

12203

HOUSE

JUDICIARY

of "all persons appearing or trying to appear in the Courts of California without benefit of representation by counsel."

FN10. Plaintiff has also filed a Request for Judicial Notice [Docket No. 285] asking the Court to take judicial notice of the following documents: (1) a June 30, 1999 copy of the Vexatious Litigant List, (-) an incomplete excerpt from a December 15, 2004 article of the *Daily Journal* regarding Plaintiff; (3) a copy of the Prefiling Order form used by the California courts; and (4) an April 29, 2005 copy of the Vexatious Litigant List. Plaintiff does not clearly explain why he wants the Court to take judicial notice of these documents. However, it appears to the Court that some of these documents are tangentially related to Plaintiff's third-party standing argument. Accordingly, Plaintiff's Request for Judicial Notice is GRANTED IN PART AND DENIED IN PART. The Court hereby takes judicial notice of the June 30, 1999 copy of the Vexatious Litigant List, the December 15, 2004 *Daily Journal* article, and the April 29, 2005 copy of the Vexatious Litigant List for the limited purpose of determining whether Plaintiff has third-party standing.

CONCLUSION

IT IS HEREBY ORDERED THAT Plaintiff's Motion for Judgment on the Pleadings [Docket No. 264] is DENIED and Defendants' Cross-Motion for Judgment on the Pleadings [Docket No. 276] is GRANTED.

IT IS FURTHER ORDERED THAT Plaintiff's Request for Judicial Notice [Docket No. 285] is GRANTED IN PART AND DENIED IN PART.

IT IS SO ORDERED.

JUDGMENT

In accordance with the Court's Order denying Plaintiff's Motion for Judgment on the Pleadings and granting Defendants' Cross-Motion for Judgment on the Pleadings,

IT IS HEREBY ORDERED THAT final judgment is entered in favor of Defendants on all of Plaintiff's

causes of action. All matters calendared in this action are VACATED. The Clerk shall close the file and terminate any pending matters.

IT IS SO ORDERED.

N.D.Cal.,2005.
Wolfe v. George
385 F.Supp.2d 1004

Briefs and Other Related Documents ([Back to top](#))

• [4 00CV01047](#) (Docket) (Mar. 27, 2000)

END OF DOCUMENT

SB

260



HOUSE JUDICIARY COMMITTEE

STATE CAPITOL, ROOM 120
(907) 465-4990

COMMITTEE MEMBERS

Rep. Jay Ramras
Chairman
Room, 118
(907) 465-3004

Rep. Nancy Dahlstrom
Vice-Chairman
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(907) 465-3783

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Rep. Ralph Samuels
Room 204
(907) 465-2095

Rep. Max Gruenberg
Room 110
(907) 465-4940

Rep. Lindsey Holmes
Room 405
(907) 465-4919

MEMORANDUM

Date: April 2, 2008

To: Representative Kevin Meyer
Co-Chair House Finance Committee

From: Representative Jay Ramras
Chair House Judiciary Committee

Re: Referral File for SB260

Please consider this memo as the referral file for SB260. Attached are the following documents:

- CSHB260(STA) 25-LS1022\C
- Sectional
- Text of Repealed Provisions
- Fiscal Note - Leg - 0
- SF 260 25-LS1022\A
- Support
- Bill History
- HJUD Report

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

March 27, 2008

SUBJECT: 2008 Revisor's Bill; CSSB 260(STA)
(Work Order No. 25-LS1022\C)

TO: Representative Jay Ramras
Chair of the House Judiciary Committee

FROM: Pam Finley *PF*
Revisor of Statutes

The following is a sectional analysis of the 2008 revisor's bill. The bill is prepared under AS 01.05.036, which provides, in part, that the revisor of statutes

... shall prepare for submission to the legislature legislation for the correction or removal of the deficiencies, conflicts, or obsolete provisions, or to otherwise improve the form or substance of any portion of the statute law of this state.

To assist the reader in understanding the bill, I have summarized the contents by listing sections that have similar purposes or effects.

Sections that delete, repeal, or update obsolete provisions: Sections 2 - 12, 19 - 27, 31, 40 - 44, 47, 49, 54, and 56 amend or repeal provisions that have become obsolete through other legislative action.

Sections that correct errors or oversights: Sections 1, 13 - 18, 28 - 30, 32 - 37, 39, 48, 50 - 53, and 55 correct errors or oversights.

Sections that improve the form or substance of the law: Sections 38, 45, and 46 propose amendments to improve the form or substance of the statutory law of Alaska.

SECTIONAL ANALYSIS

Bill section 1 amends AS 06.50.020(a)(2)(C) to make the provision grammatical.

Bill sections 2 - 11 change references to the Board of Dispensing Opticians to references to the Department of Commerce, Community, and Economic Development. The Board was sunsetted June 30, 2004, under AS 08.03.010(9), and the department is regulating the dispensing opticians.

Bill section 12 substitutes the current federal law citation for personal injury claims under the Jones Act for the previous citation.

Bill sections 13, 14, and 16 change the word "crime" to "offense" in statutes addressing unlawful possession of an official traffic control device, endangering the welfare of a child in the second degree, and failure to report a violent crime committed against an adult. All three of these offenses are punishable as a violation, which under AS 11.81.900(63) is defined as an offense that is punishable only by a fine. A "crime," on the other hand, is an offense for which a sentence of imprisonment is authorized. AS 11.81.900(11). The word "offense" as used in AS 11 covers both crimes and violations. AS 11.81.900(3), and therefore is substituted for "crime" in these three statutes.

Bill sections 15 and 17 add the words "or offense, as applicable" to statutes addressing unlawful contact in the second degree and promoting an exhibition of fighting animals. Both of these offenses may be either crimes or violations, depending on the circumstances, so it is appropriate to add a reference to "offense." See explanation for bill sections 13, 14, and 16.

Bill section 18 changes the word "crime" to "offense" in the statute addressing interference with the training of a service animal. See the explanation for bill sections 13, 14, and 16.

Bill sections 19 - 27 update references to federal statutes and regulations as a result of 2004 amendments. These changes were requested by the Department of Education and Early Development.

Bill section 28 substitutes "judicial retention" for "electoral confirmation" because, under art. IV, sec. 6 of Alaska's constitution, judges seek approval, not confirmation. See AS 15.35.040, 15.35.055, and 15.35.070.

Bill section 29 changes the word "crime" to "offense" in the statute addressing campaign misconduct in the third degree. Although the definitions in AS 11.81.900 do not apply outside AS 11, the term "offense" is more precise for the reasons set out in the explanation for bill sections 13, 14, and 16.

Bill section 30 substitutes a generic description for a specific reference to the division of fish and wildlife protection. There is no statutorily created division of fish and wildlife protection. Currently there is an administratively created division of Alaska wildlife troopers, but that name could also be changed administratively. The generic reference should apply no matter what name is given to the division administratively.

Bill section 31 substitutes a reference to 1.4 G fireworks, as defined by the National Fire Protection Association, for a reference to class C common fireworks enumerated by the

ICC. The ICC (Interstate Commerce Commission) was abolished in 1995 and many of its duties transferred to the Surface Transportation Board. However, I could find no indication that the Surface Transportation Board regulated fireworks. Mr. Belanger at the Department of Public Safety referred me to Griz, the president of Alaska Pyrotechnics Guild, who said that the current designation for what used to be called "Class C common fireworks" is 1.4 G fireworks, as defined by the National Fire Protection Association. It may be that other aspects of this statute need to be changed, but this bill section addresses only the obsolete reference to the ICC.

Bill sections 32 - 34 fix an error in ch. 58, SLA 1999, which transferred responsibility for vending machines on public property from the Department of Education to the Department of Labor and Workforce Development. By deleting the reference to education and early development, the reference to "commissioner" will be to the commissioner of labor and workforce development. AS 23.45.010. This change was requested by the Department of Law.

Bill section 35 amends the section governing terms of legislators (AS 24.05.080) so that the terms will begin on the third Tuesday in January. This corrects an error of omission in ch. 34, SLA 2007, which set the third Tuesday in January as the beginning of each regular legislative session.

Bill section 36 adds a reference to the Revised Uniform Arbitration Act to the procurement code. This change should have been made when the Revised Uniform Arbitration Act was enacted in 2004.

Bill section 37 substitutes a generic description for a specific reference to the division of fish and wildlife protection. See explanation for bill section 30.

Bill section 38 adds a short title for AS 40.25.100 - 40.25.295 (the Alaska Public Records Act). This makes it easier for people to refer to that body of law.

Bill section 39 substitutes a generic description for a specific reference to the division of fish and wildlife protection. See explanation for bill section 30.

Bill sections 40 - 44 amend AS 42.40 to substitute references to the Surface Transportation Board for references to the Interstate Commerce Commission, which was abolished in 1995. These changes were approved by the Alaska Railroad.

Bill sections 45 and 46 make the definition of "cigarette" that applies to AS 43.50.190 easier to find by adding a cross-reference in AS 43.50.190. Currently the definition of the term appears in the preceding article, which is confusing. Note that, of the words defined in AS 43.50.170, only "cigarette" appears in AS 43.50.190.

Bill section 47 amends a reference to portions of the Jones Act in AS 44.19.035. When AS 44.19.035 was enacted by initiative in 1983, part of the Jones Act was codified at

Representative Jay Ramras
March 27, 2008
Page 4

46 U.S.C. 861 et seq. Those provisions are now scattered throughout 46 U.S.C. Yute Air Alaska v. McAlpine, 698 P.2d 1173 (Alaska 1985) suggests that the focus of the initiative that enacted AS 44.19.035 was the requirement ---now found in 46 U.S.C. 55102--- that U.S. vessels be used for transporting goods between U.S. ports. However, the citation that appears in AS 44.19.035 is much broader. To correct the citation without limiting the (none too clear) intent of the voters who enacted AS 44.19.035, I have substituted a reference to "those provisions of the Jones Act formerly codified at 46 U.S.C. 861 et seq."

Bill section 48 adds a reference to the Revised Uniform Arbitration Act to the procurement code. This change should have been made when the Revised Uniform Arbitration Act was enacted in 2004.

Bill section 49 amends AS 45.55.900(a)(9) to substitute a reference to the Surface Transportation Board for a reference to the Interstate Commerce Commission, which was abolished in 1995. While the statute does include the "successor" of the ICC, it is more helpful to the user of the statutes to refer to the appropriate agency.

Bill sections 50 and 51 correct errors in 2006 Primary Election Ballot Measure No. 2 (the cruiseship initiative). The word "wastewaters" is substituted for "waster" in AS 46.03.465(a), "state or federal law" is substituted for "state of federal law" in AS 46.03.465(f), and a verb is supplied in AS 46.03.465(f).

Bill sections 52 and 53 correct an error in ch. 57, SLA 2005. AS 47.10.088(i) and AS 47.14.100(m) refer to "a foster care license under AS 47.35.019 or 47.35.021." However, AS 47.35.019 and 47.35.021 were repealed in ch. 57, SLA 2005. Instead the Department of Health and Social Services was authorized to adopt regulations to impose licensing requirements. See AS 47.32.030(a)(3)(B). These bill sections correct the error.

Bill section 54 updates references to federal education statutes to conform to the passage of 2004 amendments.

Bill section 55 corrects an error in AS 47.30.550(e) by changing "census date" to "census data". This amendment was requested by the Department of Law.

Bill section 56 repeals sections related to the Board of Dispensing Opticians, which was sunsetted in 2004. The text of these statutes is set out below.

Bill section 57 gives the bill an immediate effective date.

Please give me a call if you have any questions about the above.

TEXT OF REPEALED PROVISIONS

AS 08.03.010(9).

(9) Board of Dispensing Opticians (AS 08.71.010) - June 30, 2004;

AS 08.71.010.

Sec. 08.71.010. Creation of board. There is created the Board of Dispensing Opticians.

AS 08.71.020.

Sec. 08.71.020. Membership. The board consists of four opticians licensed under AS 08.71.080 and one public member appointed by the governor.

AS 08.71.040.

Sec. 08.71.040. Election of officers. The board shall elect a chairman and secretary from among its members. The officers may administer oaths.

AS 08.71.240(1).

(1) "board" means the Board of Dispensing Opticians;

PF:med

08-226.med

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSB 260(STA)
 (S) Publish Date: 3/19/08

Identifier (file name): SB260-LEG-COU-03-14-08 Dept. Affected: Legislature
 Title: "An Act making corrective amendments to the Alaska RDU
 Statutes as recommended by the revisor of statutes; and providing..." Legislative Council
 Sponsor: Senate Rules by Request Component: Council and Subcommittees
 Requester: Senate State Affairs Component Number: 783

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This legislator has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schofield, Deputy Director
 Division: Legislative Affairs Agency
 Approved by: Pamela Varni, Executive Director
Legislative Affairs Agency

Phone 465-6626
 Date/Time 3/14/08 11:49 AM
 Date 3/14/2008

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

SARAH PALIN, GOVERNOR

LEGISLATION & REGULATIONS SECTION
P.O. BOX 110300
DIAMOND COURT HOUSE, 6TH FLOOR
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 465-2520

March 28, 2008

The Honorable Jay B. Ramras, Chair
House Judiciary Committee
Alaska State Legislature
State Capital, Room 118
Juneau, Alaska 99801-1182

Re: 2008 Revisor's Bill - CSSB 260(STA)

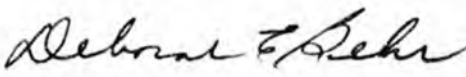
Dear Representative Ramras:

The Department of Law has reviewed CSSB 260(STA), 2008 revisor of statutes' bill. The bill makes technical improvements in the statutes. We believe these improvements are appropriate and will assist making necessary clarifications in the statutes.

If you need additional information, please let me know.

Sincerely,

TALIS J. COLBERG
ATTORNEY GENERAL

By: 
Deborah E. Behr
Chief Assistant Attorney General

DEB:ajh

cc: Russ Kelly, Legislative Director, Office of the Governor
Pam Finley, Revisor of Statutes, Legislative Affairs Agency

SB

273



HOUSE JUDICIARY COMMITTEE

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Rep. Max Gruenberg
Room 110
(907) 465-4940

Rep. Lindsey Holmes
Room 405
(907) 465-4919

MEMORANDUM

Date: April 10, 2008

To: Representative John Coghill
Chair House Rules Committee

From: Representative Jay Ramras
Chair House Judiciary Committee

Re: Referral File for SB273 – ANIMAL CRUELTY/DOG
FIGHTING

Attached please find the following documents:

- Sponsor Statement
- HCSCSB273(JUD) 25-LS1127\M
- CSSB273(JUD) 25-LS1127\E
- 0 Fiscal Notes. COR, LAW, CRT, & ADM
- Support
- Bill History
- HJUD Committee Report

ALASKA STATE LEGISLATURE

Co-chair, Joint Armed Services
Committee

•
Senate Resources Committee

•
Senate Judiciary Committee

•
Senate Transportation Committee



Session:
State Capitol, Rm. 115
Juneau, AK 99801
(907) 465-2435
Fax: (907) 465-6615

Interim:
716 W. 4th Ave. Rm. 540
Anchorage, AK 99501
(907) 269-0120
Fax: (907) 269-0120

SENATOR BILL WIELECHOWSKI

Senate Bill 273: Animal Cruelty/Dog-fighting

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

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

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

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

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB273-DOC-OC-02-27-08
 () Publish Date: _____

Identifier (file name): SB273-DOC-OC-02-27-08 Dept. Affected: Corrections
 Title: "Act relating to cruelty to animals and promoting an RDU: Administration and Operations
exhibition of fighting animals." Component: Office of the Commissioner
 Sponsor: Senator Wielechowski
 Requester: Senate Judiciary Component Number: 694

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required		Information				
	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0	0
Part-time	0	0	0	0	0	0	0
Temporary	0	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation should have no fiscal impact on the Department of Corrections.

Prepared by: Sharleen Griffin, Director
 Division: Administrative Services
 Approved by: Dwayne Peoples, Deputy Commissioner
 Department of Corrections

Phone: (907) 465-3339
 Date/Time: 2/27/08 7:50 AM
 Date: 2/27/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: SB273-LAW-CRIM-02-22-08
 Bill Version: SB273
 () Publish Date: _____

Identifier (file name): _____ Dept. Affected: LAW
 Title: An Act relating to cruelty to animals. RDU: Criminal
 Component: Criminal Justice Litigation
 Sponsor: SENATOR(S) WIELECHOWSKI
 Requester: SENATE JUDICIARY Component Number: _____

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts							
1003 GF Match							
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

SB 273 would raise from a class A misdemeanor to a class C felony the crime of cruelty to animals, except for negligently failing to care for an animal and causing its death. The department does not expect a significant fiscal impact as a result of this bill.

Prepared by: Robert Meiners, Administrative Services Manager
 Division: Administrative Services Division
 Approved by: Talis Colberg, Attorney General
Department of Law

Phone: 907-465-5427
 Date/Time: 2/22/08 7:45 AM
 Date: 2/22/2008

FISCAL NOTE

**STATE OF ALASKA
2008 LEGISLATIVE SESSION**

Fiscal Note Number: _____
 Bill Version: SB 273
 () Publish Date: _____

Identifier (file name): _____ Dept. Affected: Alaska Court System
 Title: Cruelty to Animals RDU: Trial Courts
 Sponsor: Senator Wielechowski Component: Trial Courts
 Requester: _____ Component Number: _____

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

Senate Bill 273 would elevate from misdemeanors to felonies certain cruelty to animal cases and cases related to the promotion of fighting animals. Because of the small number of these cases that come before the court system, we do not anticipate any fiscal impact from the passage of SB 273.

Prepared by: Doug Wooliver, Administrative Attorney
 Division: Alaska Court System
 Approved by: Stephanie Cole, Administrative Director by Doug Wooliver

Phone: 907-463-4750
 Date/Time: 2/26/2008 @ 10.15am
 Date: 2/26/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 273
 () Publish Date: _____

Identifier (file name): SB273-DOA-OPA-2-20-08 Dept. Affected: Administration
 Title: "An Act relating to cruelty to animals and promoting an exhibition of fighting animals." RDU: Legal and Advocacy Services
 Component: Office of Public Advocacy
 Sponsor: Senator Wielechowski
 Requester: _____ Component Number: 43

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

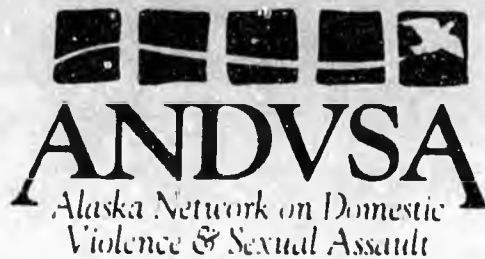
ANALYSIS: (Attach a separate page if necessary)

This bill elevates the crime of cruelty to animals from a misdemeanor to a class C felony under certain statutory subsections. Although elevating the level of an offense from a misdemeanor to a felony can have a fiscal impact on OPA, with the information currently available, this bill is not expected to have an impact on the agency.

Prepared by: Joshua P. Fink, Director
 Division: Office of Public Advocacy
 Approved by: Rachael Petro, Deputy Commissioner
Department of Administration

Phone 907-269-3501
 Date/Time 2/20/08, 11:00a.m
 Date 2/20/2008

Juneau Office
130 Seward St #209
Juneau, Alaska 99801
Phone: (907) 586-3650
Fax: (907) 463-4493
www.andvsa.org



Sitka Office
PO Box 6631
Sitka, Alaska 99835
Phone: (907) 747-7545
Fax: (907) 747-7547

March 14, 2008

Senator Wielechowski
State Capitol, Room 114
Juneau, AK 99801-1182

Dear Senator Wielechowski:

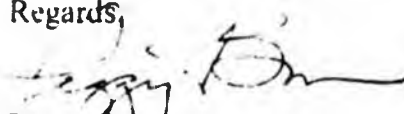
On behalf of the nineteen member domestic violence and sexual assault programs throughout the state that comprise the Alaska Network on Domestic Violence and Sexual Assault, thank you for introducing SB 273. In addition to bringing Alaska up to speed with the 43 other states that have animal cruelty laws on the books, this bill would allow prosecutors to charge with a class A misdemeanor those who use cruelty to animals to threaten, intimidate, or terrorize another person.

Senator, you are well aware of the many published studies that substantiate the link between animal cruelty and domestic violence, and we thank you for introducing an amendment that is reflective of that connection. Studies re-published by American Humane and the National Coalition to End Domestic Violence indicate that over 70 percent of pet owners who enter domestic violence shelters report that their batterer had threatened, injured, or killed family pets. Although Alaska-specific studies on this subject have not been conducted, anecdotal evidence from shelter advocates indicates a similar prevalence in our state.

We would also like to make it clear that classifying these acts of cruelty to animals as class C felonies does not constitute a disparity, because we understand that what is a class C felony when done to an animal under this bill is a class A felony when done to a person under existing law.

The Alaska Network on Domestic Violence and Domestic Assault fully supports legislation that gives prosecutors tools to ensure victim safety. Please let us know if we can provide further support, and thank you for sponsoring this bill.

Regards,


Peggy Brown
Executive Director

cc: Grace Danborn, Policy Research Associate

Member Programs

Atchafalaya AWAIC, AWRC, STAR, Barrow AWIC, Bethel TWC, Central CFRC, Dillingham SAFE, Fairbanks IAC
Healy SPHII, Juneau AWARE, Kenai LeeShore Center, Kotzebue WISH, Kodiak KWRCC, Kotzebue MFCC
Nome BSWG, Palmer AFS, Seward SCS, Sitka SAFV, Unalaska USAFV, Valdez AVV



City of Kodiak
KODIAK POLICE DEPARTMENT
Animal Control

To Whom It May Concern:

RE: Senate Bill 273

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

Thank You,
Animal Control Officer Amy Wagner

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



March 5, 2008

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

Dear Senator Wielechowski,

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

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

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

Sincerely,

Dr. Myra Wilson DVM
Secretary
Alaska State Veterinary Medical Association

Katherine Pustay

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

Katherine,

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

DeeAnn Fetko
Grants and Contracts Supervisor
Municipality of Anchorage
Department of Health & Human Services
(907) 343-4534 phone
(907) 249-7659 fax
fetkoda@muni.org

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

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

Hi Katherine-

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

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

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

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

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

Thank you for your attention to this input. Also please extend our thanks to Senator Mielechowski for advancing this proposed legislation.

I will follow its progress with interest.

Neil Koeniger, Chair
Animal Control Advisory Board
Municipality of Anchorage

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

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

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

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

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

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

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

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

Sincerely,

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

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

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

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

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

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

Kiki Stirling
Thistledown Animal Rescue
Box 80724 Fairbanks, Alaska 99708

1
Hello,

I just wanted to voice my support for SB 273.

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

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

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

Thank you.

Carol Kleckner

P O Box 82856

Fairbanks Alaska 99708

907-479-0430

Dear Senator Hollis French,

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

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

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

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

Thank you,

Animal Shelter Facility Manger

Shana Anderson

Valdez Alaska

03/03/2008

To Whom It May Concern:

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

SINCERELY,

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

February 18, 2008

Senator Bill Weilechowski
State Capitol
Juneau, AK 99801-1182

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

Dear Senator Weilechowski:

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

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

Thank you for introducing this important humane legislation.

Sincerely,

Jill A. Buckley

Jill A. Buckley, Esq
Legislative Services



**THE HUMANE SOCIETY
OF THE UNITED STATES**



February 27, 2008

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

Dear Chairman French:

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

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

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

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

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

Sincerely,

David Pauli
Director, Northern Rocky Regional Office

Celebrating Animals. Confronting Cruelty



AMERICAN HUMANE

Protecting Children & Animals Since 1877

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

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

Alaska has one of the weakest animal cruelty laws in the nation¹. The beautiful state of Alaska is not immune to horrific acts of torture and cannot afford to ignore them. Last November, a Fairbanks man, following an argument with his wife, is accused of slamming her cat unconscious against a tree. He is only charged with a misdemeanor for his crime. In 2006, an 18-year-old Anchorage man was convicted of beating his brother's dog. In addition to other related felony charges related to weapon offenses, he only received a \$100 fine for beating the dog.

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

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

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

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

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

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

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

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

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

We thank you for your time and consideration.

Respectfully submitted,

Allie Phillips, J.D.
Director of Public Policy

Tracy Coppola, J.D.
Legislative Analyst

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



Animal Legal Defense Fund

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

- | | |
|--------------------------|---------------------------|
| 1. Alabama (2000) | 27. New Mexico (1999) |
| 2. Arizona (1999) | 28. New York (1999) |
| 3. California (1988) | 29. North Carolina (1998) |
| 4. Colorado (2002) | 30. Ohio (2003) |
| 5. Connecticut (1996) | 31. Oklahoma (1887) |
| 6. Delaware (1994) | 32. Oregon (1995) |
| 7. Florida (1989) | 33. Pennsylvania (1995) |
| 8. Georgia (2000) | 34. Rhode Island (1896) |
| 9. Hawaii (2007) | 35. South Carolina (2000) |
| 10. Illinois (1999) | 36. Tennessee (2002) |
| 11. Indiana (1998) | 37. Texas (1997) |
| 12. Iowa (2000) | 38. Vermont (1998) |
| 13. Kansas (2006) | 39. Virginia (1999) |
| 14. Kentucky (2003) | 40. Washington (1994) |
| 15. Louisiana (1995) | 41. West Virginia (2003) |
| 16. Maine (1999) | 42. Wisconsin (1986) |
| 17. Maryland (2001) | 43. Wyoming (2003) |
| 18. Massachusetts (1804) | |
| 19. Michigan (1991) | |
| 20. Minnesota (2001) | |
| 21. Missouri (1994) | |
| 22. Montana (1993) | |
| 23. Nebraska (2002) | |
| 24. Nevada (1999) | |
| 25. New Hampshire (1994) | |
| 26. New Jersey (2001) | |

*Territories, Districts &
Possessions:*

District of Columbia (2001)
Puerto Rico (2004)
Virgin Islands (2005)

JURISDICTIONS WITHOUT FELONY ANIMAL ABUSE PROVISIONS

1. Alaska
2. Arkansas
3. Idaho
4. Mississippi
5. North Dakota
6. South Dakota
7. Utah

*Territories, Districts &
Possessions:*

American Samoa
Northern Marianas
Guam



PETS AND DOMESTIC VIOLENCE

WHY IT MATTERS

Pets are not immune to domestic violence. Batterers frequently threaten, injure, maim, or kill their partners' or children's pets in conjunction with domestic abuse. Because victims understand the extent of the harm that their abusers will likely inflict upon their pets, many hesitate to leave violent relationships out of concern for the safety of their pets. When batterers abused victims, victims see the animal cruelty as part of a long history of violence aimed at them and their families.¹ Recognizing this, an increasing number of shelters have added kennels or instituted "safe haven" animal foster care programs in an effort to protect victims, their children, and their pets.

DID YOU KNOW?

- 71% of pet owners entering domestic violence shelters report that their batterer had threatened, injured, or killed family pets.²
- One study found that 87% of batterer-perpetrated incidents of pet abuse are committed in the presence of their partners for the purpose of revenge or control.³
- Studies show that up to 76% of batterer-perpetrated pet abuse incidents occur in the presence of children.⁴
- 13% of intentional animal abuse cases involve domestic violence.⁵
- Women in domestic violence shelters are 11 times more likely to report animal abuse by their partner than women not experiencing violence.⁶
- 55% of domestic violence shelters report that they commonly encounter women who speak about pet abuse incidents.⁶
- 52% of victims in shelters left their pets with their batterers.⁶
- Criminals and troubled youth have high rates of animal cruelty during their childhood, perpetrators often were victims of child abuse themselves.⁷
- Investigation of animal abuse is often the first point of social services intervention for a family experiencing domestic violence.⁸

THE LINK BETWEEN PET ABUSE AND DV

- Similar to domestic abuse, abusers demonstrate power and control over the family by threatening, harming, or killing animals.⁸
- Domestic violence victims whose batterers abuse their pets report more than twice as many incidents of child abuse as compared to domestic violence victims whose batterers have not abused their pets.¹⁰
- Batterers threaten, harm, or kill their children's pets in order to coerce them into sexual abuse or to force them to remain silent about abuse.¹¹
- Abusers harm pets to punish the victim for leaving, or in attempts to coerce her/him to return.¹⁷
- Abusers may harm pets to retaliate for acts of self-determination or independence.⁹
- Animal abusers are more likely to be domestic violence abusers, to have been arrested for other violent crimes and drug-related offenses and engage in other delinquent behavior.⁷
- Many abusers have a history of animal abuse that precedes domestic violence toward their partner.¹²
- Animals may sometimes be used as weapons against domestic violence victims.⁹

THE ROLE OF PETS

- Family pets are commonly viewed as family members and companions.
- 55% of domestic violence victims and their children report that their pets are very important sources of emotional support, thus violence toward pets may be especially devastating and viewed as another form of family violence.¹³
- A large majority of women residing in domestic violence shelters report being emotionally close to their pets and experience distress when their animals are abused.⁶
- Studies show that a vast majority of children who witness pet abuse become distressed and emotionally distraught.⁹
- Women without children are more likely to postpone seeking shelter out of concern for their pets' safety as compared to women with children, 33.3% versus 19.5%.⁶

Protecting our companions

Kodiak law enforcer supports tougher animal cruelty punishment in Alaska

Article published on Friday, Feb 01st, 2008

By MISTY MAYNARD

Mirror Writer

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Alaska is among seven states identified recently by the Humane Society of the United States as having the weakest laws to punish those convicted of animal cruelty or neglect.

In the information released, HSUS deputy manager Dale Bartlett said the states identified have been "hard on animals and soft on crime for far too long."

"It's past time for them to listen to their humane-minded constituents and to pass felony animal cruelty legislation to protect both the animal and human members of their communities," he said.

Other states identified include Arkansas, North Dakota, South Dakota, Idaho, Utah and Mississippi. Of the seven identified, Utah and Mississippi are expected to consider felony animal cruelty bills when their legislatures meet this year.

According to the press release, of the seven, Alaska has the strongest penalties, though it lacks a felony animal cruelty law. State statute carries maximum penalties of one year in jail and \$10,000 in fines. Judges may also prohibit a convicted animal abuser from owning an animal for up to 10 years.

Local codes

The Kodiak Island Borough and City of Kodiak have animal cruelty codes. The Kodiak Police Department animal control officer, Amy Wagner, enforces the codes.

Both codes outline the basics for animal care, requiring a pet owner to provide food, water and adequate shelter to protect the animal from the weather. Additionally, animals cannot be overcrowded, and clean bedding should be provided.

Structures, coops, pens and yards must also be maintained.

A violation of the code will result in a citation and a mandatory court appearance. If found guilty, a person faces a fine. The amount of the fine is set by the magistrate.

In 2007, the police department received about 1,200 calls for animal control, Wagner said Wednesday afternoon. Only 70 of those calls concerned some kind of animal cruelty, five of those 70 calls resulted in citations, and in only three of the five cases was the animal permanently taken from the home.

"We get a lot of welfare check calls," Wagner said, "which is good."

Sometimes the calls simply inform police an animal appears not to have any food, or does not have adequate shelter. Rarely are there cases of actual, severe abuse warranting charges.

Every call is followed up, Wagner said.

Wagner and her supervisor at the police department, Sgt. Kyle Valerio, both said in many cases a visit with

"There are different levels of all crimes," he said. "It's definitely time animal cruelty (laws) should be stepped up, depending on the level of cruelty."

Valerio said cruelty to animals has a proven link to other crimes.

"People that abuse animals abuse people, too," Valerio said.

Kodiak Animal Shelter

Whenever an animal is abandoned or picked up by Wagner, it is taken to the Kodiak Animal Shelter, operated by the Humane Society of Kodiak. The Humane Society of Kodiak is not affiliated with HSUS.

The shelter strives to be 100 percent no-kill for friendly, adoptable animals. Animals that are euthanized are those too ill or injured to receive care, too vicious, or possessing behavioral problems that cannot be corrected.

Some of the animals at the shelter remain there a year or more before they find homes.

In 2007, the shelter had 192 cats come in, and 444 dogs. Shelter manager Kathy Daquilanea said the shelter has had a large increase in the number of dogs.

The shelter also sometimes gets other animals, including rabbits, rodents and birds.

The adoption rate for animals is high, with 181 cats adopted in 2007, and 428 dogs.

Daquilanea said she rarely sees abuse cases come into the shelter. In fact, in her 13 years working at the shelter she remembers only five serious cases.

"Kodiak people are, for the most part, really good with their pets," she said.

What she does consider cruel, though it may not involve any kind of physical injury, is when an animal is picked up, obviously healthy and cared for, and the owner never comes looking for it. Or, if someone decides they no longer want an animal and drop it off at the shelter without leaving information such as name, age, medical history and notes about whether an animal is good with children or other animals. That kind of information is important when trying to find the animal a home, Daquilanea said.

A recent shelter acquisition is an older black Lab picked up in the 400 block of Hillside Drive at the end of December.

The dog, called "Girlie" by shelter staff, is healthy and wore a collar, though she had no identifying tag.

"She obviously belonged to somebody," Daquilanea said. "But nobody's called."

the owner is all it takes.

Sometimes the owner is not aware of the code, or is unaware that the shelter provided is not adequate. Sometimes, Wagner said it is a case of miscommunication. For example, different members of a family thought one of the others was giving the dog water, while none actually were. Most of the time, the owners are apologetic and quick to fix any wrong, Wagner said.

Some of the more severe cases of abuse or neglect involve horses, which require more care than other domestic animals. Wagner said some horses are free-range horses, and may thrive in the summer, but find foraging for food in the winter difficult.

Some of the biggest problems Wagner sees come from pets permitted to roam free. Especially when dogs are unrestrained and unsupervised, there can be problems. Dogs will "pack up" and run down deer or other animals, such as geese or chickens, Wagner said, killing the animals. The animals may be perfectly friendly and obedient when around their masters, but the hunting instinct is strong, Wagner said. Many people do not realize dogs running wildlife can be shot on the scene.

Abandonment of pets is also a problem at times. Because of the transient population in Kodiak, people are often moving in and out. When they move out, sometimes animals are left behind. When that's the case, Wagner tries to bring the animals to the local shelter. When animals are abandoned in the villages, they are also sometimes shipped in to the city shelter.

While there haven't been many cases of severe animal cruelty in Kodiak, that doesn't mean there will not be. Valerio said he supports a felony cruelty law.

The dog had a wound under its collar that festered and had to be treated.

Another shelter animal was Rosie, a 10-week-old mixed breed puppy that was healthy when she came in except for an untreated infection on her face that left it scarred. The infection was easily treated with antibiotics.

Rosie was never claimed by her previous owner, but was adopted out earlier this month.

Mirror writer Misty Maynard can be reached via e-mail at mmaynard@kodiakdailymirror.com.

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Report: Alaska among states with weakest animal abuse laws

Associated Press - November 13, 2007 1:14 PM ET

SAN FRANCISCO, Calif. (AP) - The Animal Legal Defense Fund says in a new report that Alaska is among five states with the weakest animal abuse laws in the nation.

Along with Alaska, Utah, Arkansas, Kentucky, and North Dakota round out the report's list of the five "best states to be an animal abuser."

Getting top grades as the best states for animals are California, Illinois, Maine, Michigan and Oregon.

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Group says Alaska is haven for animal abusers

By Grace Jang, CBS 11 News Reporter
KTVA

Article Last Updated: 11/13/2007 07:51:41 PM AKST

Alaska is one of the worst states when it comes to cracking down on animal cruelty. There is some discouraging news for animal lovers after a national study has found that people who abuse animals here in Alaska will most likely get away with it, because our laws are not tough enough.

As CBS 11 News found out: there's a link between pet abuse and other crimes. Studies show those who abuse animals are more likely to hurt people, such as is seen in domestic violence cases. The Animal Legal Defense Fund has found our state has some of the worst laws on the books when it comes to punishing animal abusers.

"So it's important for a community safety perspective that the courts are able to look at the mental health of offenders," said the director of Legislative Affairs for the Animal Legal Defense Fund, Stephan K. Otto, Esq.

Animal rights activists say how we treat our animals is a reflection of how we treat each other.

"Seventy percent of animal abusers had committed at least one other criminal offense. And that 40 percent of them had committed violent crimes against people," said Otto.

Animal lovers in Alaska say the new study shows it's time for action.

"I've seen a lot of cats and dogs and animals getting hurt by people who do it on purpose," said pet owner, Myriah Prater.

"Alaska is a very big state and Anchorage is a small part of it, but we would definitely lend our support in a movement that made it a felony," said Scott Gower of Animal Care and Control.

The ALDF urges Alaskans to contact their lawmakers for stronger animal cruelty laws.

"More than 63 percent of all U.S. households have a pet living with them. And while animals don't vote, those who love them do. And so we think protecting animals is good politics," said Otto.

The California-based organization is also asking states to keep better records of animal abuse cases and asking the FBI to keep track of the worst ones.

If you'd like more information on this new study on laws against animal cruelty, click below:



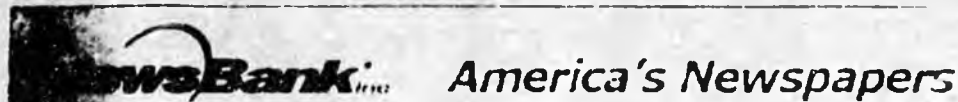
To contact Grace, call 907-273-3186.

A screenshot of a weather widget. The title bar says "NEWS". The main content shows "18 F" with a sun and cloud icon, "Personal Forecast", and a menu with "Menu", "Radar", and "News". At the bottom, it says "Click Here for Info".

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IN BRIEF

Anchorage Daily News (AK) - January 21, 2008

Author: Staff

STATEWIDE

Animal laws get low rank

Alaska has made The Humane Society's top seven states for the weakest laws against animal cruelty. The animal welfare organization issued its list Thursday. It ranked the seven from the best to the worst.

Alaska ranked first for having the strongest penalties for animal cruelty among the seven worst states. The group says animal cruelty in Alaska carries a maximum penalty of one year in jail and a \$10,000 fine.

Arkansas, North Dakota, South Dakota, Idaho, Utah and Mississippi also made the list. Mississippi had the weakest animal cruelty laws with penalties capped at six months and \$1,000.

The group says Alaska also is one of the states that has no felony animal cruelty provisions.

-- The Associated Press

STATEWIDE

Alaska leads in dog bites

State epidemiologists say Alaska led the nation in dog bite injury deaths and hospitalizations from 1991 to 2002.

During that period, nine people died and 288 were hospitalized for injuries.

Among Alaska regions, the Interior had an annual rate of 4.6 injuries per 100,000 people.

The information comes from the state's dog bite fatality database and the Alaska Trauma Registry.

State officials say they're trying to educate the public about how to avoid an injury through more school field trips to animal shelters and public service announcements.

Experts say it's best to extend the back of the hand -- slowly and with no eye contact -- when approaching an unfamiliar dog.

-- The Associated Press

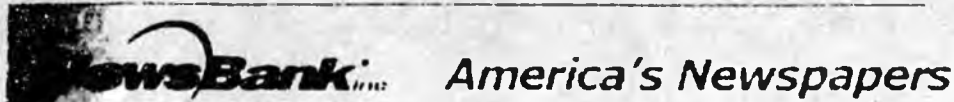
Edition: Final

Section: Main

Page: A9

Record Number: 1605501201/21/08

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State animal abuse laws rank low

Anchorage Daily News (AK) - November 14, 2007

Author: The Associated Press ; WIRE

Alaska is among the five worst states to live in -- for animals, according to a new report ranking all 50 states.

The Animal Legal Defense Fund said in the report that Alaska has some of the weakest animal abuse laws in the nation, along with Arkansas, Kentucky, North Dakota and Utah. The five are dubbed as the five "best states to be an animal abuser."

California, Illinois, Maine, Michigan and Oregon topped the list as the five states with the strongest commitment to protecting animals.

The Cotati, Calif.-based organization said it sifted through more than 2,800 pages of statutes and tracked 14 areas of law.

Alaska got low marks, the group said, because it has no felony animal cruelty laws, inadequate animal fighting provisions, insufficient systems for helping to offset the expense of caring for abused animals. The state has no mandates in place for counseling or mental health evaluations for people convicted of violations involving animals, the group said.

BARKING MAD? If this story has got your hackles up, go online to voice your opinion. Also, see what other Alaska dog owners are saying about their canine companions, and look at pictures and videos.

adn.com/dogblog

Caption: Photo 1: 14BOSSSES-SE_111407.jpg

Edition: Final

Section: Alaska

Page: B2

Record Number: 1539947211/14/07

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Emily Beatley

From: Matthew Ruger [mruger@co.fairbanks.ak.us]
Sent: Thursday, April 10, 2008 12:21 PM
To: Rep. Jay Ramras
Subject: Animal Cruelty bill

Dear Mr. Ramras,

I just wanted to send you a short message in support of the animal cruelty bill coming up for review by the House Judiciary Committee. I have read SB 273 and I believe it is appropriate and necessary. Stiffer penalties for deliberate cruelty are long overdue; it sickens me to see some of the horrific things we deal with knowing that the harshest penalty the perpetrator can receive is a \$1,000 fine and/or no more than 90 days in jail. A person who throws puppies into a cage with a fighting dog so they can be torn apart for practice, people who douse animals with turpentine then set them on fire to see how far they can run, and others who leave their animals unfed until they cannibalize each other need to face stiffer penalties than writing a check and doing community service. Putting more teeth into the law, I believe, will send a stronger message to those who perpetuate these types of crimes knowing that right now they'll see no more than the legal equivalent of a slap on the hand and a stern talking to.

Thank you for your time,

Matt Ruger

Manager
Animal Control Division
Fairbanks North Star Borough
459-1451
459-1120, Fax

FNSB Animal Control
2408 Davis Road
Fairbanks, AK 99701

Patty Krueger

From: Jeanine Green [jeanineg@gci.net]
Sent: Thursday, April 10, 2008 10:25 AM
To: Rep. Jay Ramras
Subject: Animal Cruelty Bill

Representative Ramras,

I strongly support the Animal Cruelty bill and am respectfully asking that you support/pass this bill. It is needed here in Alaska. There are only 5 or 6 states that do not have animal cruelty listed as a felony. All the other states do. Animal cruelty is also associated with spouse abuse and child abuse. Please support this bill.

Sincerely yours,

Jeanine Greene

Emily Beatley

From: Cathie Mihalko [cathiem@criteriongeneral.com]

Sent: Thursday, April 10, 2008 11:24 AM

To: Rep. Jay Ramras

Subject: Animal Cruelty Bill

Dear Representative Ramras:

Please vote to send the Animal Cruelty bill to the full House for approval. This action is long overdue. Alaska has a terrible reputation for animal protection and this, in turn, has proven to lead to domestic abuse and child abuse. Let's turn that around and get this bill passed. So many innocent victims, both human and animal, have been waiting for help and this is our chance to begin that process.

Thank you.

Mary Mihalko
1450 Northview Drive, #J-4
Anchorage, AK 99504-2870
(907) 337-1962

Emily Beatley

From: Shana Kraft-Anderson [sanderson@ci.valdez.ak.us]

Sent: Thursday, April 10, 2008 12:03 PM

To: Rep. Jay Ramras

Representative Ramras,

We are asking your support of SB 273, which would add felony provisions to our present State Animal Cruelty laws. Alaska is one of only 7 states where Animal Cruelty laws do not carry these options. With time running out on the 2008 session, please consider this bill important enough to pass through your committee quickly. As you can see from letters already sent in, there is strong support in the state to see this happen.

While some cruelty cases make the headlines in our major newspapers, many more happen around the state that don't. In 2007 in Valdez, we had 23 cases of animal abuse and neglect reported. Of these complaints, 4 cases were examples of intentional animal cruelty. These cases ranged from hoarding to the physical abuse of animals. While most Animal Neglect can be solved with educating the pet owner, when Animal Cruelty is intentional law enforcement people should be able to have available to them the use of a felony Animal Abuse charge.

The facts are that animal cruelty is strongly linked to other forms of family violence. Children who are abused may abuse animals in return, and adults may abuse family pets as a way to control other family members. Animal abuse can be an early sign of future criminal behavior. Most Serial killers have said they started by torturing and killing animals. I feel strongly that *all* types of family violence should carry felony penalties, including animal cruelty. Strong animal cruelty laws are a first step towards stemming both future human and animal violence in our society.

Thank you,

Animal Shelter Facility Manager

Shana Anderson

Valdez Animal Shelter

Valdez Alaska

907-835-4560



State of Alaska
Department of Public Safety
Council on Domestic Violence & Sexual Assault

Sarah Palin, Governor
Walter Monegan, Commissioner

April 9, 2008

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

Dear Senator Wielechowski:

Thank you for including the additional provision of Section 1 (a)(5) to SB 273, An Act relating to cruelty to animals. This provision acknowledges the strong correlation between animal abuse and family violence by holding perpetrators accountable who hurt or kill animals in order to intimidate, threaten, or terrorize another person.

Animals are often used as a tool of control in family violence situations where the threat of harm or killing the pets is used to coerce or terrorize victims. A 1997 National Survey of Shelters for Women Who Are Battered (Utah State University, Ascione, et. al.) included these findings:

- 85.4% of women coming to shelter talked about incidents of pet abuse.
- 63% of children coming to shelter talked about incidents of pet abuse
- 83% of advocates working in the shelter say they have observed the coexistence of domestic violence and pet abuse.

Alaska shelter directors and advocates tell us that these high correlations apply to Alaska. Often victims will try to bring animals with them to shelter or board them at a humane society (if there is one in their community) in order to protect them. However, many also refuse to leave their home for the safety of a shelter due to the fear of harm or death of their pets while they are gone.

It is time to make it a crime in Alaska when someone uses or hurts an animal in order to control the actions of another person, especially when that person is a spouse, household member or child. Thank you again for recognizing and addressing this important issue.

Sincerely,

A handwritten signature in cursive script that reads "Chris Ashenbrenner".

Chris Ashenbrenner
Executive Director

"Public Safety through Public Service"

Council on Domestic Violence & Sexual Assault
P.O. Box 111200 - Juneau, AK 99811 - Voice (907) 465-4356 - Fax (907) 465-3627



State of Alaska
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