

**HB**

**6**

AMENDMENT

OFFERED IN THE SENATE

TO: SCS CSHB 6( ), Draft Version "S"

1 Page 1, line 1, following "animals":

2 Insert "; and relating to aggravating factors at sentencing involving assaultive  
3 behavior and cruelty to animals;"

4

5 Page 3, following line 16:

6 Insert a new bill section to read:

7 **\*\* Sec. 5.** AS 12.55.155(c)(8) is amended to read:

8 (8) the defendant's prior criminal history includes conduct involving  
9 aggravated assaultive behavior, [OR] repeated instances of assaultive behavior,  
10 repeated instances of cruelty to animals proscribed under AS 11.61.140(a)(1) and  
11 (3) - (5), or a combination of assaultive behavior and cruelty to animals  
12 proscribed under AS 11.61.140(a)(1) and (3) - (5): in this paragraph, "aggravated  
13 assaultive behavior" means assault that is a felony under AS 11.41, or a similar  
14 provision in another jurisdiction;

15

16 Renumber the following bill section accordingly.

17

18 Page 3, line 20, following the first occurrence of "Act":

19 Insert ", and to aggravating factors at sentencing under AS 12.55.155(c)(8) made by  
20 sec. 5 of this Act"

26-LS0022AS  
Luckhaupt  
2/24/10

**SENATE CS FOR CS FOR HOUSE BILL NO. 6( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SIXTH LEGISLATURE - SECOND SESSION**

**BY**

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

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

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

1 **"An Act relating to cruelty to animals."**

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

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

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

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

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

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

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

12 [OR]

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

**(6) knowingly****(A) engages in sexual conduct with an animal; or****(B) under circumstances not proscribed under****AS 11.41.455,****(i) photographs or films, for purposes of sexual gratification, a person engaged in sexual conduct with an animal;****or****(ii) causes, induces, aids, or encourages another person to engage in sexual conduct with an animal; or****(7) intentionally permits sexual conduct with an animal to be conducted on any premises under the person's control.**

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

(f) Except as provided in (g) of this section, cruelty to animals **under (a)(2), (5), (6), or (7) of this section** is a class A misdemeanor. The court may also

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

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

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

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

(g) Cruelty to animals **under (a)(1), (3), or (4) of this section** is a class C felony. **Cruelty to animals is also a class C felony if the person is convicted under (a)(2), (5), (6), or (7) of this section and** [IF] the person has been previously convicted on **one** [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. **For a conviction under this subsection, the** [THE] court may also

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

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

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

\* Sec. 4. AS 11.61.140 is amended by adding a new subsection to read:

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

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

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

\* Sec. 5. The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. The changes to penalties under AS 11.61.140(f) and (g), made by secs. 2 and 3 of this Act, apply to offenses occurring on or after the effective date of this Act.

26-LS1571\A  
Luckhaupt  
2/24/10

**SENATE CONCURRENT RESOLUTION NO.**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SIXTH LEGISLATURE - SECOND SESSION**

**BY**

**Introduced:**  
**Referred:**

**A RESOLUTION**

1 **Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State**  
2 **Legislature, concerning House Bill No. 6, relating to proscribing certain sexual conduct**  
3 **or sexual activities as cruelty to animals.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 That under Rule 54, Uniform Rules of the Alaska State Legislature, the provisions of  
6 Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, regarding  
7 changes to the title of a bill, are suspended in consideration of House Bill No. 6, relating to  
8 proscribing certain sexual conduct or sexual activities as cruelty to animals.

**SENATE CONCURRENT RESOLUTION NO.**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SIXTH LEGISLATURE - SECOND SESSION**

**BY THE SENATE JUDICIARY COMMITTEE**

**Introduced:**

**Referred:**

**A RESOLUTION**

1 **Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State**  
2 **Legislature, concerning House Bill No. 6, relating to proscribing certain sexual conduct**  
3 **or sexual activities as cruelty to animals.**

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7 changes to the title of a bill, are suspended in consideration of House Bill No. 6, relating to  
8 proscribing certain sexual conduct or sexual activities as cruelty to animals.

# Alaska State Legislature

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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  
**"Bob Lynn's Alaska Blog"** www.RepLynnBlog.com

**Session:**  
Alaska State Capitol, #104  
Juneau, AK 99801-1182

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## **Sponsor Statement for HB 6**

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

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

A compelling body of research confirms a link between animal cruelty and human violence. Studies also point to a connection between sexual abuse of animals and sexual abuse and other violent behavior toward humans. For example:

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

Thirty-seven percent of sexually violent juvenile offenders have a history of animal sexual assault, according to a Utah State University study.

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 University of Southern Maine study.

At least 35 other states outlaw acts of bestiality, with some classifying it as a felony, according to the Humane Society of the United States. Many states have language similar 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.

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## **Sectional Analysis for HB 6**

**"An Act relating to proscribing certain sexual conduct or sexual 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 or other sexual activities with an animal, ranging from photographing or filming the sexual conduct to causing or encouraging another person to engage in the sexual conduct (not covered under AS 11.41.455, Unlawful exploitation of a minor); or **intentionally permitting** the sexual conduct 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 a **definition of "sexual conduct."**

###

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## **HB 6: Changes from Original Bill** **"An Act relating to proscribing certain sexual conduct or sexual activities as cruelty to animals."**

### **Three changes from the original Version A of House Bill 6.**

#### **Version A to Version R**

Version R, which was heard by the House Judiciary Committee on Fri, March 20, 2009, narrowed the title by:

- deleting in Version A, line 1: **"An Act relating to cruelty to animals."**
- replacing it in Version R, with lines 1 and 2, **"An Act relating to proscribing certain sexual conduct or activities as cruelty to animals."**

#### **Version R to Version E**

Version E, which was adopted without objection by the House Judiciary Committee on Fri, March 20, 2009, added just one word to title by:

- inserting in Version E, on line 1: the word **sexual** between the words **or** and **activities**

#### **Version E to Version E.A**

Version E was amended before passing unanimously 40-0 on the House Floor on April 17, 2009. Version E.A restructures and rewords Section 1 on page 2, to change the criminal standard from **"knowingly"** to **"intentionally"** (page 2, line 12-13) **"permits sexual conduct with an animal to be conducted on any premises under the person's control."**

# FAQ for HB 6

“An Act relating to proscribing certain sexual conduct or sexual 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. Thirty-five states outlaw acts of bestiality, with several classifying the crime as a felony, according to a database compiled by the Humane Society of the United States. Recent news reports indicate other states are also looking at criminalizing sexual abuse of animals.

Many states that currently outlaw acts of animal sexual abuse and bestiality have language that is similar 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: April 13, 2009**

# 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

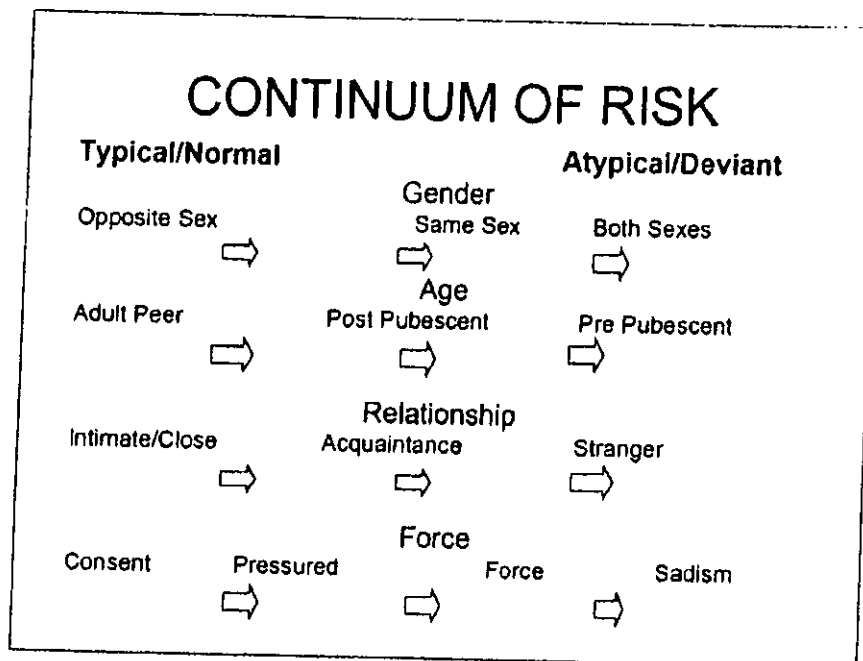
Enclosure: Continuum of Risk

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., Lalumiere, 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  
[biwrigley@wildak.net](mailto:biwrigley@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.

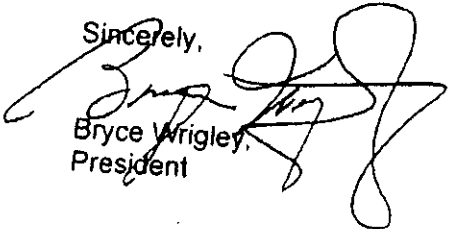
We feel that all animals should be treated humanely and with respect. We, therefore, wholeheartedly support and endorse HB 6, protecting animals from sexual activity by humans.

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  
**ALASKA PEACE OFFICERS ASSOCIATION**

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



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Thecia LaLonde, Member  
Wrangell  
Pres. Wrangell Chapter

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



7705 GLACIER HWY. JUNEAU, ALASKA 99801 (907) 789-0260 FAX (907) 789-1795  
WEBSITE: [www.ghspets.org](http://www.ghspets.org) E-MAIL: [customerservice-ghs@gci.net](mailto:customerservice-ghs@gci.net)

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.

*GHS, a non-profit organization, caring for animals since 1963.*

-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



**THE HUMANE SOCIETY  
OF THE UNITED STATES**

OFFICERS

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.

STAFF VICE PRESIDENTS

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.

DIRECTORS

We strongly urge you to support passage of HB 6.

Sincerely,

*Dave Pauli*

Dave Pauli  
Western Region Director

*Celebrating Animals. Confronting Cruelty*

2100 15th Street, NW, Washington, DC 20036 (202) 525-1100 • Fax: (202) 525-1101 • [www.humanesociety.org](http://www.humanesociety.org)



## 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>

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<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.oas.samhsa.gov/2k1/jjb090101.pdf>.

<sup>2</sup> Ressler, R.K., Burgess, A.W., Hartman, 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

Office of Public Policy  
American Humane  
www.americanhumane.org

<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 Animals. 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.

# 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)



**THE HUMANE SOCIETY**  
OF THE UNITED STATES

Celebrating Animals | Confronting Cruelty

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# 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, "indecenty 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.

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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 \$1,000 and/or one year in jail
California	Cal Penal Code 286.5	Sexually Assault of an Animal	Misdemeanor	Maximum fine of \$1,000 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	OCSA 16-6-6	Bestiality	Unclassified	One to five years in jail
Idaho	IC 18-6605	Crime Against Nature	Unclassified	Minimum five years in jail

<b>State Laws: Bestiality Crimes and Punishments</b> (contd.)				
<b>State</b>	<b>Citation</b>	<b>Crime</b>	<b>Criminal Classification</b>	<b>Punishment</b>
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.)

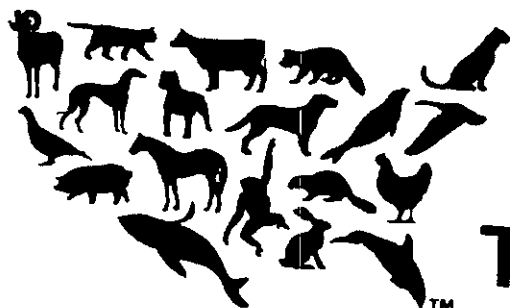
State	Citation	Crime	Criminal Classification	Punishment
Louisiana	LSA-RS 14:89	Crime Against Nature	Unclassified	Maximum \$2,000 fine and/or five years in jail with or without hard labor
Maine	MRSA 17-1031(I)	Cruelty to Animals-Bestiality	Class D Crime; Class C Crime for the third and subsequent convictions	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> <ol 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> </ol> <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

		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.
WISCONSIN	944.17	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. (2) Whoever does any of the following is guilty of a <b>Class A misdemeanor</b> : (c) Commits an act of sexual gratification involving his or her sex organ and the sex organ, mouth or anus of an animal. (d) Commits an act of sexual gratification involving his or her sex organ, mouth or anus and the sex organ of an animal.

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

**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.

Location / Date	Title	Name(s)	Pages: 1 2 Next >
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 <input checked="" type="checkbox"/> Jaron Dane Tapken
TX-Brownsville Jan 23, 2006	Child and dog sexually assaulted, videotaped Bestiality	NOT CHARGED <input checked="" type="checkbox"/> Jesus De Leon
CA-Ontario Oct 18, 2005	Dog sexually assaulted Bestiality	CONVICTED <input checked="" type="checkbox"/> Ubaldo Vasquez Huizar
OH-Lafferty Sep 24, 2005	Dog sexually assaulted Bestiality	CONVICTED <input checked="" type="checkbox"/> John Paskel
SC-Campobello May 22, 2005	Puppy sexually assaulted Bestiality	CONVICTED <input checked="" type="checkbox"/> Cory Michael Williamson
LA-Hammond May 17, 2005	Church cult cited in child rape and animal sex Bestiality	NOT CHARGED <input checked="" type="checkbox"/> Austin Aaron Bernard III Nicole Bernard Paul Fontenot <i>more...</i>
MI-Harrison Feb 17, 2005	Bestiality and child pornography Bestiality	ALLEGED <input checked="" type="checkbox"/> 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.

Location / Date	Title	Name(s)	Pages: «Prev   2
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 more...	
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 | 2

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## **"Alaska lawmakers consider outlawing bestiality**

Anne Sutton/The Associated Press

Updated Friday, March 20, 2009 at 6:45 p.m.

JUNEAU, Alaska - State lawmaker Bob Lynn said he was compelled to introduce a bill outlawing sex with an animal after he read a news story last April about a 26-year-old Klawock man.

The man was spotted by a local woman coaxing a Labrador retriever, a local family's pet, into the woods near a ball field. There he allegedly tied it to a tree, taped its muzzle shut with duct tape and had sex with it, witnesses told police at the time.

It's a subject that makes many people uncomfortable and elicits a lot of nervous jokes, but for the people in this Southeast Alaska community of 800 people, it was no laughing matter, said Klawock Mayor Don Marvin at a Friday hearing on the bill.

"When this incident happened, we had a community that was scared," Marvin said.

The man was a registered sex offender who had been twice convicted of raping a young boy. More recently he had served probation for assault after lunging at a child.

And while the incident with the dog was reported to the police, Marvin said nothing happened for two days while fearful parents escorted their children home from school.

The state has no law against such an attack, and Ketchikan District Attorney James Scott eventually charged the man with two counts of criminal mischief, which was later changed to a theft charge.

In requesting a \$10,000 bail, Scott told the court that the state was concerned that if a small child had been available and unattended that day, "the small child would have been found taped (and) tied in the woods."

Lynn, an Anchorage Republican, wants to make Alaska the 36th state to ban bestiality by expanding the state's animal cruelty law to include sexual conduct. His bill would make the offense a class A misdemeanor that's punishable by up to a year in jail and a \$10,000 fine.

The measure is backed by the Department of Corrections, the Alaska Farm Bureau, the Humane Society of the United States and the Alaska Peace Officers Association.

Rachel Dzuiba, a veterinarian at the Gastineau Humane Society in Juneau, said it would not only protect animals but also protect the public against a cycle of abuse and violence.

"The act of forcing a living creature to engage in a sexual activity without the ability of consent cannot simply be viewed as a personal choice - no more than forcing a child or an impaired adult would be," Dzuiba told the House Judiciary Committee.

The society's executive director, Chava Lee, said she has received several complaints at the Juneau animal shelter about sexual deviancy against animals.

"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," Lee said.

According to the national Humane Society, several studies highlight the link between the sexual assault of animals and sex crimes against humans, including:

- FBI research on the backgrounds of serial sexual homicide perpetrators that uncovered high rates of sexual assault of animals,
- A report in the Journal of Forensic Psychiatry that said twenty percent of children who sexually abuse other children also have histories of sexually abusing animals,
- A Utah State University study showing 37 percent of sexually violent juvenile offenders have a history of animal sexual assault.

The committee also heard testimony from Klawock Chief of Police Cullen Fowler who said the dog that had been allegedly assaulted did not require veterinary care but appeared to have suffered.

Fowler said the pressure of the taped muzzle cause blood vessels to burst in its eyes and the dog was sensitive to the touch, jumpy and afraid for a long time after the incident.

Lynn's aide, Mike Sica, said the bill is modeled on a law in Washington state. Criminal classifications and punishments vary widely among the states that outlaw bestiality. In Nebraska, "indecent with an animal" is a class A misdemeanor punishable by a maximum fine of \$500 and three months in jail. But Rhode Island punishes what it terms an "abominable and detestable crime against nature" with seven to 20 years in jail.

Though no one testified against the bill, several committee members had concerns. Rep. Lindsay Holmes, D-Anchorage, said she was worried that someone could be charged with encouraging the crime when they were merely joking and no one was hurt. She asked the Department of Law to study the matter.

The bill goes next to the House Finance Committee, though the Department of Law said it would not result in an additional cost to the state. The bill is House Bill 6."

**Distributed by Rep. Bob Lynn with permission by the Associated Press**

## HB 6 Relevant Statute

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.

# 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:**

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**Interim:**

716 W. 4<sup>th</sup> Ave., #650  
Anchorage, AK 99501-2133

Phone: (907) 269-0205

Fax: (907) 269-0207

Feb. 3, 2010

To: Senator Hollis French, Chair  
Senate Judiciary Committee

Fr: Representative Bob Lynn

Re: HB 6

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

---

Please schedule a hearing for House Bill 6 in the Senate Judiciary Committee at your earliest convenience. The bill expands the animal cruelty law in Alaska to include "sexual conduct."

Attached is a copy of the latest version HB 6 and supporting documents.

Thank you for considering my request for a hearing on HB 6, which I believe not only protects animals from sexual assault but also protects children and other vulnerable humans from sexual predators.

Contact: Mike Sica, 465-4965

**HB 6 Animal Cruelty by Rep. Bob Lynn  
Senate Judiciary Committee**

**List of expected witnesses to testify:**

**Off-net request from Klawock**

Mayor Donald Marvin, City of Klawock  
907-755-2261 (Office)

City Manager Leslie Issacs, City of Klawock  
907-755-2261 (Office)

**Off-net request if unable to be at Fairbanks LIO**

Ronnie Rosenberg, Chairperson  
Fairbanks North Star Borough Animal Control Commission  
907-374-9511

**Off-net request from Anchorage: available for questions, if necessary**

Rose Munafo, sex offender programs, Alaska Dept. of Corrections  
907-269-7416 (Office)

**At the Senate Judiciary Committee Room**

Chava Lee, executive director of Gastineau Humane Society in Juneau  
789-0260 (office)

Dr. Rachel Dzuiba, veterinarian at Gastineau Humane Society in Juneau  
463-5022 (office)

**Contact:** Mike Sica, 465-4965

**Revised:** Feb. 3, 2010