

CS FOR HOUSE BILL NO. 138(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/1/10

Referred: Finance

Sponsor(s): REPRESENTATIVES GATTO, Gruenberg, Lynn

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to penalties for cruelty to animals; and relating to aggravating factors**
2 **at sentencing involving assaultive behavior and cruelty to animals."**

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

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

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

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

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

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

14 *** Sec. 2.** AS 11.61.140(g) is amended to read:

1 (g) Cruelty to animals **under (a)(1), (3), or (4) of this section** is a class C
 2 felony. **Cruelty to animals is also a class C felony if the person is convicted under**
 3 **(a)(2) or (5) of this section and** [IF] the person has been previously convicted on **one**
 4 [TWO] or more separate occasions within 10 years of the date of the present offense
 5 of a crime under this section, AS 11.61.145(a)(1) or (2), or a law or ordinance of
 6 another jurisdiction having elements similar to those offenses. **For a conviction**
 7 **under this subsection, the** [THE] court may also

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

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

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

15 * **Sec. 3.** AS 12.55.155(c)(8) is amended to read:

16 (8) the defendant's prior criminal history includes conduct involving
 17 aggravated assaultive behavior, [OR] repeated instances of assaultive behavior,
 18 **repeated instances of cruelty to animals proscribed under AS 11.61.140(a)(1) and**
 19 **(3) - (5), or a combination of assaultive behavior and cruelty to animals**
 20 **proscribed under AS 11.61.140(a)(1) and (3) - (5)**; in this paragraph, "aggravated
 21 assaultive behavior" means assault that is a felony under AS 11.41, or a similar
 22 provision in another jurisdiction;

23 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
 24 read:

25 APPLICABILITY. The changes to penalties under AS 11.61.140(f) and (g), made by
 26 secs. 1 and 2 of this Act, and to aggravating factors at sentencing under AS 12.55.155(c)(8),
 27 made by sec. 3 of this Act, apply to offenses occurring on or after the effective date of this
 28 Act.