

HB

147 -

FILE

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<TARGET><BILL>HB 147</BILL><SUBJECT>HB 147 - FILE
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REPRESENTATIVE LIZ VAZQUEZ
Co-Chair: House Special Committee on Energy
Email: rep.liz.vazquez@akleg.gov

State Capitol, Room 432
Juneau, AK 99801
Phone: 1 (907) 465-3892
Toll-free: 1 (800) 773-3892
Fax: 1 (907) 465-6595



REPRESENTATIVE MAX GRUENBERG
House Independent Democratic Minority Whip
Email: rep.max.gruenberg@akleg.gov

State Capitol, Room 110
Juneau, AK 99801
Phone: 1 (907) 465-4940
Toll-free: 1 (866) 465-4940
Fax: 1 (907) 465-3766

ALASKA STATE LEGISLATURE

SPONSOR STATEMENT

HB 147

"An Act relating to cruelty to animals complaints; relating to the seizure of animals; relating to the destruction of animals; relating to the costs of care for animals that have been seized; relating to the inclusion of animals in protective orders and crimes and arrests for violating those protective orders; and relating to ownership of animals upon divorce or dissolution of marriage."

This bill, HB 147, accomplishes three things: it holds an owner responsible for the reasonable third-party costs of caring for animals lawfully seized due to cruelty or neglect; it provides statutory protection for pets in domestic violence protective orders, granting exclusive temporary custody of pets to victims; and it permits courts to award ownership of animals in divorce and dissolution proceedings and consider their well-being when deciding these issues.

1. Cost of Care

Amends state animal statutes to require owners' of animals lawfully seized for neglect or cruelty to pay their cost of care through bond or other security. This will shift the burden from governmental agencies, or independent shelters and rescue agencies, to the animals' owners – saving tax dollars and animals' lives. The bill also allows the adoption and rehoming and, if necessary, euthanasia of seized animals if the owners surrender them or fail to pay the costs of care ordered or post court-ordered security.

2. Domestic Violence

Amends domestic violence statutes to allow courts to enter domestic violence protective orders for pets, including for temporary care, and adds cruelty to animals as a crime involving domestic violence if the animal is a pet.

3. Divorce and Dissolution

Amends divorce and marriage dissolution statutes to require consideration of animals' well-being when adjudicating their ownership or joint ownership.

29-LS0302\D

Wallace

1/27/16

CS FOR HOUSE BILL NO. 147()

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES VAZQUEZ, Gruenberg, LeDoux, Lynn, Drummond, Edgmon, Guttenberg, Josephson, Ortiz, Tarr, Tuck, Muñoz, Talerico, Stutes

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to cruelty to animals; relating to the seizure of animals; relating to the
2 destruction of animals; relating to the costs of care of animals that have been seized;
3 relating to the inclusion of animals in protective orders and crimes and arrests for
4 violating those protective orders; and relating to the ownership of animals upon divorce
5 or dissolution of marriage."

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

7 * Section 1. AS 03.55.110(b) is amended to read:

8 (b) A peace officer who receives a complaint of animal cruelty may apply for
9 a search warrant under AS 12.35 to the judicial officer in the judicial district in which
10 the alleged violation has taken place or is taking place. If the court finds that probable
11 cause exists, the court shall issue a search warrant directing a peace officer to proceed
12 immediately to the location of the alleged violation, search the place designated in the
13 warrant, and, if warranted, seize [TAKE] property, including animals, specified in the

warrant. The warrant shall be executed by the peace officer and returned to the court.

* **Sec. 2.** AS 03.55.110(c) is amended to read:

(c) Before a peace officer may seize [TAKE] an animal and place it into protective custody, the peace officer shall request an immediate inspection and decision by a veterinarian licensed under AS 08.98 that placement into protective custody is in the immediate best interest of the animal. If a veterinarian is not available to perform an inspection, before a peace officer may seize [TAKE] an animal, the peace officer shall communicate with a veterinarian who has, after hearing a description of the condition of the animal and its environment, decided it is in the immediate best interest of the animal that it be placed into protective custody. If the peace officer is not able to communicate with a veterinarian, before the officer may take an animal, the officer shall decide it is in the immediate best interest of the animal that it be placed into protective custody [FOR PURPOSES OF THIS SECTION, "PEACE OFFICER" MEANS

- (1) AN OFFICER OF THE STATE TROOPERS;
- (2) A MEMBER OF THE POLICE FORCE OF A MUNICIPALITY;
- (3) A VILLAGE PUBLIC SAFETY OFFICER; OR
- (4) A REGIONAL PUBLIC SAFETY OFFICER].

* **Sec. 3.** AS 03.55.120 is amended to read:

Sec. 03.55.120. Seizure of animals. (a) A peace officer shall place an animal in protective custody before seizing [REMOVING] the animal from the location where it was found. If the animal is seized [REMOVED], the peace officer shall place the animal with a veterinarian licensed under AS 08.98 or, if a veterinarian is not readily available, with a responsible public or private custodian to be sheltered, cared for, and provided necessary medical attention.

(b) A peace officer who has seized [REMOVED] an animal shall immediately notify the animal's owner in writing of the seizure [REMOVAL] and of the owner's right to petition the court under AS 03.55.130 for return of the animal. Notification may be delivered in person, posted at the owner's residence, or mailed to the owner.

(c) If a seized [REMOVED] animal's owner is unknown and cannot be ascertained with reasonable effort,

(1) the animal shall be considered a stray or abandoned; **and**

(2) the notice required in (b) of this section shall be conspicuously posted at the premises from which the animal was seized.

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

* **Sec. 4.** AS 03.55.130(a) is amended to read:

(a) If a determination is made by a veterinarian licensed under AS 08.98, by a peace officer in consultation with a veterinarian licensed under AS 08.98, or by a peace officer who is unable to locate or communicate with a veterinarian licensed under AS 08.98 that an animal **seized** [REMOVED] under AS 03.55.100 - 03.55.190 is injured or diseased to such an extent that, in the opinion of the veterinarian, it is probable the animal cannot recover, the veterinarian or the peace officer may humanely destroy the animal or arrange for the animal's humane destruction.

* **Sec. 5.** AS 03.55.130(b) is amended to read:

(b) Upon diagnosis and recommendation of a veterinarian licensed under AS 08.98, a public or private custodian may humanely destroy or arrange for the humane destruction of a severely injured, diseased, or suffering animal that has been **seized** [REMOVED] under AS 03.55.100 - 03.55.190.

* **Sec. 6.** AS 03.55.130(d) is amended to read:

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

[(1)] petitioning the court of the judicial district in which the animal was **seized** [REMOVED] for the animal's [IMMEDIATE] return, subject [, IF APPROPRIATE,] to court-imposed conditions [; OR

(2) POSTING A BOND OR SECURITY WITH THE COURT OF THE JUDICIAL DISTRICT IN WHICH THE ANIMAL WAS SEIZED IN AN AMOUNT DETERMINED BY THE COURT TO BE SUFFICIENT TO PROVIDE FOR THE ANIMAL'S CARE FOR A MINIMUM OF 30 DAYS FROM THE DATE

1 THE ANIMAL WAS REMOVED].

2 * **Sec. 7.** AS 03.55.130(e) is repealed and reenacted to read:

3 (e) The court may, on its own accord or upon a filing by the custodian, the
4 owner of the animal, or the entity that seized the animal, enter an order for the cost of
5 care of the animal pending final disposition of the custody of the animal. An order
6 under this section may include a requirement that the owner of the animal post a bond
7 or other security to guarantee that the cost of care of the animal is received and
8 maintained. If, without justifiable cause, the owner of the animal fails to comply with
9 an order under this section, the court may order that the animal be forfeited.

10 * **Sec. 8.** AS 03.55.130(f) is amended to read:

11 (f) The state may not be required to reimburse a public or private agency,
12 organization, or person that voluntarily assists with the seizure [A REMOVAL] of an
13 animal or receives custody of an animal seized [REMOVED] under this section for
14 the cost of care of [COSTS OF SHELTER, CARE, VETERINARY ASSISTANCE,
15 OR MEDICAL TREATMENT RENDERED TO] the animal.

16 * **Sec. 9.** AS 03.55.130 is amended by adding a new subsection to read:

17 (g) Nothing in (d) or (e) of this section shall shift the burden of proof from the
18 party who would otherwise have that burden.

19 * **Sec. 10.** AS 03.55.190 is amended by adding new paragraphs to read:

20 (4) "cost of care" means the cost of shelter, care, veterinary assistance,
21 and medical treatment rendered to the animal;

22 (5) "cruelty to animals" includes acts constituting cruelty to animals
23 under AS 11.61.140(a), acts promoting an exhibition of fighting animals under
24 AS 11.61.145(a)(1) or (2), and other serious acts of animal cruelty warranting
25 protective actions under AS 03.55.100 - 03.55.190, whether or not they are
26 specifically listed in AS 11.61.140 or 11.61.145;

27 (6) "peace officer" means

- 28 (A) an officer of the state troopers;
29 (B) a member of the police force of a municipality;
30 (C) a village public safety officer; or
31 (D) a regional public safety officer.

* **Sec. 11.** AS 11.56.740(a) is amended to read:

(a) A person commits the crime of violating a protective order if the person is subject to a protective order

(1) issued or filed under AS 18.66 and the protective order contains one or more of the provisions [CONTAINING A PROVISION] listed in AS 18.66.100(c)(1) - (7) and the person knowingly commits or attempts to commit an act with reckless disregard that the act violates or would violate a provision of the protective order;

(2) issued under AS 18.65.850, 18.65.855, or 18.65.860, and the person knowingly commits or attempts to commit an act that violates or would violate a provision listed in AS 18.65.850(c)(1) - (3); or

(3) issued under AS 13.26.207 - 13.26.209, and the person knowingly commits or attempts to commit an act with reckless disregard that the act violates or would violate a provision of the protective order.

* **Sec. 12.** AS 11.61.140(a) is amended to read:

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

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

(2) has a legal duty to care for the animal and, 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;

(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;

(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. 13.** AS 18.65.520(a) is amended to read:

(a) A peace officer investigating a crime involving domestic violence shall orally and in writing inform the victim of the rights of victims of domestic violence and the services available to them. The notice must be in substantially the following form:

If you are the victim of domestic violence and you believe that law enforcement protection is needed for your physical safety, you have the right to request that the officer assist in providing for your safety, including asking for an emergency protective order.

You may also request the officer to assist you in obtaining your essential personal belongings and locating and taking you to a safe place, including a designated meeting place or shelter, the residence of a household member or friend, or a similar place of safety. In some places in Alaska there are organizations that provide aid and shelter to victims of domestic violence. The nearest organization is located at _____.

If you are in need of medical treatment, you may request that the officer assist you in obtaining medical treatment.

You may obtain information about whether the prosecuting attorney will file a criminal complaint about the domestic violence. Additionally, the victim/witness assistance program of the Department of Law may be able to help you. This information is available from the district attorney's office, which is located at _____.

You also have the right to file a petition in court requesting a protective order that may include any of the following provisions:

(1) prohibit your abuser from threatening to commit or committing further acts of domestic violence;

1 (2) prohibit your abuser from stalking, harassing,
2 telephoning, contacting, or otherwise communicating with you, directly
3 or indirectly;

4 (3) remove your abuser from your residence;

5 (4) order your abuser to stay away from your residence,
6 school, place of employment, or any other specified place frequented
7 by you or another designated household member;

8 (5) prohibit your abuser from entering your vehicle or a
9 vehicle you occupy;

10 (6) prohibit your abuser from using or possessing a
11 deadly weapon if the court finds your abuser was in the actual
12 possession of or used a weapon during the commission of your abuse;

13 (7) direct your abuser to surrender any firearm owned or
14 possessed by that person if the court finds your abuser was in the actual
15 possession of or used a firearm during the commission of your abuse;

16 (8) request a peace officer to accompany you to your
17 residence to ensure your safe possession of the residence, vehicle, or
18 other items, or to ensure your safe removal of personal items from the
19 residence;

20 (9) award temporary custody of a minor child to the
21 petitioner and may arrange for visitation with a minor child if the safety
22 of the child and the petitioner can be protected;

23 (10) grant you possession and use of a vehicle and other
24 essential personal items, including a pet, regardless of the ownership
25 of those items [EFFECTS];

26 (11) prohibit your abuser from consuming controlled
27 substances;

28 (12) require your abuser to pay support for you, [OR] a
29 minor child in your care, or a pet in your care if there is an
30 independent legal obligation of your abuser to support you, [OR] the
31 child, or the pet;

(13) require your abuser to reimburse you for your expenses caused by domestic violence, including medical bills, or for your costs in getting a protective order;

(14) order your abuser to participate in an intervention program for batterers; and

(15) other relief the court determines to be necessary for your safety.

The forms you need to obtain a protective order are available from the nearest court. It is not necessary to have an attorney to obtain a protective order, but you may consult an attorney if you choose. If you would like help obtaining a protective order, you may contact the nearest domestic violence program located at _____. The program can also tell you about other resources available in this community for information about domestic violence, treatment of injuries, and places of safety and shelter.

You may also qualify for compensation from the Violent Crimes Compensation Board. The board may be contacted at _____.

* Sec. 14. AS 18.65.590 is amended to read:

Sec. 18.65.590. Definitions [DEFINITION]. In AS 18.65.510 - 18.65.590,

(1) "domestic violence" has the meaning given in AS 18.66.990;

(2) "pet" means a vertebrate living creature maintained for companionship or pleasure, but does not include dogs primarily owned for participation in a generally accepted mushing or pulling contest or practice or animals primarily owned for participation in rodeos or stock contests.

* Sec. 15. AS 18.66.100(c) is amended to read:

(c) A protective order under this section may

(1) prohibit the respondent from threatening to commit or committing domestic violence, stalking, or harassment;

(2) prohibit the respondent from telephoning, contacting, or otherwise communicating directly or indirectly with the petitioner;

1 (3) remove and exclude the respondent from the residence of the
2 petitioner, regardless of ownership of the residence;

3 (4) direct the respondent to stay away from the residence, school, or
4 place of employment of the petitioner or any specified place frequented by the
5 petitioner or any designated household member;

6 (5) prohibit the respondent from entering a propelled vehicle in the
7 possession of or occupied by the petitioner;

8 (6) prohibit the respondent from using or possessing a deadly weapon if
9 the court finds the respondent was in the actual possession of or used a weapon during
10 the commission of domestic violence;

11 (7) direct the respondent to surrender any firearm owned or possessed
12 by the respondent if the court finds that the respondent was in the actual possession of
13 or used a firearm during the commission of the domestic violence;

14 (8) request a peace officer to accompany the petitioner to the
15 petitioner's residence to ensure that the petitioner

16 (A) safely obtains possession of the petitioner's residence,
17 vehicle, or personal items; and

18 (B) is able to safely remove a vehicle or personal items from the
19 petitioner's residence;

20 (9) award temporary custody of a minor child to the petitioner and may
21 arrange for visitation with a minor child if the safety of the child and the petitioner can
22 be protected; if visitation is allowed, the court may order visitation under the
23 conditions provided in AS 25.20.061;

24 (10) give the petitioner possession and use of a vehicle and other
25 essential personal items, including a pet, regardless of ownership of the items;

26 (11) prohibit the respondent from consuming controlled substances;

27 (12) require the respondent to pay support for the petitioner, [OR] a
28 minor child in the care of the petitioner, or a pet in the care of the petitioner if there
29 is an independent legal obligation of the respondent to support the petitioner, [OR]
30 child, or pet;

31 (13) require the respondent to reimburse the petitioner or other person

1 for expenses associated with the domestic violence, including medical expenses,
2 counseling, shelter, and repair or replacement of damaged property;

3 (14) require the respondent to pay costs and fees incurred by the
4 petitioner in bringing the action under this chapter;

5 (15) order the respondent, at the respondent's expense, to participate in
6 (A) a program for the rehabilitation of perpetrators of domestic violence that meets the
7 standards set by, and that is approved by, the Department of Corrections under
8 AS 44.28.020(b), or (B) treatment for the abuse of alcohol or controlled substances, or
9 both; a protective order under this section may not require a respondent to participate
10 in a program for the rehabilitation of perpetrators of domestic violence unless the
11 program meets the standards set by, and that is approved by, the Department of
12 Corrections under AS 44.28.020(b);

13 (16) order other relief the court determines necessary to protect the
14 petitioner or any household member.

15 * **Sec. 16.** AS 18.66.990(3) is amended to read:

16 (3) "domestic violence" and "crime involving domestic violence" mean
17 one or more of the following offenses or an offense under a law or ordinance of
18 another jurisdiction having elements similar to these offenses, or an attempt to commit
19 the offense, by a household member against another household member:

20 (A) a crime against the person under AS 11.41;

21 (B) burglary under AS 11.46.300 - 11.46.310;

22 (C) criminal trespass under AS 11.46.320 - 11.46.330;

23 (D) arson or criminally negligent burning under AS 11.46.400 -

24 11.46.430;

25 (E) criminal mischief under AS 11.46.475 - 11.46.486;

26 (F) terrorist threatening under AS 11.56.807 or 11.56.810;

27 (G) violating a protective order under AS 11.56.740(a)(1);

28 [OR]

29 (H) harassment under AS 11.61.120(a)(2) - (4); or

30 (I) cruelty to animals under AS 11.61.140(a)(5) if the animal

31 is a pet;

1 * **Sec. 17.** AS 18.66.990 is amended by adding a new paragraph to read:

2 (11) "pet" means a vertebrate living creature maintained for
3 companionship or pleasure, but does not include dogs primarily owned for
4 participation in a generally accepted mushing or pulling contest or practice or animals
5 primarily owned for participation in rodeos or stock contests.

6 * **Sec. 18.** AS 22.15.030(a) is amended to read:

7 (a) The district court has jurisdiction of civil cases, including foreign
8 judgments filed under AS 09.30.200 and arbitration proceedings under AS 09.43.170
9 or 09.43.530 to the extent permitted by AS 09.43.010 and 09.43.300, as follows:

10 (1) for the recovery of money or damages when the amount claimed
11 exclusive of costs, interest, and attorney fees does not exceed \$100,000 for each
12 defendant;

13 (2) for the recovery of specific personal property, when the value of the
14 property claimed and the damages for the detention do not exceed \$100,000;

15 (3) for the recovery of a penalty or forfeiture, whether given by statute
16 or arising out of contract, not exceeding \$100,000;

17 (4) to give judgment without action upon the confession of the
18 defendant for any of the cases specified in this section, except for a penalty or
19 forfeiture imposed by statute;

20 (5) for establishing the fact of death or cause and manner of death of
21 any person in the manner prescribed in AS 09.55.020 - 09.55.069;

22 (6) for the recovery of the possession of premises in the manner
23 provided under AS 09.45.070 - 09.45.160 when the value of the arrears and damage to
24 the property does not exceed \$100,000;

25 (7) for the foreclosure of a lien when the amount in controversy does
26 not exceed \$100,000;

27 (8) for the recovery of money or damages in motor vehicle tort cases
28 when the amount claimed exclusive of costs, interest, and attorney fees does not
29 exceed \$100,000 for each defendant;

30 (9) over civil actions for taking utility service and for damages to or
31 interference with a utility line filed under AS 42.20.030;

(10) over cases involving protective orders for domestic violence under AS 18.66.100 - 18.66.180;

(11) over cases involving cruelty to or seizure, destruction, adoption, or cost of care of animals under AS 03.55.100 - 03.55.190.

* Sec. 19. AS 25.24.160(a) is amended to read:

(a) In a judgment in an action for divorce or action declaring a marriage void or at any time after judgment, the court may provide

(1) for the payment by either or both parties of an amount of money or goods, in gross or installments that may include cost-of-living adjustments, as may be just and proper for the parties to contribute toward the nurture and education of their children, and the court may order the parties to arrange with their employers for an automatic payroll deduction each month or each pay period, if the period is other than monthly, of the amount of the installment; if the employer agrees, the installment shall be forwarded by the employer to the clerk of the superior court that entered the judgment or to the court trustee, and the amount of the installment is exempt from execution;

(2) for the recovery by one party from the other of an amount of money for maintenance, for a limited or indefinite period of time, in gross or in installments, as may be just and necessary without regard to which of the parties is in fault; an award of maintenance must fairly allocate the economic effect of divorce by being based on a consideration of the following factors:

(A) the length of the marriage and station in life of the parties during the marriage;

(B) the age and health of the parties;

(C) the earning capacity of the parties, including their educational backgrounds, training, employment skills, work experiences, length of absence from the job market, and custodial responsibilities for children during the marriage;

(D) the financial condition of the parties, including the availability and cost of health insurance;

(E) the conduct of the parties, including whether there has been

1 unreasonable depletion of marital assets;

2 (F) the division of property under (4) of this subsection; and

3 (G) other factors the court determines to be relevant in each
4 individual case;

5 (3) for the delivery to either party of that party's personal property in
6 the possession or control of the other party at the time of giving the judgment;

7 (4) for the division between the parties of their property, including
8 retirement benefits, whether joint or separate, acquired only during marriage, in a just
9 manner and without regard to which of the parties is in fault; however, the court, in
10 making the division, may invade the property, including retirement benefits, of either
11 spouse acquired before marriage when the balancing of the equities between the
12 parties requires it; and to accomplish this end the judgment may require that one or
13 both of the parties assign, deliver, or convey any of their real or personal property,
14 including retirement benefits, to the other party; the division of property must fairly
15 allocate the economic effect of divorce by being based on consideration of the
16 following factors:

17 (A) the length of the marriage and station in life of the parties
18 during the marriage;

19 (B) the age and health of the parties;

20 (C) the earning capacity of the parties, including their
21 educational backgrounds, training, employment skills, work experiences,
22 length of absence from the job market, and custodial responsibilities for
23 children during the marriage;

24 (D) the financial condition of the parties, including the
25 availability and cost of health insurance;

26 (E) the conduct of the parties, including whether there has been
27 unreasonable depletion of marital assets;

28 (F) the desirability of awarding the family home, or the right to
29 live in it for a reasonable period of time, to the party who has primary physical
30 custody of children;

31 (G) the circumstances and necessities of each party;

(H) the time and manner of acquisition of the property in question; and

(I) the income-producing capacity of the property and the value of the property at the time of division;

(5) if an animal is owned, for the ownership or joint ownership of the animal, taking into consideration the well-being of the animal.

* **Sec. 20.** AS 25.24.200(c) is amended to read:

(c) Except as provided in AS 25.24.220(i), a spouse who has been personally served with a copy of a petition filed under (a) of this section may execute an appearance, waiver of time to answer, and waiver of notice of hearing. The appearance and waivers must include an acknowledgment signed before an officer authorized to administer an oath or affirmation that the spouse being served has read the petition; assents to the terms relating to custody of the children, child support, visitation, spousal maintenance taking into consideration the factors listed in AS 25.24.160(a)(2), and tax consequences, division of property, including retirement benefits and taking into consideration the factors listed in AS 25.24.160(a)(4), **ownership of animals, taking into consideration the well-being of the animals,** and allocation of debts; agrees that the conditions otherwise required by (a) of this section exist; agrees that the petition constitutes the entire agreement between the parties; understands fully the nature and consequences of the action; and is not signing the appearance and waivers under duress or coercion.

* **Sec. 21.** AS 25.24.200 is amended by adding a new subsection to read:

(f) A petition filed under (a) or (b) of this section may, if an animal is owned by a husband and wife together, provide for the ownership or joint ownership of the animal. The ownership or joint ownership of an animal provided for in a petition under (a) or (b) of this section must take into consideration the well-being of the animal.

* **Sec. 22.** AS 25.24.210(e) is amended to read:

(e) If the petition is filed by both spouses under AS 25.24.200(a), the petition must state in detail the terms of the agreement between the spouses concerning the custody of children, child support in terms of periodic payments and in terms of health care expenses, visitation, spousal maintenance and tax consequences, if any, and fair

1 and just division of property, including retirement benefits. A petition filed by both
2 spouses under AS 25.24.200(a) may provide for the ownership or joint ownership
3 of an animal, taking into consideration the well-being of the animal. Agreements
4 on spousal maintenance and property division must fairly allocate the economic effect
5 of dissolution and take into consideration the factors listed in AS 25.24.160(a)(2) and
6 (4). In addition, the petition must state

- 7 (1) the respective occupations of the petitioners;
8 (2) the income, assets, and liabilities of the respective petitioners at the
9 time of filing the petition;
10 (3) the date and place of the marriage;
11 (4) the name, date of birth, and current marital, educational, and
12 custodial status of each child born of the marriage or adopted by the petitioners who is
13 under the age of 19;
14 (5) whether the wife is pregnant;
15 (6) whether either petitioner requires medical care or treatment;
16 (7) whether any of the following has been issued or filed during the
17 marriage by or regarding either spouse as defendant, participant, or respondent:
18 (A) a criminal charge of a crime involving domestic violence;
19 (B) a protective order under AS 18.66.100 - 18.66.180;
20 (C) injunctive relief under former AS 25.35.010 or 25.35.020;
21 or
22 (D) a protective order issued in another jurisdiction and filed
23 with the court in this state under AS 18.66.140;
24 (8) whether either petitioner has received the advice of legal counsel
25 regarding a divorce or dissolution;
26 (9) other facts and circumstances that the petitioners believe should be
27 considered;
28 (10) that the petition constitutes the entire agreement between the
29 petitioners; and
30 (11) any other relief sought by the petitioners.

31 * **Sec. 23.** AS 25.24.220(d) is amended to read:

(d) If the petition is filed by both spouses under AS 25.24.200(a), the court shall examine the petitioners or petitioner present and consider whether

(1) the spouses fully understand the nature and consequences of their action;

(2) the written agreements between the spouses concerning child custody, child support, and visitation are just as between the spouses and in the best interests of the children of the marriage; in determining whether the parents' agreement on visitation is in the best interests of the children under this paragraph, the court shall also consider whether the agreement should include visitation by grandparents and other persons;

(3) the written agreements between the spouses relating to the division of property, including retirement benefits, spousal maintenance, and the allocation of obligations are just; the spousal maintenance and division of property must fairly allocate the economic effect of dissolution and take into consideration the factors listed in AS 25.24.160(a)(2) and (4);

(4) the written agreements constitute the entire agreement between the parties; [AND]

(5) the conditions in AS 25.24.200(a) have been met; and

(6) the written agreements between the spouses concerning ownership or joint ownership of an animal, taking into consideration the well-being of the animal.

* Sec. 24. AS 25.24.220(g) is amended to read:

(g) The court may amend the written agreements between the spouses relating to child custody, child support, visitation, division of the property, including retirement benefits, spousal maintenance, ownership or joint ownership of an animal, taking into consideration the well-being of the animal, and allocation of obligations, but only if both petitioners concur in the amendment in writing or on the record.

* Sec. 25. AS 25.24.230(a) is amended to read:

(a) If the petition is filed under AS 25.24.200(a), and is not subject to AS 25.24.220(h), the court may grant the spouses a final decree of dissolution and

1 shall order other relief as provided in this section if the court, upon consideration of
2 the information contained in the petition and the testimony of the spouse or spouses at
3 the hearing, finds that

4 (1) the spouses understand fully the nature and consequences of their
5 action;

6 (2) the written agreements between the spouses concerning spousal
7 maintenance and tax consequences, if any, division of property, including retirement
8 benefits, and allocation of obligations are fair and just and constitute the entire
9 agreement between the parties;

10 (3) the spousal maintenance and division of property fairly allocate the
11 economic effect of dissolution and take into consideration the factors listed in
12 AS 25.24.160(a)(2) and (4);

13 (4) each spouse entered into the agreement voluntarily and free from
14 the coercion of another person; [AND]

15 (5) the conditions in AS 25.24.200(a) have been met; and

16 (6) the written agreements between the spouses concerning
17 ownership or joint ownership of an animal take into consideration the well-being
18 of the animal.

19 * Sec. 26. AS 25.24 is amended by adding a new section to read:

20 **Sec. 25.24.990. Definition.** In this chapter, "animal" means a vertebrate living
21 creature not a human being.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 28, 2016

SUBJECT: Sectional summary
(CSHB 147(); Work Order No. 29-LS0302\D)

TO: Representative Max Gruenberg
Attn: Nicoli Bailey

FROM: Megan A. Wallace 
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1 amends AS 03.55.110(b) by replacing the word "take" with "seize."

Section 2 removes the definition of "peace officer" from AS 03.55.110(c) and adds it to sec. 10 of the bill; replaces the word "take" with "seize."

Section 3 amends AS 03.55.120(c) to require notice to be posted at a premises from which an animal is removed under AS 03.55.120. Replaces the words "removing," "removed," and "removal" in AS 03.55.120(a), (b), and (c) with "seizing," "seized," and "seizure," respectively.

Section 4 amends AS 03.55.130(a) by replacing the word "removed" with "seized."

Section 5 amends AS 03.55.130(b) by replacing the word "removed" with "seized."

Section 6 amends AS 03.55.130(d) to allow a custodian to prevent the adoption or destruction of a seized animal. Replaces the word "removed" with "seized." Removes a provision that allowed the posting of a bond or security sufficient to care for an animal to prevent the adoption or destruction of the animal, this provision is replaced by AS 03.55.130(e) (sec. 7).

Section 7 repeals and reenacts AS 03.55.130(e). Allows a court on its own or in response to a filing by the custodian or owner of an animal, to enter an order for the cost of care of

an animal. The order may include a required bond or security. Failure to comply may result in forfeiture of the animal.

Section 8 amends AS 03.55.130(f) by replacing the words "a removal" and "removed" with "the seizure" and "seized," respectively. Replaces a description of "cost of care" with a reference to "cost of care," as "cost of care" is defined under sec. 10 of the bill.

Section 9 adds a new subsection to AS 03.55.130 that states that nothing in AS 03.55.130(d) or (e) is to shift the burden of proof from the party that would otherwise have that burden.

Section 10 adds new definitions to AS 03.55.190 for "cost of care" and "cruelty to animals;" adds a new paragraph for the definition of "peace officer," as that definition previously appeared in AS 03.55.110(c) (sec. 2 of the bill).

Section 11 amends AS 11.56.740(a) to clarify that it is a crime to violate one or more of the provisions of a domestic violence protective order.

Section 12 amends AS 11.61.140(a) to clarify that a person commits cruelty to animals if the person "has a legal duty to care for the animal" and with criminal negligence fails to care for an animal.

Section 13 amends AS 18.65.520(a) to require that the form providing notice to a victim of domestic violence must state that a protective order may grant a victim possession of a pet regardless of the ownership of that pet.

Section 14 adds a definition of "pet" at AS 18.65.590.

Section 15 amends AS 18.66.100(c) to allow a domestic violence protective order issued under AS 18.66.100(c) to grant a petitioner possession of a pet, regardless of the ownership of the pet.

Section 16 amends the definition of "domestic violence" to include cruelty to animals under AS 11.61.140(a)(5) if the animal is a pet.

Section 17 adds a definition of "pet" at AS 18.66.990.

Section 18 amends AS 22.15.030(a) to give the district court the jurisdiction over cases involving cruelty to or seizure, destruction, adoption, or costs of care of animals under AS 03.55.100 - 03.55.190.

Section 19 amends AS 25.24.160(a) to allow a court to consider the well-being of an animal when considering ownership or joint ownership of an animal as part of a divorce proceeding.

Section 20 amends AS 25.24.200(c) by adding a requirement that, before a spouse can waive an appearance at a dissolution, or hearing if an animal is owned, the spouses have agreed to the ownership of the animal, taking into consideration the well-being of the animal.

Section 21 adds a new subsection to AS 25.24.200 to provide that a husband and wife may provide for the ownership or joint ownership of an animal in a petition filed under (a) or (b) of that section.

Section 22 amends AS 25.24.201(e) to provide that a petition filed by both spouses under AS 25.24.200(a) may provide for the ownership or joint ownership of an animal.

Section 23 amends AS 25.24.220(d) requiring that the court consider whether the written agreements between the spouses concerning the ownership or joint ownership of an animal, taking into consideration the well-being of the animal.

Section 24 amends AS 25.24.220(g) allowing the court to amend the written agreements between the spouses relating to the ownership or joint ownership of an animal, taking into consideration the well-being of the animal.

Section 25 amends AS 25.24.230(a) requiring court to consider whether the written agreements between the spouses concerning the ownership or joint ownership of an animal take into consideration the well-being of the animal in issuing a final decree of dissolution.

Section 26 adds a definition of "animal" at AS 25.24.990.

MAW:lem
16-053.lem

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

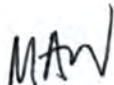
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

December 24, 2015

SUBJECT: Single subject issue
(CSHB 147 (); Work Order No. 29-LS0302\M)

TO: Representative Max Gruenberg
Attn: Nicoli Bailey

FROM: Megan A. Wallace 
Legislative Counsel

Attached please find the draft bill you requested. As I understand you have been made aware, sec. 11 of the draft bill, unlike the remainder of the bill, does not relate to animals. It is unclear to me what the single subject could be given that, with the addition of sec. 11, the subject of the bill is no longer limited to "animals." For this reason, the draft bill may violate the single subject rule.¹

The single subject rule requires that all matters in an act "fall under some one general idea, be so connected with or related to each other, either logically or in popular understanding, as to be parts of, or germane to, one general subject."² Historically, the Alaska Supreme Court has interpreted Alaska's single subject rule to permit very broad subject matter in one bill without violating the single subject requirement. For example, the Court has held that bills relating to such broad themes as "development of water resources,"³ "taxation,"⁴ "land,"⁵ "intoxicating liquor,"⁶ and "criminal law"⁷ are

¹ Earlier versions of the bill related to domestic violence or domestic violence and animals. As provisions that only relate to animals were added to the bill the single subject of the bill appears now to be animals.

² *State v. First Nat'l Bank of Anchorage*, 660 P.2d 406 (Alaska 1982).

³ *Gellert v. State*, 522 P.2d 1120 (Alaska 1974).

⁴ *North Slope Borough v. Sohio Petroleum Corp.*, 585 P.2d 534, 545 (Alaska 1978).

⁵ *State v. First Nat'l Bank of Anchorage*, 660 P.2d 406 (Alaska 1982).

⁶ *Van Brunt v. State*, 646 P.2d 872 (Alaska App. 1982).

⁷ *Galbraith v. State*, 693 P.2d 880 (Alaska App. 1985).

Representative Max Gruenberg
December 24, 2015
Page 2

acceptable.⁸ However, there was a strong dissent in one case against allowing broad subject matter in a single bill,⁹ and in 2010, for the first time, the Alaska Supreme Court invalidated a piece of proposed legislation for failure to satisfy the single subject requirement.^{10,11} Failure to comply with this requirement -- although unlikely -- could jeopardize your bill if it were ever challenged.

If I may be of further assistance, please advise.

MAW:dla
15-582.dla

Attachment

⁸ *Evans v. State*, 56 P.3d 1046, 1070 (Alaska 2002).

⁹ *Yute Air Alaska, Inc. v. McAlpine*, 698 P.2d 1173 (Alaska 1985). In his dissent, at page 1182, Justice Moore stated: "This court has mistakenly continued to give the rule such an extremely liberal interpretation that the rule has become a farce."

¹⁰ *Croft v. Parnell*, 236 P.3d 369 (Alaska 2010).

¹¹ The *Croft* ruling and the *Yute Air* dissent may indicate that the Alaska Supreme Court is moving toward a more stringent single subject standard by adding a dimension to the rule expounded in *Harbor v. Deukmejian*, 742 P.2d 1290 (Cal. 1987). *Harbor* interprets California's single subject rule to prohibit excessive generality because it violates the purpose and intent of the single subject rule.

ALASKA STATE LEGISLATURE

REPRESENTATIVE LIZ VAZQUEZ
Co-Chair: House Special Committee on Energy

Email: Rep.Liz.Vazquez@akleg.gov
State Capitol, Room 432
Juneau, AK 99801
Phone: 1 (907) 465-3892
Toll-free: 1 (800) 773-3892
Fax: 1 (907) 465-6595



REPRESENTATIVE MAX GRUENBERG
House Independent Democratic Minority Whip

Email: Rep.Max.Gruenberg@akleg.gov
State Capitol, Room 110
Juneau, AK 99801
Phone: 1 (907) 465-4940
Toll-free: 1 (866) 465-4940
Fax: 1 (907) 465-3766

MEMORANDUM

To: Other Legislators
From: Reps. Liz Vazquez and Max Gruenberg, bill sponsors of HB 147
Cc: Megan Wallace
Date: January 21, 2016
Re: Response to Megan Wallace's December 24, 2015 memo on the "Single Subject Issue" (the "memo")

Issue: Does section 11 violate the single subject rule in Article II Section 13¹ and, if so, should it be stricken?

Discussion: While section 11 of the "M" proposed Judiciary Committee Substitute² [version 29-LSO302M] could be construed to violate the single subject rule, we do not believe it does and, if a court were to hold that it does, such a decision would not affect the bill in any substantive way, only section 11 would be stricken.

First, section 11 merely classifies and grammatically simplifies the language in AS 11.56.740(a) by changing "a provision" to "one or more provisions"³ and adding "a person"⁴. A court would certainly construe "a person" to mean "one or more persons" in the first change and conclude that the added re-statement of "the person" in the second change just clarifies the

¹ Article II Section 13 of the Alaska Constitution provides in relevant part, "Every bill shall be confined to one subject unless it is an appropriation bill or one codifying, revising, or rearranging ongoing laws."

² Subsequent CS's have not changed subsection 11.

³ page 5, lines 4 and 5 of the "M" version

⁴ page 5 line 6 of the "M" version

grammatical subject of that portion of the subsection. We believe that, should the issue ever be raised (an unlikely possibility), a court would hold that section 11 does not add a new subject, but just clarifies an existing statute, AS 11.56.740(a), and therefore does not violate the "purpose and intent" of the single subject rule to prohibit more than one subject in the bill. See the discussion of the "new more stringent single subject standard" of Croft v. Parnell, 236 P.3d 369 (Alaska 2010), discussed in the memo at 2, n. 11. Therefore, it would be "unlikely" that a court would conclude that section 11 violates the single subject rule.

Second, even if a violation of the rule were found, the only result would be to strike section 11 from the bill, leaving the remainder of the bill intact. The general severability statute, AS 01.10.030, holds that, if one section of a bill is found unconstitutional, the court should sever it from the remainder of the bill, if it can do so without damaging the rest of the bill. AS 01.10.030 implements a fundamental principal of statutory construction which says that courts should try to give effect to legislative enactments to the greatest extent constitutionally permissible. Thus the only result of such a challenge would be to delete section 11 and leave AS 11.56.740(a) unchanged, just not drafted as well as it could be. The remainder of HB 147 would not be affected.

Conclusion: For the above reasons, we request that section 11 be retained.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: HB 147
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB147-DEC-EHL-01-29-16
Title: ANIMALS: PROTECTION/RELEASE/CUSTODY
Sponsor: VAZQUEZ
Requester: HOUSE JUDICIARY COMMITTEE

Department: Department of Environmental Conservation
Appropriation: Environmental Health
Allocation: Laboratory Services
OMB Component Number: 2065

Expenditures/Revenues

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

(Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Updated for the 2016 legislative session.

Prepared By: Bob Blankenburg, Acting Director
Division: Environmental Health
Approved By: Alice Edwards, Deputy Commissioner
Agency: Department of Environmental Conservation

Phone: (907)269-7690
Date: 01/29/2016 09:35 AM
Date: 01/29/16

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. HB 147

Analysis

Analysis/Assumptions:

This bill amends the law to hold an owner of animals lawfully seized due to cruelty responsible for the costs associated with their care during a cruelty trial. It adds pets to protective orders in cases of domestic violence and permits a judge to consider the well-being of an animal when determining custody in a divorce or dissolution.

The Department has the authority under AS 03.55.100(c) to adopt regulations regarding the minimum standards of care for animals. As written, this bill has no fiscal impact to the Department of Environmental Conservation.

Fact Sheet

Support The Alaska Cost of Animal Care Act

*Good for Animals *Good for Animal Shelters *Good for Taxpayers

The Alaska Cost of Animal Care Act shifts the financial burden of caring for animals lawfully seized due to cruelty or neglect from government agencies or independent shelters to the animals' owner – saving tax dollars and animals' lives.

The Alaska Cost of Animal Care Act:

- Provides a hearing process whereby an owner whose animals have been lawfully seized due to cruelty or neglect may be required to post a bond to cover the costs of providing for the animals' care during the judicial process.
- Provides a defendant an expedited hearing to challenge the legality of the animal's seizure and the reasonableness of the bond requested.
- Allows for the adoption and rehoming of seized animals if an owner fails to post a court-ordered bond to provide care for his or her animals.
- Relieves animal control agencies or shelters, and by extension taxpayers, from incurring the significant expense of caring for lawfully seized animals.

Why does Alaska need this law?

- Cruelty cases can involve the seizure of dozens or even hundreds of animals. Providing humane and adequate care for these animals for months or years can amount to hundreds of thousands of dollars.
- It is unfair to expect Alaska taxpayers, or independent shelters and rescues, to incur the significant costs of providing care for lawfully seized animals; this expense remains an owner's responsibility.
- Alaska agencies may be unable to help animals who are suffering from neglect and/or abuse simply because they do not have the resources to provide long-term care.

The Alaska Cost of Animal Care Act is supported by The Association of Shelter Veterinarians, The Humane Society of the United States, and The American Society for the Prevention of Cruelty to Animals.



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MICHIGAN STATE
UNIVERSITY
COLLEGE OF LAW

DAVID FAVRE, J.D.

Nancy Heathcote Professor of Property and Animal Law

January 31, 2016

*Rep. Max Gruenberg
Alaska State Representative*

Dear Rep. Gruenberg,

Thank you for the opportunity to review HB 147 which updates several part of the Alaska Code dealing with important animal issues. I think you have created a superior bill. The first portion provides clarity about the issue of seizure of animals when there has been a suspected violation of the anti-cruelty laws. This is important so that the appropriate procedures be in place to protect the property rights of the owners while allowing quick care for animals in harm's way.

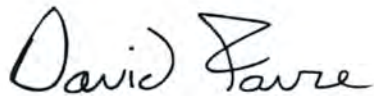
Second, the bill addresses the issue of abusive spouses who cause harm to pets in the home in order to impose control and fear upon the abused spouse. By amending existing statutory language, the minimum change now provides a path for an at risk spouse to expand the already allowed protective orders to include pets in the home.

Finally, I note the proposed modest modification of Alaska's divorce law to deal with the troubling problem of pets caught in the midst of the separation of their owners. As you know, judges now find their discretion limited because the legal system views pets strictly as property which, in a divorce settlement, is allocated on an ownership basis. The amendments proposed in HB 147 will provide judges some discretion in what to do with companion animals at the time of divorce. I have reviewed several bills from around the country which have sought to deal with this topic and I must say that your bill is the most artfully drafted to come across my desk. The adoption of these modest

provisions will show national leadership for Alaska, while not requiring any complex or expensive change in the divorce process. It simply gives judges broader authority to resolve disputes about companion animals in a manner fair to all parties.

I congratulate you on job well done and look forward to hearing of its adoption.

Yours truly,

A handwritten signature in black ink that reads "David Favre". The signature is written in a cursive style with a large, stylized "D" and "F".

David Favre, Professor of Law
favre@law.msu.edu
(517) 432-6890

Catherine Simpson

From: Peggy Brown [mailto:pbrown@andvsa.org]
Sent: Tuesday, April 14, 2015 9:23 AM
To: Rep. Max Gruenberg; Rep. Liz Vazquez; Rep. Matt Claman
Cc: Lisa Mariotti
Subject: hb 147

Representatives Vazquez, Gruenberg and Claman,

Thank you all for working with us on this bill and addressing our concerns. With the current CS workdraft 29-LS0302\U, ANDVSA removes its opposition to the bill. Lisa Mariotti, ANDVSA Policy Director, will be available to state so on the record when the bill is next heard.



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Peggy Brown, Executive Director
Alaska Network on Domestic Violence
& Sexual Assault
130 Seward Street, Suite 209
Juneau AK 99801
(907) 586-3650
(907) 463-4493 fax
www.andvsa.org

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Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: HB 147
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB147-DPS-HJUD-02-04-16
Title: ANIMALS: PROTECTION/RELEASE/CUSTODY
Sponsor: VAZQUEZ
Requester: House Judiciary

Department: Department of Public Safety
Appropriation: Statewide Support
Allocation: Statewide Information Technology Services
OMB Component Number: 3050

Expenditures/Revenues

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

(Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
---------------------------	--	--	--	--	--	--	--

Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Zeroed out by committee. One page note.

Prepared By: Representative LeDoux
House Judiciary Committee

Phone: (907)465-4998
Date: 02/04/2016

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: HB 147
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB147CS(JUD)-ACS-TRC-02-01-16
Title: ANIMALS: PROTECTION/RELEASE/CUSTODY
Sponsor: VAZQUEZ
Requester: House Finance Committee

Department: Judiciary
Appropriation: Alaska Court System
Allocation: Trial Courts
OMB Component Number: 768

Expenditures/Revenues

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

(Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Updated for 2016 session and for new CS.

Prepared By: Nancy Meade, General Counsel
Division: Alaska Court System
Approved By: Nancy Meade for Christine Johnson, Administrative Director
Agency: Alaska Court System

Phone: (907)463-4736
Date: 02/03/2016 04:00 PM
Date: 02/03/16

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. HB 147

Analysis

The CS for HB 147(JUD) amends the legal process that occurs when a person's animals are seized for suspected cruelty and provides a means for having the owner pay for the costs of caring for the seized animals (sections 1-10; 18), amends the crimes of "violating a protective order" and "cruelty to animals" (sections 11-12), amends the domestic violence protective orders statutes and definitions to have pets specifically considered (sections 13-17), and amends the divorce and dissolution statutes to specify that an animal may be accounted for in those actions (sections 19-26).

The court anticipates that the number of legal actions that will be filed in the district court under the changes to AS 03.55 in CSHB 147 will be small. The changes to the protective order provisions and to the family law statutes are not expected to alter the court's practices in those types of actions. Though the bill may therefore have some effect on our courts, we anticipate that we can absorb that without a fiscal impact.

The court system therefore submits this zero fiscal note.



**MICHIGAN STATE
UNIVERSITY
COLLEGE OF LAW**

DAVID FAVRE, J.D.

Nancy Heathcote Professor of Property and Animal Law

January 31, 2016

*Rep. Max Gruenberg
Alaska State Representative*

Dear Rep. Gruenberg,

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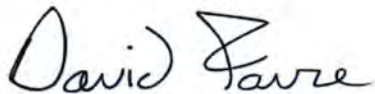
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Finally, I note the proposed modest modification of Alaska's divorce law to deal with the troubling problem of pets caught in the midst of the separation of their owners. As you know, judges now find their discretion limited because the legal system views pets strictly as property which, in a divorce settlement, is allocated on an ownership basis. The amendments proposed in HB 147 will provide judges some discretion in what to do with companion animals at the time of divorce. I have reviewed several bills from around the country which have sought to deal with this topic and I must say that your bill is the most artfully drafted to come across my desk. The adoption of these modest

provisions will show national leadership for Alaska, while not requiring any complex or expensive change in the divorce process. It simply gives judges broader authority to resolve disputes about companion animals in a manner fair to all parties.

I congratulate you on job well done and look forward to hearing of its adoption.

Yours truly,

A handwritten signature in black ink that reads "David Favre". The signature is written in a cursive style with a large, stylized "D" and "F".

David Favre, Professor of Law
favre@law.msu.edu
(517) 432-6890

AMENDMENT

1

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 147(), Draft Version "D"

- 1 Page 16, line 20:
- 2 Delete "animal, taking"
- 3 Insert "animal take"

AMENDMENT 2

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 147(), Draft Version "D"

- 1 Page 5, line 17:
- 2 Delete "and"
- 3 Insert "or [AND]"

AMENDMENT 3

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 147(), Draft Version "D"

1 Page 2, line 6, following "available":

2 Insert "and willing"

3

4 Page 2, line 24, following "available":

5 Insert "and willing to accept the animal, then"

AMENDMENT 4

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 147(), Draft Version "D"

1 Page 3, following line 6:

2 Insert a new bill section to read:

3 **** Sec. 4. AS 03.55.120 is amended by adding a new subsection to read:**

4 (e) The owner of an animal seized under (a) of this section may not recover
5 damages for injury or death to the animal occurring while the animal is in the custody
6 of the state, a municipality, or a person under this section, unless the owner shows that
7 the injury or death was caused by gross negligence or reckless or intentional
8 misconduct."
9

10 Renumber the following bill sections accordingly.

AMENDMENT 5

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 147(), Draft Version "D"

- 1 Page 5, lines 1 - 14:
- 2 Delete all material.
- 3
- 4 Renumber the following bill sections accordingly.

HB 147 – Animals: Protection/Release/Custody

Explanation of Changes: Version Y to Version D

Draft Version "Y" and Draft Version "D" are substantially similar, but items that appear in Draft Version "D" that did not appear in Draft Version "Y" are noted in **bold**.

Section 1 amends AS 03.55.110(b) by replacing the word "take" with "seize" and removes AS 03.55.110(c) to section 2 of the bill.

Section 2 removes the definition of "peace officer" and "cruelty to animals" from AS 03.55.110(d) and adds it to sec. 10 of the bill; replaces the word "take" with "seize."

Section 3 amends AS 03.55.120(c) to require notice to be posted at a premises from which an animal is removed under AS 03.55.120. Replaces the words "removing," "removed," and "removal" in AS 03.55.120(a), (b), and (c) with "seizing," "seized," and "seizure," respectively.

Section 4 removes AS 03.55.130(d) to section 6 and amends AS 03.55.130(a) by replacing the word "removed" with "seized."

Section 5 removes AS 03.55(e) to section 7 and amends AS 03.55.130(b) by replacing the word "removed" with "seized."

Section 6 removes AS 11.56.740(a) to section 11 of the bill and **amends AS 03.55.130(d) to allow a custodian to prevent the adoption or destruction of a seized animal.** Replaces the word "removed" with "seized." Removes a provision that allowed the posting of a bond or security sufficient to care for an animal to prevent the adoption or destruction of the animal, this provision is replaced by AS 03.55.130(e) (sec. 7).

Section 7 removes AS 12.30.027(a) from the bill and repeals and reenacts AS 03.55.130(e). Allows a court on its own or in response to a filing by the custodian or owner of an animal, to enter an order for the cost of care of an animal. The order may include a required bond or security. Failure to comply may result in forfeiture of the animal.

Section 8 removes AS 18.65.520(a) to section 13 of the bill and amends AS 03.55.130(f) by replacing the words "a removal" and "removed" with "the seizure" and "seized," respectively. Replaces a description of "cost of care" with a reference to "cost of care," as "cost of care" is defined under sec. 10 of the bill.

Section 9 removes AS 18.65.590 to section 14 and adds a new subsection to AS 03.55.130 that states that nothing in AS 03.55.130(d) or (e) is to shift the burden of proof from the party that would otherwise have that burden.

Section 10 removes AS 18.66.100(b) from the bill and adds new definitions to AS 03.55.190 for "cost of care" and "cruelty to animals;" adds a new paragraph for the

definition of "peace officer," as that definition previously appeared in AS 03.55.110(c) (sec. 2 of the bill).

Section 11 removes AS 18.66.100(c) to section 15 and amends AS 11.56.740(a) to clarify that it is a crime to violate one or more of the provisions of a domestic violence protective order.

Section 12 removes AS 18.66.110(a) from the bill and amends AS 11.61.140(a) to clarify that a person commits cruelty to animals if the person "has a legal duty to care for the animal" and with criminal negligence fails to care for an animal.

Section 13 removes AS 18.66.110(b) from the bill and amends AS 18.65.520(a) to require that the form providing notice to a victim of domestic violence must state that a protective order may grant a victim possession of a pet regardless of the ownership of that pet.

Section 14 removes AS 18.66.130(a) from the bill and adds a definition of "pet" at AS 18.65.590.

Section 15 removes AS 18.66.990 from the bill and amends AS 18.66.100(c) to allow a domestic violence protective order issued under AS 18.66.100(c) to grant a petitioner possession of a pet, regardless of the ownership of the pet.

Section 16 AS 22.15.030(a) is removed to section 18 and amends the definition of "domestic violence" to include cruelty to animals under AS 11.61.140(a)(5) if the animal is a pet.

Section 17 removes AS 25.24.160(a) to section 19 and adds a definition of "pet" at AS 18.66.990.

Section 18 removes AS 25.24.200(a) from the bill and adds "well-being of the animal" to section 19 of the bill and amends AS 22.15.030(a) to give the district court the jurisdiction over cases involving cruelty to or seizure, destruction, adoption, or costs of care of animals under AS 03.55.100 - 03.55.190.

Section 19 removes AS 25.24.200(b) from the bill and amends AS 25.24.160(a) to allow a court to consider the well-being of an animal when considering ownership or joint ownership of an animal as part of a divorce proceeding.

Section 20 amends AS 25.24.200(c) by adding a requirement that, before a spouse can waive an appearance at a dissolution, or hearing if an animal is owned, the spouses have agreed to the ownership of the animal, taking into consideration the well-being of the animal.¹

¹ Draft Version Y" contained provisions amending AS 25.24.200(a) and (b). Those sections are not contained in Draft Version "D".

Section 21 removes AS 25.24 to section 26 and adds a new subsection to AS 25.24.200 to provide that a husband and wife may provide for the ownership or joint ownership of an animal in a petition filed under (a) or (b) of that section.

Section 22 amends AS 25.24.201(e) to provide that a petition filed by both spouses under AS 25.24.200(a) may provide for the ownership or joint ownership of an animal.

Section 23 amends AS 25.24.220(d) requiring that the court consider whether the written agreements between the spouses concerning the ownership or joint ownership of an animal, taking into consideration the well-being of the animal.

Section 24 amends AS 25.24.220(g) allowing the court to amend the written agreements between the spouses relating to the ownership or joint ownership of an animal, taking into consideration the well-being of the animal.

Section 25 amends AS 25.24.230(a) requiring court to consider whether the written agreements between the spouses concerning the ownership or joint ownership of an animal take into consideration the well-being of the animal in issuing a final decree of dissolution.

Section 26 adds a definition of "animal" at AS 25.24.990.

29-LS0302\C
Wallace
4/4/16

CS FOR HOUSE BILL NO. 147(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES VAZQUEZ, Gruenberg, LeDoux, Lynn, Drummond, Edgmon, Guttenberg, Josephson, Ortiz, Tarr, Tuck, Muñoz, Talerico, Stutes, Spohnholz

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to cruelty to animals; relating to the seizure of animals; relating to the
2 destruction of animals; relating to the costs of care of animals that have been seized;
3 relating to the inclusion of animals in protective orders and crimes and arrests for
4 violating those protective orders; and relating to the ownership of animals upon divorce
5 or dissolution of marriage."

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

7 * **Section 1.** AS 03.55.110(b) is amended to read:

8 (b) A peace officer who receives a complaint of animal cruelty may apply for
9 a search warrant under AS 12.35 to the judicial officer in the judicial district in which
10 the alleged violation has taken place or is taking place. If the court finds that probable
11 cause exists, the court shall issue a search warrant directing a peace officer to proceed
12 immediately to the location of the alleged violation, search the place designated in the
13 warrant, and, if warranted, seize [TAKE] property, including animals, specified in the

1 warrant. The warrant shall be executed by the peace officer and returned to the court.

2 * **Sec. 2.** AS 03.55.110(c) is amended to read:

3 (c) Before a peace officer may seize [TAKE] an animal and place it into
4 protective custody, the peace officer shall request an immediate inspection and
5 decision by a veterinarian licensed under AS 08.98 that placement into protective
6 custody is in the immediate best interest of the animal. If a veterinarian is not available
7 and willing to perform an inspection, before a peace officer may seize [TAKE] an
8 animal, the peace officer shall communicate with a veterinarian who has, after hearing
9 a description of the condition of the animal and its environment, decided it is in the
10 immediate best interest of the animal that it be placed into protective custody. If the
11 peace officer is not able to communicate with a veterinarian, before the officer may
12 take an animal, the officer shall decide it is in the immediate best interest of the animal
13 that it be placed into protective custody [. FOR PURPOSES OF THIS SECTION,
14 "PEACE OFFICER" MEANS

- 15 (1) AN OFFICER OF THE STATE TROOPERS;
16 (2) A MEMBER OF THE POLICE FORCE OF A MUNICIPALITY;
17 (3) A VILLAGE PUBLIC SAFETY OFFICER; OR
18 (4) A REGIONAL PUBLIC SAFETY OFFICER].

19 * **Sec. 3.** AS 03.55.120 is amended to read:

20 **Sec. 03.55.120. Seizure of animals.** (a) A peace officer shall place an animal
21 in protective custody before seizing [REMOVING] the animal from the location
22 where it was found. If the animal is seized [REMOVED], the peace officer shall place
23 the animal with a veterinarian licensed under AS 08.98 or, if a veterinarian is not
24 readily available and willing to accept the animal, then [,] with a responsible public
25 or private custodian to be sheltered, cared for, and provided necessary medical
26 attention.

27 (b) A peace officer who has seized [REMOVED] an animal shall immediately
28 notify the animal's owner in writing of the seizure [REMOVAL] and of the owner's
29 right to petition the court under AS 03.55.130 for return of the animal. Notification
30 may be delivered in person, posted at the owner's residence, or mailed to the owner.

31 (c) If a seized [REMOVED] animal's owner is unknown and cannot be

ascertained with reasonable effort,

(1) the animal shall be considered a stray or abandoned; and

(2) the notice required in (b) of this section shall be conspicuously posted at the premises from which the animal was seized.

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

* **Sec. 4.** AS 03.55.120 is amended by adding a new subsection to read:

(e) The owner of an animal seized under (a) of this section may not recover damages for injury or death to the animal occurring while the animal is in the custody of the state, a municipality, or a person under this section, unless the owner shows that the injury or death was caused by gross negligence or reckless or intentional misconduct.

* **Sec. 5.** AS 03.55.130(a) is amended to read:

(a) If a determination is made by a veterinarian licensed under AS 08.98, by a peace officer in consultation with a veterinarian licensed under AS 08.98, or by a peace officer who is unable to locate or communicate with a veterinarian licensed under AS 08.98 that an animal **seized** [REMOVED] under AS 03.55.100 - 03.55.190 is injured or diseased to such an extent that, in the opinion of the veterinarian, it is probable the animal cannot recover, the veterinarian or the peace officer may humanely destroy the animal or arrange for the animal's humane destruction.

* **Sec. 6.** AS 03.55.130(b) is amended to read:

(b) Upon diagnosis and recommendation of a veterinarian licensed under AS 08.98, a public or private custodian may humanely destroy or arrange for the humane destruction of a severely injured, diseased, or suffering animal that has been **seized** [REMOVED] under AS 03.55.100 - 03.55.190.

* **Sec. 7.** AS 03.55.130(d) is amended to read:

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

1 [(1)] petitioning the court of the judicial district in which the animal
2 was seized [REMOVED] for the animal's [IMMEDIATE] return, subject [, IF
3 APPROPRIATE,] to court-imposed conditions [; OR

4 (2) POSTING A BOND OR SECURITY WITH THE COURT OF
5 THE JUDICIAL DISTRICT IN WHICH THE ANIMAL WAS SEIZED IN AN
6 AMOUNT DETERMINED BY THE COURT TO BE SUFFICIENT TO PROVIDE
7 FOR THE ANIMAL'S CARE FOR A MINIMUM OF 30 DAYS FROM THE DATE
8 THE ANIMAL WAS REMOVED].

9 * **Sec. 8.** AS 03.55.130(e) is repealed and reenacted to read:

10 (e) The court may, on its own accord or upon a filing by the custodian, the
11 owner of the animal, or the entity that seized the animal, enter an order for the cost of
12 care of the animal pending final disposition of the custody of the animal. An order
13 under this section may include a requirement that the owner of the animal post a bond
14 or other security to guarantee that the cost of care of the animal is received and
15 maintained. If, without justifiable cause, the owner of the animal fails to comply with
16 an order under this section, the court may order that the animal be forfeited.

17 * **Sec. 9.** AS 03.55.130(f) is amended to read:

18 (f) The state may not be required to reimburse a public or private agency,
19 organization, or person that voluntarily assists with the seizure [A REMOVAL] of an
20 animal or receives custody of an animal seized [REMOVED] under this section for
21 the cost of care of [COSTS OF SHELTER, CARE, VETERINARY ASSISTANCE,
22 OR MEDICAL TREATMENT RENDERED TO] the animal.

23 * **Sec. 10.** AS 03.55.130 is amended by adding a new subsection to read:

24 (g) Nothing in (d) or (e) of this section shall shift the burden of proof from the
25 party who would otherwise have that burden.

26 * **Sec. 11.** AS 03.55.190 is amended by adding new paragraphs to read:

27 (4) "cost of care" means the cost of shelter, care, veterinary assistance,
28 and medical treatment rendered to the animal;

29 (5) "cruelty to animals" includes acts constituting cruelty to animals
30 under AS 11.61.140(a), acts promoting an exhibition of fighting animals under
31 AS 11.61.145(a)(1) or (2), and other serious acts of animal cruelty warranting

protective actions under AS 03.55.100 - 03.55.190, whether or not they are specifically listed in AS 11.61.140 or 11.61.145;

(6) "peace officer" means

(A) an officer of the state troopers;

(B) a member of the police force of a municipality;

(C) a village public safety officer; or

(D) a regional public safety officer.

* **Sec. 12.** AS 11.61.140(a) is amended to read:

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

(1) knowingly inflicts severe or [AND] prolonged physical pain or suffering on an animal;

(2) has a legal duty to care for the animal and, 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;

(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;

(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. 13.** AS 18.65.520(a) is amended to read:

(a) A peace officer investigating a crime involving domestic violence shall orally and in writing inform the victim of the rights of victims of domestic violence

1 and the services available to them. The notice must be in substantially the following
2 form:

3 If you are the victim of domestic violence and you believe that
4 law enforcement protection is needed for your physical safety, you
5 have the right to request that the officer assist in providing for your
6 safety, including asking for an emergency protective order.

7 You may also request the officer to assist you in obtaining your
8 essential personal belongings and locating and taking you to a safe
9 place, including a designated meeting place or shelter, the residence of
10 a household member or friend, or a similar place of safety. In some
11 places in Alaska there are organizations that provide aid and shelter to
12 victims of domestic violence. The nearest organization is located at
13 _____.

14 If you are in need of medical treatment, you may request that
15 the officer assist you in obtaining medical treatment.

16 You may obtain information about whether the prosecuting
17 attorney will file a criminal complaint about the domestic violence.
18 Additionally, the victim/witness assistance program of the Department
19 of Law may be able to help you. This information is available from the
20 district attorney's office, which is located at _____.

21 You also have the right to file a petition in court requesting a
22 protective order that may include any of the following provisions:

23 (1) prohibit your abuser from threatening to commit or
24 committing further acts of domestic violence;

25 (2) prohibit your abuser from stalking, harassing,
26 telephoning, contacting, or otherwise communicating with you, directly
27 or indirectly;

28 (3) remove your abuser from your residence;

29 (4) order your abuser to stay away from your residence,
30 school, place of employment, or any other specified place frequented
31 by you or another designated household member;

1 (5) prohibit your abuser from entering your vehicle or a
2 vehicle you occupy;

3 (6) prohibit your abuser from using or possessing a
4 deadly weapon if the court finds your abuser was in the actual
5 possession of or used a weapon during the commission of your abuse;

6 (7) direct your abuser to surrender any firearm owned
7 or possessed by that person if the court finds your abuser was in the
8 actual possession of or used a firearm during the commission of your
9 abuse;

10 (8) request a peace officer to accompany you to your
11 residence to ensure your safe possession of the residence, vehicle, or
12 other items, or to ensure your safe removal of personal items from the
13 residence;

14 (9) award temporary custody of a minor child to the
15 petitioner and may arrange for visitation with a minor child if the safety
16 of the child and the petitioner can be protected;

17 (10) grant you possession and use of a vehicle and other
18 essential personal items, including a pet, regardless of the ownership
19 of those items [EFFECTS];

20 (11) prohibit your abuser from consuming controlled
21 substances;

22 (12) require your abuser to pay support for you, [OR] a
23 minor child in your care, or a pet in your care if there is an
24 independent legal obligation of your abuser to support you, [OR] the
25 child, or the pet;

26 (13) require your abuser to reimburse you for your
27 expenses caused by domestic violence, including medical bills, or for
28 your costs in getting a protective order;

29 (14) order your abuser to participate in an intervention
30 program for batterers; and

31 (15) other relief the court determines to be necessary for

1 your safety.

2 The forms you need to obtain a protective order are available
3 from the nearest court. It is not necessary to have an attorney to obtain
4 a protective order, but you may consult an attorney if you choose. If
5 you would like help obtaining a protective order, you may contact the
6 nearest domestic violence program located at _____. The program
7 can also tell you about other resources available in this community for
8 information about domestic violence, treatment of injuries, and places
9 of safety and shelter.

10 You may also qualify for compensation from the Violent
11 Crimes Compensation Board. The board may be contacted at
12 _____.

13 * **Sec. 14.** AS 18.65.590 is amended to read:

14 **Sec. 18.65.590. Definitions [DEFINITION].** In AS 18.65.510 - 18.65.590,

15 (1) "domestic violence" has the meaning given in AS 18.66.990;

16 (2) "pet" means a vertebrate living creature maintained for
17 companionship or pleasure, but does not include dogs primarily owned for
18 participation in a generally accepted mushing or pulling contest or practice or
19 animals primarily owned for participation in rodeos or stock contests.

20 * **Sec. 15.** AS 18.66.100(c) is amended to read:

21 (c) A protective order under this section may

22 (1) prohibit the respondent from threatening to commit or committing
23 domestic violence, stalking, or harassment;

24 (2) prohibit the respondent from telephoning, contacting, or otherwise
25 communicating directly or indirectly with the petitioner;

26 (3) remove and exclude the respondent from the residence of the
27 petitioner, regardless of ownership of the residence;

28 (4) direct the respondent to stay away from the residence, school, or
29 place of employment of the petitioner or any specified place frequented by the
30 petitioner or any designated household member;

31 (5) prohibit the respondent from entering a propelled vehicle in the

possession of or occupied by the petitioner;

(6) prohibit the respondent from using or possessing a deadly weapon if the court finds the respondent was in the actual possession of or used a weapon during the commission of domestic violence;

(7) direct the respondent to surrender any firearm owned or possessed by the respondent if the court finds that the respondent was in the actual possession of or used a firearm during the commission of the domestic violence;

(8) request a peace officer to accompany the petitioner to the petitioner's residence to ensure that the petitioner

(A) safely obtains possession of the petitioner's residence, vehicle, or personal items; and

(B) is able to safely remove a vehicle or personal items from the petitioner's residence;

(9) award temporary custody of a minor child to the petitioner and may arrange for visitation with a minor child if the safety of the child and the petitioner can be protected; if visitation is allowed, the court may order visitation under the conditions provided in AS 25.20.061;

(10) give the petitioner possession and use of a vehicle and other essential personal items, including a pet, regardless of ownership of the items;

(11) prohibit the respondent from consuming controlled substances;

(12) require the respondent to pay support for the petitioner, [OR] a minor child in the care of the petitioner, or a pet in the care of the petitioner if there is an independent legal obligation of the respondent to support the petitioner, [OR] child, or pet;

(13) require the respondent to reimburse the petitioner or other person for expenses associated with the domestic violence, including medical expenses, counseling, shelter, and repair or replacement of damaged property;

(14) require the respondent to pay costs and fees incurred by the petitioner in bringing the action under this chapter;

(15) order the respondent, at the respondent's expense, to participate in (A) a program for the rehabilitation of perpetrators of domestic violence that meets the

standards set by, and that is approved by, the Department of Corrections under AS 44.28.020(b), or (B) treatment for the abuse of alcohol or controlled substances, or both; a protective order under this section may not require a respondent to participate in a program for the rehabilitation of perpetrators of domestic violence unless the program meets the standards set by, and that is approved by, the Department of Corrections under AS 44.28.020(b);

(16) order other relief the court determines necessary to protect the petitioner or any household member.

* **Sec. 16.** AS 18.66.990(3) is amended to read:

(3) "domestic violence" and "crime involving domestic violence" mean one or more of the following offenses or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:

(A) a crime against the person under AS 11.41;

(B) burglary under AS 11.46.300 - 11.46.310;

(C) criminal trespass under AS 11.46.320 - 11.46.330;

(D) arson or criminally negligent burning under AS 11.46.400 - 11.46.430;

(E) criminal mischief under AS 11.46.475 - 11.46.486;

(F) terrorist threatening under AS 11.56.807 or 11.56.810;

(G) violating a protective order under AS 11.56.740(a)(1);

[OR]

(H) harassment under AS 11.61.120(a)(2) - (4); or

(I) cruelty to animals under AS 11.61.140(a)(5) if the animal

is a pet;

* **Sec. 17.** AS 18.66.990 is amended by adding a new paragraph to read:

(11) "pet" means a vertebrate living creature maintained for companionship or pleasure, but does not include dogs primarily owned for participation in a generally accepted mushing or pulling contest or practice or animals primarily owned for participation in rodeos or stock contests.

* **Sec. 18.** AS 22.15.030(a) is amended to read:

1 (a) The district court has jurisdiction of civil cases, including foreign
2 judgments filed under AS 09.30.200 and arbitration proceedings under AS 09.43.170
3 or 09.43.530 to the extent permitted by AS 09.43.010 and 09.43.300, as follows:

4 (1) for the recovery of money or damages when the amount claimed
5 exclusive of costs, interest, and attorney fees does not exceed \$100,000 for each
6 defendant;

7 (2) for the recovery of specific personal property, when the value of
8 the property claimed and the damages for the detention do not exceed \$100,000;

9 (3) for the recovery of a penalty or forfeiture, whether given by statute
10 or arising out of contract, not exceeding \$100,000;

11 (4) to give judgment without action upon the confession of the
12 defendant for any of the cases specified in this section, except for a penalty or
13 forfeiture imposed by statute;

14 (5) for establishing the fact of death or cause and manner of death of
15 any person in the manner prescribed in AS 09.55.020 - 09.55.069;

16 (6) for the recovery of the possession of premises in the manner
17 provided under AS 09.45.070 - 09.45.160 when the value of the arrears and damage to
18 the property does not exceed \$100,000;

19 (7) for the foreclosure of a lien when the amount in controversy does
20 not exceed \$100,000;

21 (8) for the recovery of money or damages in motor vehicle tort cases
22 when the amount claimed exclusive of costs, interest, and attorney fees does not
23 exceed \$100,000 for each defendant;

24 (9) over civil actions for taking utility service and for damages to or
25 interference with a utility line filed under AS 42.20.030;

26 (10) over cases involving protective orders for domestic violence
27 under AS 18.66.100 - 18.66.180;

28 **(11) over cases involving cruelty to or seizure, destruction,**
29 **adoption, or cost of care of animals under AS 03.55.100 - 03.55.190.**

30 * Sec. 19. AS 25.24.160(a) is amended to read:

31 (a) In a judgment in an action for divorce or action declaring a marriage void

1 or at any time after judgment, the court may provide

2 (1) for the payment by either or both parties of an amount of money or
3 goods, in gross or installments that may include cost-of-living adjustments, as may be
4 just and proper for the parties to contribute toward the nurture and education of their
5 children, and the court may order the parties to arrange with their employers for an
6 automatic payroll deduction each month or each pay period, if the period is other than
7 monthly, of the amount of the installment; if the employer agrees, the installment shall
8 be forwarded by the employer to the clerk of the superior court that entered the
9 judgment or to the court trustee, and the amount of the installment is exempt from
10 execution;

11 (2) for the recovery by one party from the other of an amount of
12 money for maintenance, for a limited or indefinite period of time, in gross or in
13 installments, as may be just and necessary without regard to which of the parties is in
14 fault; an award of maintenance must fairly allocate the economic effect of divorce by
15 being based on a consideration of the following factors:

16 (A) the length of the marriage and station in life of the parties
17 during the marriage;

18 (B) the age and health of the parties;

19 (C) the earning capacity of the parties, including their
20 educational backgrounds, training, employment skills, work experiences,
21 length of absence from the job market, and custodial responsibilities for
22 children during the marriage;

23 (D) the financial condition of the parties, including the
24 availability and cost of health insurance;

25 (E) the conduct of the parties, including whether there has been
26 unreasonable depletion of marital assets;

27 (F) the division of property under (4) of this subsection; and

28 (G) other factors the court determines to be relevant in each
29 individual case;

30 (3) for the delivery to either party of that party's personal property in
31 the possession or control of the other party at the time of giving the judgment;

1 (4) for the division between the parties of their property, including
2 retirement benefits, whether joint or separate, acquired only during marriage, in a just
3 manner and without regard to which of the parties is in fault; however, the court, in
4 making the division, may invade the property, including retirement benefits, of either
5 spouse acquired before marriage when the balancing of the equities between the
6 parties requires it; and to accomplish this end the judgment may require that one or
7 both of the parties assign, deliver, or convey any of their real or personal property,
8 including retirement benefits, to the other party; the division of property must fairly
9 allocate the economic effect of divorce by being based on consideration of the
10 following factors:

11 (A) the length of the marriage and station in life of the parties
12 during the marriage;

13 (B) the age and health of the parties;

14 (C) the earning capacity of the parties, including their
15 educational backgrounds, training, employment skills, work experiences,
16 length of absence from the job market, and custodial responsibilities for
17 children during the marriage;

18 (D) the financial condition of the parties, including the
19 availability and cost of health insurance;

20 (E) the conduct of the parties, including whether there has been
21 unreasonable depletion of marital assets;

22 (F) the desirability of awarding the family home, or the right to
23 live in it for a reasonable period of time, to the party who has primary physical
24 custody of children;

25 (G) the circumstances and necessities of each party;

26 (H) the time and manner of acquisition of the property in
27 question; and

28 (I) the income-producing capacity of the property and the value
29 of the property at the time of division;

30 **(5) if an animal is owned, for the ownership or joint ownership of**
31 **the animal, taking into consideration the well-being of the animal.**

1 * **Sec. 20.** AS 25.24.200(c) is amended to read:

2 (c) Except as provided in AS 25.24.220(i), a spouse who has been personally
3 served with a copy of a petition filed under (a) of this section may execute an
4 appearance, waiver of time to answer, and waiver of notice of hearing. The appearance
5 and waivers must include an acknowledgment signed before an officer authorized to
6 administer an oath or affirmation that the spouse being served has read the petition;
7 assents to the terms relating to custody of the children, child support, visitation,
8 spousal maintenance taking into consideration the factors listed in AS 25.24.160(a)(2),
9 and tax consequences, division of property, including retirement benefits and taking
10 into consideration the factors listed in AS 25.24.160(a)(4), **ownership of animals,**
11 **taking into consideration the well-being of the animals,** and allocation of debts;
12 agrees that the conditions otherwise required by (a) of this section exist; agrees that
13 the petition constitutes the entire agreement between the parties; understands fully the
14 nature and consequences of the action; and is not signing the appearance and waivers
15 under duress or coercion.

16 * **Sec. 21.** AS 25.24.200 is amended by adding a new subsection to read:

17 (f) A petition filed under (a) or (b) of this section may, if an animal is owned
18 by a husband and wife together, provide for the ownership or joint ownership of the
19 animal. The ownership or joint ownership of an animal provided for in a petition under
20 (a) or (b) of this section must take into consideration the well-being of the animal.

21 * **Sec. 22.** AS 25.24.210(e) is amended to read:

22 (e) If the petition is filed by both spouses under AS 25.24.200(a), the petition
23 must state in detail the terms of the agreement between the spouses concerning the
24 custody of children, child support in terms of periodic payments and in terms of health
25 care expenses, visitation, spousal maintenance and tax consequences, if any, and fair
26 and just division of property, including retirement benefits. **A petition filed by both**
27 **spouses under AS 25.24.200(a) may provide for the ownership or joint ownership**
28 **of an animal, taking into consideration the well-being of the animal.** Agreements
29 on spousal maintenance and property division must fairly allocate the economic effect
30 of dissolution and take into consideration the factors listed in AS 25.24.160(a)(2) and
31 (4). In addition, the petition must state

- (1) the respective occupations of the petitioners;
- (2) the income, assets, and liabilities of the respective petitioners at the time of filing the petition;
- (3) the date and place of the marriage;
- (4) the name, date of birth, and current marital, educational, and custodial status of each child born of the marriage or adopted by the petitioners who is under the age of 19;
- (5) whether the wife is pregnant;
- (6) whether either petitioner requires medical care or treatment;
- (7) whether any of the following has been issued or filed during the marriage by or regarding either spouse as defendant, participant, or respondent:
 - (A) a criminal charge of a crime involving domestic violence;
 - (B) a protective order under AS 18.66.100 - 18.66.180;
 - (C) injunctive relief under former AS 25.35.010 or 25.35.020;
- or
- (D) a protective order issued in another jurisdiction and filed with the court in this state under AS 18.66.140;
- (8) whether either petitioner has received the advice of legal counsel regarding a divorce or dissolution;
- (9) other facts and circumstances that the petitioners believe should be considered;
- (10) that the petition constitutes the entire agreement between the petitioners; and
- (11) any other relief sought by the petitioners.

* **Sec. 23.** AS 25.24.220(d) is amended to read:

(d) If the petition is filed by both spouses under AS 25.24.200(a), the court shall examine the petitioners or petitioner present and consider whether

(1) the spouses fully understand the nature and consequences of their action;

(2) the written agreements between the spouses concerning child custody, child support, and visitation are just as between the spouses and in the best

interests of the children of the marriage; in determining whether the parents' agreement on visitation is in the best interests of the children under this paragraph, the court shall also consider whether the agreement should include visitation by grandparents and other persons;

(3) the written agreements between the spouses relating to the division of property, including retirement benefits, spousal maintenance, and the allocation of obligations are just; the spousal maintenance and division of property must fairly allocate the economic effect of dissolution and take into consideration the factors listed in AS 25.24.160(a)(2) and (4);

(4) the written agreements constitute the entire agreement between the parties; [AND]

(5) the conditions in AS 25.24.200(a) have been met; and

(6) the written agreements between the spouses concerning ownership or joint ownership of an animal take into consideration the well-being of the animal.

* Sec. 24. AS 25.24.220(g) is amended to read:

(g) The court may amend the written agreements between the spouses relating to child custody, child support, visitation, division of the property, including retirement benefits, spousal maintenance, ownership or joint ownership of an animal, taking into consideration the well-being of the animal, and allocation of obligations, but only if both petitioners concur in the amendment in writing or on the record.

* Sec. 25. AS 25.24.230(a) is amended to read:

(a) If the petition is filed under AS 25.24.200(a), and is not subject to AS 25.24.220(h), the court may grant the spouses a final decree of dissolution and shall order other relief as provided in this section if the court, upon consideration of the information contained in the petition and the testimony of the spouse or spouses at the hearing, finds that

(1) the spouses understand fully the nature and consequences of their action;

(2) the written agreements between the spouses concerning spousal

1 maintenance and tax consequences, if any, division of property, including retirement
2 benefits, and allocation of obligations are fair and just and constitute the entire
3 agreement between the parties;

4 (3) the spousal maintenance and division of property fairly allocate the
5 economic effect of dissolution and take into consideration the factors listed in
6 AS 25.24.160(a)(2) and (4);

7 (4) each spouse entered into the agreement voluntarily and free from
8 the coercion of another person; [AND]

9 (5) the conditions in AS 25.24.200(a) have been met; and

10 (6) the written agreements between the spouses concerning
11 ownership or joint ownership of an animal take into consideration the well-being
12 of the animal.

13 * **Sec. 26.** AS 25.24 is amended by adding a new section to read:

14 **Sec. 25.24.990. Definition.** In this chapter, "animal" means a vertebrate living
15 creature not a human being.



NATIONAL LINK COALITION

*Working together to stop violence
against people and animals*

The National Resource Center on the Link between Animal Abuse and Human Violence

37 Hillside Road, Stratford, NJ 08084 • 856-627-5118 • www.nationallinkcoalition.org • arkowpets@snip.net

March 28, 2016

*A spaniel, a woman
and a walnut tree:
the more they're beaten
the better they be.*
-- Old English proverb

To the Alaska State Legislature:

Attn: Reps: Vazquez, Gruenberg, LeDoux, Lynn, Drummond, Edgmon, Guttenberg,
Josephson, Ortiz, Tarr, Tuck, Muñoz, Talerico, Stutes, Spohnholz

The National Link Coalition has been following the rapid enactment of state laws that enable courts to include animals in domestic violence Protection-From-Abuse orders. Since these were first introduced in Maine in 2006, 29 states, the District of Columbia, and Puerto Rico have enacted such legislation. Our coalition of 2,900 multi-disciplinary, professional members is in **support of HB 147**.

We are especially thankful for your inclusion of amendments to Sec. 17. AS 25.24.160(a), Sec. 18. AS 25.24.200(a), Sec. 19. AS 25.24.200(b), and Sec. 20. AS 25.24.200(c), which would allow courts to consider animals' well-being in divorce custody disputes; enactment of this provision would be unique in the entire world and would continue Alaska's well-deserved reputation of being on the new frontier of progressive ideas.

It is our sincere hope, that HB 147 – which was introduced in 2015 and carried over to the 2016 legislative session – will get timely and successful hearings in order to be enacted this year. Already, at least two domestic violence shelters in Alaska* are pet-friendly and have built facilities to allow battered women to bring their beloved pets with them, thereby keeping their family integral and their pets safe. Other Alaskan domestic violence shelters are believed to have referral programs with local animal welfare and veterinary organizations to provide off-site safe housing for these pets. Enactment of HB 147 would make Alaska the 30th state with Pet Protection Order legislation that would greatly enhance the lives and safety of the state's residents and their animals, and would demonstrate Alaska's great pioneer spirit.

The following includes some of our extensive resource materials describing the impact of domestic violence on survivors' animals. If we may be of assistance to you in your support of HB 147 please do not hesitate to call upon us. With best wishes and hopes for successful passage of this bill I am

Very truly yours,

Phil Arkow, Coordinator
The National Link Coalition

* *Safe and Fear-Free Environment (Dillingham) and The LeeShore Center (Kenai)*

“PET PROTECTION ORDERS” A SPECIES-SPANNING SOLUTION TO DOMESTIC VIOLENCE

In the battles of power and control that mark domestic violence cases, batterers take advantage of any opportunity to intimidate their victims. They often take their anger out on pets with whom the victim has a close emotional attachment. The result is emotional blackmail.

- As many as **71%** of victims in women’s shelters report that their abuser harmed, killed or threatened family pets. (*Ascione, Weber & Wood, 1997*).
- Twelve independent surveys report that **between 18% and 48%** of battered women delay their decision to leave, or return to their batterer, out of fear for the welfare of their pets or livestock (*Ascione, 2007*).

Considerable evidence corroborates the anecdotal reports of domestic violence survivors:

CORRELATIONS BETWEEN ANIMAL ABUSE AND INTIMATE PARTNER VIOLENCE

1. Animal abuse is consistent with, and often co-occurs with, the power and control mechanisms prevalent in intimate partner violence.

In a case in East Toledo, Ohio, involving a couple with marital disputes, when she returned home her husband told her, “Your dinner is in the oven.” When she went into the kitchen she found he had baked her cat to death at 500 degrees.

Pets become pawns in the game of power and control when batterers manipulate, intimidate and retaliate against their victims. Abusers take advantage of women’s and children’s attachments to pets by threatening to harm or kill the family pet to ensure the woman will not leave or that the child will not report the abuse.

- As many as **13%** of intentional animal abuse cases involve domestic violence (*Humane Society of the U.S., 2001*).
- One study reported that **87%** of batterer-perpetrated pet abuse was committed in the presence of their partners for the purpose of revenge or control (*Quinlisk, 1999*).
- **41%** of batterers have adult histories of abusing animals (compared to 1.5% of the general population) (*Febres et al., 2014*).
- Animals are targeted by abusers who are jealous that the woman gives more attention to her pets than to him. Pets remain at risk even after a relationship has ended, with abusers extracting vengeance against the pets belonging to family members and friends who helped the woman to leave (*Roguski, 2012*).

2. If he’s hurting animals, the women and children are often next.

Many women blame themselves for the batterer’s actions; however, showing her that his hurting the pets means the fault lies in his behavior, not hers, she is more likely to realize it is time for her to leave.

- **78%** of abused women reported that animal abuse had occurred “often” or “almost always” during the previous 12 months. Incidents included punching, hitting, choking, drowning, shooting, stabbing, and throwing the animal against a wall or down the stairs. Animal abuse coincided with violent outbursts against human family members **51%** of the time (*Carlisle-Frank & Flanagan, 2006*).

3. The issue is particularly acute in rural areas, where facilities for domestic violence survivors are more limited.

- The Ohio Domestic Violence Network identified significant gaps in services available for women and their animals in rural Ohio (*Ohio Domestic Violence Network, 2012*).
- Studies in Wisconsin, Saskatchewan and Prince Edward Island found that abusers often retaliate by torturing or killing livestock as well as pets. This is of particular concern in rural communities (*Faver & Strand, 2003; Lembke, 1999; Doherty & Hornosty, 2008*).

4. Female pet owners often have strong emotional ties to their animals that make them particularly vulnerable.

Researchers have found that women express considerable empathy, affection and concern for animals, which can be used against them by batterers seeking emotional control.

- In nine studies assessing animal abuse as a risk factor for intimate personal violence, **between 40.2% and 90.6%** of battered women had pets in their homes (*Ascione, 2007*).

5. In addition to harm to animals and battered women, cruelty to animals has deleterious effects on children’s development.

Children’s witnessing or perpetrating animal cruelty should be considered an Adverse Childhood Experience and a risk factor for future health concerns.

- Children who are exposed to domestic violence are nearly three times more likely to have been cruel to animals than children not exposed to such violence (*Currie, 2006*).
- **32%** of battered women reported their children had hurt or killed a family pet (*Ascione, 1998*).

6. A history of animal abuse is one of the four most significant risk factors for becoming a domestic violence batterer.

- Researchers identified the four greatest risk factors for someone becoming a batterer in intimate partner violence: substance abuse; low educational level; mental health issues; and a history of animal abuse (*Walton-Moss, Manganello, Frye & Campbell, 2005*).

THE INTERGENERATIONAL CYCLE OF VIOLENCE



(National Link Coalition, 2014)

One Part of the Solution: Including Animals in Protective Orders

Including animals in protective orders removes one obstacle that prevents victims from seeking safety. It ensures their welfare, protects all victims, and breaks the cycles of family violence.

Including pets in domestic violence protective orders is a proactive step toward combating the cycle of interpersonal violence and recognizes that intimate partner violence adversely affects the health, safety and welfare of all members of the family.

- Two pet-friendly domestic violence shelters in **Dillingham** and **Kenai** have built animal kennels at the shelter in order to maintain the safety and integrity of the entire family – both two-legged and four-legged members.

Including pets in domestic violence protection orders protects communities and addresses the links of violence that envelop all vulnerable members of Alaska's families.

"About a hundred miles down the interstate, he opened the car door and ordered my daughter Christine to kick our dog Dusty out. When she refused, he told her he would do to Dusty what he did to Rocko, only he would do it right this time, and she could watch while he tortured and killed Dusty and dumped her off the side of the road, too. Then he said he would come home and kill me and Christine would be left alone with him."

"He raped Christine her first night alone in our new home while I was at work. She had just turned eight."

-- Marsha Millikin: "Life and Death Inside the Cycles of Violence."

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 6, 2016

SUBJECT: Sectional summary comparison
(CSHB 147(JUD); Work Order No. 29-LS0302\C and \U)

TO: Representative Gabrielle LeDoux
Attn: Kalyssa Maile

FROM: Megan A. Wallace 
Legislative Counsel

You have requested a sectional summary of the above-described bill comparing Draft Version "U" with Draft Version "C".

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Draft Version "U" and Draft Version "C" are substantially similar, but items that appear in Draft Version "C" that did not appear in Draft Version "U" are noted in **bold**.

Section 1 amends AS 03.55.110(b) by replacing the word "take" with "seize."

Section 2 removes the definition of "peace officer" from AS 03.55.110(c) and adds it to sec. 10 of the bill; replaces the word "take" with "seize;" **adds phrase "and willing."**

Section 3 amends AS 03.55.120(c) to require notice to be posted at a premises from which an animal is removed under AS 03.55.120. Replaces the words "removing," "removed," and "removal" in AS 03.55.120(a), (b), and (c) with "seizing," "seized," and "seizure," respectively; **adds phrase "and willing to accept the animal, then."**

Section 4 amends AS 03.55.120 by adding a new subsection prohibiting the owner of a seized animal from recovering damages.

Section 5 amends AS 03.55.130(a) by replacing the word "removed" with "seized."

Section 6 amends AS 03.55.130(b) by replacing the word "removed" with "seized."

Section 7 amends AS 03.55.130(d) to allow a custodian to prevent the adoption or destruction of a seized animal. Replaces the word "removed" with "seized." Removes a

provision that allowed the posting of a bond or security sufficient to care for an animal to prevent the adoption or destruction of the animal, this provision is replaced by AS 03.55.130(e) (sec. 7).

Section 8 repeals and reenacts AS 03.55.130(e). Allows a court on its own or in response to a filing by the custodian or owner of an animal, to enter an order for the cost of care of an animal. The order may include a required bond or security. Failure to comply may result in forfeiture of the animal.

Section 9 amends AS 03.55.130(f) by replacing the words "a removal" and "removed" with "the seizure" and "seized," respectively. Replaces a description of "cost of care" with a reference to "cost of care," as "cost of care" is defined under sec. 10 of the bill.

Section 10 adds a new subsection to AS 03.55.130 that states that nothing in AS 03.55.130(d) or (e) is to shift the burden of proof from the party that would otherwise have that burden.

Section 11 adds new definitions to AS 03.55.190 for "cost of care" and "cruelty to animals;" adds a new paragraph for the definition of "peace officer," as that definition previously appeared in AS 03.55.110(c) (sec. 2 of the bill).¹

Section 12 amends AS 11.61.140(a) to clarify that a person commits cruelty to animals if the person "has a legal duty to care for the animal" and with criminal negligence fails to care for an animal.

Section 13 amends AS 18.65.520(a) to require that the form providing notice to a victim of domestic violence must state that a protective order may grant a victim possession of a pet regardless of the ownership of that pet.

Section 14 adds a definition of "pet" at AS 18.65.590.

Section 15 amends AS 18.66.100(c) to allow a domestic violence protective order issued under AS 18.66.100(c) to grant a petitioner possession of a pet, regardless of the ownership of the pet.

Section 16 amends the definition of "domestic violence" to include cruelty to animals under AS 11.61.140(a)(5) if the animal is a pet.

Section 17 adds a definition of "pet" at AS 18.66.990.

Section 18 amends AS 22.15.030(a) to give the district court the jurisdiction over cases involving cruelty to or seizure, destruction, adoption, or costs of care of animals under AS 03.55.100 - 03.55.190.

¹ Draft Version "C" removes prior sec. 11.

Section 19 amends AS 25.24.160(a) to allow a court to consider the well-being of an animal when considering ownership or joint ownership of an animal as part of a divorce proceeding.

Section 20 amends AS 25.24.200(c) by adding a requirement that, before a spouse can waive an appearance at a dissolution, or hearing if an animal is owned, the spouses have agreed to the ownership of the animal, taking into consideration the well-being of the animal.²

Section 21 adds a new subsection to AS 25.24.200 to provide that a husband and wife may provide for the ownership or joint ownership of an animal in a petition filed under (a) or (b) of that section.

Section 22 amends AS 25.24.201(e) to provide that a petition filed by both spouses under AS 25.24.200(a) may provide for the ownership or joint ownership of an animal.

Section 23 amends AS 25.24.220(d) requiring that the court consider whether the written agreements between the spouses concerning the ownership or joint ownership of an animal take into consideration the well-being of the animal.

Section 24 amends AS 25.24.220(g) allowing the court to amend the written agreements between the spouses relating to the ownership or joint ownership of an animal, taking into consideration the well-being of the animal.

Section 25 amends AS 25.24.230(a) requiring court to consider whether the written agreements between the spouses concerning the ownership or joint ownership of an animal take into consideration the well-being of the animal in issuing a final decree of dissolution.

Section 26 adds a definition of "animal" at AS 25.24.990.

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² Draft Version "U" contained provisions amending AS 25.24.200(a) and (b). Those sections are not contained in Draft Version "C".