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Details:

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Criminal Justice (AC-CJ)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Assembly

Record of Committee Proceedings

Committee on Criminal Justice

Assembly Bill 747

Relating to: crimes against animals and providing a penalty.

By Representatives Milroy, Turner, Zepnick, A. Williams, Berceau, Sinicki, Pasch, Benedict and Smith; cosponsored by Senators Jauch, Carpenter and Risser.

February 12, 2010 Referred to Committee on Criminal Justice.

February 24, 2010 **PUBLIC HEARING HELD**

Present: (10) Representatives Turner, Kessler, Staskunas,
Hraychuck, Soletski, Kleefisch, Friske,
Kramer, Brooks, Ripp.

Absent: (1) Representative Pasch.

Appearances For

- Nick Milroy, Superior — State Representative, 73rd Assembly District
- Kathi Tucker, South Range, WI — Windchill Legacy, Ltd.
- Jeff Tucker, South Range, WI — Windchill Legacy, Ltd.
- Polly Niemi, South Range, WI — Windchill Legacy, Ltd.
- Janice Niedermeier, Janesville
- Paula Moore, Duluth, MN — Windchill Legacy, Ltd.
- Kathy Johnson, Duluth, MN — Windchill Legacy
- Gary Niemi, South Range, WI — Windchill Legacy, Ltd.
- Ann LaBelle, Farmington, MN
- Trish Poylio, Moose Lake, MN — Windchill Legacy

Appearances Against

- Charlotte Allmann, Wauwatosa — Dog Federation of WI & WISARK9
- Joy Brand, Slinger — Dog Federation of WI
- Paul Zimmerman, Madison — Wisconsin Farm Bureau
- Jordan Austin, Fairfax, VA — National Rifle Association
- Bob Welch, Madison — WI Bear Hunters Assoc., WI Corn Growers Assn., Whitetails of WI, WI Chapters, Safari Club International
- James Gleash, Madison — WI Association of Field Trial Clubs

Appearances for Information Only

- George Meyer, Madison — WI Wildlife Federation
- Don Nelson, Madison — UW Wisconsin - Madison

Registrations For

- Rick Bogle, Madison — Alliance for Animals
- Lynn Pauly, Madison
- Robert Jauch — State Senator, 25th Senate District
- Amy Burns, Janesville

Registrations Against

- Heidi Braun, Menomonee Falls — Dog Federation of WI
- James Gleash, Madison
- Nick George, Madison — Midwest Food Processors Association
- Mary Escalante, Madison
- Jordan Lamb, Madison — WI Pork Association
- Jordan Lamb, Madison — WI Cattlemen's Association
- Betty Grotophorst, Belleville

Registrations for Information Only

- None.

April 1, 2010

EXECUTIVE SESSION HELD

Present: (10) Representatives Turner, Kessler, Staskunas, Hraychuck, Soletski, Pasch, Kleefisch, Kramer, Brooks, Ripp.

Absent: (1) Representative Friske.

Moved by Representative Staskunas, seconded by Representative Pasch that - **Assembly Substitute Amendment 1** be recommended for adoption.

Ayes: (10) Representatives Turner, Kessler, Staskunas, Hraychuck, Soletski, Pasch, Kleefisch, Kramer, Brooks, Ripp.

Noes: (0) None.

Absent: (1) Representative Friske.

- ASSEMBLY SUBSTITUTE AMENDMENT 1 ADOPTION
RECOMMENDED, Ayes 10, Noes 0

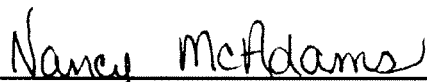
Moved by Representative Staskunas, seconded by Representative Pasch that **Assembly Bill 747** be recommended for passage as amended.

Ayes: (5) Representatives Turner, Kessler, Staskunas, Soletski and Pasch.

Noes: (5) Representatives Hraychuck, Kleefisch, Kramer, Brooks and Ripp.

Absent: (1) Representative Friske.

PASSAGE AS AMENDED NOT RECOMMENDED, Ayes 5,
Noes 5



Nancy McAdams
Committee Clerk



Vote Record Committee on Criminal Justice

Date: 4-1-10

Moved by: Staskunas Seconded by: Pasch

AB 747 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 (A) S Sub Amdt 1 _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Robert Turner, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Frederick Kessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Anthony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Ann Hraychuck	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative James Soletski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Sandy Pasch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Joel Kleefisch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Donald Friske	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Representative Bill Kramer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Edward Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Keith Ripp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>10</u>	_____	_____	<u>1</u>

Motion Carried Motion Failed

Vote Record Committee on Criminal Justice

Date: 4-1-10

Moved by: Staskunas

Seconded by: Pasch

AB 747

SB _____

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt _____

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt 1

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Robert Turner, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Frederick Kessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Anthony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Ann Hraychuck	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative James Soletski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Sandy Pasch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Joel Kleefisch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Donald Friske	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Representative Bill Kramer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Edward Brooks	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Keith Ripp	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 5 5 _____ 1

Motion Carried

Motion Failed



George, Lorna

From: Rep. Milroy
Sent: Tuesday, January 26, 2010 10:06 AM
To: *Legislative All Assembly; *Legislative All Senate
Subject: Co-sponsorship LRB 3662, Windchill's Law, crimes against animals

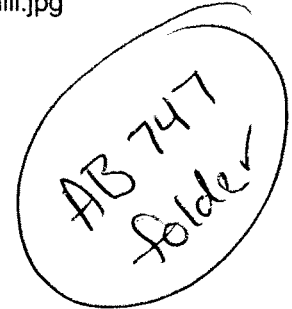
Attachments: Animal Cruelty LRB 3662.pdf; Windchill after rescue.jpg; windchill.jpg

To: Legislative Colleagues

From: Representative Nick Milroy

Date: January 26, 2010

Re: LRB 3662, Windchill's Law, relating to crimes against animals



Two years ago a nine month colt made national news when rescued from his home. The colt was found malnourished, covered in ice and snow, unable to stand and near death. The colt did not have access to shelter with the wind chill range that day between 40 to 55 degrees below zero. Citizens working toward the colt's recovery named him Windchill. While great effort was made to save the colt, he died 20 days later. The couple boarding the colt for his owner was charged with animal negligence, but received a slap on the wrist for their negligence.

A second animal abuse situation in my district was brought to my attention by the DA's office. The owner of a puppy refused to get veterinary attention for it after it had been struck by a car. The person was told by multiple veterinarians that he had to either get treatment for the puppy's fractured legs or euthanize it. The individual refused both options. The dog suffered for nearly a week before being seized by the animal protection officer to be euthanized. The DA's office wanted to prosecute, but found there is no applicable statute. 951.02 prohibits cruelty, but requires that the person "cause" unreasonable suffering. In this case, the person didn't "cause" the suffering, they just refused to treat it. This bill would correct the situation.

These two animal abuse cases happened in my district alone within a two-year time period. A message must be sent to people who do not provide adequate food, water, shelter and care for animals in their care. Please note that while this bill creates stiffer penalties for great bodily harm and death of an animal, it also maintains an avenue for the court to use its discretion in sentencing. The bill analysis is below and the full text of the bill is attached.

If you would like to co-sponsor LRB 3662, please **reply to this email** or contact Rep. Milroy's office (6-0640) by **Wednesday, February 5.**



Animal Cruelty LRB
3662.pdf (3...

Two photos of Windchill are attached:

First photo - immediately following his rescue

Second photo - 10 days after his rescue and 10 days prior to his death



Windchill after rescue.jpg (37... windchill.jpg (57 KB)

Analysis by the Legislative Reference Bureau

Under current law, no person may mistreat an animal, fail to provide an animal for which they are responsible with proper food, water, or shelter, or abandon an animal. Under most circumstances, a person who does any of these things is guilty of a Class A misdemeanor.

Under this bill, a person who intentionally mistreats an animal, fails to provide an animal for which they are responsible with proper food, water, or shelter, or abandons an animal is guilty of a Class A misdemeanor if the animal suffers bodily harm, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class I felony. If the animal suffers great bodily harm, the person is guilty of a Class E felony, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class D felony. If the animal dies as a result of the person's actions, the person is guilty of a Class D felony, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class C felony.

Under the bill, a person who recklessly mistreats an animal, fails to provide an animal for which they are responsible with proper food, water, or shelter, or abandons an animal is guilty of a Class B misdemeanor if the animal suffers bodily harm, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class A misdemeanor. If the animal suffers great bodily harm, the person is guilty of a Class H felony, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class G felony. If the animal dies as a result of the person's actions, the person is guilty of a Class F felony, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class E felony.

The bill makes it illegal for a person to cause a child under the age of 18 to mistreat an animal. A person who does so is guilty of a Class F felony if the child is under the age of 13 and is guilty of a Class H felony if the child has attained the age of 13 but is under the age of 18.

Under the bill, a sentencing court may order a person who is guilty of felony animal mistreatment, failure to provide proper food, water, or shelter, or abandonment to undergo a psychological assessment and to participate in anger management or psychological counseling or treatment.

Under current law, a judge or circuit court commissioner may issue a temporary restraining order or grant an injunction that bars a person who has committed certain violations from contacting or approaching the victim of his or her actions.

Under the bill, a judge or circuit court commissioner may include in the restraining order or injunction an order for the person to refrain from mistreating or threatening to mistreat an animal that the victim owns or cares for.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

Windchill's Law

George, Lorna

From: George, Lorna
Sent: Tuesday, January 26, 2010 10:28 AM
To: Rep.Milroy
Subject: RE: Co-sponsorship LRB 3662, Windchill's Law, crimes against animals

Please sign Rep. Turner on to this bill.
Thanks.

Lorna J. George
Office of State Representative Robert L. Turner
Room 223 North, State Capitol
P.O. Box 8953
Madison, WI 53708
Tel: 608-266-0731 Toll Free: 888-529-0061
Fax: 608-282-3661
lorna.george@legis.wi.gov

AB 747
Folder

From: Rep.Milroy
Sent: Tuesday, January 26, 2010 10:06 AM
To: *Legislative All Assembly; *Legislative All Senate
Subject: Co-sponsorship LRB 3662, Windchill's Law, crimes against animals

To: Legislative Colleagues

From: Representative Nick Milroy

Date: January 26, 2010

Re: LRB 3662, Windchill's Law, relating to crimes against animals

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A second animal abuse situation in my district was brought to my attention by the DA's office. The owner of a puppy refused to get veterinary attention for it after it had been struck by a car. The person was told by multiple veterinarians that he had to either get treatment for the puppy's fractured legs or euthanize it. The individual refused both options. The dog suffered for nearly a week before being seized by the animal protection officer to be euthanized. The DA's office wanted to prosecute, but found there is no applicable statute. 951.02 prohibits cruelty, but requires that the person "cause" unreasonable suffering. In this case, the person didn't "cause" the suffering, they just refused to treat it. This bill would correct the situation.

These two animal abuse cases happened in my district alone within a two-year time period. A message must be sent to people who do not provide adequate food, water, shelter and care for animals in their care. Please note that while this bill creates stiffer penalties for great bodily harm and death of an animal, it also maintains an



McAdams, Nancy

From: Keleher, Marylou
Sent: Friday, February 12, 2010 11:12 AM
To: Kelley, Margit; Schmidt, Melissa
Cc: McAdams, Nancy
Subject: Co-sponsorship LRB 3662, Windchill's Law, crimes against animals

AB 747
folder

Attachments: Animal Cruelty LRB 3662.pdf; Windchill after rescue.jpg; windchill.jpg

not included

?

I am forwarding this information to you per a request from Nancy McAdams of Rep. Bob Turner's office. This bill is being referred to the Assembly Committee on Criminal Justice and will have a public hearing on Wednesday, February 24.

Thank you!

Mary Lou Keleher
Aide to Rep. Nick Milroy
6-0640

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Subject: Co-sponsorship LRB 3662, Windchill's Law, crimes against animals

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3662.pdf (3...

Two photos of Windchill are attached:

First photo - immediately following his rescue

Second photo - 10 days after his rescue and 10 days prior to his death



Windchill after
rescue.jpg (37...



windchill.jpg (57 KB)

Analysis by the Legislative Reference Bureau

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Under this bill, a person who intentionally mistreats an animal, fails to provide an animal for which they are responsible with proper food, water, or shelter, or abandons an animal is guilty of a Class A misdemeanor if the animal suffers bodily harm, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class I felony. If the animal suffers great bodily harm, the person is guilty of a Class E felony, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class D felony. If the animal dies as a result of the person's actions, the person is guilty of a Class D felony, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class C felony.

Under the bill, a person who recklessly mistreats an animal, fails to provide an animal for which they are responsible with proper food, water, or shelter, or abandons an animal is guilty of a Class B misdemeanor if the animal suffers bodily harm, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class A misdemeanor. If the animal suffers great bodily harm, the person is guilty of a Class H felony, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class G felony. If the animal dies as a result of the person's actions, the person is guilty of a Class F felony, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class E felony.

The bill makes it illegal for a person to cause a child under the age of 18 to mistreat an animal. A person who does so is guilty of a Class F felony if the child is under the age of 13 and is guilty of a Class H felony if the child has attained the age of 13 but is under the age of 18.

Under the bill, a sentencing court may order a person who is guilty of felony animal mistreatment, failure to provide proper food, water, or shelter, or abandonment to undergo a psychological assessment and to participate in anger management or psychological counseling or treatment.

Under current law, a judge or circuit court commissioner may issue a temporary restraining order or grant an injunction that bars a person who has committed certain violations from contacting or approaching the victim of his or her actions.

Under the bill, a judge or circuit court commissioner may include in the restraining order or injunction an order for the person to refrain from mistreating or threatening to mistreat an animal that the victim owns or cares for.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the

costs or savings that are likely to result if the bill is enacted.



McAdams, Nancy

From: Young, Dan
Sent: Monday, February 22, 2010 9:50 AM
To: McAdams, Nancy; George, Mary Beth; Vander Meer, John
Subject: hearings and exec session on Wednesday

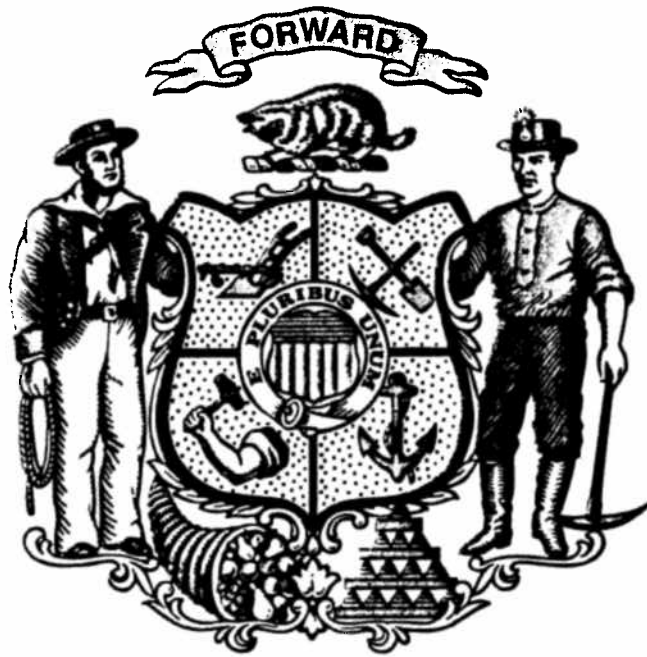
AB 747
Folder

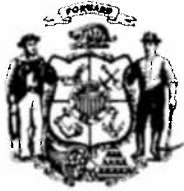
Jim will have to be in and out of the three competing committee hearings and exec session on Wednesday.

Nancy – if Jim is not there, please call our office (6-0485) when you are ready to exec. We will try to get him there, but it may be necessary to keep the roll open to get his vote.

Dan

Daniel A. Young
Office of Representative Jim Soletski
(608) 266-0485
1-888-534-0088





For immediate release
February 22, 2010

For more information contact:
Rep. Nick Milroy – 608-266-0640

“Windchill's Law” Subject of Public Hearing

Milroy works with local grassroots organization to take on crimes against animals

Two years ago a nine month old colt from Douglas County made national news when rescued from his home. The colt was found malnourished, covered in ice and snow, and unable to stand. With no access to shelter and the wind chill range that day between 40 to 55 degrees below zero the colt was near death. Citizens working toward the colt's recovery named him Windchill. While a great effort was made to save the colt, tragically he died 20 days later. The couple boarding the colt was charged with animal negligence, but received a slap on the wrist for their neglect.

From this tragedy a grassroots organization formed in honor of the colt, naming themselves “The WindChill Legacy.” The group is dedicated to ending the cycle of abuse that often begins with animal neglect. A major focus has been working toward reforming Wisconsin's statutes dealing with crimes against animals. Over the last year the group has been working diligently with Rep. Nick Milroy (D-Superior) to draft the legislative proposal, Assembly Bill 747. Windchill's Law will be the subject of a public hearing this week in the Assembly Committee on Criminal Justice.

The proposed legislation increases criminal penalties for committing crimes against animals in front of a minor child or causing a child to mistreat an animal. “Children who are subjected to watching their family members abuse their pets are scarred for life mentally and often victims of child abuse themselves,” stated Kathi Tucker, President of Windchill Legacy. “They are also more likely to grow up and abuse their families and pets. We are doing what we can to stop this cycle of abuse.”

With tiered penalties for abuse, Windchill's Law will put teeth into existing statutes. “Windchill's abusers watched as he slowly starved to death and they ended up with little more than a slap on the wrist,” stated Polly Niemi, a founding member of The Windchill Legacy. “Far too often with animal abusers, as in Windchill's case, the punishment does not fit the crime.”

Under the proposed law, a sentencing court may order an offender to undergo a psychological assessment and participate in anger management, psychological counseling, or treatment. “Locking up animal abusers will serve as a deterrent to this appalling behavior and the option of treatment will hopefully decrease the rates of recidivism,” stated Milroy.

- MORE -

With input from the Douglas County District Attorney's office, a loophole in the law may finally be closed. Under current law it is difficult to charge animal owners that fail to prevent unnecessary and excessive pain or suffering with animal crimes. Recently a case was referred to the DA's office that involved a dog that was hit by a vehicle. The owners refused to treat the injuries, euthanize, or surrender their pet. The dog suffered for nearly a week before it was confiscated by the local animal control officer.

"We couldn't charge the owners with animal abuse because of the way the current statutes read," stated Assistant District Attorney Lance Nelsen. "Changing the law to include failing to prevent excessive pain or suffering will enable us to prosecute irresponsible pet owners."

Milroy summed up the intent of the legislation. "Societies are judged by how they treat the most vulnerable, those without a voice, and the lives that we are endowed with protecting. Our children should never be subjected to the violence and neglect so often associated with animal abuse. Windchill's Law will protect our children by breaking the cycle of abuse and make our state a more compassionate place to live."

The public hearing by the Assembly Committee on Criminal Justice will be held in Room 412 of the State Capitol on Wednesday, February 24, beginning at 10:30 a.m.

###



McAdams, Nancy

From: Keleher, Marylou
Sent: Tuesday, February 23, 2010 11:37 AM
To: McAdams, Nancy
Subject: Speakers for tomorrow's hearing

AB 747
Folder

Hi Nancy,

Following are the list of individuals Nick would like to have speak first at the hearing tomorrow (per your approval, of course!).

1. Rep. Nick Milroy
2. Kathi Tucker, President, The Windchill Legacy
3. Jeff Tucker, this is Kathi's husband, who worked with Windchill every day upon his rescue
4. Polly Niemi, founding member of The Windchill Legacy

After these four speakers, we also have the video which you can play then, or if you prefer to have an opposing testimony, we would like the video played right after that.

Give me a call if you have any questions!

Thank you, thank you, thank you!!!!

Mary Lou

McAdams, Nancy

Bob - For
Hearing Tomorrow -
FYI. N.

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Give me a call if you have any questions!

Thank you, thank you, thank you!!!!

Mary Lou

NANCY I support this
superior



To: Bob
From: Nancy
Date: February 23, 2010
Re: Visitors from Superior Re: Windchill's Bill

Packet

Polly Niemi and Kathi Tucker stopped by to thank you for signing on to AB 747 and for facilitating the hearing tomorrow. Kathi Tucker and her husband were the ones who rescued Windchill and tried to save him.

The WindChill Legacy
5303 S City Rd K
South Range, WI 54874



Press Release for WindChill's Law AB 747 Cruelty to Animals

Criminal Justice Committee Hearing Wednesday 2/24 10:30am Room 412E Capital Building

"Someday"

following is an excerpt from the book "Someday" written by the 1st grade class of Meadowdale Elementary School, Elk River, Minnesota and dedicated to WindChill.

Someday WindChill ...

you will prance in the tall grass - *Charlie*

the sun will warm your shiny coat - *Kyree*

you will lift your head up high - *Tyler*

you will eat like a horse - *Elania*

you will tell your story to new ponies and the cats in the stable - *Sophia*

you will remember all the love - *Gracie*

you will be big and strong - *Dylan*

you will feel well again - *Kelli*

you'll call out really loud, because you are happy - *Kate*



WindChill Still Needs You!


Along with our goals of supporting and performing rescues, assisting owners with gelding their stallions in the hopes of decreasing the number of unwanted horses in the future, reforming current laws that allow neglect to occur, and providing education to stop neglect before it occurs, we ultimately would like to create a national online network to connect people in the middle of equine rescues to others who can help.

To do all this, we need your help. Please help us carry on WindChill's Legacy by sending donations* to:

The WindChill Legacy, Ltd.
5303 S. City Rd. K
South Range, WI 54874
715.395.0990
voicemail/fax: 877.721.9715

To pay by Paypal:

info@thewindchilllegacy.org

Also, if you order goods from  www.horse.com and type in promo code "savewindchill", a percentage of your purchase is donated to the Legacy.

The WindChill Legacy, Ltd. merchandise can be purchased and a percentage goes to The WindChill Legacy, Ltd. fund as well: www.zazzle.com/windchill

*The WindChill Legacy, Ltd. has applied for nonprofit 501(c)(3) status. Your donation may not be tax deductible at this time.

Why Rescue?



*Because deep
inside each heart
is a belief it
can be loved...*

The WindChill Legacy, Ltd.
www.TheWindChillLegacy.org



... *that's why the
WindChill Legacy lives on.*

WindChill's Story

On Saturday February 9, 2008, we rescued a 9-month-old colt. Abandoned outdoors in 50-below weather, he was succumbing to severe malnourishment, dehydration and hypothermia. We raced him to our farm where he began a 20-day fight and the world became his cheering section.

The odds were overwhelmingly stacked against him, but we never told our newly named colt that. WindChill struggled each day to do something the experts never thought his little, 400-lb underweight body would do again – stand. WindChill did stand again and a crowd of 30,000 web hits an hour went wild.

Every day with him was a gift. He became a beacon of hope for so many who had lost faith in humanity. Daily offers of help from across town, across the state and across the country and world found that faith again and again.

For WindChill, the good in the world was all he knew those final 20 days. In return, he gave us all hope and showed us the meaning of believing in yourself and those around you.

The WindChill Legacy

In his memory, we are dedicated to eliminating equine neglect and abuse. The WindChill Legacy, Ltd. started as two people rescuing a tiny colt. Within hours it grew to neighbors alongside total strangers dropping off food, feed, blankets, and offering to sit with WindChill, help him stand, make coffee for volunteers, and much, much more. Within days, it became a world connected by webcams and blog entries to keep vigil with WindChill around the clock.

Today we are still here with the same energy and sense of urgency to help other horses who face similar plights. Like WindChill, they don't ask to be neglected. All they ask is that we come when they call. We are a group of volunteers determined to:

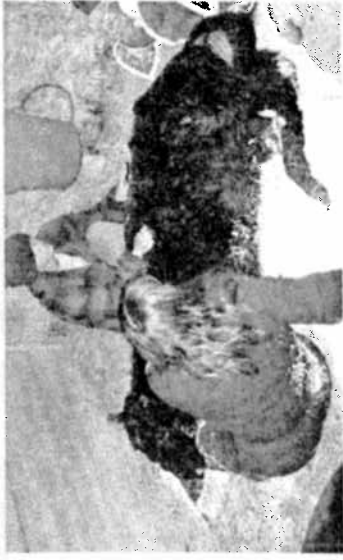
- * **Change the attitudes that caused this loss and the laws that allowed it.**
- * **Reduce the number of unwanted horses by working with horse owners through our Gelding Program.**
- * **Provide educational programs and materials to children to stop abuse and neglect before it occurs.**
- * **Support and perform equine rescues.**

Together we can make a difference by acting on the belief that all of God's creatures matter.



The WindChill Legacy, Ltd. Board

- Jeff Tucker, *President*
- Kathi Tucker, *Vice President*
- Gary Niemi, *Treasurer*
- Barb Caskey, *Secretary*
- Paula Moore, *Education*
- Polly Niemi, *Resource Coordinator*
- Deborah Sprague, *Fundraising*



FEB 23 2010

NOTICE PRESS RELEASE

Members of the WindChill Legacy, Ltd. will be testifying at the Criminal Justice Committee Public Hearing on AB #747(Cruelty towards animals), called "WindChill's Law".

Wednesday February 24 at 10:30 A.M.

Room 412E, of the Capitol Building

This Bill is a grassroots effort by citizens in Wisconsin to introduce critically-needed legislation to strengthen the animal cruelty laws of WI. WindChill's Law comes about as a result of a 9 month old horse that was found starved, frozen and left to die in a field with -55 degree wind chill, near Superior WI. His rescuers named the little frozen colt WindChill. For more information and to read the heart breaking story of a little horse whose fighting spirit brought people from all over the nation together as they watched his valiant fight for life, visit the website of our non-profit organization, The WindChill Legacy, Ltd. at www.WindChillLegacy.org

Please take a few moments to view the following video:
http://www.youtube.com/watch?v=OcUm_khligw

We also have attached information which will be included in Wednesday's hearing.

This bill was created by a 6-member task force from all over the region, all with different experiences and backgrounds. The group researched the animal cruelty statutes of all 49 other states as well as some US territories. They compiled a list of the best of them and then made a bill draft by inserting them into the current WI Statutes. The document served as the basis for AB 747, drafted and introduced by WI Assembly Representative Nick Milroy. This Bill is being concurrently introduced in the WI Senate as well.

We are available in Madison on Tuesday, February 23 and Wednesday, February 24, and look forward to speaking with you about this critically important legislation which will benefit not only animals but also victims of domestic abuse in the state of Wisconsin.

Kathi Tucker
Executive Director
The WindChill Legacy, Ltd
Kat.raindance@gmail.com cell 218-355-1133

The WindChill Legacy, Ltd.

Your spirit brought hope to the world.

Declaring war on equine neglect *and* abuse.

On Saturday February 9th, 2008 we rescued a 9 month old colt from a farm in our area. Frigid conditions mixed with high winds (30mph, wind chill of -50F) finally overcame the little guy's already weakened condition. Suffering from dehydration, malnourishment, hypothermia and frostbite, we loaded the colt we've been calling WindChill into one of our horse trailers and raced for home. Hoping that we could save him.

We could not.

The local newspaper did a front page story on the horrifying rescue and word spread like wild fire over the AP and several TV stations. Our frozen little colt, who was fighting so hard to live, made the national news when FOX NY picked up the story. The overwhelming support and public outcry over how this baby horse was left to suffer, brought thousands of people all over the United States and other countries together for a common cause.

The experts warned us from the beginning not to get our hopes up, because the odds were just overwhelmingly stacked against this little horse. We never told WindChill that. We accepted each day with him as a gift, we watched his progress in awe - as did the entire nation. This little horse became a beacon of hope for so many who had lost their faith in humanity. He taught us that no matter what happens in your life, no matter how unfair, you can still have faith and you can find love to carry you to a better place. He found the good in the world.

The abusers in this case received a slap on the wrist for their crime, as do so many other animal abusers. We made a promise to all those animals out there, silently enduring their suffering, that we would be their voice.

To WindChill's memory we dedicate our efforts to combat equine neglect and abuse.

5303 South County Road K

South Range, WI 54874

Tel: 715.395.0990

Voice/Fax: 877.721.9715

info@thewindchilllegacy.org

www.TheWindchillLegacy.org

... "Maybe somewhere deep in each being's heart and soul is a belief that it can be loved and that's what Windchill holds on to..."

My name is Kathi Tucker, Executive Director of the WindChill Legacy, Ltd.

I have spent most of my life pulling animals out of some pretty horrific situations and bringing them back to health. Like the kitten tied to a whiskey bottle left by the water's edge waiting for the tide to come in, or Ebby, who spent her first 18 years of life as a show horse, only to end up in a field with her teeth in such bad shape that the sharp points had shredded the inside of her mouth, causing such terrible abscesses that she could no longer eat. She was standing in front of a hay bale, while she slowly starved to death. I have waited a lifetime for the opportunity to speak for them, for the silent ones and I thank you for the opportunity to do so now.

Every year The Animal Legal Defense Fund releases a report ranking the animal protective laws of every state and territory of the USA. In their 2009 study, IL ranked first, MI ranked 3rd and WI ranked 18th. The majority of the strengths that put IL in the lead and MI 3rd in this study are the same changes, some to a lesser degree that we are asking for in this new Bill. Some of you may be aware that the Humane Society did a similar study. The reason that I chose not to quote their study is because it included a larger amount of exemptions that are not affected by the changes written in AB 747. For example, all of the current WI trapping, hunting, and agriculture exemptions, such as the normal animal husbandry practices statutes, remain unchanged. Remaining unchanged as well is the statute pertaining to normal and accepted veterinary practices and scientific research.

After Rep. Milroy gave us the first draft of this bill, we reached out to groups that we felt may have concerns over new animal legislation being introduced. We phoned, sent letters along with a copy of the draft to The NRA, US Sportsmen's Alliance, WI Wildlife Federation, WI Towns Association, WI Farm Bureau and the WI Trappers Association. We asked that they review the bill draft in its early stage and share with us their concerns, if any, so that we could address them prior to the next draft. None of the groups responded.

I truly believe that AB 747 offers long term savings for the state of WI. Not only will the strengthening of our animal cruelty laws act as a deterrent to abusers, the removal of other animals from the abusers care and property checks for a longer period will save on prosecuting repeat offenders during that time. Justice Department and other studies have shown time and time again that animal abuse is a stepping stone to domestic abuse, child abuse and at its worse, serial killing. I don't know what it costs the state to prosecute domestic violence repeat offenders or even for that matter what it cost the state of WI to prosecute Jeffrey Dahmer, who started his infamous career dissecting animals before moving on to humans. It stands to reason that it would be far better to prosecute an animal abuse case at the beginning of the violent cycle than repeat domestic violence offenders or worse. AB 747 gives the courts the option to require counseling or anger management and that alone should help to prevent future prosecution.

WindChill's Law Task Force Creates Change by Polly Niemi

WindChill's Law is truly a grassroots effort by caring citizens. The WindChill's Legacy members didn't even know each other just over two years ago when Kathi and Jeff Tucker dropped everything in their lives to help a little horse. My husband and I weren't horse people but offered to help because help was needed. Kathi told me WindChill would steal our hearts: she was so right. We eagerly appeared at Raindance Farms just outside of Superior WI every day of the rest of his short life. We hugged him, brushed him, massaged his battered little legs, helped lift him up, and cheered him on with every small victory. And we fell in love with him.

When the case against his abusers went to trial, I was in the courtroom every day of every hearing. As a subpoenaed witness, I spoke with and learned how difficult it was for the D.A. to prosecute the case. These people watched a baby horse starve to death outside their kitchen window! How can that NOT be prosecuted? When one abuser made a plea bargain to testify against the other because he had domestic abuse charges pending, and the other abuser bargained for a slap on the wrist, I wanted to know if that was common everywhere in the U.S. WindChill's Law Task Force was formed: I, a schoolteacher, facilitated it, and a pharmacist, a mental health facility administrator, a licensed psychologist who previously worked with domestic abuse, and a ski instructor volunteered to research this. None of us are involved with any animal rights' groups.

We divided up the 50 states, and they read every statute concerning animals for every state, including some that were still in legislative committees. The best ones were inserted into our current WI statutes where they seemed to fit. I then edited that 25 page document into 7 pages including end notes citing the states of origin for the changes. We met regularly during the process, discussing what we were seeking and why, as well as what current statutes were fine as they are. When we were satisfied that we had created the best document possible, we met with Representative Nick Milroy who enthusiastically accepted our document. He agreed to draft this bill from it and sponsor the resulting legislation.

The document resulting in Assembly Bill 747 was written from our hearts and souls, and it was written for all those who are battered and neglected through no fault of their own. Most of all, it was written with love and hope, because we deserve laws that protect animals and children who have no voice and have no choice. I cannot even imagine how the pre-school child of WindChill's abusers feels, having witnessed domestic abuse and parents who let a baby starve in the field in front of their house. How he felt when he asked Kathi, "Are you finally here to help the little horse?"

WindChill's Law addresses anger issues, abuse, and neglect by clarifying restraining orders, provides for evaluation, anger management, and counseling in sentencing, as well as increasing penalties for those who believe the laws of our state don't apply to them. The citizens of WI know what is right and wrong, and know that this is part of an ugly circle of violence, generation after generation, that must change.



McAdams, Nancy

From: Schmidt, Melissa
Sent: Wednesday, February 24, 2010 8:22 AM
To: McAdams, Nancy
Cc: Kelley, Margit
Subject: Today's public hearing

AB 747
Folder

Nancy,

I wanted to give you a heads-up that I have another executive session and public hearing to cover in the afternoon. I will be leaving the public hearing early and Margit will be taking over for me around 12:00 pm.

Melissa



Criminal Justice Committee of the Wisconsin Assembly

Hearing re: ASB 747

Date: 24 February 2010

Testimony of Janice Niedermeier, DVM

Good morning. My name is Janice Niedermeier. I am a veterinarian who has practiced my entire 37 year career in southern Wisconsin; I have been a business owner in Rock County for 16 years. As an animal professional I have cared for cattle, sheep, goats, hogs, horses, dogs, cats, birds, rabbits and other small mammals. In my personal life I bred, trained and showed Arabian horses for 20+ years and have raised and shown Doberman Pinscher dogs for over 30 years.

I am here today as an individual and animal advocate, not as a representative of any group. My life in animals has been in large part gratifying....my career is a wonderful one for an "animal person". However, I have been greatly informed by the experiences this career has brought me...from seeing neglect and cruelty nearly beyond description, to dealing with the sheer stupidity of folks who simply should not own animals, to being a veterinary expert in prosecutions in three Wisconsin counties and assisting in law enforcement raids on illegal dog brokering operations.

There is an opportunity for me to do good today, so let me tell you why I am in favor of Assembly Bill 747:

- > Neglect, abandonment and deliberate animal cruelty are a daily reality.**
- > Wisconsin cruelty law is spotty and in a number of areas is incomplete.**
- > The front-line people in law enforcement who must identify and investigate crimes against animals, then the prosecutors who must charge and try**

the accused individuals have much less institutional support than if the funding were available to have trained humane officers in every Wisconsin county.

- > This means ongoing improvements to the Statutes to make clearer and more concise the definitions, descriptions and penalties for animal crimes in CHs 951 and 813 will aid law officers and prosecutors by providing them a better framework to rely on in carrying out their jobs effectively for Wisconsin citizens and for the animals against which crimes are committed.

This bill provides beneficial clarity to CH 951 in several ways that I'll point out:

- >adds needed definition to what constitutes "water" - like, NOT ice
- >changes awkward grammatical double negative "may not fail to" into the positive "shall" provide sufficient food and water
- >defines the previously undefined term "abandonment"
- >includes "or failing to prevent" with the verb "causing" in the definition of cruelty as unnecessary pain or suffering or unjustifiable injury or death.

These are needed improvements that won't affect legal uses of or practices related to wildlife or domestic species whose care and protection are specified and the uses of which are also protected under various other Wisconsin statutes including CHs 29 (Wild Animals and Plants, including deer and other wildlife management and hunting, game and furbearing animals, trapping, fishing), 72 (Animals not restrained and doing damage), 173 (Animals and Humane Officers, breeder regulations, licensing), 95 (Animal Health, slaughter), 562 (Race Animals, wagering), 174 (Dogs, humane use for science and education, licensing, damage and running at large), 169 (Captive Wildlife, rehabilitation, exhibition, hunting, use of captive wild animals for hunting

ASB 747 24 February 2010

Testimony of Janice Niedermeier before Criminal Justice Committee Pg.3

training and trials, hunting preserves) and 453 (Veterinary Medicine).

In closing I ask that you give your approval to ASB 747 and vote it right on out of this committee and send it on its way through the Wisconsin legislative process.

I was taught in the conservative German home where I was raised that two things were important in leading an ethical life: If a job is worth doing you better do your best at it *and* never miss an opportunity to do good. Mr. Chairman and Members of the Committee, you can do good here, please don't miss the opportunity.





Philip C. Johnson, DVM
President

Steven Erickson, DVM
President Elect

Douglas D. Kratt, DVM
Past President

Kim Brown Pokorny
Executive Director

2801 Crossroads Dr., Suite 1200, Madison, WI 53718 ■ (608) 257-3665 ■ fax (608) 257-8989 ■ www.wvma.org
Advocating and promoting veterinary medicine, while enriching animal and human health

February 24, 2010

To: Honorable Members of the Assembly Committee on Criminal Justice

Fr: Dr. Philip Johnson, WVMA President
Kim Brown Pokorny, WVMA Executive Director

Re: Assembly Bill 747, Windchill's Law

The Wisconsin Veterinary Medical Association (WVMA) acknowledges the leadership of a number of Wisconsin residents, and particularly representatives of Windchill's Legacy, for their efforts to bring this legislation forward. The WVMA concurs that greater deterrents are needed for those whose intentional mistreatment of animals that leads to bodily harm or death and to ensure law enforcement has the necessary authority to take action in such circumstances.

While we support the concept, we are not at this time prepared to take a formal position given the complexity of the legislation, including the increased criminal penalties about which we lack the proper expertise. Indeed, our expertise is in applying scientific knowledge to ensure the proper care and treatment of animals. We need to examine and assess the legislation based on our scientific training and expertise.

The *Veterinarian's Oath* makes clear the profession's obligation to use scientific knowledge and skills for the benefit of society through the protection of animal health and the relief of animal suffering. The WVMA takes this obligation very seriously. The WVMA Executive Board approved a strategic plan in January of 2009. The number one issue identified by the Board is animal welfare.

As AB 747 moves forward, the WVMA hopes to be involved in the discussions in bringing our unique scientific expertise. Please do not hesitate to contact us with any specific questions - we seek to be helpful in this legislative endeavor.



TO: Members of the Assembly Committee on Criminal Justice

FROM: Paul Zimmerman
Executive Director of Public Affairs

DATE: February 24, 2010

RE: AB 747

On behalf of the members of the Wisconsin Farm Bureau Federation (WFBF), I wish to express our opposition to AB 747 as proposed. AB 747 has the laudable goal of trying to prevent animal cruelty and strengthening the penalties for doing so.

Supporters of the bill are highlighting the need to address animal cruelty due to animal abuse to companion animals or the threat to do so in the presence of children. WFBF's position on the bill is unrelated to companion animals. That's a debate for others to present to you.

However, as drafted, AB 747 is problematic for Wisconsin livestock farmers. AB 747 amends the definition of "Cruel" to mean "causing or failing to prevent unnecessary and excessive pain or suffering or unjustifiable injury or death." At face value, this modification to some may seem appropriate.

In the co-sponsor memo circulated on AB 747, it was stated: "The DA's office wanted to prosecute, but found there is no applicable statute. 951.02 prohibits cruelty, but requires that the person "cause" unreasonable suffering. In this case, the person didn't "cause" the suffering, they refused to treat it. This bill would correct the situation." The above statement is in regards to a situation where veterinary medical attention and treatment was not given to a dog that was struck by a car.

On livestock farms, farmers care for their animals 24 hours a day, 365 days a year. Yet, animals can still become injured due to no fault of the farmer. When needed, the farmer may call a veterinarian to care for injured animals. At other times, a veterinarian may not be called because the farmer wishes to see if the animal will heal on its own. Sometimes livestock market prices make it not economically viable to treat certain injured animals. Too further complicate this situation many injured animals are not viable for slaughter due to increased standards to insure a safe food supply. So farmers are in the position, do they see if the injured animal can recover on its own or do they put it to death.

Livestock farmers truly care for their animals and work with veterinarians to keep their livestock healthy. AB 747 needs to be changed so that if a farmer does not call a veterinarian after a cow falls down, he or she does not become a felon.

Thank you for your time and consideration. If you have any questions or comments, please contact me at 608-828-5708.