

ANIMAL PROTECTION LAWS OF ALASKA



**ANIMAL LEGAL
DEFENSE FUND** EST
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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, 2020. 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 with the relevant part of each statute italicized.

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.

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<p>1. <u>DEFINITION OF "ANIMAL"</u></p>	<p>"...[V]ertebrate living creature not a human being, but does not include fish" ALASKA STAT. § 03.55.190 ALASKA STAT. § 11.81.900(b)(3)</p>
<p>2. <u>GENERAL CRUELTY *</u></p>	<p>Neglect ALASKA STAT. § 03.55.100 ALASKA STAT. § 11.61.140(a)(2) <i>First offense: Class A misdemeanor</i> <i>Second offense within ten years of prior animal cruelty, sexual assault, or fighting offenses: Class C felony</i></p> <p>Cruelty ALASKA STAT. § 11.61.140(a)(1) <i>Class C felony</i></p> <p>Kill or injure with a decompression chamber ALASKA STAT. § 11.61.140(a)(3) <i>Class C felony</i></p> <p>Poisoning ALASKA STAT. § 11.61.140(a)(4) <i>Class C felony</i></p> <p>Cruelty with the intent to threaten, intimidate, or terrorize another person ALASKA STAT. § 11.61.140(a)(5) <i>First offense: Class A misdemeanor</i> <i>Second offense within ten years of prior animal cruelty, sexual assault, or fighting offenses: Class C felony</i></p>
<p>3. <u>EXEMPTIONS</u></p>	<p>Veterinary practice, research animals, wildlife, accepted farm animal husbandry practices, rodeo, other ALASKA STAT. § 11.61.140(c),(e)</p>
<p>4. <u>FIGHTING & RACKETEERING</u></p>	<p>Various animal fighting activities ALASKA STAT. § 11.61.145</p>

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	<p><i>Class C felony</i></p> <p>Being a spectator at an animal fight ALASKA STAT. § 11.61.145 <i>First offense: violation</i> <i>Second offense: violation punishable by up to \$1,000 fine</i> <i>Subsequent offenses: Class A misdemeanor</i></p>
5. <u>SEXUAL ASSAULT</u>	<p>Various activities involving the sexual assault of an animal ALASKA STAT. §§ 11.61.140(a)(6, 7),(f) <i>First offense: Class A misdemeanor</i> <i>Subsequent offenses within 10 years of sex assault, animal cruelty, or animal fighting: Class C felony</i></p>
6. <u>CRUELTY TO WORKING ANIMALS</u>	<p>Harming a police dog in the first degree ALASKA STAT. § 11.56.705 <i>Class C felony</i></p> <p>Harming a police dog in the second degree ALASKA STAT. § 11.56.710 <i>Class A misdemeanor</i></p>
7. <u>MAXIMUM PENALTIES & STATUTE OF LIMITATIONS**</u>	<p>Class A misdemeanor <i>Without aggravating factors: 30 days imprisonment</i> <i>With aggravating factors: 1 year and/or \$25,000 fine</i> ALASKA STAT. § 12.55.135(a) ALASKA STAT. § 12.55.035(b)(5)</p> <p>Class C felony <i>5 years imprisonment and/or \$50,000 fine</i> ALASKA STAT. § 12.55.125(e) ALASKA STAT. § 12.55.035(b)(4)</p> <p>Statute of limitations <i>5 years</i> AS § 12.10.010(b)(2)</p>
8. <u>CROSS ENFORCEMENT & REPORTING</u>	-----

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<p>9. <u>VETERINARIAN REPORTING & IMMUNITY</u></p>	<p>-----</p>
<p>10. <u>LAW ENFORCEMENT POLICIES</u></p>	<p>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)</p>
<p>11. <u>SEIZURE</u></p>	<p>Peace officer may obtain a search warrant and seize animal if probable cause exists. ALASKA STAT. § 03.55.110(b)</p> <p>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)</p> <p>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)</p> <p>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)</p>
<p>12. <u>COURTROOM ANIMAL ADVOCATE PROGRAM</u></p>	<p>-----</p>
<p>13. <u>PROTECTION 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>Definition of “domestic violence” includes cruelty to a pet. ALASKA STAT. § 18.66.990</p>
<p>14. <u>RESTITUTION †</u></p>	<p>To prevent adoption or destruction of a seized animal, defendant may</p>

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	<p>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>
<p><u>15. FORFEITURE & POSSESSION BANS †</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>Upon conviction for animal fighting, animals, equipment, vehicles, money, and other personal property used in the offense are forfeited. ALASKA STAT. § 11.61.145</p>
<p><u>16. COURT-ORDERED TREATMENT †</u></p>	<p>-----</p>

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17. <u>HOT CARS</u>	-----
18. <u>CIVIL NUISANCE ABATEMENT</u>	-----
19. <u>AG-GAG LAWS</u>	-----
20. <u>BREED SPECIFIC LEGISLATION</u>	-----

- * 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.
- † 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.

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1. DEFINITION OF “ANIMAL”

ALASKA STAT. § 03.55.190. 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. § 11.81.900. Definitions.

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;

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2. GENERAL CRUELTY

ALASKA STAT. § 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.*

ALASKA STAT. § 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.*

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- (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.

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3. EXEMPTIONS

ALASKA STAT. § 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

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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.

ANIMAL PROTECTION LAWS OF ALASKA**4. FIGHTING AND RACKETEERING****ALASKA STAT. § 11.61.145. 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) *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 A misdemeanor for the third and each subsequent offense.*

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5. SEXUAL ASSAULT

ALASKA STAT. § 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*

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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.

ANIMAL PROTECTION LAWS OF ALASKA**6. CRUELTY TO WORKING ANIMALS****ALASKA STAT. § 11.56.705. 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. 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.*

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7. MAXIMUM PENALTIES & STATUTES OF LIMITATIONS

ALASKA STAT. § 12.10.010. Statute of Limitations.

- (a) Prosecution for the following offenses may be commenced at any time:
- (1) murder;
 - (2) attempt, solicitation, or conspiracy to commit murder or hindering the prosecution of murder;
 - (3) felony sexual abuse of a minor;
 - (4) sexual assault that is an unclassified, class A, or class B felony or a violation of AS 11.41.425(a)(2)--(4);
 - (5) a violation of AS 11.41.425, 11.41.427, 11.41.450--11.41.458, AS 11.66.110--11.66.130, or former AS 11.41.430, when committed against a person who, at the time of the offense, was under 18 years of age;
 - (6) kidnapping;
 - (7) distribution of child pornography in violation of AS 11.61.125;
 - (8) sex trafficking in violation of AS 11.66.110--11.66.130 that is an unclassified, class A, or class B felony or that is committed against a person who, at the time of the offense, was under 20 years of age;
 - (9) human trafficking in violation of AS 11.41.360 or 11.41.365.
- (b) *Except as otherwise provided by law or in (a) of this section, a person may not be prosecuted, tried, or punished for an offense unless the indictment is found or the information or complaint is instituted not later than*
- (1) 10 years after the commission of a felony offense in violation of AS 11.41.120--11.41.330, 11.41.425(a)(1), 11.41.425(a)(5), 11.41.425(a)(6), or 11.41.450--11.41.458; or
 - (2) *five years after the commission of any other offense.*

ALASKA STAT. § 12.55.035. Fines.

- (a) Upon conviction of an offense, a defendant may be sentenced to pay a fine as authorized in this section or as otherwise authorized by law.
- (b) Upon conviction of an offense, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of not more than
- (1) \$500,000 for murder in the first or second degree, attempted murder in the first degree, murder of an unborn child, sexual assault in the first degree, sexual abuse of a minor in the first degree, kidnapping, sex trafficking in the first degree under AS 11.66.110(a)(2), or misconduct involving a controlled substance in the first degree;
 - (2) \$250,000 for a class A felony;

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- (3) \$100,000 for a class B felony;
 - (4) \$50,000 for a class C felony;
 - (5) \$25,000 for a class A misdemeanor;
 - (6) \$2,000 for a class B misdemeanor;
 - (7) \$500 for a violation.
- (c) Upon conviction of an offense, a defendant that is an organization may be sentenced to pay a fine not exceeding the greatest of
- (1) an amount that is
 - (A) \$2,500,000 for a felony offense or for a misdemeanor offense that results in death;
 - (B) \$500,000 for a class A misdemeanor offense that does not result in death;
 - (C) \$75,000 for a class B misdemeanor offense that does not result in death;
 - (D) \$25,000 for a violation;
 - (2) three times the pecuniary gain
 - (A) realized by the defendant as a result of the offense; or
 - (B) sought by the defendant for the defendant or for others by the commission of the offense; or
 - (3) three times the pecuniary damage or loss
 - (A) caused by the defendant to another, or to the property of another, as a result of the offense; or
 - (B) to another or the property of another sought by the defendant by the commission of the offense.
- (d) If a defendant is sentenced to pay a fine, the court may grant permission for the payment to be made within a specified period of time or in specified installments.
- (e) In imposing a fine under (c) of this section, in addition to any other relevant factors, the court shall consider
- (1) measures taken by the organization to discipline an officer, director, employee, or agent of the organization;
 - (2) measures taken by the organization to prevent a recurrence of the offense;
 - (3) the organization's obligation to make restitution to a victim of the offense, and the extent to which imposition of a fine will impair the ability of the organization to make restitution; and
 - (4) the extent to which the organization will pass on to consumers the expense of the fine.
- (f) In imposing a fine, the court may not reduce the fine by the amount of a surcharge or otherwise consider the applicability of a surcharge to the offense.
- (g) Fines imposed and collected under this section shall be separately accounted for under AS 37.05.142.
- (h) Repealed by SLA 2010, ch. 110, § 5.

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ALASKA STAT. § 12.55.125. Sentences of imprisonment for felonies.

NOTE: Unrelated statutory text has been omitted.

* * *

(e) Except as provided in (i) of this section, *a defendant convicted of a class C felony may be sentenced to a definite term of imprisonment of not more than five years*, and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155--12.55.175:

- (1) if the offense is a first felony conviction and does not involve circumstances described in (4) of this subsection, zero to two years; a defendant sentenced under this paragraph may, if the court finds it appropriate, be granted a suspended imposition of sentence under AS 12.55.085, and the court may, as a condition of probation under AS 12.55.086, require the defendant to serve an active term of imprisonment within the range specified in this paragraph;
- (2) if the offense is a second felony conviction, two to four years;
- (3) if the offense is a third felony conviction, three to five years;
- (4) if the offense is a first felony conviction, and the defendant violated AS 08.54.720(a)(15), one to two years.

* * *

(h) If a defendant is sentenced under (c), (d), (e), or (i) of this section, except to the extent permitted under AS 12.55.155--12.55.175,

- (1) imprisonment may not be suspended under AS 12.55.080 below the low end of the presumptive range;
- (2) and except as provided in (d)(1) or (e)(1) of this section, imposition of sentence may not be suspended under AS 12.55.085;
- (3) terms of imprisonment may not be otherwise reduced.

(i) Nothing in this section or AS 12.55.135 limits the discretion of the sentencing judge except as specifically provided. Nothing in (a) of this section limits the court's discretion to impose a sentence of 99 years imprisonment, or to limit parole eligibility, for a person convicted of murder in the first or second degree in circumstances other than those enumerated in (a).

* * *

(n) In imposing a sentence within a presumptive range under (c), (d), (e), or (i) of this section, the total term, made up of the active term of imprisonment plus any suspended term of imprisonment, must fall within the presumptive range, and the active term of imprisonment may not fall below the lower end of the presumptive range.

* * *

(p) Other than for convictions subject to a mandatory 99-year sentence, the court shall

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impose, in addition to an active term of imprisonment imposed under (i) of this section, a minimum period of (1) suspended imprisonment of five years and a minimum period of probation supervision of 15 years for conviction of an unclassified felony, (2) suspended imprisonment of three years and a minimum period of probation supervision of 10 years for conviction of a class A or class B felony, or (3) suspended imprisonment of two years and a minimum period of probation supervision of five years for conviction of a class C felony. The period of probation is in addition to any sentence received under (i) of this section.

ALASKA STAT. § 12.55.135. Sentences of Imprisonment for misdemeanors.

- (a) *A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than one year*
- (b) *A defendant convicted of a class B misdemeanor may be sentenced to a definite term of imprisonment of not more than 90 days unless otherwise specified in the provision of law defining the offense.*
- (c) *A defendant convicted of assault in the fourth degree that is a crime involving domestic violence committed in violation of the provisions of an order issued or filed under AS 12.30.027 or AS 18.66.100--18.66.180 and not subject to sentencing under (g) of this section shall be sentenced to a minimum term of imprisonment of 20 days.*
- (d) A defendant convicted of assault in the fourth degree or harassment in the first degree who knowingly directed the conduct constituting the offense at
 - (1) a uniformed or otherwise clearly identified peace officer, firefighter, correctional employee, emergency medical technician, paramedic, ambulance attendant, or other emergency responder or medical professional who was engaged in the performance of official duties at the time of the assault or harassment shall be sentenced to a minimum term of imprisonment of
 - (A) 60 days if the defendant violated AS 11.41.230(a)(1) or (2) or AS 11.61.118;
 - (B) 30 days if the defendant violated AS 11.41.230(a)(3);
 - (2) a person who was on school grounds during school hours or during a school function or a school-sponsored event, on a school bus, at a school-sponsored event, or in the administrative offices of a school district, if students are educated at that office, shall be sentenced to a minimum term of imprisonment of 60 days if the defendant violated AS 11.41.230(a)(1) or (2); in this paragraph,
 - (A) "school bus" has the meaning given in AS 11.71.900;
 - (B) "school district" has the meaning given in AS 47.07.063;
 - (C) "school grounds" has the meaning given in AS 11.71.900.
- (e) If a defendant is sentenced under (c), (d), or (h) of this section,
 - (1) execution of sentence may not be suspended and probation or parole may not be granted until the minimum term of imprisonment has been served;

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- (2) imposition of a sentence may not be suspended except upon condition that the defendant be imprisoned for no less than the minimum term of imprisonment provided in the section; and
- (3) the minimum term of imprisonment may not otherwise be reduced.
- (f) A defendant convicted of vehicle theft in the second degree in violation of AS 11.46.365(a)(1) shall be sentenced to a definite term of imprisonment of at least 72 hours but not more than one year.
- (g) *A defendant convicted of assault in the fourth degree that is a crime involving domestic violence shall be sentenced to a minimum term of imprisonment of*
 - (1) *30 days if the defendant has been previously convicted of a crime against a person or a crime involving domestic violence;*
 - (2) *60 days if the defendant has been previously convicted two or more times of a crime against a person or a crime involving domestic violence, or a combination of those crimes.*
- (h) A defendant convicted of failure to register as a sex offender or child kidnapper in the second degree under AS 11.56.840 shall be sentenced to a minimum term of imprisonment of 35 days.
- (i) *If a defendant is sentenced under (g) of this section,*
 - (1) *execution of sentence may not be suspended and probation or parole may not be granted until the minimum term of imprisonment has been served;*
 - (2) *imposition of sentence may not be suspended;*
 - (3) *the minimum term of imprisonment may not otherwise be reduced.*
- (j) Repealed by SLA 2016, ch. 36, § 179, eff. July 12, 2016.
- (k) In this section,
 - (1) “crime against a person” means a crime under AS 11.41, or a crime in this or another jurisdiction having elements similar to those of a crime under AS 11.41;
 - (2) “crime involving domestic violence” has the meaning given in AS 18.66.990;

[Editor’s note: “domestic violence” includes cruelty to animals under AS 11.61.140(a)(5) if the animal is a pet.]

 - (3) “medical professional” means a person who is an anesthesiologist, dentist, dental hygienist, health aide, nurse, nurse aide, advanced practice registered nurse, mental health counselor, physician, physician assistant, chiropractor, psychiatrist, osteopath, psychologist, psychological associate, radiologist, surgeon, or x-ray technician, or who holds a substantially similar position.
- (l) A court sentencing a person convicted of theft in the fourth degree under AS 11.46.150, concealment of merchandise under AS 11.46.220(c)(3), removal of identification marks under AS 11.46.260(b)(3), unlawful possession under AS 11.46.270(b)(3), issuing a bad check under AS 11.46.280(d)(4), or criminal simulation under AS 11.46.530(b)(3) may not impose
 - (1) a sentence of more than 15 days of active imprisonment and a term of probation of more than six months if the person has previously been convicted two times of an offense under AS 11.46.110--11.46.220, 11.46.260--

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- 11.46.290, 11.46.360, or 11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements;
- (2) a sentence of more than 10 days of active imprisonment and a term of probation of more than six months if the person has previously been convicted once of an offense under AS 11.46.110--11.46.220, 11.46.260--11.46.290, 11.46.360, or 11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements; or
- (3) a sentence of more than five days of active imprisonment and a term of probation of more than six months if the person has not been previously convicted of an offense under AS 11.46.110--11.46.220, 11.46.260--11.46.290, 11.46.360, or 11.46.365, or a law or ordinance of this or another jurisdiction with substantially similar elements.
- (m) A court may not impose a sentence of imprisonment for a definite term of more than 24 hours for a person convicted of disorderly conduct under AS 11.61.110.
- (n) A court sentencing a person convicted of misconduct involving a controlled substance in the fourth degree under AS 11.71.050(a)(4) or misconduct involving a controlled substance in the fifth degree under AS 11.71.060(a)(2) may not impose
- (1) a sentence of active imprisonment, unless the person has previously been convicted more than once of an offense under AS 11.71 or a law of this or another jurisdiction with elements substantially similar to an offense under AS 11.71; or
- (2) a sentence of suspended imprisonment greater than
- (A) 30 days, if the defendant has not been previously convicted of an offense under AS 11.71 or a law of this or another jurisdiction with elements substantially similar to an offense under AS 11.71; or
- (B) 180 days, if the person has been previously convicted of an offense under AS 11.71 or a law of this or another jurisdiction with elements substantially similar to an offense under AS 11.71.
- (o) If an aggravating factor is a necessary element of the present offense, that factor may not be used to impose a sentence above the high end of the range.
- (p) If the state seeks to establish an aggravating factor at sentencing
- (1) under (a)(1)(C) of this section, written notice must be served on the opposing party and filed with the court not later than 10 days before the date set for imposition of sentence; the aggravating factor in (a)(1)(C) of this section must be established by clear and convincing evidence before the court sitting without a jury; all findings must be set out with specificity;
- (2) an aggravating factor under (a)(1)(B) of this section shall be presented to a trial jury under procedures set by the court, unless the defendant waives trial by jury, stipulates to the existence of the factor, or consents to have the factor proven under procedures set out in (1) of this subsection; an aggravating factor presented to a jury is established if proved beyond a reasonable doubt; written notice of the intent to establish an aggravating factor must be served on the

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defendant and filed with the court

- (A) not later than 10 days before trial or at a time specified by the court;
- (B) not later than 48 hours, or at a time specified by the court, if the court instructs the jury about the option to return a verdict for a lesser included offense; or
- (C) not later than five days before entering a plea that results in a finding of guilt or at a time specified by the court unless the defendant waives the notice requirement.

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8. CROSS ENFORCEMENT & REPORTING

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9. VETERINARY REPORTING & IMMUNITY

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10. LAW ENFORCEMENT POLICIES

ALASKA STAT. § 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, 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.*

ANIMAL PROTECTION LAWS OF ALASKA**11. SEIZURE****ALASKA STAT. § 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, 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. 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

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- (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.

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12. COURTROOM ANIMAL ADVOCATE PROGRAM

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13. PROTECTION ORDERS

ALASKA STAT. § 18.66.100. 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;*

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- (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

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- (1) there is a lapse of time between an act of domestic violence and the filing of the petition;
 - (2) the act of domestic violence was the basis for a previous protective order; or
 - (3) a court previously found that the incident was a crime of domestic violence committed against the petitioner but declined to order relief under this section, if the petition alleges a change in circumstances since the court's previous finding.
- (f) Within 30 days before, or within 60 days after, the expiration of a protective order issued or extended under (b)(2) of this section, a petitioner may petition the court for an extension of the protective order. 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 through an attorney. If the court finds that an extension of the provisions of the order is necessary to protect the petitioner from domestic violence, regardless of whether the respondent appears at the hearing, the court may extend the provisions of the order. An extension granted under this subsection is effective for one year unless earlier dissolved by court order. If the court grants an extension before the protective order expires, the extension takes effect on the day the protective order would have expired.

ALASKA STAT. § 18.66.990. Definitions.

In this chapter,

- (1) “council” means the Council on Domestic Violence and Sexual Assault;
- (2) “crisis intervention and prevention program” means a community program that provides information, education, counseling, and referral services to individuals experiencing personal crisis related to domestic violence or sexual assault and to individuals in personal or professional transition, excluding correctional half-way houses, outpatient mental health programs, and drug or alcohol rehabilitation programs;
- (3) “domestic violence” and “crime involving domestic violence” mean one or more of the following offenses or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:
 - (A) a crime against the person under AS 11.41;
 - (B) burglary under AS 11.46.300--11.46.310;
 - (C) criminal trespass under AS 11.46.320--11.46.330;
 - (D) arson or criminally negligent burning under AS 11.46.400--11.46.430;
 - (E) criminal mischief under AS 11.46.475--11.46.486;
 - (F) terrorist threatening under AS 11.56.807 or 11.56.810;
 - (G) violating a protective order under AS 11.56.740(a)(1);
 - (H) harassment under AS 11.61.120(a)(2)--(4); or

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- (l) *cruelty to animals under AS 11.61.140(a)(5) if the animal is a pet;*
- (4) “domestic violence program” means a program that provides services to the victims of domestic violence, their families, or perpetrators of domestic violence;
- (5) “household member” includes
 - (A) adults or minors who are current or former spouses;
 - (B) adults or minors who live together or who have lived together;
 - (C) adults or minors who are dating or who have dated;
 - (D) adults or minors who are engaged in or who have engaged in a sexual relationship;
 - (E) adults or minors who are related to each other up to the fourth degree of consanguinity, whether of the whole or half blood or by adoption, computed under the rules of civil law;
 - (F) adults or minors who are related or formerly related by marriage;
 - (G) persons who have a child of the relationship; and
 - (H) minor children of a person in a relationship that is described in (A)-(G) of this paragraph;
- (6) “judicial day” means any Monday through Friday that is not a state holiday and on which the court clerk's offices are officially opened to receive legal documents for filing;
- (7) “local community entity” means a city or borough or other political subdivision of the state, a nonprofit organization, or a combination of these;
- (8) “*pet*” means *a vertebrate living creature maintained for companionship or pleasure, but does not include dogs primarily owned for participation in a generally accepted mushing or pulling contest or practice or animals primarily owned for participation in rodeos or stock contests.*
- (9) “petitioner” includes a person on whose behalf an emergency protective order has been requested under AS 18.66.110(b);
- (10) “sexual assault” means a crime specified in AS 11.41.410-11.41.450;
- (11) “sexual assault program” means a program that provides services to the victims of sexual assault, their families, or perpetrators of sexual assault.

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14. RESTITUTION

ALASKA STAT. § 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.

ALASKA STAT. § 11.61.140. Cruelty to animals.

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

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- (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*

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- (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.

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15. FORFEITURE & POSSESSION BANS

ALASKA STAT. § 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.

ALASKA STAT. § 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.*

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- (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.

ALASKA STAT. § 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.

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- (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*

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- (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. 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) 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 A misdemeanor for the third and each subsequent offense.

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16. COURT-ORDERED TREATMENT

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17. HOT CARS

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18. CIVIL NUISANCE ABATEMENT

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19. AG-GAG LAWS

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20. BREED SPECIFIC LEGISLATION
