

2013 DRAFTING REQUEST

Senate Amendment (SA-SB319)

Received: 1/13/2014 Received By: btradewe
 Wanted: Soon Same as LRB:
 For: Tim Carpenter (608) 266-8535 By/Representing: Stuart Ewy
 May Contact: Drafter: btradewe
 Subject: Agriculture - animals Addl. Drafters:
 Extra Copies:

Submit via email: YES
 Requester's email: Sen.Carpenter@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Apply provisions of bill to animals already in custody

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 1/15/2014	kfollett 1/14/2014	jfrantze 1/14/2014	_____	lparisi 1/14/2014		
/1		kfollett 1/15/2014	jmurphy 1/15/2014	_____	lparisi 1/15/2014	lparisi 1/15/2014	

FE Sent For:

<END>

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FE Sent For:

1/15
1/15

Jim self 1/15

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/P1	btradewe	1/15/14	1/14/14	1/14/14	1/14/14		

FE Sent For:

<END>

Tradewell, Becky

From: Ewy, Stuart
Sent: Monday, January 13, 2014 10:08 AM
To: Tradewell, Becky; LRB.Legal
Subject: Amendment Request

Hi Becky,

Can you please draft an amendment to SB 319 so that if the bill passed it would apply retroactively to animals already in custody?

Please let me know if you have any questions or comments

Thank you very much,

Regards,

G. Stuart Ewy
Office of Senator Tim Carpenter
State Capitol 109 S
608.266.8535

Tradewell, Becky

From: Ewy, Stuart
Sent: Monday, January 13, 2014 10:58 AM
To: Tradewell, Becky
Subject: background info SB 319

Hopefully these articles help re amendment

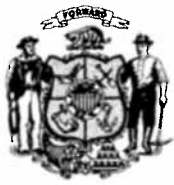
<https://www.facebook.com/pages/Save-Milwaukees-Court-Case-Dogs/283645821674977?id=283645821674977&sk=info>

<http://fox6now.com/tag/milwaukee-court-case-dogs/>

<http://www.wisn.com/news/WISN-12-News-investigation-of-locked-up-dogs-prompts-actions/-/9373668/18572484/-/10xcrszl/-/index.html>

Regards,

G. Stuart Ewy
Office of Senator Tim Carpenter
State Capitol 109 S
608.266.8535



State of Wisconsin
2013 - 2014 LEGISLATURE

Wed, 1/15 if possible



LRBa1414/P1

RCT: *lf*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT,
TO SENATE BILL 319**

Note

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 5, line 19: after “withheld” insert “or, if the animal was in custody on
3 the effective date of this subsection [LRB inserts date], no later than the 7th day
4 after the effective date of this subsection [LRB inserts date]”. *ae*

5 **2.** Page 6, line 6: after “petition” insert “or, if the petition was filed on or before
6 the effective date of this paragraph ... [LRB inserts date], within 10 days of the
7 effective date of this paragraph ... [LRB inserts date]”. *Je*

8 **3.** Page 6, line 10: delete the material beginning with “10” and ending with
9 “petition” *on* line 11 and substitute “the deadline under par. (a)”.

10 **4.** Page 8, line 15: after “petition” insert “or, if the petition was filed on or before
11 the effective date of this paragraph ... [LRB inserts date], within 10 days of the
12 effective date of this paragraph ... [LRB inserts date]”. *le*

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1414/P1dn
RCT. *ef*

Date

Stuart Ewy:

This is a preliminary version of the amendment that makes SB 319 applicable to animals that are in custody when the bill takes effect. It should be reviewed carefully. Chapter 173 is complex, so please do not hesitate to contact me with any questions.

The main effects of the amendment would be eliminating the requirement that animals already in custody that are alleged to be needed as evidence in an animal fighting case or to have been involved in fighting be retained in custody until the case is resolved and the requirement that after a conviction an animal that is more than one year old or that shows evidence of having participating in fighting be euthanized.

The amendment provides a deadline for an owner of an animal in custody when the bill takes effect to petition for review of the seizure or withholding of the animal under s. 173.22. It seems as though this will not have much effect as a practical matter. A person who has been charged with involvement in animal fighting or other mistreatment is unlikely to petition for review because the animal would not be released to him or her after a petition is filed due to s. 173.22(3)(a) *1/2 (as affected by the bill)*

I am not certain that the amendment resolves all of the concerns about animals in the custody of the Milwaukee Area Domestic Animal Control Commission partly because it seems as though some of them may ~~not~~ be held ~~because of~~ alleged animal fighting. *for reasons other than*

Note that under current law, if an animal has been seized or withheld from an owner because of alleged fighting or mistreatment and the owner has not indicated that he or she no longer wants the animal, the person with custody of the animal generally may not dispose of the animal without a court order. See s. 173.23 (2) and (3). That is not changed under the bill or the amendment.

Please contact me with any questions or redraft instructions.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1414/P1dn
RCT:kjfjf

January 14, 2014

Stuart Ewy:

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The main effects of the amendment would be eliminating the requirement that animals already in custody that are alleged to be needed as evidence in an animal fighting case or to have been involved in fighting be retained in custody until the case is resolved and the requirement that after a conviction an animal that is more than one year old or that shows evidence of having participating in fighting be euthanized.

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I am not certain that the amendment resolves all of the concerns about animals in the custody of the Milwaukee Area Domestic Animal Control Commission partly because it seems as though some of them may be held for reasons other than alleged animal fighting.

Note that under current law, if an animal has been seized or withheld from an owner because of alleged fighting or mistreatment and the owner has not indicated that he or she no longer wants the animal, the person with custody of the animal generally may not dispose of the animal without a court order. See s. 173.23 (2) and (3). That is not changed under the bill or the amendment.

Please contact me with any questions or redraft instructions.

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

Tradewell, Becky

From: Ewy, Stuart
Sent: Wednesday, January 15, 2014 3:32 PM
To: Tradewell, Becky
Cc: Sen.Carpenter
Subject: RE: Draft review: LRB a1414/P1 Topic: Apply provisions of bill to animals already in custody

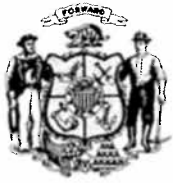
Thanks, Becky,
Ready for final draft

Regards,

G. Stuart Ewy
Office of Senator Tim Carpenter
State Capitol 109 S
608.266.8535

From: LRB.Legal
Sent: Tuesday, January 14, 2014 1:36 PM
To: Sen.Carpenter
Subject: Draft review: LRB a1414/P1 Topic: Apply provisions of bill to animals already in custody

Following is the PDF version of draft LRB a1414/P1 and drafter's note.



State of Wisconsin
2013 - 2014 LEGISLATURE

Thurs (1/16)



LRBa1414/P1
RCT:kjf:jf

VMY

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~
SENATE AMENDMENT,
TO SENATE BILL 319

No changes

1 At the locations indicated, amend the bill as follows:

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6 the effective date of this paragraph [LRB inserts date], within 10 days of the
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10 **4.** Page 8, line 15: after “petition” insert “or, if the petition was filed on or before
11 the effective date of this paragraph [LRB inserts date], within 10 days of the
12 effective date of this paragraph [LRB inserts date]”.

1 **5.** Page 14, line 14: delete “taken into” and substitute “that are in”.

2 (END)