

**HB**

**275**





**HOUSE COMMITTEE REPORT**

4.1.04

(7)

Date Referred to Committee: April 17, 2003

FURTHER REFERRALS: Resources

Date of Committee Action: March 29, 2004

Resources waived-33k

The LABOR AND COMMERCE Committee considered:

Jud  
Fin  
ref-Added

TO RULES

HB 275

HOUSE BILL NO. 275

VETERINARIANS AND ANIMALS

"An Act relating to veterinarians and animals."

Recommends it be replaced with [ ] HCS or [X] CS for HB 275 (LSC)  
 For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR \_\_\_\_\_ [ ] Same Title [X] New Title

- [ ] attach amendments
- [ ] add new referral to \_\_\_\_\_ Committee
- [ ] Letter of Intent \_\_\_\_\_ Committee

List of Abbrev for Depts.:  
 ADM  
 CED  
 COR  
 CRT  
 EED  
 DEC  
 DFG  
 GOV  
 HSS  
 LEG  
 LAW  
 LWF  
 MVA  
 DNP  
 DPS  
 REV  
 DOT  
 UA

| <u>NEW FISCAL NOTES</u>           |      |        |        |      |
|-----------------------------------|------|--------|--------|------|
| *Assigned by Chief Clerk's Office |      |        |        |      |
| List by Dept(s):                  | *FN# | Fiscal | Indet. | Zero |
| DEC                               | 2    | X      |        |      |
| LAW                               | 1    |        |        | X    |
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| <u>PREVIOUS FISCAL NOTES</u> |     |        |        |      |
|------------------------------|-----|--------|--------|------|
| List by Dept(s):             | FN# | Fiscal | Indet. | Zero |
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| <u>Signing with recommendations</u> | Printed Last Name | DP<br>(3) | DNP | NR<br>(2) | AM<br>(1) |
|-------------------------------------|-------------------|-----------|-----|-----------|-----------|
| <i>Harold Crawford Jr</i>           | CRAWFORD          | X         |     |           |           |
| <i>LYN N</i>                        | LYN N             | X         |     |           |           |
| <i>ROKEBERG</i>                     | ROKEBERG          |           |     | X         |           |
| <i>DAHLSTROM</i>                    | DAHLSTROM         |           |     | X         |           |
| <i>GUTTENBERG</i>                   | GUTTENBERG        |           |     |           | X         |
|                                     |                   |           |     |           |           |
|                                     |                   |           |     |           |           |
| Chair: <i>Anderson</i>              | ANDERSON          | X         |     |           |           |
| Chair:                              |                   |           |     |           |           |

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB275-CS-LC-EC-EH-04-02-04  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Environmental Conservation  
 Title Veterinarians and animals RDU Environmental Health  
 Component Laboratory Services  
 Sponsor Representative Mike Chenault  
 Requester House Judiciary Committee Component No. 2065

**Expenditures/Revenues** (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2005    | FY 2006    | FY 2007    | FY 2008    | FY 2009    | FY 2010    |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services      | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Travel                 | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Contractual            | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Supplies               | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Equipment              | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Land & Structures      | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Grants & Claims        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Miscellaneous          | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

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| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
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|                               |            |            |            |            |            |            |
|-------------------------------|------------|------------|------------|------------|------------|------------|
| <b>CHANGE IN REVENUES ( )</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |
|-------------------------------|------------|------------|------------|------------|------------|------------|

**FUND SOURCE** (Thousands of Dollars)

|   |            |            |            |            |            |            |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts                   | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| 1003 GF Match                           | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| 1004 GF                                 | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| 1005 GF/Program Receipts                | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| 1037 GF/Mental Health                   | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Other (Specify Type--Do not abbreviate) | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| <b>TOTAL</b>                            | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**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 no known fiscal impact upon the department.

Prepared by: Kristin Ryan, Director Phone (907) 269-7645  
 Division: Environmental Health Date/Time 4/2/04 1:34 PM  
 Approved by: Kurt Fredriksson, Deputy Commissioner Date 4/2/2004  
 Agency: Environmental Conservation

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB275CS-DPS-ASTD-3-31-04  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title Act Relating to Care and Cruelty of Animals RDU Alaska State Troopers  
 Component AST Detachments

Sponsor Rep. Chenault  
 Requester H. Labor & Commerce Component No. 2325

**Expenditures/Revenues** (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2005    | FY 2006    | FY 2007    | FY 2008    | FY 2009    | FY 2010    |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services      |            |            |            |            |            |            |
| Travel                 |            |            |            |            |            |            |
| Contractual            |            |            |            |            |            |            |
| Supplies               |            |            |            |            |            |            |
| Equipment              |            |            |            |            |            |            |
| Land & Structures      |            |            |            |            |            |            |
| Grants & Claims        |            |            |            |            |            |            |
| Miscellaneous          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |  |  |  |  |  |  |
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| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
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|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**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) |            |            |            |            |            |            |
| <b>TOTAL</b>                            | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

**ANALYSIS:** (Attach a separate page if necessary)

This bill establishes standards of care for animals and processes for investigating complaints of animal cruelty. It also creates the crimes of Cruelty to Animals in the First Degree, a class A misdemeanor, and Cruelty to Animals in the Second Degree, a class B misdemeanor.

The bill also requires that those officers involved in the investigation of cruelty to animal complaints must report child abuse or neglect if such is detected in the course of their investigation.

This is no expected fiscal impact to the Department of Public Safety.

Prepared by: Lt. Al Storey Phone 907-269-4532  
 Division Alaska State Troopers Date/Time 4/1/04 8:31 AM  
 Approved by: Commissioner William Tandeske Date 4/1/2004  
 Agency Department of Public Safety

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB275(L & C)  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title An Act relating to animals BRU Legal and Advocacy Services  
 Component Public Defender Agency  
 Sponsor Reps. Chenault, Gruenberg,....  
 Requester (H) Judiciary Component No. 1631

**Expenditures/Revenues (Thousands of Dollars)**

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

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|---------|---------|---------|---------|---------|---------|
| Personal Services      | *       | *       | *       | *       | *       | *       |
| Travel                 |         |         |         |         |         |         |
| Contractual            |         |         |         |         |         |         |
| Supplies               |         |         |         |         |         |         |
| Equipment              |         |         |         |         |         |         |
| Land & Structures      |         |         |         |         |         |         |
| Grants & Claims        |         |         |         |         |         |         |
| Miscellaneous          |         |         |         |         |         |         |
| <b>TOTAL OPERATING</b> | *       | *       | *       | *       | *       | *       |

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

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|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**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) |   |   |   |   |   |   |
| <b>TOTAL</b>                           | * | * | * | * | * | * |

Estimate of any current year (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

**ANALYSIS:** (Attach a separate page if necessary)

This bill would likely have some fiscal impact on the operations of the Public Defender Agency, because in Sections 2 and 3 it criminalizes conduct that does not currently qualify for the crime of cruelty to animals. The bill breaks down the crime of cruelty to animals into two levels of misdemeanor offenses. Criminalizing conduct that is not currently a crime will likely increase the caseload of the Agency. The Agency does not currently handle a significant number of cruelty to animal offenses, but would expect to handle many more if this bill were enacted, but it is impossible to predict the impact with any accuracy. There may also be a fiscal impact to the Agency from Section 4 that adds an aggravator for consideration at sentencing for deliberate cruelty to an animal or exposing an animal to a threat of serious physical injury.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416  
 Division Public Defender Agency Date/Time 4/5/04 12:00 AM  
 Approved by: Ray Matlashowski, Deputy Commissioner Date 4/5/2004  
 Agency Administration

# ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair  
Rep. Tom Anderson, Vice-Chair  
Rep. Jim Holm  
Rep. Dan Ogg  
Rep. Ralph Samuels  
Rep. Les Gara  
Rep. Max Gruenberg



State Capitol, Room 120  
Juneau, AK 99801-1182  
(907) 465-4990  
Fax (907) 465-6592

## House Judiciary Committee

### Memorandum

**To:** Gerry Luckhaupt, Leg. Legal  
**From:** Vanessa Tondini, Committee Aide  
House Judiciary Committee  
**Date:** April 17, 2004  
**Re:** CS Request

---

Hi Gerry,

Hope you had a good weekend. I received the work draft CS for HB 275, work order # 23-LS0940W and after reviewing it, would now like to request a final draft House Judiciary Committee Substitute with just one small change regarding Amendment #6, Page 3, Lines 6-7. (Also, thanks for realizing that the amendment said AS 03.55.110(b) and correctly amending AS 03.55.120(b)!). You incorporated the amendment as it was drafted perfectly, but after reading it, I think it would sound better by deleting on Page 6 "a reference to" so that it reads, "(b) The peace officer shall immediately notify the animal's owner in writing of the seizure and removal of the animal and (of?) the owner's right to petition the court under AS 03.55.130." If you agree, please make the change and zip me off the final draft hopefully in time to be read across at session on Monday, 4/19 at 11 a.m. The bill was passed out of committee on 4/14. I'll attach a copy of Amendment #6 again just to refresh your memory. All the other amendments look perfect by the way.

If you have any questions, please call me at 4990. Thank you very, very much as always!

The information attached to this memo is **CONFIDENTIAL** an/or privileged. It is intended to be reviewed initially by only the individual named above. If the reader of this Memorandum is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of the information contained herein is prohibited. If you have received this in error, please immediately notify the sender by telephone and return this to the sender at the above address.

**Subject: Vanessa Tondini, House Judiciary Committee Aide**

**Date: Tue, 06 Apr 2004 12:06:17 -0800**

**From: "Elise Hsieh" <Elise\_Hsieh@law.state.ak.us>**

**To: <vanessa\_tondini@legis.state.ak.us>**

**CC: <kristin\_ryan@dec.state.ak.us>, <Melanie\_Lesh@dec.state.ak.us>, "David Marquez" <David\_Marquez@law.state.ak.us>, "Deborah Behr" <Deborah\_Behr@law.state.ak.us>**

Hello Vanessa,

I have only recently received the committee substitute of this bill. The lead AAG on the bill, Anne Carpeneti, is out of town and I will take her place in today's hearing. The following are friendly amendments which should improve the bill's clarity and effectiveness. I am working with version U. I hope these comments are helpful and I will be testifying today at 1:00 on these suggestions. Will you please distribute this email amongst the members of the Judiciary Committee to assist their understanding of my testimony? Thank you.

A#2  
PASSED

**RESCINDED**  
Page 1, AS 03.55.100(a): add letter "s" to "include" in line 6.

A#3  
PASSED

Page 1, AS 03.55.100(a)(1): delete the word "daily" <sup>and</sup> from line 8. "Daily" suggests water offered to an animal only once a day which is probably not sufficient.

NO

Page 1, AS 03.55.100(a)(2): This phrase is very awkward. To clean it up, revise to read: "(2) shelter; indoor shelter must be . . . ; outdoor shelter must . . . ."

(Add a semi-colon after "shelter", delete "provided an animal indoors that is", add "outdoor" in front of "shelter" on line 11 and delete "provided an animal outdoors.")

A#4  
PASSED

Page 2, AS 03.55.100(a)(5): In order to clarify the standards expected from the state vet, add "for the health and safety of animals" after standards on line 9.

NO

Page 2, AS 03.55.100(b): The state vet should be the final arbiter of any disagreement under this paragraph. Vets may disagree about treatment of animals, or have a biased interest in a particular animal. The state vet serves the public (and animal) good and thus should be able to provide a final professional opinion, if needed. To effectuate this, add to the end of paragraph (b) at line 14: "In the event of disagreement under this paragraph, the State Veterinarian will provide the professional opinion needed under this paragraph."

A#5  
PASSED

Page 2, AS 03.55.100: DEC does not have authority under this bill to adopt regulations regarding sufficiency of care under AS 03.55.100(b). In order to allow DEC and the state vet to promulgate such regulations, add a new subsection to AS 03.55.100: "(c) The department of environmental conservation may adopt regulations to implement this section."

NO

Page 2, AS 03.55.110(a): The discretion to enforce against animal abusers should be with DPS and not an unnamed, possibly private organization that may or may not "wish" to act. To effectuate this, remove "on which it wishes to take action" in line 19.

A#6  
PASSED

Page 3, AS 03.55.1<sup>2</sup>0(b): Custodians may be unwilling to have their location known; private home shelters and vet offices probably don't want the former animal owner/possessor showing up at their home or office, demanding their animal back. The animal

owner/former possessor doesn't need to know where the animal is; more helpful would be a reference to the statutes and regs they can look to for how to petition the court to get their animal back. Thus, remove "and under whose custody the animal is to be sheltered and cared for" from lines 3-4. If desired, add "and a reference to their right to petition the court under AS 03.55.130" to line 3.

A#7  
PASSED

Page 3, AS 03.55.120(d), line 10: Delete "every" and replace with "a."

A#8  
PASSED

Page 3, AS 03.55.130(c), line 24: To make the language clearer, replace "warranted by" with "reasonable under."

A#9  
PASSED

Page 4, AS 11.61.138(a)(6): delete "a herd, collection, or kennel" from line 30. It is an unnecessary phrase and complicates enforcement.

A#10-PASSED ~~DELETE~~ P.4, L.30 Delete "10 or more animals" and Insert "more than one animal"

NO

Page 5, AS 11.61.138(a)(7): Regarding line 2 "with elements similar to a crime under this section" can the drafter be more specific? Perhaps a reference to child abuse statutes or whatever other statutes the drafters intended.

A#11  
PASSED

Page 5, AS 11.61.138(b): This paragraph is very awkward. To clarify it, revise to read: "Each animal that is subject to cruelty to animals under (a)(1)-(5) and (7) of this section shall constitute a separate offense."

(Delete "In (a)(1)-(5) and (7) of this section," in line 4, capitalize "E" in "each" and add "under (a)(1)-(5) and (7) of this section" after "animals" in line 5.)

23-LS0940\W  
Luckhaupt  
4/16/04

**CS FOR HOUSE BILL NO. 275(JUD)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-THIRD LEGISLATURE - SECOND SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): REPRESENTATIVES CHENAULT, Crawford, Gruenberg, Heinze, Foster, Seaton, Masek, Kerttula, McGuire, Stoltze, Meyer, Kott**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act relating to animals; and to the care of and to cruelty to animals."**

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

3 **\* Section 1.** AS 03.55 is amended by adding new sections to read:

4 **Article 1A. Care of Animals.**

5 **Sec. 03.55.100. Minimum standards of care for animals.** (a) The minimum  
6 standards of care for animals include

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

10 (2) shelter provided an animal indoors that is maintained at a  
11 temperature compatible with the good health of the animal; shelter provided an animal  
12 outdoors must

13 (A) provide sufficient shade to protect the animal from sunlight  
14 likely to cause heat exhaustion of the animal;

15 (B) protect the animal from inclement weather to an extent

1 sufficient to maintain the animal in good health; and

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

4 (3) sanitation of indoor or outdoor enclosures or shelters that includes  
5 periodic removal of animal waste material, dirt, and trash sufficient to maintain the  
6 animal in good health;

7 (4) medical care must be provided an animal at times and to the extent  
8 necessary to maintain the animal in good health;

9 (5) other standards for the health and safety of animals as set by the  
10 state veterinarian by regulation.

11 (b) Determinations as to the sufficiency of food, water, shelter, space,  
12 sanitation, ventilation, rest, medical care, or good health; the extent of injury or  
13 disease; and whether methods of destruction or euthanization are humane, as used in  
14 this chapter, shall be based on the professional opinion of a veterinarian licensed  
15 under AS 08.98.

16 (c) The Department of Environmental Conservation may adopt regulations to  
17 implement this section.

18 **Sec. 03.55.110. Investigation of cruelty to animals complaints.** (a) A  
19 person who believes that cruelty to animals has taken place or is taking place may file  
20 a complaint with a public or private animal control agency, humane animal treatment  
21 shelter or organization, the department, or with a peace officer. An agency or  
22 organization that receives a complaint on which it wishes to take action shall refer the  
23 complaint to a peace officer.

24 (b) A peace officer who receives a complaint of animal cruelty may apply for  
25 a search warrant under AS 12.35 to the judicial officer in the district in which the  
26 alleged violation has taken place or is taking place. If the court finds that probable  
27 cause exists, the court shall issue a search warrant directing a peace officer to proceed  
28 immediately to the location of the alleged violation, to search the place designated in  
29 the warrant, and to take into custody the property, including animals, specified in the  
30 warrant. The warrant shall be executed by the peace officer and returned to the court.

31 **Sec. 03.55.120. Seizure of animals.** (a) A peace officer who seizes and

1 removes an animal may deliver the animal to a veterinarian licensed under AS 08.98  
 2 or to a person, a public or private animal control agency, humane animal treatment  
 3 shelter or organization, or other custodial agency to be sheltered, cared for, and  
 4 provided medical attention.

5 (b) The peace officer shall immediately notify the animal's owner in writing of  
 6 the seizure and removal of the animal and a reference to the owner's right to petition  
 7 the court under AS 03.55.130. Notification may be posted at the owner's residence or  
 8 may be mailed to the owner.

*delete  
"a referenc  
to"*

9 (c) If the animal's owner is unknown and cannot be ascertained with  
 10 reasonable effort, the animal shall be considered a stray or abandoned.

11 (d) The state, a municipality, a person, or another entity that supplies shelter,  
 12 care, veterinary attention or medical treatment for an animal seized under this section  
 13 shall make a reasonable effort to locate the owner.

14 **Sec. 03.55.130. Destruction and adoption of animals.** (a) If a determination  
 15 is made by a veterinarian licensed under AS 08.98 or by a peace officer alone or in  
 16 consultation with a veterinarian licensed under AS 08.98 that an animal seized under  
 17 AS 03.55.100 - 03.55.190 is injured or diseased to such an extent that, in the opinion  
 18 of the veterinarian, it is probable the animal cannot recover, the veterinarian or the  
 19 peace officer alone or at the direction of the veterinarian, may humanely destroy the  
 20 animal or arrange for the animal's humane destruction.

21 (b) Upon diagnosis and recommendation of a veterinarian licensed under  
 22 AS 08.98, a public or private animal control agency, humane animal treatment shelter  
 23 or organization, or other custodial agency may euthanize a severely injured, diseased,  
 24 or suffering animal at any time.

25 (c) An owner of an animal destroyed under this section may not recover  
 26 damages for the destruction of the animal unless the owner shows that the destruction  
 27 was not reasonable under the facts as known to the veterinarian or the peace officer.

28 (d) Except as provided in (a) or (b) of this section, the person or entity having  
 29 custody of an animal may not adopt, provide for the adoption of, or euthanize the  
 30 animal within 10 business days after the animal is taken into custody. An owner may  
 31 prevent the animal's adoption or destruction by

1 (1) petitioning the court of the judicial district in which the animal was  
2 seized for the animal's immediate return, subject, if appropriate, to court-imposed  
3 conditions; or

4 (2) posting a bond or security with the court of the judicial district in  
5 which the animal was seized in an amount determined by the court to be sufficient to  
6 provide for the animal's care for a minimum of 30 days from the date the animal was  
7 seized.

8 (e) If the custodial agency still has custody of the animal when the bond or  
9 security posted under (d)(2) of this section expires, the animal becomes the agency's  
10 property unless the court orders an alternative disposition. If a court order prevents  
11 the agency from assuming ownership and the agency continues to care for the animal,  
12 the court shall require the owner of the animal to renew the bond or security for the  
13 agency's continuing costs for the animal's care.

14 (f) The state may not be required to reimburse a person, a public or private  
15 animal control agency, humane animal treatment shelter or organization, or other  
16 custodial agency that voluntarily assists with a seizure or receives custody of an  
17 animal seized under this section, for costs of shelter, care, veterinary assistance, or  
18 medical treatment rendered to the animal.

19 **Sec. 03.55.190. Definition.** In AS 03.55.100 - 03.55.190, "animal" means a  
20 vertebrate living creature not a human being, but does not include fish.

21 \* **Sec. 2.** AS 11.61 is amended by adding a new section to read:

22 **Sec. 11.61.138. Cruelty to animals in the first degree.** (a) A person  
23 commits cruelty to animals in the first degree if the person

24 (1) knowingly inflicts severe and prolonged physical pain or suffering  
25 on an animal;

26 (2) kills or injures an animal by the use of a decompression chamber;

27 (3) kills a dog or cat for the purpose of preparing or serving the animal  
28 for human consumption except for the emergency survival of a human being;

29 (4) kills or injures a domestic animal by the use of poison;

30 (5) with criminal negligence, fails to care for an animal and, as a result,  
31 causes the death of the animal or causes severe physical pain or prolonged suffering to

1 the animal;

2 (6) violates AS 11.61.140(a)(1), but the violation is committed against  
3 more than one animal; or

4 (7) violates AS 11.61.140 and the person has been previously  
5 convicted of a crime under this section, AS 11.61.140, or a law or ordinance of  
6 another jurisdiction with elements similar to a crime under this section or  
7 AS 11.61.140.

8 (b) Each animal that is subject to cruelty to animals under (a)(1) - (5) and (7)  
9 of this section shall constitute a separate offense.

10 (c) It is a defense to a prosecution under this section that the conduct of the  
11 defendant

12 (1) constituted the humane destruction of an animal for just cause;

13 (2) conformed to accepted veterinary or animal husbandry practices;

14 (3) was necessarily incidental to lawful fishing, hunting or trapping  
15 activities.

16 (d) In (a)(5) of this section, failure to provide the minimum standards of care  
17 for an animal under AS 03.55.100 is prime facie evidence of failure to care for an  
18 animal.

19 (e) In this section, "animal" has the meaning given in AS 11.61.140.

20 (f) Cruelty to animals in the first degree is a class A misdemeanor. The court  
21 may also

22 (1) require forfeiture of any animal affected to the state, or to a  
23 municipality, person, or other entity that supplies shelter, care, or medical treatment  
24 for the animal;

25 (2) require the defendant to reimburse the state, or a municipality,  
26 person, or other entity for all reasonable costs incurred in providing necessary care,  
27 shelter, veterinary attention or medical treatment for any animal affected;

28 (3) prohibit or limit the defendant's ownership, possession, or custody  
29 of animals for any period of time.

30 \* Sec. 3. AS 11.61.140 is repealed and reenacted to read:

31 **Sec. 11.61.140. Cruelty to animals in the second degree.** (a) A person

1 commits the crime of cruelty to animals in the second degree if the person

2 (1) recklessly abandons a domestic animal on a highway, railroad, or  
3 in another place where it may suffer injury, hunger, or exposure, or become a public  
4 charge;

5 (2) while operating a propelled vehicle, knowingly strikes and injures a  
6 domestic animal and fails to

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

8 (B) notify

9 (i) the owner of the animal if the owner of the animal  
10 can be reasonably discovered; and

11 (ii) the appropriate law enforcement agency;

12 (3) sets a steel jaw, leg-hold, snare, spring, or similar trap that has the  
13 capacity to injure or kill an animal;

14 (4) while operating a pickup truck or other open motor vehicle, fails to  
15 secure an animal riding in the open area of the vehicle.

16 (b) It is a defense to a prosecution under (a)(3) of this section that the conduct  
17 of the defendant in setting the trap was

18 (1) for a commercially reasonable purpose; or

19 (2) necessarily incidental to lawful hunting or trapping activities.

20 (c) Proof that an animal has been left unattended or without food or water for  
21 72 hours or more is prima facie evidence that the animal has been abandoned under  
22 (a)(1) of this section.

23 (d) In this section, each animal that is subject to cruelty to animals, constitutes  
24 a separate offense.

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

27 (f) Cruelty to animals is a class B misdemeanor. The court may also

28 (1) require forfeiture of any animal affected to the state, or to a  
29 municipality, person, or other entity that supplies shelter, care, or medical treatment  
30 for the animal;

31 (2) require the defendant to reimburse the state, or a municipality,

1 person, or other entity for all reasonable costs incurred in providing necessary care,  
2 shelter, veterinary attention or medical treatment for any animal affected;

3 (3) prohibit or limit the defendant's ownership, possession, or custody  
4 of animals for any period of time.

5 \* Sec. 4. AS 12.55.155(c) is amended by adding new paragraphs to read:

6 (31) the defendant's conduct during the commission of the offense  
7 manifested deliberate cruelty to an animal or exposed an animal to the threat of serious  
8 physical injury; in this paragraph, "animal" has the meaning given in AS 11.61.140;

9 (32) the defendant is convicted of an offense specified in AS 11.46.360  
10 or 11.46.365 and an animal was present in the propelled vehicle at the time of the  
11 offense; in this paragraph, "animal" has the meaning given in AS 11.61.140.

12 \* Sec. 5. AS 47.17.020(a) is amended to read:

13 (a) The following persons who, in the performance of their occupational  
14 duties, or with respect to (8) of this subsection, in the performance of their appointed  
15 duties, have reasonable cause to suspect that a child has suffered harm as a result of  
16 child abuse or neglect shall immediately report the harm to the nearest office of the  
17 department:

18 (1) practitioners of the healing arts;

19 (2) school teachers and school administrative staff members of public  
20 and private schools;

21 (3) peace officers and officers of the Department of Corrections;

22 (4) administrative officers of institutions;

23 (5) child care providers;

24 (6) paid employees of domestic violence and sexual assault programs,  
25 and crisis intervention and prevention programs as defined in AS 18.66.990;

26 (7) paid employees of an organization that provides counseling or  
27 treatment to individuals seeking to control their use of drugs or alcohol;

28 (8) members of a child fatality review team established under  
29 AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created  
30 under AS 47.14.300;

31 (9) a person who has a duty under state law or municipal

1

ordinance to investigate animal cruelty, abuse, or neglect.

# ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair  
Rep. Tom Anderson, Vice-Chair  
Rep. Jim Holm  
Rep. Dan Ogg  
Rep. Ralph Samuels  
Rep. Les Gara  
Rep. Max Gruenberg



State Capitol, Room 120  
Juneau, AK 99801-1182  
(907) 465-4990  
Fax (907) 465-6592

## House Judiciary Committee

### Memorandum

**To:** Gerry Luckhaupt, Leg. Legal  
**From:** Vanessa Tondini, Committee Aide  
House Judiciary Committee  
**Date:** April 15, 2004  
**Re:** CS Request

---

Please create a final draft House Judiciary Committee Substitute for work order # 23-LS0940\U, HB 275, incorporating the attached eleven amendments (# 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13). The bill was passed out of committee yesterday.

If you have any questions, please call me at 4990. Thank you so much! You're the best ☺

The information attached to this memo is **CONFIDENTIAL** an/or privileged. It is intended to be reviewed initially by only the individual named above. If the reader of this Memorandum is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of the information contained herein is prohibited. If you have received this in error, please immediately notify the sender by telephone and return this to the sender at the above address.

AMENDMENT #12 - PASSED

OFFERED IN THE HOUSE

BY REPRESENTATIVE MCGUIRE

TO: CSHB 275(L&C)

1 Page 6, line 29:

2 Delete "a new paragraph"

3 Insert "new paragraphs"

4

5 Page 7, line 1, following "AS 11.61.140":

6 Insert ";

7 (32) the defendant is convicted of an offense specified in AS 11.46.360  
8 or 11.46.365 and an animal was present in the propelled vehicle at the time of the  
9 offense; in this paragraph, "animal" has the meaning given in AS 11.61.140"

AMENDMENT #13 - PASSED  
by Rep. Gruenberg

OFFERED IN THE HOUSE

TO: CSHB 275(L&C)

Page 4, lines 27 - 28:

Delete all material ~~in~~ insert

“(5) with criminal negligence fails to care for an animal and, as a result, causes the death of the animal or causes severe physical pain or prolonged suffering to the animal;”

Page 5, after line 12:

Insert the following:

“(e) In (a)(5) of this section, failure to provide the minimum standards of care for an animal under AS 03.55.100 is prima facie evidence of failure to care for an animal.”

Renumber remaining subsections accordingly.

Amendment No. 14 - HB 275 -  
by Rep. Gruenberg

RESCINDED  
~~PASSED~~

Page 3, line 10: Amend subsection (d) as follows:

(d) The state, a municipality, a person, or another entity that supplies shelter, care,  
veterinary attention or medical treatment for an animal seized under this section shall

[MAKE EVERY REASONABLE EFFORT TO LOCATE THE OWNER] have a lien

~~on the animal for the costs of shelter, care, veterinary attention, or medical~~

~~treatment.~~

under  
AS 34.35.221  
(4)  
(see A.#15)

AMENDMENT NO. 15 - withdrawn

OFFERED TO CSHB 275 (L&C)

BY REPRESENTATIVE GRUENBERG

Page 5, line 2: Insert new bill section 5 and renumber bill sections accordingly:

Sec. 5. AS 34.35.220 is amended to read:

Sec. 34.35.220. Persons entitled to carrier, warehouse, [AND] livestock **and animal** liens. The following persons shall have liens upon personal property for their just and reasonable charges for the labor, care, and attention bestowed and the food furnished, and may retain possession of the property until the charges are paid:

(1) a person who is a common carrier, or who, at the request of the owner or lawful possessor of personal property, carries, conveys, or transports the property from one place to another;

(2) a person who safely keeps or stores grain, wares, merchandise, and personal property at the request of the owner or lawful possessor of the property; [AND]

(3) a person who pastures or feeds horses, cattle, hogs, sheep, or other livestock, or bestows labor, care, or attention upon the livestock at the request of the owner or lawful possessor of the livestock; **and**

**(4) the state, a municipality or another person who provides feed, shelter, care, veterinary attention or medical treatment to an animal seized pursuant to AS 03.55.120.**

**Subject:** HB 275 Amendment requested from Rep. Gatto

**Date:** Wed, 14 Apr 2004 09:16:31 -0800

**From:** Colleen Sullivan-Leonard <Colleen\_Sullivan-Leonard@Legis.state.ak.us>

**Organization:** Alaska State Legislature

**To:** Vanessa Tondini <Vanessa\_Tondini@legis.state.ak.us>

Hi Vanessa,

I can tell by your voice mail that you were in pretty late last night and I appreciate your call back to me at such a late hour. Regarding HB 275.....I have been working with Tracy Audette with regard to Animal Care and her licensure under Animal Husbandry. Her scope of practice far out ways what is defined under the statute for Animal Husbandry. She is asked to take care of various pure breed, race horses and show horses all over the states but is not allowed to assist horses here due to how the statute currently reads. What we would like to do is ask for the following amendment to HB 275 which in no way will change the intent of this bill with regard to Animal Cruelty but will expand a bit more broadly the intent to allow not only Veterinarians to care for these animals that are brutally treated but would also allow other animal practitioners to assist in this process as well. John Torgerson is supportive of this and was willing to testify today as was Tracy Audette but as I understand from your message, the public testimony is done. Here is the following amendment that Representative Gatt has requested for this bill and if Lesil has any questions she may call him.

Amendment requested:

1. Page 2 line 9 thru 14 to be deleted.
2. Page 2 line 9 thru 12 add (5) "Other standard practices commonly performed on farm or domestic animals in the course of routine farming, or animal husbandry, or animal care, or treatment when performed by the owner, the owner's employee, or the owner's agent acting with the owner's approval or at the request of a state agency."

Thanks Vanessa, call me if you have any further questions, xt3768.  
Colleen

**FairHaven**  
Tracie and Louis Audette  
P.O. Box 2032  
Palmer, Alaska 99645  
(907) 745-1151  
(907) 745-1150 fax

TO: Rep Lesil McGuire      DATE: 8 April, 04

COMPANY: \_\_\_\_\_

FAX NUMBER: 415-10592

FROM: Tracie Audette

NUMBER OF PAGES INCLUDING COVER: 3

RE: HB 275 Additions / concerns for  
cruelty legislation.

Requested information is on page  
2 about halfway down

Thanks,  
Tracie

PO Box 2032  
Palmer, Alaska 99645

April 8, 2004

Re: House Bill 275

To Whom It May Concern:

Thank you for the opportunity to testify regarding House Bill 275 on April 7 during the Judiciary Committee Hearing. Having been out of state for work most of the winter, I have not been able to keep up with the progress of this bill.

I am involved in animal related industries and own close to twenty animals on our farm in Palmer. While in general, I am supportive of any legislation that prevents suffering of animals; I have a few concerns and questions regarding House Bill 275. Especially after listening to the committee hearing yesterday.

First and foremost being the expanding of the powers of the veterinarian from caregiver to law enforcement official; and the complete absence of protection the owners' rights to his or her property.

A veterinarian in private practice should not be able to, nor made to enforce cruelty statutes. (Page 2 lines 10 through 14) This power should remain with a state official.

Animals are by definition property in this state and cautions should be added to the scope of this bill to ensure protection of the owner in the event the alleged abuses were not intentional or the real owner was helpless to prevent it (i.e. out of state, incapacitated in some fashion, or feel sufficient care is being given.) An example of this would be my belief as a physical therapist/rehabilitation specialist for animals that keeping horses confined in stalls with deep bedding is not good care. To me, this is no different than animals being locked up in zoos. They are a grazing animal and require miles of walking room daily for optimum health, especially for hoof health. Others would contend that leaving them turned out with simple shelters is cruelty. The same would be true in differences in how farm animals, livestock, and sled dogs are cared for as compared to the family pet.

I feel some of the language is based on the assumption that animals in Alaska have civil rights rather than property status. I understand that we all have an interest in preventing cruelty to animals, but not to the extent that owners' rights are forgotten. I feel animals should be treated as if they have the same rights as humans, but I also know you cannot legislate morality. I am in favor of having some laws in place to prosecute true offenders, but feel this legislation goes too far without regard to the fact that animals are chattel.

I am also wondering how custodial care can be given to an animal without it conflicting with the veterinary statute (AS 08.98), which clearly states one must be a licensed veterinarian to change the physical or mental well being of an animal wild or domestic

living or dead. Or, be a licensed veterinary technician under the direct supervision of a licensed veterinarian.

I am currently under a Cease and Desist order from Occupational Licensing for this. I provide non-veterinary care for animals and have been shut down for over two years. (I have a business license for Animal Husbandry issued by the state of Alaska, only to find out that animal husbandry is listed in state statutes, but not legally defined. More on this below.)

How will the State legally allow for one group of custodial caregivers to operate with the possibility of reimbursement for their services (Page 4 line 11) and those of us in the private sector, with the owners permission, are breaking the law by doing so? Isn't preventing owners of animals the benefits of rehabilitative care in conjunction with veterinary care for their animals in itself abuse? What happens when injuries are sustained that are not repairable by traditional medical means and the owner chooses not to destroy his property? Is he then guilty of cruelty because he can't try rehabilitation and his animal continues to suffer?

One solution to this would be to add the following:

...other standard practices commonly performed on farm or domestic animals in the course of routine farming, or \*animal husbandry, or animal care or treatment when performed by the owner, the owner's employee, or the owner's agent acting with the owners approval or at the request of a state agency.

This could be added on page one or two with the lists of requirements for minimum care.

\*The following definition of animal husbandry is taken from the US Patent Office Classification System. "... provides for methods or apparatus for the propagation, rearing, training, exercising, amusing, feeding, milking, grooming, housing, controlling, handling, or general care of a living animal...

These two paragraphs would define the difference between farming and companion animals and the standards of care required, allow for more care and education to be provided before the state intervenes, protect the owners right to choose care they deem appropriate for their property, and allow individuals to care for animals when taken into custody by state agencies.

Thank you for your time and consideration. I look forward to your response.

Sincerely,



Tracie Audette, Owner  
FairHaven  
745-1151 (home)  
373-8191 (cell)

Rep Chenaults Amendments House Bill 275 in Judiciary April 6, 2004

Page 1, AS 03.55.100(a): add letter "s" to "include" in line 6.

delete

delete

delete

Page 2, AS 03.55.100(a)(5): In order to clarify the standards expected from the state vet, add "for the health and safety of animals" after standards on line 9.

Delete

Page 2, AS 03.55.100: DEC does not have authority under this bill to adopt regulations regarding sufficiency of care under AS 03.55.100(b). In order to allow DEC and the state vet to promulgate such regulations, add a new subsection to AS 03.55.100: "(c) The department of environmental conservation may adopt regulations to implement this section."

Change following;

The state veterinarian, through the DEC shall establish regulations to implement this section.

deleted

Page 3, AS 03.55.110(b): Custodians may be unwilling to have their location known; private home shelters and vet offices probably don't want the former animal owner/possessor showing up at their home or office, demanding their animal back. The animal owner/former possessor doesn't need to know where the animal is; more helpful would be a reference to the statutes and regs they can look to for how to petition the court to get their animal back. Thus, remove "and under whose custody the animal is to be sheltered and cared for" from lines 3-4. If desired, add "and a reference to their right to petition the court under AS 03.55.130" to line 3.

Page 3, AS 03.55.120(d), line 10: Delete "every" and replace with "a."

Page 3, AS 03.55.130(c), line 24: To make the language clearer, replace "warranted by" with "reasonable under." (same meaning)

delete

Page 5, AS 11.61.138(a)(7): Regarding line 2 "with elements similar to a crime under this section" can the drafter be more specific? Perhaps a reference to child abuse statutes or whatever other statutes the drafters intended.

Page 5, AS 11.61.138(b): This paragraph is very awkward. To clarify it, revise to read: "Each animal that is subject to cruelty to animals under (a)(1) -(5) and (7) of this section shall constitute a separate offense."

(Delete "In (a)(1)-(5) and (7) of this section," in line 4, capitalize "E" in "each" and add "under (a)(1)-(5) and (7) of this section" after "animals" in line 5.)

---

Page 5 line 22 insert (f) The theft or forced possession of an animal shall be A misdemeanor in the first degree and an aggravating factor in the commission of a felony.

# STATE OF ALASKA

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MIKE CHENAULT

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HOUSE OF REPRESENTATIVES

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## SPONSOR STATEMENT

### HB - VETERINARIANS AND ANIMALS

Two years ago 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 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.

I have previously 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 family has a dog-named 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, and important part of becoming an adult.

# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: CSHB 275(L&C)  
(H) Publish Date: 4/1/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
Title "An act relating to veterinarians and animals." RDU CIVIL  
Component Environmental  
Sponsor Representative Chenault  
Requester House Labor and Commerce Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2005    | FY 2006    | FY 2007    | FY 2008    | FY 2009    | FY 2010    |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services      |            |            |            |            |            |            |
| Travel                 |            |            |            |            |            |            |
| Contractual            |            |            |            |            |            |            |
| Supplies               |            |            |            |            |            |            |
| Equipment              |            |            |            |            |            |            |
| Land & Structures      |            |            |            |            |            |            |
| Grants & Claims        |            |            |            |            |            |            |
| Miscellaneous          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**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) |            |            |            |            |            |            |
| <b>TOTAL</b>                            | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2004) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

**ANALYSIS:** (Attach a separate page if necessary)

Under this bill, veterinarians employed by the state would have responsibilities in addition to those outlined in AS 03-25.020, related chiefly to the well being of livestock and domestic animals. The bill also classifies crimes of cruelty to animals and criminal negligence. It adds persons who have a duty under state law or municipal ordinance to investigate animal cruelty, abuse or neglect to those who are required to report suspected harm arising from child abuse and neglect.

Passage of this legislation will have no foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673  
Division Administrative Services Date/Time 3/28/04 11:10 AM  
Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 3/28/2004  
Agency Department of Law

# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB275-CS-LC-EC-EH-04-02-04  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Environmental Conservation  
Title Veterinarians and animals RDU \_\_\_\_\_ Environmental Health  
Component \_\_\_\_\_ Laboratory Services  
Sponsor Representative Mike Chenault  
Requester House Judiciary Committee Component No. 2065

**Expenditures/Revenues** (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2005    | FY 2006    | FY 2007    | FY 2008    | FY 2009    | FY 2010    |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services      | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Travel                 | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Contractual            | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Supplies               | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Equipment              | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Land & Structures      | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Grants & Claims        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Miscellaneous          | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                               |            |            |            |            |            |            |
|-------------------------------|------------|------------|------------|------------|------------|------------|
| <b>CHANGE IN REVENUES ( )</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |
|-------------------------------|------------|------------|------------|------------|------------|------------|

**FUND SOURCE** (Thousands of Dollars)

|   |            |            |            |            |            |            |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts                   | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| 1003 GF Match                           | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| 1004 GF                                 | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| 1005 GF/Program Receipts                | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| 1037 GF/Mental Health                   | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Other (Specify Type--Do not abbreviate) | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| <b>TOTAL</b>                            | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**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 no known fiscal impact upon the department.

Prepared by: Kristin Ryan, Director  
Division: Environmental Health  
Approved by: Kurt Fredriksson, Deputy Commissioner  
Agency: Environmental Conservation

Phone (907) 269-7645  
Date/Time 4/2/04 1:37 PM  
Date 4/2/2004

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB275CS-DPS-ASTD-3-31-04  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title Act Relating to Care and Cruelty of Animals RDU Alaska State Troopers  
 Component AST Detachments  
 Sponsor Rep. Chenault  
 Requester H. Labor & Commerce Component No. 2325

**Expenditures/Revenues** (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2005    | FY 2006    | FY 2007    | FY 2008    | FY 2009    | FY 2010    |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services      |            |            |            |            |            |            |
| Travel                 |            |            |            |            |            |            |
| Contractual            |            |            |            |            |            |            |
| Supplies               |            |            |            |            |            |            |
| Equipment              |            |            |            |            |            |            |
| Land & Structures      |            |            |            |            |            |            |
| Grants & Claims        |            |            |            |            |            |            |
| Miscellaneous          |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**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) |            |            |            |            |            |            |
| <b>TOTAL</b>                            | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

**ANALYSIS:** (Attach a separate page if necessary)

This bill establishes standards of care for animals and processes for investigating complaints of animal cruelty. It also creates the crimes of Cruelty to Animals in the First Degree, a class A misdemeanor, and Cruelty to Animals in the Second Degree, a class B misdemeanor.

The bill also requires that those officers involved in the investigation of cruelty to animal complaints must report child abuse or neglect if such is detected in the course of their investigation.

This is no expected fiscal impact to the Department of Public Safety.

Prepared by: Lt. Al Storey Phone 907-269-4532  
 Division Alaska State Troopers Date/Time 4/1/04 8:31 AM  
 Approved by: Commissioner William Tandeske Date 4/1/2004  
 Agency Department of Public Safety

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB275(L & C)  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title An Act relating to animals BRU Legal and Advocacy Services  
 Component Public Defender Agency  
 Sponsor Reps. Chenault, Gruenberg,...  
 Requester (H) Judiciary Component No. 1631

**Expenditures/Revenues** (Thousands of Dollars)

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

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|---------|---------|---------|---------|---------|---------|
| Personal Services      | *       | *       | *       | *       | *       | *       |
| Travel                 |         |         |         |         |         |         |
| Contractual            |         |         |         |         |         |         |
| Supplies               |         |         |         |         |         |         |
| Equipment              |         |         |         |         |         |         |
| Land & Structures      |         |         |         |         |         |         |
| Grants & Claims        |         |         |         |         |         |         |
| Miscellaneous          |         |         |         |         |         |         |
| <b>TOTAL OPERATING</b> | *       | *       | *       | *       | *       | *       |

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|

**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) |   |   |   |   |   |   |
| <b>TOTAL</b>                           | * | * | * | * | * | * |

Estimate of any current year (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

**ANALYSIS:** (Attach a separate page if necessary)  
 This bill would likely have some fiscal impact on the operations of the Public Defender Agency, because in Sections 2 and 3 it criminalizes conduct that does not currently qualify for the crime of cruelty to animals. The bill breaks down the crime of cruelty to animals into two levels of misdemeanor offenses. Criminalizing conduct that is not currently a crime will likely increase the caseload of the Agency. The Agency does not currently handle a significant number of cruelty to animal offenses, but would expect to handle many more if this bill were enacted, but it is impossible to predict the impact with any accuracy. There may also be a fiscal impact to the Agency from Section 4 that adds an aggravator for consideration at sentencing for deliberate cruelty to an animal or exposing an animal to a threat of serious physical injury.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416  
 Division: Public Defender Agency Date/Time 4/5/04 12:00 AM  
 Approved by: Ray Matiashowski, Deputy Commissioner Date 4/5/2004  
 Agency: Administration

**Subject:** [Fwd: HB 275]

**Date:** Mon, 05 Apr 2004 13:15:07 -0800

**From:** Ethel <donethel@gci.net>

**To:** Representative\_Lesil\_McGuire@legis.state.ak.us

Representative Lisel,

This is a hard copy of testimony for HB 275 which was canceled for today. Will try and schedule our time for Tuesday,.

Ethel C. Christensen

----- Original Message -----

**Subject:** HB 275

**Date:** Mon, 05 Apr 2004 12:37:58 -0800

**From:** Ethel <donethel@gci.net>

**To:** donethel@gci.net <donethel@gci.net>

Alaska SPCA supports HB 275 but many have voiced concerns that we agree with and that is there is a need to address heinous crimes, such as the recent continued stabbing of a German Shepherd to death here in Anchorage. Past incidents of this nature was the killing and dismemberment of guard dogs at Brewsters Depart Store. Another when a bound couple had to watch when their small dogs were stomped to death by intruders For these heinous crimes, there should be a mandatory jail sentence

In other animal cruelty cases, there are mental and drug related problems that the law and courts are still dealing with . A stronger cruelty law would give both law enforcement and the courts more tools to work with..

It is well documented that persons who are cruel to animals are also cruel to children.

Ethel D. Christensen  
Director Alaska SPCA  
Founder 1966

**Subject: HB275****Date:** Fri, 2 Apr 2004 18:04:48 -0800 (PST)**From:** Carol <busface1999@yahoo.com>**To:** Representative\_Lesil\_McGuire@legis.state.ak.us,  
Representative\_Tom\_Anderson@legis.state.ak.us,  
Representative\_Jim\_Holm@legis.state.ak.us, Representative\_Dan\_Ogg@legis.state.ak.us,  
Representative\_Ralph\_Samuels@legis.state.ak.us, Representative\_Les\_Gara@legis.state.ak.us,  
Representative\_Max\_Gruenberg@legis.state.ak.us

4/2/04

**Judiciary Committee:**

I'm very upset that Representative Kott has decided to make it much more difficult for this long overdue, necessary and excellent bill to pass this session by adding two more committee referrals. I will take that up with him.

I'm asking that you move this bill out of committee **RIGHT AWAY WITH NO AMENDMENTS**.

Animal cruelty is rampant in Alaska. Our one sentence animal cruelty statute is vague, impossible to enforce, and a dismal joke. For every high-profile, horrific case of animal abuse that you hear about, there are hundreds more that go unreported or if reported, ignored. Prosecutors will not take up animal abuse cases because of all the loopholes, and troopers or other law enforcement officers won't take the time to efficiently and quickly investigate. This has to end and this bill is a good start.

Don't listen to Bush legislators who want to kill this bill to protect the continued abuse in their areas. Don't worry about this costing extra money. It won't, but even if it did, most of the public would gladly have money spent to rein in animal abuse.

Too many animals have suffered and died horrible, agonizing deaths! Republicans are known as heartless, cold politicians. This is your chance to try to change this image.

Thank you for your consideration and swift action.

Carol Jensen  
4800 E. 112th Avenue  
Anchorage, AK 99516  
Email: [busface1999@yahoo.com](mailto:busface1999@yahoo.com)  
Day phone: 907-244-1979

---

Do you Yahoo!?

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**Debbie Moore**

**From:** "Nancy Henricksen" <agroomer@ptialaska.net>  
**To:** "Debbie Moore" <pathways@alaska.net>  
**Sent:** Saturday, December 21, 2002 11:33 AM  
**Subject:** FW: petition

We're the heart of Kenai

-----Original Message-----

**From:** Ethel [mailto:donethel@gci.net]  
**Sent:** Wednesday, December 18, 2002 5:01 PM  
**Subject:** petition

**TO:** 2003 STATE OF ALASKA LEGISLATORS  
**FROM:** THE FOLLOWING ALASKANS AND OUTSIDE  
 CITIZEN  
**REF:** LACK OF ANIMAL CRUELTY LAWS AND  
 ENFORCEMENT

**WE/I STRONGLY URGE THE 2003 LEGISLATURE TO REVISE AND STRENGTHEN THE ANIMAL CRUELTY LAWS FOR THE STATE OF ALASKA. IN VIEW OF NUMEROUS AND INCREASING TRAGEDIES INVOLVING ANIMALS THIS SHOULD BE NUMBER ONE PRIORITY OF YOUR LEGISLATIVE BUSINESS THIS COMING SESSION. MANY PEOPLE HAVE DECIDED NOT TO INCLUDE ALASKA IN THEIR TRAVEL BECAUSE OF THESE HORRORS.**

**THE CURRENT STATE LAWS ARE TOTALLY INADEQUATE AND THEY PROMOTE THE MOVEMENT OF PEOPLE WHO ABUSE ANIMALS TO AVOID COMMUNITIES THAT HAVE LOCAL AND STRICT ANIMAL CRUELTY LAWS.**

**THERE ARE STRICT LAWS, BIG BUDGETS AND ENFORCEMENT OFFICERS TO PROTECT WILDLIFE BUT NOTHING FOR THE DOMESTIC ANIMALS, PARTICULARLY, DOGS, CATS AND HORSES.**

**WE ARE MOST SERIOUS IN THIS REQUEST.**

| PRINTED NAME    | SIGNATURE          | ADDRESS             | DATE     |
|-----------------|--------------------|---------------------|----------|
| Robin Sichel    | <i>[Signature]</i> | Sichel              | 12/26/02 |
| Tom Weaver      | <i>[Signature]</i> | P.O. Box 1913 Kenai | 12-26-02 |
| Sharon Traugott | <i>[Signature]</i> | 12 B704 Niskisna    | 12-26-02 |

12/23/02

| Printed Name       | Signature          | Address                         | Date     |
|--------------------|--------------------|---------------------------------|----------|
| Jerry Abel         | Jerry Abel         | P.O. Box 1325 Kenai, AK 99611   | 12-26-02 |
| Dale Hudson        | Dale Hudson        | P.O. Box 1325 Kenai, AK 99611   | 12-26-02 |
| Joe Trefren        | Joe Trefren        |                                 | 12-26-02 |
| Jim H. H.          | Jim H. H.          | Box 7097 Kenai, AK              |          |
| JESSICA TREFREN    | Jessica Trefren    | P.O. Box 3648 Kenai AK 99611    | 12/26/02 |
| Robin Boyle        | Robin Boyle        | 49729 DeBusk Dr Kenai, AK 99611 | 12-26-02 |
| Thomas Donawick    | Thomas Donawick    |                                 | 12-26-02 |
| Jacob Newton       | Jacob Newton       |                                 | 12-26-02 |
| Jathan Wolf        | Jathan Wolf        |                                 | 12-26-02 |
| Brian Morris       | Brian Morris       | PO Box 1796 Kenai               | 12-26-02 |
| Judith Stolz       | Judith Stolz       | P.O. Box 8114 Nikiski           | 12-26-02 |
| Phil Blythe        | Phil Blythe        | P.O. Box 8652 Nikiski           | 12/26/02 |
| Ed Ash             | Edward W. Ash      | P.O. Box 6894 NIKISKI           | 12/26/02 |
| Alan McCaughey     | Alan McCaughey     | PO Box 8075 Nikiski             | 12/26/02 |
| Kristal McLaughlin | Kristal McLaughlin | P.O. Box 8305 NIKISKI           | 12/26/02 |
| James E. Ebel      | James E. Ebel      | P.O. Box 8281 Nikiski AK 99635  | 12-26-02 |
| Sammy Ebel         | Sammy Ebel         | P.O. Box 8281 Nikiski           | 99635    |
| Chris Chris        | Chris Chris        | P.O. Box 7995 Nikiski           | 99635    |
| Donald Gibson      | Donald Gibson      | P.O. Box 7067 Nikiski           | 99635    |
| Walter Goff        | Walter Goff        | P.O. Box 8603 NIKISKI AK        | 99635    |
| Jeremy Goff        | Jeremy Goff        | P.O. Box 8603 Nikiski AK        | 99635    |

776-8300  
 Debbie Moore

From: "Nancy Henricksen" <agroomer@ptialaska.net>  
 To: "Debbie Moore" <pathways@alaska.net>  
 Sent: Saturday, December 21, 2002 11:33 AM  
 Subject: FW: petition

We're the heart of Kenai

-----Original Message-----

From: Ethel [mailto:donethel@gci.net]  
 Sent: Wednesday, December 18, 2002 5:01 PM  
 Subject: petition

TO: 2003 STATE OF ALASKA LEGISLATORS  
 FROM: THE FOLLOWING ALASKANS AND OUTSIDE  
 CITIZEN  
 REF: LACK OF ANIMAL CRUELTY LAWS AND  
 ENFORCEMENT

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WE ARE MOST SERIOUS IN THIS REQUEST.

| PRINTED NAME    | SIGNATURE              | ADDRESS               | DATE     |
|-----------------|------------------------|-----------------------|----------|
| LESA JEFFREYS   | <i>Lesia Jeffreys</i>  | P.O. Box 7533 NIKISKI | 12-26-02 |
| PATRICIA BROWN  | <i>Patricia Brown</i>  | P.O. Box 8142 NIKISKI | 12-26-02 |
| Andrea Jeffreys | <i>Andrea Jeffreys</i> | P.O. Box 7533 NIKISKI | 12-26-02 |

12/23/02

| Printed Name            | Signature              | Address                      | Date     |
|-------------------------|------------------------|------------------------------|----------|
| Pamela Martin           | Pamela Martin          | Nikiski, AK                  | 12-26-02 |
| Tina Sullens            | Tina Sullens           | Nikiski                      | 12-26-02 |
| Sophia VanLoan          | Sophia VanLoan         | Nikiski                      | 12/26/02 |
| Linda Dodge             | Linda Dodge            | Nikiski                      | 12/26/02 |
| INRAA . Carol B. Sumner | Carol B. Sumner        | Nikiski                      | 12/26-02 |
| PANDY ESQUIRO           | Randy Esquiro          | Nikiski                      | 12/26/02 |
| VANCV Marshall          | Nancy Marshall         | P.O. Box 1574 Nikiski        | 12-26-02 |
| Murcella Hurst-Simmons  | Murcella Hurst-Simmons | Nikiski                      | 12-26-02 |
| Delicia Ault            | Delicia Ault           | Nikiski                      | 12-26-02 |
| Byrd L. MURRE           | Byrd Murre             | Nikiski                      | 12-26-02 |
| MONIQUE R. ROSS         | Monique R Ross         | Nikiski                      | 12-26-02 |
| Jason Sully             | J.P.S.                 | P.O. Box 8192 N. Kiski       | 12-26-02 |
| Rebecca Flynn           | Rebecca Flynn          | PO Box 8036 NIKISKI AK 99635 | 12-26-02 |
| Pamela Lytle            | Pamela Lytle           | P.O. BOX 7556 NIKISKI AK     |          |
| Holly Zink              | Holly M. Zink          | PO Box 8176 NIKISKI AK       |          |
| Zwight Wood             | D Wood                 | 50190 CORCORAN NIKISKI       |          |
| Tracy Sanders           | Tracy Sanders          | JAWIOME NIKISKI              |          |
| Aue Stephens            | Aue Stephens           | P.O. Box 7246 NIKISKI        |          |
| Christine Griffith      | Christine Griffith     | Box 8116 NIKISKI             | 12-26-02 |
| Nick J. Crawford        | Nick J. Crawford       | Box 7216 NIKISKI AK          |          |
| Brian E. Zink           | Brian E. Zink          | Box 8001 N. Kiski, AK        |          |

**Debbie Moore**

---

**From:** "Nancy Henricksen" <agroomer@ptialaska.net>  
**To:** "Debbie Moore" <pathways@alaska.net>  
**Sent:** Saturday, December 21, 2002 11:33 AM  
**Subject:** FW: petition

We're the heart of Kenai

-----Original Message-----

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**Sent:** Wednesday, December 18, 2002 5:01 PM  
**Subject:** petition

**TO: 2003 STATE OF ALASKA LEGISLATORS**  
**FROM: THE FOLLOWING ALASKANS AND OUTSIDE**  
**CITIZEN**  
**REF: LACK OF ANIMAL CRUELTY LAWS AND**  
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**WE ARE MOST SERIOUS IN THIS REQUEST.**

| PRINTED NAME      | SIGNATURE                | ADDRESS                     | DATE     |
|-------------------|--------------------------|-----------------------------|----------|
| Jamie Bras        | <i>Jamie Bras</i>        | 703 Swires Rd, Kenai        | 12/26/02 |
| Dawn Stetz        | <i>Dawn Stetz</i>        | P.O. Box 88, Kaslof         | 12/26/02 |
| Anxjie Richardson | <i>Anxjie Richardson</i> | 33140 Richardson<br>SADOTNA | 12-26-02 |

12/23/02

| Printed Name       | Signature                 | Address                                   | Date              |
|--------------------|---------------------------|---|-------------------|
| BRANDI HARBAUGH    | <i>B Harbaugh</i>         | 70 Box 2867 Soldotna                      | 12/26/02          |
| Amy Falk           | <i>A Falk</i>             | PO Box 7667 N. Kiski                      | 12/26/02          |
| Grey L. McCreymore | <i>Grey L. McCreymore</i> | 446 W. Riverwood Dr Soldotna AK           | 12/26/02          |
| Sylvia McCreymore  | <i>Sylvia McCreymore</i>  | 446 W. Riverwood Ave Soldotna AK          |                   |
| Catherine Bush     | <i>C Bush</i>             | 225 Richfield Drive, Kenai AK 99611       |                   |
| Ann M Curtis       | <i>Ann M Curtis</i>       | PO Box 491 Soldotna AK 99669              |                   |
| HOLLY CAMPBELL     | <i>Holly Campbell</i>     | P.O. Box 512 Soldotna, AK 99669           |                   |
| Richard Stabbs     | <i>R Stabbs</i>           | PO. Box 28 Kenai AK 99611                 |                   |
| Margaret Martin    | <i>Margaret Martin</i>    | 368 W Beluga Soldotna AK 99669            |                   |
| MICHELLE A PRICE   | <i>Michelle A Price</i>   | 51200 BISCAYNE KEENA 1 99611              |                   |
| Jamie Moore        | <i>Jamie Moore</i>        | 235 W. Daisy Ln Soldotna, AK 99669        | 99669             |
| De Ann Cain        | <i>De Ann Cain</i>        | 319 W. Beluga St. Soldotna, AK 99669      | 99669             |
| Ellen Crowner      | <i>Ellen Crowner</i>      | 319 W. Beluga St. Soldotna AK 99669       | 99669             |
| Joy Arnetronis     | <i>Joy Arnetronis</i>     | 36345 Shady St Soldotna                   |                   |
| Ann R Swin         | <i>Ann R Swin</i>         | 36345 Shady St Soldotna 99669             | 12/26/02<br>99669 |
| Miris Anderson     | <i>Miris Anderson</i>     | PO Box 1642 Soldotna AK 99669             |                   |
| KAY STEELE         | <i>Kay Steele</i>         | 289 Lorraine Ct Soldotna AK 99669         |                   |
| BONNIE HANSON      | <i>B Hanson</i>           | 298 W. KATMAI AVE SOLDOTNA AK 99669       |                   |
| Karla Hicks        | <i>Karla Hicks</i>        | P.O. Box 2544 Soldotna AK 99669           |                   |
| Katie Crane        | <i>Katie Crane</i>        | 35555 Spur Hwy PMB 246 Soldotna, AK 99669 |                   |

Debbie Moore

From: "Nancy Henricksen" <agroomer@ptialaska.net>  
 To: "Debbie Moore" <pathways@alaska.net>  
 Sent: Saturday, December 21, 2002 11:33 AM  
 Subject: FW: petition

We're the heart of Kenai

-----Original Message-----

From: Ethel [mailto:donethel@gci.net]  
 Sent: Wednesday, December 18, 2002 5:01 PM  
 Subject: petition

TO: 2003 STATE OF ALASKA LEGISLATORS  
 FROM: THE FOLLOWING ALASKANS AND OUTSIDE  
 CITIZEN  
 REF: LACK OF ANIMAL CRUELTY LAWS AND  
 ENFORCEMENT

**WE/I STRONGLY URGE THE 2003 LEGISLATURE TO REVISE AND STRENGTHEN THE ANIMAL CRUELTY LAWS FOR THE STATE OF ALASKA. IN VIEW OF NUMEROUS AND INCREASING TRAGEDIES INVOLVING ANIMALS THIS SHOULD BE NUMBER ONE PRIORITY OF YOUR LEGISLATIVE BUSINESS THIS COMING SESSION. MANY PEOPLE HAVE DECIDED NOT TO INCLUDE ALASKA IN THEIR TRAVEL BECAUSE OF THESE HORRORS.**

**THE CURRENT STATE LAWS ARE TOTALLY INADEQUATE AND THEY PROMOTE THE MOVEMENT OF PEOPLE WHO ABUSE ANIMALS TO AVOID COMMUNITIES THAT HAVE LOCAL AND STRICT ANIMAL CRUELTY LAWS.**

**THERE ARE STRICT LAWS, BIG BUDGETS AND ENFORCEMENT OFFICERS TO PROTECT WILDLIFE BUT NOTHING FOR THE DOMESTIC ANIMALS, PARTICULARLY, DOGS, CATS AND HORSES.**

**WE ARE MOST SERIOUS IN THIS REQUEST.**

| PRINTED NAME    | SIGNATURE              | ADDRESS                          | DATE     |
|-----------------|------------------------|----------------------------------|----------|
| Julie Eggemeyer | <i>Julie Eggemeyer</i> | 48950 Totle Rd Soldotna AK 99669 | 12/30/02 |
| Barbara OLSON   | <i>Barbara J Olson</i> | 317 Diane Lane Soldotna 99669    | 12-30-02 |
| Kenya Weston    | <i>Kenya Weston</i>    | Po Box 3755 Soldotna 99669       | 12-31-02 |

12/23/02

| Printed Name      | Signature         | Address                           | Date    |
|-------------------|-------------------|-----------------------------------|---------|
| Natalie A. Kohler | Natalie A. Kohler | Box 2591, Kenai, AK               | 1/9/03  |
| Dawn Davis        | Dawn Davis        | PO Box 336 Kenai, AK              | 1/9/03  |
| Debbie Allen      | Debbie Allen      | 228 Susieana Ln Kenai             | 1/10/03 |
| Donna Lester      | Donna Lester      | PO 891 Soldotna AK                | 4/13/03 |
| KAREN WEINER      | Karen Weiler      | SOLDOTNA AK<br>30630 STUBBLEFIELD | 1/23/03 |

**Debbie Moore**

---

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**WE ARE MOST SERIOUS IN THIS REQUEST.**

| PRINTED NAME      | SIGNATURE         | ADDRESS                       | DATE              |
|-------------------|-------------------|-------------------------------|-------------------|
| Curt Morris       | Curt Morris       | P.O. Box 7010 N. K. S. K. AK. | 99635             |
| Peter MD. Kenji   | Peter MD. Kenji   | P.O. Box 6968                 | 12/26/02 AK 99655 |
| Patricia Ann Hill | Patricia Ann Hill | P.O. Box 7385 N. K. S. K.     | 12-26-02          |

12/23/02

| Printed Name               | Signature                  | Address                            | Date                                  |
|----------------------------|----------------------------|------------------------------------|---------------------------------------|
| KEITH THAMAN               | Keith Thaman               | PO Box 7248, NIKISKI               | 1/03/03                               |
| ELLEN Baling               | Ellen Baling               | P.O. Box 8681 99635                | 1/04/03                               |
| Nancy Brown                | Nancy Brown                | PO Box 1805 Kenai 99611            | 1-4-03                                |
| Amy Little                 | Amy Little                 | PO Box 7473 NIKISKI 99635          | 1-22-03                               |
| David Little               | David Little               | PO Box 7473 Nikiski 99635          | 1/24/03                               |
| Sharon Thompson            | Sharon                     | Box 1836 Nikiski 99611             | 1-24-03                               |
| Pam Lettington             | Pamela Lettington          | Box 8304 Nikiski 99635             | 1-24-03                               |
| Greeta Cox                 | Greeta Cox                 | 509 Pine Ave Kenai, AK 99611       | 1/24/03                               |
| Debbie Falk                | Debbie Falk                | P.O. BOX 7332 NIKISKI, AK 99635    | 1/24/03                               |
| Steve B Falk               | Steve B Falk               | P.O. BOX 7332 NIKISKI, AK 99635    | 1-2-03                                |
| MARY TAYLOR                | Mary C. Taylor             | PO Box 7224 NIKISKI AK 99635       | 1-27-03                               |
| Marcie Curry               | Marcie Curry               | POB 7671 NIKISKI, AK 99635         | 1-30-03                               |
| <del>Anthony Sanders</del> | <del>Anthony Sanders</del> | <del>DOROTHY DANOHUE SANDERS</del> | <del>Box 8702 NIKISKI, AK 99635</del> |

2/11/06

**Debbie Moore**

**From:** "Nancy Henricksen" <agroomer@ptialaska.net>  
**To:** "Debbie Moore" <pathways@alaska.net>  
**Sent:** Saturday, December 21, 2002 11:33 AM  
**Subject:** FW: petition

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**CITIZEN**  
**REF: LACK OF ANIMAL CRUELTY LAWS AND**  
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**WE ARE MOST SERIOUS IN THIS REQUEST.**

| PRINTED NAME      | SIGNATURE             | ADDRESS              | DATE     |
|-------------------|-----------------------|----------------------|----------|
| Leanne King       | <i>Leanne King</i>    | POB 3095 K.          | 2/1/03   |
| Tyles Johnson     | <i>Tyles Johnson</i>  | PO Box 764 Seldovia  | 2-2-03   |
| PETER A. MICCICHE | <i>P. A. Micciche</i> | PO Box 1544 Soldotna | 776-2024 |

2/23/02

| Printed Name       | Signature          | Address                                 | Date   |
|--------------------|--------------------|---|--------|
| Kendi McCollum     | Kendi McCollum     | P.O. Box 249 Kenai                      | 2-6-03 |
| Tianne V. Hardesty | Tianne V. Hardesty | 48271 Wild Rose Lane <sup>Nikiski</sup> | 2-8-03 |

JANE COCHRAN SPALDING  
6445 IMLACH DRIVE  
ANCHORAGE, ALASKA 99502

April 4, 2004

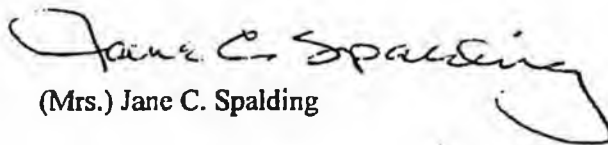
Rep. Harry Crawford  
State Capitol Room 426  
Juneau, AK 99801-1182

Dear Rep. Crawford:

Here is a copy of the piece I wrote for my regular column, "Pet Scene," in last week's *Anchorage Chronicle*. I understand that HB 323 has been incorporated into HB 275 and will go to the House Judiciary Committee for hearing tomorrow. I would like the content of that column to be included in testimony at that hearing. It is my opinion that your bill is a good start, but that provisions need to be made for more severe punishment in animal abuse cases as severe as the deliberate torture and mutilation of animals. As I mentioned in the column, misdemeanor charges are far too light for cases like that, as well as for organized animal fighting.

Our laws in Alaska should demonstrate that we are not a state of bloodthirsty, callous citizens who place no value on the lives of non-humans. Other states have animal cruelty laws that include felony classifications for dog and cockfighting, as well as for the deliberate torture of animals. I believe it is time for Alaska to join them.

Yours very truly,



(Mrs.) Jane C. Spalding

cc: Rep. Lesil McGuire

P. 2  
907-243-6364  
J & J Spalding  
Apr 05 04 10:36P

Jane Cochran Spalding  
**PET SCENE**

# Anti-cruelty bill: Legislation seems a good start, but it needs work

Animal lovers, there's good news and bad news from Juneau. The good news is that an anti-cruelty to animals bill authored by Rep. Harry Crawford, D-Anchorage, has been introduced in the Alaska House of Representatives. The



bad news is that the bill needs some reworking to make penalties severe enough to deter those who would deliberately cause pain and damage to animals.

Rep. Crawford's bill, House Bill 323, primarily addresses Alaska's most prevalent cruelty scenario: neglect of animals. It defines the conditions under which an owner will be prosecuted and the crimes

that would be classified as first- or second-degree cruelty, as well as the circumstances under which a person may argue against his prosecution for those crimes.

The problem is the bill isn't strong enough. According to HB 323, a conviction of animal cruelty in either first or second degree would only be a misdemeanor — a mere slap on the hands for those convicted and, in my opinion, a waste of court time and attorneys' fees. In addition, the bill fails to address one of the most reprehensible forms of animal cruelty: the deliberate breeding, training and organized fight-

ing of animals. There's big money involved in betting on dog fights and cockfights, and it's only a small step from urging one's ill-tempered animal to fight another unfortunate beast to organized crime or gang involvement.

The Alaska SPCA supports this bill, but they feel the same way I do: The bill doesn't go far enough. And after speaking to an aide in Rep. Crawford's office, I discovered that it may not be going anywhere at all. The bill is tied up in some incomprehensible bureaucratic procedure, and unless something happens soon, it isn't likely to even get a hearing in this session of the Legislature, according to the information I received.

An attorney recently argued with me that there was no need to stiffen animal cruelty penalties.

"Those things (meaning last month's occurrence when a drug-crazed young man tortured a trapped dog to death) just don't happen here," he said. I beg to differ. Back in the late '60s, Brewster's Store in Mountain View had two guard dogs that they locked up in the store at night. One morning, employees came in to find the business burglarized and the dismembered remains of the two dogs piled in a bloody heap in the middle of the store. On another occasion, in 1981, two men broke into a couple's home, tied the couple up, raped the woman, and stomped the couple's small dog to death while both victims watched. And of course, there was last month's case, which outraged most local animal lovers. Those things do happen here — fortunately, not

very often, but the very infrequency of the occurrences points out the need for stronger punishment for the perpetrators.

The story never makes the news, but I have it on good authority that organized animal fighting goes on here in Southcentral Alaska on a regular basis. I have seen several pit bulls belonging to a single owner, all with seriously scarred faces and forelegs and split or missing ears. Their condition certainly casts a shadow of suspicion concerning their owner's involvement in that inhumane activity.

Other states have provisions in their criminal codes for felony animal abuse charges. I believe it is time that Alaska joined them.

*Jane Spalding is a freelance writer in Anchorage and the Chronicle's regular pet columnist.*

## Bancroft ...

FROM PAGE 1B

third round of 11, during Saturday's Knik Diving competition. He came up a quarter of a rotation short of completing the dive and landed flat on his back filling the pool area with a loud slap.

"My back is still red, and still hurts" Bancroft said, turning his shoulder after the com-



Jrrell L. Breese

## Pet personals



Julia Photography

[Fwd: HB 275]

**Subject:** [Fwd: HB 275]

**Date:** Mon, 05 Apr 2004 13:15:07 -0800

**From:** Ethel <donethel@gci.net>

**To:** Representative\_Leslie\_McGuire@legis.state.ak.us

Representative Lisel,

This is a hard copy of testimony for HB 275 which was canceled for today. Will try and schedule our time for Tuesday.

Ethel C. Christensen

----- Original Message -----

**Subject:** HB 275

**Date:** Mon, 05 Apr 2004 12:37:58 -0800

**From:** Ethel <donethel@gci.net>

**To:** donethel@gci.net <donethel@gci.net>

Alaska SPCA supports HB 275 but many have voiced concerns that we agree with and that is there is a need to address heinous crimes, such as the recent continued stabbing of a German Shepherd to death here in Anchorage. Past incidents of this nature was the killing and dismemberment of guard dogs at Brewsters Depart Store. Another when a bound couple had to watch when their small dogs were stomped to death by intruders For these heinous crimes, there should be a mandatory jail sentence

In other animal cruelty cases, there are mental and drug related problems that the law and courts are still dealing with . A stronger cruelty law would give both law enforcement and the courts more tools to work with..

It is well documented that persons who are cruel to animals are also cruel to children.

Ethel D. Christensen  
Director Alaska SPCA  
Founder 1966

**Subject: HB275****Date:** Fri, 2 Apr 2004 18:04:48 -0800 (PST)**From:** Carol <busface1999@yahoo.com>**To:** Representative\_Lesil\_McGuire@legis.state.ak.us,  
Representative\_Tom\_Anderson@legis.state.ak.us,  
Representative\_Jim\_Holm@legis.state.ak.us, Representative\_Dan\_Ogg@legis.state.ak.us,  
Representative\_Ralph\_Samuels@legis.state.ak.us, Representative\_Les\_Gara@legis.state.ak.us,  
Representative\_Max\_Gruenberg@legis.state.ak.us

4/2/04

Judiciary Committee:

I'm very upset that Representative Kott has decided to make it much more difficult for this long overdue, necessary and excellent bill to pass this session by adding two more committee referrals. I will take that up with him.

I'm asking that you move this bill out of committee **RIGHT AWAY WITH NO AMENDMENTS**.

Animal cruelty is rampant in Alaska. Our one sentence animal cruelty statute is vague, impossible to enforce, and a dismal joke. For every high-profile, horrific case of animal abuse that you hear about, there are hundreds more that go unreported or if reported, ignored. Prosecutors will not take up animal abuse cases because of all the loopholes, and troopers or other law enforcement officers won't take the time to efficiently and quickly investigate. This has to end and this bill is a good start.

Don't listen to Bush legislators who want to kill this bill to protect the continued abuse in their areas. Don't worry about this costing extra money. It won't, but even if it did, most of the public would gladly have money spent to rein in animal abuse.

Too many animals have suffered and died horrible, agonizing deaths! Republicans are known as heartless, cold politicians. This is your chance to try to change this image.

Thank you for your consideration and swift action.

Carol Jensen  
4800 E. 112th Avenue  
Anchorage, AK 99516  
Email: [busface1999@yahoo.com](mailto:busface1999@yahoo.com)  
Day phone: 907-244-1979

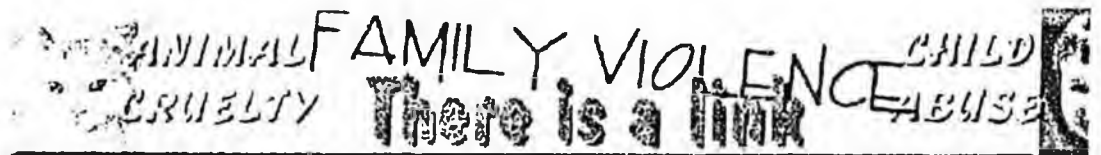
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Do you Yahoo!?

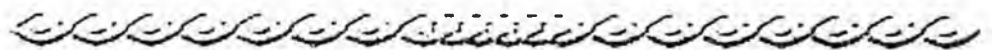
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- Abuse to animals is a horrible crime that ultimately touches us all, both as a society and as individuals. It is a documented fact that many serial killers began their life of violent crime by abusing animals.
- Several years ago I worked at a boys' ranch for troubled boys. As I transcribed assessments, I was struck by the fact that in every one of the hard cases, there were references to the boys having abused, mutilated and/or killed their pet hamsters, rabbits, fish, cats and dogs. Many times they did the same to a friend's or neighbor's pet also.
- The evidence is in - it can no longer be denied: There *is* a connection between animal abuse and violent acts against humans such as domestic violence, elder abuse, child abuse and murder.

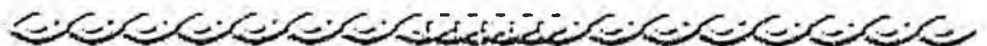


If we are ever going to see an end to the escalating violence in our society, we must begin by teaching our children to respect all life. We must also actively support proposed legislation that treats animal abuse as the serious crime that it is.



*One of the most dangerous things that can happen to a child is to kill, torture an animal and get away with it.*

*~ Anthropologist Margaret Mead ~*





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**Channel 2 News - March 5, 2004**

**Nineteen-year-old arraigned for burglary, killing dog**



**Anchorage, Alaska, March 5, 2004** - A man accused of forcing his way into a quiet West Anchorage home last week and brutally stabbing a German shepherd dog was finally arraigned Friday.

Nineteen-year-old Tommie Earl Smith was arrested last Friday for breaking into a home at 2000 W. 31st St.

According to police, Gale Keppler, who owns the home, was confronted by Smith just after 4 p.m. in the arctic entryway as he tried to push his way into the home with her. Keppler was able to break away from Smith and escaped to a neighbor's house, where she called 911.

Police arrived and found Smith barricaded inside the home, where he stayed nearly an hour before police shot him with a tazer and took him into custody.

When police entered the home, they found the Kepplers' 3-year-old German shepherd stabbed numerous times, and the home a bloody mess.

"If Mr. Smith had gone in their home and taken all their possessions and trashed their house and just left the dog alone, then they would get over this," said Maryann Clark, a family friend. "But he touched the dog and that's the last thing they would have wanted. They would have given him everything, I'm sure."

Smith is charged with burglary, assault and cruelty to animals. He is being held on \$25,000 bond.

by Warren Williamson

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## Pet Love Shack - Non-Fiction

[www.petloveshack.com](http://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 eighty-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**

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## Animal Abuse Cases - Details

[En Español](#) [8](#)

### Neglect of over a dozen dogs - (Wasilla, AK - US)

**Crime Date:** 03/15/2003  
**Case Status:** Not Charged  
**Case Photos:** [Available - Click Here](#)

#### Accused Abuser(s):

[Allan Butts](#)

#### Case Report

It's a case of possible animal abuse and neglect at a dog lot in the Matanuska Valley. Those who reported the case say what they found was shocking and should be stopped. The Fox Run RV campground lies just off the Glenn Highway, at the junction of the Palmer-Wasilla cutoff.

Saturday afternoon, Nancy Taylor and a group of friends decided to stop by. "Both our families are avid RVers and we passed an RV park that we'd never stopped at before," said Taylor. Inside, Taylor says what they found shocked her.

"I looked like a scene from the holocaust," said Taylor. "The pictures that you saw, with the emaciated people with their bones showing. That's how these dogs looked. It was horrible."

Taylor says they saw more than a dozen dogs kept in a small dog lot and took a picture. The dogs, she says, were so weak they could barely stand or walk.

"Some of them were wobbling and falling over. Some of them could not even come out of their boxes," said Taylor. "There was no sign of food or water out there. They've obviously been starved to death and abused for a long period of time."

"We saw between 12 and 15, possibly more dogs chained up," said Joyce Bishop. "They never barked. There were quite a few homes the dogs didn't come out of, and we weren't sure if they were alive or dead."

Bishop was with Taylor that day and after watching the dogs, the two women called animal control. Animal control came to investigate. Taylor says she spoke with an officer named Jim.

"He says it was one of the worse cases he's ever seen," said Taylor. Officer Jim Boyd with the Mat-Su Borough Animal Control initially told Channel 2 News that he believed it was an animal cruelty case. But later in the day, after speaking to supervisors, he would not comment if that was indeed the situation and declined an on-camera interview.

Channel 2 News tried to reach Allan Butts, the dog lot owner and called a number located next to the RV park. A woman at the number said they are in no way at fault and that animal control found no problems Sunday afternoon. The woman declined to comment further.

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Animal control says the investigation is underway and should have answers on Monday. Boyd says no dogs have been removed from the property and the investigation is still ongoing. It is not confirmed whether or not the dog owners are also the property owners for the park.

## References

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MS. Boughton still has not been tried

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### Trial in animal cruelty case now slated for January

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#### Staff report

A trial has been scheduled for the week of Jan. 22 in Kenai District Court for a woman charged with nine counts of animal cruelty.

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Judge Jonathan H. Link granted a request to postpone the trial call, which had been scheduled for Nov. 25.

Carolyn F. **Boughton**, 57, was charged after Alaska State Troopers allegedly found 66 filthy and underfed dogs under **Boughton's** care in Sterling in November 2001.

Search

**Boughton** reportedly was living in Nikiski and commuting to Sterling to feed and provide water for the dogs.

According to court documents, some of the dogs were found dead, some in need of immediate medical care and some had to be put to death.

Troopers seized the dogs.

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## ALASKA

### Collector gets doggone overhaul

**POOCHES:** Volunteers help Richard Hall spay, neuter, adopt out some of his 400 dogs.

The Associated Press  
(Published: May 5, 2003)

FAIRBANKS -- Richard Hall's dog yard became more manageable this week after about 100 local volunteers set up an assembly line to spay, neuter, euthanize or adopt out many of the nearly 400 dogs he was keeping.

The volunteers spayed or neutered 70 to 100 dogs a day at a makeshift clinic in the Goldstream Valley.

Hall has roughly 200 dogs left. But he's still mourning the dogs that were put down or released for adoption. Volunteers are caring for the dozens of dogs as they wait for permanent homes.

"There's been a tear or two. It's just kind of sad to walk around and realize ... there's some I shouldn't have parted with," Hall said. "Anyhow, it will get better. I hope."

The endeavor to help Hall downsize and get his dogs physically fit -- some dogs suffered from malnutrition, dehydration and other ailments -- came after Hall told a couple of local veterinarians he was worried about his ability to maintain all his dogs.

The volunteer effort took months to plan. It involved an outpouring of donations from community groups, veterinarians and local businesses.

Animal control officials say there were regular complaints against Hall, but each time he responded. Over the years, the borough has regularly cited Hall for offenses such as dogs that weren't immunized or were running loose.

"Mr. Hall was basically trying to do things to the best of his abilities. He had no malicious intent," said Tim Biquane, who oversees animal control for the



Richard Hall had almost 400 dogs on his property in Fairbanks. A community effort spearheaded by the Humane Society of the United States helped spay, neuter or euthanize them. Some were adopted. (Photo by John Hagen / Fairbanks Daily News-Miner)

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Fairbanks North Star Borough.

"He's guilty of having a caring heart," Biggane says, and cracking down didn't seem right.

"When we get into the judiciary process, it's a slow process. It's not beneficial to either party. It takes a lot of time and a lot of money."

Dave Pauli, regional director for the Humane Society of the United States, said the effort involving Hall is a unique one.

Pauli travels the country handling animal crises. He doesn't often respond to multi-animal cases involving a single owner, especially without impetus from the courts.

"Any legal recourse would have been a long, dragged-out affair, and somebody would have had to care for those 400 animals," Pauli said.

"I think Mr. Hall is making great efforts in trying to (compromise). He was careful. He made many, many tough decisions each day."

Half of Hall's dogs were euthanized, adopted or put in foster care. Dogs were put down for reasons such as ill temperament or bad health.

A borough animal-control officer is looking after 74 dogs on her property in Fairbanks. Those dogs are available for adoption.

Hall says he misses the dogs that are gone. He was reached by cell phone at a grocery store, where he had stopped to buy hot dogs to use to administer medicine to some of his remaining animals.

Hall doesn't believe in euthanizing dogs, but he's had to compromise that philosophy.

"I was warehousing some man-eaters, some really bad characters," he said. The Humane Society "kind of got me to change the philosophy on some of that stuff."

Hall appreciates the effort to help him: "A bunch of good people volunteered."

Jeanne Olson, a borough veterinarian who helped organize the effort, said volunteers are working to help Hall reorganize his yard and come up with a plan to care for the remaining dogs.



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## ALASKA

### Owner again accused of neglect

**DOGS: Sterling woman has until Friday to improve living conditions for pets.**

By Jon Little  
Anchorage Daily News  
(Published: November 7, 2001)

Sterling -- Alaska State Troopers are threatening to seize at least 45 dogs owned by a Sterling woman who has been accused of animal abuse for the last year.

Troopers said they found four dead dogs, two dead cats and scores of dogs needing basic care during a tour on Monday of a wooded lot where Sterling resident Caroline Boughton keeps her animals. They set an ultimatum.

"She's got till Friday to make living conditions for those dogs better, or we will seize the dogs," said Trooper 1st Sgt. Charles Tressler.

As many as 20 dogs, purebred bouvier des Flandres and Kerry blue terriers, were kenneled in double-decker plywood pens inside a ramshackle Greyhound-style bus that was so fouled by urine and feces that the ammonia-like stench nearly brought tears to the eyes of veterinarian Jerry Nybakken, who assisted troopers serving a search warrant.

Two of the terriers had been killed by a bouvier, which gnawed through the plywood roof of its crate to get at the smaller dogs housed overhead. The body of one of the terriers was firmly wedged in a hole and its legs had been chewed from



A bouvier des Flandres, a shaggy herding and cattle dog, is among dozens of dogs tied outside without bedding in a Sterling area yard on Tuesday. Alaska State Troopers have told the dogs' owner, Caroline Boughton, to improve the conditions or risk the seizure of her animals.  
*(Photo by Jon Little / Anchorage Daily News)*

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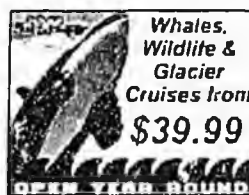
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below, Nybakken said.

The rest of the dogs -- which included a mix of mutts and huskies -- were chained, cabled and roped to trees, trucks and other objects. Some were in much better shape than others.

Few of the dogs had shelter. Food and water bowls were overturned and appeared unattended, Nybakken said. Warm bedding such as straw was absent.

Inside the bus, the dogs' fur was matted and covered with feces and every pen was wet with urine, he said.

"I think we have a case here of neglect, bordering on cruelty," Nybakken said on Tuesday.

"My personal opinion is, Caroline should never have this many dogs," he said. "If she wants dogs, she's going to have to keep them within her economic means to support them."

Boughton said she still enjoys her dogs, has done nothing wrong and is struggling to juggle the demands of her landlords, whom she said insisted she kennel her dogs in the bus.

Her landlords, Milton and Lee Ross, say Boughton owes them \$1,350 in back rent and pay for helping to feed the dogs. The Rosses live on the lot and agreed to let Boughton pay them to keep her dogs there, but now say they want her out.

Boughton, who lives nearby, said she has nowhere to go. It's hard finding a rental when you've got dozens of dogs, she said.

The Texas transplant first got into trouble last fall after a Kenai Peninsula animal cruelty organization accused her of neglect for keeping her dogs in a Sterling junkyard. She quickly hired some helpers who got straw for the dogs and began feeding them. At the time, troopers deemed her care adequate.

But after Boughton moved her animals to a 2.6-acre wooded property on Spruce Lane outside Sterling, the barking, fighting and loose dogs soon prompted angry calls from her new neighbors.

Two chapters of the Society for the Prevention of Cruelty to Animals, the Alaska chapter based in Anchorage and a newly formed Kenai Peninsula group, have been struggling to help Boughton's dogs, with different tactics.

The Alaska chapter has been working with Boughton for months, helping her reduce her kennel size a few dogs at a time, said Nancy Wall, the chapter's Peninsula volunteer.

The Kenai organization has been more direct. It was the group that first demanded action last fall, and it also called in the troopers this week.

Its founder, Michele DeMilta, accepted four or five of Boughton's sickest dogs. Those dogs were to be taken to a veterinarian for treatment and documentation, Nybakken said. DeMilta declined to comment until the situation is resolved.

Troopers said they would like to come back Friday and see that Boughton is providing adequate care for her animals. But Tressler said that if they get another complaint about her, they will seize her dogs.

Just what would happen with the dogs if they are seized isn't clear. Would they go to an animal shelter until the courts make a final ruling? Would they be sent one or two at a time to rescue homes? Troopers aren't certain.

Even the official number of dogs is vague. Troopers estimated that about 45 dogs were on the property. Boughton said she had many more than that. And Nybakken guessed the number might be closer to 100.

"What a mess, huh?," said Judy McConnell of Anchorage, the American Bouvier des Flandres Club's designated rescue person for the region. "This whole thing was been a nightmare for a year, as far as I'm concerned."

If a court were to make to final ruling, McConnell said, the nationwide club has the finances, expertise and contacts to place whatever dogs were deemed suitable.

Alaskans are accustomed to sled dog yards, and while that sort of kennel works with active teams of huskies, it isn't appropriate for bouviers, she said. The independent breed has a tough side and needs a lot of one-on-one love, she said.

McConnell and other bouvier fanciers describe Boughton as a "collector," a person with a good heart who wants to protect animals but lets them breed and gets overwhelmed when their numbers swell.

Two of Boughton's dead dogs are bouviers. One was found at the end of its cable tether wearing a spiked choke collar, but Nybakken said he was unsure what caused the death.

The other was found with three of its paws tangled in nylon rope, he said.

Boughton, feeding Atta Boy to her dogs Tuesday evening, said she suspected foul play in both cases and wanted an autopsy on the dogs' frozen carcasses, still laying on the ice.

"Both of those dogs were very active the day before yesterday," she said. "All of a sudden they're dead, overnight. I'd like to learn why."

Troopers said a report would be forwarded to the Kenai district attorney's office for consideration of possible charges of animal

cruelty, a misdemeanor.

Boughton said she has tried to give away her dogs, but had no luck. She said she refuses to take them to the pound because some would inevitably be put down.

I've got too big of a heart," Boughton said. "All I want for them is a home."

Reporter Jon Little can be reached at [jlittle@adn.com](mailto:jlittle@adn.com) or at 907-260-5248.

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## Animals In Print The On-Line Newsletter



24 September 2002 Issue

### The Animal Tour Bus From Hell

Commentary by Margery Glickman

Margery Glickman is the director of the Sled Dog Action  
Coalition.



Beyond the borders of Alaska's large cities, acts of barbarism against animals can easily happen. Alaska, without a statewide humane officer to enforce animal cruelty laws, leaves animal control up to over-burdened state troopers who do not adequately understand the animal cruelty laws. The saga of how the Alaska SPCA saved 66 animals from brutal treatment in Sterling, Alaska shows why a statewide humane officer, with an adequate support staff, is desperately needed to prevent atrocities in the future.

Here's what happened. With each advancing step, Alaska SPCA volunteer Nancy Wall's flashlight illuminated scenes of devastation and misery on a dark bitterly cold winter afternoon in Sterling when she went to check on Carolyn Boughton's animals. "The snow was littered with the bodies of Boughton's dead cats. There were legs and skulls from cats who had been torn apart and eaten," Wall said.

Each time Wall moved her flashlight along the ground she found more horrors. "I tripped over dead dogs," she said.

One Bouvier des Flandres, a large black herding and guard dog, died tethered to a tree on a short chain when his legs became entangled in the wire from a fallen tarp. Two other dogs choked to death trying to free themselves from their tethers, their collars pulled back on their eyes. A pinch collar (a collar with blunt prongs that pinch the dog's skin when the collar is tightened) dug deep into one dog's neck.

In the dark, Wall could smell the stench long before she saw its source -- an old Greyhound tour bus. "I looked in the window and nausea almost overwhelmed me," Wall said. Through the windows she could hear the plaintive cries of the animals Boughton kept captive inside.

Wall brought in state troopers, who instead of removing Boughton's animals from their hellish conditions, told Boughton she had several days to make improvements.

Determined to help the animals, Wall convinced Boughton to transfer their ownership to the Alaska SPCA. Diane Zarfoss and her team of one veterinarian and six Alaska SPCA rescuers then drove 2 1/2 hours from Anchorage to save the remaining dogs from their agony.

"The situation was devastating," Zarfoss said. "We had to wear gas masks to go inside, because the smell of urine and feces was so strong." The bus was stripped on the inside and plywood boxes with dogs were stacked along the walls. Each box had two to four holes the size of a quarter, but otherwise the dogs were enclosed in solid plywood. Some boxes held two dogs.

Zarfoss explained that the boxes were filled with urine and feces piled six to eight inches thick and that the dogs' fur was matted with excrement. Their eyes were weepy from living in their own feces and urine, and with the -20 degree temperature, their eyes froze shut. One Kerry blue terrier's eye was so damaged that it was later removed and all the dogs received eye medication."

Food bowls weren't placed in the wooden crates, Zarfoss said. The dogs were on the brink of starvation and dehydration. Some Kerry Blue Terriers tried to chew their

way out but died when their legs were wedged into the cracks in the plywood. "Other dogs froze to death. With their food bowls just out of reach," Zarfoss said, "the dogs tethered outside died lunging to get at them. In desperation, some had dug holes to get at tree roots to eat."

### **Domestic animals get little protection from abuse**

The Alaska SPCA warned state troopers about the animals' steadily deteriorating situation months before, but the troopers would not intervene. Alaska has more protection for wild animals than for domestic ones, particularly dogs, cats and horses. "It is a disgrace that the laws and big budgets for domestic animals are frowned upon by the politicians," Alaska SPCA Executive Director Ethel Christensen said.

Christensen says that for decades the Alaska SPCA has had complaints from tourists and others asking it to do something about the atrocities in the areas of the State where there are no local laws. The Alaska SPCA has begged for help from the State to tighten laws and for a statewide humane officer to enforce them. Now is an ideal time to create this position.

### **Animals get a new start in life**

The Alaska SPCA rescued 66 dogs including Bouvier des Flandres, Kerry blue terriers, malamutes and Australian shepherd-husky mix dogs and brought them to Anchorage in airline kennels which the people of Anchorage had donated. There the Alaska SPCA set up triage for the dogs in a rented warehouse where the dogs were medicated, groomed and fed. A group of Alaska SPCA volunteers worked long and hard to give these dogs a new start in life. A malamute named Stormy was the last of the 66 dogs to be adopted; he left for a new home several weeks ago with a wagging tail and a bounce in his step.

### **Cost of rescue puts Alaska SPCA in dire financial straits**

The cost of the rescue exceeded \$30,000, forcing the Alaska SPCA to take out a mortgage on its shelter property. The Alaska SPCA is maxed out financially as it

has never received help from any governmental source.

"These are the very people that support the sled dogs for economic reasons," Christensen said. "And, little do they realize the picture they have painted to those outside Alaska."

The Alaska SPCA is a non-profit, privately funded organization with no affiliation with the government or any other organization. The organization's founder and Executive Director, Ethel Christensen, has not taken a salary since she began the organization in 1966.

### **How you can help:**

Please send your tax-deductible donations to the Alaska SPCA:

Alaska SPCA  
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Write to Alaska Governor Tony Knowles to ask that a statewide humane officer, with an adequate support staff, be hired immediately.

Email: <http://www.gov.state.ak.us/emailform.html>.

Visit the Alaska SPCA website page [www.alaskasPCA.org/gmshelter.html](http://www.alaskasPCA.org/gmshelter.html) to view pictures of Boughton's property and to see the welcome the dogs received in Anchorage.

Margery Glickman is the director of the Sled Dog Action Coalition.

STAFF: [GLICKMAN37@AOL.COM](mailto:GLICKMAN37@AOL.COM)

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## Sterling woman charged with animal cruelty

ANCHORAGE (AP) -- A Sterling woman has been charged with nine criminal counts of animal cruelty for keeping dozens of underfed, filthy dogs

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Alaska State Troopers found 66 dogs under Caroline **Boughton's** care in a Sterling yard last November.

According to court documents some of the dogs were found dead, others needed prompt medical care and still others were so sick they had to be euthanized. Troopers seized the dogs.

**Boughton**, is scheduled to go to trial Oct. 29 in Kenai.

Animal welfare activists who treated **Boughton's** dogs and placed them in new homes say there is easily enough videotape and documentation to support those charges.

"It's pretty cut and dried. We have records on each and every animal on the property that was taken in," said Diane Zarfoss, clinic director of the Alaska Society for the Prevention of Cruelty to Animals.

**Boughton** was reportedly living in Nikiski and commuting to the site to feed and to provide water for the dogs. Most were bouvier des Flandres and kerry blue terriers. A couple of bouvier carcasses were found tangled in tethers, and two terriers stored in wooden boxes had died and were partially eaten by another dog.

The rest were in varying states of health, but all suffered from malnutrition, Zarfoss said. Many were treated for eczema, skin mites and infections of the ears and eyes.

Dogs that were strong enough to recover have all been placed. The last -- a bouncy, 100-pound malamute mix -- was scheduled to arrive at its new home today, she said.

**Boughton** was the subject of troopers investigations for a year before she agreed to give up her dogs. In fall 2000, she was criticized for keeping the animals tied to wrecked cars in a Sterling junkyard before moving them across the Sterling Highway to another location.

Troopers were called once more, this time during a cold snap last November that drove temperatures down to 20 below zero.

A troopers report said officers wanted to look inside a large bus that **Boughton** had converted into an animal carrier. She said she forgot the key. They cut a lock off the door and were forced back by the ammonia-like stench of urine until the vehicle was ventilated, the report said.

Sixteen dogs were kept inside wooden boxes in the bus without food, water or dry bedding. They were covered in frozen urine and feces.

A few days after the inspection, an Alaska SPCA volunteer who had worked with **Boughton** over the months persuaded her to turn over her animals voluntarily.

The resulting rescue cost the Alaska SPCA about \$30,000, Zarfoss said. The group wants to see **Boughton** convicted, punished and made an example, she said. Alaska SPCA gets 10 to 12 calls a year about large-scale problems but cannot handle them all.

"She's proved over the last 10 years or plus that she is not a responsible animal owner," Zarfoss said.



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### **Domestic animals get little protection from abuse**

The Alaska SPCA warned state troopers about the animals' steadily deteriorating situation months before, but the troopers would not intervene. Alaska has more protection for wild animals than for domestic ones, particularly dogs, cats and horses. "It is a disgrace that the laws and big budgets for domestic animals are frowned upon by the politicians," Alaska SPCA Executive Director Ethel Christensen said.

Christensen says that for decades the Alaska SPCA has had complaints from tourists and others asking it to do something about the atrocities in the areas of the State where there are no local laws. The Alaska SPCA has begged for help from the State to tighten laws and for a statewide humane officer to enforce them. Now is an ideal time to create this position.

### **Animals get a new start in life**

The Alaska SPCA rescued 66 dogs including Bouvier des Flandres, Kerry blue terriers, malamutes and Australian shepherd-husky mix dogs and brought them to Anchorage in airline kennels which the people of Anchorage had donated. There the Alaska SPCA set up triage for the dogs in a rented warehouse where the dogs were medicated, groomed and fed. A group of Alaska SPCA volunteers worked long and hard to give these dogs a new start in life. A malamute named Stormy was the last of the 66 dogs to be adopted; he left for a new home several weeks ago with a wagging tail and a bounce in his step.

### **Cost of rescue puts Alaska SPCA in dire financial straits**

The cost of the rescue exceeded \$30,000, forcing the Alaska SPCA to take out a mortgage on its shelter property. The Alaska SPCA is maxed out financially as it

has never received help from any governmental source.

"These are the very people that support the sled dogs for economic reasons," Christensen said. "And, little do they realize the picture they have painted to those outside Alaska."

The Alaska SPCA is a non-profit, privately funded organization with no affiliation with the government or any other organization. The organization's founder and Executive Director, Ethel Christensen, has not taken a salary since she began the organization in 1966.

#### **How you can help:**

Please send your tax-deductible donations to the Alaska SPCA:

Alaska SPCA  
549 W. International Airport Road, Ste B2  
Anchorage, AK 99518

Write to Alaska Governor Tony Knowles to ask that a statewide humane officer, with an adequate support staff, be hired immediately.

Email: <http://www.gov.state.ak.us/emailform.html>.

Visit the Alaska SPCA website page [www.alaskasPCA.org/gmshelter.html](http://www.alaskasPCA.org/gmshelter.html) to view pictures of Boughton's property and to see the welcome the dogs received in Anchorage.

Margery Glickman is the director of the Sled Dog Action Coalition.

STAFF: [GLICKMAN37@AOL.COM](mailto:GLICKMAN37@AOL.COM)

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Please send comments and submittals to the Editor: Linda Beane [Ljbeane1@aol.com](mailto:Ljbeane1@aol.com)



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## Trial in animal cruelty case now slated for January

### Staff report

A trial has been scheduled for the week of Jan. 22 in Kenai District Court for a woman charged with nine counts of animal cruelty.

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Judge Jonathan H. Link granted a request to postpone the trial call, which had been scheduled for Nov. 25.

Carolyn F. **Boughton**, 57, was charged after Alaska State Troopers allegedly found 66 filthy and underfed dogs under **Boughton's** care in Sterling in November 2001.

Search

**Boughton** reportedly was living in Nikiski and commuting to Sterling to feed and provide water for the dogs.

According to court documents, some of the dogs were found dead, some in need of immediate medical care and some had to be put to death.

Troopers seized the dogs.

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## Animal Abuse Cases - Details

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### Hoarding 45 dogs - (Sterling, AK - US)

**Crime Date:** 10/07/2001  
**Case Status:** Alleged  
**Case Updates:** [Available - Click Here](#)  
**Case Photos:** [Available - Click Here](#)

**Accused Abuser(s):**  
[Caroline Boughton](#)

### Case Report

Alaska State Troopers are threatening to seize at least 45 dogs owned by a Sterling woman who has been accused of animal abuse for the last year.

Troopers said they found four dead dogs, two dead cats and scores of dogs needing basic care during a tour on Monday of a wooded lot where Sterling resident Caroline Boughton keeps her animals. They set an ultimatum.

As many as 20 dogs, purebred bouvier des Flandres and Kerry blue terriers, were kenneled in double-decker plywood pens inside a ramshackle Greyhound-style bus that was so fouled by urine and feces that the ammonia-like stench nearly brought tears to the eyes of veterinarian Jerry Nybakken, who assisted troopers serving a search warrant.

Two of the terriers had been killed by a bouvier, which gnawed through the plywood roof of its crate to get at the smaller dogs housed overhead. The body of one of the terriers was firmly wedged in a hole and its legs had been chewed from below, Nybakken said.

The rest of the dogs -- which included a mix of mutts and huskies -- were chained, cabled and roped to trees, trucks and other objects. Some were in much better shape than others.

Few of the dogs had shelter. Food and water bowls were overturned and appeared unattended, Nybakken said. Warm bedding such as straw was absent. Inside the bus, the dogs' fur was matted and covered with feces and every pen was wet with urine, he said.

"I think we have a case here of neglect, bordering on cruelty," Nybakken said on Tuesday. "My personal opinion is, Caroline should never have this many dogs," he said. "If she wants dogs, she's going to have to keep them within her economic means to support them."

Boughton said she still enjoys her dogs, has done nothing wrong and is struggling to juggle the demands of her landlords, whom she said insisted she kennel her dogs in the bus.

Her landlords, Milton and Lee Ross, say Boughton owes them \$1,350 in back rent and pay for helping to feed the dogs. The Rosses live on the lot and agreed to let

Boughton pay them to keep her dogs there, but now say they want her out.

Boughton, who lives nearby, said she has nowhere to go. It's hard finding a rental when you've got dozens of dogs, she said.

The Texas transplant first got into trouble last fall after a Kenai Peninsula animal cruelty organization accused her of neglect for keeping her dogs in a Sterling junkyard. She quickly hired some helpers who got straw for the dogs and began feeding them. At the time, troopers deemed her care adequate.

But after Boughton moved her animals to a 2.6-acre wooded property on Spruce Lane outside Sterling, the barking, fighting and loose dogs soon prompted angry calls from her new neighbors.

Two chapters of the Society for the Prevention of Cruelty to Animals, the Alaska chapter based in Anchorage and a newly formed Kenai Peninsula group, have been struggling to help Boughton's dogs, with different tactics.

The Alaska chapter has been working with Boughton for months, helping her reduce her kennel size a few dogs at a time, said Nancy Wall, the chapter's Peninsula volunteer.

The Kenai organization has been more direct. It was the group that first demanded action last fall, and it also called in the troopers this week.

Its founder, Michele DeMilta, accepted four or five of Boughton's sickest dogs. Those dogs were to be taken to a veterinarian for treatment and documentation, Nybakken said. DeMilta declined to comment until the situation is resolved.

Troopers said they would like to come back Friday and see that Boughton is providing adequate care for her animals. But Tressler said that if they get another complaint about her, they will seize her dogs.

Just what would happen with the dogs if they are seized isn't clear. Even the official number of dogs is vague. Troopers estimated that about 45 dogs were on the property. Boughton said she had many more than that. And Nybakken guessed the number might be closer to 100.

"What a mess, huh?," said Judy McConnell of Anchorage, the American Bouvier des Flandres Club's designated rescue person for the region. "This whole thing was been a nightmare for a year, as far as I'm concerned."

If a court were to make to final ruling, McConnell said, the nationwide club has the finances, expertise and contacts to place whatever dogs were deemed suitable.

Alaskans are accustomed to sled dog yards, and while that sort of kennel works with active teams of huskies, it isn't appropriate for bouviers, she said. The independent breed has a tough side and needs a lot of one-on-one love, she said.

McConnell and other bouvier fanciers describe Boughton as a "collector," a person with a good heart who wants to protect animals but lets them breed and gets overwhelmed when their numbers swell.

Two of Boughton's dead dogs are bouviers. One was found at the end of its cable tether wearing a spiked choke collar, but Nybakken said he was unsure what caused the death. The other was found with three of its paws tangled in nylon rope, he said.

Boughton, feeding Atta Boy to her dogs Tuesday evening, said she suspected foul play in both cases and wanted an autopsy on the dogs' frozen carcasses, still laying on the ice. "Both of those dogs were very active the day before yesterday," she said.

"All of a sudden they're dead, overnight. I'd like to learn why."

Troopers said a report would be forwarded to the Kenai district attorney's office for consideration of possible charges of animal cruelty, a misdemeanor. Boughton said she has tried to give away her dogs, but had no luck.

She said she refuses to take them to the pound because some would inevitably be put down. I've got too big of a heart," Boughton said. "All I want for them is a home."

### Case Updates

**Posted:** Apr 22, 2003 - 5:49 PM

The Boughton trial has once again been postponed. The Judge did give admonishment that Ms. Boughton needs to work with her doctors so that she can be lucid even if in some discomfort by the new trial call date of 7/25 and trial set for 8/5.

**Posted:** Feb 5, 2003 - 9:49 AM

Boughton rescue trial has been postponed until 4/22/03

### References

- [Anchorage Daily News](#)

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## ALASKA

### Owner again accused of neglect

**DOGS:** Sterling woman has until Friday to improve living conditions for pets.

By Jon Little  
Anchorage Daily News  
(Published: November 7, 2001)

Sterling -- Alaska State Troopers are threatening to seize at least 45 dogs owned by a Sterling woman who has been accused of animal abuse for the last year.

Troopers said they found four dead dogs, two dead cats and scores of dogs needing basic care during a tour on Monday of a wooded lot where Sterling resident Caroline Boughton keeps her animals. They set an ultimatum.

"She's got till Friday to make living conditions for those dogs better, or we will seize the dogs," said Trooper 1st Sgt. Charles Tressler.

As many as 20 dogs, purebred bouvier des Flandres and Kerry blue terriers, were kenneled in double-decker plywood pens inside a ramshackle Greyhound-style bus that was so fouled by urine and feces that the ammonia-like stench nearly brought tears to the eyes of veterinarian Jerry Nybakken, who assisted troopers serving a search warrant.

Two of the terriers had been killed by a bouvier, which gnawed through the plywood roof of its crate to get at the smaller dogs housed overhead. The body of one of the terriers was firmly wedged in a hole and its legs had been chewed from



A bouvier des Flandres, a shaggy herding and cattle dog, is among dozens of dogs tied outside without bedding in a Sterling area yard on Tuesday. Alaska State Troopers have told the dogs' owner, Caroline Boughton, to improve the conditions or risk the seizure of her animals.  
(Photo by Jon Little / Anchorage Daily News)

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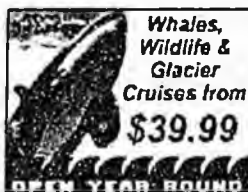
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below, Nybakken said.

The rest of the dogs -- which included a mix of mutts and huskies -- were chained, cabled and roped to trees, trucks and other objects. Some were in much better shape than others.

Few of the dogs had shelter. Food and water bowls were overturned and appeared unattended, Nybakken said. Warm bedding such as straw was absent.

Inside the bus, the dogs' fur was matted and covered with feces and every pen was wet with urine, he said.

"I think we have a case here of neglect, bordering on cruelty," Nybakken said on Tuesday.

"My personal opinion is, Caroline should never have this many dogs," he said. "If she wants dogs, she's going to have to keep them within her economic means to support them."

Boughton said she still enjoys her dogs, has done nothing wrong and is struggling to juggle the demands of her landlords, whom she said insisted she kennel her dogs in the bus.

Her landlords, Milton and Lee Ross, say Boughton owes them \$1,350 in back rent and pay for helping to feed the dogs. The Rosses live on the lot and agreed to let Boughton pay them to keep her dogs there, but now say they want her out.

Boughton, who lives nearby, said she has nowhere to go. It's hard finding a rental when you've got dozens of dogs, she said.

The Texas transplant first got into trouble last fall after a Kenai Peninsula animal cruelty organization accused her of neglect for keeping her dogs in a Sterling junkyard. She quickly hired some helpers who got straw for the dogs and began feeding them. At the time, troopers deemed her care adequate.

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The Kenai organization has been more direct. It was the group that first demanded action last fall, and it also called in the troopers this week.

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Troopers said they would like to come back Friday and see that Boughton is providing adequate care for her animals. But Tressler said that if they get another complaint about her, they will seize her dogs.

Just what would happen with the dogs if they are seized isn't clear. Would they go to an animal shelter until the courts make a final ruling? Would they be sent one or two at a time to rescue homes? Troopers aren't certain.

Even the official number of dogs is vague. Troopers estimated that about 45 dogs were on the property. Boughton said she had many more than that. And Nybakken guessed the number might be closer to 100.

"What a mess, huh?," said Judy McConnell of Anchorage, the American Bouvier des Flandres Club's designated rescue person for the region. "This whole thing was been a nightmare for a year, as far as I'm concerned."

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Reporter Jon Little can be reached at [jlittle@adn.com](mailto:jlittle@adn.com) or at 907-260-5248.



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## Animal cruelty case points need for tougher laws

Montana volunteers are caring for the collies and other animals found in the Harmans' truck, and the effort is straining local resources.

Lynn Melling

Anchorage, Alaska, Nov. 8 - John and Athena Harman of Nikiski are awaiting trial in Montana, charged with animal cruelty after being arrested at the Canadian border last week.

The SPCA says, as the Harmans were heading out of town, they were stopped by Animal Control and told to clean things up. They left town anyway, only to be stopped at the border.

Volunteers in Montana are now nursing the Harmans' dogs back to health -- nearly 200 of them. The effort is taking a toll on financial and emotional resources there.

Alaska animal advocates are appalled by the Harmans' story, and say the warning signs were sitting in Nikiski for years. They also say it's time to strengthen Alaska's animal cruelty laws.

At the end of a narrow dirt road in the woods outside Nikiski sits the Harman place -- a plot of land littered with

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everything from crates and rugs to old cars. It's the remains of a now defunct dog breeding kennel known as Valiant Collies.

"Like a pigpen, there was just muck everywhere," says Stephanie Batchelder, a dog groomer who worked for the Harmans about 10 years ago.

Batchelder says the dogs were in such bad condition, she lasted only a day.

"They had to have been unhealthy, being that wet and having feces on them all the time. They're going to get sores," she said.

There's little evidence now, but pictures show several dogs at a time crammed into small fenced-in areas.

Concerned neighbors only add to the picture. One woman says the place appeared to have been hot-wired -- with jumper cables hung from wire kennels. She suspects they were hooked to a battery and used to jolt the animals, to keep them under control.

It came as no surprise to some in the Nikiski area that the Harmans were arrested for animal cruelty in Sweet Grass, Montana, last week. U.S. Customs officials caught them at the Canadian border on a trip from Alaska to Arizona, with more than 170 dogs and 11 cats packed from top to bottom in a semi-trailer -- sick and living in their own waste.



Courtesy Photo / KTUU

A volunteer in Montana makes a friend.

"I could've seen it coming, definitely," says Batchelder.

The Harmans face more than 180 misdemeanor counts of animal cruelty, a situation animal advocates say could have been prevented.

"It's just not right," says Diane Zarfoss of the Alaska Society for the Prevention of Cruelty to Animals. Zarfoss says the SPCA has dealt with complaints about the Harmans for years, but Alaska's laws made it nearly impossible to do anything to stop the neglect.

According to Alaska State Troopers, the law on animal cruelty states: A person cannot "intentionally inflict pain or cause prolonged suffering on an animal," nor can someone fail to care for an animal to the extent it results in the animal's death or suffering.

Violation of this law is a class A misdemeanor offense. Animal advocates say the statute doesn't do animals justice.

"They really can't do a whole lot unless they can prove that they were doing the neglect on purpose," says Batchelder.

Advocates also say the weak law is not the only problem. State enforcement should be stepped up, too.

"We can't rely on troopers to provide this service," says

Zarfoss.

Troopers are responsible for inspecting complaints of animal neglect outside the limits of a city with an animal control operation. Both advocates and troopers themselves say this puts a strain on already thin resources.

"We're short of people and, obviously, the population in this neck of the woods is growing," says First Sgt. Chuck Bartolini of the Soldotna trooper detachment.

Bartolini says they do the best they can to respond to calls of animal cruelty. Fortunately, he says, few such calls are received. He says a trooper inspected the Harmans' kennel almost two years ago, and, in the officer's opinion, the dogs were adequately cared for. Bartolini says that if there appears to be abuse, troopers will call in an animal expert. He'd like to see such a person on the borough's staff.

"It would help us greatly if the borough had some sort of enforcement power, and an animal control officer that could actually investigate these cases and take the time," Bartolini says.

Zarfoss wants to take that idea even further and hire a state humane officer, someone to deal strictly with animal cruelty cases, and who is authorized to step on private property and stop neglect as soon as complaints come in. She says lawmakers could complete the package with more clearly defined laws to support that person.

"It's getting worse. It's getting larger numbers and it's getting way out of hand," says Zarfoss.

She recalls the Carolyn Boughton case, in which a Sterling woman was charged with neglecting 66 dogs and some other animals. The animals were rescued by the SPCA a year ago this month, but the cruelty case has yet to go to trial.

"It's still in the courts. Nothing has been done," says Zarfoss. She fears the Harman case will drag on for a long time, as well.

Meanwhile, the dogs being cared for in Montana still belong to the Harmans unless they're proved guilty in court. In the meantime, the dogs -- now recovering from a traumatic trip across the border -- will have to wait to go home, wherever that turns out to be.

Currently, the Harmans are out on bond. People in the Nikiski area say John Harman may be back in Alaska, but he wasn't at his property when Channel 2 News stopped by, and the couple could not be reached for comment on this story.

To outsiders, the Harmans' breeding operation seemed to be quite professional. The couple has won competitions, and their Web site tells others how to care for dogs.

Some neighbors say they believe the Harmans had good intentions but the operation just spun out of control. Others say, quite frankly, they think the couple was running a puppy mill, breeding huge numbers of dogs to sell. The Harmans' Web site lists prices of up to \$2,000 per dog, or more.

Animal advocates say puppy mills are not unusual in Alaska and the only way they're going to be stopped is if people stop buying puppies from pet stores. Pet stores disagree that the puppies they buy are raised in inhumane conditions.

Another question to be investigated is whether the Harmans' Nikiski operation was cruel, or whether it was simply a matter of how the Harmans chose to transport the dogs as they were moving out of state.

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**ALASKA AP**

## Neighbors say charged couple kept flawed kennel

The Associated Press

ANCHORAGE AP) - Neighbors of two Nikiski collie breeders facing 182 counts of misdemeanor animal abuse say the operation had a notorious reputation in the rural subdivision near Island Lake Road.

But at least two people who bought dogs from Valiant Collies said the animals arrived in fine shape and that they have no complaints.

The kennel was loud and smelled and groups of collies would occasionally escape to roam, according to neighbors interviewed by the Anchorage Daily News.

"I've never, ever, ever seen any one of those dogs in good condition," said Missy Batty, who until recently lived next door to the kennels.

Batty is moving out of the area in part, she said, because of the hassle of living next door to the collie breeders.

The owners, Jonathan Harman, 49, and Athena Ann Lethcoe-Harman, 40, are awaiting a jury trial in Shelby, Mont. They were stopped Oct. 31 at the U.S.-Canada border in Montana while driving from Alaska to Arizona with a semi loaded with 171 dogs and 11 cats.

Authorities say the animals were in bad condition inside the poorly ventilated 40-foot trailer. Many could not walk and some were thin and dirty. One dog was dead.

The Harmans had received a written warning about the condition of their dogs a week earlier while their tractor trailer rig was parked at an Anchorage store, according to Anchorage Animal Control.

The dogs and cats are being fed and walked by residents of Shelby until a trial determines whether the animals can be returned to their owners.

Batty and other neighbors of the Harmans said they didn't like going up to what many call "the collie house" because of its odor, but

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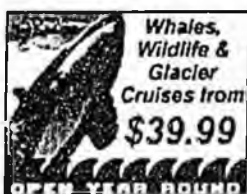
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sometimes they had to visit to return escaped collies.

"Those dogs, you could hear them all the time. Several would escape from time to time. They were always really stinky," said Patty Gallien, who lives about half a mile away. "In the summer, when you open a window, you can hear the dogs barking half the night."

Nikiski has no local government and the Kenai Peninsula Borough does not have animal control powers.

Gallien said she has lived there for 12 years and the collies have been there the entire time.

Despite citing frustrations over dealing with the nuisance, neighbors of the Harmans expressed empathy for Athena Harman, describing her as a person who loved her dogs but who was so disabled by chronic diabetes that she may not have been able to cope with the responsibility.

A former kennel employee told the Great Falls, Mont. Tribune said he worked for the Harmans for 10 years, until he was 18, but quit in disgust.

Brett Encelewski, 21, said kennel conditions were decent when he started, but worsened over the years. Toward the end, he said, Lethcoe-Harman took special care of about a dozen of her favorite dogs, but kept the rest in overcrowded and filthy pens.

However, collie breeders Darlene Kerr of Regina, Sask., and Dana Giles of Nova Scotia told the Montana newspaper that dogs they acquired from Lethcoe-Harman were healthy, well-cared for and arrived in fine shape. Both said they had not visited her breeding business in Alaska.

"To say her dogs are abused, I'm sorry, I can only speak from what I've seen, but Shiloh (the first dog she got from Lethcoe (Harman)- was in excellent condition," she said.

Lethcoe-Harman is a member of the Normal Eyed Network and has been breeding her dogs to eliminate genetic problems such as Collie Eye Anomaly, an eye disorder that can cause blindness.

Kerr said Shiloh has produced five normal-eyed collies, four of which are champions. She said some breeders are criticizing Lethcoe-Harman harshly on Internet chat rooms.

"This woman is not what they're saying she is," Kerr said. "They're crucifying her. For years, Athena has been outspoken about the thing you can defeat, Collie Eye Anomaly. She has been very vocal about breeding for health."

Giles said she bought three collie puppies from Lethcoe-Harman in 1997 and 1998 and the puppies arrived in excellent shape. She said canine ophthalmologists raved about the dogs and the condition of

their eyes.



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Web posted Monday, March 3, 2003

## Arizona residents scout out Harmans' new property

By **CAROL BRADLEY**  
*Special to the Peninsula Clarion*

Upset by the saga of the collies in Montana, Diane Troxell of Arizona wondered what type of facility dog owners Jon Harman and Athena Lethcoe-Harman had in mind if and when they relocated their dogs to her part of the world.

To find out, Troxell recently chartered a small airplane. Together with her husband and a friend, she flew over the Harmans' property.

On a flat, barren stretch of high desert south of the tiny town of Woodruff, Ariz., Troxell spied a Quonset hut-style metal building and, adjacent to it, four fenced dog runs.

It's what she didn't see that concerned her.

No source of power. No sign of water. And no shade.

"The metal building doesn't look large enough" to house the dogs, Troxell said in a phone interview with the Great Falls Tribune in Great Falls, Mont. And "if the dogs are outside in the desert sun and it's 100 degrees in the summer, they're going to bake."

The Harmans were moving from Nikiski to Woodruff when U.S. Customs inspectors stopped their tractor trailer late last Halloween night as the couple approached the Canada-Sweet Grass, Mont., border stop.

By morning, the Harmans had been charged with animal cruelty, and by the following night, authorities had removed 166 collies, five other dogs and 10 cats from the tractor trailer.

The dogs were thin, dehydrated, wet, cold and stressed, veterinarians testified during the first trial. A number of the

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dogs were emaciated.

One dog was dead.

The seven-day trial in January resulted in a deadlocked jury and a mistrial. Teton County Justice of the Peace Pete Howard will decide today whether to retry the Harmans on 181 counts of misdemeanor animal abuse.

The Harmans' attorney is asking Howard to dismiss the case and let his clients carry forward with plans to move their large kennel to Arizona.

The collies have been housed at the Marias Fairgrounds outside Shelby, Mont., for the last four months.

But Troxell worries that returning the dogs to the Harmans would only invite more headaches.

"It becomes Arizona's problem if she repeats that pattern of behavior," she said of Lethcoe-Harman.

Neighbors of the Harmans in Nikiski have described their kennel here as a maze of rundown pens and outbuildings, known for its pungent odor and filthy dogs.

Defense attorney Scott Albers portrayed Lethcoe-Harman as a champion dog breeder who let her Valiant Collies kennel swell in size because she was trying to breed out collie eye anomaly, a condition that causes blindness in 2 to 5 percent of collies.

If the Harmans simply had been allowed to drive on through to Arizona, the dogs would have been fine, Albers argued. At one point during the trial he held up a photo of the newly constructed 40-foot-by-40-foot metal building to demonstrate the degree of planning that had gone into the move.

That's not much bigger than the 45-foot-by-8-foot tractor trailer the dogs were driven in the 2,240 miles from Alaska to Montana.

When the mistrial was declared, Troxell tracked down the coordinates of the Harmans' property, which is south of the Navajo Nation and west of the Zuni Indian Reservation in the northeastern section of the state.

It runs along a private dirt road a mile or two off a public dirt road, Troxell said -- impossible to reach by ground without trespassing.

From her seat in the Cessna 172, she snapped photos of the site and mailed copies to Toole County Attorney Merle Raph in hopes he'll use them during the second trial, if one is held.

Two weeks ago, Troxell also e-mailed one of the photos to a collie chat room on the Internet, where the picture generated considerable buzz.

A supporter of the Harmans identified on the chat site as Pennsylvania collie breeder Lauren Wolfe responded that the metal building is insulated and "will or does have" air conditioning. Solar panels will provide electricity, she wrote.

She said the dogs would be let out in groups into the pens, which measure 48-feet by 196-feet, "and will come in to their own private kennels."

Contacted Friday, Wolfe declined to discuss the matter further.

A veterinarian at the Flagstaff Animal Hospital in Flagstaff, Ariz., which is about 100 miles west of Woodruff, said he didn't think the high desert climate would pose a hardship to the long-haired collies.

The Woodruff area is above 5,000 feet, Dr. Fred Bush said.

"It doesn't get too hot and it's real windy," he said. "It would be parasite-free -- like Flagstaff. We don't have ticks, fleas, any of that stuff."

He added that northeastern Arizona escapes terrible winters. "Maybe a little snow. Not much," Bush said. "Six inches would be a lot."

It's uncertain how many collies the Harmans would house at the kennel. After the mistrial was declared, Albers said Lethcoe-Harman was willing to adopt out some 70 of the dogs. She wanted to keep the remaining 100, he said.

Troxell said people can judge for themselves if the Arizona facility looks adequate. A collie owner, she said her own dog can stand "about 20 minutes out on the patio in the summertime" before wanting to come inside.

"I wish I didn't have to take the picture. I'm the kind of person that minds my own business," Troxell said. But "it looks like there were some really abhorrent conditions in Alaska. I don't want that to happen here."

Carol Bradley is a reporter for the Great Falls Tribune.

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**UPDATE 1/22/03 on the Montana Collies**  
**Statement by AWCA President Jean Levitt, from Shelby, MT**  
**\*Permission to crosspost\***

**Trial**

At 9 AM opening arguments began. Athena Lethcoe-Harman and John Harman were charged with 181 counts of animal cruelty. The original charge of 182 counts was changed because authorities originally thought there were 11 cats instead of 10.

Defense attorney Scott Albers stressed the importance of the Valiant kennel because of the genetic work Ms. Harman was doing over the past 20 years with collie eye anomaly. He explained she needed a large amount of dogs to carry out her work. He explained the Harmans were moving to Arizona: 1, because of the weather; 2, larger population to sell unneeded dogs to keep number of dogs down. He explained the normal practice in Alaska was to just shoot all dogs no longer needed in a kennel. She chose to truck the excess dogs to Arizona rather than shoot them; 3, more stud dogs available; 4, many Europeans are interested in her dogs. In Arizona she can ship more dogs to Europe; 5, she is diabetic and needed a warmer climate.

Albers stressed how carefully the Harmans planned the trip to ensure it would go well because of the importance of AKC registration.

Prosecutor Merle Raph, assisted by Teton County attorney Joe Coble, called U.S. Customs Inspector Russell Hancock of the Port of Sweetgrass. Hancock testified the Harmans said they were transporting 105 dogs, and that each dog had its own kennel except for a few puppies. Concerned that the dogs needed food and water, he stated he discussed this with Ms. Harman. She replied they didn't have any food. The defense pointed out it had only been 12 hours since they had been last fed and watered. He stated she wanted to buy food, but that it was 10:30 at night and the nearest open store was about 60 miles away. They had some water in a blue plastic barrel. According to the inspector at Sweetgrass, the only food on the truck was in the bottom of the crates soaked in urine and fecal material. Inspector Hancock testified he detained the Harmans to get a veterinarian to check the overall health of the animals. He said it was an unusual case.

Deputy Sheriff Mike Lamie described inching his way to the back of the truck sideways along the filthy narrow aisle after the chainlink fencing panels were removed. He described the urine and fecal material that dripped onto his uniform from the crates piled up on both sides of the truck. He looked into the pens with his flashlight and saw the collies wet with the urine and fecal material. He described the foul smell, the 0 degree temperature, and the frozen condensation on the ceiling of the poorly ventilated truck. He called the Toole County Sheriff's Office in Shelby and reported his findings to then-Undersheriff Donna Matoon. He also called in Dr. Hardee Clark, Shelby veterinarian, to assess the condition of the dogs. The portable fence panels from the truck were set up outside, and about 20 dogs were offloaded. He testified Ms. Harman began giving the dogs water, and attempted to scoop out filth in the bottom of some crates. He described two collies separated from the others, not drinking water, and appearing listless. Deputy Lamie testified Dr. Clark asked Ms. Harman why the two dogs appeared unwell, and were separated. She said they were separated because they were recovering from parvo. Deputy Lamie explained he felt a crime was being committed.

Defense attorney Albers pointed out Ms. Harman was diligently watering the 15-20 dogs in the pen, and cleaning their empty crates. He reviewed Deputy Lamie's written report and asked him about his statement, "Frozen particles of liquid in the dogs' fur." Albers explained there had been a flood in Alaska before the Harmans began their trip.

Prosecutor Merle Raph called Dr. James Becker, DVM, the Port of Sweetgrass veterinarian. He described the sanitation - "Very filthy, filthy cages, filthy animals, and some cleaning had taken place before I got there." He assessed the overall condition of the dogs, "...saw one dog basically OUT, couldn't get up, died shortly." His decision: "Must clean up situation as soon as possible and get those dogs treated." He further stated, "Dogs were definitely on the thin side. I wanted to see if these critters were able to stand." He testified he asked Ms. Harman, "What happened?" She explained, "Fire." He testified he asked if she had considered aborting the mission. He testified that she said she didn't think they would make it through the winter in Alaska.

Court was then adjourned until 9 AM Thursday. The trial is expected to last through Friday.

Thea Sperline, professional groomer Kay Bullard, and I drove out to Camp Collie today to see the dogs at lunchtime. They are clean, well fed, and of course continuing to receive veterinary care. The dog with the most serious hernia has had surgery and is recovering nicely. AWCA is proud to be able to pay his bill, and we thank the animal community for making that possible.

Calmly,  
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## ALASKA

### Collector gets doggone overhaul

**POOCHES: Volunteers help Richard Hall spay, neuter, adopt out some of his 400 dogs.**

The Associated Press

(Published: May 5, 2003)

FAIRBANKS -- Richard Hall's dog yard became more manageable this week after about 100 local volunteers set up an assembly line to spay, neuter, euthanize or adopt out many of the nearly 400 dogs he was keeping.

The volunteers spayed or neutered 70 to 100 dogs a day at a makeshift clinic in the Goldstream Valley.

Hall has roughly 200 dogs left. But he's still mourning the dogs that were put down or released for adoption. Volunteers are caring for the dozens of dogs as they wait for permanent homes.

"There's been a tear or two. It's just kind of sad to walk around and realize ... there's some I shouldn't have parted with," Hall said. "Anyhow, it will get better. I hope."

The endeavor to help Hall downsize and get his dogs physically fit -- some dogs suffered from malnutrition, dehydration and other ailments -- came after Hall told a couple of local veterinarians he was worried about his ability to maintain all his dogs.

The volunteer effort took months to plan. It involved an outpouring of donations from community groups, veterinarians and local businesses.

Animal control officials say there were regular complaints against Hall, but each time he responded. Over the years, the borough has regularly cited Hall for offenses such as dogs that weren't immunized or were running loose.

"Mr. Hall was basically trying to do things to the best of his abilities. He had no malicious intent," said Tim Biqqane, who oversees animal control for the



Richard Hall had almost 400 dogs on his property in Fairbanks. A community effort spearheaded by the Humane Society of the United States helped spay, neuter or euthanize them. Some were adopted. (Photo by John Hagen / Fairbanks Daily News-Miner)

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Fairbanks North Star Borough.

"He's guilty of having a caring heart," Biggane says, and cracking down didn't seem right.

"When we get into the judiciary process, it's a slow process. It's not beneficial to either party. It takes a lot of time and a lot of money."

Dave Pauli, regional director for the Humane Society of the United States, said the effort involving Hall is a unique one.

Pauli travels the country handling animal crises. He doesn't often respond to multi-animal cases involving a single owner, especially without impetus from the courts.

"Any legal recourse would have been a long, dragged-out affair, and somebody would have had to care for those 400 animals," Pauli said.

"I think Mr. Hall is making great efforts in trying to (compromise). He was wonderful. He made many, many tough decisions each day."

Half of Hall's dogs were euthanized, adopted or put in foster care. Dogs were put down for reasons such as ill temperament or bad health.

A borough animal-control officer is looking after 74 dogs on her property in Fairbanks. Those dogs are available for adoption.

Hall says he misses the dogs that are gone. He was reached by cell phone at a grocery store, where he had stopped to buy hot dogs to use to administer medicine to some of his remaining animals.

Hall doesn't believe in euthanizing dogs, but he's had to compromise that philosophy.

"I was warehousing some man-eaters, some really bad characters," he said. The Humane Society "kind of got me to change the philosophy on some of that stuff."

Hall appreciates the effort to help him: "A bunch of good people volunteered."

Jeanne Olson, a borough veterinarian who helped organize the effort, said volunteers are working to help Hall reorganize his yard and come up with a plan to care for the remaining dogs.



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## Case Report

Jurors in an animal cruelty case couldn't reach a unanimous decision Wednesday Jan 29, 2003 and a mistrial was declared. Prosecutors were unsure whether they would press for another trial after five of the six jurors voted for acquittal.

The Justice Court case of Alaskans Jon Harman and Athena Lethcoe-Harman drew wide attention after they were arrested trying to cross the border at the Sweet Grass Port of Entry last Halloween, their tractor-trailer carrying about 180 animals -- most of them collie dogs.

The Harmans, who said they were moving from Alaska to Arizona, were charged with 181 counts of animal cruelty. Since their arrest the morning of Nov. 1, their animals have been housed at the Shelby Fairgrounds, at what became known as "Camp Collie."

The Harmans contended delays at the border worsened an already difficult situation. "A lot of jurors went back and forth. They just finally got to a point where they couldn't get unanimous," she said.

Defense attorney Scott Albers said Lethcoe-Harman was a tremendous breeder of collies. "I doubt that there are any collie breeders in the country that would live up to the standards that she does. She has nothing but success as a breeder of non-carrier CEA (collie eye anomaly) dogs, and the circumstances here were very unfortunate."

The jury deliberated seven and one-half hours. Only one juror wanted to convict the dog owners; the other five wanted to acquit.

"All I can say is, our job is to determine whether or not we were convinced beyond a reasonable doubt," the jury forewoman said. "You have to do what you feel and know in your heart is right."

The trial lasted seven days, far longer than expected. The defense lawyer praised Shelby residents' efforts on behalf of the collies but said the caregivers have no ownership claim.

"You must let (the Harmans) go and you must give them their dogs back," he told the jury in closing arguments. "You must decide: Are these dogs fit and safe with her? If they are, then she must get them back."

## Case Updates

**Posted:** Apr 24, 2003 - 10:55 AM

Teton County Justice of the Peace Pete Howard said he'll now go to work finding a place to retry the Harmans. Howard said he's looking to retry the case in Anaconda, Butte or Helena - out of the reach of the Great Falls media, where publicity about the collies could hinder efforts to seat an unbiased jury. Howard hopes to preside over the trial the week of May 12 or May 19, he said.

Guardians of Camp Collie in Shelby are glad to hear that Camp Collie II will soon be open for business. Nearly 200 collies will be relocated to Great Falls beginning as early as Friday, a justice of the peace ruled on Wed April 24.

Source: [Great Falls Tribune](#)

**Posted:** Mar 28, 2003 - 9:38 AM

Montana's Supreme Court issued a stay Thursday in the case of accused collie abusers Jon Harman and Athena Lethcoe-Harman, which means plans to retry the couple on animal cruelty charges are on hold until the high court decides whether a second trial is justified.

**Posted:** Mar 22, 2003 - 11:00 AM

The attorney for accused collie abusers Jon Harman and Athena Lethcoe-Harman is asking Montana's Supreme Court to rule out a retrial of the animal cruelty case on grounds that the Harmans shouldn't be tried twice for the same alleged crime.

Even if the Supreme Court votes down the motion it could delay the second trial, which was tentatively planned for mid- to late-April. Teton County Attorney Merle Raph is asking Teton County Justice of the Peace Pete Howard to hold the trial somewhere other than Shelby, where publicity about the case has made it difficult to find jurors who haven't already formed an opinion about the Harmans' guilt.

More info: [Great Falls Tribune](#)

**Posted:** Mar 4, 2003 - 12:54 PM

The Harmans will in fact be re-tried. The trial is expected to take place in mid to late April after he's had a chance to sort through motions, Judge Pete Howard said. He'll determine the location of the trial in a matter of weeks, depending in part on whether a change of venue is requested.

More info: [Great Falls Tribune](#)

**Posted:** Feb 27, 2003 - 5:12 PM

A Teton County justice of the peace is scheduled to hear arguments in Choteau Monday for and against dismissing animal cruelty charges against an Alaska couple.

**Posted:** Feb 16, 2003 - 8:26 PM

Stymied by a mistrial, Toole County will go to court a second time to try collie owners Jon Harman and Athena Lethcoe-Harman of Alaska on cruelty-to-animal charges, County Attorney Merle Raph announced Friday.

Source:

<http://www.greatfallstribune.com/news/stories/20030201/localnews/896167.html>

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Couple accused of animal abuse appear in court

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(Bristol-WTNH, Mar. 15, 2004 5:00 PM) — Earlier this month authorities took 7 Afghan hound from a Plymouth couple, saying the dogs were starving and in poor health. Today the couple appeared in court to face animal abuse charges.



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"I just hope someone would see our side of the story and understand, you know, we're not bad people," said Ken Liscinsky.

Ken and Patricia Liscinsky gave up their life out West and drove in their RV to Connecticut for a family crises. Now the Liscinsky's find themselves trapped in an animal cruelty case, one they say haunts them daily.



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"You know, you hear seven Afghan hounds starving to death living in a mobile home, but it wasn't that way," Patricia Liscinsky said.



Liscinsky admits photos taken by authorities the day their dogs were seized are heart wrenching. But she says Afghan hounds are a thin breed by nature and she and her husband, although dog breeders of 25 years, have just discovered the dogs had mange mites.

Affordable Elegance

"We were trying to figure out what the problem was at the time. It was only a week and a day when they took the dogs we were going to go to the vet to find out what was wrong."

Outside Bristol Superior Court animal rights protestors say this case is clear cut.

"If you shave your dog down and see open sores what do you do? You get medical attention for that dog," said Donna Faust.

"SO you believe they shouldn't get the dogs back?"

"Absolutely not. They shouldn't own any animal."

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News Channel 8 is told the dogs are in better condition and are now at a local dog pound. As far as the custody of the animals, there is as a civil suit pending.

The photos pictured are of the worst cases. Five other animals who were not as bad did not have their pictures taken.

The case has been continued until April 14th.

Ask.com



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A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 275(L&C)

Page 4, lines 27 - 28:

Delete all material ~~in~~ insert

“(5) with criminal negligence fails to care for an animal and, as a result, causes the death of the animal or causes severe physical pain or prolonged suffering to the animal;”

Page 5, after line 12:

Insert the following:

“(e) In (a)(5) of this section, failure to provide the minimum standards of care for an animal under AS 03.55.100 is prima facie evidence of failure to care for an animal.”

Renumber remaining subsections accordingly.

**Subject:** HB 275 Amendment requested from Rep. Gatto  
**Date:** Wed, 14 Apr 2004 09:16:31 -0800  
**From:** Colleen Sullivan-Leonard <Colleen\_Sullivan-Leonard@Legis.state.ak.us>  
**Organization:** Alaska State Legislature  
**To:** Vanessa Tondini <Vanessa\_Tondini@legis.state.ak.us>

Hi Vanessa,

I can tell by your voice mail that you were in pretty late last night and I appreciate your call back to me at such a late hour. Regarding HB 275.....I have been working with Tracy Audette with regard to Animal Care and her licensure under Animal Husbandry. Her scope of practice far out ways what is defined under the statute for Animal Husbandry. She is asked to take care of various pure breed, race horses and show horses all over the states but is not allowed to assist horses here due to how the statute currently reads. What we would like to do is ask for the following amendment to HB 275 which in no way will change the intent of this bill with regard to Animal Cruelty but will expand a bit more broadly the intent to allow not only Veterinarians to care for these animals that are brutally treated but would also allow other animal practitioners to assist in this process as well. John Torgerson is supportive of this and was willing to testify today as was Tracy Audette but as I understand from your message, the public testimony is done. Here is the following amendment that Representative Gatt has requested for this bill and if Lesil has any questions she may call him.

Amendment requested:

1. Page 2 line 9 thru 14 to be deleted.
2. Page 2 line 9 thru 12 add (5) "Other standard practices commonly performed on farm or domestic animals in the course of routine farming, or animal husbandry, or animal care, or treatment when performed by the owner, the owner's employee, or the owner's agent acting with the owners approval or at the request of a state agency."

Thanks Vanessa, call me if you have any further questions, xt3768.  
Colleen

**FairHaven**  
Tracie and Louis Audette  
P.O. Box 2032  
Palmer, Alaska 99645  
(907) 745-1151  
(907) 745-1150 fax

TO: Rep Lesil McGuire      DATE: 8 April, 04

COMPANY: \_\_\_\_\_

FAX NUMBER: 465-10592

FROM: Tracie Audette

NUMBER OF PAGES INCLUDING COVER: 3

RE: HB 275 Additions/Concerns for  
cruelty legislation.

Requested information is on page  
2 about halfway down

Thanks,  
Tracie

PO Box 2032  
Palmer, Alaska 99645

April 8, 2004

Re: House Bill 275

To Whom It May Concern:

Thank you for the opportunity to testify regarding House Bill 275 on April 7 during the Judiciary Committee Hearing. Having been out of state for work most of the winter, I have not been able to keep up with the progress of this bill.

I am involved in animal related industries and own close to twenty animals on our farm in Palmer. While in general, I am supportive of any legislation that prevents suffering of animals; I have a few concerns and questions regarding House Bill 275. Especially after listening to the committee hearing yesterday.

First and foremost being the expanding of the powers of the veterinarian from caregiver to law enforcement official; and the complete absence of protection the owners' rights to his or her property.

A veterinarian in private practice should not be able to, nor made to enforce cruelty statutes. (Page 2 lines 10 through 14) This power should remain with a state official.

Animals are by definition property in this state and cautions should be added to the scope of this bill to ensure protection of the owner in the event the alleged abuses were not intentional or the real owner was helpless to prevent it (i.e. out of state, incapacitated in some fashion, or feel sufficient care is being given.) An example of this would be my belief as a physical therapist/rehabilitation specialist for animals that keeping horses confined in stalls with deep bedding is not good care. To me, this is no different than animals being locked up in zoos. They are a grazing animal and require miles of walking room daily for optimum health, especially for hoof health. Others would contend that leaving them turned out with simple shelters is cruelty. The same would be true in differences in how farm animals, livestock, and sled dogs are cared for as compared to the family pet.

I feel some of the language is based on the assumption that animals in Alaska have civil rights rather than property status. I understand that we all have an interest in preventing cruelty to animals, but not to the extent that owners' rights are forgotten. I feel animals should be treated as if they have the same rights as humans, but I also know you cannot legislate morality. I am in favor of having some laws in place to prosecute true offenders, but feel this legislation goes too far without regard to the fact that animals are chattel.

I am also wondering how custodial care can be given to an animal without it conflicting with the veterinary statute (AS 08.98), which clearly states one must be a licensed veterinarian to change the physical or mental well being of an animal wild or domestic

living or dead. Or, be a licensed veterinary technician under the direct supervision of a licensed veterinarian.

I am currently under a Cease and Desist order from Occupational Licensing for this. I provide non-veterinary care for animals and have been shut down for over two years. (I have a business license for Animal Husbandry issued by the state of Alaska, only to find out that animal husbandry is listed in state statutes, but not legally defined. More on this below.)

How will the State legally allow for one group of custodial caregivers to operate with the possibility of reimbursement for their services (Page 4 line 11) and those of us in the private sector, with the owners permission, are breaking the law by doing so? Isn't preventing owners of animals the benefits of rehabilitative care in conjunction with veterinary care for their animals in itself abuse? What happens when injuries are sustained that are not repairable by traditional medical means and the owner chooses not to destroy his property? Is he then guilty of cruelty because he can't try rehabilitation and his animal continues to suffer?

One solution to this would be to add the following:

...other standard practices commonly performed on farm or domestic animals in the course of routine farming, or \*animal husbandry, or animal care or treatment when performed by the owner, the owner's employee, or the owner's agent acting with the owners approval or at the request of a state agency.

This could be added on page one or two with the lists of requirements for minimum care.

\*The following definition of animal husbandry is taken from the US Patent Office Classification System. "... provides for methods or apparatus for the propagation, rearing, training, exercising, amusing, feeding, milking, grooming, housing, controlling, handling, or general care of a living animal...

These two paragraphs would define the difference between farming and companion animals and the standards of care required, allow for more care and education to be provided before the state intervenes, protect the owners right to choose care they deem appropriate for their property, and allow individuals to care for animals when taken into custody by state agencies.

Thank you for your time and consideration. I look forward to your response.

Sincerely,



Tracie Audette, Owner  
FairHaven  
745-1151 (home)  
373-8191 (cell)

JANE COCHRAN SPALDING  
6445 IMLACH DRIVE  
ANCHORAGE, ALASKA 99502

April 4, 2004

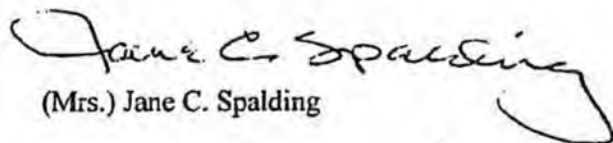
Rep. Harry Crawford  
State Capitol Room 426  
Juneau, AK 99801-1182

Dear Rep. Crawford:

Here is a copy of the piece I wrote for my regular column, "Pet Scene," in last week's *Anchorage Chronicle*. I understand that HB 322 has been incorporated into HB 275 and will go to the House Judiciary Committee for hearing tomorrow. I would like the content of that column to be included in testimony at that hearing. It is my opinion that your bill is a good start, but that provisions need to be made for more severe punishment in animal abuse cases as severe as the deliberate torture and mutilation of animals. As I mentioned in the column, misdemeanor charges are far too light for cases like that, as well as for organized animal fighting.

Our laws in Alaska should demonstrate that we are not a state of bloodthirsty, callous citizens who place no value on the lives of non-humans. Other states have animal cruelty laws that include felony classifications for dog and cockfighting, as well as for the deliberate torture of animals. I believe it is time for Alaska to join them.

Yours very truly,



(Mrs.) Jane C. Spalding

cc: Rep. Lesil McGuire

P-2

Jane Cochran Spalding  
**PET SCENE**

**Anti-cruelty bill: Legislation seems a good start, but it needs work**

Animal lovers, there's good news and bad news from Juneau. The good news is that an anti-cruelty to animals bill authored by Rep. Harry Crawford, D-Anchorage, has been introduced in the Alaska House of Representatives. The



bad news is that the bill needs some reworking to make penalties severe enough to deter those who would deliberately cause pain and damage to animals.

Rep. Crawford's bill, House Bill 323, primarily addresses Alaska's most prevalent cruelty scenario: neglect of animals. It defines the conditions under which an owner will be prosecuted and the crimes

that would be classified as first- or second-degree cruelty, as well as the circumstances under which a person may argue against his prosecution for those crimes. The problem is the bill isn't strong enough. According to HB 323, a conviction of animal cruelty in either first or second degree would only be a misdemeanor - a mere slap on the hands for those convicted and, in my opinion, a waste of court time and attorneys' fees. In addition, the bill fails to address one of the most reprehensible forms of animal cruelty: the deliberate breeding, training and organized fight-

ing of animals. There's big money involved in betting on dog fights and cockfights, and it's only a small step from urging one's ill-tempered animal to fight another unfortunate beast to organized crime or gang involvement.

The Alaska SPCA supports this bill, but they feel the same way I do: The bill doesn't go far enough. And after speaking to an aide in Rep. Crawford's office, I discovered that it may not be going anywhere at all. The bill is tied up in some incomprehensible bureaucratic procedure, and unless something happens soon, it isn't likely to even get a hearing in this session of the Legislature, according to the information I received.

An attorney recently argued with me that there was no need to stiffen animal cruelty penalties.

"Those things (meaning last month's occurrence when a drug-crazed young man tortured a trapped dog to death) just don't happen here," he said. I beg to differ. Back in the late '60s, Brewster's Store in Mountain View had two guard dogs that they locked up in the store at night. One morning, employees came in to find the business burglarized and the dismembered remains of the two dogs piled in a bloody heap in the middle of the store. On another occasion, in 1981, two men broke into a couple's home, tied the couple up, raped the woman, and stomped the couple's small dog to death while both victims watched. And of course, there was last month's case, which outraged most local animal lovers. Those things do happen here - fortunately, not

very often, but the very infrequency of the occurrences points out the need for stronger punishment for the perpetrators.

The story never makes the news, but I have it on good authority that organized animal fighting goes on here in Southcentral Alaska on a regular basis. I have seen several pit bulls belonging to a single owner, all with seriously scarred faces and forelegs and split or missing ears. Their condition certainly casts a shadow of suspicion concerning their owner's involvement in that inhumane activity.

Other states have provisions in their criminal codes for felony animal abuse charges. I believe it is time that Alaska joined them.

*Jane Spalding is a freelance writer in Anchorage and the Chronicle's regular pet columnist.*

907-243-6364

J & J Spalding

APR 05 04 10:36P

**Bancroft ...**

FRONT PAGE 1B

third round of 11, during Saturday's Knik Diving competition. He came up a quarter of a rotation short of completing the dive and landed flat on his back filling the pool area with a loud slap.

"My back is still red, and still hurts" Bancroft said, turning his shoulder after the com-



Mell L. Green



Sasha Photography

**Pet personals**