

**Testimony on Assembly Bill 368
Assembly Committee on Judiciary
Tuesday, August 24, 2021**

Hello, and thank you Chairman Tusler and members of the Assembly Committee on Judiciary for allowing me to have the opportunity to share my testimony with you today regarding Assembly Bill 368, which would amend the criminal penalties for certain types of animal abuse.

In February of 2019, a Marshfield man placed nine newborn puppies into a trash bag and placed them in a dumpster. Luckily, someone heard noises coming from the dumpster and contacted the Marshfield Police Department, and they were able to save the puppies. Given the cold temperatures at that time of year and the fact that the puppies were only one day old, they would surely have died soon if someone had not found them.

The Marshfield man was arrested and charged with intentional mistreatment of animals and intentional abandonment of animals. Both of these crimes are misdemeanors.

Under current Wisconsin law, these types of crimes can only be charged with a felony if the action of the defendant resulted in the mutilation, disfigurement, or death of an animal. So even though the perpetrator in this case said on camera that he intended for the puppies to die as a result of his action, he can only be charged with a misdemeanor.

This bill would remedy this by saying that a person is guilty of a Class I felony if they commit an act of animal abuse that they know or should reasonably know may result in grievous bodily harm or death of an animal, regardless of whether that death actually occurs. The penalty if bodily harm or death do occur is raised to a Class H felony.

Additionally, current law states that a court may order that a person who commits an act of animal abuse may not own, possess, or train any animal for a specified period of time. This bill would require a court to prohibit a person from owning, possession, training, or residing with any animal for a specific period of time if they are convicted of felony animal abuse.

As is the case with the Marshfield man who abandoned the puppies, many animal abusers have other animals at home. And despite their crimes, they are able to keep their animals after a conviction. This bill would ensure the most serious animal abusers are not able to continue to have animals in their homes.

The bill also clarifies that in the case of farm animals, the bill does not apply to normally accepted husbandry practices. Additionally, mistreating animals does not prohibit the training or hunting with dogs as allowed by the DNR. Attached to my testimony is a memo from Legislative Council which discusses this matter.

By passing this bill, we can ensure that those that treat animals in this way are adequately punished and do not have the opportunity to abuse other animals after their conviction.

Thank you again for allowing me the opportunity to share testimony in support of this bill, and I welcome any questions you might have.

Wisconsin Legislative Council



Anne Sappenfield
Director

TO: REPRESENTATIVE JOHN SPIROS

FROM: Tom Koss, Staff Attorney

RE: Comparison of LRB-2046/2, Relating to Grievous Bodily Harm to or the Death of an Animal and Ch. 951, Stats.

DATE: May 7, 2021

This memorandum, prepared at your request, discusses provisions relating to the use of dogs while hunting in LRB-2046/2, a bill draft that prohibits conduct that causes or may cause grievous bodily harm to or the death of an animal under ch. 951, Stats.

ANIMAL CRUELTY LAWS

Current Law

Chapter 951, Stats., addresses various crimes against animals, such as the mistreatment of animals, dognapping, and harassment of police and fire animals. Section 951.015, titled “Construction and application,” provides that the chapter “may not be interpreted as controverting any law regulating wild animals that are subject to regulation under ch. 169,¹ the taking of wild animals, as defined in s. 29.001 (90),² or the slaughter of animals by persons acting under state or federal law.” [s. 951.015 (1), Stats.] A separate section of this chapter prohibits a person from treating any animal in a cruel manner and specifies that normal and accepted veterinary practices are not prohibited. A “cruel” manner means that the person caused unnecessary and excessive pain or suffering or unjustifiable injury or death. [ss. 951.01 (2) and 951.02, Stats.]

Generally, a person who unintentionally treats an animal in a cruel manner is subject to a Class C forfeiture. A person who intentionally or negligently treats an animal in a cruel manner is guilty of a Class A misdemeanor. A person who intentionally treats an animal in a cruel manner that results in mutilation, disfigurement, or death is guilty of a Class I felony. [s. 951.18 (1), Stats.]

¹ Chapter 169, Stats., regulates captive wildlife.

² “Wild animal” means “any mammal, bird, fish, or other creature of a wild nature endowed with sensation and the power of voluntary motion.” [s. 29.001 (90), Stats.]

The Bill Draft

The bill draft increases the penalty for intentionally treating an animal in a cruel manner that results, or may result in, grievous bodily harm³ or death, and prohibits intentionally treating an animal in a cruel manner⁴ regardless of whether the animal suffers from grievous bodily harm or death.

Specifically, under the bill draft, a person who intentionally treats an animal in a cruel manner that results in grievous bodily harm to, or the death of, the animal is guilty of a Class H felony.

Additionally, the bill draft creates a new provision which specifies that a person who intentionally treats an animal in a cruel manner and who knows, or reasonably should know, that those actions may result in grievous bodily harm to, or the death of, the animal is guilty of a Class I felony.

APPLICABILITY TO HUNTING DOGS

The bill draft clarifies the treatment of training dogs for hunting and hunting with dogs under existing law by specifying that training or hunting with dogs in the manner authorized under ch. 29, Stats., does not constitute cruel treatment of an animal.

Chapter 29, Stats., defines hunting to include taking and pursuing any wild animal. [s. 29.001 (42), Stats.] Several provisions in that chapter explicitly permit hunters to use dogs to hunt, or pursue, game. For example, a bear hunting license allows a hunter to use a dog to pursue a bear, subject to season limits and as long as the dog is uniquely tattooed or wears a collar with the owner's name and address. [s. 29.184, Stats.] Similarly, a wolf harvesting license authorizes a hunter to use up to six dogs to track or trail wolves, subject to season limits. [s. 29.185 (6) (a) 2., Stats.]

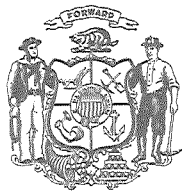
In *State v. Kuenzi*, the Court of Appeals held that while a person could be charged with mistreating animals under s. 951.02, Stats., while taking a wild animal, the inquiry into whether the animal cruelty statute controverts such an action "must be assessed based on the backdrop of common hunting practices," and must consider "whether the alleged acts caused 'unnecessary and excessive pain or suffering or unjustifiable injury or death.'" [*State v. Kuenzi*, 2011 WI App 30, ¶ 34.] Therefore, it is unlikely that the injury or death of an animal during lawful, licensed hunting while using commonly-accepted hunting practices would violate s. 951.02, Stats. Likewise, as noted above, the bill draft specifies that the animal cruelty statute does not prohibit using dogs for training or hunting in the manner authorized under ch. 29, Stats.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

TK:ty

³ The bill draft replaces the terms "mutilation" and "disfigurement" with "grievous bodily harm," which is defined to mean serious bodily injury, including fractured or dislocated bones, deep cuts, burns, torn members of the body, tissue damage as a result of exposure to cold temperatures, serious damage to internal organs, starvation, or other severe bodily injuries.

⁴ The bill draft also amends the definition of "cruel" to include engaging in actions that are likely to cause an animal to experience unnecessary and excessive pain or suffering or unjustifiable injury or death.



Van H. Wanggaard

Wisconsin State Senator

August 24, 2021

Testimony on Assembly Bill 368

Thank you committee members for hearing Assembly Bill 368 today. I appreciate Representative Spiros reaching out and working with me to address, what I believe to be, a legislative oversight.

Simply put, Assembly Bill 368 strengthens Wisconsin's animal abuse laws. Right now, the penalty for committing animal abuse is only a Class C forfeiture - barely a slap on the wrist. Only when a person mutilates, disfigures, or kills an animal does it rise to the level of a Class I felony. That is totally unacceptable.

After talking to Representative Spiros and hearing the disturbing story from Marshfield, I couldn't believe local law enforcement was only able to charge the man with a couple of misdemeanors. People that commit these crimes against innocent animals are deprived individuals, and going forward I want to make sure they are held accountable for their actions.

Assembly Bill 368 modifies the law to say that anyone who abuses an animal, knowing that their abuse may result in serious injury, is guilty of a class I felony. Consequently, the bill increases the penalty for abusing an animal and actually causing serious injury or death to a Class H felony.

In addition, the bill creates language which specifies that normal acceptable husbandry practices of farm animals does not constitute abuse. We have also included language that explicitly states that training or hunting with dogs, as already allowed by state law, is unchanged.

Again, thank you for your consideration of Assembly Bill 357 and, I urge your support so that we can start holding people accountable for their actions.

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Wisconsin Bear Hunters' Association, Inc.

August 24, 2021

Chairman and members
Assembly Committee on Judiciary

The Wisconsin Bear Hunters Association (WBHA), representing thousands of Wisconsin hunting families, would like to go on record as opposing AB 368. This bill is supported by the extreme animal rights group, the Humane Society of the United States (HSUS), who has a stated objective of ending animal agriculture and is said to also want to end the sporting heritage of hunting and trapping.

The bill is a huge problem for WBHA and other hunters in Wisconsin. The expansion of the definition of "Cruel" will now make it a crime to "engage in actions that are *likely* to cause unnecessary and excessive pain or suffering or unjustifiable injury or death."

We have seen billboards up around Madison from these extreme groups which attempt to blame hunters when their hunting dogs are killed and eaten by wolves. Does legally pursuing bears with hounds in areas that contain wolves signify an "action likely to cause...death" for our dogs?

The author did attempt to address this situation with some language in Section 3 of the bill. But merely saying that training and hunting with dogs is not prohibited, does NOT protect hunters from facing a **felony** if their hounds are attacked by wolves while hunting.

Instead, we are asking, if this flawed bill does proceed forward, for an amendment which would guarantee that families engaging in their multi-generational sporting heritage do not face criminal penalties written into our state statute on behalf of animal rights extremists.

We are asking that the following language be added to the definition of mistreating animals in Section 3: *"Injuries sustained by dogs being used for hunting or training to hunt wild animals as authorized under Chapter 29 or the care and treatment of said injuries, do not constitute mistreatment of the dogs under this section."*

WBHA would support the bill if this language was added.

Please note that this amendment would not address issues the bill raises for animal agriculture, trapping, or the harvesting of wild animals without the use of dogs.

Thank you for your consideration.



My name is Becky Scholze, I'm from Humbird, WI and I am the founder of UnChain Wisconsin.

My journey began 15 years ago when I finished my combat tour in Iraq. I thought I had left the cruel world behind. I never thought I would spend the next 15 years witnessing unspeakable acts of cruelty to animals right here in Wisconsin.

I am here today to speak for 2 abused dogs named Chance and Gabriel.

Gabriel was starved by his owner Anne who brought him to the Dunn County Humane Society under the guise of finding him on the side of the road. After being questioned, she admitted Gabriel was her dog. Anne was charged with mistreatment of an animal and failure to provide food and water. She will be allowed to own animals again in 5 years.

2 years ago in Humbird I overheard a man named Russell talking about his dog that had 10 puppies. I offered help in re-homing the puppies and he told me he wanted to keep all of them. Months later two dogs (Chance & his mom Bella) were found running the streets of Humbird, both skeleton skinny. Police went to Russell's house and found an entire room full of bones-so many they couldn't get a true count on how many dogs had died. Russell had covered the dead bodies with lime to cover the smell.

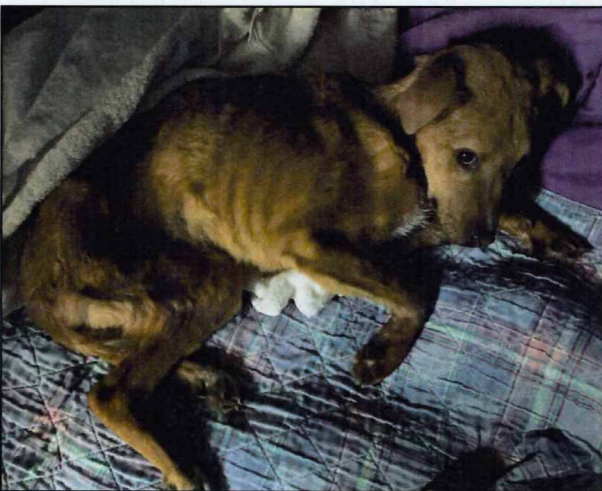
He was charged with 2 counts of failing to provide food and water for animals. The 9 dead dogs received no justice. His jail sentence is withheld pending a decision on his appeal. Russell can own animals again 2 years after incarceration is over.

We need a law that punishes animal abusers or it will continue to spiral out of control. Please VOTE YES for AB 368 because things don't get better with time-things get better with change!

Cruelty Cases in Dunn & Clark Counties



'Gabriel' weighing in at 23.5 lbs, November 2019. According to the criminal complaint, Anne Iehl brought the dog to the shelter stating she found it along a road. Police said she later admitted it was her dog. She told officers she surrendered it because she was pregnant and had fallen on hard times financially. Anne has been charged with felony mistreatment of animals and a misdemeanor count of intentionally failing to provide food for an animal.



'Chance' July 2019. He was one of eleven dogs at a property in Clark County. Chance and his mom Bella were the lucky ones-they escaped and were taken to the vet. The other dogs were found as scattered bones in the house. The owner Russel Sandley is charged with two counts of failing to provide food for animals, two counts of failing to provide water for animals, and three counts of possession of drug paraphernalia.

People who hurt animals don't stop with animals.

Distinguished Ladies and Gentlemen of the Assembly, I would like to thank you for letting me speak regarding **AB 368**.

My name is Bonnie Moore and I am from Pardeeville WI.

I want to make clear that for me, when I am speaking I am referring to domesticated animals specifically. I do however feel that abuse to any living creature is wrong and should not be tolerated.

My thoughts do not reflect on any of the hunting clubs or associations in the state.

In 2017 I retired from GE Healthcare after 20 years and since then I have volunteered and have been a big part of Bullies N Friends Rescue in North Freedom. I have seen things that have given me nightmares when it comes to the way some animals are treated. I have cried for animals that have been abused and left for dead because someone didn't want to deal with them anymore. This bill could be the **start** of correcting the problem that is currently in Wisconsin. As of right now there is **NO** accountability for people who abuse an animal. Right now abusers are treated like what they did was no big deal. They are given a slap on the wrist and told "Now don't ever do that again". That is wrong and needs to stop. They need to be punished for what they have done and they need to know that the law will not allow their behavior any longer.

I personally knew of a little black lab in Columbia County who was beaten in the head with a claw hammer and stuffed in a duffle bag and dumped out in the country at a wildlife rest area and left to die. Her owner, who had decided that she didn't want to deal with a 16 year old dog who had cancer anymore, took it upon herself to try and end the dog's life in that manner. By the grace of God 4 wonderful boys who happened to stop in that area found her and called authorities and she was rushed to the vet. Her owner was arrested but because this sweet lab survived -- even though the owner admitted her intention to kill the dog -- under current law she could **NOT** be charged with a felony. She was charged with a misdemeanor and given a couple months in county jail and a fine. This sweet little lab went into foster and lived another 9 months in a loving home. I was fortunate enough to be friends with her foster family and got to see and watch this sweet dog live out the rest of her days in a loving home surrounded by many people who loved her. She did pass from the cancer but it was a peaceful passing surrounded by

People who loved and cared for her

If this bill would have been in place then, it would have at least allowed for some justice for this sweet little girl.

Animals are looked at as a piece of "property" but that is **NOT** what they are. They are living, breathing beings that have a soul and hearts filled with love for us and all they ask in return is for us to keep them safe. Right now Wisconsin is failing them by not making their abusers accountable for their actions.

I don't know how many of you have "fur children" as I call them, but for those of you who do I would hope that they are extended members of your family and treated as such. How would you feel if someone brought purposeful harm to them? Would you want them to be punished for their actions? Would you want them to be held accountable? I am hoping that your answers to those questions are **YES**. And if they are, I pray that you will vote to pass **AB 368** and move it onto the next step in the process. If you don't personally have any "fur children", but you have friends or family that do, I would ask you to think of how they would feel if something happened to one of their extended family members at the hands of someone else. For them wouldn't you want whoever did it to be punished for what they did? Wouldn't you want whoever hurt your friend or family members "fur child" to be held accountable? Like before I am hoping that your answers to those questions are **YES**.

Please don't keep Wisconsin in the dark ages when it comes to punishment for animal abusers. Please pass **AB 368** and make animal abuse a felony and punishable accordingly, instead of a misdemeanor which is nothing more than a slap on the wrist and a stern "now don't do that again".

I am asking you to help me, and countless others like me to be the voice for those who aren't able to speak.

Thank you for your time and letting me speak. God bless all of you

Bonnie Moore

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Good morning/afternoon—My name is Joel Davidson and I am here in my capacity as the Chair of the Legislative Committee of the Dane County Humane Society (DCHS) to register our support for SB 366/AB 368.

Cruelty to animals is a heinous act against the most defenseless. Abused animals have no voice with which they can come to you and let you know what is happening to them. We must speak up for the defenseless and protect their lives. For those of you who grew up with and/or currently have domestic animals, you know the joy and comfort that they bring us. They are there to greet us when we come home with wagging tails, excited jumps and kisses, and barks or mews. Or maybe just benign, but loving indifference in the case of cats! They comfort us when we're sad, as they can read our emotions so well, they snuggle in to us on a couch or in our beds, they allow us to calm ourselves by just petting them, and they accept us for whatever faults we have. They give us unconditional love. Yet, there are people who abuse them.

According to the Animal Legal Defense Fund's 2020 U. S. State Animal Protection Laws Ranking report, Wisconsin ranks only 25th of the 50 states. The bill you're considering will raise Wisconsin's ranking. The bill will expand existing penalties for cruelty against animals by making it a Class H felony if someone abuses an animal and it results in grievous bodily harm or death of the animal, and a Class I felony if someone commits an act of animal abuse that they know or should reasonable know may result if grievous bodily harm or death to the animal, regardless of whether that harm or death actually occurs. Additionally, the bill would require a court to prohibit a person from owning, possessing, training, or residing with an animal for a specified period of time, up to 15 years, if they are convicted of felony animal abuse. And, the bill does not prohibit training or hunting with dogs in the manner authorized by the Wisconsin Department of Natural Resources.

In my county, Dane County, since January 1, 2016, Animal Services has responded to 1,086 animal welfare cases. While the vast majority are unfounded or easily corrected once they make contact with the animal's owner, they have written citations for animal cruelty and issued abatement orders. The cases prosecuted since 2016 involve a woman allegedly beating a dog to death, a man allegedly physically abusing a cat, and one involves a couple that allegedly starved two dogs to death. The most common welfare issues they see are leaving dogs in vehicles in extreme temperatures, inadequate food/shelter, and neglect, such as abandoning an animal or failing to provide vet care.

We should not and must not allow animal abusers to receive a slap on the wrist. Their violent and harmful actions affect not only the animals themselves, but others in their families. I urge you to pass this bill and make our communities safer and healthier for our animal companions and those that love them.

Thank you for listening.



Wisconsin Federated Humane Societies, Inc. 5132 Voges Road Madison, WI 53718

We strongly support AB 368 / SB 366. **FACT: Animal abuse and cruelty is harmful to people as well as animals!**

- In addition to causing pain and suffering to the animals, animal abuse can be a sentinel indicator and predictor — one of the earliest "red flag" warning signs -- of future **violent acts**.
- Animal abuse, cruelty, and neglect are often considered isolated incidents wholly separated from other forms of family violence. Today, professionals involved with victims of family violence are not surprised when they learn that these acts are often linked, therefore, addressing animal cruelty can help to protect vulnerable family members, too.
- Our Wisconsin state laws against animal cruelty must be toughened to include felony provisions based on research indicating the risk to human safety that untended animal abuse can cause. It is time for Wisconsin to realize that some forms of animal abuse and cruelty should be taken more seriously and charged as felony crimes.

The photos below are from Wisconsin animal shelter cases.

This abuse is currently a misdemeanor crime!



Misty - Columbia County Humane Society



Beaten and left for dead.



Gabriel - Dunn County Humane Society



Starved to near death.

Your Wisconsin Humane Societies, Animal Shelters and Rescues Organizations are often tasked with the care of the animal victims of egregious abuse. Under current statute, we lack the legal tools needed to provide justice and safety for abused animals.

AB 368 / SB 364 will give law enforcement, district attorneys, judges, and US the resources we need to address severe animal abuse.

WE SUPPORT THIS BILL
and ask that you do, too!

Respectfully submitted,

Eilene K. Ribbens - Legislative Liaison for Wisconsin Federated Humane Societies

Egress@charter.net (920) 783-6427

August 24, 2021

Bringing people and animals together since 1922

August 24, 2021

Assembly Bill 368 is an important step to prevent cruelty towards animals. As a humane society serving Jefferson County, we are sometimes called to be firsthand witnesses to cases where animals have been neglected, abused, or even killed.

Research has long shown a strong connection linking the abuse of animals to other significant crimes including drug trafficking, and even child abuse or homicide:

- In the Wisconsin Humane Officer Training one of the training items identifies that animals are also abused in 88% of homes where children are physically abused.
- A study by the Chicago Police Department found 65% of those arrested for an animal crime had committed battery against another person.
- A 2005 study in Australia found 100% of sexual homicide offenders had a history of animal cruelty.
- The National Sheriff's Association reports that animal abusers are 5 times more likely to commit violent crime and 4 times more likely to commit property crime.

Yet many animal crimes often go unpunished or even unrecorded because the law and penalties don't extend to the scope of the crime. Providing a record of abuse and a greater deterrent to this kind of cruelty not only protects animals in Wisconsin, it also protects our children and all Wisconsinites when we are better able to prosecute these offenders.

This bill would also make a common sense correction to one of the scariest realities in animal enforcement today. Right now, if someone beats their dog unconscious but the dog is not mutilated or killed, they only face a misdemeanor. Even if they intend to kill an animal and are in the act of making that happen when that animal is rescued, if it is not seriously injured, that offender could face little to no penalty and be released to do this again.

Wisconsin law currently requires something terrible to happen to that animal before the offender would face serious consequences. AB 368 corrects that oversight and takes another common sense step to prevent convicted offenders from having easy access to other animals.

We ask that you vote YES on AB 368 and give the animals and the people of Wisconsin this additional protection.



**THE HUMANE SOCIETY
OF THE UNITED STATES**

**Testimony in Support of Assembly Bill 368
Presented to the Assembly Committee on Judiciary
Megan Nicholson
Wisconsin State Director, The Humane Society of the United States
August 24, 2021**

Chairman and fellow Committee Members:

On behalf of The Humane Society of the United States (HSUS), the nation's largest animal protection organization, and our Wisconsin supporters and members, I thank you for this opportunity to testify in support of Assembly Bill 368.

The catalyst for A.B. 368 is the case of a Wood County man who admitted to putting a litter of nine newborn puppies in a plastic bag and throwing them in a dumpster to "dispose of them." Despite the hundreds of animal shelters and rescues in WI who would have gladly taken the puppies, he made an intentional choice to put these dependent and innocent companion animals in the garbage and leave them to die. They could have died from suffocation, hypothermia, starvation, or been crushed to death in a garbage truck. Luckily, the puppies were found when a concerned citizen alerted authorities to noises coming from the dumpster.

When authorities found the culprit, who is also a commercial dog breeder, he admitted to officers that he intended for the puppies to die. It is a miracle they survived, but that rare bit of luck should not thwart a prosecutor's ability to obtain a felony conviction for a crime that was intended to kill multiple dogs. This is far from the only case of its kind, but it garnered national attention and highlighted the need for a revision to Wisconsin's animal cruelty law. When this man could only be convicted of a misdemeanor and was allowed to keep his dogs and continue having other litters, Wisconsin citizens were outraged.

A.B. 368 removes obstacles to conviction by replacing terms such as mutilation and disfigurement with a definition of "grievous bodily harm" and clarifies that felony penalties can be charged when a person should have known their action was likely to cause serious injury or death. "Grievous bodily harm" is defined and used throughout Wisconsin code as an aggravating factor resulting in enhanced penalties. This is important because investigating officers, prosecutors, and judges are already familiar with the terminology and what degree of injury warrants an enhanced charge. This proposed legislation also makes the existing provision prohibiting future possession of animals mandatory upon conviction.

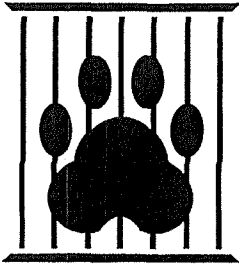
Law enforcement and all levels of government recognize the strong link between human and animal cruelty and how it degrades society. In the last 5 years:

- The FBI added animal cruelty as a separate category in the National Incident Based Reporting System, classifying it as a Crime Against Society, the same category as homicide, arson, and child pornography.
- The National Sheriffs Association created the first Animal Cruelty Committee and now houses the National Law Enforcement Center on Animal Abuse (NLECCA), ensuring that the country's law enforcement community has the best resources at its disposal to address animal abuse.
- The Joint Counterterrorism Assessment Team (JCAT), comprised of the FBI, Department of Homeland Security, and National Counterterrorism Center, determined in July 2018 that premeditated animal cruelty is a possible warning sign for terrorism.

- President Trump approved the first federal animal cruelty law, allowing prosecution of egregious crimes against animals when federal jurisdiction applies.

The impact of animal abuse is far-reaching and the link between animal abuse and violence toward humans is well-documented. When our laws recognize this link, all our families and communities will be better protected. I urge to you support A.B. 368.

Megan Nicholson
Wisconsin State Director
The Humane Society of the United States
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WISCONSIN PUPPY MILL PROJECT, INC
PO Box 926 Sheboygan, WI 53082-0926

August 24, 2021

You may hear that state laws need not address animal torture and egregious cruelty because the new FEDERAL "PACT" (Preventing Animal Cruelty and Torture) Act already makes these felony crimes. It is important to understand what, exactly, the Federal PACT legislation covers and why the it is NOT a substitute for SB 366 / AB 368

It has been suggested in various media reports that the PACT act makes bestiality and egregious animal abuse a federal crime. That **misrepresents** what the PACT is and actually does. PACT does NOT address all forms of severe animal abuse nor does it make all acts of severe animal cruelty a felony crime. In fact, **PACT reach is very limited**.

What the PACT Act says:

The PACT Act would make it a federal crime for “any person to intentionally engage in animal crushing if the animal(s) crushing is in, substantially affects, or uses a means or facility of interstate or foreign commerce.”

What PACT does:

It amends federal law that prohibits **possession or distribution of depictions of animal torture**:

- It adds a definition for euthanasia (humane destruction) of an animal.
- It defines animal crushing to include the **act** as well as the depiction of animal torture (i.e. the act of crushing, burning, drowning, suffocating, impaling, or otherwise subjecting an animal to serious bodily injury).
- It defines “animal crush video” to mean images that depict animal crushing **and** are obscene.
- It specifies that this law applies to images made on or distributed in **lands or maritime waters under U.S. jurisdiction**, or that are made intentionally for distribution in foreign commerce.

What this means in relationship to bestiality and other forms of egregious animal abuse:

- Images of bestiality resulting in serious bodily injury or death of the animal.
- When filmed on lands or waters under the control of the federal government
- Or made intentionally for the purpose of distribution via interstate or federal commerce that are otherwise deemed obscene **could be federally prosecuted**.

In the Real World:

Animal pornography and acts of egregious animal abuse usually come to the attention of the federal government when agents are investigating child pornography cases.

There is **NO incentive** for federal agents to pursue bestiality or egregious animal cases unless they specifically involve torture related to federal jurisdictions and are covered in a very limited way under the federal PACT Act.

In Summary:

The difference between PACT and state laws is that PACT only applies to **acts of animal torture** as follows:

- Acts that are committed or filmed on **federal lands or waters**,
- Or that were done in foreign lands but distributed in the U.S.,
- Or that were created with the intention of being distributed in interstate or foreign markets,
- Or that otherwise involve sex trafficking.

When those specific criteria are met, PACT gives federal agents the ability to prosecute both the filming/distribution but the underlying act of torturous animal cruelty.

- All 50 states already have laws that criminalize, in some form, whether felony or misdemeanor, acts of animal torture, whether filmed or not. Wisconsin needs to improve in this area by making severe animal mistreatment a felony crime, as proposed in SB 366 / AB 368.
- All 50 states have the capability as well as the incentive to prosecute these acts. The federal government now has the ability (but not necessarily the incentive) to prosecute underlying acts of animal cruelty only in specific and very limited circumstances.

The federal PACT Act is not a substitute for state specific legislation in Wisconsin to address egregious animal abuse and cruelty as outlined in AB 368 / SB 366. Therefore, the Wisconsin Puppy Mill Project strongly supports AB 368 / SB 366 and respectfully requests that it pass favorably, out of the Committee of Judiciary and Public Safety.

Sincerely,



Louise Hansen - Public Education and Outreach Coordinator
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**COMMENTS OF THE PET INDUSTRY JOINT ADVISORY COUNCIL
ON AB 368 ON PENALTIES FOR ANIMAL ABUSERS
BEFORE THE WISCONSIN ASSEMBLY JUDICIAR COMMITTEE**

August 24, 2021

Position: Support

The Pet Industry Joint Advisory Council (PIJAC) appreciates the opportunity to offer our views and expertise on AB 368 scheduled to be heard before the Wisconsin Assembly Judiciary Committee on August 24, 2021.

As the advocacy voice of the responsible pet care community, PIJAC represents the interests and expertise of retailers, companion animal suppliers, manufacturers, distributors, pet owners and others involved in the many aspects of pet care throughout the state of Wisconsin and across the United States. Our association works to promote animal well-being and responsible pet ownership, foster environmental stewardship, and ensure the availability of healthy pets through our work at the state and federal levels—including the United States Department of Agriculture, U.S. Fish and Wildlife Service, and the Centers for Disease Control and Prevention. PIJAC routinely advocates on legislative and regulatory proposals to advance the public interest of protecting public health and the safety, health and availability of companion animals.

All of us in the responsible pet care community don't just care about animals, we provide care for them on a daily basis—and are dedicated to ensuring that appropriate care of animals is the primary focus of any law or regulation. As such, we offer an unmatched depth and breadth of experience on legislative efforts to verify and certify the health and well-being of pets from the time they are born all the way until they are taken home and made a part of families.

We at PIJAC offer our support for the current version of AB368 and agree that stiffer penalties for those convicted of animal abuse in Wisconsin are needed to act as a deterrent, to protect the health and safety of animals that could fall under a convicted abuser's future care, and to better enforce laws on the books in Wisconsin.

Thank you for the opportunity to share our views on AB368. We welcome the chance to discuss these items with you at greater length. PIJAC has a long history of collaborating to ensure that regulations and legislation are both workable and meet the intent of the jurisdiction and we would be happy to lend our expertise to help address these concerns.

Please do not hesitate to contact us at 202-452-1525 x 1040 or via email at josh@pijac.org for further information.

Schmidt, Melissa

From: Mary Zischke <maryzischke@gmail.com>
Sent: Monday, August 23, 2021 5:40 AM
To: Rep.Tusler; Rep.Kerkman; Rep.Ramthun; Rep.Thiesfeldt; Rep.Horlacher; Rep.Sortwell;
Rep.Cabrera; Rep.Hebl; Rep.Ortiz-Velez
Subject: AB 368 - please vote yes to pass this

Good morning to Assembly Committee on Judiciary,

Please vote YES to pass AB 368 (relating to Felony provisions for the mistreatment of animals) out of committee and on to the full Assembly.

Thank you very much on behalf of puppies and dogs i Wisconsin who have no voice to speak for them.

Mary Zischke
900 Pfaff Parkway
Sparta, WI 54656

Schmidt, Melissa

From: Melanie Weberg <sheaessencealpacas@me.com>
Sent: Sunday, August 22, 2021 6:23 PM
To: Rep.Tusler
Subject: Support AB 368
Attachments: pastedGraphic.pdf

Dear Representative Tusler,

As Director of the League of Humane Voters-Wisconsin, I am writing to ask that you support AB 368-felony provisions for the mistreatment of animals

We all know of cases where the worst animal cruelty has occurred and the abuser arrested, only to get off with just a slap on the wrist. Or worse, that the abuser wasn't even arrested because the DA didn't think it worth the effort for "just a misdemeanor." And what of the abused animal, as well as other animals in that person's home? Will they be subjected to future abuse?

It has also been shown that animal abuse has a clear connection to human verbal and physical abuse in the home as well.

I urge you to support AB 368 as it is proven protection for both animals and humans.

Regards,

Melanie Weberg
Director
League of Humane Voters-Wisconsin Chapter
www.lohvw.com

Schmidt, Melissa

From: Debra Van Blarcom <debravanblarcom@yahoo.com>
Sent: Friday, August 20, 2021 9:27 PM
To: Rep.Tusler; Rep.Cabrera; Rep.Horlacher@legis.gov; Rep.Thiesfeldt; Rep.Kerkman;
Rep.Ortiz-Velez@ligis.wisconsin.gov; Rep.Ramthun; Rep.Sortwell; Rep.Hebl
Subject: Regarding AB 368

Please help keep our animals protected and safe, vote YES to pass AB 368 (relating to: Felony provisions for the mistreatment of animals) out of committee and on to the full Assembly.

Thank you in advance.

Debra Van Blarcom
N8879 Cummings Road
Portage, WI 53901
608-333-6157

Schmidt, Melissa

From: CenturyLink Customer <juliewesson@centurytel.net>
Sent: Friday, August 20, 2021 5:22 PM
To: Rep.Tusler
Subject: AB 368

Thank you for your leadership; I am counting on you for getting AB368 out of committee and on to the full assembly. Keep up the good work; Wisconsin animals need your voice and continued good leadership! Mistreatment of animals should be a felony!!!

Julie Wesson
19646 Juneau Road
Wilton, WI 54670-6123
608-374-4730
juliewesson@centurytel.net

Schmidt, Melissa

From: Robin Cornell <robinecornell@yahoo.com>
Sent: Monday, August 23, 2021 4:48 PM
To: Rep.Tusler
Subject: AB 368

Dear Rep. Tusler:

Thank you for introducing AB 368 which strengthens penalties against animal abusers.

It is important for people to respect the law, and for the law to protect innocent victims who can't defend themselves.

I am glad our legislators are paying attention to this issue.

Sincerely,

Robin Cornell
Milwaukee, WI

[Sent from Yahoo Mail on Android](#)

Schmidt, Melissa

From: maggie9583@gmail.com
Sent: Monday, August 23, 2021 10:43 PM
To: Rep.Tusler
Subject: Thank you for supporting AB-368

Dear Representative Tusler,

I thank you from the bottom of my heart for your co-sponsorship of AB-368 related to felony provisions for the mistreatment of animals. It is an issue of utmost importance to me, and I believe the majority of Wisconsinites support it. I believe that any opposition you meet will be from those who stand to profit off the abuse of animals. Thank you for being a hero for animals.

Sincerely,
Maggie Premo
923 O'Sheridan St
Madison, WI 53715

Sent from my iPhone

Schmidt, Melissa

From: Mikii Opahle <kiilea@me.com>
Sent: Tuesday, August 24, 2021 7:29 AM
To: Rep.Tusler
Subject: Support AB 368

Dear Representative Tusler,

First off, thank you so very much for introducing A.B. 368. My family and I are grateful to you for championing justice for animals and working to close loopholes in the system. Please pass my comments on to the other committee members.

Committee members, I ask that you please support AB 368. It is a bipartisan bill that simply removes obstacles to conviction by closing the loophole that allows the perpetrator to get off with a misdemeanor if the animal somehow survives attempted murder.

It is well known and documented that animal abuse and domestic abuse are directly linked. If we want to protect those most vulnerable in our society: children, women, and the elderly we must also be sure to protect animals.

Thank you,
Mikii Opahle
Baraboo, WI

Sent from my iPhone

Schmidt, Melissa

From: Mary Severson <msever82@gmail.com>
Sent: Monday, August 23, 2021 6:36 PM
To: Rep.Tusler
Subject: Vote YES to Pass AB 368

Please be a voice for all these innocent animals. Help stop their suffering. Vote YES to Pass AB 368.

Respectfully
Mary Severson
204r6 Jade Road
Sparta Wi 54656

Schmidt, Melissa

From: linda hendrix <halflog@hotmail.com>
Sent: Monday, August 23, 2021 10:48 PM
To: Rep.Tusler
Subject: AB 368

I want you to know I support AB 368. Please vote yes and move this out of committee and on to the full assembly. We must do a better job of protecting our animals! Thank you! Linda Hendrix, 651-259-5160.

Sent from my Verizon, Samsung Galaxy smartphone

Schmidt, Melissa

From: Mary Severson <msever82@gmail.com>
Sent: Monday, August 23, 2021 6:44 PM
To: Rep.Tusler
Subject: Please note YES to AB 368

Please be a voice in helping to protect innocent animals. Please help stop their suffering. Vote YES to Pass AB 368

Respectfully
Mary Severson
20446 Jade Road
Sparta Wisconsin 54656

Schmidt, Melissa

From: Lisa Just Goods <justgoods11@gmail.com>
Sent: Monday, August 23, 2021 11:21 PM
To: Rep.Tusler
Cc: Rep.Spiros; Sen.Taylor
Subject: I support bill 368 closing the animal cruelty loophole

Please work to close this important loophole which will help prevent cruelty such as throwing away live animals to die. Wisconsin already has one of the worst overall animal protections in the US - embarrassing and tragic.

This bill is an important step in starting to take the welfare of animals more seriously and making it a priority. Animals will never be your constituents and they do not have a voice so they are the most overlooked.

Thank you for considering this.

Lisa Castagnozzi
Milwaukee

--
Just Goods
4451 N Oakland Ave
Shorewood, WI. 53211

Schmidt, Melissa

From: Linda Glander <heronscall@hotmail.com>
Sent: Monday, August 23, 2021 7:12 PM
To: Rep.Tusler; Rep.Kerkman; Rep.Ramthun; Rep.Thiesfeldt; Rep.Horlacher; Rep.Sortwell;
Rep.Cabrera; Rep.Ortiz-Velez; Rep.Hebl
Subject: Vote Yes!

Please vote YES to pass AB 368 (relating to: Felony provisions for the mistreatment of animals)

*Linda Glander
N7045 Oakwood Road
Whitewater, WI 53190*

Schmidt, Melissa

From: Ashley Brown <thebrowns2012@yahoo.com>
Sent: Tuesday, August 24, 2021 12:41 AM
To: Rep.Tusler
Subject: Please vote YES to pass AB 368

Please vote YES to pass AB 368 (relating to: Felony provisions for the mistreatment of animals) out of committee and on to the full Assembly.

Thank you,

Ashley Brown
Onalaska, WI resident

Schmidt, Melissa

From: Rhonda Pichner <ronnie.pichner@gmail.com>
Sent: Monday, August 23, 2021 3:24 PM
To: Rep.Tusler
Subject: Re: Mistreating an animal

Please vote YES to pass AB 368 (felony provisions for mistreatment of animals)

Rhonda Pichner
LaCrosse, Wis 54601 608-385-6757

On Mon, Aug 23, 2021, 1:57 PM Rhonda Pichner <ronnie.pichner@gmail.com> wrote:
Please vote Yes to pass AB 368(felony provisions for the mistreatment of animals)

Thank you

Schmidt, Melissa

From: Lynn Hanusa <lynnhanusa@yahoo.com>
Sent: Monday, August 23, 2021 1:39 PM
To: Rep.Tusler
Subject: THANK YOU!!!

Rep. Tusler,

THANK YOU so much for co-sponsoring the AB 368 bill.

So much to say - but just know your compassion and willingness to stand up for animals is HUGE and gets around!

Thank you again and bless you!

Lynn Hanusa

Schmidt, Melissa

From: Sandy Leon <leonsjl77@gmail.com>
Sent: Monday, August 23, 2021 3:10 PM
To: Rep.Tusler; Rep.Kerkman; Rep.Ramthun; Rep.Thiesfeldt; Rep.Horlacher; Rep.Sortwell;
Rep.Cabrera; Rep.Hebl; Rep.Ortiz-Velez
Subject: AB 368 Committee

Please vote yes for AB 368 (relating to: Felony provisions for the mistreatment of animals) out of committee and on to the full Assembly. It is vital for this to be passed to protect the lives on innocent animals and punish the offenders. Thank you.

Sandy Leon
431 Sunset Dr.
Plymouth WI 53073

--

Sandy

"The greatness of a nation and its moral progress can be judged by the way its animals are treated"

~Mahatma Gandhi

Schmidt, Melissa

From: Teri Retelle <Teri.Retelle@kerberrose.com>
Sent: Monday, August 23, 2021 12:48 PM
To: Rep.Tusler
Cc: Rep.Kerkman; Rep.Ramthun; Rep.Thiesfeldt; Rep.Horlacher; Rep.Sortwell; Rep.Hebl; rep.otiz-velez@legis.wisconsin.gov; rep.cabrena@legis.wisconsin.gov
Subject: passing bill AB368

Hello,

*My name is Teri Retelle
2625 W. Brewster St
Appleton, WI 564914
920-202-0707*

I am begging you to consider passing the bill AB368 to make abusing an animal a felony offense. They have no voice, we have to make the consequences high enough to detour people from being so unkind to animals. I worked in veterinary clinics for 19 years and for the last 5 years have fostered over 60 dogs that came from down South from neglectful situations.

It is heartbreaking to know that humans can be so unkind. The puppy mills that are hidden in locations that are hard to find must be shut down. We have to be ultra-aware of what we see and start reporting situations that allow people to house them in such deplorable situations, to just breed over and over, with no future of playing, and being happy. It literally keeps me up at night.

These are living, feeling beings that have so much to offer in the right hands

Thank you for allowing me to have my say.

Sincerely,

Teri Retelle
Administrative Assistant



4211 N Lightning Drive
Appleton, WI 54913
P: 920.993.0105 | F: 920.993.0116
teri.retelle@kerberrose.com



Schmidt, Melissa

From: Gina Mason <ginammason@gmail.com>
Sent: Monday, August 23, 2021 3:04 PM
To: Rep.Tusler
Subject: AB 368

Dear Representative Tusler,

My name is Gina Mason and I am the President of Chasing Daylight Animal Shelter and a board member of Wisconsin Federated Humane Society. **Please vote YES to pass AB 368 (relating to: Felony provisions for the mistreatment of animals).** We see endless times animals suffering and repeat offenders.

Cruelty to animals and violence towards people have something in common: both types of victims are living beings, feel pain, experience distress, and may die from their injuries. Until recently, however, violence towards animals had been considered to be unrelated to violence towards children and the elderly, and other forms of domestic violence. A correlation has now been established between animal abuse, family violence, and other forms of community violence. A growing body of research indicates that people who commit acts of cruelty towards animals rarely stop there. Murderers and people who abuse their spouse or children had frequently harmed animals in the past. People who abuse animals may also be dangerous to people.

We are counting on you to keep our animals and people safe! Thank you for your time!

Sincerely,

Gina Mason

Schmidt, Melissa

From: Cris Calogero Lovelace <cl_cris90@yahoo.com>
Sent: Monday, August 23, 2021 2:15 PM
To: Rep.Tusler; Rep.Kerkman; Rep.Ramthun; Rep.Thiesfeldt; Rep.Horlacher; Rep.Sortwell;
Rep.Cabrera; Rep.Hebl; Rep.Ortiz-Velez
Subject: AB 368

Dear Representatives,

I am writing to ask you to please vote yes to pass AB 368, legislation specifically to provide felonies for the mistreatment of an animal. I sincerely believe that it has been much too easy for serious abuse of animals to go unpunished and to be repeated. This legislature is critical for the welfare of the animals that have no voice but us.

Thank you for your attention to this matter.

Sincerely,
Christine Calogero Lovelace
N2352 Hideaway Ln,
Stoddard WI 54658
608-457-3157

Schmidt, Melissa

From: Crystal Rose <arose4me68@gmail.com>
Sent: Monday, August 23, 2021 2:09 PM
To: Rep.Tusler
Subject: AB 368

We need tougher laws for people who abuse , abandon and neglect dogs!! /animals!

Please help them!

Crystal Rose
Marinette Wis
54143

713-330-2388

Schmidt, Melissa

From: Kristy Jensch <jenschkristy@gmail.com>
Sent: Monday, August 23, 2021 1:59 PM
To: Rep.Tusler
Subject: AB 368

Good Afternoon, Rep. Tusler:

First, I want to thank you for sponsoring AB 368.

I have called each member of the committee which will consider this bill during the public hearing tomorrow, but I would like to reiterate that I hope to see each of them vote "yes" for this bill.

A slap on the wrist for heinous abuse toward any animal is not enough to stop abusers. There needs to be significant recognition of the abuse, of what led to the abuse in the abuser's life, and the implications of that abuse - for the perpetrator, for their children and onlookers, and for those who are fortunate enough to be able to rescue the animals. And, for the animals themselves. It's time to recognize that abuse deserves punishment and prevention.

Thank you again for carrying this forward.

Sent from my iPad.

Kristy Jensch
410 5th Ave E
Washburn, WI 54891
715-373-5491
Kjensch70@icloud.com

Schmidt, Melissa

From: Rhonda Pichner <ronnie.pichner@gmail.com>
Sent: Monday, August 23, 2021 1:58 PM
To: Rep.Tusler
Subject: Mistreating an animal

Please vote Yes to pass AB 368(felony provisions for the mistreatment of animals)

Thank you

Schmidt, Melissa

From: Michele Baillies <michelebaillies@gmail.com>
Sent: Monday, August 23, 2021 1:52 PM
To: Rep.Tusler; Rep.Kerkman; Rep.Ramthun; Rep.Thiesfeldt; Rep.Horlacher; Rep.Sortwell;
Rep.Cabrera; Rep.Hebl; Rep.Ortiz-Velez
Subject: AB 368

Good Afternoon,

I am emailing you in support of passing AB 368 that makes it a felony for the mistreatment of animals. I have been on my local animal shelters board for the past 17 years and we have seen many cases of animal mistreatment. One case in particular that comes to mind is regarding a puppy in a home nearby to the animal shelter that went pee and poop in the house. The owner took the puppy outside and hit him in the head with a roofing hammer and killed the puppy.

https://www.wiscnews.com/portagedailyregister/news/local/crime-and-courts/portage-man-accused-of-killing-dog-with-hammer/article_022d5a82-3b9b-5a7d-af41-52c753e0060b.html

Thank you for your time!

--
Michele Baillies
N7737 Maginnis Road
Pardeeville, WI 53954

Schmidt, Melissa

From: csamels (null) <csamels@aol.com>
Sent: Monday, August 23, 2021 7:18 PM
To: Rep.Tusler
Subject: AB 3681

Dear Representative Tusler,

I couldn't see my sent email from a few hours ago so am resubmitting again with some spelling errors corrected. Sorry for the duplication of you did indeed already receive!

I am writing to express my gratitude to you for co-sponsoring assembly bill 368 pertaining to the mistreatment of animals in our state. I have been a foster for several shelters for the past 15 years and have taken in numerous animals whose conditions were so atrocious that the mere fact that charges were not brought against their owners was hard to fathom. Probably the most memorable foster as he pertains to this bill would be Leo, a young soon to be bear hound in Bayfield County where I reside, who was both starved and who had a case of mange so severe that his skin was literally falling off.

After a year and a half of waiting for this case to come full circle (we were so hopeful as animal cruelty is rarely charged in the state of Wisconsin to begin with), it turns out that before the jury trial the boyfriend fled the state and as this is a misdemeanor he cannot be extradited. His girlfriend received a \$100 fine in exchange for her testimony against him, against someone who will probably evade charges. The entire case was a debacle from the get go; the only reason it was brought in the first place was due to the signatures and the phone calls that were generated as a result of the petition

I wrote in response to nothing being done.

Wisconsin animal cruelty laws are far too lax, so not reflect the severity of the crime, contain many loopholes, and are simply not enforceable by those charged with upholding the law and protecting these voiceless animals. Thank you for co-sponsoring and I will be watching very closely tomorrow.

<https://www.change.org/p/animal-rescue-justiceforleo-demand-animal-cruelty-charges-for-sick-and-starved-dogs>



Sincerely,
Cynthia Samels
9550 McCarry Lake Road
Iron River, WI
54847

"The greatness of a nation and its moral progress can be judged by the way its animals are treated" Mahatma Gandhi

Schmidt, Melissa

From: Jennifer Ollanketo <JOllanketo@msn.com>
Sent: Tuesday, August 24, 2021 10:25 AM
To: Rep.Tusler; Rep.Kerkman; Rep.Ramthun; Rep.Thiesfeldt; Rep.Horlacher; Rep.Sortwell;
Rep.Cabrera; Rep.Hebl; Rep.Ortiz-Velez
Subject: Please support/vote yes on AB 368

Follow Up Flag: Follow up
Flag Status: Completed

Wisconsin Representatives - I am asking for your full support of AB 368 which would make it a Class H felony if someone abuses an animal and it results in grievous bodily harm to or the death of the animal, and a Class I felony if someone commits an act of animal abuse that they know or should reasonably know may result in grievous bodily harm or death of an animal, regardless of whether that harm or death actually occurs. In addition, the bill would require a court to prohibit a person from owning, possessing, training, or residing with any animal for a specified period of time if they are convicted of felony animal abuse.

I work at an animal shelter and some of the cruelty cases we have seen would haunt any average person. We MUST be the voice for those who have none and we must stand together, united, against animal abuse and cruelty.

\
Thank you.

Jennifer Ollanketo, Oshkosh, WI



Virus-free. www.avast.com

Schmidt, Melissa

From: Xena Olson <xenarad@yahoo.com>
Sent: Tuesday, August 24, 2021 11:00 AM
To: Rep.Tusler; Rep.Kerkman; Rep.Ramthun; Rep.Thiesfeldt; Rep.Horlacher; Rep.Sortwell;
Rep.Cabrera; Rep.Hebl; Rep.Ortiz-Velez
Subject: Felonies for Animal Abusers

Follow Up Flag: Follow up
Flag Status: Completed

Felony provisions for the mistreatment of animals.

If this no brainer doesn't become a law, I will lose faith in our justice system. To be honest I already am. It is disgusting that whether an animal is considered livestock, or a pet, the abuse and treatment, with little to penalties, is a disgrace and a direct reflection on our values as a socitey. If each and everyone of you can't get this into law, I will seriously never vote again. It is sickening and I don't want to be part of a society, whatever the excuse that allows torture and abuse to a helpless animal. I will know, after today that our justice system is disgusting if the simple humane treatment of animals can't be punishable by a felony.

Xena Olson 