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*Testimony before the Assembly Committee on Judiciary  
Senator André Jacque  
February 2, 2022*

Chairman Tusler and Members of the Assembly Committee on Judiciary,

Thank you for the opportunity to testify in support of Assembly Bill 540, which would prohibit the possession of vicious dogs by certain serious felony offenders.

Most dogs are loyal friends that offer companionship and even assistance. Unfortunately, there is a significant problem of animals being used for such unlawful activity as dogfighting, guard dogs for illegal activity, and as tools for intimidation, and there have been a substantial number of cases where officers have been attacked and injured by animals trained to be vicious when attempting to make arrests and investigate crimes by violent offenders. This legislation was first brought to my attention by several officers with the Green Bay Police Department has enjoyed strong bi-partisan support in prior sessions, and has been reintroduced at the request of law enforcement to join our neighboring states of Michigan, Illinois and Iowa in prohibiting possession of vicious dogs by serious felony offenders.

Under Assembly Bill 540, a dog would be considered dangerous if it attacked a person without justification, or behaved in a manner that posed a significant, imminent threat without justification. Determinations of viciousness could be appealed, and the bill is purposefully not breed-specific, because any dog can be mistreated to be dangerous. The legislation only applies to felons convicted of the specific serious felonies of homicide, felony battery, sexual assault, and felonies involving controlled substances. It also incorporates changes made in prior sessions that provide that determinations of viciousness may be appealed, clarifies that a determination may be made regardless of whether an event occurs on or off the property of the owner or custodian, and provide that criminal penalties do not apply until 5 days after receipt of a determination of viciousness or during an appeal of the determination.

Prior versions of this legislation have passed committees in both the Assembly and Senate on unanimous bi-partisan votes. AB 540 is formally supported by the Wisconsin Professional Police Association.

Thank you for your consideration of Assembly Bill 540.



# JOHN SPIROS

State Representative • 86th Assembly District

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## Testimony on Assembly Bill 540 Assembly Committee on Judiciary Wednesday, February 2, 2022

Hello, and thank you Chairman Tusler and members of the Assembly Committee on Judiciary for allowing me to testify on Assembly Bill 540, which prohibits certain felony offenders from possessing, controlling, or residing with a vicious dog.

Having a vicious animal is no different than having a weapon. Here in Wisconsin, it is unlawful for a felon to possess a firearm. This bill follows along the same lines and prohibits anyone convicted of a serious felony (homicide, felony battery, sexual assault, and felonies involving controlled substances) from residing with, possessing, or controlling a vicious dog. The prohibition applies to a person for as long as the person is on extended supervision, parole, or probation for committing the serious felony, or for ten years following any period of incarceration, felony conviction that does not include incarceration, delinquency adjudication for the serious felony, or a finding of not guilty by reason of insanity, mental disease, defect, or illness. The bill *does* allow a person to request an exemption from the prohibition if it is reasonably needed to earn a livelihood or as a condition of employment and will not endanger public safety.

As unfortunate as the situation may be, there is a substantial problem of animals being used in illegal activities such as dogfighting and as guard dogs for other illegal dealings. This bill not only protects dogs from being abused, it also protects law enforcement in dangerous situations when a vicious dog may only escalate tensions.

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