

**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: 4/7/16

Referred: Rules

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

1           ascertained with reasonable effort,

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

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

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

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

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

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

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

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

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

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

28                           (d) Except as provided in (a) or (b) of this section, the custodian of an animal  
 29                           may not adopt, provide for the adoption of, or euthanize the animal within 10 business  
 30                           days after the animal is taken into custody. An owner **or custodian** may prevent the  
 31                           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

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

3 (6) "peace officer" means

4 (A) an officer of the state troopers;

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

6 (C) a village public safety officer; or

7 (D) a regional public safety officer.

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

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

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

12 (2) has a legal duty to care for the animal and, with criminal  
13 negligence, fails to care for an animal and, as a result, causes the death of the animal  
14 or causes severe physical pain or prolonged suffering to the animal;

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

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

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

20 (6) knowingly

21 (A) engages in sexual conduct with an animal; or

22 (B) under circumstances not proscribed under AS 11.41.455,

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

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

27 (7) intentionally permits sexual conduct with an animal to be  
28 conducted on any premises under the person's control.

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

30 (a) A peace officer investigating a crime involving domestic violence shall  
31 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



1 possession of or occupied by the petitioner;

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

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

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

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

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

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

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

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

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

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

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

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

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

- 26 (d) If the petition is filed by both spouses under AS 25.24.200(a), the court  
27 shall examine the petitioners or petitioner present and consider whether
- 28 (1) the spouses fully understand the nature and consequences of their  
29 action;
- 30 (2) the written agreements between the spouses concerning child  
31 custody, child support, and visitation are just as between the spouses and in the best

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

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

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

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

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

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

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

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

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

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

31 (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.