

ANIMAL PROTECTION LAWS OF ALASKA

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This chapter contains Alaska's general animal protection and related statutes with an effective date on or before September 1, 2017. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories. Within the first thirteen of these categories, the relevant part of each statute is italicized. Category 14 provides a non-italicized version of each of the previously referenced statutes, in numerical order. The penalties and related provisions for categories 12 and 13 are generally located within each of those respective sections.

Alaska may employ similar provisions within other non-animal-specific criminal and civil statutes; may have other more specific statutes in addition to those included; and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.

ALASKA

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| <p>1. <u>GENERAL PROHIBITIONS</u> *</p> | <p>(1) Cruelty ALASKA STAT. § 11.61.140(a)(1)</p> <p>(2) Neglect ALASKA STAT. § 11.61.140(a)(2) ALASKA STAT. § 03.55.100</p> <p>(3) Kill or injure with a decompression chamber ALASKA STAT. § 11.61.140(a)(3)</p> <p>(4) Poisoning ALASKA STAT. § 11.61.140(a)(4)</p> <p>(5) Cruelty with the intent to threaten, intimidate, or terrorize another person ALASKA STAT. § 11.61.140(a)(5)</p> |
| <p><i>Animals Covered in Definition</i></p> | <p>“...[V]ertebrate living creature not a human being, but does not include fish” ALASKA STAT. § 11.81.900(b)(3) ALASKA STAT. § 03.55.190</p> |
| <p><i>Classification of Crimes</i></p> | <p>(1), (3), (4) Class C felony</p> <p>(2), (5) [First offense]: Class A misdemeanor</p> <p>[Second offense within ten years of prior animal cruelty, sexual assault, or fighting offenses]: Class C felony</p> |

ALASKA *continued*

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| <p>2. <u>MAXIMUM PENALTIES</u> **</p> | <p>Class A misdemeanor: 1 year imprisonment ALASKA STAT. § 12.55.135(a) <i>and/or</i> \$10,000 fine ALASKA STAT. § 12.55.035(b)(5)</p> <p>Class C felony: 5 years imprisonment ALASKA STAT. § 12.55.125(e) <i>and</i> \$50,000 fine ALASKA STAT. § 12.55.035(b)(4)</p> |
| <p>3. <u>EXEMPTIONS</u> ***</p> | <p>1, 2, 3, 4, 7, 9 ALASKA STAT. § 11.61.140(c),(e)</p> |
| <p>4. <u>COUNSELING / EVALUATIONS</u> †</p> | <p>-----</p> |
| <p>5. <u>PROTECTIVE ORDERS</u> †</p> | <p>The Court can grant possession of a pet in a protective order and can order the abuser to pay support for the pet. ALASKA STAT. § 18.66.100</p> |
| <p>6. <u>RESTITUTION / REIMBURSEMENT OF COSTS / BONDING & LIENS</u> †</p> | <p>To prevent adoption or destruction of a seized animal, defendant may post a bond or security for costs of the animal's care. ALASKA STAT. § 03.55.130(d),(e)</p> <p>State is not required to reimburse public or private entities that voluntarily assist with mistreated animals. ALASKA STAT. § 03.55.130(f)</p> <p>The court may require defendant to make reimbursement for care provided any animal effected. ALASKA STAT. § 11.61.140(g),(h)</p> |

ALASKA *continued*

7. SEIZURE / ON-SITE SUPERVISION

Peace officer may obtain a search warrant and seize animal if probable cause exists.

ALASKA STAT. § 03.55.110(b)

Before taking an animal into protective custody, a peace officer shall confer with a veterinarian who must decide whether seizure is in the immediate best interest of the animal. Peace officer shall make the determination if unable to confer with a veterinarian.

ALASKA STAT. § 03.55.110(c)

Peace officer shall place animal into protective custody before removing animal from location and thereafter place the animal with a veterinarian; or if one is not available, a responsible public or private caregiver.

ALASKA STAT. § 03.55.120(a)

Immediate notice of the seizure and the right to petition the court for return of the animal shall be given to the animal's owner.

ALASKA STAT. § 03.55.120(b)

ALASKA *continued*

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| <p>8. <u>FORFEITURE / POSSESSION</u> [†]</p> | <p>If seized animal's owner is unknown and cannot be reasonably ascertained, the animal shall be considered a stray or abandoned. ALASKA STAT. § 03.55.120(c)</p> <p>Upon determination by a veterinarian if available, that it is probable a seized animal cannot recover, the animal may be humanely destroyed. A veterinarian may also recommend other instances where a seized animal should be humanely destroyed. ALASKA STAT. § 03.55.130(a),(b)</p> <p>An owner may prevent a seized animal's adoption or destruction, by either petitioning the court for the animal's return or by posting a bond for the animal's care. If the bond expires and the court has not ordered an alternative disposition, the animal becomes the property of the custodian. ALASKA STAT. § 03.55.130(d),(e)</p> <p>The court may require forfeiture of the animal affected and may prohibit or limit the defendant's ownership, possession or custody of animals for up to ten years. ALASKA STAT. § 11.61.140(g),(h)</p> |
| <p>9. <u>CROSS ENFORCEMENT / REPORTING</u></p> | <p>-----</p> |
| <p>10. <u>VETERINARIAN REPORTING / IMMUNITY</u></p> | <p>-----</p> |

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| 11. <u>LAW ENFORCEMENT POLICIES</u> | For purposes of the animal protection statutes, “peace officer” includes officers of the state troopers, municipal police force members, and village or regional public safety officers. ALASKA STAT. § 03.55.110(b)(c) |
| 12. <u>SEXUAL ASSAULT</u> | Various activities involving the sexual assault of an animal are Class A misdemeanors on the first offense and Class C felonies on subsequent offenses within ten years of a prior sexual assault, animal cruelty or fighting offense. ALASKA STAT. §§ 11.61.140(a)(6, 7),(f) |
| 13. <u>FIGHTING</u> | Various animal fighting activities are Class C felonies; being a spectator at an animal fight is a violation for first offense, a Class B for the second offense, and a Class A misdemeanor for a third and any subsequent offenses. Upon conviction, animals, equipment, vehicles, money, and other personal property used in the offense are forfeited. ALASKA STAT. § 11.61.145 |
| <i>Other Felony Provisions Affecting Animals</i> ‡ | Harming a police dog in the first degree is a class C felony. ALASKA STAT. § 11.56.705 |
| <i>NOTES</i> | Harming a police dog in the second degree is a class A misdemeanor. ALASKA STAT. § 11.56.710 |

* States may have other more specific statutes in addition to the general animal protection statutes referenced in this table.

** Despite statutory maximums, states often employ sentencing guidelines that may significantly alter the allowable sentence.

*** Exemptions: 1-veterinary practice, 2-research animals, 3-wildlife, 4-traditional farm animal husbandry practices, 5-slaughter, 6-pest control, 7-rodeo, 8-zoos/circuses, 9-other.

† This table generally references only those provisions that are within each state’s animal protection statutes. States may employ similar provisions within other non-animal-specific criminal and civil statutes, and may also have a variety of animal-related regulations in effect.

‡ This list is not exhaustive; states may authorize felony penalties for other crimes involving animals not included in this table.

1. GENERAL PROHIBITIONS

ALASKA STAT. § 03.55.100 (2017). Minimum standards of care for animals.

(a) The minimum standards of care for animals include

- (1) food and water sufficient to maintain each animal in good health;*
- (2) an environment compatible with protecting and maintaining the good health and safety of the animal; and*
- (3) reasonable medical care at times and to the extent available and necessary to maintain the animal in good health.*

(b) Any determination as to whether or not the standards of this chapter are met shall be based on the professional opinion of a veterinarian licensed under AS 08.98.

(c) The department may adopt regulations to implement this section.

ALASKA STAT. § 03.55.190 (2017). Definitions.

In AS 03.55.100 – 03.55.190,

- (1) “animal” has the meaning given in AS 11.81.900;*
- (2) “custodian” means a person responsible by law for the care, custody, or control of animals;*
- (3) “department” means the Department of Environmental Conservation.*
- (4) "cost of care" means the cost of shelter, care, veterinary assistance, and medical treatment rendered to the animal;*
- (5) "cruelty to animals" includes acts constituting cruelty to animals under AS 11.61.140(a), acts promoting an exhibition of fighting animals under AS 11.61.145(a)(1) or (2), and other serious acts of animal cruelty warranting protective actions under AS 03.55.100 - 03.55.190, whether or not they are specifically listed in AS 11.61.140 or 11.61.145;*
- (6) "peace officer" means*
 - (A) an officer of the state troopers;*
 - (B) a member of the police force of a municipality;*
 - (C) a village public safety officer; or*
 - (D) a regional public safety officer.*

ALASKA STAT. § 11.61.140 (2017). Cruelty to animals.

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

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

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

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

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

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

(6) knowingly

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

(B) under circumstances not proscribed under AS 11.41.455,

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

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

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

(b) Each animal that is subject to cruelty to animals under (a) of this section shall constitute a separate offense.

(c) It is a defense to a prosecution under this section that the conduct of the defendant

(1) was part of scientific research governed by accepted standards;

(2) constituted the humane destruction of an animal;

(3) conformed to accepted veterinary or animal husbandry practices;

(4) was necessarily incidental to lawful fishing, hunting or trapping activities;

(5) conformed to professionally accepted training and discipline standards.

(d) In (a)(2) of this section, failure to provide the minimum standards of care for an animal under AS 03.55.100 is prima facie evidence of failure to care for an animal.

(e) This section does not apply to generally accepted dog mushing or pulling contests or practices or rodeos or stock contests.

(f) In this section, “sexual conduct” means any

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

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

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

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

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

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

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

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

(2) require the defendant to reimburse the state or a custodian for all reasonable costs incurred in providing necessary shelter, care, veterinary attention, or medical treatment for

any animal affected;

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

ALASKA STAT. § 11.81.900 (2017). Definitions.

Editor's note: Unrelated statutory text has been omitted.

* * *

(b) In this title, unless otherwise specified or unless the context requires otherwise,

* * *

(3) *“animal” means a vertebrate living creature not a human being, but does not include fish.*

2. PENALTIES

Editor's note: ALASKA STAT. § 12.55.015, punishment options are as follows: Class C felonies are punishable by a definite term of imprisonment not more than five years and a fine of not more than \$50,000. Class A misdemeanors are punishable by a definite term of imprisonment of not more than one year and/or a fine of not more than \$10,000. Class B misdemeanors are punishable by a definite term of imprisonment of not more than 90 days and/or a fine of not more than \$2,000. Violations are punishable by a fine not exceeding \$500. ALASKA STAT. § 12.55.035 (2017); ALASKA STAT. §§ 12.55.125, 135 (2017).

3. EXEMPTIONS

ALASKA STAT. § 11.61.140 (2017). Cruelty to animals.

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

- (1) knowingly inflicts severe or prolonged physical pain or suffering on an animal;
- (2) has a legal duty to care for the animal and, with criminal negligence, fails to care for an animal and, as a result, causes the death of the animal or causes severe physical pain or prolonged suffering to the animal;
- (3) kills or injures an animal by the use of a decompression chamber;
- (4) intentionally kills or injures a pet or livestock by the use of poison;
- (5) knowingly kills or injures an animal, other than as provided in (1) or (3) of this subsection, with the intent to intimidate, threaten, or terrorize another person;
- (6) knowingly
 - (A) engages in sexual conduct with an animal; or
 - (B) under circumstances not proscribed under AS 11.41.455,
 - (i) photographs or films, for purposes of sexual gratification, a person engaged in sexual conduct with an animal; or
 - (ii) causes, induces, aids, or encourages another person to engage in sexual conduct with an animal; or
- (7) intentionally permits sexual conduct with an animal to be conducted on any premises under the person's control.

(b) Each animal that is subject to cruelty to animals under (a) of this section shall constitute a separate offense.

(c) *It is a defense to a prosecution under this section that the conduct of the defendant*

- (1) was part of scientific research governed by accepted standards;*
- (2) constituted the humane destruction of an animal;*
- (3) conformed to accepted veterinary or animal husbandry practices;*

(4) was necessarily incidental to lawful fishing, hunting or trapping activities;

(5) conformed to professionally accepted training and discipline standards.

(d) In (a)(2) of this section, failure to provide the minimum standards of care for an animal under AS 03.55.100 is prima facie evidence of failure to care for an animal.

(e) This section does not apply to generally accepted dog mushing or pulling contests or practices or rodeos or stock contests.

(f) In this section, “sexual conduct” means any

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

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

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

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

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

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

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

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

(2) require the defendant to reimburse the state or a custodian for all reasonable costs

incurred in providing necessary shelter, care, veterinary attention, or medical treatment for any animal affected;

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

4. COUNSELING

5. PROTECTIVE ORDERS

ALASKA STAT. § 18.66.100 (2017). Protective orders; eligible petitioners; relief.

(a) A person who is or has been a victim of a crime involving domestic violence may file a petition in the district or superior court for a protective order against a household member. A parent, guardian, or other representative appointed by the court under this section may file a petition for a protective order on behalf of a minor. The court may appoint a guardian ad litem or attorney to represent the minor. Notwithstanding AS 25.24.310 or this section, the office of public advocacy may not be appointed as a guardian ad litem or attorney for a minor in a petition filed under this section unless the petition has been filed on behalf of the minor.

(b) When a petition for a protective order is filed, the court shall schedule a hearing and provide at least 10 days' notice to the respondent of the hearing and of the respondent's right to appear and be heard, either in person or by an attorney. If the court finds by a preponderance of evidence that the respondent has committed a crime involving domestic violence against the petitioner, regardless of whether the respondent appears at the hearing, the court may order any relief available under (c) of this section. The provisions of a protective order issued under (1) (c)(1) of this section are effective until further order of the court; (2) (c)(2) - (16) of this section are effective for one year unless earlier dissolved by court order.

(c) A protective order under this section may

- (1) prohibit the respondent from threatening to commit or committing domestic violence, stalking, or harassment;
- (2) prohibit the respondent from telephoning, contacting, or otherwise communicating directly or indirectly with the petitioner;
- (3) remove and exclude the respondent from the residence of the petitioner, regardless of ownership of the residence;
- (4) direct the respondent to stay away from the residence, school, or place of employment of the petitioner or any specified place frequented by the petitioner or any designated household member;
- (5) prohibit the respondent from entering a propelled vehicle in the possession of or occupied by the petitioner;
- (6) prohibit the respondent from using or possessing a deadly weapon if the court finds the respondent was in the actual possession of or used a weapon during the commission of domestic violence;

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

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

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

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

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

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

(11) prohibit the respondent from consuming controlled substances;

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

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

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

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

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

(d) If the court issues a protective order under this section, it shall

(1) make reasonable efforts to ensure that the order is understood by the petitioner and by the respondent, if present; and

(2) have the order delivered to the appropriate local law enforcement agency for expedited service and for entry into the central registry of protective orders under AS 18.65.540.

(e) A court may not deny a petition for a protective order under this section solely because of a lapse of time between an act of domestic violence and the filing of the petition.

6. RESTITUTION / REIMBURSEMENT OF COSTS / BONDING & LIENS

ALASKA STAT. § 03.55.130 (2017). Destruction and adoption of animals.

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

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

(c) An owner of an animal destroyed under this section may not recover damages for the destruction of the animal unless the owner shows that the destruction was not reasonable under the facts as known to the veterinarian or the peace officer authorizing the destruction.

(d) Except as provided in (a) or (b) of this section, the custodian of an animal may not adopt, provide for the adoption of, or euthanize the animal within 10 business days after the animal is taken into custody. *An owner or custodian may prevent the animal's adoption or destruction by petitioning the court of the judicial district in which the animal was seized for the animal's return, subject to court-imposed conditions.*

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

(f) The state may not be required to reimburse a public or private agency, organization, or person that voluntarily assists with the seizure of an animal or receives custody of an animal seized under this section for the cost of care of the animal.

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

ALASKA STAT. § 11.61.140 (2017). Cruelty to animals.

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

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

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

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

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

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

(6) knowingly

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

(B) under circumstances not proscribed under AS 11.41.455,

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

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

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

(b) Each animal that is subject to cruelty to animals under (a) of this section shall constitute a separate offense.

(c) It is a defense to a prosecution under this section that the conduct of the defendant

(1) was part of scientific research governed by accepted standards;

(2) constituted the humane destruction of an animal;

(3) conformed to accepted veterinary or animal husbandry practices;

(4) was necessarily incidental to lawful fishing, hunting or trapping activities;

(5) conformed to professionally accepted training and discipline standards.

(d) In (a)(2) of this section, failure to provide the minimum standards of care for an animal under AS 03.55.100 is prima facie evidence of failure to care for an animal.

(e) This section does not apply to generally accepted dog mushing or pulling contests or practices or rodeos or stock contests.

(f) In this section, “sexual conduct” means any

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

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

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

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

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

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

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

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

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

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

7. SEIZURE / ON-SITE SUPERVISION

ALASKA STAT. § 03.55.110 (2017). Investigation of cruelty to animals complaints.

- (a) A person who believes that cruelty to animals has taken place or is taking place may file a complaint with a public or private animal control agency or organization, the department, or a peace officer. An agency or organization or the department may refer the complaint to a peace officer.
- (b) *A peace officer who receives a complaint of animal cruelty may apply for a search warrant under AS 12.35 to the judicial officer in the judicial district in which the alleged violation has taken place or is taking place. If the court finds that probable cause exists, the court shall issue a search warrant directing a peace officer to proceed immediately to the location of the alleged violation, search the place designated in the warrant, and, if warranted, seize property, including animals, specified in the warrant. The warrant shall be executed by the peace officer and returned to the court.*
- (c) *Before a peace officer may seize an animal and place it into protective custody, the peace officer shall request an immediate inspection and decision by a veterinarian licensed under AS 08.98 that placement into protective custody is in the immediate best interest of the animal. If a veterinarian is not available and willing to perform an inspection, before a peace officer may seize an animal, the peace officer shall communicate with a veterinarian who has, after hearing a description of the condition of the animal and its environment, decided it is in the immediate best interest of the animal that it be placed into protective custody. If the peace officer is not able to communicate with a veterinarian, before the officer may seize an animal, the officer shall decide it is in the immediate best interest of the animal that it be placed into protective custody.*

ALASKA STAT. § 03.55.120 (2017). Seizure of animals.

- (a) *A peace officer shall place an animal in protective custody before seizing the animal from the location where it was found. If the animal is seized, the peace officer shall place the animal with a veterinarian licensed under AS 08.98 or, if a veterinarian is not readily available, and willing to accept the animal, then with a responsible public or private custodian to be sheltered, cared for, and provided necessary medical attention.*
- (b) *A peace officer who has seized an animal shall immediately notify the animal's owner in writing of the seizure and of the owner's right to petition the court under AS 03.55.130 for return of the animal. Notification may be delivered in person, posted at the owner's residence, or mailed to the owner.*
- (c) If a seized animal's owner is unknown and cannot be ascertained with reasonable effort,

- (1) the animal shall be considered a stray or abandoned; and
- (2) the notice required in (b) of this section shall be conspicuously posted at the premises from which the animal was seized.

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

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

8. FORFEITURE / POSSESSION

ALASKA STAT. § 03.55.120 (2017). Seizure of animals.

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

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

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

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

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

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

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

ALASKA STAT. § 03.55.130 (2017). Destruction and adoption of animals.

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

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

(c) An owner of an animal destroyed under this section may not recover damages for the destruction of the animal unless the owner shows that the destruction was not reasonable under the facts as known to the veterinarian or the peace officer authorizing the destruction.

(d) Except as provided in (a) or (b) of this section, the custodian of an animal may not adopt, provide for the adoption of, or euthanize the animal within 10 business days after the animal is taken into custody. An owner or custodian may prevent the animal's adoption or destruction by petitioning the court of the judicial district in which the animal was seized for the animal's return, subject to court-imposed conditions.

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

(f) The state may not be required to reimburse a public or private agency, organization, or person that voluntarily assists with the seizure of an animal or receives custody of an animal seized under this section for the cost of care of the animal.

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

ALASKA STAT. § 11.61.140 (2017). Cruelty to animals.

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

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

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

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

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

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

(6) knowingly

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

(B) under circumstances not proscribed under AS 11.41.455,

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

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

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

(b) Each animal that is subject to cruelty to animals under (a) of this section shall constitute a separate offense.

(c) It is a defense to a prosecution under this section that the conduct of the defendant

(1) was part of scientific research governed by accepted standards;

(2) constituted the humane destruction of an animal;

(3) conformed to accepted veterinary or animal husbandry practices;

(4) was necessarily incidental to lawful fishing, hunting or trapping activities;

(5) conformed to professionally accepted training and discipline standards.

(d) In (a)(2) of this section, failure to provide the minimum standards of care for an animal under AS 03.55.100 is prima facie evidence of failure to care for an animal.

(e) This section does not apply to generally accepted dog mushing or pulling contests or practices or rodeos or stock contests.

(f) In this section, "sexual conduct" means any

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

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

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

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

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

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

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

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

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

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

9. CROSS ENFORCEMENT / REPORTING

10. VETERINARIAN REPORTING / IMMUNITY

11. LAW ENFORCEMENT POLICIES

ALASKA STAT. § 03.55.110 (2017). Investigation of cruelty to animals complaints.

(a) A person who believes that cruelty to animals has taken place or is taking place may file a complaint with a public or private animal control agency or organization, the department, or a peace officer. An agency or organization or the department may refer the complaint to a peace officer.

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

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

12. SEXUAL ASSAULT

ALASKA STAT. § 11.61.140 (2017). Cruelty to animals.

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

- (1) knowingly inflicts severe or prolonged physical pain or suffering on an animal;*
- (2) has a legal duty to care for the animal and, with criminal negligence, fails to care for an animal and, as a result, causes the death of the animal or causes severe physical pain or prolonged suffering to the animal;*
- (3) kills or injures an animal by the use of a decompression chamber;*
- (4) intentionally kills or injures a pet or livestock by the use of poison;*
- (5) knowingly kills or injures an animal, other than as provided in (1) or (3) of this subsection, with the intent to intimidate, threaten, or terrorize another person;*
- (6) knowingly*
 - (A) engages in sexual conduct with an animal; or*
 - (B) under circumstances not proscribed under AS 11.41.455,*
 - (i) photographs or films, for purposes of sexual gratification, a person engaged in sexual conduct with an animal; or*
 - (ii) causes, induces, aids, or encourages another person to engage in sexual conduct with an animal; or*
- (7) intentionally permits sexual conduct with an animal to be conducted on any premises under the person's control.*

(b) Each animal that is subject to cruelty to animals under (a) of this section shall constitute a separate offense.

(c) It is a defense to a prosecution under this section that the conduct of the defendant

- (1) was part of scientific research governed by accepted standards;*
- (2) constituted the humane destruction of an animal;*
- (3) conformed to accepted veterinary or animal husbandry practices;*

(4) was necessarily incidental to lawful fishing, hunting or trapping activities;

(5) conformed to professionally accepted training and discipline standards.

(d) In (a)(2) of this section, failure to provide the minimum standards of care for an animal under AS 03.55.100 is prima facie evidence of failure to care for an animal.

(e) This section does not apply to generally accepted dog mushing or pulling contests or practices or rodeos or stock contests.

(f) In this section, “sexual conduct” means any

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

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

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

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

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

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

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

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

(2) require the defendant to reimburse the state or a custodian for all reasonable costs

incurred in providing necessary shelter, care, veterinary attention, or medical treatment for any animal affected;

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

13. FIGHTING

ALASKA STAT. § 11.61.145 (2017). Promoting an exhibition of fighting animals.

(a) A person commits the crime or offense, as applicable, of promoting an exhibition of fighting animals if the person

(1) owns, possesses, keeps, or trains an animal with intent that it be engaged in an exhibition of fighting animals;

*(2) instigates, promotes, or has a pecuniary interest in an exhibition of fighting animals;
or*

(3) attends an exhibition of fighting animals.

(b) The animals, equipment, vehicles, money, and other personal property used by a person in a violation of (a)(1) or (2) of this section shall be forfeited to the state if the person is convicted of an offense under this section.

(c) In this section, “animal” means a vertebrate living creature not a human being, but does not include fish.

(d) Promoting an exhibition of fighting animals

(1) under (a)(1) or (2) of this section is a class C felony;

(2) under (a)(3) of this section is a violation for the first offense, a class B misdemeanor for the second offense, and a class A misdemeanor for the third and each subsequent offense.

14. REFERENCED STATUTES

ALASKA STAT. § 03.55.100 (2017). Minimum standards of care for animals.

- (a) The minimum standards of care for animals include
 - (1) food and water sufficient to maintain each animal in good health;
 - (2) an environment compatible with protecting and maintaining the good health and safety of the animal; and
 - (3) reasonable medical care at times and to the extent available and necessary to maintain the animal in good health.
- (b) Any determination as to whether or not the standards of this chapter are met shall be based on the professional opinion of a veterinarian licensed under AS 08.98.
- (c) The department may adopt regulations to implement this section.

ALASKA STAT. § 03.55.110 (2017). Investigation of cruelty to animals complaints.

- (a) A person who believes that cruelty to animals has taken place or is taking place may file a complaint with a public or private animal control agency or organization, the department, or a peace officer. An agency or organization or the department may refer the complaint to a peace officer.
- (b) *A peace officer who receives a complaint of animal cruelty may apply for a search warrant under AS 12.35 to the judicial officer in the judicial district in which the alleged violation has taken place or is taking place. If the court finds that probable cause exists, the court shall issue a search warrant directing a peace officer to proceed immediately to the location of the alleged violation, search the place designated in the warrant, and, if warranted, seize property, including animals, specified in the warrant. The warrant shall be executed by the peace officer and returned to the court.*

- (c) *Before a peace officer may seize an animal and place it into protective custody, the peace officer shall request an immediate inspection and decision by a veterinarian licensed under AS 08.98 that placement into protective custody is in the immediate best interest of the animal. If a veterinarian is not available and willing to perform an inspection, before a peace officer may seize an animal, the peace officer shall communicate with a veterinarian who has, after hearing a description of the condition of the animal and its environment, decided it is in the immediate best interest of the animal that it be placed into protective custody. If the peace officer is not able to communicate with a veterinarian, before the officer may seize an animal, the officer shall decide it is in the immediate best interest of the animal that it be placed into protective custody.*

ALASKA STAT. § 03.55.120 (2017). Seizure of animals.

- (a) A peace officer shall place an animal in protective custody before seizing the animal from the location where it was found. If the animal is seized, the peace officer shall place the animal with a veterinarian licensed under AS 08.98 or, if a veterinarian is not readily available, and willing to accept the animal, then with a responsible public or private custodian to be sheltered, cared for, and provided necessary medical attention.
- (b) A peace officer who has seized an animal shall immediately notify the animal's owner in writing of the seizure and of the owner's right to petition the court under AS 03.55.130 for return of the animal. Notification may be delivered in person, posted at the owner's residence, or mailed to the owner.
- (c) If a seized animal's owner is unknown and cannot be ascertained with reasonable effort,
- (1) the animal shall be considered a stray or abandoned; and
 - (2) the notice required in (b) of this section shall be conspicuously posted at the premises from which the animal was seized.
- (d) The state, a municipality, or a person, that supplies shelter, care, veterinary attention or medical treatment for an animal seized under this section shall make a reasonable effort to locate the owner.
- (e) The owner of an animal seized under (a) of this section may not recover damages for injury to or death of the animal occurring while the animal is in the custody of the state, a municipality, or a person under this section, unless the owner shows that the injury or death was caused by gross negligence or reckless or intentional misconduct.

ALASKA STAT. § 03.55.130 (2017). Destruction and adoption of animals.

- (a) If a determination is made by a veterinarian licensed under AS 08.98, by a peace officer in consultation with a veterinarian licensed under AS 08.98, or by a peace officer who is unable to locate or communicate with a veterinarian licensed under AS 08.98 that an animal seized under AS 03.55.100 - 03.55.190 is injured or diseased to such an extent that, in the opinion of the veterinarian, it is probable the animal cannot recover, the veterinarian or the peace officer may humanely destroy the animal or arrange for the animal's humane destruction.
- (b) Upon diagnosis and recommendation of a veterinarian licensed under AS 08.98, a public or private custodian may humanely destroy or arrange for the humane destruction of a severely injured, diseased, or suffering animal that has been seized under AS 03.55.100 - 03.55.190.
- (c) An owner of an animal destroyed under this section may not recover damages for the destruction of the animal unless the owner shows that the destruction was not reasonable under the facts as known to the veterinarian or the peace officer authorizing the destruction.
- (d) Except as provided in (a) or (b) of this section, the custodian of an animal may not adopt, provide for the adoption of, or euthanize the animal within 10 business days after the animal is taken into custody. *An owner or custodian may prevent the animal's adoption or destruction by petitioning the court of the judicial district in which the animal was seized for the animal's return, subject to court-imposed conditions.*
- (e) The court may, on its own accord or upon a filing by the custodian, the owner of the animal, or the entity that seized the animal, enter an order for the cost of care of the animal pending final disposition of the custody of the animal. An order under this section may include a requirement that the owner of the animal post a bond or other security to guarantee that the cost of care of the animal is received and maintained. If, without justifiable cause, the owner of the animal fails to comply with an order under this section, the court may order that the animal be forfeited.
- (f) *The state may not be required to reimburse a public or private agency, organization, or person that voluntarily assists with the seizure of an animal or receives custody of an animal seized under this section for the cost of care of the animal.*
- (g) Nothing in (d) or (e) of this section shall shift the burden of proof from the who would otherwise have that burden.

ALASKA STAT. § 03.55.190 (2017). Definitions.

In AS 03.55.100 – 03.55.190,

- (1) “animal” has the meaning given in AS 11.81.900;
- (2) “custodian” means a person responsible by law for the care, custody, or control of animals;
- (3) “department” means the Department of Environmental Conservation.
- (4) "cost of care" means the cost of shelter, care, veterinary assistance, and medical treatment rendered to the animal;
- (5) "cruelty to animals" includes acts constituting cruelty to animals under AS 11.61.140(a), acts promoting an exhibition of fighting animals under AS 11.61.145(a)(1) or (2), and other serious acts of animal cruelty warranting protective actions under AS 03.55.100 - 03.55.190, whether or not they are specifically listed in AS 11.61.140 or 11.61.145;
- (6) "peace officer" means
 - (A) an officer of the state troopers;
 - (B) a member of the police force of a municipality;
 - (C) a village public safety officer; or
 - (D) a regional public safety officer.

ALASKA STAT. § 11.56.705 (2017). Harming a police dog in the first degree.

- (a) A person commits the crime of harming a police dog in the first degree if the person intentionally kills or causes serious physical injury to a police dog, knowing the dog to be a police dog.
- (b) Harming a police dog in the first degree is a class C felony.

ALASKA STAT. § 11.56.710 (2017). Harming a police dog in the second degree.

- (a) A person commits the crime of harming a police dog in the second degree if the person intentionally causes physical injury to or, without causing physical injury to, torments, kicks, strikes, stones, or tampers with a police dog, knowing the dog to be a police dog.
- (b) Harming a police dog in the second degree is a class A misdemeanor.

ALASKA STAT. § 11.61.140 (2017). Cruelty to animals.

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

- (1) knowingly inflicts severe or prolonged physical pain or suffering on an animal;
- (2) has a legal duty to care for the animal and, with criminal negligence, fails to care for an animal and, as a result, causes the death of the animal or causes severe physical pain or prolonged suffering to the animal;
- (3) kills or injures an animal by the use of a decompression chamber;
- (4) intentionally kills or injures a pet or livestock by the use of poison;
- (5) knowingly kills or injures an animal, other than as provided in (1) or (3) of this subsection, with the intent to intimidate, threaten, or terrorize another person;
- (6) knowingly
 - (A) engages in sexual conduct with an animal; or
 - (B) under circumstances not proscribed under AS 11.41.455,
 - (i) photographs or films, for purposes of sexual gratification, a person engaged in sexual conduct with an animal; or
 - (ii) causes, induces, aids, or encourages another person to engage in sexual conduct with an animal; or
- (7) intentionally permits sexual conduct with an animal to be conducted on any premises under the person's control.

(b) Each animal that is subject to cruelty to animals under (a) of this section shall constitute a separate offense.

(c) It is a defense to a prosecution under this section that the conduct of the defendant

- (1) was part of scientific research governed by accepted standards;
- (2) constituted the humane destruction of an animal;
- (3) conformed to accepted veterinary or animal husbandry practices;
- (4) was necessarily incidental to lawful fishing, hunting or trapping activities;

(5) conformed to professionally accepted training and discipline standards.

(d) In (a)(2) of this section, failure to provide the minimum standards of care for an animal under AS 03.55.100 is prima facie evidence of failure to care for an animal.

(e) This section does not apply to generally accepted dog mushing or pulling contests or practices or rodeos or stock contests.

(f) In this section, “sexual conduct” means any

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

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

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

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

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

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

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

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

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

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

ALASKA STAT. § 11.61.145 (2017). Promoting an exhibition of fighting animals.

(a) A person commits the crime or offense, as applicable, of promoting an exhibition of fighting animals if the person

(1) owns, possesses, keeps, or trains an animal with intent that it be engaged in an exhibition of fighting animals;

(2) instigates, promotes, or has a pecuniary interest in an exhibition of fighting animals;
or

(3) attends an exhibition of fighting animals.

(b) The animals, equipment, vehicles, money, and other personal property used by a person in a violation of (a)(1) or (2) of this section shall be forfeited to the state if the person is convicted of an offense under this section.

(c) In this section, "animal" means a vertebrate living creature not a human being, but does not include fish.

(d) Promoting an exhibition of fighting animals

(1) under (a)(1) or (2) of this section is a class C felony;

(2) under (a)(3) of this section is a violation for the first offense, a class B misdemeanor for the second offense, and a class A misdemeanor for the third and each subsequent offense.

ALASKA STAT. § 11.81.900 (2017). Definitions.

Editor's note: Unrelated statutory text has been omitted.

* * *

(b) In this title, unless otherwise specified or unless the context requires otherwise,

* * *

(3) "animal" means a vertebrate living creature not a human being, but does not include fish.

ALASKA STAT. § 18.66.100 (2017). Protective orders; eligible petitioners; relief.

(a) A person who is or has been a victim of a crime involving domestic violence may file a petition in the district or superior court for a protective order against a household member. A parent, guardian, or other representative appointed by the court under this section may file a petition for a protective order on behalf of a minor. The court may appoint a guardian ad litem or attorney to represent the minor. Notwithstanding AS 25.24.310 or this section, the office of public advocacy may not be appointed as a guardian ad litem or attorney for a minor in a petition filed under this section unless the petition has been filed on behalf of the minor.

(b) When a petition for a protective order is filed, the court shall schedule a hearing and provide at least 10 days' notice to the respondent of the hearing and of the respondent's right to appear and be heard, either in person or by an attorney. If the court finds by a preponderance of evidence that the respondent has committed a crime involving domestic violence against the petitioner, regardless of whether the respondent appears at the hearing, the court may order any relief available under (c) of this section. The provisions of a protective order issued under (1) (c)(1) of this section are effective until further order of the court; (2) (c)(2) - (16) of this section are effective for one year unless earlier dissolved by court order.

(c) A protective order under this section may

- (1) prohibit the respondent from threatening to commit or committing domestic violence, stalking, or harassment;
- (2) prohibit the respondent from telephoning, contacting, or otherwise communicating directly or indirectly with the petitioner;
- (3) remove and exclude the respondent from the residence of the petitioner, regardless of ownership of the residence;
- (4) direct the respondent to stay away from the residence, school, or place of employment of the petitioner or any specified place frequented by the petitioner or any designated household member;
- (5) prohibit the respondent from entering a propelled vehicle in the possession of or occupied by the petitioner;
- (6) prohibit the respondent from using or possessing a deadly weapon if the court finds the respondent was in the actual possession of or used a weapon during the commission of domestic violence;
- (7) direct the respondent to surrender any firearm owned or possessed by the respondent if the court finds that the respondent was in the actual possession of or used a firearm during the commission of the domestic violence;

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

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

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

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

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

(11) prohibit the respondent from consuming controlled substances;

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

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

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

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

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

(d) If the court issues a protective order under this section, it shall

(1) make reasonable efforts to ensure that the order is understood by the petitioner and by the respondent, if present; and

(2) have the order delivered to the appropriate local law enforcement agency for expedited service and for entry into the central registry of protective orders under AS 18.65.540.

(e) A court may not deny a petition for a protective order under this section solely because of a lapse of time between an act of domestic violence and the filing of the petition.

PUNISHMENT OPTIONS

Editor's note: ALASKA STAT. § 12.55.015, punishment options are as follows: Class C felonies are punishable by a definite term of imprisonment not more than five years and a fine of not more than \$50,000. Class A misdemeanors are punishable by a definite term of imprisonment of not more than one year and/or a fine of not more than \$10,000. Class B misdemeanors are punishable by a definite term of imprisonment of not more than 90 days and/or a fine of not more than \$2,000. Violations are punishable by a fine not exceeding \$500. ALASKA STAT. § 12.55.035 (2017); ALASKA STAT. §§ 12.55.125, 135 (2017).