

# Van H. Wanggaard

Wisconsin State Senator

September 9, 2021

## Testimony on Senate Bill 366

Thank you committee members for hearing Senate Bill 366 today. I appreciate Representative Spiros reaching out and working with me to address, what I believe to be, a legislative oversight.

Simply put, Senate Bill 366 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.

Senate Bill 366 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 Senate Bill 366 and, I urge your support so that we can start holding people accountable for their actions.

---

Serving Racine and Kenosha Counties - Senate District 21

State Capitol, P.O. Box 7882, Madison, WI 53707-7882 • (608) 266-1832 • Toll-free (866) 615-7510  
Sen.Wanggaard@legis.wi.gov • SenatorWanggaard.com

**Testimony on Senate Bill 366  
Senate Committee on Judiciary and Public Safety  
Thursday, September 9, 2021**

Hello, and thank you Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety for allowing me to have the opportunity to share my testimony with you today regarding Senate Bill 366, 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. With a substitute amendment to the bill, the penalty if bodily harm or death do occur will be 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, possessing, 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.

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.

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 and I thought I'd 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 tougher law that punishes animal abusers or it will continue to spiral out of control. It happens all the time-that's why we're here.

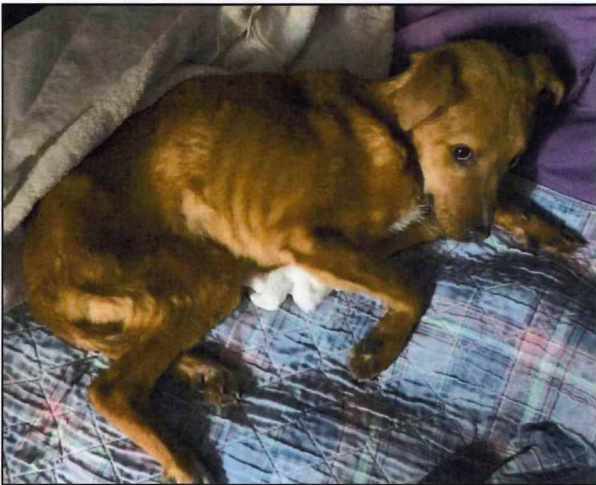
Please VOTE YES on SB 366 because things don't get better with time-things get better with change!



## 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.

Ladies and Gentlemen of the Senate, Thank you for allowing me to speak regarding **SB 366**.

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, **pets** specifically. I do however feel that abuse to any living creature is wrong and should not be tolerated but my thoughts do not reflect on any of the hunting clubs (**Bear or otherwise**) 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 Wisconsin**. I am a volunteer which means **I don't get paid** for doing what I do day in and day out. I do it because it is **my passion**. I foster and I do transport. I pick up dogs that are unwanted or not useful to their owners anymore. 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. I have spent countless hours at the vet trying to fix the ones that people have tossed aside. **SB 366** 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 it needs to stop**. They need to be punished for what they have done. They need to know that the **law will not** allow their behavior any longer. They need to know that **Wisconsin will not** allow it any longer.

I personally knew of a little black lab named **Misty** in Columbia County who was beaten in the head with a claw hammer. She was stuffed in a duffel bag and dumped out on a country road 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 High School boys happened to stop at that rest area and found her and called authorities and she was rushed to the vet. They had to staple her head back together with 19 staples, and even though she had endured such a horrible act she was able to wag her tail and show love to the people there. (picture 1 and 2)

Her owner was arrested but because **Misty** survived -- even though the owner **admitted** her intention to kill her -- 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. She was instructed to **not** have any contact with or own any animals, but yet she was staying with her father who had **2 dogs** at his residence. I find it totally unacceptable that there were no consequences for that blatant violation of her sentence. **Misty** 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. (picture 3) She did pass from cancer but it was a **peaceful passing** surrounded by people who loved her, **NOT** stuffed in a duffel bag alone on the side of the road. It is because of **Misty** and what she had to endure that I am here today. It is because of **Misty** and the countless other animals that suffer at the hands of humans, (and I use that term humans loosely) that I am here speaking to you today. .

If this bill would have been in place then, it **wouldn't** have stopped what was done to **Misty**, but **it would have** at least allowed for some justice for our 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 miserably** by not protecting them and making their abusers accountable for their actions.

I don't know how many of you have pets or "**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.

Let me ask you, 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 would be **YES**. And if they are, I pray that you will vote to pass **SB 366** 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 about 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

held accountable for what they did? Wouldn't you want whoever hurt your friend or family members "fur child" to be punished accordingly? Like before I am hoping that your answers to those questions would also be **YES**.

**Please** don't keep Wisconsin in the dark ages when it comes to punishment for animal abusers.

**Please** help move them to the front of the line and become the state that other states want to be like when it comes to animal cruelty law.

**Please** pass **SB 366** 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**" sentence.

**Wisconsin is better than this.**

**You, our lawmakers are better than this.**

**We are all better than this.**

Lets step up and let it be known that **Wisconsin is not going to stand for inhumane treatment of animals**, and that if you do abusive harm in our state you **WILL BE HELD ACCOUNTABLE**.

I am asking **you (no I am begging you)**, to **help me**, and countless others like me, to be the voice for those who aren't able to speak. **Don't** allow animal abusers to go unpunished, because the next time it may not be an animal that they take their aggression out on. The voiceless are putting their lives in your hands, Please don't just dismiss them.

Thank you for your time, and letting me speak.

Bonnie Moore

W5275 State Rd. 33 and 44

Pardeeville, WI 53954

[bonniem2828@yahoo.com](mailto:bonniem2828@yahoo.com)

(608)751-6052





1/21/2016 Misty was found beaten and left to die

Picture 1



19 staples had to be used to close the wounds to her head

Picture 2



10/21/2016 Exactly 9 months later Misty got her angel wings

Picture 3

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.

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 25<sup>th</sup> 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.





**Testimony in Support of Senate Bill 366**  
**Presented to the Senate Committee on Judiciary and Public Safety**  
**Megan Nicholson**  
**Wisconsin State Director, The Humane Society of the United States**  
**September 9, 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 provide testimony in strong support of Senate Bill 366.

The catalyst for S.B. 366 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, 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.

S.B. 366 removes obstacles to conviction with meaningful penalties by replacing terms such as mutilation and disfigurement with a definition of "grievous bodily harm." The bill clarifies that felony penalties can be charged when a person intended to cause or 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 current provision prohibiting future possession of animals mandatory upon a felony 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.

- At the end of 2019, 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 S.B. 366.

*Megan Nicholson*

Megan Nicholson  
Wisconsin State Director  
The Humane Society of the United States  
mnicholson@humanesociety.org



---

*Bringing people and animals together since 1922*

September 9, 2021

Senate Bill 366 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 starves their dog and beats it unconscious but the dog is not mutilated or killed, they would only face a misdemeanor. Even if they intend to kill an animal and admit they are willing to keep trying, if the animal 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 and irreversible to happen before the offender would face serious consequences. SB 366 corrects that oversight and takes another common sense step to prevent convicted offenders from having easy access to other animals.

SB3101

Thank you Committee members.

My name is Brenda Nelsy. I live in Rio, WI, in Columbia County. I am here today in support of SB3101. I have been involved in the rescue community for over 35 years. I have adopted, fostered, volunteered with shelters and networked many dogs and cats over the years. But I never really became a strong advocate for animals of abuse until January of 2016. That is when this picture (ADDD w/ Misty's photo) came across my social media feed. It was a picture of a 16 year old black lab who had been seriously injured within my county and was in care and custody of my local Human Society. That dog's name was Misty. You've heard my friend Bonnie's story w/ Misty so I don't need to repeat that of what happened to her. My husband, who is here with me today, and I were Misty's foster family. She was the dog who changed everything for us. We created a Facebook page for her and even how, nearly 15 years after her passing, it is still followed & gone strong by 10,000 people, all who fight for justice for animals of abuse. Misty's story struck a nerve in our community, and many showed up at the sentencing hearing of Misty's abuser & former owner. I was asked by the A.D.A.D to share a victim's impact statement with the courts on behalf of Misty. I don't read it in it's entirety, but I'd like to share a brief part of it. (READ highlighted paragraph)

It is these consequences (read Mr. Benson's sentence) that we feel weren't strict enough. That's why we're here. I had a big, long speech prepared with all sorts of facts and figures but I'd rather share with you just a few particular personal stories & cases. I mentioned earlier that my husband and I have adopted numerous animals over the years. Currently, we have 6. 3 dogs & 3 cats. All of whom have suffered abuse, cruelty, abandonment. One of our dog's is another black lab. Her name is Libby. Libby was intentionally starved, run over by a car (never taken to a vet to heal her broken body) and shot by her owner, ~~which~~ which has left her permanently disabled. No charges were ever filed in her defense.

A few more cases which I'd like to share are from people that have reached out to me on Misty's FB page.

The first is a little beak from Orono in Forest County. She was deliberately tied to her owner's vehicle and dragged. She suffered horrific injuries, nearly all of her flesh was gone from the result of her intentional abuse.

Another is a beautiful Golden Retriever who was safely in his own fenced-in yard, which was in Columbia County, when he was deliberately poisoned & he did not survive. His case was prosecuted but all the man received was 90 days in jail with Huber, just over \$10,000 in fines which allowed him to NOT serve the 2<sup>nd</sup> 90 day jail period he was supposed to do 2 years after sentencing.

And most recently, I was contacted by a woman in Marathon County, her sweet, innocent cat named Penelope became a victim of ~~very~~ unimaginable cruelty & abuse at the hands of the owner's former boyfriend. The boyfriend took his anger at his ex-girlfriend out on her beloved pet cat. He beat her so badly, that her eye popped out of its socket. Upon arriving home & finding this, Penelope's owner rushed her to the vet, but nothing could be done to save her and she was humanely euthanized to ~~to~~ and her horrible suffering. The abuser was arrested & will be charged with a class A misdemeanor. The owner doesn't feel that his is enough, and neither do we.

That is why we're here today, speaking on behalf of those who have no voice of their own. We can do better for them, Wisconsin can do better for them.

Thank you for your time.



# Wisconsin Bear Hunters' Association, Inc.

September 9, 2021

Chairman and members  
Senate Committee on Judiciary & Public Safety

**The Wisconsin Bear Hunters Association (WBHA), representing thousands of Wisconsin hunting families, would like to go on record as opposing SB 366.** 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.

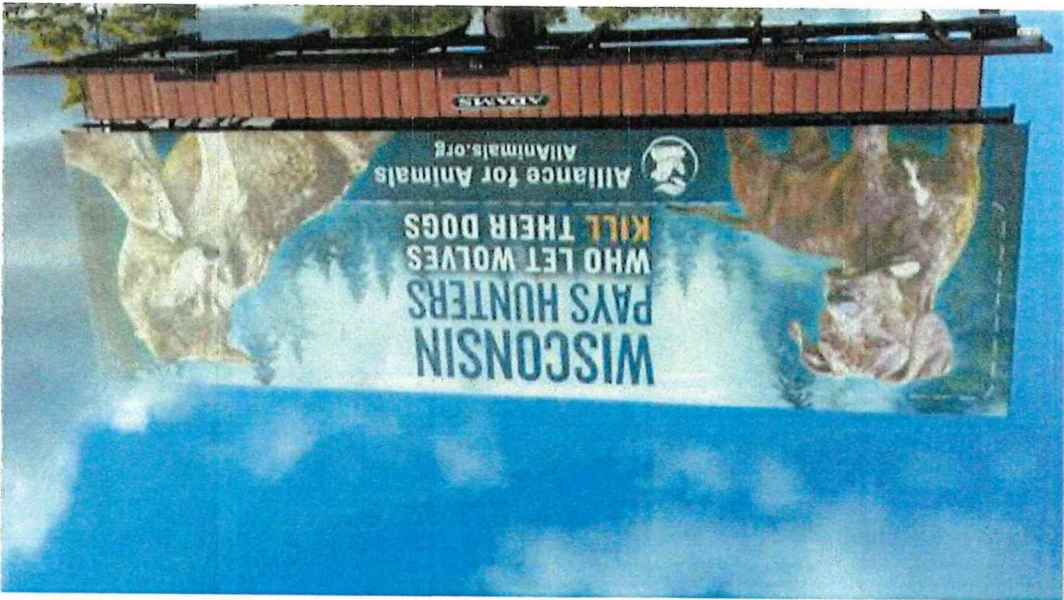
Instead, we are asking, if this bill does proceed forward, for an amendment which would guarantee that families engaging in their multi-generational sporting heritage do not face criminal penalties written into our state statute on behalf of animal rights extremists.

We are asking that the following language be added to the definition of mistreating animals in Section 3: *"Injuries sustained by dogs while hunting or training to hunt wild animals as authorized under Chapter 29, if treated as soon as is practicable, 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.







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.



Misty - Columbia County Humane Society



Beaten and left for dead.



Gabriel - Dunn County Humane Society



Starved to near death.

The photos below are from Wisconsin animal shelter cases.

**This abuse is currently a misdemeanor crime because these dogs survived the ABUSE they SUFFERED!**

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 that survive the abuse they suffer.

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

**SUPPORT SB 366  
and ask that you do, too!**

Sincerely,

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

[Egress@charter.net](mailto:Egress@charter.net) (920) 783-6427

September 8, 2021







1615 Duke Street, Suite 100  
Alexandria, VA 22314  
t: 202.452.1525  
pijac.org

**COMMENTS OF THE PET INDUSTRY JOINT ADVISORY COUNCIL  
ON SB 366 ON PENALTIES FOR ANIMAL ABUSERS  
BEFORE THE WISCONSIN SENATE JUDICIARY & PUBLIC SAFETY COMMITTEE**

September 8, 2021

Position: Support

The Pet Industry Joint Advisory Council (PIJAC) appreciates the opportunity to offer our views and expertise on SB 366 scheduled to be heard before the Wisconsin Senate Judiciary and Public Safety Committee on September 9, 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.

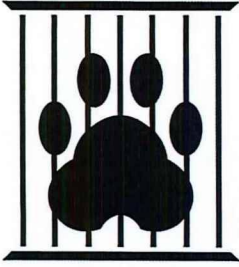
All of us in the responsible pet care community don't just care about animals, we provide care for them on a daily basis—and are dedicated to ensuring that appropriate care of animals is the primary focus of any law or regulation. As such, we offer an unmatched depth and breadth of experience on legislative 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 SB366** 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 SB 366. 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](mailto:josh@pijac.org) for further information.





## WISCONSIN PUPPY MILL PROJECT, INC

PO Box 926 Sheboygan, WI 53082-0926

September 9, 2021

Dear Wisconsin Senate Committee on Judiciary and Public Safety

We all know of cases -- either first-hand or through the media -- where the worst animal cruelty has occurred and the abuser arrested, only to get off with just a slap on the wrist. Or, worse, where the abuser wasn't even arrested because the DA didn't think it worth the effort for a "just a misdemeanor." And what of other animals in that person's home? Will they be subjected to future abuse? It's time that Wisconsin caught up with neighboring states and passed a strong, enforceable law to address and correct this deficiency. **We think that SB 366/AB 368 would be that law. We STRONGLY support it.**

**Though a court may forbid the abuser to own any animals for a specific time, in most cases, that doesn't happen, and the abuser often gets back the very animal they were arrested for harming in the first place!**

- **Currently**, even the most horrific of animal abuse is considered a felony **ONLY** if the abuse resulted in the mutilation, disfigurement, or death of an animal -- even if the abuser clearly intended to kill.
- **SB 366/AB 368** would make it a Class I felony to commit an act of animal abuse that an abuser knows or should reasonably know may result in grievous bodily harm or death of an animal, regardless of whether that harm or death actually occurs.
- **SB 366/AB 368** would also increase the penalty for an act of animal abuse that actually results in grievous bodily harm to or death of the animal.
- **Currently**, 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. Many abusers have other animals at home, and are able to keep them even after a conviction. **They can even get back the animal they are convicted of abusing!**



**SB 366/AB 368** 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. The most serious of animal abusers would **NOT** be allowed to have animals in their homes.

It is as simple as this—**FELONY CRIMES** are taken more seriously by the **COURTS** and by the **PUBLIC**. Wisconsin animals deserve this protection under the law, therefore, we ask that you support SB 366 both in committee and when it reaches the Senate floor.

Louise Hansen—Volunteer  
Public Education and Outreach Coordinator  
The Wisconsin Puppy Mill Project  
P.O Box 926  
Sheboygan, WI 53082-0926  
louisehansen3830@gmail.com





## WISCONSIN PUPPY MILL PROJECT, INC

PO Box 926 Sheboygan, WI 53082-0926

September 9, 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.**

Respectfully submitted,

Louise Hansen - Volunteer  
Public Education and Outreach Coordinator  
Wisconsin Puppy Mill Project, Inc  
PO Box 926  
Sheboygan, WI 53082-0926  
louisehansen3830@gmail.com