must.

Thank you for your timely consideration of these creatures who depend upon us, trust us, and add so much to our life in Alaska.

[Fwd: [Fwd: HB 489]]

Subject: [Fwd: [Fwd: HB 489]]
Date: Mon, 18 Mar 2002 08:08:31 -0900
From: Representative Norman Rokeberg <Representative_Norman_Rokeberg@legis.state.ak.us>
Organization: Alaska State Legislature
To: Heather_Nobrega@legis.state.ak.us

Subject: [Fwd: HB 489]
Date: Sun, 17 Mar 2002 12:39:49 -0900
From: Carol Jensen <cjensen@pobox.alaska.net>
To: Representative_Norman_Rokeberg@legis.state.ak.us

Subject: HB 489
Date: Thu, 14 Mar 2002 20:49:49 -0900
From: Carol Jensen <cjensen@pobox.alaska.net>
To: Representative_Norm_Rokeberg@legis.state.ak.us,
Representative_Scott_Ogan@legis.state.ak.us, Representative_John_Coghil@legis.state.ak.us,
Representative_Kevin_Meyer@legis.state.ak.us,
Representative_Ethan_Berkowitz@legis.state.ak.us,
Representative_Albert_Kookesh@legis.state.ak.us

Judiciary Committee Members:

I urge you to pass this bill out of committee ASAP and get it to a floor vote for passage. Our animal cruelty statute is a joke. It offers no protection to animals, and animal cruelty is rampant in Alaska. This bill is a good first step towards strengthening the statute.

I do not support any exemption for the victims of domestic violence who witness or know about animal cruelty and do not report it. People who inflict pain and suffering on animals also do it on humans. The first sign of animal cruelty needs to be reported immediately to authorities and the animal(s) removed from the perpetrator.

Thank you.

Carol Jensen
4800 E. 112th Avenue
Anchorage, AK 99516
work phone: (907) 562-3200 ext 111

Subject: [Fwd: HB 489]

Date: Mon, 18 Mar 2002 08:08:15 -0900

From: Representative Norman Rokeberg <Representative_Norman_Rokeberg@legis.state.ak.us>

Organization: Alaska State Legislature

To: Heather_Nobrega@legis.state.ak.us

Subject: HB 489

Date: Sun, 17 Mar 2002 12:36:07 -0900

From: Ethel <donethel@gci.net>

To: Representative_Norman_Rokeberg@legis.state.ak.us

Understand that 489 will be re-worded to accommodate the farmers. I was born and raised on a small dairy farm in Wisconsin. Wisconsin and other states have stiff animal cruelty laws and am confident that it can be done here in Alaska and still accommodate the few farmers we have left.

I was a Weather Service Aviation Briefer/forecaster at ANC International from 1959 to 1975. The result of hearing horrible stories from my husband, an FAA pilot and other pilots, plus seeing abandoned animals in ANC, I founded the Alaska SPCA in 1966 and HB489 would very much add to the slow progress we have made.

Alaska SPCA receives many complaints from tourists on what they see as far as animal neglect and now we have a huge audience in the lower 48 and elsewhere awaiting the outcome of HB489 as well as the indictment of Carolyn Boughton, Sterling. The indictment was filed Friday, the 15th.

Please do what you can to pass a long overdue stronger cruelty law

Ethel D. Christensen
Volunteer Executor Director
Alaska SPCA



Alaska State Legislature

MAR 15 2002

Please enter into the record my testimony to the HJUD
(committee name)

committee on HB 489, dated 3-15-02

3/12/02



VALDEZ VETERINARY CLINIC

P.O. Box 688 708

Valdez, Alaska 99686

Telephone: (907) 839-9280

We would like to express our support for HB489 regarding cruelty to animals. We feel it is important to change the penalty for animal cruelty from a misdemeanor to a felony for the following reasons:

Animals are an integral part of our lives and they should be treated with respect and compassion. We are responsible for their welfare since they have no voice of their own. Individuals, especially young people, who abuse animals, are often individuals who show more and more disrespect for the law. The hands of the officials are "tied" so to speak when an animal cruelty case is only treated with a "slap on the hand" and the seriousness of the offense is not realized.

It is documented that animal cruelty is often linked to spouse and child abuse. If the animal cruelty penalty carried a felony punishment, cases of abuse to spouses/other household members and children may be avoided.

A felony judgment is more likely to deter an individual from repeating the offense. This would give incentive to the officials to pursue cases more intensively.

We urge you to support HB489 to not only protect the animals, but potentially impact human welfare as well.

Kathryn A Hawkins DVM *Kelly Hawkins*

Kathryn Hawkins D.V.M.

Kelly Hawkins D.V.M.



Alaska State Legislature

Please enter into the record my testimony to the House Judiciary Committee
committee name
Committee on "An Act Relating to Cruelty to Animals"
HB 489, dated 3-15-02
bill # / subject

Signed:

SUE CARTER

Sue P. Carter

Testifier

Self

Representing (optional)

P.O. Box 212

Kenai, AK. 99611

Address

907.283.9272.

Phone number

**Sue C. Carter
Post Office Box 212
Kenai, Alaska 99611**

**Telephone: 907-283-9272
E Mail: carter-ak-az@worldnet.att.net**

**House Judiciary Committee
HB 489 – March 15, 2002**

I am Sue Carter, a resident of Alaska since 1966, and I am here to support HB 489.


Unfortunately, Alaska now holds the distinction of having the highest rate of abuse in the Nation – not only relative to people but animals as well. This is simply not tolerable to many of us who expect and wish to enjoy a certain level of quality of life here in Alaska.

Animal abuse appears to be increasingly on the rise and some of the worst cases in recent times has occurred here on the Kenai Peninsula. It appears there will be no charges in the recent Sterling rescue – the State Troopers advise these persons most likely will be repeat offenders due to the lack of effective animal cruelty laws that provide appropriate punishment and perhaps deterrent?

The State dog sled racing association has made great strides in providing a healthier and safer environment for their dogs but we must now work to expect responsible and appropriate requirements for shelter, food and care for all domestic animals in Alaska.

First step, in my opinion, is to make stronger animal cruelty laws and let those individuals who cannot live within these structures know their actions won't be tolerated by the Alaska legal system.

I thank you for giving me this opportunity to speak in favor of HB 489 and I wish you well in this Legislative session.



Subject: [Fwd: HB 489, Animal Cruelty]

Date: Thu, 28 Mar 2002 14:52:29 -0900

From: Representative Norman Rokeberg <Representative_Norman_Rokeberg@legis.state.ak.us>

Organization: Alaska State Legislature

To: Heather_Nobrega@legis.state.ak.us

Subject: HB 489, Animal Cruelty

Date: Wed, 27 Mar 2002 18:21:48 -0900

From: Sally Clampitt <Sclampitt@tyonek.com>

To: "'Representative_Norman_Rokeberg@legis.state.ak.us'" <Representative_Norman_Rokeberg@l

March 27, 2001

Representative Norman Rokeberg, Chairman

Judiciary Committee

Alaska State Legislature

Re: HB 489, Animal Cruelty

Dear Representative Rokeberg:

The purpose of this e-mail is to urge you to support HB 489, an act relating to cruelty to animals. Without question, there is considerable cruelty to animals in Alaska. Local and state laws as currently written are insufficient, vaguely written, and difficult to enforce. Consequences, if any, to animal abusers are frequently weak, and repeat abuse is common. Animal cruelty is a sensitive issue that nobody wants to deal with, so it is much easier to sweep it under the rug, hide it, and try to make inappropriate excuses such as "we don't need more laws" or "all the animal welfare people are extremists" or "animals are personal property and people can do what they want with them". The truth is, animal cruelty is a very serious and ugly problem, is frequently a precursor to child abuse, and we as a civilized society, regardless of our party affiliation, have a strong moral obligation to protect helpless animals who cannot protect themselves.

Without doubt, you and your committee have an opportunity to take a small but nevertheless important step forward in the fight against animal cruelty by supporting HB 489. I hope you will recognize this and do the responsible thing.

Alaska Equine Rescue is a statewide non-profit horse welfare organization. We have had more than 10 years of experience dealing with abuse to horses and other animals, and we receive overwhelming support from the public for our efforts. We are all-too-familiar with the difficulties faced in helping animals in trouble. We have good working relationships with attorneys, animal control agencies, state troopers and district attorneys offices in many parts of the state. I would be very glad to answer any questions you might have or share information with you from our past experiences that might be helpful to you now as you review this important legislation.

PLEASE SUPPORT HB 489.

Thank you for your consideration.

Sincerely,

Sally Clampitt

President

Alaska Equine Rescue

P.O. Box 113265

Anchorage, AK 99511

1-888-LUV-HORS (588-4677)

[Fwd: animal cruelty bill]

Subject: [Fwd: animal cruelty bill]
Date: Thu, 21 Mar 2002 14:37:29 -0900
From: Representative Norman Rokeberg <Representative_Norman_Rokeberg@legis.state.ak.us>
Organization: Alaska State Legislature
To: Heather_Nobrega@legis.state.ak.us

Subject: animal cruelty bill
Date: Thu, 21 Mar 2002 11:55:35 -0900
From: "Gregg & Dale Knutsen" <lkmoon@alaska.net>
To: <Representative_Norman_Rokeberg@legis.state.ak.us>

Dear Representative Rokeberg,
Please support the Alaska animal cruelty bill. Violence against animals is
a horrific and cowardly act. It is very important to keep our animals safe!
Thank you for your time.

Regards,
Dale Knutsen
P.O. Box 1404
Valdez, AK 99686

[Fwd: Animal Cruelty]

Subject: [Fwd: Animal Cruelty]

Date: Fri, 22 Mar 2002 08:32:37 -0900

From: Representative Norman Rokeberg <Representative_Norman_Rokeberg@legis.state.ak.us>

Organization: Alaska State Legislature

To: Heather_Nobrega@legis.state.ak.us

Subject: Animal Cruelty

Date: Fri, 22 Mar 2002 02:34:20 +0000

From: "Elena LaPella" <perke@hotmail.com>

To: Representative_Norman_Rokeberg@legis.state.ak.us

Dear Sir;

I am writing to ask your support in passing the Alaska animal cruelty bill. A society is often judged by how it treats those who cannot speak for themselves. Animals deserve to be protected against violence and neglect. Thank you for your time.

Sincerely,

Elena LaPella

P.O. Box 1601

Valdez, AK 99686

Get your FREE download of MSN Explorer at <http://explorer.msn.com>.

Subject: [Fwd: HB 489]

Date: Thu, 21 Mar 2002 14:37:05 -0900

From: Representative Norman Rokeberg <Representative_Norman_Rokeberg@legis.state.ak.us>

Organization: Alaska State Legislature

To: Heather_Nobrega@legis.state.ak.us

Subject: HB 489

Date: Thu, 21 Mar 2002 22:46:45

From: "Antonia Kwalick" <windspirit44@hotmail.com>

To: Representative_Jeannette_James@legis.state.ak.us,
Representative_Albert_Kookesh@legis.state.ak.us,
Representative_Pete_Kott@legis.state.ak.us, Representative_Ken_Lancaster@legis.state.ak.us,
Representative_Kevin_Meyer@legis.state.ak.us,
Representative_Norman_Rokeberg@legis.state.ak.us,
Representative_Ethan_Berkowitz@legis.state.ak.us,
Representative_John_Coghill@legis.state.ak.us, Representative_Eric_Croft@legis.state.ak.us,
Representative_Richard_Foster@legis.state.ak.us,
Senator_Georgianna_Lincoln@legis.state.ak.us

CC: grunt@alaska.net

To All Above With MY Concern,

I am writing to let you all know that I fully support HB 489 to make animal cruelty a felony instead of a slap on the wrist. I have been involved with the Valdez Animal Shelter for 5 years and feel very strongly about the link between animal abuse and child/spousal abuse. I understand HB 489 has been pulled to re-write and I am hoping that the main objective of the bill - to get criminal behavior off the street with more than a \$50.00 fine and 10 hours of community service. I am ok with a graduated sentencing approach but let's move forward to get this Bill passed and we can always "amend" later.

I know of a case in our little town of a man who was under suspicion of and (bragged about) his repeated abuse of his child. We could just never do anything but watch and warn him. He was later convicted of child molestation of a 7-year old girl. Maybe this little girl could have been spared the trauma if he was convicted of animal abuse first and put away.

The laws have to be tougher. The lack of concern by the General Public regarding animals and the blatant disregard of life (human and animal) is growing wild. We need to start somewhere and NOW is the time!

I am asking you all to SUPPORT this bill and Make Animal Abuse A Felony. Your questions and comments are welcome.

Very Sincerely,

Antonia Kwalick
PO Box 3583
Valdez Alaska 99686
Day (907) 835-2984
Evening (907) 835-3815

Get your FREE download of MSN Explorer at <http://explorer.msn.com/intl.asp>.

Criminal Code Backgrounders

Cruelty Vignettes

Enforcement of Cruelty to Animals Section of the Criminal Code

Enforcement Statistics

Linking Animal Cruelty and Violence to Humans

Serial Killers, School Shootings and Youth Crimes

Reform of the Criminal Code, Cruelty to Animals Sections

Linking Animal Cruelty to Human Violence

FBI and Scotland Yard recognize that violence towards animals is one of five key indicators of a person who will commit violent acts against people. A past history of violence is a predictor of future aggression.

U.S. states have felony offences for animal cruelty, with prison sentences up to 10 years.

U.S. public opinion polls show that 81% of the surveyed respondents supported strengthening animal cruelty laws. 71% were in favour of upgrading cruelty offences from misdemeanors to felonies. 87% said cruelty to animals offences should protect wild animals as well as pets. 89% said social agencies, educators, law enforcers and animal welfare organizations should share information about animal abusers as a means of reducing child abuse.

Animal abusers often suffer from low self-esteem, a history of family abuse, frustration and an inability to manage anger. Childhood cruelty may provide a child with a sense of power and mastery over animals. Typical factors are revenge, retaliation, intimidation, deviant arousal or peer pressure.

In one American study, 118 out of 135 criminals, including robbers and rapists, admitted that when they were children, they had burned, hanged and stabbed domestic animals.

78% of 63 people charged with animal cruelty had also been charged with violence or threats of violence against people (Jim McIsaac, Winnipeg Police Services).

152 criminal subjects reported 373 acts involving undue harm to animals. 60% reported at least one or more acts of childhood cruelty toward animals. 41% reported 1 - 2 cruelties, 11% admitted 3 - 4 cruel acts towards animals and 8% indicated 5 or more animal cruelties during childhood. 25% of aggressive criminals reported 5 or more childhood cruelties compared to less than 6% of moderate and nonaggressive criminals. 3/4 of all aggressive criminal subjects reported excessive and repeated child abuse. (Kellert and Felthous "Childhood Cruelty Toward Animals Among Criminals and Non-Criminals", *Human Relations* Volume 38, No. 12, PP. 1113 - 1129).

61% of 39 women who had been abused by their partners and were living in women's shelters in Hamilton and Owen Sound said their pets had either been abused or killed by their partners. 48% said concern for the safety of their pets prevented them from leaving their abusive home sooner.

Three surveys of women's shelters in Wisconsin and Utah showed an average of 74% of women with pets reported that their animals had been threatened, injured or killed by their abuser.

83% of families in Britain with a history of animal abuse were identified by social service agencies as at risk for child abuse or neglect (Royal SPCA, Britain, 1981).

58% of sexual homicide perpetrators who were sexually abused as children recounted childhood animal cruelty (Dr. Patricia Schene "One By One Is Not the Only Way" *Advocate* Fall/Winter 1993).

See *Cruelty to Animals and Interpersonal Violence (Readings in Research)* edited by Dr. Randall Lockwood and Frank R. Ascione, Purdue University Press (800) 933 - 9637 (ISBN 1-55753-106-4) (\$24.95 U.S.) and *Child Abuse, Domestic Violence and Animal Abuse: Linking the Circles of Compassion for Prevention and Intervention* by Frank Ascione and Phil Arkow Purdue University Press (ISBN 1-55753-143-9) (\$24.95 U.S.)

More information

THE TANGLED WEB OF ANIMAL ABUSE:

The Links between Cruelty to Animals and Human Violence

Addendum to The Humane Society of the United States News article, Summer, 19869 by Dr. Randall Lockwood and Guy R. Hodge

"One of the most dangerous things that can happen to a child is to kill or torture an animal and get away with it." Anthropologist Margaret Mead

- **JEFFREY L. DAHMER:** Serial Killer, Sexual Deviant

Dahmer confessed to killing, dismembering and, in some cases, cannibalizing, 17 men and boys. As a child, Dahmer impaled frogs, decapitated dogs, and staked cats to trees in his backyard. Dahmer was convicted to death but before the sentence was carried out he was killed by another inmate in 1994.

- **TED BUNDY:** Serial Killer, Rapist

Bundy killed numerous females who looked liked a woman for which he had a passion. In the 1970's he brought fear to college campuses in many states after killing 3 women in the Chi Omega sorority house at Florida State University. He was ultimately convicted of two killings, but is suspected of murdering over 40 females, primarily in the northwest. During his childhood he witnessed his father's brutality toward animals and he himself tortured animals. Bundy was executed in Florida.

- **RICHARD ALLEN DAVIS:** Accused killer and rapist of 12 year old Polly Klaas

Davis has been charged with the kidnapping of Polly Klass, 12, from her own home, raping and strangling her. As a 14-year-old he set cats on fire and used dogs as target to practice knife-throwing. In 1993 he was charged with the shooting death of Marlene Voris 20 years ago. "When he was little it was animals. When he got bigger it was people." said Zak Bucket a neighbor.

- **MICHAEL WAYNE ECHOLS (18), JESSIE LLOYD MISSKELLEY JR. (17), CHARLES JASON BALDWIN (16):** Killed three 8 year-old-boys

These three teenage boys were arrested in 1993 for the brutal murder of three 8-year old boys in West Memphis. The three young boys were lured into the woods, beaten into unconsciousness, one was sexually mutilated, another raped, and all three killed. For some time prior to the killing, the three teenagers were involved in satanic-type rituals. During an initiation ceremony they killed dogs, skinned them, and ate their flesh. Echols was also carrying a head of a cat with him.

- **EARL KENNETH SHRINER:** Sexual Predator, Killer, and Rapist

Shriner used threats to lure a 7-year-old boy into a wooded area in Washington state where he raped him, cut off his- penis, choked him, stabbed him in the back and neck, and left him for dead. At the age of 16, he confessed to 'he killing of a teen-age girl. Police say he *was a man who put firecrackers in the anuse , of dogs and strung up cats." He was committed to a state mental hospital after several incidents, including the slaughter of nearly two dozen chickens.

- **ERIC SMITH:** Adolescent Killer of 4-year-old boy

When Eric Smith was 13 years old, he bludgeoned 4-year-old Derrick Robic to death and was charged with murder. Four years prior to the killing of Derrick, Smith killed the neighbor's cat with a gardenhose. There are no specific reasons why he killed the little boy or the cat.

- **THOMAS LEE DILLION:** Murderer and Suspected Serial killer

Dillion is said to be a serial killer. Dillion admitted to the shooting of Gary Bradley in 1992, while both were hunting. Dillion, an ardent hunter who also boasted of killing more than 1000 animals in illegal drive shootings, is serving a life sentence in Ohio on five murder convictions.

MICHAEL CARTIER: Stalker and Murderer

In 1992, Cartier stalked and killed Kristen Lardner in Boston, Massachusetts and then killed himself. In a prior relationship, Cartier held his girlfriend's kitten under a hot shower and then shaved all its hair off. Later he hurled it through a fourth floor window to its death.

Cruelty to animals should be a felony offense. Both animals and people benefit when abusers are brought into the criminal justice system for sentencing or treatment. Fifteen states have already enacted felony cruelty laws.

First Strike Animal Cruelty/ Human Violence

[[Follow Ups](#)] [[Post Followup](#)] [[Petzjam Pet Forum](#)] [[FAQ](#)]

Posted by Shelter House on August 04, 1998 at 15:53:15:

Is harming an animal a warning sign of other possible acts of violence? Absolutely!

Animal cruelty can be one of the earliest and most dramatic indicators that an individual is developing a pattern of seeking power and control by inflicting suffering on others.

Studies in psychology, sociology, and criminology clearly show that violent offenders frequently have childhood and adolescent histories of serious and repeated animal cruelty. The FBI has used this correlation for years in profiling serial killers.

Recent research also shows that animal cruelty often occurs in tandem with family violence, child abuse, spouse abuse, and elder abuse.

Pets are part of the family in many American households. In homes where domestic violence occurs, pets are often threatened or injured by abusers.

IN SEVERAL RECENT SURVEYS OF WOMEN ENTERING SHELTERS FOR PROTECTION FROM DOMESTIC VIOLENCE, NEARLY HALF REPORTED THAT A PET HAD ALSO BEEN THREATENED, INJURED OR KILLED BY THEIR ABUSER. Many victims of domestic violence delay leaving their homes because they fear that their pet might be hurt when they leave.

SHELTER HOUSE DOES NOT WANT THIS TO BE A DETERRENT TO A VICTIM WHO IS CONSIDERING COMING TO A SHELTER AND WANTS THE COMMUNITY TO KNOW THAT IT HAS AN AGREEMENT WITH A LOCAL KENNEL, WHICH WILL HOUSE AN ANIMAL DURING THE LENGTH OF THE VICTIM'S STAY AT SHELTER HOUSE.

Shelter House has also joined in the First Strike Campaign, which is a new animal and human protection program developed by the Humane Society of the United States (HSUS). Leading the program locally are Cathy Holmes and Maureen Simmons, both from the Family Advocacy Office at Hurlburt Field in Florida. They want people to recognize the connection between animal cruelty and human violence, and get involved.

Shelter House recently participated in an inter-agency training program put together by Holmes and Simmons. The training session included presentation from Shelter House, the Panhandle Animal Welfare Society (PAWS), the Family Advocacy Office and the

Florida Department of Children and Families- each pointing out the connection between animal cruelty and human violence.

As a result of the campaign, Shelter House has added to it client intake forms, a question about animal cruelty within the household, and animal control officers now distribute Shelter House information cards to homes where animal cruelty has been reported. Holmes and Simmons are hoping to gain cooperation between civilian and military organizations so that all acts of violence are recognized and dealt with promptly and appropriately. They are hoping to protect victims of violence, prosecute and punish those who commit violent acts and prevent future violence through early identification of people with violent tendencies.

The First Strike Campaign was developed by the Humane Society of the United States. If you want more information about the program, call Cathy Holmes or Maureen Simmons at the Hurlburt Family Advocacy Office, or call the HSUS toll free 1-888-213-0956. The HSUS website is at www.hsus.org

Follow Ups:

- Re: First Strike Animal Cruelty/ Human Violence Krista 23:43:00 2/21/99 (0)

Post a Followup

Name: _____

E-Mail: _____

Subject: Re: First Strike Animal Cruelty/ Human Violence

Comments:

: Is harming an animal a warning sign of other p
: acts of violence? Absolutely!
: Animal cruelty can be one of the earliest and
: dramatic indicators that an individual is develo
: pattern of seeking power and control by inflict
: suffering on others.
: Studies in psychology, sociology, and criminolog
: clearly show that violent offenders frequently h
: childhood and adolescent histories of serious an
: repeated animal cruelty. The FBI has used this
: correlation for years in profiling serial killer

Optional Link URL: _____
Link Title: _____
Optional Image URL: _____

[[Follow Ups](#)] [[Post Followup](#)] [[Petznjam Pet Forum](#)] [[FAQ](#)]

Two More States Pass Felony Animal Cruelty Bills

The numbers are adding up. With the addition of Maine and Minnesota, there are now 34 states – plus the District of Columbia – that have passed felony animal cruelty laws.



■ States who prosecute certain forms of animal cruelty at the felony level.

This is an amazing effort that is rippling across the country, thanks to the persistent and dedicated work of so many individuals involved in animal protection.

These successes don't come easily, and certainly not without a lot of time invested. For the past five years, Minnesota animal protection advocates have worked to strengthen animal cruelty statutes – finally succeeding in 2001. Minnesota's new law covers companion animals, including dogs, cats, horses, and ferrets. Penalties are based on the harm done to the animal, and increase as the harm to the animal escalates.

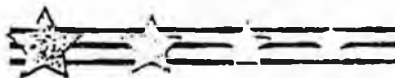
For intentional acts of torture or cruelty to a companion animal, the penalties elevate from a misdemeanor (90 days in jail, a \$1,000 fine, or

both) to a gross misdemeanor (one year in jail, a \$3,000 fine, or both) to a felony (two years in jail, a \$5,000 fine, or both). An additional provision increases the penalties for a person who causes great bodily harm or death to a companion animal in an effort to threaten, intimidate, or terrorize a person. This offense carries a penalty of four years in jail, a \$10,000 fine, or both. Currently, the state with the record for maximum confinement (10 years in prison) goes to Louisiana. Arizona has the maximum fine, \$150,000, and Oregon is a close second with a \$100,000 penalty.

Another benefit of Minnesota's new law is the added provision for psychological or other counseling for people who abuse animals. Minnesota is one of 15 states that permits the offender to undergo psychological counseling or anger management classes for animal cruelty – "Something that we are strongly encouraging as part of all new bills," says Ann Sparks, vice president of AHA's public policy.

In Maine, the new felony cruelty law went into effect on September 21, 2001. Maine's law now expands the definition of animal cruelty by establishing the category of aggravated animal cruelty, and increases the penalties for civil and criminal convictions. The penalty for repeat offenders and for those convicted under the new category of aggravated animal cruelty is increased to a felony. Juveniles adjudicated under the new law must receive psychological counseling.

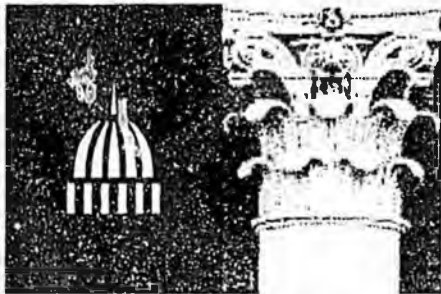
If your state needs help passing felony animal cruelty laws, e-mail our Washington, D.C., office at dc@americanhumane.org.



States With Felony Animal Cruelty Provisions

Alabama	Indiana	Montana	Rhode Island
Arizona	Louisiana	North Carolina	South Carolina
California	Maine	New Hampshire	Texas
Connecticut	Maryland	New Mexico	Virginia
Delaware	Massachusetts	Nevada	Vermont
Florida	Maine	New York	Wisconsin
Georgia	Michigan	Oklahoma	Washington
Iowa	Minnesota	Oregon	District of Columbia
Illinois	Missouri	Pennsylvania	

(Bold indicates laws passed in the last two years.)



National Conference of State Legislatures

LEGISBRIEF

BRIEFING PAPERS ON THE IMPORTANT ISSUES OF THE DAY

MARCH 2001

VOL. 9, No. 18

Violence at Home: People and Pets

By Rita Thaumert

Animal cruelty is often associated with domestic violence.

Studies over the last two decades show that animal cruelty is often associated with domestic violence. Intentional cruelty or killing of pets by children or adults is recognized more and more as a significant indicator of violence at home. In one study, just over half of the women in a family shelter reported that pets had been harmed or killed by the abusers. About 25 percent of them said their concern for pets delayed their going to the shelter. Children also witnessed cruelty to their pets in about two-thirds of the cases. Thirteen percent of the children reported that they themselves had tried to hurt pets.

In most American homes, pets are treated like family members. If they are part of a violent family, however, they also become targets. Threats against a pet are also used by abusers as a control mechanism to silence or punish the victims. Frequently, pets are a vital source of support for both children and adult victims of violence. However, children may also become animal abusers, imitating the behavior they have experienced, and making the pet a victim.

Cruelty to animals can be one of the earliest signs of a person's potential for violence.

Cruelty to animals can be one of the earliest and most significant signs of a person's potential to control others through violence. Psychologists, sociologists and criminologists agree that animal abuse involves more than an abuser's personality flaw. It indicates a seriously disturbed family environment. Intervention in the beginning stages, while children are young, is vital.

State Actions

At least 27 states make cruelty to animals a felony under certain circumstances.

All states have anticruelty laws, but most generally treat animals as property. At least 27 states, however, make cruelty to animals a felony under certain circumstances. The other 23 states have misdemeanor penalties for secondary forms of abuse. A recent Nevada law "requires the juvenile court to order counseling or other psychological treatment for a child who commits an offense involving cruelty to an animal." Nevada law also directs the court to order parents or guardians to pay for counseling or psychological treatment. At least 13 other states—California, Colorado, Illinois, Maryland, Maine, Michigan, Minnesota, New Mexico, Oregon, Virginia, Vermont, Washington and West Virginia—allow courts to order psychiatric counseling or anger management.

California's animal cruelty law requires that "the court shall order the defendant to pay for, and successfully complete, counseling, as determined by the court, designed to evaluate and treat behavior or conduct disorders." In some instances, animal cruelty agencies also protect children. A District of Columbia law authorizes the Washington Humane Society to include in its operations the protection of children from cruelty and abuse. Officers or agents of the Ohio Humane Society may remove a child if he or she is in cruel surroundings.

National Conference
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California and Colorado require animal control officers and veterinarians to report suspected or known instances of child abuse. Minnesota and West Virginia require that veterinarians report suspected or known cases of animal abuse. Idaho does not require reporting, but provides immunity from civil and criminal liability for veterinarians who report cruelty. States are responding to the theory that many of the homes with a history of animal abuse are also the ones engendering calls to social service agencies about suspected child abuse.

Federal Action

The 106th Congress enacted 10 laws that address animal welfare, including making it illegal to produce or import products made with dog or cat fur, making it illegal to commercially depict real acts of animal cruelty, and increasing funding for enforcement of the federal animal welfare act.

A report by the National Research Council says that early intervention for animal abusers is more likely to reduce adult crime than later criminal penalties, and that the behavior of a child is more significant than adolescent behavior in predicting future violence. Law enforcement has expressed increased support for stronger animal anticruelty laws. The First Strike Campaign of The Humane Society of the U.S. recommends community programs that consolidate the services of domestic violence shelters, child protection agencies, humane societies and police departments to provide shelters or foster homes for abused pets, and ensure that pets are safe after abused women and children leave abusive surroundings. These collaborations can bring about better reporting and more effective intervention.

The American Humane Association recommends reporting suspected animal abuse or child abuse to a local child welfare agency or humane society. They also recommend training professionals to observe and report other kinds of abuse in the home. Judges, doctors, social workers, teachers and ministers should become familiar with the connection between domestic violence and animal abuse. The association advocates stronger animal cruelty statutes, development of better reporting laws and definitions of animal cruelty, and penalties for abusers that include required mental health treatment.

The challenge is to prevent violence, whether it takes the form of cruelty to humans or cruelty to animals. The best response to early violence seems to be early intervention. Studies have found that community coalitions work where the criminal justice system, animal control agencies, health professionals (human and animal), social workers and domestic violence victims' advocates participate in training and share information. Policymakers can help educate citizens about violence, encourage services that intervene on behalf of people and pets and appropriate funds for delivery of those services.

Contacts for More Information

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The Humane Society of the U.S.
(888) 213-0956
[http://www.hsus.org/firststrike/factsheets/
domestic-violence.html](http://www.hsus.org/firststrike/factsheets/domestic-violence.html)

National Clearinghouse on Child Abuse
and Neglect
(800) 394-3366
[http://www.calib.com/nccanch/pubs/bibs/
linkwanimal2.htm](http://www.calib.com/nccanch/pubs/bibs/linkwanimal2.htm)

American Humane Association
(303) 792-9900
[http://www.americanhumane.org/children/
factsheets/viol_link.htm](http://www.americanhumane.org/children/factsheets/viol_link.htm)

Cruelty to animals and cruelty to humans can be viewed as a continuous succession.

The challenge is to prevent violence, whether it takes the form of cruelty to humans or cruelty to animals.

Pet Love Shack - Non-Fiction

www.petloveshack.com

This has to stop now!

*Do you want your children and grandchildren
to be brought up thinking that this is "ok" to do ?*

Animal Cruelty and Human Violence

**People who are cruel to animals are more likely than others
to be cruel to humans too,**

says a 1997 report from the Humane Society of the United States

The study, on the link between animal cruelty and human violence, was based on 401 newspaper accounts of animal cruelty between Sept. 1, 1996 and Aug. 31, 1997. It found the majority of abusers, 71 percent were men, and those men committed eight v-seven percent of the cases of abuse. Among abusers of animals, twenty-eight percent were also charged with domestic violence, twenty-seven percent with child abuse, ten percent with assault and six percent with murder.

Hurting animals often a sign of abuse

Springfield, Oregon: Friends of 15 year old Kipland Kinkel of Springfield, Oregon say he displayed *all of the classic signs of violence, often bragging about torturing and killing small animals*. Reports indicate that Kinkel killed cats, possibly his own family's cat, and a cow.

He also has a fascination with guns and a quick temper that led him to be expelled from school twice in one week, for acts of violence against fellow students. He was accused of murdering both of his parents, then going on to his high school to open fire on his schoolmates, killing 2 and injuring another 22, on May 22, 1998. Police also found four bombs in his home

In a press releases from the Humane Society of the United States

The tragedy in Oregon clearly illustrates the connection between animal cruelty and human violence," said Dr. Randall Lockwood, a psychologist and vice president for The HSUS. "It is alleged that the 15-year-old suspect in May's shooting, Kipland P. Kinkel, had a history of killing cats and other animals.

Time and again, we see acts of cruelty to animals mature into violence against people. We urge teachers, principals and parents to recognize this connection and to take reports of cruelty towards animals seriously. As in this case, **teens will often brag to their classmates about animal cruelty.** Early intervention by counselors can make a difference. Kinkel also reportedly bragged about torturing animals to classmates. According to Lockwood and many other experts in the field, violence towards animals can escalate to killing people. This is particularly true of family violence. "Abusers rarely stop to count the number of legs on their victims," Lockwood states.

The HSUS urges psychologists, educators and elected officials to take acts of animal cruelty seriously. "The days of thinking that violence against animals is boys being boys' are over. **Addressing the violence in our schools, our streets and our homes requires that we reject the conventional wisdom that killing animals is an acceptable part of growing up,**" Lockwood concluded

The Humane Society found that animals are abused in 88% of the families where children are abused. Animals in a home may be used by an abuser to control other family members. Family members are sometimes intimidated into silence about abuse through threats made toward a favorite pet. Pets are sometimes hurt or killed to punish children for something they have done, or physically or sexually abused children may kill their pets rather than have them hurt by the perpetrator in the home.

Most criminals who have been violent toward people share a common history of cruelty to animals.

Recent school shootings and other high-profile violent crimes perpetrated by minors were prefaced by animal abuse.

Boy, 11, Accused of killing cat & kittens with bricks!

The Family Source of Florida, Inc

Pet Love Home Page

3/12/02



VALDEZ VETERINARY CLINIC

P.O. Box 626 708

Valdez, Alaska 99686

Telephone: (907) 835-5280

We would like to express our support for HB489 regarding cruelty to animals. We feel it is important to change the penalty for animal cruelty from a misdemeanor to a felony for the following reasons:

Animals are an integral part of our lives and they should be treated with respect and compassion. We are responsible for their welfare since they have no voice of their own.

Individuals, especially young people, who abuse animals, are often individuals who show more and more disrespect for the law. The hands of the officials are "tied" so to speak when an animal cruelty case is only treated with a "slap on the hand" and the seriousness of the offense is not realized.

It is documented that animal cruelty is often linked to spouse and child abuse. If the animal cruelty penalty carried a felony punishment, cases of abuse to spouses/other household members and children may be avoided.

A felony judgment is more likely to deter an individual from repeating the offense. This would give incentive to the officials to pursue cases more intensively.

We urge you to support HB489 to not only protect the animals, but potentially impact human welfare as well.

Kathryn A Hawkins DVM *Kelly Hawkins*

Kathryn Hawkins D.V.M.

Kelly Hawkins D.V.M.

Kathryn

To: Rep Rokeburg / HJud
From: Valdez LIO
835-2111



Alaska State Legislature

Please enter into the record my testimony to the Judiciary
 committee on HB 489, dated 4/18
 bill/subject committee name

I'm sorry but I can't wait all afternoon to testify on this bill. I have to run my business.

I am a agriculture livestock owner who has over 200 animals. In your zeal to punish dog & horse abusers, be careful you do not place legitimate livestock businesses in jeopardy.

We must be allowed to care for our animals using:

Normal & accepted animal husbandry practices

Signed:

Bill Dabard
 Testifier
Ward Farms
 Representing (Optional)
Helde Jet
 Address
207 895-5415
 Phone No.



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Judiciary
 Committee on HB 489 Committee Name Judiciary
 Dated 4/19/02
 Bill / Subject

PLEASE do NOT make the suggested changes to the Act Entitled "AN Act Relating to Cruelty to Animals. I Feel that Laws to Encarcerate people should be limited to INFRAction ON other people's freedoms, NOT FOR ANIMALS. WHO DO NOT HAVE WRights.

SIGNED:

Brett Hanker
Testifier

SELF - B-Y FARM
Representing

(907) 488-7738
Address / Phone Number