

**НВ**

**6**

# Alaska State Legislature

## Chairman

State Affairs Committee

## Member

Judiciary Committee

Labor & Commerce Committee

Health & Social Services Committee

Military & Veterans Affairs Committee

## Finance Subcommittees

Labor and Workforce Development

Military and Veterans' Affairs

Public Safety



*A Communication From*

**REPRESENTATIVE BOB LYNN**

**District 31 Anchorage**

**E-Mail:** [Representative\\_Bob\\_Lynn@legis.state.ak.us](mailto:Representative_Bob_Lynn@legis.state.ak.us)

**"Bob Lynn's Alaska Blog"** [www.RepLynnBlog.com](http://www.RepLynnBlog.com)

## Session:

Alaska State Capitol, #104

Juneau, AK 99801-1182

Phone: (907) 465-4931

Fax: (907) 465-4316

Toll Free: (800) 870-4391

## Interim:

716 W. 4<sup>th</sup> Ave., #650

Anchorage, AK 99501-2133

Phone: (907) 269-0205

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## Sponsor Statement for HB 6

**"An Act relating to proscribing certain sexual conduct or activities as cruelty to animals."**

HB 6 expands the current Alaska law on cruelty to animals to include "sexual conduct." The primary purpose of this bill is not just to protect animals from sexual assault but to protect children and other vulnerable humans.

A compelling body of research confirms a link between animal cruelty and human violence. Studies also point to a connection involving sexual abuse and conduct with animals. For example:

High rates of sexual abuse of animals exist in the backgrounds of serial sexual homicide perpetrators, according to the FBI.

Ninety-six percent of juvenile offenders who engaged in sex with animals also admitted to sex offenses against humans, according to a 2002 study by Fleming, Jory and Burton.

Sexual relations with animals parallel sexual assault against women and children, because in both instances there are issues of coercion, pain, and lack of consent, according to a 1997 study by Piers Beirne, a criminology professor at the University of Southern Maine.

Thirty five other states outlaw acts of bestiality, with many of them classifying it as a felony, according to the Humane Society of the United States. Several states have language almost identical to HB 6.

This proposed "sexual conduct" offense would be a Class A misdemeanor, added to AS 11.61.140, Cruelty to Animals. This statute includes commonsense exemptions for conduct ranging from scientific research governed by accepted standards, to accepted veterinary and animal husbandry practices.

Contact: Mike Sica, 465-4965

Revised: Feb. 26, 2009

**CS FOR HOUSE BILL NO. 6(JUD)**

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

**TWENTY-SIXTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered:**

**Referred:**

**Sponsor(s): REPRESENTATIVES LYNN, Dahlstrom**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to proscribing certain sexual conduct or sexual activities as cruelty to**  
2 **animals."**

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

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

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

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

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

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

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, other than as provided in (1)

1 or (3) of this subsection, with the intent to intimidate, threaten, or terrorize another  
2 person; or

3 (6) knowingly

4 (A) engages in sexual conduct with an animal;

5 (B) under circumstances not proscribed under

6 AS 11.41.455,

7 (i) photographs or films, for purposes of sexual  
8 gratification, a person engaged in sexual conduct with an animal;

9 (ii) causes, induces, aids, or encourages another  
10 person to engage in sexual conduct with an animal; or

11 (C) permits sexual conduct with an animal to be conducted  
12 on any premises under the person's control.

13 \* Sec. 2. AS 11.61.140 is amended by adding a new subsection to read:

14 (h) In this section, "sexual conduct" means any

15 (1) touching or fondling by a person, either directly or through  
16 clothing, of the genitals or anus of an animal or any transfer or transmission of semen  
17 by the person on any part of the animal for the purpose of sexual gratification or  
18 arousal of the person;

19 (2) contact, however slight, between the mouth, genitals, or anus of a  
20 person and the sex organ or anus of an animal, or any intrusion, however slight, of any  
21 part of the body of the person into the sex organ or anus of an animal, or any intrusion  
22 of the genitals or anus of the person into the mouth of the animal for the purpose of  
23 sexual gratification of the person.

ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY COMMITTEE

Representative Jay Ramras  
Chairman  
(907) 465-3004  
Fax: (907) 465-2070  
Representative\_Jay\_Ramras@legis.state.ak.us  
1292 Sadler Way, Suite 324  
Fairbanks, AK 99701



**Committee Members:**  
Representative Nancy Dahlstrom,  
Vice-Chairman  
Representative John Coghill  
Representative Bob Lynn  
Representative Carl Gatto  
Representative Max Gruenberg  
Representative Lindsey Holmes

State Capitol, Room 120  
Juneau, Alaska 99801

**Fax**

To: Jerry Luckhaupt  
Leg. Legal

Fax #: (907) 465-2029

Number of pages including cover: 1

From: Jane W. Pierson

Date: March 20, 2009

Re: HB6 Passed from HJUD

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Please go final on HB6 (26-LS0022\R) with one amendment P.1, L. 1 between the words "or" and "activities" please add the word "sexual".

Thank you

CS FOR HOUSE BILL NO. 6( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVE LYNN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to proscribing certain sexual conduct or activities as cruelty to  
2 animals." *sexual*

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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

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- 6 (1) knowingly inflicts severe and prolonged physical pain or suffering
- 7 on an animal;
- 8 (2) with criminal negligence, fails to care for an animal and, as a result,
- 9 causes the death of the animal or causes severe physical pain or prolonged suffering to
- 10 the animal;
- 11 (3) kills or injures an animal by the use of a decompression chamber;
- 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, other than as provided in (1)

1 or (3) of this subsection, with the intent to intimidate, threaten, or terrorize another  
2 person; or

3 (6) knowingly

4 (A) engages in sexual conduct with an animal;

5 (B) under circumstances not proscribed under  
6 AS 11.41.455,

7 (i) photographs or films, for purposes of sexual  
8 gratification, a person engaged in sexual conduct with an animal;

9 (ii) causes, induces, aids, or encourages another  
10 person to engage in sexual conduct with an animal; or

11 (C) permits sexual conduct with an animal to be conducted  
12 on any premises under the person's control.

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15 (1) touching or fondling by a person, either directly or through  
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18 arousal of the person;

19 (2) contact, however slight, between the mouth, genitals, or anus of a  
20 person and the sex organ or anus of an animal, or any intrusion, however slight, of any  
21 part of the body of the person into the sex organ or anus of an animal, or any intrusion  
22 of the genitals or anus of the person into the mouth of the animal for the purpose of  
23 sexual gratification of the person.

Amendment #1

By: Rep. Gatto

Holmes object for purposes of discussion  
withdrawn

Conceptual Amendment

Insert on page 2 after line 23.

Animal means a non human mammal, bird, reptile or amphibian, either dead or alive

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## **Changes from HB 6, Version A, to CSHB 6, Version R** **"An Act relating to proscribing certain sexual conduct or activities as cruelty to animals."**

The CS for HB 6, Version R, simply narrows the title for the bill:

Version A: Delete line 1, "An Act relating to cruelty to animals."

Version R: Add lines 1 and 2, "An Act relating to proscribing certain sexual  
conduct or activities as cruelty to animals."

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*A Communication From*

## REPRESENTATIVE BOB LYNN District 31 Anchorage

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## Sectional Analysis for HB 6

"An Act relating to proscribing certain sexual conduct or activities as cruelty to animals."

**Sec. 1.** Amends AS 11.61.140, Cruelty to Animals, to add the offense of **knowingly engaging in "sexual conduct" with an animal:** other related activities ranging from photographing or filming "sexual conduct" with animal to causing or encouraging another person to engage in "sexual conduct" with an animal (not covered under AS 11.41.455, Unlawful exploitation of a minor); and permitting "sexual conduct" with animal to be conducted on any premises under the person's control.

**Sec. 2.** Amends AS 11.61.140 to add a new subsection to include in this section a **definition of "sexual conduct."**

###

# FISCAL NOTE

STATE OF ALASKA  
2009 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB006  
( ) Publish Date: \_\_\_\_\_

Identifier (file name): HB006-LAW-CRIM-3-11-09  
Title: An Act relating to cruelty to animals  
Dept. Affected: LAW  
RDU: CRIMINAL  
Component: Criminal Justice Litigation  
Sponsor: REPRESENTATIVE(s) LYNN  
Requester: Judiciary  
Component Number: 2202

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

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

	Appropriation Required	Information					
		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
<b>OPERATING EXPENDITURES</b>							
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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>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)

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other Interagency Receipts						
<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 (FY2009) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

HB 6 amends the crime of cruelty to animals by adding prohibitions on a person from engaging in sexual conduct with an animal; photographing or filming, for sexual gratification, a person engaging in sexual conduct with an animal; and permitting sexual conduct with an animal to be conducted on a person's premises. Sexual conduct is defined to include touching, contact, or penetration. Cruelty to animals is a class A misdemeanor. It is believed that passage of this bill would have a zero fiscal impact on the Department of Law.

Prepared by: Robert Meiners, Deputy Director  
Division: Administrative Services Division  
Approved by: Richard Svobodny, Acting Attorney General  
Department of Law

Phone 907-465-5427  
Date/Time 3/11/09 4:00 PM  
Date 3/11/2009

# FISCAL NOTE

**STATE OF ALASKA**  
**2009 LEGISLATIVE SESSION**

Fiscal Note Number: HB6-DOC-OC-03-17-09  
 Bill Version: \_\_\_\_\_  
 ( ) Publish Date: \_\_\_\_\_

Identifier (file name): HB6-DOC-OC-03-17-09 Dept. Affected: DOC  
 Title "An Act relating to cruelty to animals" RDU Administration & Support  
 Component Office of the Commissioner  
 Sponsor Representative Lynn  
 Requester Governor Component Number 694

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

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

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
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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>0.0</b>

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

<b>CHANGE IN REVENUES ( )</b>								
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1002 Federal Receipts								
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<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>	<b>0.0</b>

Estimate of any current year (FY2009) cost: \_\_\_\_\_

**POSITIONS**

Full-time								
Part-time								
Temporary								

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

Passage of this legislation should not have a significant fiscal impact on the Department of Corrections.

Prepared by: Leslie Houston, Director  
 Division: Administrative Services  
 Approved by: Dwayne Peeples  
Deputy Commissioner

Phone 465-3339  
 Date/Time 3/17/09 10:30 AM  
 Date 3/17/2009

# FAQ for HB 6

“An Act relating to proscribing certain sexual conduct or activities as cruelty to animals.”

## **What prompted the filing of House Bill 6?**

The Anchorage Daily News reported last spring that a child sex offender in Klawock allegedly taped the muzzle of a dog, tied it to a tree, and sexually assaulted it. Alaskans were shocked to learn there was no Alaska law prohibiting sex with animals. Ketchikan District Attorney James Scott was quoted in the news account as saying the state's "very real concern" was that, if a small child had been available and unattended at the time and place where this dog was taken, "that the small child would have been found taped (and) tied in the woods."

## **Is this really a problem in Alaska and the United States?**

Chava Lee, the Executive Director of Gastineau Humane Society in Juneau, receives at least a handful of reports of humans having sex with animals every year. As the agency that enforces Alaska's animal cruelty law locally, Lee must tell complainants that, unless the animal is severely injured or killed, the mistreatment is *not* a crime. The population of Juneau is only about 30,000. Extrapolate the number of human-animal sex reports in Juneau across Alaska, where the population is more than 650,000, and there may be at least 100 incidents a year. If this mistreatment of animals was recognized as a crime, there would likely be even more reports in Alaska.

Nationally, examples of sexual molestation of animals connected to sexual crimes against humans can be found in news accounts across the country. An Animal Abuse Database found under the internet site, Pet-Abuse.Com, turns up an alarming number of horrific cases of sexual abuse and violence against humans co-occurring with acts of bestiality.

(more)

The evidence of humans engaging in sex with animals is overwhelming. Almost any internet search engine will lead you to page after page of very graphic and disturbing material describing and promoting human sexual abuse of animals. Detailed how-to-do-it guides for the sexual abuse of animals involving a variety of species can be found on the internet, along with information on laws, animal-transmitted diseases, personal advertisements, and "pro-zoophile" resources.

### **What exactly is animal sexual abuse?**

Often referred to as "bestiality" or "zoophilia," animal sexual abuse is the sexual molestation of an animal by a human. This kind of animal abuse includes a wide range of behaviors such as vaginal, anal, or oral penetration; fondling; oral-genital contact; penetration using an object; and killing or injuring an animal for sexual gratification. Animal sexual abuse may or may not include physical violence other than sexual violation; and may or may not result in physical injury to the animal. Animal sexual abuse, like rape, is the eroticization of violence, control and exploitation.

### **Is it really animal abuse if there is no physical injury?**

Yes. Many animals are physically restrained during the abuse. Not all cases of animal sexual abuse will involve physical injury to the animal, but all sexual molestation of an animal by a human should be considered abuse.

In his 1993 article, Dr. Frank Ascione, Professor of Sociology at Utah State University, stated "bestiality may be considered cruel even in cases when physical harm to an animal does not occur (this is similar to the case of adult sexual activity with a child where consent is presumed to be impossible)."

In a 1997 article, Piers Beirne, Professor of Criminology at the University of Southern Maine, points out, "for genuine consent to sexual relations to be present ... both participants must be conscious, fully informed and positive in their desires. Bestiality is by nature sexual coercion because animals are incapable of genuinely saying "yes" or "no" to humans in forms we can readily understand."

(more)

In human-animal relationships, the human has power and control over the animal, often in all aspects of the animal's care and well-being. Thus, a sexual "relationship" between human and animal cannot be considered consensual.

**Is all this attention on animal abuse an intrusion on an individual's private sexual choices?**

No. Unlike sexual interactions between consenting adult humans, animal sexual abuse is not simply about an individual's private sexual choice. As in the case of child sexual abuse and adult rape, animal sexual abuse is an activity in which one party has no choice and cannot consent or refuse. When he/she initiates a sexual activity in which the other partner has no choices and must participate, the sexual abuser leaves the realm of private action.

**Is there a connection between animal sexual abuse and domestic violence, child abuse and other violent crimes?**

Yes. The sexual abuse of animals is often linked to the sexual abuse of women and children (Kowal, 1998). According to Lenore Walker's (1984) interviews with battered women, bestiality was mentioned as one of the "unusual sex acts" desired by their partners. Child sexual abusers may also sexually abuse animals to enhance, expand or extend the abuse of the genuinely powerless and unsuspecting victim (Adams, 1994).

Research also indicates a connection between animal sexual abuse and other types of violent crimes. According to a 1986 study, 40 percent of the perpetrators of sexually motivated homicides, who had been sexually abused as children, also reported they have sexually abused animals (Ressler, et al. 1986).

Our interviews with Alaska officials who work in the areas of animal cruelty, law enforcement, corrections, domestic violence and sexual assault, confirm the compelling body of research that shows a connection between animal sexual abuse and human sexual abuse and violence.

(more)

**Can animal sexual abuse be prosecuted under the existing Alaska animal cruelty law?**

Only if the person knowingly inflicts severe and prolonged physical pain or suffering on an animal, or knowingly injures or kills an animal to intimidate, threaten, or terrorize another person.

**Are there other Alaska laws that could be used to prosecute animal sexual abuse?**

Only if the sexual abuse of an animal also involves a crime against a person (Unlawful Exploitation of a Minor), or involves the damage or loss of property (Criminal Mischief).

**Is animal sexual abuse illegal in most states?**

Yes. At least 32 states outlaw acts of bestiality, with several classifying bestiality as a felony, according to a Sept. 1, 2008 report by Alaska Legislative Research Services. Recent news reports indicate other states are also looking at criminalizing sexual abuse of animals.

In many of the states that currently outlaw animal molestation, the language of their sexual abuse laws is almost identical to the wording in HB 6.

**Why must the wording of this bill be so graphic?**

Language must be precise so everyone understands exactly what constitutes the "sexual conduct" part of the crime being proposed under this bill. Although such language may be embarrassing and uncomfortable to read, words must be clear and concise when specifying a criminal offense.

**What would be the penalty in Alaska under this bill?**

Like most of the other offenses listed under the existing Cruelty to Animals statute, the crime of "sexual conduct" with an animal would be a Class A misdemeanor. Cruelty to Animals is a class C felony if the person is convicted three times under the statute within 10 years.

(more)

**Will there be exemptions for accepted professional practices involving "sexual conduct" with animals?**

Absolutely. The same defense to a prosecution under the current Cruelty to Animals law would apply to the offense proposed in HB 6. Such defensible conduct includes legitimate scientific research governed by accepted standards, the humane destruction of an animal, accepted veterinary and animal husbandry practices, and other behaviors listed under AS 11.61.140 (c).

*(This FAQ was compiled by the office of Rep. Bob Lynn based on studies, research and interviews involving Alaska Legal Services, Alaska Legislative Research Services, Alaska departments of Corrections, Law, Public Health, Public Safety and Environmental Conservation, municipal police departments and law enforcement agencies involved in animal cruelty and domestic violence/sexual assaults, Alaska Farm Bureau, Gastineau Humane Society veterinary clinic in Juneau, Pet-Abuse.Com, Humane Society of the United States, American Humane, and various news accounts in Alaska and around the country, and other sources.)*

**HB 6 Cruelty to Animals by Rep. Bob Lynn**  
**Contact: Mike Sica, 465-4965**  
**Revised: March 5, 2009**

# House Bill 6

“An Act relating to proscribing certain sexual conduct or activities as cruelty to animals.”

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## Research, Studies, Fact Sheets

Alaska Legislative Research Report Summary

HSUS Summary on Animal Sexual Abuse State Laws

HSUS Fact Sheet on Bestiality and Other Violent Crimes

HSUS Fact Sheet on Animal Cruelty and Sexual Abuse

American Humane Supports Recognition of Link  
Between Animal Abuse and Family Violence

Bestiality and Zoophilia Bibliography of Studies

# LEGISLATIVE RESEARCH REPORT

SEPTEMBER 1, 2008



REPORT NUMBER 09.004

## STATE LAWS: BESTIALITY CRIMES AND PUNISHMENTS

PREPARED FOR REPRESENTATIVE BOB LYNN  
BY CHUCK BURNHAM, LEGISLATIVE ANALYST

You asked about bestiality laws among the states. Specifically, you wanted to know which states have laws against bestiality and the penalties for violating those laws.

Our research located laws in thirty-two states that outlaw acts of bestiality.<sup>1</sup> Table 1 lists those states, their relevant statutory citations, and the criminal classification and maximum punishments for each violation. We include copies of the statutes listed in Table 1 as an attachment.

As you can see, the criminal classifications and punishments for bestiality vary substantially among the states. For instance, "indecentcy with an animal," a class A misdemeanor in Nebraska, is punishable by a maximum fine of \$500 and three months in jail. By contrast, an "abominable and detestable crime against nature" with an animal in Rhode Island—materially similar to the Nebraska offense—is an unclassified felony punishable by seven to twenty years imprisonment. Not surprisingly, a number of states—Arizona, Illinois, Indiana, and Kansas, for example—impose dramatically increased penalties for crimes of bestiality where a minor is forced to take part in or otherwise witness the act. Similarly, some states increase penalties for repeat violators, for filming or photographing acts of bestiality, or for committing the act in public or in the presence of others.

---

I hope you find this information useful. Please do not hesitate to contact us if you have questions or need additional information.

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<sup>1</sup> "Bestiality," more technically known as "zoophilia," is variously identified in states' laws as "buggery," "sodomy," "sexual assault of an animal," and as a "crime against nature," among other terms. For the purposes of this report "bestiality" refers to any sexual contact between a human and an animal. Although we believe our research to be thorough, there may be other state laws prohibiting bestiality that were not located by our efforts due to variability in wording and construction.

## State Laws: Bestiality Crimes and Punishments

State	Citation	Crime	Criminal Classification	Punishment
Arizona	ARS 13-1403	Public sexual indecency involving bestiality when others are present	Class 1 Misdemeanor; Class 5 Felony if a child under age 15 is present	Class 1 Misdemeanor--maximum fine of \$2,500 and/or 6 months in jail Class 5 Felony--maximum fine of \$150,000 and/or 1.5 years in jail for first offense
	ARS 13-1411	Bestiality	Class 6 Felony; Class 3 Felony if the defendant causes a child under age 15 to sexually assault an animal	For first offense: Class 6 Felony--maximum fine of \$150,000 and/or one year in jail Class 3 Felony--maximum fine of \$150,000 and/or 3.5 years in jail In addition, the court may order psychological assessment and counseling and the costs for care of injured animals
Arkansas	ACA 5-14-122	Bestiality	Class A Misdemeanor	Maximum fine of \$1,00 and/or one year in jail
California	Cal Penal Code 286.5	Sexually Assault of an Animal	Misdemeanor	Maximum fine of \$1,00 and/or six months in jail
Colorado	CRS 18-9-201 to 202	Cruelty to Animals	Class 1 Misdemeanor; a subsequent offense is a Class 6 Felony; additional offenses are Class 5 Felonies	First offense: psychological evaluation and treatment, \$500 to \$5,000 fine and/or six months to 18 months in jail Second offense: \$1,000 to \$100,000 fine and/or 1 year to 1.5 years in jail Subsequent offenses: \$1,000 to \$100,000 fine and/or 1 year to 3 years in jail Court may assign offender psychological treatment plus costs of incarceration and treatment
Delaware	DCA 11-777	Bestiality	Class D Felony	Maximum eight years in jail
Georgia	OCGA 16-6-6	Bestiality	Unclassified	One to five years in jail
Idaho	IC 18-6605	Crime Against Nature	Unclassified	Minimum five years in jail

## State Laws: Bestiality Crimes and Punishments (contd.)

State	Citation	Crime	Criminal Classification	Punishment
Illinois	720 ILCS 5/12-35	Sexual Conduct or Sexual Contact with an Animal	Class 4 Felony; Class 3 Felony if a person under age 18 is present or the animal is seriously injured or killed	Class 4 Felony: maximum \$25,000 fine and one to three years in jail Class 3 Felony: maximum \$25,000 fine and two to five years in jail In addition to the above penalties, court may impose upon offender prohibition from owning or residing with animals; psychological evaluation; and costs of care for animal(s) involved
Indiana	ISA 35-42-4-5	Vicarious Sexual Gratification; Fondling in the Presence of a Minor [directing, aiding, or inducing a minor under age 16 to engage in sexual contact with an animal]	Class C Felony; Class B Felony if child is under 14; Class A Felony if threat of deadly force is used or the minor victim is threatened or drugged	All felonies carry maximum fines of \$10,000 and the following jail terms: Class C Felony: two to eight years with an advisory sentence of four years Class B Felony: six to twenty years with an advisory sentence of ten years. Class A Felony: twenty to fifty years with and advisory sentence of thirty years.
	ISA 35-46-3-14	Bestiality	Class D Felony	Maximum \$10,00 fine and six months to three years in jail with an advisory sentence of 1.5 years
Iowa	IC 717C.1	Bestiality	Aggravated Misdemeanor	Aggravated Misdemeanor: fine of \$626 to \$6,250 and maximum two years in jail In addition, the court may order psychological evaluation and treatment at offender's expense
	IC 728.4	Rental or Sale of Hard-Core Pornography [bestiality on film]	Aggravated Misdemeanor; Class D Felony for second and subsequent violations	Aggravated Misdemeanor: fine of \$626 to \$6,250 and maximum two years in jail Class D Felony: fine of \$725 to \$7,500 and maximum five years in jail
Kansas	KSA 21-3505	Criminal Sodomy	Class B Nonperson Misdemeanor; Severity Level 3 Person Felony if a child aged 14-15 is caused to engage in the sex act	Class B Nonperson Misdemeanor: maximum fine of \$1,000 and/or six months in jail Level 3 Person Felony: maximum \$300,000 fine and/or 89 to 100 months in jail with a presumptive sentence of 94 months for first offense

## State Laws: Bestiality Crimes and Punishments (contd.)

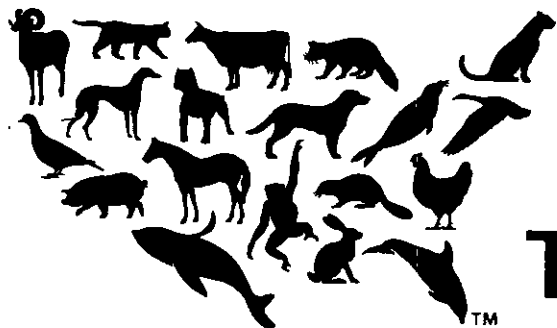
State	Citation	Crime	Criminal Classification	Punishment
Louisiana	LSA-RS 14:89	Crime Against Nature	Unclassified	Maximum \$2,000 fine and/or five years in jail with or without hard labor
Maine	MRSA 17-1031(I)	Cruelty to Animals-Bestiality	Class D Crime; Class C Crime for the third and subsequent convictions	Class D Crime: maximum fine of \$2,000 and/or one year in jail Class C Crime: maximum fine of \$5,000 and/or five years in jail
Maryland	ACM Crime Law 3-322	Unnatural or Perverted Sexual Practice	Misdemeanor	Maximum fine of \$1,000 and/or ten years in jail
Massachusetts	MGLA 272-34	Crime Against Nature	Unclassified	Maximum twenty years in jail
Michigan	MCLA 750-158	Crime Against Nature or Sodomy	Felony	Maximum 15 years in jail, or life in jail if the offender is a "sexual delinquent" at the time of the crime
Minnesota	MS 609.294	Bestiality	Misdemeanor; Gross Misdemeanor if committed in the presence of another person	Misdemeanor--maximum fine of \$1,000 and/or ninety days in jail Gross Misdemeanor--maximum fine of \$3,000 and/or one year in jail
Montana	MCA 45-5-505	Deviate Sexual Conduct	Unclassified	Maximum fine of \$50,000 and/or 10 years in jail
Nebraska	RSN 28-1010	Indecency with an Animal	Class III Misdemeanor	Maximum fine of \$500 and/or three months in jail
New York	NY Penal Law 130.20	Sexual Misconduct	Class A Misdemeanor	Maximum fine of \$1,000 and/or one year in jail
North Carolina	GSNC 14-177	Crime Against Nature	Class I Felony	Three to eight months in jail with a presumptive sentence of four to six months
North Dakota	NDCC 12.1-20-02 and 12.1-20-12	Deviate Sexual Act	Class A Misdemeanor	Maximum fine of \$2,000 and/or one year in jail
Oklahoma	OSA 21-866	Crime Against Nature	Unclassified	Maximum of ten years in jail
Oregon	ORS 167.333	Sexual Assault of an Animal	Class A Misdemeanor	Maximum fine of \$6,250 and/or one year in jail
Pennsylvania	PCSA 3129	Sexual Intercourse with Animal	Misdemeanor of the Second Degree	Maximum fine of \$5,000 and/or two years in jail

## State Laws: Bestiality Crimes and Punishments (contd.)

State	Citation	Crime	Criminal Classification	Punishment
Rhode Island	GLRI 11-10-1	Abominable and Detestable Crime Against Nature	Unclassified	Seven to twenty years in jail
South Carolina	CLSC 16-15-120	Buggery	Felony	Maximum of five years in jail and/or \$500 fine
South Dakota	SDCL 22-22-42	Bestiality	Class 6 Felony; Class 5 Felony if offender has previously been convicted of a sex crime	Class 5 Felony: maximum fine of \$10,000 and/or five years in jail Class 6 Felony: maximum fine of \$4,000 and/or two years in jail
Utah	UCA 76-9-301.8	Bestiality	Class B Misdemeanor	Maximum fine of \$1,000 and/or six months in jail
Virginia	CV 18.2-361	Crimes Against Nature	Class 6 Felony	Maximum fine of \$2,500 and/or one to five years in jail
Washington	RCWA 15.52.205	Animal Cruelty in the First Degree	Class C Felony	Maximum fine of \$10,000 and/or five years in jail. Offender may not own or reside with animals, court may order counseling and reimbursement for animal's care
Wisconsin	WS 944.17	Sexual Gratification	Class A Misdemeanor	Maximum fine of \$10,000 and/or nine months in jail

**Notes:** Although we believe our research to be thorough, there may be other state laws prohibiting bestiality that were not located by our efforts due to variability in wording and construction.

**Sources:** Animal Legal Defense Fund, "Animal Protection Laws of the United States of America and Canada," Stephen K. Otto ed., 3rd Edition, 2007; available online at <http://www.aldf.org/article.php?id=259>; and the Lexus database of state laws.



# THE HUMANE SOCIETY OF THE UNITED STATES

## ANIMAL SEXUAL ABUSE

35 states have laws prohibiting sexual abuse of animals (AZ, AR, CA, CO, CT, DE, GA, IA, ID, IL, IN, KS, LA, MD, MA, ME, MI, MN, MO, MS, MT, NE, NY, NC, ND, OK, PA, RI, SC, SD, TN, UT, VA, WA and WI).

In many states bestiality may not be illegal, however, it is a crime to have a child perform or simulate bestiality.

ARIZONA	13-1411	<p>A. A person commits bestiality by knowingly doing either of the following:</p> <ol style="list-style-type: none"> <li>1. Engaging in oral sexual contact, sexual contact or sexual intercourse with an animal.</li> <li>2. Causing another person to engage in oral sexual contact, sexual contact or sexual intercourse with an animal.</li> </ol> <p>B. In addition to any other penalty imposed for a violation of subsection A of this section, the court may order that the convicted person do any of the following:</p> <ol style="list-style-type: none"> <li>1. Undergo a psychological assessment and participate in appropriate counseling at the convicted person's own expense.</li> <li>2. Reimburse an animal shelter as defined in section 11-1022 for any reasonable costs incurred for the care and maintenance of any animal that was taken to the animal shelter as a result of conduct proscribed by subsection A of this section.</li> </ol> <p>C. This section does not apply to:</p> <ol style="list-style-type: none"> <li>1. Accepted veterinary medical practices performed by a licensed veterinarian or veterinary technician.</li> </ol>
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		<p>2. Insemination of animals by the same species, bred for commercial purposes.</p> <p>3. Accepted animal husbandry practices that provide necessary care for animals bred for commercial purposes.</p> <p>D. Bestiality is a class 6 felony, except that bestiality pursuant to Subsection A, paragraph 2 of this section is a class 3 felony punishable pursuant to section 13-604.01 if the other person is a minor under fifteen years of age.</p> <p>E. For the purposes of this section, "animal" means a nonhuman mammal, bird, reptile or amphibian, either dead or alive</p>
ARKANSAS	5-14-122	<p>(a) A person commits sodomy if such person performs any act of sexual gratification involving:</p> <p>(1) The penetration, however slight, of the anus or mouth of an animal or a person by the penis of a person of the same sex or an animal; or</p> <p>(2) The penetration, however slight, of the vagina or anus of an animal or a person by any body member of a person of the same sex or an animal.</p> <p>(b) Sodomy is a <b>Class A misdemeanor</b>.</p>
CALIFORNIA	§ 286.5.	Any person who sexually assaults any animal protected by Section 597f for the purpose of arousing or gratifying the sexual desire of the person is guilty of a <b>misdemeanor</b> .
COLORADO		
CONNECTICUT	§ 53a-73a (2001)	<p>A person is guilty of sexual assault in the fourth degree when: (3) such person engages in sexual contact with an animal or dead body;</p> <p>(b) Sexual assault in the fourth degree is a <b>Class A misdemeanor</b>.</p>
DELAWARE	s 777	<p>A person is guilty of bestiality when the person intentionally engages in any sexual act involving sexual contact, penetration or intercourse with the genitalia of an animal or intentionally causes another person to engage in any such sexual act with an animal for purposes of sexual gratification.</p> <p>Bestiality is a <b>Class D felony</b>.</p>
GEORGIA	16-6-6	<p>A person commits the offense of bestiality when he performs or submits to any sexual act with an animal involving the sex organs of the one and the mouth, anus, penis, or vagina of the other.</p> <p>Penalty: <b>Imprisonment for not less than one nor more than five years.</b></p>
IDAHO	18-6605	Every person who is guilty of the infamous crime against nature, committed with mankind or with any animal, is punishable by imprisonment in the state prison <b>not less than five (5) years</b> .
ILLINOIS	720 ILCS 5/12-35 (new 2002)	A person may not knowingly engage in any sexual contact or cause, aid or another person to engage in any sexual contact with an animal. (c) A person may not knowingly permit any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her charge or control. (d) A

		<p>person may not knowingly engage in, promote, aid, or abet any activity involving any sexual contact with an animal for a commercial or recreational purpose.</p> <p>(e) A person who violates this Section is guilty of a <b>Class 4 felony</b>. A person who violates this Section in the presence of a person under 18 years of age or causes the animal serious physical injury or death is guilty of a <b>Class 3 felony</b>.</p> <p>(f) The court must order that the defendant <b>not harbor animals or reside in any household where animals are present</b> for a reasonable period of time or permanently, if necessary; and relinquish and permanently forfeit all animals residing in the household to a recognized or duly organized animal shelter or humane society. (3) <b>Undergo a psychological evaluation and counseling at defendant's expense.</b> (4) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of the animal involved in the sexual conduct or sexual contact in addition to any animals relinquished to the animal shelter or humane society.</p>
INDIANA	IC 35-46-3-14	<p>A person who knowingly or intentionally performs an act involving:</p> <ul style="list-style-type: none"> <li>(1) a sex organ of a person and the mouth or anus of an animal;</li> <li>(2) a sex organ of an animal and the mouth or anus of a person;</li> <li>(3) any penetration of the human female sex organ by an animal's sex organ; or</li> <li>(4) any penetration of an animal's sex organ by the human male sex organ;</li> </ul> <p>commits bestiality, a <b>Class D felony</b>.</p>
IOWA	717C.1	<p>A person who performs a sex act with an animal, is guilty of an <b>aggravated misdemeanor</b>.</p> <p>3. Upon a conviction for a violation of this section, and in addition to any sentence authorized by law, the court shall require the person to submit to a <b>psychological evaluation and treatment at the person's expense</b>.</p> <p>The commission of bestiality in the presence of a minor under section 717C.1 by a person who resides in a home with a child, as a result of the acts or omissions of a person responsible for the care of the child <b>is considered child abuse</b>.</p>
KANSAS	21-3505	<p>Criminal sodomy is: (1) Sodomy between persons who are 16 or more years of age and members of the same sex or between a person and an animal;</p> <p>(3) causing a child 14 or more years of age but less than 16 years of age to engage in sodomy with any person or animal.</p> <p>(c) Criminal sodomy as provided in subsection (a)(1) is a class B nonperson misdemeanor. Criminal sodomy as provided in subsections (a)(2) and (a)(3) is a <b>severity level 3, person felony</b>.</p>
		(1) The unnatural carnal copulation by a human being with another of the same

LOUISIANA	§ 89.	sex or opposite sex or with an animal....Penalty: <b>fined up to two thousand dollars, or imprisoned, with or without hard labor, for not more than five years, or both.</b>
MAINE	1031 (2001)	Commits bestiality on an animal means that a person: 1) Engages in a sexual act with an animal for the purpose of that person's sexual gratification; 2) Coerces anyone to engage in a sexual act with an animal; 3) Engages in a sexual act with an animal in the presence of a minor; 4) Uses any part of the person's body or an object to sexually stimulate an animal; 5) Videotapes a person engaging in a sexual act with an animal; or 6) For the purpose of that person's sexual gratification, kills or physically abuses an animal. <b>Violation of this paragraph is a Class D crime;</b>
MARYLAND	s 554	Every person who is convicted of taking into his or her mouth the sexual organ of any other person or animal, or who shall be convicted of placing his or her sexual organ in the mouth of any other person or animal, or who shall be convicted of committing any other unnatural or perverted sexual practice with any other person or animal, shall be fined not more than <b>one thousand dollars or be imprisoned in jail or in the house of correction or in the penitentiary for a period not exceeding ten years, or shall be both fined and imprisoned within the limits above prescribed in the discretion of the court.</b>
MASSACHUSETTS	Ch.272 Sec. 34	Whoever commits the abominable and detestable crime against nature, either with mankind or with a beast, shall be punished by imprisonment in the state prison for <b>not more than twenty years.</b>
MICHIGAN	750.158	Any person who shall commit the abominable and detestable crime against nature either with mankind or with any animal shall be guilty of a <b>felony</b> , punishable by imprisonment in the state prison not more than <b>15 years</b> , or if such person was at the time of the said offense a sexually delinquent person, may be punishable by imprisonment in the state prison for an indeterminate term, the minimum of which shall be <b>1 day and the maximum of which shall be life.</b>
MINNESOTA	609.294	Whoever carnally knows a dead body or an animal or bird is guilty of bestiality, which is a <b>misdemeanor</b> . If knowingly done in the presence of another the person may be sentenced to <b>Imprisonment for not more than one year or to payment of a fine of not more than \$3,000 or both.</b>
		No person shall engage in any sexual conduct with an animal, or cause, aid or

MISSOURI	566.111	<p>abet another person to engage in any sexual conduct with an animal. No person shall permit any sexual conduct with an animal on any premises under such person's charge or control. No person shall engage in, promote, aid or abet any activity involving any sexual conduct with an animal for commercial or recreational purposes. 3. Any person who violates this section shall be guilty of a <b>Class D felony</b>. Any person who violates this section in the presence of a minor or causes any animal serious physical injury or death while violating or attempting to violate this section shall be guilty of a <b>Class C felony</b>.</p> <p>4. In addition to the penalty imposed, the court may:</p> <p>(1) prohibit the defendant permanently or for a reasonable time from harboring animals or residing in any household where animals are present;</p> <p>(2) order the defendant to relinquish and permanently forfeit all animals residing in the defendant's household to a recognized or duly incorporated animal shelter or humane society, and order the defendant to reimburse such shelter or humane society for all reasonable costs incurred for the care and maintenance of the animals involved in the violation of this section; and (3) order psychological evaluation and counseling of the defendant, at the defendant's expense.</p>
MISSISSIPPI	§97-29-59	<p>Every person who shall be convicted of the detestable and abominable crime against nature committed with mankind or with a beast, shall be punished by imprisonment in the penitentiary for a term of <b>not more than ten years</b>.</p>
MONTANA	45-5-505	<p>Deviate sexual conduct. (1) A person who knowingly engages in deviate sexual relations or who causes another to engage in deviate sexual relations commits the offense of deviate sexual conduct.</p> <p>(2) A person convicted of the offense of deviate sexual conduct shall be imprisoned in the state prison for any term not to exceed 10 years or be fined an amount not to <b>exceed \$50,000, or both</b>.</p> <p><b>45-2-101(20) "Deviate sexual relations" means sexual contact or sexual intercourse between two persons of the same sex or any form of sexual intercourse with an animal.</b></p>
NEBRASKA	§ 28-1010	<p>A person commits indecency with an animal when such person subjects an animal to sexual penetration. Sexual penetration shall not require emission of semen indecency with an animal is a <b>Class III misdemeanor</b>.</p>
NEW YORK	§ 130.20	<p>A person is guilty of sexual misconduct when: He engages in sexual conduct with an animal or a dead human body.</p> <p>Sexual misconduct is a <b>class A misdemeanor</b></p>
NORTH CAROLINA	§ 14-177	<p>If any person shall commit the crime against nature, with mankind or beast, he shall be punished as a <b>Class I felony</b>.</p>
NORTH DAKOTA	12.1-20-1	<p>A person who performs a deviate sexual act with the intent to arouse or gratify his sexual desire is guilty of a <b>class A misdemeanor</b>.</p>

	2	"Deviate sexual act" means any form of sexual contact with an animal, bird, or dead person.
OKLAHOMA	§ 886 (1999)	Every person who is guilty of the detestable and abominable crime against nature, committed with mankind or with a beast, is punishable by imprisonment in the penitentiary <b>not exceeding ten (10) years</b> .
PENNSYLVANIA	Title 18, Sec. 3129	A person who engages in any form or sexual intercourse with an animal commits a <b>misdemeanor of the second degree</b> .
RHODE ISLAND	11-10-1	Every person who shall be convicted of the abominable and detestable crime against nature, either with mankind or with any beast, shall be imprisoned not exceeding <b>twenty (20) years nor less than seven (7) years</b> .
SOUTH CAROLINA	§16-15-120	Whoever shall commit the abominable crime of buggery, whether with mankind or with beast, shall, on conviction, be <b>guilty of felony</b> and shall be imprisoned in the penitentiary for five years or shall pay a fine of not less than five hundred dollars, or both, at the discretion of the court.
SOUTH DAKOTA	§22-22-42 (2003)	No person, for the purpose of that person's sexual gratification, may: (1) Engage in a sexual act with an animal; or (2) Coerce any other person to engage in a sexual act with an animal; or (3) Use any part of the person's body or an object to sexually stimulate an animal; or (4) Videotape a person engaging in a sexual act with an animal; or (5) Kill or physically abuse an animal. Any person who violates any provision of this section is guilty of the crime of bestiality. Bestiality is a <b>Class 6 felony</b> . However, if any person has been previously convicted of a sex crime pursuant, any subsequent violation of this section is a <b>Class 5 felony</b> .
TENNESSEE		
UTAH	76-9-301. 8	A person commits the crime of bestiality if the actor engages in any sexual activity with an animal with the intent of sexual gratification of the actor. A crime of bestiality is a <b>class B misdemeanor</b> .
VIRGINIA	s 18.2-36 1	If any person carnally knows in any manner any brute animal, or carnally knows any male or female person by the anus or by or with the mouth, or voluntarily submits to such carnal knowledge, he or she shall be guilty of a <b>Class 6 felony</b> .
WASHINGTON	RCW 16.52.205	A person is guilty of animal cruelty in the first degree ( <b>class c felony</b> ) when he or she: (a) Knowingly engages in any sexual conduct or sexual contact with an animal; (b) Knowingly causes, aids, or abets another person to engage in any sexual conduct or sexual contact with an animal; (c) Knowingly permits any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her charge or control; (d) Knowingly engages in, organizes, promotes, conducts, advertises, aids, abets, participates in as an

		<p>observer, or performs any service in the furtherance of an act involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose; or (e) Knowingly photographs or films, for purposes of sexual gratification, a person engaged in a sexual act or sexual contact with an animal. In addition to the penalty imposed, the court may order that the convicted person do any of the following: (a) Not harbor or own animals or reside in any household where animals are present; (b) Participate in appropriate counseling at the defendant's expense; (c) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of any animals taken to the animal shelter or humane society as a result of conduct proscribed in this section.</p>
WISCONSIN	944.17	<p>In this section, "in public" means in a place where or in a manner such that the person knows or has reason to know that his or her conduct is observable by or in the presence of persons other than the person with whom he or she is having sexual gratification.</p> <p>(2) Whoever does any of the following is guilty of a <b>Class A misdemeanor</b>:</p> <p>(c) Commits an act of sexual gratification involving his or her sex organ and the sex organ, mouth or anus of an animal.</p> <p>(d) Commits an act of sexual gratification involving his or her sex organ, mouth or anus and the sex organ of an animal.</p>

The Humane Society of the United States, 2100 L Street NW, Washington, DC 20037 (202) 452-1100.

# Fact Sheet

## Bestiality and Other Violent Crime

The FBI researched the backgrounds of serial sexual homicide perpetrators and found high rates of sexual assault of animals.

Ressler, R. K. et al *Sexual homicide: patterns and motives*. Lexington, Mass.: Lexington Books. (1988)

Up to 37% of sexually violent juvenile offenders had a history of animal sexual assault.

Monique R. Frazier, *Physically and Sexually Violent Juvenile Offenders: A Comparative Study of Victimization History Variables 99* (unpublished dissertation, Utah St. U. 1998) (on file with Utah St. U.).

96% of juveniles who had engaged in sex with nonhuman animals also admitted to sex offenses against humans and reported more offenses against humans than other sex offenders their same age and race.

Fleming, William M., Jory, Brian and Burton, David L. *Characteristics of Juvenile Offenders Admitting to Sexual Activity with Nonhuman Animals*. *Society and Animals*. Vol 10., No.1, pp.31-45 (2002)

In an Australian study, 100% of people who committed sexual homicide had abused animals, and 61.5% of animal abusers had also assaulted a human.

Clarke, J. P. *New South Wales police animal cruelty research project*. Sydney, Australia: Unpublished report, New South Wales Police Service (2002)

Respondents who had been convicted of committing crimes against people were more likely to have had sex with animals during their childhood or adolescence than other respondents. These findings support the sexually polymorphous theory that among these perpetrators sex and aggression have become mutually inclusive, and bestiality as a form of animal cruelty may be linked with interpersonal human violence.

Hensley, Christopher, Tallichet, Suzanne E., and Singer, Stephen D. *Exploring the Possible Link Between Childhood and Adolescent Bestiality and Interpersonal Violence*. *Journal of Interpersonal Violence*, Vol. 21, No. 7, 910-923 (2006)



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# Animal Cruelty and Sexual Abuse



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Sexual abuse of animals often happens concurrently with sexual assaults on people.

..... ○○○  
The studies on this page show the connections between animal cruelty, sexual abuse of animals and sex crimes against people, including sexual homicide.

- Sexually-abused children are five times more likely to abuse animals than children who are not sexually abused.[1]
- Twenty percent of children who sexually abuse other children also have histories of sexually abusing animals.[2]
- Up to 37 percent of sexually violent juvenile offenders have a history of animal sexual assault.[3]
- The FBI found high rates of sexual assault of animals in the backgrounds of serial sexual homicide perpetrators.[4]
- In an Australian study, 100 percent of people who committed sexual homicide had abused animals, and 61.5 percent of animal abusers also had assaulted a human.[5]
- Those convicted of committing crimes against people on one or more occasions were more likely to have had sex with animals during their childhood or adolescence than other respondents.[6]
- Of juveniles who engage in sex with animals, 96 percent also admit to sex offenses against humans and reported more offenses against humans than other sex offenders their same age and race.[7]

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# AMERICAN HUMANE

*Protecting Children & Animals Since 1877*

## AMERICAN HUMANE SUPPORTS RECOGNITION OF THE LINK BETWEEN ANIMAL ABUSE AND FAMILY VIOLENCE

Numerous 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 fact, the American Psychiatric Association considers animal cruelty one of the diagnostic criteria of conduct disorder.<sup>1</sup>

The link between animal abuse and human violence is an internationally recognized fact. Each year, defenseless pets face the grim reality that they will be victims of family violence, not only putting themselves in harm's way but as helpless pawns in the power and control mechanisms abusers use to hurt people. The actual killing, torturing and beating of pets -- or the threat of such actions -- is used by abusers as a weapon to ensure submission and silence by women and children. This causes victims -- adults and children alike -- to remain in violent households in order to ensure the family pet is not harmed.

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> In a study of battered women in several northeastern states, 48 percent of respondents reported that animal abuse had occurred "often" during the past 12 months, and another 30 percent reported that the abuse occurred "almost always." Types of animal abuse reported included punching, hitting, choking, drowning, shooting, stabbing and throwing the animal against a wall or down the stairs. Respondents reported that animal abuse incidents coincided with violent outbursts against human family members 51 percent of the time.<sup>3</sup>

Tragically, children who grow up in an environment of animal abuse live in constant fear that a beloved family member will be harmed. Children often intervene to protect their mothers and pets from being battered. Some children may even allow themselves to be victimized to save their pet from being harmed or killed.<sup>4</sup> Over time, these children may even become desensitized to the inhumane treatment of animals.

<sup>1</sup> American Psychiatric Association, American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders - Fourth Edition, 2000.

<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).

<sup>3</sup> Carlisle-Frank, P., Frank, J.M. & Nielsen, L. *Selective battering of the family pet*. (Anthrozoös, 2006, p. 26-42).

<sup>4</sup> Edelson, J.L., Mbilinyi, L.F., Beeman, S.K., & Hagemester, A.K. *How Children are Involved in Adult Domestic Violence: Results from a Four-City Telephone Survey*. (Journal of Interpersonal Violence, vol. 18, 2003 p.18-32).

Research indicates that children who are exposed to domestic violence are nearly three times more likely to treat animals with cruelty than children who are not exposed to such violence.<sup>5</sup> In one study of battered women with children who sought shelter in a safe house, 32 percent reported that their children had hurt or killed a family pet.<sup>6</sup>

Tragically, this behavior is often symptomatic of future abuse toward other animals or human beings<sup>7</sup>: 36.8 percent of boys and 29.4 percent of girls who were victims of physical and sexual abuse and domestic violence have been reported to abuse the family pet.<sup>8</sup> Significant research documents a relationship between childhood histories of animal cruelty and patterns of chronic interpersonal aggression.<sup>9</sup>

Because of its correlation with family violence and other forms of community-violence, animal abuse is a crime that must be taken seriously. Identifying and reporting animal abuse is an effective means toward addressing the domestic violence crisis head-on. In many communities, human services, animal services, and law enforcement agencies are sharing resources and expertise to address violence. Professionals are beginning to engage in cross-training and cross-reporting through interagency partnerships, and humane societies are teaming with domestic violence shelters to provide emergency shelter for pets of domestic violence victims. Cross-reporting animal and child abuse is an efficient approach toward strengthening families and intervening to prevent further family violence. Because animal abuse is often an early indicator of child abuse, elder abuse and domestic violence, caseworkers can gain critical information by asking about the family pet.

As the oldest national non-profit organization dedicated to protecting both children and animals from abuse, neglect, and exploitation, the American Humane Association actively addresses the internationally recognized link between animal abuse and family violence. Through its campaigns against violence, American Humane is a leader in raising public awareness, advocating for stronger legislative initiatives, and providing tools for decision makers, social service providers, animal care and control professionals, veterinarians, parents, and other concerned citizens to recognize problems and take appropriate steps to end abuse and protect its both human and non-human victims.

No child or pet should have to live in fear that they will be harmed. On their behalf, American Humane continues to directly address the link between animal abuse and other forms of societal violence.

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# House Bill 6

“An Act relating to proscribing certain sexual conduct or activities as cruelty to animals.”

## **Animal Abuse Crime Database from Pet-Abuse.com**

Animal Abuse Crime Database Query Page

Bestiality AKA Zoophilia

Abuse Connection: The Link between Animal  
Cruelty and Interpersonal Violence

Animal Abuse Database: Cases Connecting  
Sexual Abuse Between Animals and Humans

## ANIMAL ABUSE CRIME DATABASE

There are 14,717 cases in the animal abuse database. To select a specific country or state, click on the country name or abbreviation tab below, and then select a local region. Or if you prefer you can browse all cases.

Login or create an account for additional advocacy tools, including e-mail notifications when updates are posted to selected cases.

 Show clickable map

- United States
- Canada
- United Kingdom
- New Zealand
- Australia
- Spain

All US States ▾  
 -- Canadian Territories -- ▾  
 --- British Countries --- ▾  
 -- New Zealand Regions --- ▾  
 -- Australian Regions-- ▾  
 -- Spanish Regions-- ▾

### Advanced Search

The additional fields below are optional and will allow you to narrow your search further. Please see the database notes for more information about these fields.

Abuse Type:  
 Beating ▾  
 Bestiality ▾  
 Burning - Caustic Substance  
 Burning - Fire or Fireworks  
 Choking / Strangulation / Suffocation  
 Drowning ▾

Animal:  
 dog (non pit-bull) ▾  
 dog (pit-bull) ▾  
 cat  
 bird (other farmed)  
 bird (pet)  
 bird (wildlife) ▾

Status:  
 -- select status -- ▾

Approx. Month/Year:  
 Select Month ▾ |

Abuser Gender: ▾

- Only cases with photos
- Abuser is public servant
- Abuser works in animal welfare
- Only abuse-connection cases
- Only cases of loose animals
- Only cases of retaliation
- Animal was bound or tied
- Also child or elder neglect
- Drugs or alcohol involved
- Breeding suspension\*\*
- Animal was tethered or chained\*\*
- Repeat offenders

Keyword:   
 Clear Form   

**\*\* Please note:** These fields were added more recently, and searches using this criteria may not result in the total number of applicable cases, as older cases may not yet have been updated to reflect these new fields.

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## **BESTIALITY AKA ZOOPHILIA**

Bestiality (or zoophilia) is a paraphilia defined as an affinity, attraction or sexual attraction by a human to non-human animals. Because this topic deals openly about about the nature of bestiality, it is intended for mature audiences only.

While moral and clinical descriptions of bestiality differ, Pet-Abuse.Com takes the position that bestiality is sexual assault of an animal and is *always* a crime.

Amazingly, there are still several states in which bestiality is legal. In those situations where the prosecutors do not have specific bestiality laws to use in their case, we recommend exploring the cruelty to animals statutes: if it can be proved that the animal was made to suffer, you can use those laws where the bestiality laws may be lacking (or missing outright).

The following is reprinted from:

The Animals' Agenda  
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The term bestiality actually tells us much more about cultural attitudes toward animals than it does about sex with animals. Concern about bestiality generally focuses on human beings; thus experts tell us it is usually harmless while debating its frequency. If we call it forced sex with animals, we reclaim the animal's perspective as a central concern. It is more prevalent than we can measure and is not harmless; it is always animal abuse.

The American Heritage Dictionary, to cite just one example, defines bestiality as "the quality or condition of being an animal or like an animal; conduct or an action marked by depravity or brutality; or sexual relations between a human being and an animal." Sex with an animal is the last definition of bestiality, while the first two definitions remind us of our culture's general low regard for animals. The multiple meanings for bestiality are part of the problem, implying that bestiality itself is animal behavior. It keeps the "beast" in bestiality. (See sidebar "Acting Like an Animal.") Animals do not have a distinction between public versus private.

Often, people read animals' sexuality as shameless (and inviting) because animals act sexually in "public." They are then viewed as accessible because they have acted in a public manner.

### **Acting like an Animal**

For many centuries negative attitudes toward sexuality have been registered by viewing sex as something that resulted from one's base instincts, that is, as something that reduced a human being to an animal. During the Middle Ages when capital punishment was prescribed for both the animals and the human involved in bestiality many people thought that the serpent in the Garden of Eden had introduced Eve to sex. This belief led to a debate about whether Eve and the serpent had actually had intercourse, and left the strong impression that sexual intercourse itself was bestial. Acting sexually was thus considered acting like an animal. This attitude is evident today when aggressive sexual behavior is referred to as "bringing out the beast in one" or "wolfish behavior" or "animal passions." Indeed, it appears that one reason the missionary position was upheld as the position for intercourse was because it was accomplished face to face rather than face to back, as most animals did it. C.J.A. In its narrowest sense, bestiality involves intercourse, either vaginal or anal, with an animal; but bestiality can also include oral-genital contact of any kind between humans and animals.

The animals who people have access to are the animals who will be sexually used: cats, dogs, sheep, cows, hens, rabbits, goats, ducks, horses, bulls, fishes. Proximity allows for sexual access. This is the primary reason gorillas, chimpanzees, and others are not prevalent sex objects: they are not animals to whom humans have regular access. Many forms of sexual contact between humans and animals are physically destructive to the animals. Few vaginas, especially those of young animals, are large enough to accommodate the penis of a male Homo sapiens. Furthermore, small animals often experience torn rectums and internal bleeding after being sexually assaulted; chickens and rabbits are often killed by the act itself. Sadistic sexual behavior against animals also occurs. Chickens are frequently decapitated because this intensifies the convulsions of the sphincter, thereby increasing the sexual pleasure of the man. Even when it does not involve sadism, bestiality is animal abuse because it is forced sex.

Silence is a major problem. Unlike most forms of sexual contact, in which either partner can report the experience, only one of the participants in bestiality can talk; and because of the stigma surrounding bestiality, that party usually remains silent. Since bestiality is most often something that occurs in private, no one need ever learn about it. So we do not know how widespread it is. Several attempts have been made to uncover an accurate rate of human attempts to have forced sex with animals: by the German psychiatrist Richard von Krafft-Ebing in the 1880s, in the U.S. by Alfred Kinsey and his colleagues in the late 1940s and, more recently, by sociologists at the University of Chicago in 1994. These studies have variously estimated that the percentage of males who engage in bestiality is between one and 65 percent. This wide range probably reflects less about how often bestiality occurs than it does about how bestiality is defined and measured as well as different levels of confidence in answers given by respondents when interviewed either in person or in anonymous questionnaires. In short, we can say almost nothing about the percentage of the population that engages in bestiality.

There are three kinds of sex that humans impose on animals: Opportunistic or safety-valve sex, fixated sex, and domineering sex.

### **Types of sex with Animals**

1. **Opportunistic or Safety-Valve sex:** "I need a sexual release... they're available... there are no human partners around... I'll get it with an animal."
2. **Fixated Sex:** Animals become love objects and are the exclusive sexual "partners" for a human.
3. **Domineering sex:** When batterers, rapists and pornographers force sex between a human and an animal for purposes of humiliation, sexual exploitation, dominance and control. C.J.A. Safety-valve sex is often seen as a casual act of the curious young, as sexual exploration rather

than deviancy.

The notion of bestiality as a safety valve that operates until the (usually young) men are ready for women leads one to ask whether the women to whom these young men graduate are not safety valves, too. Moreover, this form of bestiality is not a harmless aberration. Animals are harmed in safety-valve bestiality, and humans learn that it is okay to treat others as safety valves. In the second kind of bestiality, fixated sex, an animal becomes the exclusive focus of a human's sexual desires. Although many medical terms have been applied to a fixation on sex with animals, those who engage in this kind of sex prefer to be known as "zoophiles," a word borrowed, ironically, from the animal protection community. The zoophile's worldview is similar to the rapist's and child sexual abuser's. They all view the sex they have with their victims as consensual, and they believe it benefits their sexual "partners" as well as themselves.

Just as pedophiles differentiate between those who abuse children and those who love children—placing themselves, of course, in the latter group—zoophiles distinguish between animal sexual abusers (bestialists) and those who love animals (zoophiles). In each of these cases the distinctions are only self-justifications.

Whatever the frequency of bestiality, it has its own newsgroup on the Internet (alt.sex.bestiality), which provides chilling examples of the bestialist's world. One person described having sex with stray dogs and then dropping them off at animal shelters. Another reported episodes of bestiality that occurred while dog sitting for a friend. A third described having sex with his half-Percheron horse.

One cannot talk very long about sex with animals without noticing the gender issues: Men are more likely to do it—Women are more likely to be depicted—or to be forced into—doing it. This type of bestiality, domineering sex, has long been used by batterers to degrade their partners. Battered women's shelters around the country receive reports from women who were forced to have sex with animals. One woman reported that her husband would tie her up and force her to have intercourse with their family dog. Then he would try to have intercourse with the dog while he forced the dog inside his wife. Forced sex with trained dogs was a form of torturing Jewish women in Nazi Germany; it was recently used against female political prisoners in Chile. Bestiality involving women occupies an entire genre in pornography.

Bears, snakes, dogs, and insects—to name just a few species of animals—have been photographed or videotaped in a variety of sexual and sexualized positions with women. sex "clubs" around the globe offer live scenes of sex between women and animals. Some towns along the U.S./Mexican border feature shows "starring" women and donkeys. Women of color are often depicted with animals as a way of enforcing the racist notion that women of color are insatiable. Through pornography, dogs, snakes, and other animals, help a man picture himself in the scene. What the pornography consumer claims to be fantasy, we must regard as documentation of harm: a real woman must have a real snake inside her for a photograph of a snake inside her to exist, a real woman must give oral sex to a real bear in order for a photograph of a woman giving oral sex to a bear to exist.

In addition to being used as a means of degrading women, bestiality figures in racism, homophobia, anti-Semitism, and of course, attitudes toward animals. The imputation of bestiality has been used to portray a specific group of people as "others," to distance them from those making the charges. Sometimes miscegenation (the mixing of races) is referred to as bestiality. One group of American white supremacists believes that Jews are descended from Cain, himself the offspring of Eve's coupling with the snake, while Christians are descended from Abel, the child of Eve and Adam. European colonizers and American slave owners believed that African women enjoyed intercourse with apes. European women charged with being witches were accused of sexual congress with animals, and they—and their animal companions—were killed.

During the Middle Ages, Christians viewed intercourse with Jews as a form of bestiality. Earlier this year, an Israeli judicial official compared homosexuality to bestiality. This comparison occurred, most probably, because homosexuality and bestiality are listed together in Leviticus 18:23 and 20:15-16. Like masturbation, homosexuality and bestiality are forms of non-procreative sex. During a time when childbearing was central to a people's survival, all forms of non-procreative sex would be condemned. Bestiality also violated the order of creation by mixing categories—human and animal—that were meant to be separate and distinct.

Recent views of bestiality as fairly benign have replaced these earlier reactions, but no matter what the prevailing view of bestiality, it does not consider the animals' perspectives at all. It is always animal abuse. Relationships of unequal power cannot be consensual. In human-animal relationships, the human being has control of many—if not all—of the aspects of an animals' well being. Sexual relationships should occur between peers where consent is possible.

Consent is when one can say no, and that no is accepted. Clearly animals cannot do that. Bestiality is the model case of circumventing consent on the one hand, while confusing affection for consent on the other. Despite the omnipresence of animals in pornographic pictures and videos, the animal protection community has yet to identify bestiality as an animal abuse issue.

Bestiality has been studiously avoided by those who should be discussing it—animal rights activists, veterinarians, anti-cruelty law enforcement agents, and feminists.

Carol J. Adams Carol J. Adams, author of *The Sexual Politics of Meat*, is the co-editor with Josephine Donovan of *Beyond Animals Rights: A Feminist Caring Ethic for the Treatment of Animals* (Continuum 1996) and *Animals and Women: Feminist Theoretical Explorations* (Duke 1995). Copyright © 1995 by Carol J. Adams The Animals' Agenda INVESTIGATIVE Reporting Fund

#### Related Links (Off-site links open in a new window)

• [Pet-Abuse.Com Bestiality Cases](#)

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## **CRUELTY CONNECTIONS**

According to a 1997 study done by the Massachusetts Society for the Prevention of Cruelty to Animals (SPCA) and Northeastern University, animal abusers are five times more likely to commit violent crimes against people and four times more likely to commit property crimes than are individuals without a history of animal abuse.

Many studies in psychology, sociology, and criminology during 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. In fact, the American Psychiatric Association considers animal cruelty one of the diagnostic criteria of conduct disorder.

If you break it down to its bare essentials:

**"Abusing an animal is a way for a human to find power/joy/fulfillment through the torture of a victim they know cannot defend itself."**

Now break down a human crime, say rape. If we substitute a few pronouns, it's the SAME THING.

**"Rape is a way for a human to find power/joy/fulfillment through the torture of a victim they know cannot defend themselves."**

Now try it with, say, domestic abuse such as child abuse or spousal abuse:

**"Child abuse is a way for a human to find power/joy/fulfillment through the torture of a victim they know cannot defend themselves."**

**Do you see the pattern here?**

The line separating an animal abuser from someone capable of committing human abuse is much finer than most people care to consider. People abuse animals for the same reasons they abuse people. Some of them will stop with animals, but enough have been proven to continue on to commit violent crimes to people that it's worth paying attention to.

Virtually every serious violent offender has a history of animal abuse in their past, and since there's no way to **know** which animal abuser is going to continue on to commit violent human crimes, they should ALL be taken that seriously. FBI Supervisory Special Agent Allen Brantley was quoted as saying "Animal cruelty... is not a harmless venting of emotion in a healthy individual; this is a warning sign..." It should be looked at as exactly that. Its a clear indicator of psychological issues that can and often DO lead to more violent human crimes.

Dr. Randall Lockwood, who has a doctorate in psychology and is senior vice president for anti-cruelty initiatives and training for the American Society for the Prevention of Cruelty to Animals, states "A kid who is abusive to a pet is quite often acting out violence directly experienced or witnessed in the home," Lockwood said, adding that about one-third of children who are exposed to family violence will act out this violence, often against their own pets.

Others either abuse pets or threaten to abuse them as a way to control an individual.

"So much of animal cruelty... is really about power or control," Lockwood said. Often, aggression starts with a real or perceived injustice. The person feels powerless and develops a warped sense of self-respect. Eventually they feel strong only by being able to dominate a person or animal.

Sometimes, young children and those with developmental disabilities who harm animals don't understand what they're doing, Lockwood said. And animal hoarding - the practice of keeping dozens of animals in deplorable conditions - often is a symptom of a greater mental illness, such as obsessive-compulsive disorder.

Just as in situations of other types of abuse, a victim of abuse often becomes a perpetrator. According to Lockwood, when women abuse animals, they "almost always have a history of victimization themselves. That's where a lot of that rage comes from."

In domestic violence situations, women are often afraid to leave the home out of fear the abuser will harm the family pet, which has led to the creation of *Animal Safehouse* programs, which provide foster care for the pets of victims in domestic violence situations, empowering them to leave the abusive situation and get help.

Whether a teenager shoots a cat without provocation or an elderly woman is hoarding 200 cats in her home, "both are exhibiting mental health issues... but need very different kinds of attention," Lockwood said.

Those who abuse animals for no obvious reason, Lockwood said, are "budding psychopaths." They have no empathy and only see the world as what it's going to do for them.

History is full of high-profile examples of this connection:

- **Patrick Sherrill**, who killed 14 coworkers at a post office and then shot himself, had a history of stealing local pets and allowing his own dog to attack and mutilate them.
- **Earl Kenneth Shriner**, who raped, stabbed, and mutilated a 7-year-old boy, had been widely known in his neighborhood as the man who put firecrackers in dogs' rectums and strung up cats.
- **Brenda Spencer**, who opened fire at a San Diego school, killing two children and injuring nine others, had repeatedly abused cats and dogs, often by setting their tails on fire.
- **Albert DeSalvo**, the "Boston Strangler" who killed 13 women, trapped dogs and cats in orange crates and shot arrows through the boxes in his youth.
- **Carroll Edward Cole**, executed for five of the 35 murders of which he was accused, said his first act of violence as a child was to strangle

a puppy.

- In 1987, three Missouri high school students were charged with the beating death of a classmate. They had histories of repeated acts of animal mutilation starting several years earlier. One confessed that he had killed so many cats he'd lost count. Two brothers who murdered their parents had previously told classmates that they had decapitated a cat.
- Serial killer **Jeffrey Dahmer** had impaled dogs' heads, frogs, and cats on sticks.

More recently, high school killers such as 15-year-old **Kip Kinkel** in Springfield, Ore., and **Luke Woodham**, 16, in Pearl, Miss., tortured animals before embarking on shooting sprees. Columbine High School students **Eric Harris** and **Dylan Klebold**, who shot and killed 12 classmates before turning their guns on themselves, bragged about mutilating animals to their friends.

As powerful a statement as the high-profile examples above make, they don't even begin to scratch the surface of the whole truth behind the abuse connection. Learning more about the animal cruelty/interpersonal violence connection is vital for community members and law enforcement alike.

**Related Links** (Off-site links open in a new window)

- [The Whole Picture](#)
- [Pet-Abuse.Com Cruelty Connection Cases](#)
- [American Humane: The Link](#)
- [NCPD: Screening Animal Cruelty Cases for Domestic Violence](#)
- [Factors in the Assessment of Dangerousness in Perpetrators of Animal Cruelty](#)
- [First Strike: The Connection Between Animal Cruelty and Human Violence](#)
- [HSUS: Animal Safe Haven Directory](#)
- [Society & Animals Forum: Articles on the Link](#)
- [The Abuse of Animals and Domestic Violence](#)
- [Battered Women's Reports of Their Partners' and Their Children's Cruelty to Animals](#)
- [Animal Welfare and Domestic Violence](#)
- [The Latham Foundation for the Promotion of Humane Education](#)
- [Animal Abuse and Human Abuse: Partners in Crime](#)
- [Bibliography of Materials about Animal Abuse, Child Abuse and Domestic Violence](#)

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## ANIMAL ABUSE SEARCH RESULTS

There are 39 cases currently listed in the United States where a person of interest involved have a history of interpersonal violence or the abuse occurred within the context of a domestic dispute or argument with the abuse type(s) Bestiality. Results are displayed 25 per page.

Login or create an account for additional advocacy tools, including e-mail notifications when updates are posted to selected cases.

Pages: 1 2 Next >

Location / Date	Title	Name(s)	
CA-Fresno Nov 7, 2008	Dog sexually assaulted, sex offender charged Bestiality	ALLEGED Joe Luis Gloria	<input checked="" type="checkbox"/>
IN-Bloomington Sep 6, 2008	Sexual assault on woman, dog, videotaped Bestiality	ALLEGED Thomas L. Meador	<input checked="" type="checkbox"/>
WA-Longview Jul 23, 2008	Dog and foster child sexually assaulted Bestiality	NOT CHARGED Donald Joe Zeller	<input checked="" type="checkbox"/>
LA-Baton Rouge Jun 18, 2008	Dog sexually assaulted by convicted sex offender Bestiality	ALLEGED Alex Chaney	<input checked="" type="checkbox"/>
AK-Klawock Apr 9, 2008	Dog tied to tree, sexually assaulted Bestiality	ALLEGED Harold Simpson	<input checked="" type="checkbox"/>
CO-Delta Dec 11, 2007	Dogs sexually assaulted, shelter volunteer charged Bestiality	ALLEGED Jay Baker	<input checked="" type="checkbox"/>
OH-North Ridgeville Oct 31, 2007	Dogs, sheep sexually assaulted Bestiality	ALLEGED Jonel Berlovan	<input checked="" type="checkbox"/>
GA-Warner Robins Feb 2007	Dog sexually assaulted, children molested Bestiality	CONVICTED John Charles Huff	<input checked="" type="checkbox"/>
IL-Elwood Dec 7, 2006	Dog repeatedly sexually assaulted Bestiality	DISMISSED Dwayne D. Page	<input checked="" type="checkbox"/>
NJ-Moorestown Dec 6, 2006	Cows and children sexually assaulted Bestiality	ALLEGED Robert Melia Jr.	<input checked="" type="checkbox"/>
FL-Rockledge Dec 1, 2006	Children, animal sexually assaulted Bestiality	ALLEGED Ivory Dickerson	<input checked="" type="checkbox"/>
PA-South Beaver Township Nov 16, 2006	Children sexually abused, bestiality porn Bestiality	NOT CHARGED Robert F. Harn	<input checked="" type="checkbox"/>
CO-Glenwood Springs Nov 2006	Possession of bestiality pornography Bestiality	NOT CHARGED Frank Alameno	<input checked="" type="checkbox"/>
MI-Freeland Oct 20, 2006	Sex with dead dog, assaulting an ACO Bestiality	CONVICTED Ronald Kuch	<input checked="" type="checkbox"/>
WI-Superior Oct 11, 2006	Sex with dead deer Bestiality	CONVICTED Bryan James Hathaway	<input checked="" type="checkbox"/>
OR-Lebanon May 18, 2006	Dogs and children sexually abused Bestiality	ALLEGED Denise Ann Roberts Jesse Dale Roberts	<input checked="" type="checkbox"/>
PA-Hermitage Apr 2006	Possession of child, animal pornography Bestiality	CONVICTED Roger Ellsworth Henry	<input checked="" type="checkbox"/>
AZ-Tucson Mar 28, 2006	Dog found burned, maimed, sexually assaulted Mutilation/Torture, Bestiality, Burning - Fire or Fireworks	CONVICTED Wayne Allen Dean	<input checked="" type="checkbox"/>

OR-Sherwood  
Feb 1, 2006

Dog sexually assaulted by convicted sex offender  
Bestiality

ALLEGED   
Jason Dane Tapken

TX-Brownsville  
Jan 23, 2006

Child and dog sexually assaulted, videotaped  
Bestiality

NOT CHARGED   
Jesus De Leon

CA-Ontario  
Oct 18, 2005

Dog sexually assaulted  
Bestiality

CONVICTED   
Ubaldo Vasquez Huizar

OH-Lafferty  
Sep 24, 2005

Dog sexually assaulted  
Bestiality

CONVICTED   
John Paskel

SC-Campobello  
May 22, 2005

Puppy sexually assaulted  
Bestiality

CONVICTED   
Cory Michael Williamson

LA-Hammond  
May 17, 2005

Church cult cited in child rape and animal sex  
Bestiality

NOT CHARGED   
Austin Aaron Bernard III  
Nicole Bernard  
Paul Fontenot  
*more...*

MI-Harrison  
Feb 17, 2005

Bestiality and child pornography  
Bestiality

ALLEGED   
Rebekah J. Oakley-Pyle  
Malvin D. Pyle

Pages: 1 2 Next»

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### ANIMAL ABUSE SEARCH RESULTS

There are 39 cases currently listed in the United States where a person of interest involved have a history of interpersonal violence or the abuse occurred within the context of a domestic dispute or argument with the abuse type(s) Bestiality. Results are displayed 25 per page.

Login or create an account for additional advocacy tools, including e-mail notifications when updates are posted to selected cases.

Pages: «Prev 1 2

Location / Date	Title	Name(s)
FL-Flagler Feb 2, 2005	Dog, girl sexually assaulted, photos taken Bestiality	NOT CHARGED <input checked="" type="checkbox"/> Carla Maldonado David Maldonado
TX-Kerrville Feb 2005	Possession of bestiality porn, soliciting a minor Bestiality	NOT CHARGED <input checked="" type="checkbox"/> Jonathan Ward Brooke
MI-Battle Creek Jan 26, 2005	Sheep sexually assaulted Bestiality	CONVICTED <input checked="" type="checkbox"/> Jeffrey Scott Haynes
FL-Tampa Dec 22, 2004	Dog stabbed, sodomized with stick Bestiality, Stabbing	ALLEGED <input checked="" type="checkbox"/> Lubuns Paul Dubeus
VT-Lyndonville Oct 16, 2004	Dog sodomized and strangled Bestiality, Choking / Strangulation / Suffocation	CONVICTED <input checked="" type="checkbox"/> Jeffrey Plourde
FL-West Palm Beach Jan 8, 2004	Dog sexually assaulted Bestiality	ALLEGED <input checked="" type="checkbox"/> William McPhillips
IN-Indianapolis Feb 20, 2002	Distribution and display of bestiality pornography Bestiality	ALLEGED <input checked="" type="checkbox"/> Loran Jay Adams
VT-Richford Jan 15, 2002	Dog sexually assaulted, videotaped Bestiality	CONVICTED <input checked="" type="checkbox"/> Paul Corey Tammy Paquin
OK-Oklahoma City Feb 14, 2001	Bestiality Bestiality	CONVICTED <input checked="" type="checkbox"/> Robert Malcomb Jr
FL-East Lake Feb 11, 2001	Llamas beaten, one sodomized Beating, Bestiality	CONVICTED <input checked="" type="checkbox"/> Brandon R. Eldred Robert B. Pettyjohn
CA-Fresno Jul 8, 1997	Puppy beaten and tortured Beating, Bestiality	CONVICTED <input checked="" type="checkbox"/> Reynaldo Chavez
MI-Ypsilanti May 29, 1997	Bestiality/Pedophilia Bestiality	ALLEGED <input checked="" type="checkbox"/> Bernice Santure Carl Santure Harvey Santure <i>more...</i>
WI-Janesville Apr 9, 1997	Sexually abused, tortured and killed cats and dogs Mutilation/Torture, Bestiality	CONVICTED <input checked="" type="checkbox"/> Barry Herbeck
VA-Montgomery County Apr 1951	Killing animals, having sex with their corpses Bestiality	NOT CHARGED <input checked="" type="checkbox"/> Henry Lee Lucas

Pages: «Prev 1 2

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# House Bill 6

“An Act relating to proscribing certain sexual conduct or activities as cruelty to animals.”

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## Letters of Support

Joe Schmidt, Alaska Department of Corrections

Bryce Wrigley, Alaska Farm Bureau, Inc.

Angella Long, Alaska Peace Officers Association

Dave Pauli, Humane Society of the United States

Tracy Coppola, American Humane

# STATE OF ALASKA

DEPARTMENT OF CORRECTIONS  
OFFICE OF THE COMMISSIONER

SARAH PALIN,  
GOVERNOR

P.O. Box 112000  
Juneau, AK 99811-2000  
PHONE: (907) 465-4652  
FAX: (907) 465-3390

March 3, 2009

The Honorable Bob Lynn  
Alaska House of Representatives  
State Capitol Room 104  
Juneau, Alaska 99811

Dear Representative Lynn:

Thank you for the opportunity to provide input on House Bill 6, "An Act Relating to the Cruelty of Animals." The connection between animal cruelty, including animal sexual abuse, and violence against people is well documented in the research and findings on domestic violence, sexual assault, child molestation and serial homicide. Although the Department of Corrections (DOC) does not yet have quantitative data on the sexual abuse of animals by sex offenders being managed in Alaska communities, there does appear to be information that is consistent with the research in this area.

Since the DOC began using the polygraph with sex offenders on probation and parole in March 2006, approximately 350 individuals have submitted to polygraph examination; however, we are still in the developmental stages of routine polygraph use. The bulk of our examinations to date (80%) have been for purposes of monitoring the offenders' current behaviors. This focus is for good reason, as these offenders are in the community and it is critical that we know everything we can about their current behaviors. Information about prior abuse of animals tends to come out during sex history polygraph examinations (sex history polygraph examinations are used to examine the offenders past sexual behavior). A routine question during these exams is whether the offender has had sexual contact with animals. Passing the sexual history polygraph examinations is directly tied to progress in treatment. As would be expected, comprehensive information about one's lifetime sexual behavior is not something that is provided without some motivation. The motivation to "come clean" on these issues usually comes as a function of making progress in treatment and sanctions applied for not passing the polygraph. Making progress in treatment tends to take a long time, particularly when treatment occurs only in the community and is less intense.

While DOC does not have a large quantity of data on this topic, we do have some information that is pertinent. The treatment providers and the polygraph examiners that currently provide services to sex offenders on supervision were queried. Three treatment providers were able to give percentages of offenders they had seen in their practices who had engaged in sexual behavior with animals. The range was from 4% to 18%. It should be noted that this information was gathered in the course of assessment and treatment sessions and did not include direct examination of the issue with polygraph. It's likely that more offenders would be identified as having animal victims if they were polygraphed on this issue. In a study of 180 sex offenders in community treatment, English, et al (2003) noted that 4.4% admitted to engaging in bestiality during the course of their lifetime pre-treatment and polygraph and 36.1% admitted post-treatment and polygraph. The sexual history polygraph exams resulted in 8.2 times more offenders admitting to bestiality. The authors have concluded that bestiality is far more prevalent than previously thought.

As noted, not very many sex history polygraphs have been completed. To date, there have been three cases in which the offender specifically admitted to sexually abusing animals (about 6% of the total sex history polygraphs done). Most likely, there are more cases that we have not yet identified. What was interesting to note, however, is that in all three cases the offenders not only had crossover behaviors involving animals, they had crossover behaviors into more than one age and/or gender group of humans. Specifically, one had both male and female child victims as well as adult male victims; a second had child and adult male and female victims; and a third had male and female child victims and also attacked incapacitated adult women. We know from the literature that some offender characteristics are associated with higher re-offense rates, including abuse of both genders and abuse of males. (Abel et al, 1988; Quinsey, et al, 1995).

It is important that sexual abuse of animals be given credence as a potential precursor to various forms of violence against humans. Our initial data would tend to suggest that offenders with a broader range of victim types have likely sexually abused animals at some point in their history. Generally speaking, the further away sexual offending behavior is from normative sexual behavior the higher the likelihood of recidivism. Once an offender crosses the line into bestiality there is little he won't do. Animals are vulnerable because they can't defend themselves and can't report an assault. Children and incapacitated or handicapped adults are also vulnerable and are likely targets for these offenders. Identifying men who sexually abuse animals will likely help DOC identify high risk sex offenders who target the most vulnerable in our communities.

If you require additional information or if we can be of further assistance, please feel free to contact my office.

Sincerely,



Joseph D. Schmidt  
Commissioner

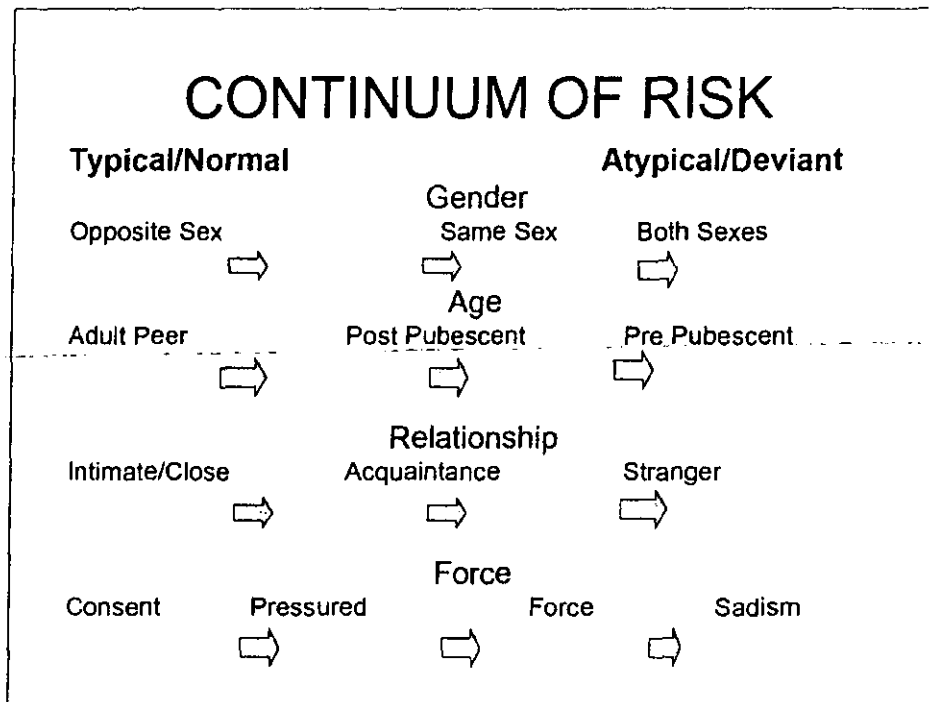
Enclosure: Continuum of Risk

References:

Abel, G., Becker, J., Cunningham-Rathner, J. Mittleman, M. & Rouleau, J. (1988). Multiple paraphilia diagnoses among sex offenders. *Bulletin of the American Academy of Psychiatry and the Law*, 16, 153-168.

English, K., Jones, L., Patrick, D., & Pasini-Hill, D. (2003). Sexual Offender Containment: Use of the Postconviction Polygraph. *Annals of the New York Academy of Sciences*, 989, 411-427.

Quinsey, V.L., Lalumière, M.L., Rice, M.E., & Harris, G.T. (1995). Predicting sexual offenses. In J.C. Campbell (Ed.), *Assessing dangerousness: Violence by sexual offenders, batterers, and child abusers* (pp. 114-137). Thousand Oaks, CA: Sage.



The further away the offender is from what is typical the higher the risk of recidivism in general. Other non-typical items with higher rates of recidivism include bestiality and sexual acting out in prison.

A.M. Mander, PhD 2007



## ALASKA FARM BUREAU, INC.

Bryce Wrigley, President  
[bjwrigley@wildak.net](mailto:bjwrigley@wildak.net)

Jane Hamilton, Executive Director  
[janehamilton99737@yahoo.com](mailto:janehamilton99737@yahoo.com)

February 24, 2009

Representative Bob Lynn  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, Alaska 99807-1182

Dear Representative Lynn,

The Alaska Farm Bureau is committed to providing a safe and wholesome product to our consumers. Our farmers and ranchers raise their animals using good animal husbandry practices that provide a safe growing environment, free from cruel treatment.

We feel that all animals should be treated humanely and with respect. We, therefore, wholeheartedly support and endorse HB 6, protecting animals from sexual activity by humans.

We appreciate the specific references to accepted veterinary and animal husbandry practices being acknowledged as specific examples of normal treatment/conduct between humans and animals and not to be construed as sexual activity or cruelty to animals.

Thank you for keeping us involved with this legislation and giving our members a chance to speak to you about this bill.

Please feel free to contact us at any time with questions and concerns regarding farming and ranching in Alaska.

Sincerely,

  
Bryce Wrigley,  
President

PO Box 760 Delta Junction, Alaska 99737 Telephone: (907) 895-4752

STATE OFFICE  
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February 17, 2009

Representative Bob Lynn  
House of Representatives  
State Capitol  
Juneau AK 99801-1182

Dear Representative Lynn:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing HB 6, an act relating cruelty to animals.

The APOA State Board's Legislative Committee recently reviewed this proposed legislation and decided to unanimously support this bill.

We thank you for addressing this issue. Please contact the APOA office in Anchorage at 277-0515, if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

Angella Long  
State President



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OF THE UNITED STATES**

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Animal Protection Staff

February 25, 2009

Dear Legislator:

The Humane Society of the United States, on behalf of our more than 18,000 members and supporters in Alaska, strongly supports passage of HB 6 (Rep. Lynn, R-31), to criminalize the sexual assault of animals. In addition to protecting the animals themselves from cruel treatment, this bill is needed to give law enforcement additional tools to protect human victims from sexually deviant crime.

Several studies have highlighted the link between the sexual abuse of animals and sex crimes against human victims. For example:

- 96% of juveniles who had engaged in sex with nonhuman animals also admitted to sex offenses against humans and reported more offenses against humans than other sex offenders their same age and race. (Fleming, William M., Jory, Brian and Burton, David L. *Characteristics of Juvenile Offenders Admitting to Sexual Activity with Nonhuman Animals*. Society and Animals. Vol 10., No.1, pp.31-45. 2002)
- The FBI researched the backgrounds of serial sexual homicide perpetrators and found high rates of sexual assault of animals. (Ressler, R. K. et al *Sexual homicide: patterns and motives*. Lexington, Mass.: Lexington Books. 1988)
- Up to 37% of sexually violent juvenile offenders had a history of animal sexual assault. (Monique R. Frazier, *Physically and Sexually Violent Juvenile Offenders: A Comparative Study of Victimization History Variables* 99 (unpublished dissertation, Utah St. U. 1998) (on file with Utah St. U.).

Thirty-five states currently have criminal penalties for the sexual abuse of animals – twenty punish the crime as a felony.

HB 6 would make sexual conduct with an animal a Class A misdemeanor. Importantly, the bill would also provide penalties for inducing another person to engage in sexual conduct with an animal. Forcing another person to engage in sexual activity with an animal is one of the most abhorrent sex crimes imaginable, and such conduct fits the pattern of behavior common to sexually deviant criminals.

We strongly urge you to support passage of HB 6.

Sincerely,

*Dave Pauli*

Dave Pauli  
Western Region Director

*Celebrating Animals. Confronting Cruelty*



# AMERICAN HUMANE

*Protecting Children & Animals Since 1877*

February 25, 2009

To the Alaska Legislature:

On behalf of the American Humane Association, the nation's oldest non-profit organization dedicated to protecting animals and children from maltreatment, we thank Representative Bob Lynn for introducing House Bill 6, a critical initiative to make the crime of sexual conduct with an animal a Class A misdemeanor.

The Link® between violence to people and violence to animals, and the concept that children who harm animals can become desensitized to violence and go on to commit antisocial acts against people, formed the very basis of our organization more than 130 years ago. To this day, American Humane continues to directly address the Link® between animal abuse and other forms of societal violence. Our strong support for House Bill 6 reflects our commitment to this issue.

HB 6 was drafted to address the horror many Alaskans experienced upon hearing last April's Anchorage Daily News report of a registered child sex offender who allegedly taped the muzzle of a black Lab, tied it to a tree, and sexually assaulted it in the woods of Ketchikan. Because Alaska lacks a law that prohibits sexual molestation of an animal by a human, the alleged offender was merely charged with the low-level property tampering offense of criminal mischief.

For the welfare of both humans and animals, the law must treat all acts of violence against animals seriously. Because HB 6 addresses the dynamic of violence, control, and exploitation prevalent in animal sexual abuse, it would be a grave mistake to view HB 6 as a bill that just protects animals. Deliberate abuse of companion animals rarely occurs in isolated instances. Instead, animal abuse is often part of a vicious cycle of violence that escalates to human abuse.

Studies illustrate a strong connection between sexual abuse and conduct with animals. The studies are so compelling that it hardly comes as a surprise that the American Psychiatric Association has labeled "abuse of animals" among the symptoms of conduct disorder<sup>1</sup> and the FBI has found high rates of animal sex assaults in the backgrounds of serial sex homicide offenders.<sup>2</sup>

---

<sup>1</sup> American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders (DSM-IV)* (Vol. 4, 1994). Among the symptoms listed for conduct disorder are those categorized under "aggression to people and animals" (which includes cruelty to people or to animals, stealing with confrontation of the victim, and forced sexual activity). See also Juvenile Justice Bulletin, *Animal Abuse and Youth Violence*, September, 2001, at [http://www.ncjrs.gov/html/ojjdp/jjbul2001\\_9\\_2/page5.html](http://www.ncjrs.gov/html/ojjdp/jjbul2001_9_2/page5.html)

<sup>2</sup> Ressler, R.K., Burgess, A.W., Hartmen, C.R., Douglas, J.E., & McCormack, A., *Murderers Who Rape and Mutilate* (Journal of Interpersonal Violence, v. 1, 1986 p. 273-287).

A 2002 study of juvenile offenders reveals that 96% who admitted to engaging in sex with animals also admitted to committing sex offenses against humans.<sup>3</sup> Another study regarding the perpetrators of sexually motivated homicides reveals the perpetrators had not only been sexually abused as children, but also had sexually abused animals in the past.<sup>4</sup>

A 1998 study found that sexual abuse of animals is often linked to sexual abuse of women and children.<sup>5</sup> That same year, another study reported that bestiality was often forced upon several children who were also forced to participate in pornographic activities.<sup>6</sup> Additionally, a study of several interviews with battered women revealed that bestiality was the sex act of preference for 41% of the abusive partners seeking to further dominate and terrorize their victims.<sup>7</sup>

Sexual molestation of an animal by a human is not a matter of personal privacy. Not only is bestiality severely inhumane, it can cause extensive physical harm and even death to the animal. It is important to note that even in cases where such harm does not occur, bestiality is still a cruel activity because animals lack the ability to clearly consent or refuse. Dr. Frank Ascione, Professor of Psychology at the University of Utah, likens this dynamic to adult sexual activity with a child: "consent is presumed to be impossible."<sup>8</sup> Bestiality is no more a personal sexual activity than is sexual abuse of children or rape of adults.

It is time Alaska joined the thirty-three other states that currently prohibit and penalize bestiality as a form of cruelty toward animals.<sup>9</sup> To help ensure a more humane Alaska for future generations, please pass House Bill 6.

Sincerely,

Allie Phillips, J.D.  
Director of Public Policy

Tracy Coppola, J.D., M.S.E.L.  
Legislative Analyst

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<sup>3</sup> Fleming, W.M., Jory, B.; Burton, D.L., *Characteristics of Juvenile Offenders Admitting to Sexual Activity with Nonhuman Animals (Society and Animals*. 10 (1), 31-45), (2002).

<sup>4</sup> Ressler, et. al.

<sup>5</sup> Kowal, L.W., *Recognizing Animal Abuse: What Veterinarians Can Learn from the Field of Child Abuse and Neglect*, Chapter 6: *Recognizing and Reporting Animal Abuse: A Veterinarian's Guide* (American Humane Association, p. 40-49) (1998).

<sup>6</sup> Itzin, C. *Pornography and the Organization of Intra-and Extra-Familial Child Sexual Abuse*, G.K. Kantor and J.L. Jasinski, Ed., Sage Publications, 1998, pp. 58-79).

<sup>7</sup> Walker, L.E., *The Battered Woman Syndrome* (Springer Publishing, 1984).

<sup>8</sup> Ascione, Frank R., *Children Who are Cruel to Animal: A Review of Research and Implications for Developmental Psychology* (Anthrozoos, vol. 6, p. 226).

<sup>9</sup> The following felony statutes address bestiality: AZ ST 13-1411; DE ST T. 11 § 777; GA ST 16-6-6; ID ST 18-6605; 720 ILCS 5/12-35; IN ST 35-46-3-14; KS ST 21-3505; MASS GEN LAW CH 272 § 34; MCLA 750.158; MS ST 92-29-59; Okla. Stat. Tit. 21 § 886; RI GEN LAWS 11-10-1; SC ST 16-15-120; SD ST 22-22-42; VA ST 18.2-361; WA ST 16.52.205. The following misdemeanor statutes address bestiality: ACA 5-14-122; Cal. Penal Code 286.5; CRS 18-9-201-202 (subsequent offenses are felonies); IA ST 717C.1; LSA-RS 14:89; MD CRIM LAW CODE ANN 3-322; 17 MSRA 1031 (1); MN ST 609.294; MO ST 566.11; NE ST 28-1010; ND ST 12.1-20-12; NY PENAL LAW 130.20; GSNC 14-177; OR ST 167.333; 18 PCSA 3129; UT ST 76-9-301.8; WI ST 944.17.



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March 20, 2009

Dear Representative Lynn and members of the Alaska State Legislature

Thank you for this opportunity to publicly extend my support of HB 6 "An act relating to proscribing certain sexual conduct or activities as cruelty to animals". This is a well crafted piece of legislation that speaks specifically to the crime of sexual misconduct and does not inhibit or criminalize veterinary practices or standard animal husbandry practices. I also wish thank Representative Lynn for introducing HB 6.

As the head of an animal control agency I can tell you that sexual deviancy against animals does exist. Alaska is unfortunately not unique in this behavior. In each case that has come to my attention, coercion, abuse, threat of physical harm or terrorizing a human during the practice of a sexual assault on an animal was present. The people who reported the crimes were afraid for their own safety or the safety of their children. The sexual abuse of the animal had been used to intimidate, threaten or terrorize them into submission.

The animal victims in each of these cases as well as those that happen throughout our state, had no choice and there was little that could be done to protect or defend them. Unfortunately because a crime in the legal sense was not committed, the human victims were also left with no voice, no advocate, and no recourse. There was no justice for either the abused animal or the humans who were threatened by the abuser.

Statistics gathered by the FBI, American Humane Association and other agencies who work with offenders show the high correlation between sexual abuse and torture of animals and sexual abuse and violence towards human beings. In fact, the statistics provided by Representative Lynn in the information packet are staggering.

-2-

While it is true that I work for an animal organization, and this piece of legislation is one that deals specifically with animals, there is no escaping the fact that this is a human issue as well. First and foremost, humans are the abusers. Further, statistics show that human abusers (who are often victims of abuse themselves), often began their own cycle of violence by abusing animals. Anything we can do to criminalize that act of abuse helps to break the cycle.

This piece of legislation will unfortunately not stop sexual abuse or sexual torture of animals simply by its passage. It will give the victims recourse under the law. Passing this piece of legislation is the right thing to do.

Submitted by Chava Lee  
Executive Director  
Gastineau Humane Society  
7705 Glacier Highway  
Juneau, AK 99801

March 20, 2009

To The House Judiciary Committee and Representative Bob Lynn,

I just verbally testified on HB6 but failed to mention a very important point. The person who committed the crime of killing the 22 cats, has not received any punishment. He is in my class at the Wrangell High School and I do not feel safe going to the same school as him or being in the same classroom. I hope that you pass this bill so that there will be laws to punish people like him.

Talea Davis  
PO Box 465  
Wrangell, Alaska 99929  
meionjade@hotmail.com

# House Bill 6

“An Act relating to proscribing certain sexual conduct or activities as cruelty to animals.”

## News Stories

Registered sex offender has sex with tied-up dog,  
police say (The Associated Press)

Bestiality: Yes, it's a crime (Seattle PI Editorial Board)

## **Registered sex offender has sex with tied-up dog, police say**

**KETCHIKAN: Witnesses say Lab was tied to tree and its mouth was taped shut.**

The Associated Press

(04/15/08 00:14:03)

KETCHIKAN -- A 26-year-old Klawock man has been charged with two counts of criminal mischief for allegedly having sex with a tied-up dog.

Harold Simpson, a registered sex offender, is being held on a \$10,000 bond.

The charges stemmed from an alleged incident last Wednesday in the woods outside the village.

A witness told Klawock Police Officer Chris Paulson that she saw Simpson coax a white dog into the woods by a green rope and later saw the dog come running out without the rope, according to Paulson's affidavit.

The witness then said she saw Simpson coax a black Labrador retriever to come to him, tying the green rope around the dog's neck and leading it into the woods.

Two men told the officer they went looking in the woods for the dog and found a man having sex with it, according to the affidavit.

The dog was tied to the tree by a green rope, and white tape had been placed around its muzzle, Paulson's report says. He says he later recovered a green rope and white tape with black hair on it from the scene.

The Ketchikan District Attorney's office had charged Simpson with two misdemeanor counts of criminal mischief.

At an arraignment hearing Friday, Ketchikan District Attorney James Scott told Craig District Court Magistrate Kay Clark that there isn't a state law to prohibit having sex with a dog.

The state also asked for bail, a rare move for a low-level offense.

"Mr. Simpson, however, poses perhaps the greatest threat to the community of any defendant that we will see in this court, or any other in Southeast, for some time," Scott said.

According to court records, when Simpson was 16, he was convicted of twice raping a young boy. He's also serving probation for assault after lunging at a child last year.

The state's "very real concern," Scott said, is that if a small child had been available and unattended at the time and place where these dogs were taken, "that the small child would have been found taped (and) tied in the woods.

Simpson has been assigned a public defender, who did not immediately return a call Monday to The Associated Press.

Wednesday, August 10, 2005

## **Bestiality: Yes, it's a crime**

SEATTLE POST-INTELLIGENCER EDITORIAL BOARD

It should be a no-brainer that animal cruelty laws ought to cover sex acts. But after a Seattle man's death at an Enumclaw bestiality ranch last month, it became clear that our animal cruelty laws are gutless.

In other words, welcome to Nobrainville. The legal and regulated hunting of animals in no way grants us a carte blanche on all aspects of animal life. And arguing that animals seem to enjoy the act is a ridiculous and moot point.

If state Sen. Pam Roach, R-Auburn, wants to bring about a law protecting animals from rape, we say: Go for it, Pam. For once, we're with you.

Carol Jensen  
10821 Baronik Street  
Anchorage, AK 99518-1724  
Email: [busface1999@yahoo.com](mailto:busface1999@yahoo.com)  
Phone: 907-244-1979

February 10, 2009

Alaska House Judiciary Committee Fax #907-465-2070  
Juneau, Alaska

RE: HB 6

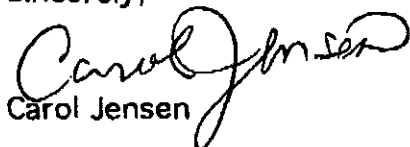
I urge you to pass this bill out of committee as soon as possible with the following changes:

1. Make cruelty to domestic animals a felony (first offense) with mandatory 1 year in jail and fine.
2. Mandate protection from inclement weather for all domestic animals including adequate heat, wholesome water, food, veterinary care, and shelter from wind, sun, precipitation, temperatures for all domestic animals to maintain the animal's optimum health, comfort and welfare.
3. Mandatory forfeiture of all animals owned by a person convicted of animal cruelty and mandate of non allowance to own any animals for 10 years following conviction.
4. Mandatory suspected animal abuse reporting by veterinarians and any government agency personnel.

Alaska ranks near the bottom of the list of states with adequate animal protection laws. Our law is archaic, inadequate and ineffective. Animal abuse is rampant in this state.

It is well documented and proven that abuse of animals often leads to abuse of children, spouses and other humans. It's time to nip in the bud this horrendous abuse and neglect of all animals.

Sincerely,

  
Carol Jensen

# **House Bill 6**

“An Act relating to proscribing certain sexual conduct or activities as cruelty to animals.”

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## **Relevant Alaska Statutes**

AS 11.61.140 Cruelty to Animals

AS 11.41.455 Unlawful exploitation of a minor

AS 11.46.475-486 Criminal mischief in the first degree to Criminal mischief in the fifth degree

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;

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

(5) knowingly kills or injures an animal, other than as provided in (1) or (3) of this subsection, with the intent to intimidate, threaten, or terrorize another person.

(b) Each animal that is subject to cruelty to animals under (a) 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) Except as provided in (g) of this section, 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.

(g) Cruelty to animals is a class C felony if the person has been previously convicted on two or more separate occasions within 10 years of the date of the present offense of a crime under this section, AS 11.61.145 (a)(1) or (2), or a law or ordinance of another jurisdiction having elements similar to those offenses. 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. 11.41.455. Unlawful exploitation of a minor.

(a) A person commits the crime of unlawful exploitation of a minor if, in the state and with the intent of producing a live performance, film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts the conduct listed in (1) - (7) of this subsection, the person knowingly induces or employs a child under 18 years of age to engage in, or photographs, films, records, or televises a child under 18 years of age engaged in, the following actual or simulated conduct:

(1) sexual penetration;

(2) the lewd touching of another person's genitals, anus, or breast;

(3) the lewd touching by another person of the child's genitals, anus, or breast;

(4) masturbation;

(5) bestiality;

(6) the lewd exhibition of the child's genitals; or

(7) sexual masochism or sadism.

(b) A parent, legal guardian, or person having custody or control of a child under 18 years of age commits the crime of unlawful exploitation of a minor if, in the state, the person permits the child to engage in conduct described in (a) of this section knowing that the conduct is intended to be used in producing a live performance, film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts the conduct.

(c) Unlawful exploitation of a minor is a

(1) class B felony; or

(2) class A felony if the person has been previously convicted of unlawful exploitation of a minor in this jurisdiction or a similar crime in this or another jurisdiction.

(d) In this section, "audio recording" means a nonbook prerecorded item without a visual component, and includes a record, tape, cassette, and compact disc.

Sec. 11.46.475. Criminal mischief in the first degree.

(a) A person commits the crime of criminal mischief in the first degree if, having no right to do so or any reasonable ground to believe the person has such a right,

(1) the person intentionally damages an oil or gas pipeline or supporting facility;

(2) with intent to cause a substantial interruption or impairment of a service rendered to the public by a utility or by an organization that deals with emergencies involving danger to life or property, the person damages or tampers with property of that utility or organization and causes substantial interruption or impairment of service to the public;

(3) with intent to damage property of another by the use of widely dangerous means, the person damages property of another in an amount exceeding \$100,000 by the use of widely dangerous means.

(b) Criminal mischief in the first degree is a class A felony.

Sec. 11.46.480. Criminal mischief in the second degree.

(a) A person commits the crime of criminal mischief in the second degree if, having no right to do so or any reasonable ground to believe the person has such a right,

(1) the person tampers with an oil or gas pipeline or supporting facility or an airplane or helicopter, with reckless disregard for the risk of harm to or loss of the property; or

(2) with intent to cause physical injury to another person, the person

(A) tampers with food, air, water, or an item that is a drug or cosmetic, or a container for food, air, water, or the item; or

(B) delivers, dispenses, or distributes food, air, water, or an item described in (A) of this paragraph knowing that a person has tampered with the food, air, water, or item or a container for the food, air, water, or item.

(b) In (a)(2) of this section,

(1) "deliver" means the actual, constructive, or attempted transfer from one person to another of food, air, water, or an item;

(2) "dispense" means to deliver a drug to an ultimate user or research subject by or under the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the drug for that delivery;

(3) "distribute" means to deliver food, air, water, or an item, whether or not there is any money or other item of value exchanged; it includes sale, gift, or exchange;

(4) "drug" has the meaning given in AS 11.71.900 (9);

~~(5) [Repealed, Sec. 74 ch 35 SLA 2003].~~

(c) Criminal mischief in the second degree is a class B felony.

Sec. 11.46.482. Criminal mischief in the third degree.

(a) A person commits the crime of criminal mischief in the third degree if, having no right to do so or any reasonable ground to believe the person has such a right,

(1) with intent to damage property of another, the person damages property of another in an amount of \$500 or more;

(2) the person recklessly creates a risk of damage in an amount exceeding \$100,000 to property of another by the use of widely dangerous means; or

(3) the person knowingly

(A) defaces, damages, or desecrates a cemetery or the contents of a cemetery or a tomb, grave, or memorial regardless of whether the tomb, grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or memorial appears to be abandoned, lost, or neglected;

(B) removes human remains or associated burial artifacts from a cemetery, tomb, grave, or memorial regardless of whether the cemetery, tomb, grave, or memorial appears to be abandoned, lost, or neglected.

(b) It is an affirmative defense to a prosecution under (a)(3) of this section that the defendant, at the time of the offense, was

(1) an employee of the cemetery and was engaged in an authorized activity on behalf of the cemetery; or

(2) authorized by law or state permit to engage in the conduct.

(c) In this section,

(1) "contents of a cemetery" includes anything that is designed or used for the protection, security, or ornamentation of a cemetery and that is located within a cemetery;

(2) "memorial" means a headstone, marker, gravestone, monument, or other object designed or intended to mark a gravesite or to memorialize the death of a person;

(3) "tomb" means a mausoleum, columbarium, or crypt, whether that mausoleum, columbarium, or crypt is located above or below ground.

(d) Criminal mischief in the third degree is a class C felony.

Sec. 11.46.484. Criminal mischief in the fourth degree.

(a) A person commits the crime of criminal mischief in the fourth degree if, having no right to do so or any reasonable ground to believe the person has such a right

(1) with intent to damage property of another, the person damages property of another in an amount of \$50 or more but less than \$500;

(2) the person tampers with a fire protection device in a building that is a public place;

(3) the person knowingly accesses a computer, computer system, computer program, computer network, or part of a computer system or network;

(4) the person uses a device to descramble an electronic signal that has been scrambled to prevent unauthorized receipt or viewing of the signal unless the device is used only to descramble signals received directly from a satellite or unless the person owned the device before September 18, 1984; or

(5) the person knowingly removes, relocates, defaces, alters, obscures, shoots at, destroys, or otherwise tampers with an official traffic control device or damages the work upon a highway under construction.

(b) Criminal mischief in the fourth degree is a class A misdemeanor.

(c) *[Repealed, Sec. 11 ch 71 SLA 1996].*

Sec. 11.46.486. Criminal mischief in the fifth degree.

(a) A person commits the crime of criminal mischief in the fifth degree if, having no right to do so or any reasonable ground to believe the person has such a right,

(1) with reckless disregard for the risk of harm to or loss of the property or with intent to cause substantial inconvenience to another, the person tampers with property of another;

(2) with intent to damage property of another, the person damages property of another in an amount less than \$50; or

(3) the person rides in a propelled vehicle knowing it has been stolen or that it is being used in violation of AS 11.46.360 or 11.46.365(a)(1).

(b) Criminal mischief in the fifth degree is a class B misdemeanor.

shment; punishment for felonies.
ing provisions, see AS 12.55.]

o Crime.

, see AS 11.16 and 11.31.110.]

st the Person.

hter. [Repealed, § 21 ch 166 SLA

nses, assaults, robbery, larceny,
21 ch 166 SLA 1978. For current

Crime.

ions to legal accountability for conduct of
r
countability of organizations

or conviction of one conspirator as af-
sition of case against coconspirators, 19

action against attorney for aiding or
her person in unauthorized practice of
h 361.

of life supports from comatose patient,

responsibility under 18 USCS 2(b) of one
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o, 52 ALR Fed. 769.

conduct. A person is guilty of
r by the conduct of another for
0. or by both. (§ 1 ch 166 SLA

notice that he or she may also be
a theory of accomplice liability if the
; that the defendant is responsible for
s under AS 11.16.110. Baker v. State,
aska Ct. App. 1995).

verdict not required. — The jury
l to be unanimous as to the precise
ch it returned its guilty verdicts.
eyond a reasonable doubt that both

defendants participated jointly in the endeavor of
shooting deer with the aid of a handheld spotlight. As
a matter of law, both men could be held accountable
for their own acts or as accomplices. Totemoff v. State,
866 P.2d 125 (Alaska Ct. App. 1993), rev'd on other
grounds, 905 P.2d 954 (Alaska 1995), cert. denied, 517

U.S. 1244, 116 S. Ct. 2499, 135 L. Ed. 2d 190 (1996).
Applied in Kinegak v. State, 747 P.2d 541 (Alaska
Ct. App. 1987).
Cited in Dailey v. State, 675 P.2d 657 (Alaska Ct.
App. 1984).

Sec. 11.16.110. Legal accountability based upon the conduct of another. A
person is legally accountable for the conduct of another constituting an offense if

- (1) the person is made legally accountable by a provision of law defining the offense;
(2) with intent to promote or facilitate the commission of the offense, the person-
(A) solicits the other to commit the offense; or
(B) aids or abets the other in planning or committing the offense; or
(3) acting with the culpable mental state that is sufficient for the commission of the
offense, the person causes an innocent person or a person who lacks criminal responsi-
bility to engage in the proscribed conduct. (§ 1 ch 166 SLA 1978)

Cross references. — For solicitation, see AS
11.31.110.

NOTES TO DECISIONS

Annotator's notes. — Some of the cases cited in
the notes below were decided under former 12.15.010.

Distinction between principals and acces-
sories abrogated. — Former AS 12.15.010 abro-
gated the distinction between principals and acces-
sories. Tarnef v. State, 492 P.2d 109 (Alaska 1971).

By former AS 12.15.010, Alaska abolished the com-
mon-law distinction between accessories and princi-
pals to a crime. Rice v. State, 589 P.2d 419 (Alaska
1979).

Alaskan law does not distinguish the criminal li-
ability of principals and accomplices. Machado v. State,
797 P.2d 677 (Alaska Ct. App. 1990).

Legal accountability statutes apply to fish and
wildlife offenses. Knutson v. State, 736 P.2d 775
(Alaska Ct. App. 1987).

Knowledge of fact of criminality irrelevant. —
In order for a defendant to be found liable as an
accomplice, the state need only prove that defendant
intentionally aided codefendant, knowing of codefend-
ant's criminal purpose. It is not necessary that he
know of the criminality of the conduct. Mudge v.
State, 760 P.2d 1046 (Alaska Ct. App. 1988).

Evidence sufficient to establish accomplice
liability. — Evidence was sufficient for convictions of
first-degree assault and kidnapping, where defendant
and a cohort bound and repeatedly hit a victim over
several hours, based on a theory of accomplice liability
under paragraph (2) of this section, since defendant
and the cohort both actively participated in the bind-
ing of the victim and in repeatedly striking him, which
resulted in serious injury to the victim, including
broken ribs, a broken ankle, and a punctured lung.
Anderson v. State, 163 P.3d 1000 (Alaska Ct. App.
2007).

Abrogation did not apply only to punishment.
— The abrogation of the distinction between acces-
sories and principals mandated by former AS
12.15.010 did not apply only to punishment. Scharver
v. State, 561 P.2d 300 (Alaska 1977).

To "prosecute" one as a principal includes
charging him as a principal. Scharver v. State, 561
P.2d 300 (Alaska 1977).

Notice to defendant of theories of liability. —
When an indictment alleges that the defendant is on

notice that he or she personally committed the acts
constituting the crime, the defendant is on notice that
he or she may also be convicted under a theory of
accomplice liability if the state establishes that the
defendant is responsible for the acts of others under
this section. Baker v. State, 905 P.2d 479 (Alaska Ct.
App. 1995).

Aiders and abettors as principals. — Former AS
12.15.010 provided that anyone aiding or abetting the
commission of a crime should be prosecuted, tried,
and punished as a principal. Tarnef v. State, 492 P.2d
109 (Alaska 1971).

An accused who is indicted as a principal is subject
to conviction upon evidence which shows that he only
aided and abetted. Scharver v. State, 561 P.2d 300
(Alaska 1977).

One indicted as a principal may be convicted of the
crime on evidence which shows that he merely aided
and abetted. Ransom v. State, 460 P.2d 170 (Alaska
1969).

"Aid and abet" means to help, assist, or facilitate
the commission of a crime, promote the accomplish-
ment thereof, help in advancing or bringing it about,
or encourage, counsel, or incite as to its commission.
Thomas v. State, 391 P.2d 18 (Alaska 1964); Carman
v. State, 602 P.2d 1255 (Alaska 1979); Hensel v. State,
604 P.2d 222 (Alaska 1979).

It can be inferred that the words "aid and abet" are
used synonymously with various combinations of the
words assist, advise, counsel, procure, encourage, in-
cite and instigate. Tarnef v. State, 512 P.2d 923
(Alaska 1973); Carman v. State, 602 P.2d 1255
(Alaska 1979).

Intent. — The plain language of this section indi-
cates that an accomplice must intend the commission
of the particular offense committed by the principal in
order to be convicted of the offense. Erickson v. State,
824 P.2d 725 (Alaska Ct. App. 1991).

Under the complicity statute, there is no criminal
liability if the state can prove only that the defendant
recklessly disregarded the possibility that his conduct
might promote or facilitate a crime, since all accom-
plice behavior must be intentional. Ashenfelter v.
State, 988 P.2d 120 (Alaska Ct. App. 1999).

Culpable mental state. — When two or more

invicted as an accomplice to the delivery of the evidence. Hale v. State, 764 P.2d 991 (Alaska Ct. App. 1988).

"Affirmative defense" is an affirmative defense, and the burden is on the defendant to prove it by a preponderance of the evidence. Hale v. State, 764 P.2d 991 (Alaska Ct. App. 1988).

Braun v. State, 911 P.2d 1075 (Alaska Ct. App. 2008).

Kott v. State, 678 P.2d 386 (Alaska Ct. App. 2008).

Conditions. (a) Except as otherwise provided, the defendant is liable for conduct constituting an affirmative defense if the defendant:

(1) acts on behalf of the organization; or

(2) acts in a position adopted by the organization; or

(3) acts in a position of authority of affirmative performance.

(b) The defendant is an employee of an organization or organization. (§ 1 ch 166 SLA 1978. For current law, see AS 11.46.285 — 11.46.290.)

Contingency plan on file because there is a possibility that any person in the environmental protection authority to control the captain or crew, and an agent of the group onboard the vessel, has sufficient knowledge of the violation to prevent the vessel's conduct. State v. Greenpeace, Inc., 911 P.2d 1075 (Alaska Ct. App. 2008).

## Property.

[Repealed, § 21 ch 166 SLA 1978. For current law, see AS 11.46.285 — 11.46.290.]

[Repealed, § 21 ch 166 SLA 1978. For current law, see AS 11.46.285 — 11.46.290.]

[Repealed, § 21 ch 166 SLA 1978. For current law, see AS 11.46.285 — 11.46.290.]

[Repealed, § 21 ch 166 SLA 1978. For current law, see AS 11.46.285 — 11.46.290.]

[Repealed, § 21 ch 166 SLA 1978. For current law, see AS 11.46.285 — 11.46.290.]

[Repealed, § 21 ch 166 SLA 1978. For current law, see AS 11.46.285 — 11.46.290.]

**Secs. 11.20.360 — 11.20.510. False Pretenses and Frauds.** [Repealed, § 21 ch 166 SLA 1978. For theft by deception, see AS 11.46.180; for business and commercial offenses, see AS 11.46.600 — 11.46.740.]

**Secs. 11.20.515 — 11.20.650. Malicious Mischief and Trespass.** [Repealed, § 21 ch 166 SLA 1978. For criminal trespass, see AS 11.46.320 — 11.46.350; for criminal mischief, see AS 11.46.480 — 11.46.486.]

**Sec. 11.20.660.** [Renumbered as AS 11.76.120.]

**Secs. 11.20.670 — 11.20.690. Misuse, Damage, or Destruction.** [Repealed, § 21 ch 166 SLA 1978. For criminal mischief, see AS 11.46.480 — 11.46.486.]

## Chapter 22. Alaska Credit Card Crimes Act.

[Repealed, § 21 ch 166 SLA 1978. For current law, see AS 11.46.285 — 11.46.290.]

## Chapter 25. Forgery and Counterfeiting.

[Repealed, § 21 ch 166 SLA 1978. For current law, see AS 11.46.500 — 11.46.580.]

## Chapter 30. Offenses Against Public Justice.

[Repealed, § 21 ch 166 SLA 1978. For current law, see AS 11.56.]

## Chapter 31. Attempt, Solicitation, and Conspiracy.

### Section

- 100. Attempt
- 110. Solicitation
- 120. Conspiracy
- 125. Duration of conspiracy for purposes of limitations of actions

### Section

- 140. Multiple convictions barred
- 150. Substantive crimes involving attempt or solicitation

**Cross references.** — For increase in classification of misdemeanors committed in connection with a criminal street gang, see AS 12.55.137.

**Collateral references.** — 21 Am. Jr. 2d, Criminal Law, §§ 174-183, 185.

22 C.J.S. Criminal Law, §§ 115-126.  
Entrapment to commit or attempt abortion, 53 ALR2d 1156.

What justifies escape or attempt to escape, or assistance in that regard, 70 ALR2d 1430; 69 ALR3d 678.

Attempt to commit assault as criminal offense, 79 ALR2d 597.

Attempts to receive stolen property, 85 ALR2d 259.

Attempt to escape or commit prison breach as affected by means employed, 96 ALR2d 520.

Attempts to commit offenses of larceny by trick, confidence game, false pretenses, and the like, 6 ALR3d 241.

Impotency as defense to charge of rape, attempt to rape, or assault with intent to commit rape, 23 ALR3d 1351.

Woman upon whom abortion is committed or attempted as accomplice for purposes of rule requiring corroboration of accomplice testimony, 34 ALR3d 858.

Comment note on impossibility of consummation of substantive crime as defense in criminal prosecution for conspiracy or attempt to commit crime, 37 ALR3d 375.

What constitutes attempted murder, 54 ALR3d 612.  
Temporary unauthorized absence of prisoner as escape or attempted escape, 76 ALR3d 695.

What conduct amounts to an overt act or acts done toward commission of larceny so as to sustain charge of attempt to commit larceny, 76 ALR3d 842.

Robbery, attempted robbery, or assault to commit robbery, as affected by intent to collect or secure debt or claim, 88 ALR3d 1309.

What constitutes driving, operating, or being in control of motor vehicle for purposes of driving while intoxicated statutes, 93 ALR3d 7.

Use of force or intimidation in retaining property or in attempting to escape, rather than in taking property, as element of robbery, 93 ALR3d 643.

Criminal liability of third persons for death of another as result of accused's attempt to kill self or assist another's suicide, 40 ALR4th 702.

Impossibility of consummation as defense to prosecution for attempt, 41 ALR4th 588.



or other thing of value from bank, 37  
 nsibility under 18 USCS § 2(b) of  
 capacity to commit an offense but who  
 do so, 52 ALR Fed. 769.

attempt to commit a crime if  
 conduct which constitutes a

hat it was factually or legally  
 the attempt if the conduct  
 circumstances been as the

defense that the defendant,  
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 epted crime.

er in the first degree;  
 ed felony other than murder

lony;  
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 lass C felony;  
 s A or class B misdemeanor.  
 ed in a state law which is not  
 mpt to commit the crime is  
 for a term of not more than  
 unclassified crime, or a fine  
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 '8; am § 1 ch 102 SLA 1980;

1980 (HCS CSSB 511), see 1980  
 plement, No. 44, May 29, 1980, or  
 al Supplement, No. 79, May 28,

ine cases where it was sometimes  
 e whether preparation to commit  
 ear enough to the accomplishment  
 an attempt had been committed.  
 6 P.2d 968 (Alaska 1968).

to commit a crime, not followed by  
 toward its commission, did not  
 pt. Lemke v. United States, 14  
 'd 73 (9th Cir. 1954).

vere of such a preliminary nature  
 mere preparation for the contem-  
 was no crime of attempt. Braham  
 il (Alaska 1977), cert. denied, 436  
 2246, 56 L. Ed. 2d 410 (1978).

free. — Whether acts taken or  
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 atory and did not constitute at-  
 hey were sufficiently close to the  
 e crime to amount to attempt, was  
 and depended upon the facts and

circumstances of a particular case. Braham v. State, 571 P.2d 631 (Alaska 1977), cert. denied, 436 U.S. 910, 98 S. Ct. 2246, 56 L. Ed. 2d 410 (1978).

**Double jeopardy.** — The statutes which proscribe attempted murder, possession of explosives, and arson differ markedly in the conduct which they prohibit and in the specific societal interests which they seek to preserve, and multiple sentences for the three offenses do not violate double jeopardy. Machado v. State, 797 P.2d 677 (Alaska Ct. App. 1990).

**Inadequacy of former statute.** — Former AS 11.05.020 was apparently inadequate to codify effectively as a crime the situation involving the single act of contracting for another to perform a criminal act. Braham v. State, 571 P.2d 631 (Alaska 1977), cert. denied, 436 U.S. 910, 98 S. Ct. 2246, 56 L. Ed. 2d 410 (1978).

**Applicability of this section.** — Since under Alaska law, delivery of cocaine is expressly defined to include an attempted delivery, the more specific statute controls and this section, the general attempt statute, is therefore not applicable to delivery of cocaine. Stuart v. State, 698 P.2d 1218 (Alaska Ct. App. 1985).

**Where defendant contracted with someone to kill another,** when he instructed the killer to visit the victim, his intention being that there would be fostered a relationship of trust and confidence between the killer and the victim, thus placing the killer in a position where he would be closer to the victim and could more readily kill him, the killer's visit with the victim, at defendant's direction, was the doing of a direct, unequivocal act toward the commission of the crime of murder, which followed the formation of a criminal intent and a preparation to commit this crime. Braham v. State, 571 P.2d 631 (Alaska 1977), cert. denied, 436 U.S. 910, 98 S. Ct. 2246, 56 L. Ed. 2d 410 (1978).

**Factual impossibility not apparent to actor.** — A factual impossibility which was not apparent to the actor at the time should not, as a matter of policy, insulate him from conviction for attempting the commission of the offense. Gargan v. State, 436 P.2d 968 (Alaska 1968).

**"Empty pocket doctrine."** — See Gargan v. State, 436 P.2d 968 (Alaska 1968).

**Attempt statute applied to attempted violation of narcotic drug statute.** — Persons attempting to commit the crime defined by AS 17.10.010 of the Alaska Uniform Narcotic Drug Act (now repealed) were not exempted or excepted from the provisions of the attempt statute. Simpson v. United States, 13 Alaska 635, 195 F.2d 721 (9th Cir. 1952).

**An attempt was necessarily included in an indictment for statutory rape.** Sekinoff v. United States, 283 F. 38 (9th Cir. 1922).

**Failure to include "substantial step" language in indictment for attempted murder** was a defect only as to form, where the indictment included a concise description of defendant's actions that constituted the offense, including the proper language regarding his state of mind. Ciervo v. State, 756 P.2d 907 (Alaska Ct. App. 1988), overruled on other grounds, Swain v. State, 817 P.2d 927 (Alaska Ct. App. 1991).

**Indictment need not specify intent to be proved for attempted rape.** — There is authority for the proposition that a specific intent must be proved for the crime of attempted rape. But there is no authority supporting the proposition that the indict-

ment must specify that intent. State v. Thomas, 525 P.2d 1092 (Alaska 1974).

Even though there is no question that the crime of attempt requires a specific intent, it seems equally beyond dispute that a charge of attempt to commit a specific crime clearly advises the defendant of the offense with which he is charged. State v. Thomas, 525 P.2d 1092 (Alaska 1974).

**Indictment charging attempted rape and citing only the rape statute held sufficient.** — See State v. Thomas, 525 P.2d 1092 (Alaska 1974).

**Attempted kidnapping was class A felony under this section before 1982 amendment.** — Under the law as it existed before the 1982 amendment to this section became effective, attempted kidnapping was unquestionably a class A felony. Galbraith v. State, 693 P.2d 880 (Alaska Ct. App. 1985).

**Attempted kidnapping and other attempted crimes.** — Every attempted sexual assault, attempted physical assault, or attempted armed robbery does not necessarily involve an attempted kidnapping. In order to make these distinctions clear, it is important that the jury be properly instructed that conviction of attempted kidnapping under AS 11.41.300(a)(1)(C) and this section requires a dual intent (1) to physically or sexually assault the victim and (2) to restrain the victim beyond what was necessary to effectuate the assault. Alam v. State, 793 P.2d 1081 (Alaska Ct. App. 1990).

**Attempted first-degree sexual assault.** — At the very least, a defendant must have formed a specific intent to engage in sexual penetration in order to be convicted of attempted first-degree sexual assault. Baden v. State, 667 P.2d 1275 (Alaska Ct. App. 1983).

**Five-year presumptive sentence for attempted sexual assault.** — It was not manifestly unjust to impose a five-year presumptive term upon defendant's conviction of attempted sexual assault of a minor, and he was not automatically entitled as a matter of law to have his case referred to a three-judge panel for sentencing. Aveoganna v. State, 757 P.2d 75 (Alaska Ct. App. 1988).

**Attempt to commit second-degree sexual assault is a crime under Alaska law and requires that defendant, intending to engage in sexual contact with another person without regard to that person's lack of consent, take a substantial step toward accomplishing this goal.** Guertin v. State, 854 P.2d 1130 (Alaska Ct. App. 1993).

**Merger of attempted sexual assault convictions.** — Where defendant entered the victim's apartment with the intent to sexually assault her, ripped off her clothing, continued to attack her while she struggled to fight him off, and a rescuer entered the apartment to intervene, defendant's convictions for attempted first-degree sexual assault and attempted second-degree sexual assault should have been merged, because the same conduct was basis for both convictions. Moore v. State, 123 P.3d 1081 (Alaska Ct. App. 2005).

**Offense of attempted second-degree murder was an impossibility.** Huit v. State, 678 P.2d 415 (Alaska Ct. App. 1984).

**Applicability of partial affirmative defenses.** — A person charged with attempted kidnapping is not entitled to assert a partial defense when the intended victim of the crime is voluntarily released unharmed; under the plain language of AS 11.41.300(d), the partial affirmative defense applies only in a prosecution for kidnapping. Laraby v. State, 710 P.2d 427 (Alaska Ct. App. 1985).

**Defendant may be found guilty though attempt not expressly charged.** — Jury could find defendant guilty of the attempt to commit the crime of possessing narcotic drugs despite the fact that the attempt was not expressly charged. *Simpson v. United States*, 13 Alaska 635, 195 F.2d 721 (9th Cir. 1952).

**Intoxication defense to attempt.** — Where defendant was charged with attempted first-degree sexual assault, attempted second-degree sexual assault, and burglary, defendant's intoxication at the time of the offense offered a defense to the culpable mental state. *Moore v. State*, 123 P.3d 1081 (Alaska Ct. App. 2005).

**Substantial evidence of attempt.** — In a prosecution for possession of narcotic drugs, although there was no substantial evidence that defendant committed the crime charged in the information, there was substantial evidence that she attempted to commit the crime charged. *Simpson v. United States*, 13 Alaska 635, 195 F.2d 721 (9th Cir. 1952).

Substantial evidence supported defendant's conviction for attempted first-degree sexual assault; the evidence, when viewed in the light most favorable to the verdict, established that defendant attacked wife and removed some of her clothing while the wife vigorously resisted. *Sergie v. State*, 105 P.3d 1150 (Alaska Ct. App. 2005).

**Conviction of attempted first-degree sexual assault affirmed.** — Conviction of attempted sexual assault on the first degree under AS 11.41.410 as it read before the 1983 amendment and this section was affirmed. Sexual charges based on non-consensual genital intercourse do not require proof of a specific sexual intent; and plain error was not established though the prosecutor's expressions which might have been construed as a personal opinion of the guilt of the defendant or an argument relating to a defendant's need for treatment were improper and uninvited. *Potts v. State*, 712 P.2d 385 (Alaska Ct. App. 1985).

Evidence supported defendant's conviction of attempted sexual assault in the first degree, where he brought his eight-year old stepdaughter and some syrup into a bathroom and asked the child if she would lick the syrup from his penis, and the fact that a wet drop of syrup was found on the counter supported the conclusion that he actually opened the syrup and poured some amount of it. *Mitchell v. State*, 818 P.2d 1163 (Alaska Ct. App. 1991).

**Evidence sufficient to support conviction.** — See *McCarlo v. State*, 677 P.2d 1268 (Alaska Ct. App. 1984).

**Conviction and sentence upheld.** — See *Andrejko v. State*, 695 P.2d 246 (Alaska Ct. App. 1985).

**Conviction reversed because of insufficient evidence.** — See *Brower v. State*, 728 P.2d 645 (Alaska Ct. App. 1986).

Defendant's conviction of attempted sexual abuse of a minor in the second degree was reversed, where evidence showing that he wrote notes to an eight-year-old girl asking her to be his girlfriend and to kiss him established only that he engaged in preparatory conduct and not that he took a substantial step toward sexual contact with the girl. *Sullivan v. State*, 766 P.2d 51 (Alaska Ct. App. 1988).

**Convictions reversed because of erroneous jury instruction.** — Convictions for attempted sexual assault in the first degree and kidnapping were reversed because of an erroneous jury instruction on sexual assault in the first degree concerning consent.

The correct standard is whether the defendant recklessly disregarded the victim's lack of consent. *Laseter v. State*, 684 P.2d 139 (Alaska Ct. App. 1984).

**Same offense for sentencing purposes.** — Assault with intent to rob and attempted robbery constituted the "same offense" for sentencing purposes. *Brookins v. State*, 600 P.2d 12 (Alaska 1979).

**Sentence upheld.** — See *Bowie v. State*, 494 P.2d 800 (Alaska 1972); *Spearman v. State*, 543 P.2d 202 (Alaska 1975); *Braham v. State*, 571 P.2d 631 (Alaska 1977), cert. denied, 436 U.S. 910, 98 S. Ct. 2246, 56 L. Ed. 2d 410 (1978); *Johnson v. State*, 580 P.2d 700 (Alaska 1978); *Ferguson v. State*, 590 P.2d 43 (Alaska 1979); *Morris v. State*, 592 P.2d 1244 (Alaska 1979); *Bamil v. State*, 619 P.2d 722 (Alaska 1980); *Travelstead v. State*, 689 P.2d 494 (Alaska Ct. App. 1984); *Schnecker v. State*, 739 P.2d 1310 (Alaska Ct. App. 1987).

**Sentence for attempted first degree murder upheld.** — See *Staael v. State*, 718 P.2d 948 (Alaska 1986).

**Maximum sentence upheld.** — Severity of victim's injury, and his resulting long-term impairment, supported judge's conclusion that defendant's assault was among the worst attempted murders and that he should receive the maximum term for the crime. *Nelson v. State*, 874 P.2d 298 (Alaska Ct. App. 1994).

**Consecutive sentences unsupported.** — Consecutive sentences for first degree murder and attempted murder were remanded because judge had failed to find that a sentence of that length was necessary to protect the public. *Nelson v. State*, 874 P.2d 298 (Alaska Ct. App. 1994).

**Prohibiting suspended sentence.** — The prohibition against the granting of a suspended imposition of sentence applies to persons convicted of an attempt to commit one of the sexual offenses defined in the criminal code. *Mack v. State*, 900 P.2d 1202 (Alaska Ct. App. 1995).

**Sentence under former AS 11.41.410(b) and this section held excessive.** — See *Bolhouse v. State*, 687 P.2d 1166 (Alaska Ct. App. 1984).

**Sentence held excessive.** — See *Hansen v. State*, 657 P.2d 862 (Alaska Ct. App. 1983).

**Applied in** *Nicholson v. State*, 656 P.2d 1209 (Alaska Ct. App. 1982); *Patterson v. State*, 732 P.2d 1102 (Alaska Ct. App. 1987); *Allen v. State*, 769 P.2d 457 (Alaska Ct. App. 1989); *Dandova v. State*, 72 P.3d 325 (Alaska Ct. App. 2003); *Parker v. State*, 151 P.3d 478 (Alaska Ct. App. 2006).

**Stated in** *State v. Silas*, 595 P.2d 651 (Alaska 1979); *Ramil v. State*, 619 P.2d 722 (Alaska 1980); *Coleman v. State*, 621 P.2d 869 (Alaska 1980); *Clark v. State*, 645 P.2d 1236 (Alaska Ct. App. 1982); *Tazruk v. State*, 655 P.2d 788 (Alaska Ct. App. 1982); *Velez v. State*, 762 P.2d 1297 (Alaska Ct. App. 1988).

**Cited in** *Handley v. State*, 615 P.2d 627 (Alaska 1980); *Walker v. State*, 662 P.2d 948 (Alaska Ct. App. 1983); *Bell v. State*, 668 P.2d 829 (Alaska Ct. App. 1983); *Brower v. State*, 683 P.2d 290 (Alaska Ct. App. 1984); *Hart v. State*, 702 P.2d 651 (Alaska Ct. App. 1985); *Chief v. State*, 718 P.2d 475 (Alaska Ct. App. 1986); *Hastings v. State*, 736 P.2d 1157 (Alaska Ct. App. 1987); *James v. State*, 739 P.2d 1314 (Alaska Ct. App. 1987); *Stevens v. State*, 748 P.2d 771 (Alaska Ct. App. 1988); *James v. State*, 754 P.2d 1336 (Alaska Ct. App. 1988); *Ervin v. State*, 761 P.2d 124 (Alaska Ct. App. 1988); *Robison v. State*, 763 P.2d 1357 (Alaska Ct. App. 1988); *Konrad v. State*, 763 P.2d 1369 (Alaska Ct. App. 1988); *Lawrence v. State*, 764 P.2d 318 (Alaska Ct. App. 1988); *Charles v. State*, 780 P.2d

377 (Alaska Ct. App. 1989); 381 (Alaska Ct. App. 1990); 1250 (Alaska Ct. App. 1991); 596 (Alaska Ct. App. 1992); P.2d 1202 (Alaska Ct. App. 1993); 881 P.2d 328 (Alaska Ct. App. 1994); 934 P.2d 1321 (Alaska Ct. App. 1995); 964 P.2d 1285 (Alaska Ct. App. 1996); 967 P.2d 98 (Alaska Ct. App. 1997); 9 P.3d 301 (Alaska Ct. App. 1998); 22 P.3d 890 (Alaska Ct. App. 1999).

**Collateral references.** — assault as criminal offense. 93

**Sec. 11.31.110. Solicitation to cause another person to engage in that crime.**  
 (b) In a prosecution for solicitation:  
 (1) it is not a defense that the defendant is incapable in an individual solicitation; or  
 (B) that a person who is the object of the solicitation:  
 (2) it is an affirmative defense that the defendant solicited another person to engage in the crime.

(c) Solicitation is:  
 (1) an unclassified felony;  
 (2) a class A felony if the crime is in the first degree;  
 (3) a class B felony if the crime is in the second degree;  
 (4) a class C felony if the crime is in the third degree;  
 (5) a class A misdemeanor if the crime is in the fourth degree;  
 (6) a class B misdemeanor if the crime is in the fifth degree.  
 (d) If the crime solicited is a class A felony, the punishment specified in this title and no other law shall be more than half the maximum period of imprisonment for the crime, or both. If the crime solicited is a class A felony, the punishment shall be less than 45 SLA 1982; am § 2

**Cross references.** — For legislative history, see 45, SLA 1982, see § 1, ch. 1 of the Temporary and Special Acts; for applicability based on the conduct of another person, see AS 11.16.110. For applicability of the 1999 amendment of subsection (d), see 54, SLA 1999 in the 1999 Temporary and Special Acts.

**Former law construed.** — See *State v. ...*, 504 P.2d 823 (Alaska Ct. App. 1974).

standard is whether the defendant recklessly disregarded the victim's lack of consent. *Laseter*, 84 P.2d 139 (Alaska Ct. App. 1984).

**Offense for sentencing purposes.** — As intent to rob and attempted robbery constitute "same offense" for sentencing purposes. *State*, 600 P.2d 12 (Alaska 1979).

**Offense upheld.** — See *Bowie v. State*, 494 P.2d 202 (Alaska Ct. App. 1972); *Spearman v. State*, 543 P.2d 202 (Alaska Ct. App. 1975); *Braham v. State*, 571 P.2d 631 (Alaska Ct. App. 1978); *Johnson v. State*, 580 P.2d 700 (Alaska Ct. App. 1978); *Ferguson v. State*, 590 P.2d 43 (Alaska Ct. App. 1979); *Morris v. State*, 592 P.2d 1244 (Alaska Ct. App. 1979); *State*, 619 P.2d 722 (Alaska 1980); *Wid v. State*, 689 P.2d 494 (Alaska Ct. App. 1982); *Mecker v. State*, 739 P.2d 1310 (Alaska Ct. App. 1987).

**Offense for attempted first degree murder.** — See *Staael v. State*, 718 P.2d 948 (Alaska Ct. App. 1986).

**Offense sentence upheld.** — Severity of victim's injury and his resulting long-term impairment, judge's conclusion that defendant's assault was the worst attempted murders and that he received the maximum term for the crime. *State*, 874 P.2d 298 (Alaska Ct. App. 1994).

**Offenses sentences unsupported.** — Consent sentences for first degree murder and attempted murder were remanded because judge had found that a sentence of that length was to protect the public. *Nelson v. State*, 874 P.2d 1310 (Alaska Ct. App. 1994).

**Offense suspended sentence.** — The prohibition against the granting of a suspended imposition of sentence applies to persons convicted of an attempt to commit one of the sexual offenses defined in the code. *Mack v. State*, 900 P.2d 1202 (Alaska Ct. App. 1995).

**Offense under former AS 11.41.410(b) and sentence held excessive.** — See *Bolhouse v. State*, 7 P.2d 1166 (Alaska Ct. App. 1984).

**Offense held excessive.** — See *Hansen v. State*, 862 (Alaska Ct. App. 1983).

**Offense in *Nicholson v. State*, 656 P.2d 1209 (Alaska Ct. App. 1982); *Patterson v. State*, 732 P.2d 1202 (Alaska Ct. App. 1987); *Allen v. State*, 769 P.2d 1202 (Alaska Ct. App. 1989); *Dandova v. State*, 72 P.3d 1202 (Alaska Ct. App. 2003); *Parker v. State*, 151 P.3d 1202 (Alaska Ct. App. 2006).**

**Offense in *State v. Silas*, 595 P.2d 651 (Alaska Ct. App. 1980); *Amil v. State*, 619 P.2d 722 (Alaska Ct. App. 1980); *Clark v. State*, 621 P.2d 869 (Alaska Ct. App. 1980); *Clark v. State*, 655 P.2d 788 (Alaska Ct. App. 1982); *State*, 762 P.2d 1297 (Alaska Ct. App. 1988); *in Handley v. State*, 615 P.2d 627 (Alaska Ct. App. 1980); *Walker v. State*, 662 P.2d 948 (Alaska Ct. App. 1982); *Walker v. State*, 668 P.2d 829 (Alaska Ct. App. 1982); *Walker v. State*, 683 P.2d 290 (Alaska Ct. App. 1982); *Walker v. State*, 702 P.2d 651 (Alaska Ct. App. 1982); *Walker v. State*, 718 P.2d 475 (Alaska Ct. App. 1982); *Walker v. State*, 736 P.2d 1157 (Alaska Ct. App. 1982); *James v. State*, 739 P.2d 1314 (Alaska Ct. App. 1982); *Stevens v. State*, 748 P.2d 771 (Alaska Ct. App. 1982); *James v. State*, 754 P.2d 1336 (Alaska Ct. App. 1982); *Ervin v. State*, 761 P.2d 124 (Alaska Ct. App. 1982); *Robison v. State*, 763 P.2d 1357 (Alaska Ct. App. 1982); *Konrad v. State*, 763 P.2d 1367 (Alaska Ct. App. 1988); *Lawrence v. State*, 764 P.2d 1367 (Alaska Ct. App. 1988); *Charles v. State*, 780 P.2d 1367 (Alaska Ct. App. 1988).**

**Offense in *State v. Silas*, 595 P.2d 651 (Alaska Ct. App. 1980); *Amil v. State*, 619 P.2d 722 (Alaska Ct. App. 1980); *Clark v. State*, 621 P.2d 869 (Alaska Ct. App. 1980); *Clark v. State*, 655 P.2d 788 (Alaska Ct. App. 1982); *State*, 762 P.2d 1297 (Alaska Ct. App. 1988); *in Handley v. State*, 615 P.2d 627 (Alaska Ct. App. 1980); *Walker v. State*, 662 P.2d 948 (Alaska Ct. App. 1982); *Walker v. State*, 668 P.2d 829 (Alaska Ct. App. 1982); *Walker v. State*, 683 P.2d 290 (Alaska Ct. App. 1982); *Walker v. State*, 702 P.2d 651 (Alaska Ct. App. 1982); *Walker v. State*, 718 P.2d 475 (Alaska Ct. App. 1982); *Walker v. State*, 736 P.2d 1157 (Alaska Ct. App. 1982); *James v. State*, 739 P.2d 1314 (Alaska Ct. App. 1982); *Stevens v. State*, 748 P.2d 771 (Alaska Ct. App. 1982); *James v. State*, 754 P.2d 1336 (Alaska Ct. App. 1982); *Ervin v. State*, 761 P.2d 124 (Alaska Ct. App. 1982); *Robison v. State*, 763 P.2d 1357 (Alaska Ct. App. 1982); *Konrad v. State*, 763 P.2d 1367 (Alaska Ct. App. 1988); *Lawrence v. State*, 764 P.2d 1367 (Alaska Ct. App. 1988); *Charles v. State*, 780 P.2d 1367 (Alaska Ct. App. 1988).**

**Offense in *State v. Silas*, 595 P.2d 651 (Alaska Ct. App. 1980); *Amil v. State*, 619 P.2d 722 (Alaska Ct. App. 1980); *Clark v. State*, 621 P.2d 869 (Alaska Ct. App. 1980); *Clark v. State*, 655 P.2d 788 (Alaska Ct. App. 1982); *State*, 762 P.2d 1297 (Alaska Ct. App. 1988); *in Handley v. State*, 615 P.2d 627 (Alaska Ct. App. 1980); *Walker v. State*, 662 P.2d 948 (Alaska Ct. App. 1982); *Walker v. State*, 668 P.2d 829 (Alaska Ct. App. 1982); *Walker v. State*, 683 P.2d 290 (Alaska Ct. App. 1982); *Walker v. State*, 702 P.2d 651 (Alaska Ct. App. 1982); *Walker v. State*, 718 P.2d 475 (Alaska Ct. App. 1982); *Walker v. State*, 736 P.2d 1157 (Alaska Ct. App. 1982); *James v. State*, 739 P.2d 1314 (Alaska Ct. App. 1982); *Stevens v. State*, 748 P.2d 771 (Alaska Ct. App. 1982); *James v. State*, 754 P.2d 1336 (Alaska Ct. App. 1982); *Ervin v. State*, 761 P.2d 124 (Alaska Ct. App. 1982); *Robison v. State*, 763 P.2d 1357 (Alaska Ct. App. 1982); *Konrad v. State*, 763 P.2d 1367 (Alaska Ct. App. 1988); *Lawrence v. State*, 764 P.2d 1367 (Alaska Ct. App. 1988); *Charles v. State*, 780 P.2d 1367 (Alaska Ct. App. 1988).**

**Offense in *State v. Silas*, 595 P.2d 651 (Alaska Ct. App. 1980); *Amil v. State*, 619 P.2d 722 (Alaska Ct. App. 1980); *Clark v. State*, 621 P.2d 869 (Alaska Ct. App. 1980); *Clark v. State*, 655 P.2d 788 (Alaska Ct. App. 1982); *State*, 762 P.2d 1297 (Alaska Ct. App. 1988); *in Handley v. State*, 615 P.2d 627 (Alaska Ct. App. 1980); *Walker v. State*, 662 P.2d 948 (Alaska Ct. App. 1982); *Walker v. State*, 668 P.2d 829 (Alaska Ct. App. 1982); *Walker v. State*, 683 P.2d 290 (Alaska Ct. App. 1982); *Walker v. State*, 702 P.2d 651 (Alaska Ct. App. 1982); *Walker v. State*, 718 P.2d 475 (Alaska Ct. App. 1982); *Walker v. State*, 736 P.2d 1157 (Alaska Ct. App. 1982); *James v. State*, 739 P.2d 1314 (Alaska Ct. App. 1982); *Stevens v. State*, 748 P.2d 771 (Alaska Ct. App. 1982); *James v. State*, 754 P.2d 1336 (Alaska Ct. App. 1982); *Ervin v. State*, 761 P.2d 124 (Alaska Ct. App. 1982); *Robison v. State*, 763 P.2d 1357 (Alaska Ct. App. 1982); *Konrad v. State*, 763 P.2d 1367 (Alaska Ct. App. 1988); *Lawrence v. State*, 764 P.2d 1367 (Alaska Ct. App. 1988); *Charles v. State*, 780 P.2d 1367 (Alaska Ct. App. 1988).**

**Offense in *State v. Silas*, 595 P.2d 651 (Alaska Ct. App. 1980); *Amil v. State*, 619 P.2d 722 (Alaska Ct. App. 1980); *Clark v. State*, 621 P.2d 869 (Alaska Ct. App. 1980); *Clark v. State*, 655 P.2d 788 (Alaska Ct. App. 1982); *State*, 762 P.2d 1297 (Alaska Ct. App. 1988); *in Handley v. State*, 615 P.2d 627 (Alaska Ct. App. 1980); *Walker v. State*, 662 P.2d 948 (Alaska Ct. App. 1982); *Walker v. State*, 668 P.2d 829 (Alaska Ct. App. 1982); *Walker v. State*, 683 P.2d 290 (Alaska Ct. App. 1982); *Walker v. State*, 702 P.2d 651 (Alaska Ct. App. 1982); *Walker v. State*, 718 P.2d 475 (Alaska Ct. App. 1982); *Walker v. State*, 736 P.2d 1157 (Alaska Ct. App. 1982); *James v. State*, 739 P.2d 1314 (Alaska Ct. App. 1982); *Stevens v. State*, 748 P.2d 771 (Alaska Ct. App. 1982); *James v. State*, 754 P.2d 1336 (Alaska Ct. App. 1982); *Ervin v. State*, 761 P.2d 124 (Alaska Ct. App. 1982); *Robison v. State*, 763 P.2d 1357 (Alaska Ct. App. 1982); *Konrad v. State*, 763 P.2d 1367 (Alaska Ct. App. 1988); *Lawrence v. State*, 764 P.2d 1367 (Alaska Ct. App. 1988); *Charles v. State*, 780 P.2d 1367 (Alaska Ct. App. 1988).**

**Collateral references.** — Attempt to commit assault as criminal offense. 93 ALR5th 683.

**Sec. 11.31.110. Solicitation.** (a) A person commits the crime of solicitation if, with intent to cause another to engage in conduct constituting a crime, the person solicits the other to engage in that conduct.

(b) In a prosecution under this section,

(1) it is not a defense

(A) that the defendant belongs to a class of persons who by definition are legally incapable in an individual capacity of committing the crime that is the object of the solicitation; or

(B) that a person whom the defendant solicits could not be guilty of the crime that is the object of the solicitation;

(2) it is an affirmative defense that the defendant, under circumstances manifesting a voluntary and complete renunciation of the defendant's criminal intent, after soliciting another person to engage in conduct constituting a crime, prevented the commission of the crime.

(c) Solicitation is

(1) an unclassified felony if the crime solicited is murder in the first degree;

(2) a class A felony if the crime solicited is an unclassified felony other than murder in the first degree;

(3) a class B felony if the crime solicited is a class A felony;

(4) a class C felony if the crime solicited is a class B felony;

(5) a class A misdemeanor if the crime solicited is a class C felony;

(6) a class B misdemeanor if the crime solicited is a class A or class B misdemeanor.

(d) If the crime solicited is an unclassified crime described in a state law which is not part of this title and no provision for punishment of a solicitation to commit the crime is specified, the punishment for the solicitation is imprisonment for a term of not more than half the maximum period prescribed as punishment for the unclassified crime, or a fine of not more than half the maximum fine prescribed as punishment for the unclassified crime, or both. If the crime solicited is punishable by an indeterminate or life term, the solicitation is a class A felony. (§ 2 ch 166 SLA 1978; am § 2 ch 102 SLA 1980; am § 11 ch 45 SLA 1982; am § 2 ch 54 SLA 1999)

**Cross references.** — For legislative purpose of ch. 45, SLA 1982, see § 1, ch. 45, SLA 1982, in the Temporary and Special Acts; for legal accountability based on the conduct of another and complicity, see AS 11.16.110. For applicability provisions relating to the 1999 amendment of subsection (c), see § 16, ch. 54, SLA 1999 in the 1999 Temporary & Special Acts.

**Effect of amendments.** — The 1999 amendment, effective June 5, 1999, rewrote subsection (c).

**Legislative history reports.** — For a report on Chapter 102, SLA 1980 (HCS CSSB 511), see 1980 Senate Journal Supplement, No. 44, May 29, 1980, or 1980 House Journal Supplement, No. 79, May 28, 1980.

#### NOTES TO DECISIONS

**Former law construed.** — See *McConkey v. State*, 504 P.2d 823 (Alaska 1972); *Cassell v. State*,

645 P.2d 219 (Alaska Ct. App. 1982) (decided under former AS 11.10.070).

**Soliciting unlawful exploitation of minor.** — Where defendant was charged with soliciting the crime of unlawful exploitation of a minor based on his asking victims to take off their clothes and let him photograph them, defendant's argument that he did not "solicit" the crime because the victims could not be guilty of the intended crime was foreclosed by the provision of this section that it is no defense that the person solicited could not be guilty of the crime that is the object of the solicitation. *Braun v. State*, 911 P.2d 1075 (Alaska Ct. App. 1996).

Defendant's convictions for soliciting the crime of unlawful exploitation of a minor which were based on his asking victims to take off their clothes and let him photograph them were erroneous since defendant did not ask anyone else to engage in the prohibited conduct, i.e., inducing a child to engage in one of the sexual activities prohibited by AS 11.41.455, and thus he did not commit the crime of solicitation. *Braun v. State*, 911 P.2d 1075 (Alaska Ct. App. 1996).

**One contracting with another to kill a third**

**Sec. 11.31.120. Conspiracy.** (a) An offender commits the crime of conspiracy if, with the intent to promote or facilitate a serious felony offense, the offender agrees with one or more persons to engage in or cause the performance of that activity and the offender or one of the persons does an overt act in furtherance of the conspiracy.

(b) If an offender commits the crime of conspiracy and knows that a person with whom the offender conspires to commit a serious felony offense has conspired or will conspire with another person or persons to commit the same serious felony offense, the offender is guilty of conspiring with that other person or persons to commit that crime whether or not the offender knows their identities.

(c) In a prosecution under this section, it is a defense that the defendant was merely present at the time that two or more other persons agreed to engage in or cause the performance of a serious felony offense.

(d) In a prosecution under this section, it is not a defense that a person with whom the defendant conspires could not be guilty of the crime that is the object of the conspiracy because of

- (1) lack of criminal responsibility or other legal incapacity or exemption;
- (2) belonging to a class of persons who by definition are legally incapable in an individual capacity of committing the crime that is the object of the conspiracy;
- (3) unawareness of the criminal nature of the conduct in question or of the criminal purpose of the defendant; or
- (4) any other factor precluding the culpable mental state required for the commission of the crime.

(e) If the offense that the conspiracy is intended to promote or facilitate is actually committed, a defendant may not be convicted of conspiring to commit that offense with another person for whose conduct the defendant is not legally accountable under AS 11.16.120(b).

(f) In a prosecution under this section, it is an affirmative defense that the defendant, under circumstances manifesting a voluntary and complete renunciation of the defendant's criminal intent, either (1) gave timely warning to law enforcement authorities; or (2) otherwise made proper effort that prevented the commission of the crime that was the object of the conspiracy. Renunciation by one conspirator does not affect the liability of another conspirator who does not join in the renunciation.

(g) Notwithstanding AS 22.10.030, venue in actions in which the crime of conspiracy is alleged to have been committed may not be based solely on the location of overt acts done in furtherance of the conspiracy.

(h) In this section,

**person was guilty of attempted first-degree murder, not solicitation.** — See *Braham v. State*, 571 P.2d 631 (Alaska 1977), cert. denied, 436 U.S. 910, 98 S. Ct. 2246, 56 L. Ed. 2d 410 (1978) (decided under former AS 11.10.070 and 11.15.010).

**Sentence upheld.** — Composite sentence of 40 years of imprisonment for solicitation of murder in the first degree, attempted murder in the first degree, and assault in the first degree was not clearly mistaken. *Marzak v. State*, 796 P.2d 1374 (Alaska Ct. App. 1990).

**Quoted in** *Sullivan v. State*, 766 P.2d 51 (Alaska Ct. App. 1988); *Gargan v. State*, 805 P.2d 998 (Alaska Ct. App. 1991).

**Cited in** *Hoover v. State*, 641 P.2d 1263 (Alaska Ct. App. 1982); *P.S. v. State*, 655 P.2d 1319 (Alaska Ct. App. 1982); *Monroe v. State*, 752 P.2d 1017 (Alaska Ct. App. 1988); *Bachler v. State*, 941 P.2d 200 (Alaska Ct. App. 1997); *Ivanoff v. State*, 9 P.3d 294 (Alaska Ct. App. 2000); *Zemljich v. Municipality of Anchorage*, 151 P.3d 471 (Alaska Ct. App. 2006).

(1) "overt act in manifests a purpose completed;

(2) "serious felon

(A) against the pe

(B) involving con

class A, or class B f

(C) that is crimin

(D) that is terrori

(i) Conspiracy is

(1) an unclassified

(2) a class A felo

unclassified felony o

(3) a class B felon

felony;

(4) a class C felon

felony. (§ 1 ch 3 SL

**Revisor's notes.** -- 1  
 (1) (1) was enacted as the  
 sized in 1994, at which t  
 was designated as (1)(2), §  
 (1), and subsection (1) was  
 2002.

**Effect of amendment:**

**Sec. 11.31.125. D**

(a) For purposes of a  
 under AS 11.31.120.

(1) when all the  
 completed;

(2) if all the crime  
 furtherance of the con

(3) when the defen  
 conspiracy and of the

(b) In this section,  
 in AS 11.31.120. (§ 1

**Sec. 11.31.140. M**

tion under AS 11.31.1  
 solicited to commit,

attempt, solicitation,

(b) A person may r  
 11.31.120 for conduct

(c) A person may n  
 a crime defined by AS

attempt or solicitation

(d) This section do  
 information charging

commission of the cri  
 ch 166 SLA 1978; am

**Conspiracy is separate  
 conspiracy is generally reg.**

**HB 6 Animal Cruelty by Rep. Bob Lynn**  
**House Judiciary Committee, Fri., March 20, 2009**

**Teleconference requests, including witnesses and sites:**

**Offnet number from Klawock**

Police Chief Cullen Fowler, City of Klawock

755-2777, ext 311 (office)

Email: [cfowler@cityofklawock.com](mailto:cfowler@cityofklawock.com)

Mayor Donald Marvin, City of Klawock

Office 755-2261

**At House Judiciary Committee Room:**

Chava Lee, executive director of Gastineau Humane Society

789-0260 (office)

Email: [execdir@ghspets.org](mailto:execdir@ghspets.org)

Dr. Rachel Dzuiba, GHS veterinarian

463-5022 (office)

Email: [bridgevet@acsalaska.net](mailto:bridgevet@acsalaska.net)

**Offnet number from Anchorage:**

Rose Munafo, sex offender programs for Alaska Dept. of Corrections

269-7416 (office)

Email: [rose.munafo@alaska.gov](mailto:rose.munafo@alaska.gov)

**Offnet number from Homer:**

Sgt. Larry Kuhns, Homer Police Department

235-3150 (office)

Email: [lkuhns@ci.homer.ak.us](mailto:lkuhns@ci.homer.ak.us)

Colleen James, nurse and SART Kenai member

398-0544

Email: [fritz@xyz.net](mailto:fritz@xyz.net)

**Contact:** Mike Sica, 465-4965, staff for Rep. Bob Lynn



## Jane Pierson

---

**From:** Rep. Nancy Dahlstrom  
**Sent:** Wednesday, March 25, 2009 11:09 AM  
**To:** Jane Pierson  
**Subject:** FW: HB 6 & Misconceptions

Hi Jane, Nancy received this e-mail this last weekend. Thought it was very interesting to say the least... :o)

Laura Pierre  
Legislative Aide  
Office of Rep. Nancy Dahlstrom  
P. 907.465.3783  
F. 907.465.2293  
Laura\_Pierre@legis.state.ak.us

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

From: housemajority\_email@housemajority.org [mailto:housemajority\_email@housemajority.org]  
Sent: Saturday, March 21, 2009 2:19 PM  
To: Rep. Nancy Dahlstrom  
Subject: HB 6 & Misconceptions

+-----+  
DO NOT REPLY DIRECTLY TO THIS EMAIL: your reply will go to enews@housemajority.org To correspond with the author Hit 'Reply' or 'Forward'.  
Then change the TO: address to t.wallace@hotmail.com If suspected Spam please forward to: support@housemajority.org  
+-----+

From: t.wallace@hotmail.com

Dear. Rep. Dahlstrom:

First I would like to thank you, as I thanked Rep. Lynn, for your generally outstanding service to the State. As a Libertarian who divides my time between Wasilla and Seattle, I generally support your voting record in the Legislature.

However, it is my Libertarian beliefs in smaller government that are prompting me to write you regarding HB 6 and the component regarding sexual involvement with animals. I am certain you share my view that any new legislation should be considered from all perspectives for present impact and future precedent-setting, and only executed when it is determined that the government must once again intervene in citizens' private lives.

Therefore, as a researcher and clinician in this field, I feel compelled to share some misconceptions upon which you may be basing your co-sponsorship of this bill, but which are not supported by diligent research. This may seem long-winded, but I hope you will give it due consideration as peer-reviewed studies on the paraphilia of zoophilia. Valid sources are cited at the end for your future use.

To say "conduct X is animal cruelty" is valid if, and only if, conduct X is substantially animal cruelty. As a researcher in this field, I assume that such a law is based upon due diligence of research. In which case one must ask why a lawmaker constructs such a law despite some 50 years of research by psychologists, sexologists and ethologists which say its fundamental premise (that conduct X is of necessity cruel) is fatally flawed [1]. Most significant sexual information sources strongly differentiate this activity from animal cruelty activities [2] and make clear that "the quality of the interaction and the relationship - that may be loving, neutral, or violent - and not the fact of a sexual interaction is important." [3].

In light of this, the rationale for building the claim into law as a legislated assumption is of great doubt, and seems to represent a preconception of a non-expert and lack input from experts. This is a poor basis for law, and building this premise into legislation will (as experts at the Kinsey Institute said of human-animal sexuality in 1999) doubtless

"destroy the lives of many citizens" [4].

From a logical and Constitutional perspective, it is not appropriate for government to intervene in people's private lives when there is no evidence of harm. Consider the following arguments:

1) Consent: It does not follow that because an animal can't consent to or request sexual contact with a human (and that point is debated), that it is valid to make a law prohibiting it. Most of us would never consider introducing a bill outlawing the use of leather or the eating of meat, uses that impinge on an animal's "consent" far more than does sexual contact. Instead, strong laws with strict penalties are set in place to make sure that the animal does not suffer while these "non-consensual" acts take place.

Not to mention this bill would still allow breeders to have sexual contact with animals. It seems more than a bit illogical to permit sexual stimulation of an animal for profit but impose criminal penalties if the person enjoys doing it (prosecution of thought).

2) Cruelty: As stated above, animal cruelty laws are already on the books. Indeed, sometimes sexual acts involve cruelty, and I have no problem with strengthening those laws. But, as many of the recent cases around the country prove (for example Klamath Falls, OR, and Enumclaw, WA), sexual contact frequently does not involve cruelty to the animal. Cruelty can be proven by the same standards as is used by law enforcement and animal control when assessing non-sexual allegations of mistreatment. If a private sexual act between a human and an animal does not meet these standards, then it should have no basis for prosecution.

3) "Gateway Crime": Supporters of this bill have cited studies by the FBI and other groups that, for example, a percentage of serial killers, child molesters, etc., had an early history of animal abuse. But simply because these studies show a correlation between bestiality and later serious crimes, it does not logically follow that all practitioners of bestiality will follow this path. Indeed, my own research, as well as published, peer-reviewed studies[5] such as those by Kinsey, Miletski[6], and Weinburg all indicate that there is a dramatic difference between the mindset of a person who forcibly rapes an animal and that of a person who has sexual contact which does not involve force. Most psychologists would tell you (and the research supports this) that the former involves serious pathology and sociopathy (the lack of ability to feel empathy), while the latter is merely a harmless paraphilia. And the vast majority of those studied throughout the past fifty years (and there are literally thousands within the U.S. who practice bestiality regularly) are cases of the latter. This is an exceptionally important point that cannot be overemphasized. There MUST be differentiation between force/rape and non-forced acts. Objective research results demand this.

In consideration of these arguments, what are we then left with? A law designed to dictate morality. But I would respectfully remind you that when the U.S. Supreme Court declared state s@# o\*y laws unconstitutional, it stated decisively that you can not legislate personal morality. This law, if passed, will not bear up to constitutional scrutiny.

I hope you are still with me. As a fair lawmaker I believe that you are able to see past the emotional aspects of this issue and the outrage regarding the case in Klawock (which by all accounts is a case of true animal cruelty and should be punished as such under existing laws), to the real issue at hand. Simply put, the more government intervenes in the personal lives of citizens, the easier it becomes to intervene. While most people (myself included) cannot relate to the sexual desire of a member of another species, it is a giant leap backward to send someone to jail for practicing a non-harmful sexual behavior simply because it is viewed as "disgusting".

I therefore ask you to reasonably consider: if you must include sexual contact in your bill, please amend it to penalize such contact that is abusive or inhumane, as judged by a competent vet or animal control officer using the same standards as for non-sexual cases.

Thank you for your time,

Thomas A. Wallace, Psy.D .

P.S.: I would strongly urge you not to embrace the Humane Society of the United States (HSUS) too strongly simply due to their support of your bill. This group has a deceptive name: they are NOT government affiliated like the American Humane Society or ASPCA. Their

agenda is extremely anti-hunting, anti-trapping, etc., and generally considered to be only slightly less incendiary than groups such as PETA or ALF[7].

References: [1] Information indicating how professionals knowledgeable in the field, view this activity, is linked from sections 4, 5, 7 & 13 at: [en.wikipedia\[dot\]org/wiki/Zoophilia](http://en.wikipedia.org/wiki/Zoophilia) (permanent link: Mar 2009). Peer reviewed research contradicting this assumption Includes Masters Ph.D. (1962), Miletski Ph.D. (1994), Weinberg/Williams (Kinsey Institute, University of Indiana) (1999-2003), Beetz Ph.D. (2002).

[2] Information linked from: [en.wikipedia\[dot\]org/index.php?title=Zoosadism](http://en.wikipedia.org/index.php?title=Zoosadism) which states "Sexology information sites (if sufficiently detailed) are usually careful to distinguish zoosadism from zoophilia" and lists several sites exemplifying this.

[3] Cited from Andrea Beetz Ph.D. "Love, Violence, and Sexuality in Relationships between Humans and Animals" (2002), which also states categorically: "Former, as well as the here presented research, suggests that zoophilia itself does not represent a clinically significant problem and is not necessarily combined with other clinically significant problems and disorders, even if it may be difficult for some professionals to accept this."

[4] Professors Martin S. Weinberg, PhD and Colin J. Williams, PhD, of the Kinsey Institute, University of Indiana. They wrote in 1999 on a similar subject: "As sociologists and sex researchers at Indiana University for over 30 years, and as professionals who are researching in [bestiality] ... we believe that given our academic disciplines, we write with the benefit of extensive knowledge regarding the consequences of attempting to legally control unconventional forms of sexual expression and the failure of legislators to distinguish between the objective harm resulting from these sexual acts and the displeasure they may feel with regard to them. "No one can argue about the objective harm resulting from a behavior like rape. Such harm arises from the absence of consent and the trauma that accompanies and follows from the act. Opponents of a human having sex with an animal use a similar standard. While what constitutes an animal's consent is difficult to define, people are well aware when an animal is non-consenting. Our research suggests that forcing sex on an unwilling animal is rare [...]

"[Practitioners] appear to be extremely caring and concerned for their animal/s and people who know them would be hard put to claim abuse. Implicit in [creating legislation] is that sex with an animal in itself constitutes abuse. We believe that this merely reflects a negative attitude toward such a non-traditional form of sexuality. Disgust should not be a criterion for legislation; only objective evidence of harm should be, and there are sufficient laws against cruelty to animals to handle such cases [...]" "Remember that less than half a century ago, all states but one criminalized homosexual acts because many people were uncomfortable with the idea of sexual behavior with members of the same sex. This destroyed the lives of many citizens."

[5] "'Understanding Zoophilia and Bestiality' - A Review" Vern L. Bullough, Ph.D., R.N., as published in the Journal of Sex Research, May 2003 issue, Volume 40, Number 2. Also viewable online at [drmiletski\[dot\]com/bestiality.html](http://drmiletski.com/bestiality.html).

[6] Hani Miletski, M.S.W., Ph.D, "Understanding Bestiality and Zoophilia", Bethesda, MD, 2002.

[7] Davenport, Clay, "PETA, HSUS, and ALF: The Real Story", retrieved from [arbreptiles\[dot\]com/extremists.shtml](http://arbreptiles.com/extremists.shtml), 21 March 2009.

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~ Thomas Wallace  
Zip Code: 99687

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Then change the TO: address to [t.wallace@hotmail.com](mailto:t.wallace@hotmail.com) If suspected Spam please forward to: [support@housemajority.org](mailto:support@housemajority.org)  
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