

**SB**

**273**

**AMENDMENT # 1**

OFFERED IN THE SENATE

BY SENATOR WIELECHOWSKI

TO: SB 273

1 Page 1, following line 2:

2 Insert new bill sections to read:

3 **\*\* Section 1. AS 11.61.140(a) is amended to read:**

4 (a) A person commits cruelty to animals if the person

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

7 (2) with criminal negligence, fails to care for an animal and, as a result,  
8 causes the death of the animal or causes severe physical pain or prolonged suffering to  
9 the animal;

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

11 [OR]

12 (4) intentionally kills or injures a pet or livestock by the use of poison;

13 or

14 (5) knowingly kills or injures an animal with the intent to  
15 intimidate, threaten, or terrorize another person.

16

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

18 (b) Each animal that is subject to cruelty to animals under ~~(a)~~ [(a)(1) - (4)] of  
19 this section shall constitute a separate offense."  
20

21 Page 1, line 3:

22 Delete "Section 1"

23 Insert "Sec. 3"

1

2 **Renumber the following bill section accordingly.**

3

4 **Page 1, line 5, following "(a)(2)":**

5 **Insert "or (5)"**

**Dear Senator Hollis French,**

**One subject that will be presented to the Senate Judiciary committee hearing this Wednesday, Feb 27<sup>th</sup> will be about a change to our state animal cruelty laws. That change would add a Felony provision to the law. As the law stands now, animal cruelty can only be prosecuted as a misdemeanor.**

**Strong animal cruelty laws are a first step towards stemming both future human and animal violence. As I am sure you know , there is a strong correlation between animal cruelty and human violence. A felony cruelty provision will provide a much needed tool that can be used in our courts to help protect both animals and people.**

**Alaska is now one of only seven states that does not have Felony cruelty laws, yet several cases of animal cruelty are discovered every year in the state. While several cases make the headlines in our major Alaskan newspapers, many more cases occur outside the state's major areas. I know as the Animal Control Officer for Valdez for the last 19 years that I have seen several cases that I would have liked to see prosecuted under a Felony law. I also know as a professional that there are other cruelty cases that do not deserve to be prosecuted in that manner. I think it is important to know that professional, trained law enforcement people do know the difference.**

**I am asking for your support in seeing this important bill is passed on to the Senate floor; and in seeing this bill go all the way in 2008.**

**Thank you,**

**Animal Shelter Facility Manger**

**Shana Anderson**

**Valdez Alaska**

03/03/2008

To WHOM IT MAY CONCERN:

I AM WRITING THIS LETTER TO SHOW THAT I SUPPORT SENATE BILL 273. I STRONGLY FEEL THAT THERE SHOULD BE CONSEQUENCES FOR THE MANY INSTANCES OF ANIMAL CRUELTY THAT OCCUR UNNOTICED OR IGNORED IN THE STATE OF ALASKA. I HAVE TAKEN IN A FEW ANIMALS THAT WERE MISTREATED AND I WISH I COULD PROVIDE A GOOD HOME FOR MORE, BUT CANNOT DUE TO FINANCES. I THINK THAT IF THERE WAS SOME SORT OF PUNISHMENT OR REPERCUSSION FOR THE HORRIBLE THINGS THAT PEOPLE DO TO ANIMALS THAT IT WOULD HAPPEN LESS OFTEN.

SINCERELY,

KRISTINA LIVINGSTON  
P.O. BOX 83796  
FAIRBANKS, AK  
99708

Hello,

I just wanted to voice my support for SB 273.

This felony cruelty bill is very important to the animals of Alaska. We have one of the weakest cruelty laws in the nation and probably per capita more dogs than most other states.

I have sled dogs. I understand the "farm animal" mentality that is so prevalent up here (which I totally don't agree with but that is for another day!) But what bothers me the most is that a person in Alaska can starve to death dogs (I have one that I took from the shelter that came in almost dead with 2 puppies while 6 of her kennel mates died of starvation on their chain--the owner is not being prosecuted at all...not even charged!!!) and there are rarely any follow ups and rarely are these people prosecuted.

This really needs to change and I pray that the Senate will do the right thing and keep progressing forward on this bill.

Thank you.

Carol Kleckner

P O Box 82856

Fairbanks Alaska 99708

907-479-0430

**Charges of Cruelty to Animals (For both AS 11.61.140 and AS 11.61.145)**

**2002 – 10 cases referred for prosecution  
5 cases accepted for prosecution**

**2003 – 25 cases referred for prosecution  
22 cases accepted for prosecution**

**2004 – 15 cases referred for prosecution  
11 cases accepted for prosecution**

**2005 – 10 cases referred for prosecution  
7 cases accepted for prosecution**

**2006 – 12 cases referred for prosecution  
7 cases accepted for prosecution**

**2007 – 18 cases referred for prosecution  
10 cases accepted for prosecution**

25-LS1127E  
Luckhaup  
3/12/08

**CS FOR SENATE BILL NO. 273(JUD)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIFTH LEGISLATURE - SECOND SESSION**

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered:**

**Referred:**

**Sponsor(s): SENATOR WIELECHOWSKI**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to cruelty to animals and promoting an exhibition of fighting animals."**

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

3 **\* Section 1. AS 11.61.140(a) is amended to read:**

4 (a) A person commits cruelty to animals if the person

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

7 (2) with criminal negligence, fails to care for an animal and, as a result,  
8 causes the death of the animal or causes severe physical pain or prolonged suffering to  
9 the animal;

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

11 [OR]

12 (4) intentionally kills or injures a pet or livestock by the use of poison;

13 or

14 (5) knowingly kills or injures an animal with the intent to  
15 intimidate, threaten, or terrorize another person.

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

(b) Each animal that is subject to cruelty to animals under (a) [(a)(1) - (4)] of this section shall constitute a separate offense.

\* Sec. 3. AS 11.61.140(f) is amended to read:

(f) Cruelty to animals under (a)(1), (3), or (4) of this section is a class C felony. Cruelty to animals under (a)(2) or (5) of this section is a class A misdemeanor. In addition to these penalties, the [THE] court may also

(1) require forfeiture of any animal affected 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 a custodian for all reasonable costs incurred in providing necessary shelter, care, veterinary attention, or medical treatment for any animal affected;

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

\* Sec. 4. AS 11.61.145(d) is amended to read:

(d) Promoting an exhibition of fighting animals

(1) under (a)(1) or (2) of this section is a class C felony;

(2) under (a)(3) of this section is a class A misdemeanor [VIOLATION] for the first offense and a class C felony [B MISDEMEANOR] for the second and each subsequent offense.

**Sec. 11.61.140. Cruelty to animals.**

(a) A person commits cruelty to animals if the person

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

(2) 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;

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

(4) intentionally kills or injures a pet or livestock by the use of poison.

(b) Each animal that is subject to cruelty to animals under (a)(1) - (4) of this section shall constitute a separate offense.

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

(1) was part of scientific research governed by accepted standards;

(2) constituted the humane destruction of an animal;

(3) conformed to accepted veterinary or animal husbandry practices;

(4) was necessarily incidental to lawful fishing, hunting or trapping activities;

(5) conformed to professionally accepted training and discipline standards.

(d) In (a)(2) 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) This section does not apply to generally accepted dog mushing or pulling contests or practices or rodeos or stock contests.

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

(1) require forfeiture of any animal affected 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 a custodian for all reasonable costs incurred in providing necessary shelter, care, veterinary attention, or medical treatment for any animal affected;

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

**Sec. 11.61.145. Promoting an exhibition of fighting animals.**

**(a) A person commits the crime of promoting an exhibition of fighting animals if the person**

**(1) owns, possesses, keeps, or trains an animal with intent that it be engaged in an exhibition of fighting animals;**

**(2) instigates, promotes, or has a pecuniary interest in an exhibition of fighting animals; or**

**(3) attends an exhibition of fighting animals.**

**(b) The animals, equipment, vehicles, money, and other personal property used by a person in a violation of (a)(1) or (2) of this section shall be forfeited to the state if the person is convicted of an offense under this section.**

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

**(d) Promoting an exhibition of fighting animals**

**(1) under (a)(1) or (2) of this section is a class C felony;**

**(2) under (a)(3) of this section is a violation for the first offense and a class B misdemeanor for the second and each subsequent offense.**

**Sec. 11.61.150. Obstruction of highways.**

**(a) A person commits the crime of obstruction of highways if the person knowingly**

**(1) places, drops, or permits to drop on a highway any substance that creates a substantial risk of physical injury to others using the highway; or**

**(2) renders a highway impassable or passable only with unreasonable inconvenience or hazard.**

**(b) It is an affirmative defense to a prosecution under (a)(1) of this section that**

**(1) the defendant took reasonable steps to remove the substance from the highway; and**

**(2) no person suffered physical injury as a result of the presence of the substance on the highway.**

**(c) Obstruction of highways is a class B misdemeanor.**

**Sec. 11.61.160. Recruiting a gang member in the first degree.**

**(a) A person commits the crime of recruiting a gang member in the first degree if the person uses or threatens the use of force against a person or property to induce a person to participate in a criminal street gang or to commit a crime on behalf of a criminal street gang.**

**(b) Recruiting a gang member in the first degree is a class C felony.**

**Sec. 11.61.165. Recruiting a gang member in the second degree.**

# ALASKA STATE LEGISLATURE

Co-chair, Joint Armed Services  
Committee

•  
Senate Resources Committee

•  
Senate Judiciary Committee

•  
Senate Transportation Committee



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## SENATOR BILL WIELECHOWSKI

### Senate Bill 273: Animal Cruelty/Dog-fighting

Forty-three states and the District of Columbia have enacted felony level penalties for atrocious acts of animal cruelty, yet Alaska ranks among the weakest states for animal protection. SB 273 seeks to increase the penalty for heinous acts against animals from a misdemeanor to a Class C felony and to criminalize participating in animal fighting.

Research indicates that without intervention, people who abuse and kill animals are more likely to similarly abuse humans. The National Coalition Against Domestic Violence reports that 71% of pet owners entering domestic violence shelters state that their batterer had threatened, injured, or killed family pets. Many abusers have a history of animal abuse that precedes domestic violence toward their partner.

In addition, animal cruelty often is an indicator that an individual poses a risk to himself and or others. A U.S. Department of Justice-supported longitudinal study found that animal abuse predicted which children would exhibit anti-social and aggressive behavior later in childhood, adolescence, and then adulthood. Serial killers and school shooters often have histories of abusing animals.

Passage of a felony-level animal cruelty law is a critical step toward halting the progression of violent crime. Please join us in supporting this critical legislation.



## Animal Legal Defense Fund

### JURISDICTIONS WITH FELONY ANIMAL ABUSE PROVISIONS (AND YEAR FIRST ENACTED)

- |                          |                           |
|--------------------------|---------------------------|
| 1. Alabama (2000)        | 27. New Mexico (1999)     |
| 2. Arizona (1999)        | 28. New York (1999)       |
| 3. California (1988)     | 29. North Carolina (1998) |
| 4. Colorado (2002)       | 30. Ohio (2003)           |
| 5. Connecticut (1996)    | 31. Oklahoma (1887)       |
| 6. Delaware (1994)       | 32. Oregon (1995)         |
| 7. Florida (1986)        | 33. Pennsylvania (1995)   |
| 8. Georgia (2000)        | 34. Rhode Island (1896)   |
| 9. Hawaii (2007)         | 35. South Carolina (2000) |
| 10. Illinois (1999)      | 36. Tennessee (2002)      |
| 11. Indiana (1998)       | 37. Texas (1997)          |
| 12. Iowa (2000)          | 38. Vermont (1998)        |
| 13. Kansas (2006)        | 39. Virginia (1999)       |
| 14. Kentucky (2003)      | 40. Washington (1994)     |
| 15. Louisiana (1995)     | 41. West Virginia (2003)  |
| 16. Maine (1999)         | 42. Wisconsin (1986)      |
| 17. Maryland (2001)      | 43. Wyoming (2003)        |
| 18. Massachusetts (1804) |                           |
| 19. Michigan (1994)      |                           |
| 20. Minnesota (2001)     |                           |
| 21. Missouri (1994)      |                           |
| 22. Montana (1993)       |                           |
| 23. Nebraska (2002)      |                           |
| 24. Nevada (1999)        |                           |
| 25. New Hampshire (1994) |                           |
| 26. New Jersey (2001)    |                           |

*Territories, Districts &  
Possessions:*  
District of Columbia (2001)  
Puerto Rico (2004)  
Virgin Islands (2005)

### JURISDICTIONS WITHOUT FELONY ANIMAL ABUSE PROVISIONS

- |                 |  |
|-----------------|--|
| 1. Alaska       |  |
| 2. Arkansas     |  |
| 3. Idaho        |  |
| 4. Mississippi  |  |
| 5. North Dakota |  |
| 6. South Dakota |  |
| 7. Utah         |  |
- Territories, Districts &  
Possessions:*  
American Samoa  
Northern Marianas  
Guam



## PETS AND DOMESTIC VIOLENCE

### WHY IT MATTERS

Pets are not only loved family members, but also play a key role in the lives of their owners. For many pet owners, the safety of their pets is a top priority. In the event of a domestic violence incident, their abusers will likely inflict harm on their pets. This is often done to cause emotional pain, to control the safety of their pets. When batterers are violent, they often target the animals as well, and the violence is aimed at them and their families. Keeping pets safe is an important part of the safety plan for victims of domestic violence. Safe haven animals are often used to protect victims, their children, and their pets.

### DID YOU KNOW?

- 71% of pet owners entering domestic violence shelters report that their batterer had threatened, injured, or killed family pets.<sup>2</sup>
- One study found that 87% of batterer-perpetrated incidents of pet abuse are committed in the presence of their partners for the purpose of revenge or control.<sup>3</sup>
- Studies show that up to 76% of batterer-perpetrated pet abuse incidents occur in the presence of children.<sup>4</sup>
- 13% of intentional animal abuse cases involve domestic violence.<sup>5</sup>
- Women in domestic violence shelters are 11 times more likely to report animal abuse by their partner than women not experiencing violence.<sup>6</sup>
- 85% of domestic violence shelters report that they commonly encounter women who speak about pet abuse incidents.<sup>6</sup>
- 52% of victims in shelters left their pets with their batterers.<sup>6</sup>
- Criminals and troubled youth have high rates of animal cruelty during their childhood, perpetrators often were victims of child abuse themselves.<sup>7</sup>
- Investigation of animal abuse is often the first point of social services intervention for a family experiencing domestic violence.<sup>8</sup>

### THE LINK BETWEEN PET ABUSE AND DV

- Similar to domestic abuse, abusers demonstrate power and control over the family by threatening, harming, or killing animals.<sup>8</sup>
- Domestic violence victims whose batterers abuse their pets report more than twice as many incidents of child abuse as compared to domestic violence victims whose batterers have not abused their pets.<sup>10</sup>
- Batterers threaten, harm, or kill their children's pets in order to coerce them into sexual abuse or to force them to remain silent about abuse.<sup>11</sup>
- Abusers harm pets to punish the victim for leaving, or in attempts to coerce her/him to return.<sup>17</sup>
- Abusers may harm pets to retaliate for acts of self-determination or independence.<sup>9</sup>
- Animal abusers are more likely to be domestic violence abusers, to have been arrested for other violent crimes and drug-related offenses, and engage in other delinquent behavior.<sup>6</sup>
- Many abusers have a history of animal abuse that precedes domestic violence toward their partner.<sup>12</sup>
- Animals may sometimes be used as weapons against domestic violence victims.<sup>6</sup>

### THE ROLE OF PETS

- Family pets are commonly viewed as family members and companions.
- 55% of domestic violence victims and their children report that their pets are very important sources of emotional support, thus violence toward pets may be especially devastating and viewed as another form of family violence.<sup>13</sup>
- A large majority of women residing in domestic violence shelters report being emotionally close to their pets and experience distress when their animals are abused.<sup>6</sup>
- Studies show that a vast majority of children who witness pet abuse become distressed and emotionally distraught.<sup>6</sup>
- Women without children are more likely to postpone seeking shelter out of concern for their pets' safety as compared to women with children, 33.3% versus 19.5%.<sup>6</sup>

## BARRIERS TO SEEKING SERVICES

- 65% of women who report prior pet abuse continue to worry for their pets' welfare after entry into a shelter.<sup>6</sup>
- Up to 40% of domestic violence victims are unable to escape their abusers because they are concerned about what will happen to their pets when they leave.<sup>14</sup>
- Only 12% of domestic violence programs can provide shelter for pets and 24% provide referral services to local animal welfare organizations.<sup>15</sup>
- Victims of domestic violence have been known to live in their cars for as long as four months until an opening was available at a pet-friendly safe house or shelter.<sup>16</sup>

## TIPS FOR VICTIMS WITH PETS<sup>9</sup>

- Some shelters allow pets and many others have established "safe haven" foster care programs for the animal victims of domestic violence.
- If it is not possible to take the animals when the victim leaves the home, try to arrange temporary shelter for the pets with a veterinarian, trusted friend or family member, or local animal shelter.
- When vaccinating pets against rabies and licensing them with the town or county, it is important that registrations are in the victim's name. This will serve as proof that the victim owns the pets.
- Prepare the pets for a quick departure: collect vaccination records, pet license, medical records, and other documents.
- Ask for help from animal care and control officers or law enforcement if pets need to be retrieved from the abuser. Never reclaim animals alone.

## IF YOU NEED HELP

For more information or if you need help, please contact the  
**American Humane Association at 303-792-9900.**  
**National Domestic Violence Hotline at 1-800-799-SAFE.**  
**National Child Abuse Hotline at 1-800-4-A-CHILD.**  
**National Sexual Assault Hotline at 1-800-656-HO. E.**

## SOURCES

- <sup>1</sup> Luke, C., Arluke, A., & Levin, J. (1998). *Cruelty to Animals and Other Crimes: A Study by the MSPCA and Northeastern University*. Boston: MSPCA.
- <sup>2</sup> Ascione, F.R., Weber, C.V. & Wood, D.S. (1997). The abuse of animals and domestic violence: A national survey of shelters for women who are battered. *Society & Animals* 5(3), 205-216.
- <sup>3</sup> Quinlisk, J.A. (1999). Animal Abuse and Family Violence. In, Ascione, F.R., Arkow, P., eds. *Child Abuse, Domestic Violence, and Animal Abuse. Linking the Circles of Compassion for Prevention and Intervention*. West Lafayette, IN: Purdue University Press, pp. 168-175.
- <sup>4</sup> Fever & Strand. (2003).
- <sup>5</sup> Humane Society of the U.S. (2001). 2000 Report of Animal Cruelty Cases. Washington, DC.
- <sup>6</sup> Ascione, F.R., Weber, C.V., Thompson, T.M., Heath, J., Maruyama, M., Hayashi, K. (2007). Battered Pets and Domestic Violence: Animal Abuse Reported by Women Experiencing Intimate Violence and by Nonabused Women. *Violence Against Women*, 13(4), 354-373.
- <sup>7</sup> Flynn, C.P. (2000). Woman's Best Friend: Pet Abuse and the Role of Companio. *Animals in the Lives of Battered Women. Violence Against Women*, 6(2), 162-177.
- <sup>8</sup> Arkow, P. (2003). *Breaking the cycles of violence: A guide to multi-disciplinary interventions. A handbook for child protection, domestic violence and animal protection agencies*. Alameda, CA: Let's am Foundation.
- <sup>9</sup> *Animal Cruelty/Domestic Violence Fact Sheet* (2007). Humane Society of the United States. <http://www.hsus.org/hsusfield/>.
- <sup>10</sup> Ascione, F.R. (2001). Animal Abuse and Youth Violence. *Juvenile Justice Bulletin*. U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention, Washington, DC.
- <sup>11</sup> Loar, L. (1999). "I'll only help you if you have two legs." or, Why human services professionals should pay attention to cases involving cruelty to animals. . . Ascione, F.R. & Arkow, P., eds.: *Child Abuse, Domestic Violence, and Animal Abuse: Linking the Circles of Compassion for Prevention and Intervention*. West Lafayette, IN: Purdue University Press, 1999, pp. 120-138.
- <sup>12</sup> Weber, C.V. (1999). A Descriptive Study of the Relationship Between Domestic Violence and Pet Abuse. ProQuest Information and Learning. *Dissertation Abstracts International: Section B: The Sciences and Engineering*, 59(80-B).
- <sup>13</sup> Fever, C.A. & Strand, E.B. (2003). Domestic Violence and Animal Cruelty: Untangling the Web of Abuse. *Journal of Social Work Education*, 39(2), 237-253.
- <sup>14</sup> Arkow, P. (1994). Animal abuse and domestic violence: Intake statistics tell a sad story. *Latham Letter* 15(2), 17.
- <sup>15</sup> NCADV National Directory of Domestic Violence Programs, 2004
- <sup>16</sup> Kogan, L.R., McConnell, S., Schoenfeld-Tacher, R., & Jansen-Lock, P. (2004). Crossroads: A unique foster program to provide safety for pets of women in safehouses. *Violence Against Women* 10, 418-434.

NATIONAL COALITION AGAINST DOMESTIC VIOLENCE



The Public Policy Office of the National Coalition Against Domestic Violence (NCADV) is a national leader in the effort to end the violence against women, children, and children. We work closely with individuals, state, and federal government to identify the issues facing domestic violence victims, their families, and the people who serve them and to develop a legislative agenda to address these issues. NCADV welcomes you to get involved in our efforts to end domestic violence.



# THE HUMANE SOCIETY OF THE UNITED STATES

February 27, 2008

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Senator Hollis French, Chair  
Senate Judiciary Committee  
State Capitol, Room 417  
Juneau, AK 99801

Dear Chairman French:

On behalf of The Humane Society of the United States (The HSUS), the nation's largest animal protection organization with more than 17,000 members and constituents in Alaska, I am writing to urge you to support S.B. 273 when it is heard before the Senate Judiciary Committee on Wednesday, February 27. Currently, Alaska is one of only seven states with no felony level penalties for the most malicious acts of animal cruelty. Passage of S.B. 273 would bring Alaska's cruelty code in line with the rest of the country.

Strong laws against animal cruelty protect not only animals, but also our communities. An irrefutable body of research confirms the connection between animal cruelty and human violence. Animal cruelty is often a component of domestic violence, as pets are used to threaten or intimidate a spouse or child. A recent cruelty case from Alaska illustrates this connection: In November 2007, Robert Farrell of Fairbanks was charged with animal cruelty after he allegedly picked up his wife's cat by the hind legs and slammed the cat into a tree after an argument with his wife. This type of cruelty and intimidation should not be tolerated.

Numerous studies over the last 25 years have demonstrated that violent offenders frequently have childhood and adolescent histories of serious and repeated animal cruelty. The FBI has recognized the connection since the 1970s, when its analysis of the lives of serial killers suggested that most had killed or tortured animals as children. Other research has shown consistent patterns of animal cruelty among perpetrators of more common forms of violence, including child abuse, spouse abuse, and elder abuse. Just as importantly, research has shown that animal cruelty investigations often provide the first opportunity for law enforcement to intervene in homes where other violent crimes are occurring.

Those who possess the capacity for malicious acts of cruelty to animals are dangerously violent criminals. Over the past two decades, forty-three states and territories have enacted felony-level animal cruelty states to give prosecutors and judges the tools they need to more adequately protect our communities. We hope that Alaska will not let the opportunity pass to offer equal protection to its citizens.

Passage of a felony animal cruelty law is an essential initial step in halting the progression of violent crime—against humans and nonhumans. The HSUS strongly supports S.B. 273 and urges its quick passage through the Alaska legislature.

Sincerely,

David Pauli  
Director, Northern Rocky Regional Office

*Celebrating Animals, Confronting Cruelty*



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February 18, 2008

Senator Bill Weilechowski  
State Capitol  
Juneau, AK 99801-1182

Re: Letter of Support for SB 273—Cruelty to Animals & Animal Fighting

Dear Senator Weilechowski:

On behalf of the American Society for the Prevention of Cruelty to Animals (ASPCA) and our 1500 Alaska members and donors, I am writing to express support for SB 273, a bill that will make certain acts of cruelty to animals, including promoting an exhibition of animal fighting, a felony in the State of Alaska.

We must ensure the penalty scheme of our animal cruelty statutes punishes the perpetrators sufficiently to deter the commission of the crime. By doing this, we will not only protect our companion animals but perhaps break the cycle that leads these individuals to harm other people.

Thank you for introducing this important humane legislation.

Sincerely,

*Jill A. Buckley*

Jill A. Buckley, Esq  
Legislative Services

WE ARE THEIR VOICE



# AMERICAN HUMANE

*Protecting Children & Animals Since 1877*

Testimony by Allie Phillips, J.D. and Tracy Coppola, J.D.  
Of the American Humane Association  
Before the Senate Judiciary Committee  
In support of SB 273 – Felony Animal Cruelty  
Wednesday, February 27, 2008

The American Humane Association, the nation's oldest non-profit organization with 130 years dedicated to protecting animals and children from abuse and neglect, would like to thank Chairman French for the opportunity to submit the following testimony in enthusiastic support of Senate Bill 273, sponsored by Senator Bill Wielechowski.

Alaska has one of the weakest animal cruelty laws in the nation<sup>1</sup>. The beautiful state of Alaska is not immune to horrific acts of torture and cannot afford to ignore them. Last November, a Fairbanks man, following an argument with his wife, is accused of slamming her cat unconscious against a tree. He is only charged with a misdemeanor for his crime. In 2006, an 18-year-old Anchorage man was convicted of beating his brother's dog. In addition to other related felony charges related to weapon offenses, he only received a \$100 fine for beating the dog.

These are just some of the examples why animal cruelty must finally be taken seriously in Alaska. Despite the escalating level of egregious animal cruelty acts and the nationally recognized danger these acts pose to society, Alaska's law lacks felony penalties for these acts. By doing so, it also attracts individuals who seek venues wherein they can abuse animals without facing any serious punishment.

For the welfare of both humans and animals, the law must treat all acts of violence against animals in a way that accurately reflects their magnitude. The strength of an animal cruelty law directly corresponds with how acts of animal abuse are investigated and prosecuted. For this reason, American Humane supports legislation that seeks to increase penalties for animal cruelty offenses.

By making certain forms of animal cruelty Class C felonies punishable up to five years in prison and/or a \$50,000 fine, Senate Bill 273 would ensure such actions will be more properly investigated, prosecuted, and treated as crimes with serious consequences. This is consistent with other states' felony cruelty laws and is a moderate bill.

SB 273 will make it a felony to knowingly inflict severe pain or suffering on an animal, killing/injuring an animal by use of a decompression chamber, intentionally killing/injuring a pet or livestock by the use of poison, and promoting animal fighting

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<sup>1</sup> Currently, only seven states—Alaska, Arkansas, Idaho, Mississippi, North Dakota, South Dakota, and Utah—penalize aggravated animal cruelty offenses as mere misdemeanors.

**exhibitions. In addition, intentionally participating in an animal fight as a spectator for the second time would also become a felony offense.**

**Protecting animals from abuse is not just an animal welfare issue, it is also a societal issue of how to keep communities safe from violence. The Link<sup>™</sup> between animal cruelty and human violence is an internationally recognized fact. A growing body of research demonstrates the undeniable link between those who are cruel to animals and then progress toward human violence. Deliberate and brutal abuse of companion animals rarely occurs in isolated instances. Instead, animal abuse is often part of a vicious cycle of violence that often escalates to human abuse. Thus, strict enforcement against animal cruelty is necessary for a safe society.**

**Many studies in psychology, sociology, and criminology have demonstrated that violent offenders frequently have childhood and adolescent histories of serious and repeated animal cruelty. The FBI has recognized the connection since the 1970s, when its analysis of the lives of serial killers suggested that most had killed or tortured animals as children. Other research has shown consistent patterns of animal cruelty among perpetrators of more common forms of violence, including child abuse, spouse abuse, and elder abuse. In a nationwide study, over 71 percent of battered women reported that their abusers had harmed, killed or threatened animals. More than 75 percent of those incidents occurred in the presence of the women or their children.<sup>2</sup>**

**Please help ensure a more humane Alaska for future generations, and join the 43 other states by voting for passage of Senate Bill 273.**

**We thank you for your time and consideration.**

**Respectfully submitted,**

**Allie Phillips, J.D.  
Director of Public Policy**

**Tracy Coppola, J.D.  
Legislative Analyst**

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<sup>2</sup> Ascione, F.R., Weber, C.V., & Wood, D.S., *The Abuse of Animals and Domestic Violence: A National Survey of Shelters for Women Who are Battered (Society and Animals, 1997, p. 205-218).*

Dear Senator Wielechowski,

One subject that will be presented to the Senate Judiciary committee hearing this Wednesday, Feb 27<sup>m</sup> will be about a change to our state animal cruelty laws. That change would add a Felony provision to the law. As the law stands now, animal cruelty can only be prosecuted as a misdemeanor.

Strong animal cruelty laws are a first step towards stemming both future human and animal violence. As I am sure you know, there is a strong correlation between animal cruelty and human violence. A felony cruelty provision will provide a much needed tool that can be used in our courts to help protect both animals and people.

Alaska is now one of only seven states that does not have Felony cruelty laws, yet several cases of animal cruelty are discovered every year in the state. While several cases make the headlines in our major Alaskan newspapers, many more cases occur outside the state's major areas. I know as the Animal Control Officer for Valdez for the last 19 years that I have seen several cases that I would have liked to see prosecuted under a Felony law. I also know as a professional that there are other cruelty cases that do not deserve to be prosecuted in that manner. I think it is important to know that professional, trained law enforcement people do know the difference.

I am asking for your support in seeing this important bill is passed on to the Senate floor; and in seeing this bill go all the way in 2008.

Thank you,  
Animal Shelter Facility Manger  
Shana Anderson  
Valdez Alaska

**Katherine Pustay**

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**From:** Don Kiely [donkiely@computer.org]  
**Sent:** Tuesday, February 26, 2008 9:29 PM  
**To:** Sen. Hollis French; Sen. Charlie Huggins; Sen. Lesil McGuire; Sen. Bill Wielechowski; Sen. Gene Therriault  
**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* SB 273, Cruelty to Animals

Members of the Senate Judiciary Committee:

The Alaska senate has a bill in the works, SB 273, that I would like to urge your strong support for. The bill would strengthen Alaska's laws regarding animal cruelty, making the worst offenses a felony. The Fairbanks borough shelter, as well as those around the state, need stronger laws in place to put a curb on severe animal abuse.

It is depressing to realize that had Michael Vick located his dog fighting operation in Alaska, he would have at most received a light slap on the wrist and would be back in operation the next day. As well as still playing football.

I am the president of Second Chance League, a sleddog rescue organization. We rescue sleddogs who have been dumped at the Fairbanks animal shelter. Over the last several years, we have taken in some dogs that were mere skin and bones, near death. One dog in particular, a sweet female now named Chiclet, was found in a yard with a six dogs dead from starvation and several emaciated dogs. Their owner simply stopped feeding them. Chiclet was nursing two puppies, nearly giving her last ounce of energy to milk for the puppies. She would have been dead had she been found a day later, and the puppies would not have survived long after that. We took her from the shelter and slowly nursed her back to health over the next several months, a long painful process for her. Chicklet and her puppies are now happy and healthy, and living good lives.

The borough has not yet prosecuted this case, despite such blatant abuse of a life. As angry as that makes me, I can't say I fully blame them. Why go through the trouble for just a misdemeanor?

Cases like this are rampant. Another recent example: another person has a solid history of animal abuse in the borough, but nothing was done to actively protect the dogs. Last fall he headed to the Lower 48, where he has been indicted in the state of Montana on one felony and 33 misdemeanor counts on animal cruelty, for the same conditions he left the dogs in here. Thank heavens that Montana has the laws and the will to enforce them! Those dogs have been in living hell for many months now.

How horrid and embarrassing for Alaska that we could have done something to prevent months of additional suffering by the dogs, but did nothing. Absolutely nothing.

There are those that argue that stronger animal cruelty laws would harm dog mushing, our favored sport. They most certainly would not! My partner and I are dog mushers and skijorers, with 31 happy, healthy dogs, many of whom were rescued from the shelter or directly from abusive situations. There are many responsible mushers who take good care of their dogs. Lance Mackey is a great example, showing how being good to your dogs can lead to fabulous mushing success.

PLEASE support SB 273. It isn't a perfect or complete solution, but it begins to lay the foundation for preventing animal cruelty in Alaska.

Sincerely,  
Don Kiely  
Ester, Alaska

Senator Bill Wielechowski  
Alaska State Legislature  
State Capitol, MS 3100, Room 115  
Juneau, AK 99801

Dear Senator Wielechowski,

Animal cruelty is bad for animals - and for our communities. Numerous studies show the link between animal cruelty and human violence. Please support S.B. 273 to strengthen the animal cruelty law in Alaska.

Alaska is one of just seven states in the entire country with no felony-level penalties for the most egregious acts of intentional animal cruelty such as burning, poisoning, and torture. S.B. 273 would make it a felony to torture or poison an animal.

Animal cruelty is a precursor to other violent criminal acts; increasing penalties for perpetrating such cruelty is imperative to protecting animals and our society.

Thank you.

Sincerely,  
christa burg  
4933 E 6th ave  
anchorage, AK 99508

I personally believe that SB 273 for Felony Animal Cruelty is a necessary bill that should be given serious attention.

Thank you.

Julitta Dixon  
General Parts Inc. /CARQUEST  
Stocking Supervisor  
5491 Electron Drive  
Anchorage, AK 99518  
Office: 907-273-5614  
Fax: 907-273-5601  
email: [judixon@gpi.com](mailto:judixon@gpi.com)

**Katherine Pustay**

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**From:** Laudenslager, Richard C [Richard.Laudenslager@va.gov]  
**Sent:** Monday, February 25, 2008 8:22 AM  
**To:** Sen. Bill Wieiechowski  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Senator Wieiechowski: This bill is very important to the State and pet owners. Please pass this bill and help protect animals in the state. Thank you for your time. Rick

**Katherine Pustay**

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**From:** Jeanine [jeanineg@gci.net]  
**Sent:** Sunday, February 24, 2008 5:59 PM  
**To:** Sen. Bill Wielechowski  
**Subject:** SB 273

**Follow Up Flag:** Follow up  
**Flag Status:** Red

Senator Wielechowski,

I wanted to let you know that I think it is important that SB 273 for Felony Animal Cruelty be passed to the Senate floor. We are one of about 6 or 7 states in which animal cruelty is not a felony. It is time to change that. A felony cruelty option for first offense charges is a key part of giving the courts a tool to protect both people and animals. Please support this bill.

Sincerely,

Jeanine Greene  
PO Box 220923  
Anchorage, AK 99522

**Dear Honorable Senators:**

**I strongly urge your support of SB 273 for Felony Animal Cruelty. Alaska is no exception for cruelty to animals or people and in fact this bill is very necessary for our enforcement to stop egregious acts against the innocent.**

**Thank you,**

**Deborah J. Lilley-Bloom  
Legal Secretary  
Ashburn & Mason, P.C.  
1227 West Ninth Avenue, Suite 200  
Anchorage, AK 99501  
(907) 276-4331 (voice)  
(907) 277-8235 (fax)**

Senator Bill Wielechowski  
Alaska State Legislature  
State Capitol, MS 3100, Room 115  
Juneau, AK 99801

Dear Senator Wielechowski,

Alaska is one of only seven states in the entire country with no felony level penalties for egregious acts of animal cruelty.

Animal cruelty is often linked to human violence -- strong penalties for animal cruelty can protect both animals and our communities.

S.B. 273 would strengthen Alaska's animal cruelty law by making it a felony to torture or poison an animal.

Intentional cruelty is a sign of psychological distress and often indicates that an individual either has already experienced violence or may be predisposed to committing acts of violence. Strong penalties must be available for egregious acts of animal cruelty.

Please help protect animals and society by strengthening Alaska's animal cruelty law. Thank you.

Sincerely,  
Skye Nilsson  
825 Irwin Street  
Anchorage, AK 99508

**Katherine Pustay**

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**From:** Cathie Mihalko [cathiem@criteriongeneral.com]  
**Sent:** Friday, February 22, 2008 4:11 PM  
**To:** Sen. Bill Wielechowski  
**Subject:** SB 273

Hi Bill -

Please vote to send SB 273 to the floor for Senate approval. Alaska lags way behind other states in the protection of animals and the punishment of those who abuse them. No wonder we have such a horrible reputation for child and spousal abuse.

Thank you and keep up the great work!

Cathie Mihalko  
1450 Northview Drive, #J-4  
Anchorage, AK 99504-2870



March 5, 2008

Senator Bill Wielechowski  
State Capitol, Room 115  
Juneau, AK 99801-1182

Dear Senator Wielechowski,

As Alaska residents and members of the Alaska State Veterinary Medical Association Executive Board we lend unanimous support to Senate Bill 273.

We know the association between animal abuse and other forms of societal violence are nationally recognized. Threats or actions against companion animals are strong indicators that violence against human family members will follow. This bill will help guarantee such actions will be properly reported, investigated and prosecuted as a crime with serious consequences.

Innocent animals need strong voices like yours to speak for them. Thank you for your efforts and work on this legislation.

Sincerely,

Dr. Myra Wilson DVM  
Secretary  
Alaska State Veterinary Medical Association



**City of Kodiak**  
**KODIAK POLICE DEPARTMENT**  
**Animal Control**

To Whom It May Concern:

RE: Senate Bill 273

I am for stronger punishment for Animal Cruelty offenders. Far too often animals are treated inhumanely in heinous acts of cruelty and they are let off with little more than a slap on the wrist. If we can get Senate Bill 273 passed I believe it would be a step forward in keeping animals safe. There is a link where people who abuse their animals also have other abuse problems in their lives. By making cruelty have a stronger penalty it may discourage future crimes of a different kind as well as discourage them from ever inflicting cruelty on another animal.

Thank You,  
Animal Control Officer Amy Wagner

217 Lower Mill Bay Rd  
Kodiak, AK 99615  
907-486-8000

## Katherine Pustay

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**From:** Fetko, Dee Ann [FetkoDA@ci.anchorage.ak.us]  
**Sent:** Monday, March 03, 2008 8:17 AM  
**To:** Katherine Pustay  
**Subject:** FW: Senate Bill 273 - Letter from Animal Control Advisory Board

Katherine,

Here is the letter from the Animal Control Advisory Board. Thank you.

DeeAnn Fetko  
Grants and Contracts Supervisor  
Municipality of Anchorage  
Department of Health & Human Services  
907) 343-4634 phone  
907) 249-7659 fax  
fetkoda@muni.org

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

**From:** Stephanie & Neil Koeniger [mailto:slknrk@gci.net]  
**Sent:** Tuesday, February 26, 2008 8:42 PM  
**To:** katherine.pustay@legis.state.ak.us  
**Cc:** George Doty; Mary Troll; Sandy Traini; Laura Bain; Lori Hackenberger; Patty Ginsburg; Kayla Epstein; Fetko, Dee Ann  
**Subject:** Senate Bill 273

Hi Katherine-

I am writing in support of Senate Bill 273. I understand that this bill may be coming up for hearing on February 27th. I am not available to testify on this bill on that date but did want you to have these written comments for the hearing.

Having read the bill, my understanding is that it would make dog fighting a Class C felony. It would also make repeat offenses on other abuse activities a Class C felony instead of the current Class B misdemeanor status. I have reviewed these proposed changes with the other members of the Municipal Animal Control Advisory Board and we support both proposed changes.

It has been acknowledged for many years now by both most law enforcement agencies throughout this country, as well as many social service agencies, that there is a direct correlation between individuals who abuse animals and their abuse of other people. This type of behavior cannot and should not be condoned. Elevation of these offenses to felony status reinforces that position and, while it may not stop the offenses, should be a significant deterrent to them.

We encourage Legislative passage of this Bill. In our efforts to discourage criminal behavior in Alaska this is a positive step. Support should be a "no brainer".

Please feel free to share these comments with the sponsor of the bill as well as any other legislators who may be interested in them and also make them available for tomorrow's hearing on this bill. While I have schedule conflicts which preclude my testifying, I would be happy to do so if it comes up later. I also am available electronically to answer questions any of them may have concerning my support and/or to provide additional input should they so desire.

Thank you for your attention to this input. Also please extend our thanks to Senator Wielechowski for advancing this proposed legislation. We will follow its progress with interest.

Neil Koeniger, Chair  
Animal Control Advisory Board  
Municipality of Anchorage

As an Alaska resident and a supporter of the American Humane Association, I urge you to vote for Senate Bill 273 as it comes before your committee on Monday, March 3.

Alaska remains one of seven states without a felony law regarding animal cruelty. Because of this, even the most horrific acts of torture to companion animals are virtually ignored. Last November, a Fairbanks man, following an argument with his wife, was accused of slamming her cat against a tree until it was unconscious. He was only charged with a misdemeanor. In 2006, an Anchorage man was convicted of beating his brother's dog. He only received a \$100 fine.

Alaska's weak animal cruelty law has a tremendously detrimental impact on children and animals. The Link® between animal abuse and other forms of societal violence is nationally recognized. Threats or actions against companion animals are strong indicators that violence against human family members will follow.

Introduced by Sen. Bill Wielechowski, SB 273 will make it a felony punishable by up to five years' incarceration and/or a \$50,000 fine to knowingly inflict severe pain or suffering on an animal, to kill or injure an animal by use of a decompression chamber, to intentionally kill or injure a pet or livestock via poison and to promote animal fighting exhibitions. Intentionally participating as a spectator at an animal fight for the second time would also become a felony offense. SB 273 will help ensure such actions will be properly reported, investigated and prosecuted as crimes with serious consequences.

As an Animal Control Commissioner at our local Division of Animal Control since 1996, I have been exposed directly to first hand knowledge concerning incidents - educating me as to how limited we are legally to our efforts to gain justice for the voiceless. Even when the carcass of the animal-victim is brought forth, with background information and photographs that leave it absolutely evident of the abuse inflicted, and yet, because of the weakness of the laws or lack there-of, we are not able to gain a conviction of any sort against these abusers - short of a menial fine. The fine is paid, animal returned to owner, only to have further animals suffer at the hands of [many times] the same known abuser, again, fined and released.

What message does this send to our society?! As those who care remain horrified first at the act and/or level of abuse and secondly, the lack of seriousness by current Animal Abuse Laws given to the horrible crime.

We are the only hope for justice that these unconditional loving and defenseless creatures have. Please help give us the support necessary to help make the difference needed so desperately.

Please help ensure a more humane Alaska for future generations by voting for SB 273.

Sincerely,

Ms. Mary Ann Fortune  
PO Box 72596  
Fairbanks, AK 99707-2596

My name is Kiki Stirling. My husband and I have been rescuing and rehabilitating dogs in the interior for the last ten years. We've only recently become an official entity, and are in the process of building an animal refuge here in Fairbanks. Domestic animals in this state have little regard or protection, and along with our nationally high rape rate, domestic abuse rate, and murder rate, we are one of the worst animal welfare states in the union. These aren't things to be proud of.

It takes on average, a year for a dog to become rehabilitated when it's been either horribly abused physically, or mentally, or severely neglected. I realize that this bill doesn't include definitions of, or punishments for neglect, but neglect is as big a problem in Alaska as abuse is, and in many cases, the line between them is barely visible.

A guy in Fairbanks went on a rage one night in an apartment, and started beating his black lab with a pipe. Neighbors who tried to intervene were threatened. The cops were called, and he was charged with disorderly conduct or something, but wasn't charged for the abuse of the dog.

The dog, who lived, was brought to a rescue group, who spent hundreds of dollars to save this dog's life. He's currently living his life in a good home, minus a good chunk of his skull and one eye. Why does the man who's capable of doing this walk away without consequence? Can you imagine doing something so horrific? You look at your dogs, cats, horses etc., can you imagine them going through something so traumatizing? Look at your neighbors' animals. How many are well taken care of, well loved, and how many are not?

Animal shelters and law enforcement need to be able to prosecute animal abusers. There'll never be an end to abuse, torture, and neglect if there aren't laws that are strong enough, or can't be enforced.

Kiki Stirling  
Thistledown Animal Rescue  
Box 80724 Fairbanks, Alaska 99708