



LAWS OF ALASKA

2010

Source
SCS CSHB 6(JUD)

Chapter No.

AN ACT

Relating to cruelty to animals; and relating to aggravating factors at sentencing involving assaultive behavior and cruelty to animals.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to cruelty to animals; and relating to aggravating factors at sentencing involving
2 assaultive behavior and cruelty to animals.

3 _____

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

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

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

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

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

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

13 [OR]

14 (5) knowingly kills or injures an animal, other than as provided in (1)

1 or (3) of this subsection, with the intent to intimidate, threaten, or terrorize another
2 person;

3 **(6) knowingly**

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

5 **(B) under circumstances not proscribed under**

6 **AS 11.41.455,**

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

9 **or**

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

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

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

15 (f) Except as provided in (g) of this section, cruelty to animals **under (a)(2),**
16 **(5), (6), or (7) of this section** is a class A misdemeanor. The court may also

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (8) the defendant's prior criminal history includes conduct involving
21 aggravated assaultive behavior, [OR] repeated instances of assaultive behavior,
22 **repeated instances of cruelty to animals proscribed under AS 11.61.140(a)(1) and**
23 **(3) - (5), or a combination of assaultive behavior and cruelty to animals**
24 **proscribed under AS 11.61.140(a)(1) and (3) - (5)**; in this paragraph, "aggravated
25 assaultive behavior" means assault that is a felony under AS 11.41, or a similar
26 provision in another jurisdiction;

27 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 APPLICABILITY. The changes to penalties under AS 11.61.140(f) and (g) made by
30 secs. 2 and 3 of this Act and to aggravating factors at sentencing under AS 12.55.155(c)(8)
31 made by sec. 5 of this Act apply to offenses occurring on or after the effective date of this

1 Act.