

HB

489

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 489(JUD)
 (H) Publish Date: 4/23/02

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						
1037 GF/Mental Health						
Other (Specify Typo-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)

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 Brower Phone _____
 Division Commissioner's Office Date/Time 3/14/02 1:41 PM
 Approved by: Margaret Pugh, Commisssioner Date 3/14/02
 Agency Department of Corrections

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STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. CSHB 489(JUD)

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.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 489(JUD)
 (H) Publish Date: 4/23/02

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 ()						
-------------------------------	--	--	--	--	--	--

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 Daughhettee for Bruce M. Botelho, Attorney General Date 3/8/2002
 Agency: Department of Law

**REPRESENTATIVE
MIKE CHENAULT**

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HOUSE OF REPRESENTATIVES

Official Business

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Juneau, Alaska 99801-1182
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Fax: (907) 465-2833

May 6, 2002

TO: Senator Robin Taylor, Chair
Senate Judiciary

FROM: Representative Mike Chenault 

RE: House Bill 489

Please consider this a request to schedule for hearing in Senate Judiciary House Bill 489 as soon as possible. If you have any questions please contact Sue in my office.

Representative_Mike_Chenault@legis.state.ak.us

**REQUEST FOR
HEARING**

STATE OF ALASKA

REPRESENTATIVE
MIKE CHENAULT

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Sponsor Statement House Bill 489

It is a well documented that animal abuse is a precursor to child abuse. In fact studies by the American Humane Society and the American Psychiatric Association strongly suggest that if animal cruelty is identified and treated as a juvenile problem, we could avoid a good deal of adult domestic abuse.

House Bill 489 simply allows a prosecutor to charge a person with cruelty to each animal found to be neglected or abused. It also strongly suggests that the courts mandate behavior counseling.

The Bill allows for "duty to report" abuse to authorities and holds a person harmless who in good faith reports animal abuse to the authorities.

Faith White * (907)561-5551
4020 Dale Street, Anchorage, Alaska 99508

December 12, 2001

Representative Mike Chennult
145 Main St. Loop, Ste. 211
Kenai, AK 99611

Re: Legislation to Deter Animal Abuse

Dear Representative Chennult:

The recent animal abuse case involving Caroline Boughton in Sterling, Alaska has caused great outrage. She was allowed to continue running her "puppy mill" despite a prior record of abuse. When she was caught this time the live dog body count was 49 dogs. Some were barely alive. The frozen carcasses of other dogs and cats who died of neglect or were eaten by the others to survive were horribly evident. The animals were packed into a filthy bus living in their own feces and urine. The animals outside had no food, shelter and water. The images from the media coverage will cause many of us anguish for a long time. Amazingly, she was allowed to keep five of the dogs.

This is the second time Caroline Boughton has done this. Shockingly the troopers are not pursuing this case. Apparently there is no State law or enforcement available to punish and deter such abuse. The D.A. in Kenai is "reviewing it". Nancy, a 25 year volunteer with the Alaska Society for the Prevention of Cruelty to Animals was working with Boughton. Is Caroline Boughton walking away after one of the most horrible crimes imaginable against animals? Where are the laws to protect and prevent this cruelty?

We are asking that you exercise your influence and authority to stop this inhumane treatment. The penalty for such despicable behavior should be considerable. Only this can deter its commission. There should never be second time offenders. Caroline Boughton should have been prohibited from ever owning or caring for any animal. The laws are woefully inadequate if such abuse cannot be prosecuted and stopped the first time. To allow a second offense to occur and not be able or willing to do anything must not be permitted. This conduct should be punishable with mandatory jail time; mandatory community service; and/or mandatory counseling. Only this will prevent such abuse and deter those causing innocent animals to suffer.

If you need further persuasion please let me send you the video made by the rescuers. I have attached a few of the signature pages I have collected. More signatures are coming in every day. As you can see there are many who are asking for your assistance to stop such abuse. Let's act now!

Sincerely,



Faith White

/faw
Enc.

**INFORMATION
STATEMENT**