

2007 DRAFTING REQUEST

Bill

Received: 11/22/2006

Received By: btradewe

Wanted: As time permits

Identical to LRB:

For: Samantha Kerkman (608) 266-2530

By/Representing: Sarah Johannes

This file may be shown to any legislator: NO

Drafter: btradewe

May Contact:

Addl. Drafters:

Subject: Agriculture - animals

Extra Copies:

Submit via email: YES

Requester's email: Rep.Kerkman@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Exempt law enforcement dogs from quarantine requirement

Instructions:

Exempt law enforcement dogs from requirement of quarantine after biting a person while performing law enforcement functions

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>
/?							Local
/1	btradewe 12/01/2006	jdyer 12/07/2006	rschluet 12/07/2006		sbasford 12/07/2006	sbasford 01/22/2007	

FE Sent For:

<END>

→ At Intro.

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btradewe

1 12/7 JLD

FE Sent For:

<END>

**LRB**

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

**LRB**

Meeting w Rep. Kerkman  
11/28 - require that dog be vaccinated

## Kerkman, Samantha

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**From:** Eric Klinkhammer [klink@wi.rr.com]  
**Sent:** Sunday, April 09, 2006 8:27 PM  
**To:** Kerkman, Samantha  
**Subject:** Form posted from Microsoft Internet Explorer.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

name=Eric Klinkhammer  
Street=5932 83rd Street  
City=Kenosha  
zip=53142  
telephone=2628189144  
email=klink@wi.rr.com  
comments=Hi,

I am interested in changing the statute requiring dogs that bite to be quarantined. Right now there is no exception for police service dogs (psd's)> Currently several states do have this exception. Please contact me and I can send you the statutes that Illinois and Texas use.

My police k-9 bit a subject accidentally and is now off of work for 10days due to the quarantine requirement. This is a waste of a very expensive well trained government resource. As I researched this there is no exception for police k-9s even if they are sent to apprehend a suspect and bites them. I would love to be involved in getting this changed. Please let me know what I can do.

Eric Klinkhammer

**Tradewell, Becky**

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**From:** Johannes, Sarah  
**Sent:** Wednesday, November 29, 2006 9:50 AM  
**To:** Tradewell, Becky  
**Subject:** FW: Police Service Dogs

Becky,

These are the Illinois and Texas statutes regarding police dog bites. Hope they are helpful!

Sincerely,

**Sarah L. Johannes**  
Legislative Assistant  
Representative Samantha Kerkman  
66th Assembly District  
103 West State Capitol  
608-266-2530 or 888-534-0066  
[sarah.johannes@legis.wisconsin.gov](mailto:sarah.johannes@legis.wisconsin.gov)

I know in my heart that man is good.  
That what is right will always eventually triumph.  
And there's purpose and worth to each and every life.- **Ronald Reagan**

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**From:** Eric Klinkhammer [mailto:klink@wi.rr.com]  
**Sent:** Tuesday, November 28, 2006 9:35 AM  
**To:** Johannes, Sarah  
**Subject:** RE: Police Service Dogs

Sarah,

The Texas Rabies Control Statute is Chapter 826 and the wording of the police exemption from the quarantine is:

§ 826.048. EXEMPTION FROM QUARANTINE REQUIREMENT FOR POLICE SERVICE ANIMALS. (a) In this section, "handler or rider" and "police service animal" have the meanings assigned by Section 38.151, Penal Code.

(b) A police service animal is exempt from the quarantine requirement of this subchapter if the animal bites[0] a person while the animal is under routine veterinary care or while the animal is being used for law enforcement, corrections, prison or jail security, or investigative purposes. If after biting the person the animal exhibits any abnormal behavior, the law enforcement agency and the animal's handler or rider shall make the animal available within a reasonable time for testing by the local health authority.

11/29/2006

The statute's link is below:

[http://tlo2.tlc.state.tx.us/cgibin/cqcgi?  
CQ\\_SESSION\\_KEY=WNZTDCMPQIFW&CQ\\_QUERY\\_HANDLE=124215&CQ\\_CUR\\_DOCUMENT=2&CQ\\_TLO\\_DOC\\_TEXT=YES](http://tlo2.tlc.state.tx.us/cgibin/cqcgi?CQ_SESSION_KEY=WNZTDCMPQIFW&CQ_QUERY_HANDLE=124215&CQ_CUR_DOCUMENT=2&CQ_TLO_DOC_TEXT=YES)

The Illinois Rabies Control Statute is 510ILCS Animal Control Act and the police exemption is:

(b) When a person has been bitten by a police dog that is currently vaccinated against rabies, the police dog may continue to perform its duties for the peace officer or law enforcement agency and any period of observation of the police dog may be under the supervision of a peace officer. The supervision shall consist of the dog being locked in a kennel, performing its official duties in a police vehicle, or remaining under the constant supervision of its police handler. (Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

The statute's link is below:

[http://www.ilga.gov/legislation/ilcs/ilcs3.asp?  
ActID=1704&ChapAct=510 ILCS 5/&ChapterID=41&ChapterName=ANIMALS&ActName=Animal+Control+Act%  
2E](http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1704&ChapAct=510%20ILCS%205/&ChapterID=41&ChapterName=ANIMALS&ActName=Animal+Control+Act%2E)

If there is anything else I can do please let me know. I can be reached at 262-818-9144.

Eric Klinkhammer



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0879/1

RCT. ....

JLD

2007 BILL

Gen

1 AN ACT ...; relating to: an exception for law enforcement dogs to the requirement  
2 that a dog that bites a person be quarantined. ✓

*Analysis by the Legislative Reference Bureau*

control to

\* Current law relating to rabies requires that a dog that bites a person be  
\* quarantined for at least 10 days. This bill creates an exception to the quarantine  
requirement for a law enforcement dog that bites a person while the dog is  
performing law enforcement functions if (d) the dog is immunized against rabies. \*

For further information see the local fiscal estimate, which will be printed as  
an appendix to this bill.

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

3 SECTION 1. 95.21 (4) (a) of the statutes is amended to read:  
4 95.21 (4) (a) *Quarantine or sacrifice of dog or cat.* An Except as provided in par.  
5 (d), an officer shall order a dog or cat quarantined if the officer has reason to believe  
6 that the animal bit a person, is infected with rabies or has been in contact with a rabid  
7 animal. If a quarantine cannot be imposed because the dog or cat cannot be captured,



**BILL****SECTION 1**

1 the officer may kill the animal. The officer may kill a dog or cat only as a last resort  
2 or if the owner agrees. The officer shall attempt to kill the animal in a humane  
3 manner and in a manner which avoids damage to the animal's head.

**History:** 1979 c. 129, 289, 357; 1981 c. 285; 1981 c. 314 s. 144; 1983 a. 189 s. 329 (18); 1983 a. 451; 1985 a. 135, 184; 1993 a. 27; 1995 a. 450; 1997 a. 192, 217; 1999 a. 9; 2005 a. 236, 240; s. 13.93 (2) (c).

4 **SECTION 2.** 95.21 (4) (d) of the statutes is created to read:

5 95.21 (4) (d) *Exception for law enforcement dogs.* 1. In this paragraph, "law  
6 enforcement agency" has the meaning given in s. 165.83 (1) (b).

7 2. The quarantine requirement in par. (a) does not apply to a dog that is used  
8 by a law enforcement agency and that bites a person while the dog is performing law  
9 enforcement functions if the dog is immunized against rabies as evidenced by a  
10 valid certificate of rabies vaccination or other evidence. If after biting the person the  
11 dog exhibits any abnormal behavior, the law enforcement agency shall have the dog  
12 examined by a veterinarian.

13

(END)

**Duerst, Christina**

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**From:** Johannes, Sarah  
**Sent:** Monday, January 22, 2007 11:03 AM  
**To:** LRB.Legal  
**Subject:** LRB-0879/1

Please jacket LRB 0879/1 for the Assembly. Thank you.

*Sarah L. Johannes*

Legislative Assistant  
Representative Samantha Kerkman  
66th Assembly District  
103 West State Capitol  
608-266-2530 or 888-534-0066  
[sarah.johannes@legis.wisconsin.gov](mailto:sarah.johannes@legis.wisconsin.gov)