

HB

275

Page 1, Line 5:

- (1) food and water sufficient to maintain each animal in good health;
- (2) an environment compatible with protecting and maintaining the good health and safety of the animal; and
- (3) reasonable medical care at times and to the extent available and necessary to maintain the animal in good health;

(b) Any determination as to whether or not the standards of this chapter are met shall be based on the professional opinion of a veterinarian licensed under AS 08.98.

(c) The department may adopt regulations to implement this section.

**Sec. 03.55.110. Investigation of complaints of cruelty to animals.** (a) a person who believes that cruelty to animals has taken place or is taking place may file a complaint with a public or private animal control agency or organization, the department, or with a peace officer. An agency, organization or department may refer the complaint to a peace officer.

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

(c) Before a peace officer may take an animal or place it into protective custody, the peace officer must request an immediate inspection and decision by a licensed veterinarian that placement into protective custody is in the immediate best interest of the animal. If no veterinarian is available to perform an inspection, before a peace officer may take an animal, the peace officer must communicate with a veterinarian who has, after hearing a description of the condition of the animal and its environment, decide it is in the immediate best interest of the animal that it be placed into protective custody. If the peace officer is not able to communicate with a veterinarian, before the officer may take an animal, the officer must decide it is in the immediate best interest of the animal

that it be placed into protective custody. For purposes of this section, "peace officer" means (1) an officer of the state troopers; (2) a member of the police force of a municipality; (3) a village public safety officer; or (4) a regional public safety officer.

**Sec. 03.55.120. Removal and Protective Custody.** (a) A peace officer must place an animal in protective custody before it can be removed from the location in which it is found. If the animal is removed, the peace officer must place it with a veterinarian licensed under AS 08.98 or, if a veterinarian is not readily available, with a recognized public or private custodian to be sheltered, cared for, and provided necessary medical attention.

(b) A peace officer that has removed an animal shall immediately notify the animal's owner in writing of those actions and of the owner's rights to petition the court under AS 03.55.130 for return of the animal. Notification may be delivered in person, posted at the owner's residence, or may be mailed to the owner.

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

(d) The state, a municipality, or person that supplies shelter, care, veterinary attention or medical treatment for an animal that has been removed under this section shall make a reasonable effort to locate the owner.

**Sec. 03.55.130. Destruction and adoption of animals.** (a) If a determination is made by a veterinarian licensed under AS 08.98 or by a peace officer in communication with a veterinarian licensed under AS 08.98 or by a peace officer who is unable to locate or communicate with a veterinarian licensed under AS 09.98 that an animal placed into protective custody under AS 03.55.100 – 03.55.190 is injured or diseased to such an extent that it is probable the animal cannot recover, the veterinarian or the peace officer may humanely destroy the animal or arrange for the animal's humane destruction.

(b) Upon diagnosis and recommendation of a veterinarian licensed under AS 08.98, a public or private custodian may, at any time, destroy or arrange for the

destruction of an animal placed into protective custody under this chapter that is a severely injured, diseased or suffering animal.

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

(d) Except as provided in (a) or (b) of this section, the custodian of an animal may not adopt, provide for the adoption of, or destroy the animal within 10 business days after the animal is taken into custody. An owner may prevent the animal's adoption or destruction by:

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

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

(e) If the custodian still has custody of the animal when the bond or security posted under (d)(2) of this section expires and the court has not ordered alternative disposition, ownership of the animal shall vest with the custodian. If a court order prevents the custodian from assuming ownership and the custodian continues to care for the animal, the court shall require the owner of the animal to pay, by bond or otherwise, for the continuing costs of care for the animal until such time as a final determination regarding the disposition of the animal is made by the court.

(f) The state may not be required to reimburse a public or private agency or organization or person that voluntarily assists with the removal of an animal or receives

custody of an animal removed under this section, for costs of shelter, care, veterinarian assistance, or medical treatment rendered to the animal.

**Sec. 03.55.190. Definitions.** In AS 03.55.100 – 03.55.190,

- (1) “animal” has the meaning given in AS 11.81.900
- (2) “department” means the Department of Environmental Conservation.
- (3) “custodian” means a person responsible by authority of law for the care, custody or control of an animal.

**Sec. 11.61.140. Cruelty to animals in the first degree.** (a) A person commits cruelty to animals in the first degree if the person

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

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

(3) intentionally kills or injures a pet or livestock by use of poison;

(4) 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;

(6) violates AS 11.61.142(a)(1), but the violation is committed against more than one animal; or

(7) violates AS 11.61.142 and the person has been previously convicted of a crime under this section, AS 11.61.142, or a law or ordinance of another jurisdiction with elements essentially similar to a crime under this section or AS 11.61.142.

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

(c) This section does not apply to

- (1) scientific research governed by accepted standards;
- (2) the humane destruction of an animal;
- (3) accepted veterinary or animal husbandry practices;
- (4) fishing, hunting, or trapping activities allowed by law;
- (5) generally accepted dog mushing or pulling contests;
- (6) rodeos or stock contests; or
- (7) professionally accepted training and discipline standards.

(d) 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.

(e) Cruelty to animals in the first degree is a class A misdemeanor. The court may also:

(1) require forfeiture of any affected animal to the state, or to a custodian that supplies shelter, care or medical treatment for the animal;

(2) require the defendant to reimburse the state or other custodian for all reasonable costs incurred in providing necessary care, shelter, veterinary attention or medical treatment for any removed animal;

(3) Prohibit or limit the defendant's ownership, possession, or custody of animals for up to 10 years.

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

# STATE OF ALASKA

REPRESENTATIVE  
MIKE CHENAULT

Official Business

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145 Main St. Loop, Second Floor  
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## HOUSE OF REPRESENTATIVES

May 1, 2004

To: Senator Ralph Seekins Chair  
Judiciary Committee

From: Representative Mike Chenault

Re: Request for Scheduling HB275

Please consider this a request to schedule HB 275 "An Act relating to animals, and to the care and cruelty to animals" in the Senate Judiciary Committee at your earliest convenience.

Any questions can be directed to our office 3779. Thank You for your consideration.

Respectfully,

Representative Mike Chenault

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HOUSE OF REPRESENTATIVES

## 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>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
<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: 2  
 Bill Version: CSHB 275(L&C)  
 (H) Publish Date: 4/1/04

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 Labor & Commerce 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	183.9	183.9	183.9	183.9	183.9	183.9
Travel	80.0	80.0	80.0	80.0	80.0	80.0
Contractual	370.0	345.0	345.0	345.0	345.0	345.0
Supplies	83.0	33.0	33.0	33.0	33.0	33.0
Equipment	80.0	5.0	5.0	5.0	5.0	5.0
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>796.9</b>	<b>646.9</b>	<b>646.9</b>	<b>646.9</b>	<b>646.9</b>	<b>646.9</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )	120.0	120.0	120.0	120.0	120.0	120.0
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**FUND SOURCE (Thousands of Dollars)**

FUND SOURCE	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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	676.9	526.9	526.9	526.9	526.9	526.9
1005 GF/Program Receipts	120.0	120.0	120.0	120.0	120.0	120.0
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>796.9</b>	<b>646.9</b>	<b>646.9</b>	<b>646.9</b>	<b>646.9</b>	<b>646.9</b>

Estimate of any current year (FY2004) cost: 0.0

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

**POSITIONS**

POSITIONS	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Full-time	3	3	3	3	3	3
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

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

This bill requires the department to set up and manage a state wide animal protection program for livestock and domestic animals. This bill would require state veterinarians employed by the commissioner to investigate complaints of animal mistreatment or neglect within three days of receiving a complaint and compile a report of the investigation and findings. Upon determination that mistreatment or neglect has occurred, the veterinarian must immediately remove and provide care for animals that are being mistreated or neglected. Additionally, the veterinarian must refer violations of state law relating to animal mistreatment and neglect to the Department of Law and be available for testimony as required by the courts. Regulations would be promulgated as required.

Prepared by: Kristin Ryan, Director Phone 907-269-7644  
 Division: Environmental Health Date/Time 2/17/04 5:45 PM  
 Approved by: Kurt Fredriksson, Deputy Commissioner Date 2/17/2004  
 Agency: Department of Environmental Conservation

**ANALYSIS CONTINUATION**

A state run animal protection system will require additional state staff to conduct and coordinate investigations, boarding, and care with local government animal control organizations and private veterinarians. On the road system within a 200 mile radius of the Office of the State Veterinarian (OSV) office in Palmer, OSV staff will conduct animal maltreatment and neglect investigations. Through contracts with private veterinarians, animal control organizations and animal shelters, the OSV will establish a network of qualified investigators in other parts of the state, that will conduct an investigation and submit a report. In parts of rural Alaska not covered by this network, OSV staff will respond to complaints, conduct an investigation and if warranted travel to the community to inspect the animal(s). Contracts with animal control organizations, animal shelters and private veterinarians will provide boarding and required care for animals removed as a result of a positive finding of mistreatment or neglect. Cases involving removal and care of an animal outside the established network may require transportation to communities within the network. The OSV staff and contract network participants will provide testimony as required to the courts. The OSV will develop and maintain a complaint and investigation tracking system for reporting and management purposes. The OSV will also develop and maintain an educational program that provides information and resource referrals for the proper care of animals through the department's internet site, pamphlets and participation in mushing and other animal activities and events.

The additional OSV staffing will be two Veterinarian Technicians and one Administrative Assistant. The Veterinarian Technicians will conduct investigations, coordinate animal transportation, maintain and coordinate contracts with animal control shelters and private veterinarians, provide education on proper animal care, and other duties as assigned to maintain the state animal protection system. The Administrative Assistant will provide administrative support to the OSV staff, maintain the animal protection database, manage the administrative requirements of the contracts and other duties as assigned to maintain the state animal protection system.

Travel costs are primarily for the required travel to remote areas around the state not covered by contracts with animal control organizations or a private veterinarian. Travel costs are also included for education activities and participation in mushing and other animal activities and events.

Contractual costs cover contracts with animal control organizations, animal shelters and private veterinarians. Additional contractual costs cover staff support, animal transportation, vehicles, development of educational materials, development and maintenance of the database system, Palmer office lease, and other similar contractual costs.

Supplies costs for the first year include the set up of the Palmer office, investigation processing and data collection supplies for contractors, educational materials, general office supplies and other related costs. Thereafter, the ongoing annual supply costs would be less.

Initial equipment costs include computing and communications equipment, office furniture and furnishings, an animal transportation vehicle, animal cages for transportation and other equipment as required to establish a animal protection program. Thereafter, the ongoing annual equipment costs would be less.

The bill requires a defendant to reimburse the state for the expense of caring for neglected animals.

(See attached)

## FISCAL NOTE #2

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

BILL NO. CSHB 275(L&C)

Line Item Description	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
<b>Personal Services</b>					
2 Veterinarian Technicians	\$134.1	\$134.1	\$134.1	\$134.1	\$134.1
1 Administrative Assistant	\$49.8	\$49.8	\$49.8	\$49.8	\$49.8
Sub-total	\$183.9	\$183.9	\$183.9	\$183.9	\$183.9
<b>Travel</b>					
Inspection related travel	\$80.0	\$80.0	\$80.0	\$80.0	\$80.0
<b>Contractual Services</b>					
OSV Staff support	\$22.0	\$22.0	\$22.0	\$22.0	\$22.0
Palmer Office lease	\$80.0	\$80.0	\$80.0	\$80.0	\$80.0
Investigator contracts	\$115.0	\$115.0	\$115.0	\$115.0	\$115.0
Boarding & care contracts	\$100.0	\$100.0	\$100.0	\$100.0	\$100.0
Animal transport cost	\$20.0	\$20.0	\$20.0	\$20.0	\$20.0
Database systems	\$30.0	\$5.0	\$5.0	\$5.0	\$5.0
Educational material	\$3.0	\$3.0	\$3.0	\$3.0	\$3.0
Sub-total	\$370.0	\$345.0	\$345.0	\$345.0	\$345.0
<b>Supplies</b>					
Staff and office supplies	\$3.0	\$3.0	\$3.0	\$3.0	\$3.0
Investigation supplies	\$60.0	\$20.0	\$20.0	\$20.0	\$20.0
Educational materials	\$20.0	\$10.0	\$10.0	\$10.0	\$10.0
Sub-total	\$83.0	\$33.0	\$33.0	\$33.0	\$33.0
<b>Equipment</b>					
Office equipment/furnishings	\$20.0	\$3.0	\$3.0	\$3.0	\$3.0
Animal transport vehicle	\$50.0	\$0.0	\$0.0	\$0.0	\$0.0
Animal transport cages/crates	\$10.0	\$2.0	\$2.0	\$2.0	\$2.0
Sub-total	\$80.0	\$5.0	\$5.0	\$5.0	\$5.0
<b>Total:</b>	\$796.9	\$646.9	\$646.9	\$646.9	\$646.9

## Personal Services New Position Detail

Department of Environmental Conservation

Scenario: A Scenario for FY2005 Fiscal Notes (3605)  
 Component: Laboratory Services (2065)  
 RDU: Environmental Health (207)

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range & Steps	Budgeted Months	Split / Annual Count	Annual Salary	COLA	Premium Pay	Annual Benefits	Total Costs
18-#018	Veterinarian Technician	FT	A	GP	Palmer	2A	18 B	12.0		47,316	0	0	19,712	67,028

**Justification:**

This position will conduct animal abuse and neglect investigations, coordinate animal transportation and care, coordinate contracts with animal control shelters and private veterinarians, provide training on the proper care of animals and other activities associated with HB 275.

**Funding Detail:**

1004	General Fund Receipts	100.00%	67,028
<b>Total Funding:</b>		<b>100.00%</b>	<b>67,028</b>

18-#019	Veterinarian Technician	FT	A	GP	Palmer	2A	18 B	12.0		47,316	0	0	19,712	67,028
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**Justification:**

This position will conduct animal abuse and neglect investigations, coordinate animal transportation and care, coordinate contracts with animal control shelters and private veterinarians, provide training on the proper care of animals and other activities associated with HB 275.

**Funding Detail:**

1004	General Fund Receipts	100.00%	67,028
<b>Total Funding:</b>		<b>100.00%</b>	<b>67,028</b>

18-#027	Administrative Assistant	FT	A	GP	Palmer	2A	13 B	12.0		33,360	0	0	16,427	49,787
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**Justification:**

Provide administrative support to the State Veterinarian staff; maintain animal protection database, manage administrative requirements for contracts with animal shelters and private veterinarians and other associated administrative duties.

**Funding Detail:**

1004	General Fund Receipts	100.00%	49,787
<b>Total Funding:</b>		<b>100.00%</b>	<b>49,787</b>

Note: If a position is split, an asterisk (\*) will appear in the Split/Count column. If the split position is also counted in the component, two asterisks (\*\*) will appear in this column.

**Personal Services New Position Detail**

Department of Environmental Conservation

Scenario: A Scenario for FY2005 Fiscal Notes (3605)

Component: Laboratory Services (2065)

RDU: Environmental Health (207)

**Component Summary:**

Total New Positions: 3

<u>Fund Description</u>	<u>Fund Percent</u>	<u>Fund Amount</u>
1004 General Fund Receipts	100.00%	183,843
Total Funding:	100.00%	183,843

Note: If a position is split, an asterisk (\*) will appear in the Split/Count column. If the split position is also counted in the component, two asterisks (\*\*) will appear in this column.

# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: 3  
Bill Version: CSHB 275(JUD)  
(H) Publish Date: 4/19/04

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>						
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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>
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**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: 4  
 Bill Version: CSHB 275((JUD))  
 (H) Publish Date: 4/19/04

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 R.p. 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: 5  
 Bill Version: CSHB 275(JUD)  
 (H) Publish Date: 4/19/04

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**

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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  
 Division: Public Defender Agency  
 Approved by: Ray Matiashowski, Deputy Commissioner  
 Agency: Administration

Phone (907)-334-4416  
 Date/Time 4/5/04 12:00 AM  
 Date 4/5/2004

[Fwd: HB 275]

**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

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COPIES

**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@pci.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>[Handwritten Signature]</i>	Sichel	12/26/02
Tom Weaver	<i>[Handwritten Signature]</i>	P.O. Box 1913 Kenai	12-26-02
Stacy Traugott	<i>[Handwritten Signature]</i>	12 B704 Nekiski	12-26-02

12/23/02

Printed Name	Signature	Address	Date
Lucy Abel	Lucy Abel	P.O. Box 1325 Kenai, AK 99611	12-26-02
Dale Hudson	Dale Hudson	P.O. Box 1325 Kenai, AK 99611	
Joe Trefren	Joe Trefren		12-26-02
Jim & Ann	Jim & Ann	Box 7091 Nikiski	
JESSICA TREFREN	Jessica Trefren	P.O. Box 3048 Kenai AK 99611	12/26/02
Debbie Boyle	Debbie Boyle	49729 DeBuck Dr Kenai AK 99611	12-26-02
Thomas Donner	Thomas & Donna		12-26-02
Jacob Newton	Jacob Newton		12-26-02
Jathan Wolff	Jathan Wolff		12-26-02
Brian Myers	Brian Myers	PO Box 1796 Kenai	12-26-02
Edith Stolz	Edith Stolz	P.O. Box 8114 Nikiski	12-26-02
Phil Blythe	Phil Blythe	P.O. Box 8152 Nikiski	12/26/02
Ed Ash	Edward W. Ash	P.O. Box 6894 NIKISKI	12/26/02
John McLaughrey	John McLaughrey	PO Box 8075 Nikiski	12.26.02
Kristal McLaughrey	Kristal McLaughrey	P.O. Box 8305 NIKISKI	12/26/02
John & Edith	John & Edith	P.O. Box 8581 Nikiski	12-26-02
Frank & Edith	Frank & Edith	P.O. Box 8281 Nikiski	99635
Chris Ellis	Chris Ellis	P.O. Box 7995 Nikiski	99635
David Giff	David Giff	P.O. Box 7067 Nikiski	99635
Robert Giff	Robert Giff	P.O. Box 8603 NIKISKI AK	99635
Jeremy Giff	Jeremy Giff	P.O. Box 8602 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

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WE ARE MOST SERIOUS IN THIS REQUEST.

PRINTED NAME	SIGNATURE	ADDRESS	DATE
LESIA 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 Martinez	Pamela Martinez	Nikiski, AK	12-26-02
Lina Sullens	Lina Sullens	Nikiski	12-26-02
Sophia VanLoan	Sophia VanLoan	Nikiski	12/26/02
Linda Dodge	Linda Dodge	Nikiski	12/26/02
Conrad B. Sumner	Conrad B. Sumner	Nikiski	12/26-02
PANDY ESQUIRO	Randy Esquiro	Nikiski	12/26/02
VANNEY Marshall	Nancy Marshall	P.O. Box 1574 Nikiski	12-26-02
Marcelle Hurst-Simmons	Marcelle Hurst-Simmons	Nikiski	12-26-02
Felicia Ault	Felicia Ault	Nikiski	12-26-02
By J. MOORE	By J. Moore	Nikiski	12-26-02
MONIQUE R. ROSS	Monique R Ross	Nikiski	12-26-02
Jason Sully	J. Sully	P.O. Box 8192 N. K. AK	12-26-02
Rebecca Flynn	Rebecca Flynn	P.O. Box 8036 N. K. AK 99635	12-26
Pamela Lytle	Pamela Lytle	P.O. Box 7556 Nikiski AK	
Shelly Zink	Shelly M. Zink	P.O. Box 8176 Nikiski, AK	
Wright Wood	W. Wood	50190 CORCORAN	Nikiski
Tracy Sanders	Tracy Sanders	Jawline	Nikiski
Aue Stephens	Aue Stephens	P.O. Box 7246	Nikiski
Christine Griffith	Christine D. Griffith	Box 8116	Nikiski 12-1-02
WILL JACKSON	Will Jackson	Box 7216	Nikiski AK
Brian E. Zink	Brian E. Zink	Box 8001 N. K. 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

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**Subject:** petition

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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	12/21/02
Dawn Stetz	<i>Dawn Stetz</i>	P.O. Box 88, Kaslof	12/26/02
Angie Richardson	<i>Angie Richardson</i>	32940 Richardson SADOTNA	12-26-02

12/23/02

Printed Name	Signature	Address	Date
BRANDI HARBAUGH	[Signature]	70 Box 2867 Soldotna	12/26/02
Amy Falk	[Signature]	PO Box 7067 N. Kiski	12/26/02
Gray L. Meryman	[Signature]	446 W. Riverview Dr Soldotna AK	12/26/02
Sylvia Meryman	[Signature]	446 W. Riverview Ave Soldotna AK	
Catherine Bush	[Signature]	225 Richfield Drive, Kenai AK 99611	
Ann M Curtis	[Signature]	PO Box 91 Soldotna AK 99669	
HOLLY CAMPBELL	[Signature]	P.O. Box 512 Soldotna AK 99669	
Richard Stables	[Signature]	PO. Box 28 Kenai AK 99611	
Margaret Martin	[Signature]	368 W Beluga Soldotna AK 99669	
MICHELLE A PRICE	[Signature]	51200 BISCAYNE KEENAI 99611	
Janice Moore	[Signature]	235 W. Daisy Ln Soldotna, AK 99669	
De Ann Cain	[Signature]	319 W. Beluga St. Soldotna, AK 99669	
Ellen Crowder	[Signature]	319 W. Beluga St. Soldotna AK 99669	
Joyce Armstrong	[Signature]	36345 Shady St Soldotna	
Frank S. Sodin	[Signature]	36345 Shady St Soldotna AK 99669	12/26/02
Chris Anderson	[Signature]	PO Box 1642 Soldotna AK 99669	
AMY STEELE	[Signature]	289 Lorraine Ct Soldotna AK 99669	
RONNIE HANSON	[Signature]	298 W. KATMAI AVE SOLDOTNA AK 99669	
Donna Hicks	[Signature]	P.O. Box 2544 Soldotna AK 99669	
Katie Crane	[Signature]	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

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**Sent:** Wednesday, December 18, 2002 5:01 PM  
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**TO:** 2003 STATE OF ALASKA LEGISLATORS  
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**WE ARE MOST SERIOUS IN THIS REQUEST.**

PRINTED NAME	SIGNATURE	ADDRESS	DATE
Julie Eggemeyer	<i>Julie Eggemeyer</i>	48950 Totopole 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
Jenna Lester	Donna Lester	PO 891 Soldotna Ak	4/13/03
KAREN WELER	Karen Weller	SOLDOTNA AK 30630 STUBBLEDICK	1/23/03

Debbie Moore

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PRINTED NAME	SIGNATURE	ADDRESS	DATE
Curt Morris	<i>Curt Morris</i>	P.O. Box 2010 N. Kiski AK	99635
Peter M.D. Kenzi	<i>Peter M.D. Kenzi</i>	P.O. Box 4968	12/26/02 AK 99655
Donna Chen	<i>Donna Chen</i>	Box 7385 N. Kiski	12-26-02

Printed Name	Signature	Address	Date
KEVIN THOMAS	Kevin Thomas	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 Thomas	Sharon	Box 1836 Nikiski 99611	1-24-03
Pam Lettington	Pamela Lettington	Box 8304 Nikiski 99635	1-24-03
Evela Cox	Evela 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	1-24-03
MARIE TAYLOR	Marie 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>	DOROTHY DANOHUE SANDERS Box 8702 NIKISKI AK 99635	2/11/03

Debbie Moore

From: "Nancy Henricksen" <agroomer@ptialaska.net>  
To: "Debbie Moore" <pathways@alaska.net>  
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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 Seldovia	776-2024

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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

their friends.

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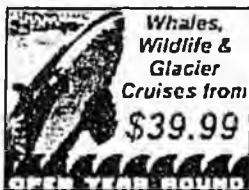
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sometimes they had to visit to return escaped collies.

"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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Courtesy Photo / KTUU

## 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.

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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.



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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

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.

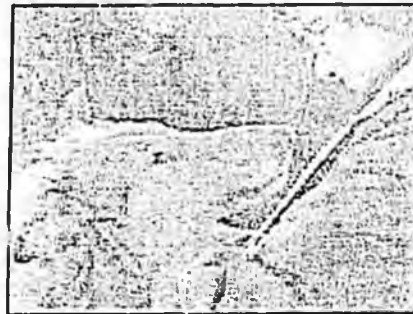
Batchelder says the dogs were in such bad condition, she lasted only a day.

"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



Courtesy Photo / KTUU

A volunteer in Montana makes a friend.

170 dogs and 11 cats packed from top to bottom in a semi-trailer -- sick and living in their own waste.

"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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## 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

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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.

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**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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Article Published: Tuesday, May 06, 2003 - 3:08:35 AM AKST

## Convoy transports collies seized in Montana

The Associated Press

GREAT FALLS, Mont.--Nearly 200 collies and other animals that were seized in an animal cruelty investigation involving their Alaska owners have been moved from Shelby to Great Falls, Mont.

The owners, Jon Harman and Athena Lethcoe-Harman, were arrested last fall.

The animals spent six months at Camp Collie, a 4-H barn at the Marias Fairgrounds near Shelby. They'll likely spend the next several months in a 20,000-square foot warehouse--dubbed Camp Collie Great Falls--as the legal case against their owners continues.

About 100 volunteers were there to place the dogs in metal kennels tall enough for people to stand in.

The animals were brought to Great Falls because 4-H'ers needed their barn in Shelby and local residents were worn out from caring for the animals since the Harmans were arrested on Nov. 1.

The animals had ridden 2,240 miles in nine days in a crowded tractor trailer from Nikiski, Alaska, to the Sweet Grass border station when customs officials found them dehydrated, weak, sick and cold.

On Sunday, sheriff's cars with flashing lights led a convoy of 30 horse trailers, vans and animal rescue vehicles down Interstate 15 to deliver the 170 collies, six other dogs and 16 cats to Great Falls.

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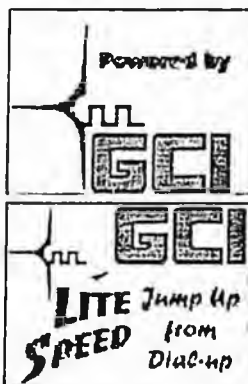
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Article Published: Monday, May 05, 2003 - 9:00:07 AM AKST

# Convoy transports collies from Shelby to Great Falls

By Associated Press

GREAT FALLS, Mont.

Nearly 200 collies and other animals that were seized in an animal cruelty investigation involving their Alaska owners have been moved Shelby to Great Falls, Mont.

The owners, Jon Harman and Athena Lethcoe-Harman, were arrested last fall.

The animals spent six months at Camp Collie, a 4-H barn at the Marias Fairgrounds near Shelby. They'll likely spend the next several months in a 20,000-square foot warehouse \_ dubbed Camp Collie Great Falls \_ as the legal case against their owners continues.

"This is way, way nicer," Toole County Undersheriff Don Hale said. "The story's not over, but it just got better for the dogs."

About 100 volunteers were there to place the dogs in metal kennels tall enough for people to stand in. The 16 cats have a separate carpeted room.

The animals were brought to Great Falls because 4-H'ers needed their barn in Shelby and local residents were worn out from caring for the animals since the Harmans were arrested on Nov. 1.

The animals had ridden 2,240 miles in nine days in a crowded tractor trailer from Nikiski, Alaska, to the Sweet Grass border station when customs officials found them dehydrated, weak, sick and cold. The Harmans were moving to Arizona.

On Sunday, sheriff's cars with flashing lights led a convoy of 30 horse trailers, vans and animal rescue vehicles down

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Interstate 15 to deliver the 170 collies, six other dogs and 16 cats to Great Falls.

Toole County, the American Working Collie Association, The Humane Society of the United States and private donations are paying for the animals' care.

The Harmans, who followed the caravan to Great Falls, have pleaded innocent to 181 misdemeanor counts of animal cruelty and their first trial ended with a hung jury in January. A second Justice Court trial is expected to get underway later this month.

The Harmans weren't allowed into the warehouse on Sunday, but will be permitted an hourlong visit each weekday, officials said.

The Harmans have been living in Shelby since December. They would not comment Sunday on whether they plan to move to Great Falls.

As the animals were being loaded in Shelby, Lethcoe-Harman sat behind yellow police tape, dictating into a tape recorder her comments on the conditions of each dog. Her attorney filed a motion last week asking that the charges be dismissed on grounds that authorities have failed to properly keep track of which dogs are kept in what pens.

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## Judge says nearly 200 dogs can be moved to Great Falls

By Associated Press

CHOTEAU, Mont.

Nearly 200 animals, most of them collie dogs, can be relocated from Shelby to Great Falls beginning as early as Friday, a justice of the peace ruled Wednesday.

Volunteers have spent nearly six months caring for the dogs in a 4-H barn in Shelby, where they've been kept as evidence in an animal cruelty case involving their Alaska owners.

There are 170 collies, five other dogs and 16 cats to be housed in a 30,000-square-foot metal building in Great Falls.

Teton County Justice of the Peace Pete Howard said he'll now go to work finding a place to rehouse the dogs' owners, Jon Harman and Athena Lethcoe-Harman, on charges they neglected the animals last fall during a trip to Arizona.

The Harmans were charged with 181 counts each of misdemeanor animal cruelty after authorities discovered 166 collies, five other dogs and 10 cats in the rear of their tractor-trailer as the couple tried to cross the Canadian border into the United States on Halloween night.

When they were stopped at the border, the Harmans said they were in the process of moving from Nikiski, Alaska to an area south of Woodruff, Ariz.

Officials said the animals were thin, dehydrated, weak and sick after the nine-day, 2,240-mile trip.

A six-person Toole County Justice Court jury deadlocked in the couple's first trial in January, resulting in a mistrial.

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Howard said he's looking to retry the case in Anaconda, Butte or Helena, all places 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.

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He scheduled another hearing for the afternoon of May 9 in the Teton County Courthouse in Choteau.

Howard took over the case after Toole County Justice of the Peace Janice Freeland recused herself following the seven-day January trial.

Toole County Undersheriff Don Hale said the animals will be moved in small groups, probably next week but beginning possibly as early as Friday. He said officials intend to meet a May 1 eviction deadline set by Marias Fair officials.

Hale said the Harmans did not object to moving the dogs.

"It's pretty obvious ... it's in the best interest of the dogs and that's what the whole situation is about," he said.

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## Email for new Justice of the peace for 2nd trial

NEW [tetonjp@3rivers.net](mailto:tetonjp@3rivers.net) NEW

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Tuesday, March 4, 2003

Collie owners to be tried again on animal cruelty charges

By CAROL BRADLEY Tribune Staff Writer

CHOTEAU -- Jon Harman and Athena Lethcoe-Harman of Alaska will be tried a second time on animal cruelty charges stemming from the discovery of 181 collies and other animals in the tractor trailer last fall, a Teton County justice of the peace ruled Monday. 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. The Harmans asked, but Howard refused to give them custody of their animals in the meantime, with one exception: Lethcoe-Harman, a diabetic, may reclaim her short-haired collie she says helps alert her when her blood sugar is about to drop. Even if the collie, Panache, had no medical intuition, "Dogs are pretty nice to have around," Howard said. That was his only concession to the Harmans of Nikiski, Alaska. The couple was arrested last Nov. 1 when U.S. customs inspectors discovered 166 collies, five other dogs and 10 cats crammed into the back of the Harmans' tractor trailer when they arrived at the Sweet Grass border stop late Halloween night. The animals had traveled 2,240 miles over nine days. They were malnourished, dehydrated, shivering, sick and distressed, according to sheriff's deputies. One dog was dead. Toole County charged the Harmans with 181 counts of misdemeanor animal cruelty. Each count is punishable by a fine of up to \$500 and up to six months in jail. A seven-day Justice Court trial ended in a mistrial in January when the six-person jury failed to reach a unanimous verdict. One of the jurors wanted to convict the Harmans. The case has attracted national attention in part because, for four months now, Toole County residents have operated "Camp Collie" at the Montana State Fairgrounds. Supporters from across the country have donated more than \$100,000 to help care for the dogs, and animal lovers from Florida to California have flown to Montana to help feed, water, groom and walk the collies. Spectators whispered "Yes!" under their breaths as Howard denied the Harmans' requests first to dismiss the case and then to let them move their dogs to Arizona while they await a second trial. Whether the dogs can remain in Shelby is another matter, however. Toole County Sheriff Donna Mattoon testified that the local 4-H club wants its building back by the first of April, although she said the organization might be willing to extend that deadline. The regional office of the Humane Society of the United States is scouting for new locations to house "Camp Collie," but no deal has been announced. On the witness stand, Lethcoe-Harman described the 40-foot-by-40-foot metal Quonset hut and four dog runs awaiting the collies on the Harmans' property south of Woodruff, Ariz. Defense attorney Scott Albers presented an affidavit signed by Winslow, Ariz., veterinarian Emerson Scott noting that the Harmans' new kennel had the approval of the Humane Society. Contacted later Monday, Scott said the kennel wasn't completed when he visited in December, but he was impressed by the "extremely big" size of the four runs and by the

Harmans interest in treating their dogs humanely. Parents sold interest Lethcoe-Harman said has given her parents, Jim and Nancy Lethcoe, a secured interest in the dogs in exchange for roughly \$30,000 that she can apply toward her legal bills. The Lethcoes are living in Arizona would be able to care for the dogs while the case against the Harmans continues, Lethcoe-Harman said. She repeated her desire to adopt out about 70 of the collies. Under cross-examination, she acknowledged that the kennel permit granted to her by Navajo County would allow an unlimited number of animals. Albers spent half an hour trying to prove that the record keeping during the first trial was inadequate and therefore grounds for rejecting a second trial. Howard denied the motion. Albers also argued that, given the lack of evidence demonstrated by the hung jury, there was no probable cause to go forward with the case. When he opened a book to cite an argument he hadn't included in his written motion, Howard stopped him and told him to close the book. 'Retrial's appropriate' Montana has a long history of handling mistrials, Howard said. "I can't imagine the legislature or the state Supreme Court would have created a Catch-22 situation" by which a mistrial would negate retrying a case, he said. Albers said he would ask the state Supreme Court to review that decision, but agreed that Howard shouldn't wait to hear the results before proceeding. The bulk of the 2 1/2-hour hearing was spent discussing Lethcoe-Harman's dissatisfaction with the care of the collies in Shelby. She said Toole County authorities not only allowed Jon Harman's personal fox terrier, Kryptonite, to be stolen out from under them and neutered, but they dodged questions about the theft for more than a month. 'The dog disappeared two days after Christmas and was returned on Valentine's Day. Under oath Toole County Undersheriff Don Hale said he didn't disclose the incident earlier because it was still under investigation and he wasn't certain the Harmans themselves hadn't taken Kryptonite. He said he also didn't want to upset Lethcoe-Harman any more than she already was in light of the upcoming trial. He told her of the dog's disappearance the night the mistrial was declared. Hale said the dog was traced to Lethbridge, Alberta, resident Kerry Lee King and said felon charges are pending. Didn't know about surgery Lethcoe-Harman, who moved to Shelby three months ago to be near the dogs, also protested that no one told her or asked her permission to perform surgery on a 10-year-old female collie, Link. The dog died last month, a couple of days after undergoing surgery for an anal-rectal tumor that was obstructing her bowels. Mattoon said she didn't think it was necessary to inform Lethcoe-Harman every time one of her dogs needed medical treatment. "The animals are under my care and custody," Mattoon said. If a problem arises, "We take care of it. We keep a record of it." Albers tried to make an issue of the Humane Society's involvement in looking for new Camp Collie sites. Lethcoe-Harman said Jean Lea, president of the American Working Collie Association -- which has donated tens of thousands of dollars in supplies and manhours toward caring for the collies -- co-owns a collie that has competed against Lethcoe-Harman's at shows. Albers questioned openly whether all of the money raised by the Humane Society and the AWCA on behalf of the collies is actually going to the dogs. 'Dogs too fat' Lethcoe-Harman also complained that life at Camp Collie is making dogs obese. On a veterinarian's scale of 1 to 9, she likes to keep her dogs at a 3 or 4, Lethcoe-Harman said. She said most of the dogs are now at 6 or 7 and some have reached a 9. "One morning one of the bitches could barely stand up, she was so fat," Lethcoe-Harman protested. "That wasn't the same one that had to be carried out of the truck" the night of Nov. 1, asked County Attorney Joe Coble, who's helping prosecute the case. Veterinarians testified during the first trial that a number of the Harmans' dogs were so emaciated they ranked a 2 on the scale. Howard said the dogs were being treated well and humanely under Toole County's care and would remain in the county's custody. 'Agree on care' The judge ordered both sides to draft an agreement addressing the care of the dogs. Among other things, Lethcoe-Harman wants permission to tape the ears of show-worthy collies so they will curl the proper degree. Howard told her she's not allowed to take Panache outside Toole County except to Cut Bank, which Lethcoe-Harman said is a frequent destination. The judge will review motions regarding the trial at 10 a.m. April 4.

Calgary Herald article by Deborah Tetley:

Dog trial juror advises prosecutor to stick to "issues"

Deborah Tetley Calgary Herald

Now that a Montana judge has granted a retrial in the infamous Shelby dog abuse case, a member of the hung jury in the first hearing has advice for lawyers, defendants and jurors involved in the next round. "The trial kept getting run off the rails by issues that had nothing to do with the charges," Dan Roark, 22, said Monday. "We had a responsibility that would change someone's life forever - a really big deal we all took seriously - and a lot of the testimony wasn't about abuse charges." Roark was on the six-person jury that became deadlocked in January after a seven-day animal abuse trial here. He said the charges are unfounded and the dire condition of the dogs described during testimony was an "over-exaggeration." An internationally known collie breeder from Alaska, Athena Lethcoe-Harman, and her husband, Jon Harman, were each charged with 181 counts of animal cruelty on Oct. 31 after they were pulled over at the Alberta-Montana border at Sweetgrass. Experts testified the 171 dogs, mostly collies, and 10 cats were emaciated and dehydrated. "I think that was over-exaggerated," Roark, a dog owner, said. "She did the best she could considering she was moving everything she owned. "If they did abuse the dogs - I don't think they did - the prosecution did not prove it beyond a reasonable doubt," Roark said. "I'd like to see her get her dogs back." Roark spoke out for the first time on the same day Teton County Justice Pete Howard rejected several motions from the defendant's lawyer, Scott Albers, to dismiss the case. In an unusual twist, however, Howard allowed Lethcoe-Harman to take her 171 dogs to her rental unit in Shelby to live with her until the case wraps up. Court heard the owner is a "brittle" diabetic and the "medical alert" dog, named Panache, is able to detect blood sugar. "I didn't think it was an unreasonable request," Howard said, adding he denied the motion to have all the dogs returned. "I don't doubt her ability to care for this dog and appear she has a valid medical concern." This is the same dog that gave birth to a litter the night of the seizure. Howard also indicated the defence intends to appeal Monday's ruling to the Montana Supreme Court. Albers could not be reached for comment Monday. Howard plans to set a new trial date April 4. "We are starting anew," he said. "Both parties are in the same position they were back in November." Calgaryian Dee Clair, who's twice volunteered at the Shelby fairgrounds where the dogs are housed, was relieved at the decision. "I was so anxious all day," she said she couldn't stand it anymore so she called the courthouse. "As soon as I heard the news, the knot in my stomach went away." Roark said although the jury voted 5-1 in favour of the defendants, it felt as cut and dry as initially thought. Roark said one man couldn't make up his mind. The same juror also said he would only find the couple not guilty if the judge imposed a probation provision that would see officials visit the dogs routinely in Arizona and monitor their health. "We didn't have the authority to do that," Roark said, adding the other jurors were "convinced beyond a reasonable doubt" of the couple's innocence. Roark said it should be expected nearly 200 animals housed in a 13.7- by 2.4-metre trailer for eight days and 3,800 kilometres would be in bad shape. "Sure, the trip was tough on them," he said. "They were in pens most of the time, but that doesn't mean she treated them any differently than anyone else would." Most of the jury was convinced the couple let the dogs out of the trailer to walk, water and feed them on a regular basis, Roark said. Court heard Harman slept while his wife let the animals out for up to nine hours at a time. Sometimes he would help her move the heavy fencing. "We saw pictures of her at the border freezing in nothing but a poncho and taking care of the animals by herself," Roark said. "I think the evidence we were shown of some dogs was only of the worst conditions." Two veterinarians and the director of the U.S. Humane Society testified the dogs were in some of the worst physical shape they'd seen in their careers. The defence has maintained that an overnight delay at the border caused the animals to become thin, diseased and dehydrated. One dog died after breathing in its own waste. Roark said it didn't matter that the defence admitted lying to several authorities.

along the way about the number of dogs in the truck. "It wasn't enough to convince us she a or neglected her dogs," he said. "I needed more evidence of abuse." Roark initially believed Harmans were guilty and began to change his mind when the trial visited Camp Collie. "She knew all the dogs by name," he said of Lethcoe-Harman. "Maybe she was making it up, but thought that was impressive and showed she cared about them all individually."

tetleyd@theherald.southam.ca

Jan. 22, 2003

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

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 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 Arizona 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 water 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 the sides of the truck. He looked into the pens with his flashlight and saw the collies wet with 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 Matoc. He also called in Dr. Hardee Clark, Shelby veterinarian, to assess the condition of the dogs. 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 from 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 two dogs appeared unwell, and were separated. She said they were separated because they were recovering from narcolepsy. 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 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, Jean Levitt, President AWCA  
Lisa King, AWCA Director  
AWCA Rescue Officers and Members of AWCA

If you would like to assist AWCA with this rescue effort, you may send a check to:

Bethany Burke, AWCA Treasurer  
2807 Lee Trevino Court  
Shalimar, FL 32579

Make the check out to AWCA and in the memo area note: collie rescue-medical, collie rescue-stainless steel, or collie rescue-general.

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Saturday, March 22, 2003

## Attorney asks high court to reject collie retrial

By CAROL BRADLEY  
Tribune Staff Writer

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.

The high court typically gives the opposing side 15 to 30 days to respond to such motions, then acts on the case a month or two later, assistant clerk Joni Holliday said. In this case, Toole County Attorney Merle Raph said he'll ask the high court to expedite matters in hopes of meeting the scheduled trial date.

Teton County Justice of the Peace Pete Howard said Albers' motion definitely could affect the trial date.

Howard took over the case after Toole County Justice of the Peace Janice Freeland recused herself when the first trial ended in a hung jury in January. He rejected a similar "double jeopardy" motion from defense attorney Scott Albers on March 3, siding instead with Raph, who argued that jury verdicts must be unanimous in Montana and that double-jeopardy theories don't apply to hung juries in Justice Court.

The Supreme Court received Albers' motion Thursday.

Meanwhile, Raph is asking 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.

Toole County sheriff's officials arrested the Harmans, a Nikiski, Alaska, couple, Nov. 1 after U.S. Customs inspectors discovered 166 collies, five other dogs and 10 cats crowded into the back of the couple's tractor trailer

when they tried to cross the Canadian border into the United States.

The Harmans were headed to a new home in Arizona. They had transported the animals 2,240 miles over nine days. The dogs were dehydrated, weak and sick. One died later that day.

The Harmans each face a maximum of six months in jail and-or a \$500 fine for each of 181 counts of misdemeanor animal cruelty.

Since their arrest, most of the couple's collies have been housed at the Marias Fairgrounds just outside Shelby, where paid search and rescue workers and a small core of volunteers have kept them fed, watered and exercised.

The fair's livestock committee wanted the dogs out of the 4-H building by April 1, but agreed to extend the deadline until May 1, Undersheriff Don Hale said. Officials are eyeing a couple of possible alternative sites in Toole County to move the dogs as well as a possible site in Great Falls.

The facility in Great Falls has five fenced acres -- ideal for walking the dogs -- and is near North Star Boulevard, Linda Hughes, director of the Humane Society of Cascade County, confirmed Friday. She did not have the exact address.

Moving the dogs to Great Falls would give a much-needed break to Shelby residents, who have borne the brunt of the animals' care. But "we have to remember that even though they are beautiful animals, they're also evidence," Hughes said.

Toole County Sheriff Donna Matoon ultimately will decide where to move the dogs.

Housing is necessary because, even if the second trial is over by May 1, the verdict could be appealed to District Court.

The American Working Collie Association is now paying for two to three workers to clean the pens of the dogs, but a half dozen volunteers -- more on weekends -- devote hours a day to walking them.

Toole County Extension Agent Tyler Lane said 4-H folks need time to sanitize the building and pour a concrete floor before the fair starts in mid-July. The floor was planned before the collies' arrival.

"The quicker the dogs are moved the less chance of disease being transferred to livestock," Lane said.

The collies have suffered from a half dozen parasites, including giardia, coccidia, ear mites, ringworm and hookworm. The worst is hookworm, said Dr. Hardee Clark, the Shelby veterinarian who has been treating the

dogs.

Aside from the collies, "we just don't have hookworm in this area," Clark said. "But now we've got contaminated ground there. If we have a mild, moist summer we could really cause an infestation of hookworm."

He added, however, that hookworm is "very species specific" and that while dogs and cats might be at risk, the collies' hookworm would not spread to horses, cattle, sheep or pigs.

Roughly 70 cattle, 80 pigs and 25 lambs from Toole, Liberty, Glacier and Pondera counties are expected to be shown in the facility during fair week July 16-20, Lane said.

Clark said collie caregivers have been "pretty good" about scooping poop in the field next to the barn where the dogs are walked. He said harrowing the soil around the building would help dry out the soil and prevent the spread of parasites.

Legal maneuvering continues behind the scenes as well. When a second collie died March 7, Albers filed a motion asking that a forensic autopsy be performed. Howard ruled that a necropsy would suffice.

What difference an autopsy would make was unclear. Albers was not available for comment Friday.

The results of the necropsy aren't yet back from the state, Clark said Friday.



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 Tuesday, March 4, 2003

# Collie owners to be tried again on animal cruelty charges

By **CAROL BRADLEY**  
 Tribune Staff Writer

**CHOTEAU** -- Jon Harman and Athena Lethcoe-Harman of Alaska will be tried a second time on animal cruelty charges stemming from the discovery of 181 collies and other animals in their tractor trailer last fall, a Teton County justice of the peace ruled Monday.

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.

The Harmans asked, but Howard refused to give them custody of their animals in the meantime, with one exception: Lethcoe-Harman, a diabetic, may reclaim a short-haired collie she says helps alert her when her blood sugar is about to drop.

Even if the dog, Panache, had no medical intuition, "Dogs are pretty nice to have around," Howard said.

That was his only concession to the Harmans of Nikiski, Alaska.

The couple was arrested last Nov. 1 after U.S. customs inspectors discovered 166 collies, five other dogs and 10 cats crammed into the back of the Harmans' tractor trailer when they arrived at the Sweet Grass border stop late Halloween night.

The animals had traveled 2,240 miles over nine days. They were malnourished, dehydrated, shivering, sick and distressed, according to sheriff's deputies. One dog was dead.

Toole County charged the Harmans with 181 counts of misdemeanor animal cruelty. Each count is punishable by a fine of up to \$500 and up to six months in jail.

A seven-day Justice Court trial ended in a mistrial in January when the six-person jury failed to reach a unanimous verdict. Only one of the jurors

wanted to convict the Harmans.

The case has attracted national attention in part because, for four months now, Toole County residents have operated "Camp Collie" at the Marias Fairgrounds. Supporters from across the country have donated more than \$100,000 to help care for the dogs, and animal lovers from Florida to California have flown to Montana to help feed, water, groom and walk the collies.

Spectators whispered "Yes!" under their breaths as Howard denied the Harmans' requests first to dismiss the case and then to let them move their dogs to Arizona while they await a second trial.

Whether the dogs can remain in Shelby is another matter, however. Toole County Sheriff Donna Matoon testified that the local 4-H club wants its building back by the first of April, although she said the organization might be willing to extend that deadline.

The regional office of the Humane Society of the United States is scouting for new sites to house "Camp Collie," but no deal has been announced.

On the witness stand, Lethcoe-Harman described the 40-foot-by-40-foot metal Quonset hut and four dog runs awaiting the collies on the Harmans' property south of Woodruff, Ariz. Defense attorney Scott Albers presented an affidavit signed by Winslow, Ariz., veterinarian Emerson Scott noting that the Harmans' new kennel met his approval.

Contacted later Monday, Scott said the kennel wasn't completed when he visited it in December, but he was impressed by the "extremely big" size of the four runs and by the Harmans' interest in treating their dogs humanely.

Parents sold interest

Lethcoe-Harman said she has given her parents, Jim and Nancy Lethcoe, a secured interest in the dogs in exchange for roughly \$30,000 that she can apply toward her legal bills. The Lethcoes are living in Arizona and would be able to care for the dogs while the case against the Harmans continues, Lethcoe-Harman said.

She repeated her desire to adopt out about 70 of the collies. Under cross-examination, she acknowledged that the kennel permit granted to her by Navajo County would allow an unlimited number of animals.

Albers spent half an hour trying to prove that the record-keeping during the first trial was inadequate and therefore grounds for rejecting a second trial. Howard denied the motion.

Albers also argued that, given the lack of evidence demonstrated by the

hung jury, there was no probable cause to go forward with the case. When he opened a law book to cite an argument he hadn't included in his written motion, Howard stopped him and made him close the book.

'Retrial's appropriate'

Montana has a long history of handling mistrials, Howard said.

"I can't imagine the legislature or the state Supreme Court would have created a Catch-22 situation" by which a mistrial would negate retrying a case, he said.

Albers said he'll ask the state Supreme Court to review that decision, but agreed that Howard shouldn't wait to hear the results before proceeding.

The bulk of the 2½-hour hearing was spent discussing Lethcoe-Harman's dissatisfaction with the care of the collies in Shelby. She said Toole County authorities not only allowed Jon Harman's personal fox terrier, Kryptonite, to be stolen out from under them and neutered, but they dodged questions about the theft for more than a month.

The dog disappeared two days after Christmas and was returned on Valentine's Day. Under oath, Toole County Undersheriff Don Hale said he didn't disclose the incident earlier because it was still under investigation and he wasn't certain the Harmans themselves hadn't taken Kryptonite. He said he also didn't want to upset Lethcoe-Harman any more than she already was in light of the upcoming trial.

He told her of the dog's disappearance the night the mistrial was declared.

Hale said the dog was traced to Lethbridge, Alberta, resident Kerry Lee King and said felony charges are pending.

Didn't know about surgery

Lethcoe-Harman, who moved to Shelby three months ago to be near the dogs, also protested that no one told her or asked her permission to perform surgery on a 10-year-old female collie, Link. The dog died last month, a couple of days after undergoing surgery for an anal-rectal tumor that was obstructing her bowels.

Matoon said she didn't think it was necessary to inform Lethcoe-Harman every time one of her dogs needed medical treatment.

"The animals are under my care and custody," Matoon said. If a problem arises, "We take care of it. We keep a record of it."

Albers tried to make an issue of the Humane Society's involvement in looking for new Camp Collie sites. Lethcoe-Harman said Jean Leavitt,

president of the American Working Collie Association -- which has donated tens of thousands of dollars in supplies and manhours toward caring for the collies -- co-owns a collie that has competed against Lethcoe-Harman's at shows.

Albers questioned openly whether all of the money raised by the Humane Society and the AWCA on behalf of the collies is actually getting to the dogs.

'Dogs too fat'

Lethcoe-Harman also complained that life at Camp Collie is making her dogs obese. On a veterinarian's scale of 1 to 9, she likes to keep her dogs at a 3 or 4, Lethcoe-Harman said. She said most of the dogs are now at 6 or 7 and some have reached a 9.

"One morning one of the bitches could barely stand up, she was so fat," Lethcoe-Harman protested.

"That wasn't the same one that had to be carried out of the truck" the night of Nov. 1, asked Teton County Attorney Joe Coble, who's helping prosecute the case.

Veterinarians testified during the first trial that a number of the Harmans' dogs were so emaciated they ranked a 2 on the scale.

Howard said the dogs were being treated well and humanely under Toole County's care and would remain in the county's custody.

'Agree on care'

The judge ordered both sides to draft a joint agreement addressing the care of the dogs. Among other things, Lethcoe-Harman wants permission to tape the ears of show-worthy collies so they will curl the proper degree.

Howard told her she's not allowed to take Panache outside Toole County except to Cut Bank, which Lethcoe-Harman said is a frequent destination.

The judge will review motions regarding the new trial at 10 a.m. April 4.

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Saturday, February 1, 2003

## County will retry collie case

By CAROL BRADLEY  
 Tribune Staff Writer

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.

The trial may be held somewhere else this time around, however. Justice of the Peace Janice Freeland, who presided over the seven-day trial that ended Wednesday, has recused herself, according to Undersheriff Don Hale.

Raph said it's possible a second trial could be in four to eight weeks, but details have yet to be worked out.

The Harmans pleaded not guilty to 181 misdemeanor counts of animal cruelty. The first trial ended in a mistrial after the six-person jury was unable to reach a unanimous verdict. Five of the six wanted to acquit the Harmans. One juror wanted to convict.

The jurors made a pact not to identify which jurors voted guilty and which voted not guilty, forewoman Michelle Edwards said. The other five jurors were Toole County residents Joe Hofer, Terry Parsons, Della Dubbe and Daniel Roark.

Raph said he decided to seek a second trial after discussing the issue for the past two days with assisting prosecutor Joe Coble of Teton County and Toole County sheriff's officials.

Scott Albers, the attorney for the Harmans, declined comment, saying he's still discussing the matter with his clients.

The news assuaged animal lovers like Jean Levitt of Vermont who is president of the American Working Collie Association. The organization has raised thousands of dollars and provided elbow grease from around the country to care for the Harmans' 172 collies, five other dogs and 10 cats.

The animals have been in Toole County's custody since the Harmans were

arrested on Nov. 1.

"We wanted this news, we expected this news and we're very pleased that (Toole County) has done this," Levitt said from her hotel room in Shelby.

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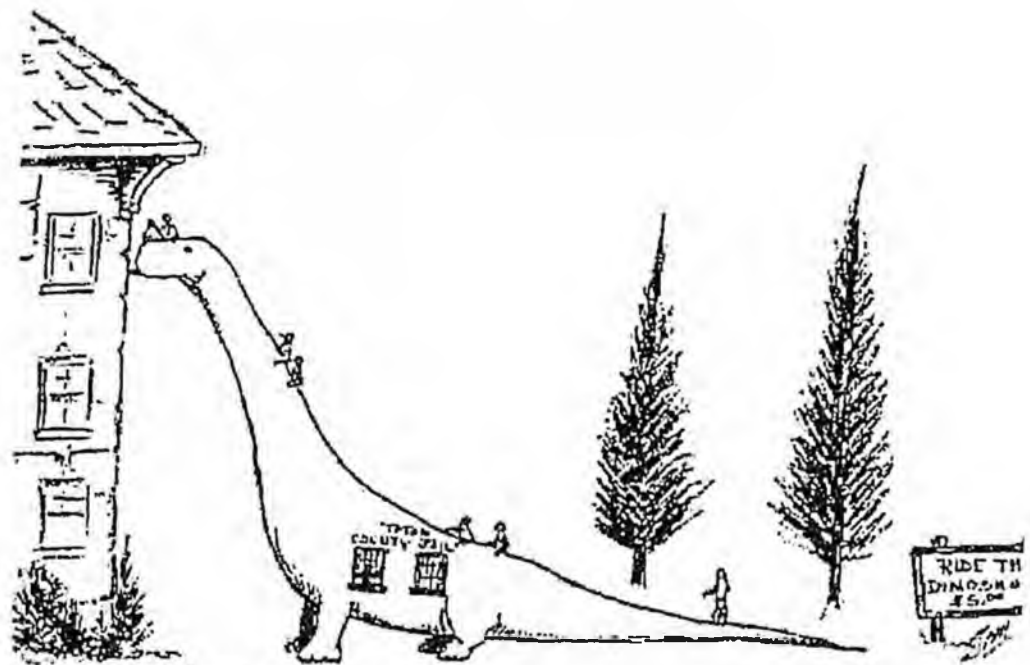
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Joe Coble, the Teton County Attorney is a full-time elected official. He represents both Teton County and the state of Montana and Teton County. As County Attorney, Joe is responsible for the prosecution of all felony crimes occurring in Teton County, and is also responsible for defending or prosecuting all civil claims for or against Teton County. Joe advises County departments regarding legal matters and, when necessary, represents the County in legal suits.

*Please note that full-time County Attorneys are prohibited by law from:*

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## Washington laws

Washington has two state animal-cruelty laws. They are RCW 16.52.205, animal cruelty in the first degree, and RCW 16.52.207, animal cruelty in the second degree.

### RCW 16.52.205 Animal cruelty in the first degree.

(1) A person is guilty of animal cruelty in the first degree when, except as authorized in law, he or she intentionally (a) inflicts substantial pain on, (b) causes physical injury to, or (c) kills an animal by a means causing undue suffering, or forces a minor to inflict unnecessary pain, injury, or death on an animal.

(2) Animal cruelty in the first degree is a class C felony.

### RCW 16.52.207 Animal cruelty in the second degree.

(1) A person is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal.

(2) An owner of an animal is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the owner knowingly, recklessly, or with criminal negligence:

(a) Fails to provide the animal with necessary food, water, shelter, rest, sanitation, ventilation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; or (b) Abandons the animal.

(3) Animal cruelty in the second degree is a misdemeanor.

(4) In any prosecution of animal cruelty in the second degree, it shall be an affirmative defense, if established by the defendant by a preponderance of the evidence, that the defendant's failure was due to economic distress beyond the defendant's control.

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Page 1, Line 5:

- (1) food and water sufficient to maintain each animal in good health;
- (2) an environment compatible with protecting and maintaining the good health and safety of the animal; and
- (3) reasonable medical care at times and to the extent available and necessary to maintain the animal in good health;

(b) Any determination as to whether or not the standards of this chapter are met shall be based on the professional opinion of a veterinarian licensed under AS 08.98.

(c) The department may adopt regulations to implement this section.

**Sec. 03.55.110. Investigation of complaints of cruelty to animals.** (a) a person who believes that cruelty to animals has taken place or is taking place may file a complaint with a public or private animal control agency or organization, the department, or with a peace officer. An agency, organization or department may refer the complaint to a peace officer.

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

(c) Before a peace officer may take an animal or place it into protective custody, the peace officer must request an immediate inspection and decision by a licensed veterinarian that placement into protective custody is in the immediate best interest of the animal. If no veterinarian is available to perform an inspection, before a peace officer may take an animal, the peace officer must communicate with a veterinarian who has, after hearing a description of the condition of the animal and its environment, decide it is in the immediate best interest of the animal that it be placed into protective custody. If the peace officer is not able to communicate with a veterinarian, before the officer may take an animal, the officer must decide it is in the immediate best interest of the animal

that it be placed into protective custody. For purposes of this section, "peace officer" means (1) an officer of the state troopers; (2) a member of the police force of a municipality; (3) a village public safety officer; or (4) a regional public safety officer.

**Sec. 03.55.120. Removal and Protective Custody.** (a) A peace officer must place an animal in protective custody before it can be removed from the location in which it is found. If the animal is removed, the peace officer must place it with a veterinarian licensed under AS 08.98 or, if a veterinarian is not readily available, with a recognized public or private custodian to be sheltered, cared for, and provided necessary medical attention.

(b) A peace officer that has removed an animal shall immediately notify the animal's owner in writing of those actions and of the owner's rights to petition the court under AS 03.55.130 for return of the animal. Notification may be delivered in person, posted at the owner's residence, or may be mailed to the owner.

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

(d) The state, a municipality, or person that supplies shelter, care, veterinary attention or medical treatment for an animal that has been removed under this section shall make a reasonable effort to locate the owner.

**Sec. 03.55.130. Destruction and adoption of animals.** (a) If a determination is made by a veterinarian licensed under AS 08.98 or by a peace officer in communication with a veterinarian licensed under AS 08.98 or by a peace officer who is unable to locate or communicate with a veterinarian licensed under AS 09.98 that an animal placed into protective custody under AS 03.55.100 – 03.55.190 is injured or diseased to such an extent that it is probable the animal cannot recover, the veterinarian or the peace officer may humanely destroy the animal or arrange for the animal's humane destruction.

(b) Upon diagnosis and recommendation of a veterinarian licensed under AS 08.98, a public or private custodian may, at any time, destroy or arrange for the

destruction of an animal placed into protective custody under this chapter that is a severely injured, diseased or suffering animal.

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

(d) Except as provided in (a) or (b) of this section, the custodian of an animal may not adopt, provide for the adoption of, or destroy the animal within 10 business days after the animal is taken into custody. An owner may prevent the animal's adoption or destruction by:

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

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

(e) If the custodian still has custody of the animal when the bond or security posted under (d)(2) of this section expires and the court has not ordered alternative disposition, ownership of the animal shall vest with the custodian. If a court order prevents the custodian from assuming ownership and the custodian continues to care for the animal, the court shall require the owner of the animal to pay, by bond or otherwise, for the continuing costs of care for the animal until such time as a final determination regarding the disposition of the animal is made by the court.

(f) The state may not be required to reimburse a public or private agency or organization or person that voluntarily assists with the removal of an animal or receives

custody of an animal removed under this section, for costs of shelter, care, veterinarian assistance, or medical treatment rendered to the animal.

**Sec. 03.55.190. Definitions.** In AS 03.55.100 – 03.55.190,

- (1) “animal” has the meaning given in AS 11.81.900
- (2) “department” means the Department of Environmental Conservation.
- (3) “custodian” means a person responsible by authority of law for the care, custody or control of an animal.

**Sec. 11.61.140. Cruelty to animals in the first degree.** (a) A person commits cruelty to animals in the first degree if the person

- (1) knowingly inflicts severe and prolonged physical pain or suffering on an animal;
- (2) kills or injures an animal by the use of a decompression chamber;
- (3) intentionally kills or injures a pet or livestock by use of poison;
- (4) 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;
- (6) violates AS 11.61.142(a)(1), but the violation is committed against more than one animal; or
- (7) violates AS 11.61.142 and the person has been previously convicted of a crime under this section, AS 11.61.142, or a law or ordinance of another jurisdiction with elements essentially similar to a crime under this section or AS 11.61.142.

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

(c) This section does not apply to

- (1) scientific research governed by accepted standards;
- (2) the humane destruction of an animal;
- (3) accepted veterinary or animal husbandry practices;
- (4) fishing, hunting, or trapping activities allowed by law;
- (5) generally accepted dog mushing or pulling contests;
- (6) rodeos or stock contests; or
- (7) professionally accepted training and discipline standards.

(d) 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.

(e) Cruelty to animals in the first degree is a class A misdemeanor. The court may also:

- (1) require forfeiture of any affected animal to the state, or to a custodian that supplies shelter, care or medical treatment for the animal;
- (2) require the defendant to reimburse the state or other custodian for all reasonable costs incurred in providing necessary care, shelter, veterinary attention or medical treatment for any removed animal;
- (3) Prohibit or limit the defendant's ownership, possession, or custody of animals for up to 10 years.

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