

# States' Animal Cruelty Statutes: Alaska

*Current with legislation through Chapter 32 of the 2020 Second Regular Session of the 31st Legislature.*

## **§ 03.55.010. Killing of vicious or mad dog authorized**

Any person may lawfully kill any vicious or mad dog running at large.

## **§ 03.55.020. Vicious dogs**

Any dog which when unprovoked has ever bitten or attacked a human being is considered vicious within the meaning of AS 03.55.010.

## **§ 03.55.030. Dogs that annoy or bite animals or birds**

Whenever any dog habitually annoys any wild deer, reindeer, sheep, cattle, horse, or other animal or bird either domestic or wild, or evinces a disposition which makes it likely that it will without provocation bite an animal or fowl, any person may lawfully kill the dog, when at large. The owner or keeper of the dog, if known or reasonably identifiable, shall be notified and given reasonable opportunity to restrain the dog before it is lawful to kill it. Persons authorized to enforce AS 16.05 (Alaska Fish and Game Code) and peace officers may enforce this section.

## **§ 03.55.070. Power of village council to control dogs**

(a) A village council duly elected by residents of an unincorporated village not within an organized borough may destroy loose dogs in the village and may otherwise control dogs to the extent authorized first-class cities.

(b) The council may impose and enforce the provisions of a dog control ordinance in the total area within 20 miles of the village. The ordinance must generally describe the area in which it is imposed. If two villages having dog control ordinances lie within 40 miles of each other, the jurisdiction of each village terminates at a point midway between them.

## **§ 03.55.100. 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.

### **§ 03.55.110. 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, take 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 take 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 to perform an inspection, before a peace officer may take 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 take an animal, the officer shall decide it is in the immediate best interest of the animal that it be placed into protective custody. For purposes of this section, "peace officer" means

- (1) an officer of the state troopers;
- (2) a member of the police force of a municipality;
- (3) a village public safety officer; or
- (4) a regional public safety officer.

### **§ 03.55.120. 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.

#### **§ 03.55.120. 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.

#### **§ 03.55.130. 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 party who would otherwise have that burden.

### **§ 03.55.190. Definitions**

In AS 03.55.100--03.55.190,

(1) "animal" has the meaning given in AS 11.81.900;

(2) "cost of care" means the cost of shelter, care, veterinary assistance, and medical treatment rendered to the animal;

(3) "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;

(4) "custodian" means a person responsible by law for the care, custody, or control of animals;

(5) "department" means the Department of Environmental Conservation;

(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.

**§ 11.61.140. 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.

**§ 11.61.145. Promoting an exhibition of fighting animals**

(a) A person commits the crime 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) Repealed by SLA 2019, ch. 13, § 103, eff. Oct. 17, 2019.

(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) a violation

(i) for the first offense;

(ii) punishable by a fine of not more than \$1,000 for the second offense; and

(B) a class B misdemeanor for the third and each subsequent offense.