

**2013 DRAFTING REQUEST**

**Bill**

Received: **2/20/2013** Received By: **btradewe**

Wanted: **As time permits** Same as LRB: **-2239**

For: **John Spiros (608) 266-1182** By/Representing: **Katherine Bates**

May Contact: Drafter: **btradewe**

Subject: **Agriculture - animals** Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Spiros@legis.wisconsin.gov**

Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Animals held as evidence of crime

**Instructions:**

See attached

**Drafting History:**

| <u>Vers.</u> | <u>Drafted</u>        | <u>Reviewed</u>    | <u>Typed</u>         | <u>Proofed</u> | <u>Submitted</u>     | <u>Jacketed</u>   | <u>Required</u> |
|--------------|-----------------------|--------------------|----------------------|----------------|----------------------|-------------------|-----------------|
| /P1          | btradewe<br>4/2/2013  | evinz<br>4/2/2013  | phenry<br>4/2/2013   | _____          | sbasford<br>4/2/2013 |                   |                 |
| /1           | btradewe<br>4/12/2013 | evinz<br>4/3/2013  | rschluet<br>4/3/2013 | _____          | srose<br>4/3/2013    |                   |                 |
| /2           |                       | evinz<br>4/12/2013 | jmurphy<br>4/12/2013 | _____          | lparisi<br>4/12/2013 | srose<br>5/6/2013 |                 |

FE Sent For:

↳ Not Needed

<END>

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| /1           | btradewe<br>4/12/2013 | evinz<br>4/3/2013  | rschlue<br>4/3/2013  | _____          | srose<br>4/3/2013    |                 |                 |
| /2           |                       | evinz<br>4/12/2013 | jmurphy<br>4/12/2013 | _____          | lparisi<br>4/12/2013 |                 |                 |

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| /1           |                      | evinz<br>4/3/2013 | rschlue<br>4/3/2013 | _____          | srose<br>4/3/2013    |                 |                 |

FE Sent For:

12 eev 4/12/13 jm 4/12 scf

<END>

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Extra Copies:

Submit via email: **YES**  
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Carbon copy (CC) to:

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**Topic:**

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|--------------|-----------------------|-------------------|--------------------|----------------|----------------------|-----------------|-----------------|
| /P1          | btradewe<br>3/20/2013 | evinz<br>4/2/2013 | phenry<br>4/2/2013 | _____          | sbasford<br>4/2/2013 |                 |                 |

FE Sent For:

1 evv 4/3/13  
4/3/13  
(Signature)  
<END>

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| /P1          | btradewe       | pl eev 4/4/13   | ph           |                |                  |                 |                 |

FE Sent For:

<END>

**Tradewell, Becky**

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**From:** Hurley, Peggy  
**Sent:** Wednesday, February 20, 2013 3:43 PM  
**To:** Tradewell, Becky  
**Subject:** FW: Bill Idea?

Here is the link to the article we discussed. I will let Katherine know that you will enter the request.

At this point, Katherine has requested a bill that 1. Prohibits an animal that is being held as evidence from being, for more than 60 days, isolated from other animals or "refused rehabilitation," and 2. Eliminates the requirement that an animal be destroyed if it's more than one year old or shows signs of having participated in fighting.

I suggested that the office wait until its gets a /P draft to set up a face-to-face meeting to discuss other options. This draft may turn more "criminal-y" as it develops, so please let me know if I should draft any part of it.

---

**From:** Bates, Katherine  
**Sent:** Wednesday, February 20, 2013 2:58 PM  
**To:** Hurley, Peggy  
**Subject:** FW: Bill Idea?

---

**From:** Bates, Katherine  
**Sent:** Tuesday, February 19, 2013 2:04 PM  
**To:** Rep.Spiros; John Spiros ([John.Spiros@roehl.net](mailto:John.Spiros@roehl.net))  
**Subject:** Bill Idea?

<http://www.wisn.com/news/WISN-12-News-investigates-incarcerated-dogs-rescued-from-dog-fighting-rings/-/9373668/18551572/-/73bkucz/-/index.html>

*Katherine Bates*

Office of Representative John Spiros  
86<sup>th</sup> Assembly District  
State Capitol – 17 North  
608-266-1183

# **WISN 12 News investigates incarcerated dogs rescued from dog-fighting rings**

## **Tax dollars being spent to keep dogs locked up because of legal system**

UPDATED 6:37 AM CST Feb 15, 2013

Read more: <http://www.wisn.com/news/WISN-12-News-investigates-incarcerated-dogs-rescued-from-dog-fighting-rings/-/9373668/18551572/-/73bkucz/-/index.html#ixzz2LTihuP3q>

MILWAUKEE —WISN 12 News investigates why dogs rescued from suspected fighting rings are being kept in solitary confinement.

In the summer of 2011, Milwaukee police allowed WISN 12 News' cameras to videotape the victims they said they rescued from a dog fighting ring -- six sick and injured dogs, including 20-month-old Coco, who was scared, scarred and missing an eye.

"We had to have the dogs removed for the dogs' safety," Milwaukee police Officer Dustin Frank said.

Police detailed the operation with photo evidence: blood-splattered walls, a dog treadmill, syringes, chains and a rubber loop hanging from the ceiling used to strengthen dogs' jaws and hind legs to make them stronger for the fight.

WISN 12 News caught up with one of the two men suspected of fighting them.

"I do not fight dogs," said Demetrius Boyce, who was named in a search warrant.

Twenty months later, the men remain free while the rescued dogs languish in lockup at the Milwaukee Area Domestic Animal Control Commission.

MADACC houses a total of 16 dogs seized in fighting investigations. They live behind the locked door of Kennel 3.

"We restrict the area. We don't allow anybody in there for security reasons," said John McDowell of MADACC. "We don't want any pictures taken of the dogs."

—"Because Milwaukee wants them secure, and to us, secure means no photos," McDowell said.

"They're (dogs) just shelved as evidence, like a gun or money or drugs," said David Mangold of Save Milwaukee's Court Case Dogs.

Mangold had worked with victims of dog fighting in Chicago. After the 2011 bust, he went to MADACC to volunteer to rehabilitate them. He was stunned by the response.

"We're not allowed to talk about them. They're evidence. We have no program for them. We're not interested in helping you help them," Mangold said is what MADACC told him. "They went directly from those chains here to MADACC, and I don't know if they've seen the sunlight since."

That's not the case everywhere. Even NFL star Michael Vick's fighting dogs got another chance. Of the 51 seized, nearly four dozen were rehabilitated.

"Have these dogs been out of this building since they were seized?" Henry asked.

"I won't answer that," McDowell said.

"Why?" asked Henry.

"Again, for security purposes," McDowell said.

"Is this really good for dogs?" Henry asked.

—"No, no, absolutely not, and that's probably the one point that everybody agrees on," McDowell said.

McDowell blamed Wisconsin law. Dogs involved in fighting must be held in custody until the case is closed. If the suspect is acquitted, he gets the dogs back. If the suspect is convicted, the statute requires "the animal be disposed of in a proper and humane manner." It's a state-sanctioned death sentence for victims of dog fighting.

"They're double victims of cruelty, first by their alleged abusers and then by a system that's overlooked them," Mangold said.

Mangold has created a Facebook page called **Save Milwaukee's Court Case Dogs**. He's also filled a petition with 400 signatures asking officials to save the dogs of Kennel 3.

Milwaukee police told WISN 12 News they too believe the state statute fails the animals they're working so hard to protect. Investigators won't talk on camera because of their expanding investigation into the dog-fighting ring.

"I did not fight my dogs. I do not condone dog fighting," Boyce said.

But search warrants executed in 2011 said Boyce openly instigated dog fights in his back yard. This week, WISN 12 news cameras captured pictures of three new dogs in his yard. Boyce also condemns the state law.

"Don't nobody deserve to be locked up if they didn't do nothing wrong. That's just a poor animal. They don't deserve to be locked up, not even when you have them in the house. You don't lock or chain the dogs up," Boyce said.

Neither Boyce nor the other person named in the warrants has been charged with a crime. Police said their investigation keeps growing.

The district attorney told WISN 12 News there's no need to hold dogs for prosecution of the case. They collected DNA and photo evidence of the dogs and their injuries.

MADACC is funded by taxpayers. It said the evidence dogs' care isn't that expensive, but MADACC's current boarding rate is \$15 per dog per day -- times 16 dogs times 20 months.

If there were paying customers, the bill would total nearly \$150,000.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1697/P1

RCT...:....

Leev

In 3/20

Wild.  
(Cmb)

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SAD  
xref ✓

note

perf ✓

gen cat

1 AN ACT <sup>gen cat</sup> relating to: animals believed to have been involved in fighting or  
2 being held as evidence.

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

3 SECTION 1. 173.12<sup>x</sup> (3) (a) and (b) of the statutes are consolidated, renumbered  
4 173.12 (3) and amended to read:

5 173.12 (3) If the owner is convicted under s. 951.08 or is subject to the  
6 restrictions under s. 951.08 (2m), the animal shall be delivered to the local humane  
7 officer or county or municipal pound. If there is no local humane officer or pound,  
8 the animal may be delivered to a local humane society or to another person  
9 designated by the court. ~~If the animal is one year old or older or shows indication of~~

1 ~~having participated in fighting, the animal shall be disposed of in a proper and~~  
 2 ~~humane manner. (b) If the animal is less than one year old and shows no indication~~  
 3 ~~of having participated in fighting, the~~ The person to whom the animal is delivered  
 4 ~~animal shall be released~~ release the animal to a person other than the owner or  
 5 ~~disposed~~ dispose of the animal in a proper and humane manner. If the animal is a  
 6 dog, the release or disposal shall be in accordance with s. 173.23 (1m), except that  
 7 the fees under s. 173.23 (1m) (a) 4. are covered under s. 173.24.

History: 1981 c. 160; 1983 a. 95; 1987 a. 248; 1987 a. 332 ss. 54, 64; Stats. 1987 s. 951.165; 1997 a. 192 ss. 28, 29; Stats. 1997 s. 173.12.

**SECTION 2.** 173.15 (3) of the statutes is created to read:

9 173.15 (3) ANIMALS HELD AS EVIDENCE. A political subdivision or person  
 10 contracting with a political subdivision under sub. (1) who has custody of an animal  
 11 may not, on the grounds that the animal may have been used in or may constitute  
 12 evidence of a crime under ch. 951, do any of the following:

(a) Keep the animal in isolation for more than 60 days.

(b) After the animal has been in custody for 60 days, refuse to rehabilitate or  
 to allow another person to rehabilitate the animal.

LPS:  
 please ✓  
 spacing

(END)

Note

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1697/P1dn

RCT:.....

eev

date

Katherine Bates:

This is a preliminary draft of the proposal relating to animals that may have been involved in animal fighting or other crimes against animals.

Please review proposed s. 173.15 (3), stats., carefully. I am uncertain exactly what is intended with this provision. The statutes do not currently have any language relating to isolation or rehabilitation of animals that are in custody. The meaning of this provision may not be clear to those to whom it would apply. If it is not clear, it may not accomplish what is intended. I recommend trying to clarify this provision. Perhaps using definitions would be helpful.

Please let me know if you have questions or additional drafting instructions or if you would like to discuss this proposal.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: becky.tradewell@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1697/P1dn  
RCT:eev:ph

April 2, 2013

Katherine Bates:

This is a preliminary draft of the proposal relating to animals that may have been involved in animal fighting or other crimes against animals.

Please review proposed s. 173.15 (3), stats., carefully. I am uncertain exactly what is intended with this provision. The statutes do not currently have any language relating to isolation or rehabilitation of animals that are in custody. The meaning of this provision may not be clear to those to whom it would apply. If it is not clear, it may not accomplish what is intended. I recommend trying to clarify this provision. Perhaps using definitions would be helpful.

Please let me know if you have questions or additional drafting instructions or if you would like to discuss this proposal.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.wisconsin.gov](mailto:becky.tradewell@legis.wisconsin.gov)

4/2/13 call from Katherine Bates: They only want section 7 of the draft.

RT



State of Wisconsin  
2013 - 2014 LEGISLATURE

SOON (in 4/2)



LRB-1697/1  
RCT:eev:ph

2 / 1  
v m r

stays

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

please regenerate  
↓

1 **AN ACT to consolidate, renumber and amend** 173.12 (3) (a) and (b); and **to**  
2 **create** 173.15 (3) of the statutes; **relating to:** animals believed to have been  
3 involved in fighting or being held as evidence.

*Analysis by the Legislative Reference Bureau*

Analysis  
insert

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

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7 restrictions under s. 951.08 (2m), the animal shall be delivered to the local humane  
8 officer or county or municipal pound. If there is no local humane officer or pound,  
9 the animal may be delivered to a local humane society or to another person

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2 ~~having participated in fighting, the animal shall be disposed of in a proper and~~  
3 ~~humane manner. (b) If the animal is less than one year old and shows no indication~~  
4 ~~of having participated in fighting, the~~ The person to whom the animal is delivered  
5 ~~animal shall be released~~ release the animal to a person other than the owner or  
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7 dog, the release or disposal shall be in accordance with s. 173.23 (1m), except that  
8 the fees under s. 173.23 (1m) (a) 4. are covered under s. 173.24.

9 **SECTION 2.** 173.15 (3) of the statutes is created to read:

10 173.15 (3) ANIMALS HELD AS EVIDENCE. A political subdivision or person  
11 contracting with a political subdivision under sub. (1) who has custody of an animal  
12 may not, on the grounds that the animal may have been used in or may constitute  
13 evidence of a crime under ch. 951, do any of the following:

14 (a) Keep the animal in isolation for more than 60 days.

15 (b) After the animal has been in custody for 60 days, refuse to rehabilitate or  
16 to allow another person to rehabilitate the animal.

17 (END)

**2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1697/lins  
RCT:.....

**Analysis insert**

Under current law, if an animal is being held in custody, the owner of the animal is convicted of a crime related to animal fighting, and the animal is one year old or older or shows indication of having participated in fighting, the animal must be disposed of in a proper and humane animal. Under the bill, such an animal may either be released to a person other than the owner or disposed of in a proper and humane manner.

## Tradewell, Becky

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**From:** Tradewell, Becky  
**Sent:** Friday, April 12, 2013 11:14 AM  
**To:** Bates, Katherine  
**Subject:** RE: LRB 1697

Katherine,

I also don't think that the draft is ambiguous.

It seems that Dr. Bellay's opinion is that the draft should prohibit the person with custody of the animal from releasing it without determining that the animal is "suitable for release," which would require the person to conduct some type of evaluation. This is a policy matter for your office to consider.

Please let me know if you have additional questions or if you wish to have any changes made in the draft.

Becky Tradewell  
Managing Attorney  
Legislative Reference Bureau  
608-266-7290

---

**From:** Bates, Katherine  
**Sent:** Friday, April 12, 2013 10:41 AM  
**To:** Tradewell, Becky  
**Subject:** LRB 1697

Good Morning Becky,

I ran the bill draft (LRB 1697) by Dr. Bellay of the Dept of Agriculture and have included her thoughts on the bill. To my reading the bill language is not ambiguous with regards to safety since it still allows for animals to be humanely euthanized, but I'd like your thoughts on whether this warrants correction.

*Katherine Bates*

Office of Representative John Spiros  
86<sup>th</sup> Assembly District  
State Capitol – 17 North  
608-266-1183

---

**From:** Bellay, Yvonne M - DATCP [<mailto:Yvonne.Bellay@Wisconsin.gov>]  
**Sent:** Friday, April 12, 2013 10:30 AM  
**To:** Bates, Katherine  
**Subject:** FW: Dog fighting Legislation

Hi Katherine,

As we spoke earlier, I took a look at the proposal and know that the provision in the current law has been a point of contention for some time and understand the reason for the proposed changes. Probably the biggest sticking point is the absolute requirement in an animal fighting conviction for any animal over one year of age to be humanely killed.

However, based upon my experiences with some of these situations I will offer a few comments for consideration. As I read the draft language, it appears that the proposed language would create the potential for these animals to be released to anyone, with no restrictions such as temperament or other evaluations.

The person to whom the animal is delivered shall release the animal to a person other than the owner or dispose of the animal in a proper and humane manner.

Unfortunately, many of the animals (dogs) taken in these situations do have temperament issues and are not suitable for release. A recent high profile example would be the Lowrey dog fighting case in Dane County a few years ago. In this case, the Dane County Humane Society was required to hold dogs taken in that case for an extended period of time. When the legal issues were finally resolved the dogs were officially turned over to the Humane Society. Even though the shelter made every attempt to re-home the dogs, only one of the over 40 dogs was found to have a safe and suitable temperament to allow it to be safely adopted. The others had to be euthanized due to both dog and public safety issues. As I read the language, under the proposal had these dogs gone to a facility where less care was taken to insure the safety of the public or where the philosophy regarding euthanasia differed, I believe problems could have arisen. Perhaps some simple language to address the ambiguity for the release of the animals (dogs) could be considered.

Thank you for the opportunity to comment. If I may be of any assistance, please just let me know.

Yvonne M Bellay, DVM, MS  
Animal Welfare Programs Manager/Epidemiologist  
Wisconsin Department of Agriculture, Trade and Consumer Protection  
Division of Animal Health  
2811 Agriculture Dr  
PO Box 8911  
Madison, WI 53708-8911  
Phone: 608-224-4888  
Fax: 608-224-4871  
Email: [yvonne.bellay@wisconsin.gov](mailto:yvonne.bellay@wisconsin.gov)

---

**From:** Bellay, Yvonne M - DATCP  
**Sent:** Monday, April 08, 2013 12:01 PM  
**To:** Bates, Katherine – LEGIS  
**Subject:** Re: Dog fighting Legislation

Hello Katherine,

Thank you for sending the draft. I am currently out of the office and will be unable to review until I return on Friday. Will that be a problem for you? If that is Ok, I will be happy to give it a look.

Dr. Bellay  
Sent from my iPhone

On Apr 5, 2013, at 5:22 AM, "Bates, Katherine" <[Katherine.Bates@legis.wisconsin.gov](mailto:Katherine.Bates@legis.wisconsin.gov)> wrote:

Good Morning Dr. Bellay,

I was given your email by Alyson Bodai of the Humane Society. She recommended I send you a draft of legislation my boss is currently considering, I've attached it if you wouldn't mind taking a look at it and giving me your opinion. Thank you!

*Katherine Bates*

Office of Representative John Spiros  
86<sup>th</sup> Assembly District  
State Capitol – 17 North  
608-266-1183

<LRB 1697\_1.pdf>

## Tradewell, Becky

---

**From:** Bates, Katherine  
**Sent:** Friday, April 12, 2013 12:40 PM  
**To:** Tradewell, Becky  
**Subject:** LRB 1697

Good Afternoon Becky!

Could we add something about the animal being released to another person if it is deemed suitable for release?

Thank you.

*Katherine Bates*

Office of Representative John Spiros  
86<sup>th</sup> Assembly District  
State Capitol – 17 North  
608-266-1183



State of Wisconsin  
2013 - 2014 LEGISLATURE

Mon 9/15



LRB-1697<sup>2</sup>

RCT:eev:rs

Stays

rmy

2013 BILL

1 AN ACT <sup>regen</sup> to consolidate, renumber and amend 173.12 (3) (a) and (b) of the  
2 statutes; relating to: animals believed to have been involved in fighting or  
3 being held as evidence.

analysis insert

*Analysis by the Legislative Reference Bureau*

Under current law, if an animal is being held in custody, the owner of the animal is convicted of a crime related to animal fighting, and the animal is one year old or older or shows indication of having participated in fighting, the animal must be disposed of in a proper and humane manner. Under the bill, such an animal may either be released to a person other than the owner or disposed of in a proper and humane manner. <sup>analysis insert 2</sup>

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

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**BILL**

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 3 designated by the court. ~~If the animal is one year old or older or shows indication of~~  
 4 ~~having participated in fighting, the animal shall be disposed of in a proper and~~  
 5 ~~humane manner. (b) If the animal is less than one year old and shows no indication~~  
 6 ~~of having participated in fighting, the~~ The person to whom the animal is delivered *may either*  
 7 ~~animal shall be released~~ release the animal *to a person other than the owner or*  
 8 ~~disposed~~ dispose of the animal *in a proper and humane manner. If the animal is a*  
 9 dog, the release or disposal shall be in accordance with s. 173.23 (1m), except that  
 10 the fees under s. 173.23 (1m) (a) 4. are covered under s. 173.24.

(END)

*more*

*The person to whom the animal is delivered may either*

*7* ~~animal shall be released~~ release the animal *to a person other than the owner or*  
*disposed* dispose of the animal *in a proper and humane manner. If the animal is a*

*Insert 2-8*

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1697/2ins  
RCT:.....

1

2 Analysis insert 1

3 if any animal is being held in custody and the owner of the animal is convicted  
4 of having participated in animal fighting, the

5 Analysis insert 2

6 or, if the person with custody of the animal determines that the animal does not  
7 pose a threat to humans or other animals, <sup>be</sup> released to a person other than the owner

8 Insert 2-8

9 or, if the person determines that the animal does not pose a threat to humans  
10 or other animals, release the animal to a person other than the owner

**Rose, Stefanie**

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**From:** Bates, Katherine  
**Sent:** Monday, May 06, 2013 11:21 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1697/2 Topic: Animals held as evidence of crime

Please Jacket LRB -1697/2 for the ASSEMBLY.

Thank you!

*Katherine Bates*

Office of Representative John Spiros  
86<sup>th</sup> Assembly District  
State Capitol – 17 North  
608-266-1183