 **09hr\_ab0747\_AC-CJ\_pt02**



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**

McAdams, Nancy

Distribute to Committee

**From:** char.allmann tds.net [char.allmann@tds.net]  
**Sent:** Thursday, February 25, 2010 2:49 PM  
**To:** Rep. Turner  
**Cc:** Joy Brand; Rep. Milroy  
**Subject:** Testimony from committee hearing 2/24/10

**Attachments:** Legislative Hearing on Wi.doc

Packet

+ leg.  
Council

Completed 2-26-10

N.

Dear Rep. Turner,

Attached is a transcript of the gist of my testimony yesterday on AB 747. I spoke extemporarily, referring to notes. I have tried to give you the major points according to those notes, text below.

Regards,  
Charlotte Allmann  
2040 Pleasant St. Wauwatosa, WI 53213  
414-778-1122

Legislative Hearing on Wisconsin AB 747  
Criminal Justice Committee, Feb. 24, 2010

Transcript of testimony from Charlotte Allmann, delegate Dog Federation of Wisconsin; President Wisconsin Interstate Search and Recovery K9 Team; board member and instructor K9 Obedience Training Club of Menomonee Falls, WI; member Petit Basset Griffon Vendéen Club of America, PBGVCA Hunt Committee and Breed Rescue Committee member.

Speaking today in opposition of AB 747. I did not read a written statement, so here I will try to cover the points of view from memory and my notes.

I fully understand the intent and agree with the spirit of AB 747, but am very concerned with much of the wording and the "law of unintended consequences." I feel that the law is too vague and ambiguous, open to interpretation by people with an agenda, from an angry spouse all the way to an animal rights extremist group, opening up law-abiding citizens to harassment and persecution due to a lack of a clear definition of cruelty, abuse or neglect and degrees thereof, as well as the risks in "failing to prevent" acts of cruelty. It would seem easy to misuse this law, and miss the purpose intended.

As a K9 SAR dog handler, I am occasionally involved in searches for missing people where domestic abuse has resulted in murder. These are highly complex and emotional situations, and require understanding of the dynamics in abusive families, knowing that it is often hidden. Family members are usually in denial. This is where the "FAILURE TO PREVENT" part of this legislation causes me serious concerns. In a troubled family there are often innocent people who are fully aware of the abuse of children, spouse and animals, but are unable to prevent it without risking their own safety. A neighbor could easily be threatened for getting involved trying to stop the cruelty.

Part of our search team activities is to visit schools and talk to kids about our search dogs, how we train and care for them. Frequently we can pick out kids in the group who show signs of abuse related to animals – extreme anxiety around our very safe and well-behaved dogs, for instance – and who probably live with a lot of violence on a daily basis. These kids may even live with people involved in dog fighting, and could possibly be on that road themselves some day. Often the questions they ask are very telling. It seems unlikely that any responsible adult in their lives will be able to "prevent" such violence. Creating a law that might convict these people of a crime is not helpful, and increases risk for everyone.

Other people testifying today will discuss several other trouble spots in this law – my testimony is shared because of my unique perspective as an assistant in the finding of evidence in missing persons cases. I am not a lawyer or a law enforcement officer, but do have considerable training in how not to mess up a case against a murderer by complicating the issue.

02/25/2010

I do not see a deterrent against animal abuse or child abuse in this proposed law. The perpetrators of these crimes always feel justified in their actions, and do not think in terms of possible consequences. They argue and rationalize and will rarely admit any guilt. ("Look what you made me do.") In the tragic case of this bill's namesake, the colt Windchill, there was clearly inhumane treatment and people blind to his suffering, and plenty of guilt to go around. There is definitely a connection between the abuse and neglect of animals and children, but there are hundreds of ways that these situations can play out. I usually see the most horrific possible end to family violence – murder. I suspect that there were earlier signs such as animal abuse, that were ignored. Instead of a new law adding the presence of children in order to heighten the penalty against animal abuse, maybe this committee can suggest ways to strengthen existing laws against animal cruelty, increase penalties, offer judges and juries more options, and treat animal abuse more seriously in juvenile cases.

Respectfully submitted,  
Charlotte Allmann  
WISARK9 delegate to the  
Dog Federation of Wisconsin

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Legislative Hearing on Wisconsin AB 747  
Criminal Justice Committee, Feb. 24, 2010

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Part of our search team activities is to visit schools and talk to kids about our search dogs, how we train and care for them. Frequently we can pick out kids in the group who show signs of abuse related to animals – extreme anxiety around our very safe and well-behaved dogs, for instance – and who probably live with a lot of violence on a daily basis. These kids may even live with people involved in dog fighting, and could possibly be on that road themselves some day. Often the questions they ask are very telling. It seems unlikely that any responsible adult in their lives will be able to “prevent” such violence. Creating a law that might convict these people of a crime is not helpful, and increases risk for everyone.

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Respectfully submitted,  
Charlotte Allmann  
WISARK9 delegate to the  
Dog Federation of Wisconsin



## McAdams, Nancy

---

**From:** McAdams, Nancy  
**Sent:** Friday, February 26, 2010 10:40 AM  
**To:** 'char.allmann tds.net'  
**Subject:** RE: Testimony from committee hearing 2/24/10

Dear Ms. Allman:

Thank you for the written version of your testimony on 2009 Assembly Bill 747. I have provided it to all the members of the Assembly Criminal Justice Committee and the Legislative Council Attorneys who are assigned to my committee. I appreciate you sending your remarks in writing, as they will be very helpful as we consider this legislation.

Sincerely,

Rep. Robert Turner, Chair

Assembly Criminal Justice Committee  
223 North Capitol  
P.O. Box 8953  
Madison, WI 53708-8953  
Phone: 608-266-0731  
Fax: 608-282-3661

---

**From:** char.allmann tds.net [mailto:char.allmann@tds.net]  
**Sent:** Thursday, February 25, 2010 2:49 PM  
**To:** Rep.Turner  
**Cc:** Joy Brand; Rep.Milroy  
**Subject:** Testimony from committee hearing 2/24/10

Dear Rep. Turner,

Attached is a transcript of the gist of my testimony yesterday on AB 747. I spoke extemporarily, referring to notes. I have tried to give you the major points according to those notes, text below.

Regards,  
Charlotte Allmann  
2040 Pleasant St. Wauwatosa, WI 53213  
414-778-1122

Legislative Hearing on Wisconsin AB 747  
Criminal justice Committee, Feb. 24, 2010

Transcript of testimony from Charlotte Allmann, delegate Dog Federation of Wisconsin; President Wisconsin Interstate Search and Recovery K9 Team; board member and instructor K9 Obedience Training Club of Menomonee Falls, WI; member Petit Basset Griffon Vendeen Club of America, PBGVCA Hunt Committee and Breed Rescue Committee member.

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02/26/2010

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Respectfully submitted,  
Charlotte Allmann  
WISARK9 delegate to the  
Dog Federation of Wisconsin

--

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## McAdams, Nancy

---

**From:** McAdams, Nancy  
**Sent:** Friday, February 26, 2010 11:18 AM  
**To:** Schmidt, Melissa  
**Cc:** Rep. Turner  
**Subject:** RE: Sentencing data for ch. 951 crimes

Yes, that would be great Melissa. I know this is what you called about in the first place, but my head is kind of spinning from this week. Whatever you are able to get will be great. If there are some impediments to getting the information, Bob can explain that to Rep. Kessler and the committee members. Thank you for being on top of things.

Sincerely,

Nancy McAdams  
Office of State Rep. Robert Turner  
223 North Capitol  
P.O. Box 8953  
Madison, WI 53708-8953  
Phone: 608-266-0731  
Fax: 608-282-3661

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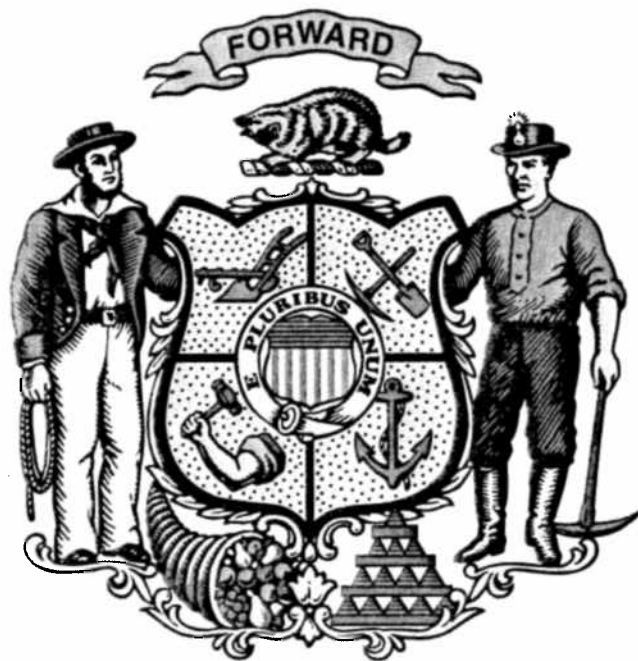
**From:** Schmidt, Melissa  
**Sent:** Friday, February 26, 2010 11:14 AM  
**To:** McAdams, Nancy  
**Cc:** Kelley, Margit  
**Subject:** Sentencing data for ch. 951 crimes

Nancy,

Rep. Kessler also asked for sentencing data regarding crimes against animals for Rep. Milroy's bill at this Wednesday's hearing for AB 747, in addition to asking for data regarding Rep. Hraychuck's straw purchaser bill. Rep. Turner said "we" would get this information. If you like, I can try and track this info down. I hope CCAP will get the information for me as I don't think DOC would have data for misdemeanors.

Thanks,

Melissa



STEVEN J. SCHWAGER  
38486 US HWY 18  
PRAIRIE DU CHIEN, WI 53821

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Rep. Ed Brooks – 608-282-3650	Steven J. Schwager
Rep. Donald Friske – 608-282-3625	
Rep. Ann Hraychuck – 608-282-3628	
Rep. Frederick Kessler – Vice Chair – 608-282-3612	
Rep. Joel Kleefisch – 608-282-3638	
Rep. Bill Kramer – rep.kramer@legis.wisconsin.gov	
Rep. Sandy Pasch – 608-282-3622	
Rep. Keith Ripp – 608-282-3647	
Rep. James Soletski – rep.soletski@legis.wisconsin.gov	
Rep. Tony Staskunas – 608-282-3615	
Rep. Robert Turner - Chair - 608-282- 3661	

*Let them  
know we  
will let the  
second start flow*

COMPANY: DATE:  
2/26/2010

FAX NUMBER: TOTAL NO. OF PAGES INCLUDING COVER:  
1

PHONE NUMBER: SENDER'S FAX NUMBER:  
608-326-6943

RE:  
Public Hearing – AB 747- Windchill  
Bill

Dear Representatives –

I was unable to attend Wednesday's public hearing on AB 747 Windchill Bill. I would like to make my opinion known. I am OPPOSED to this bill.

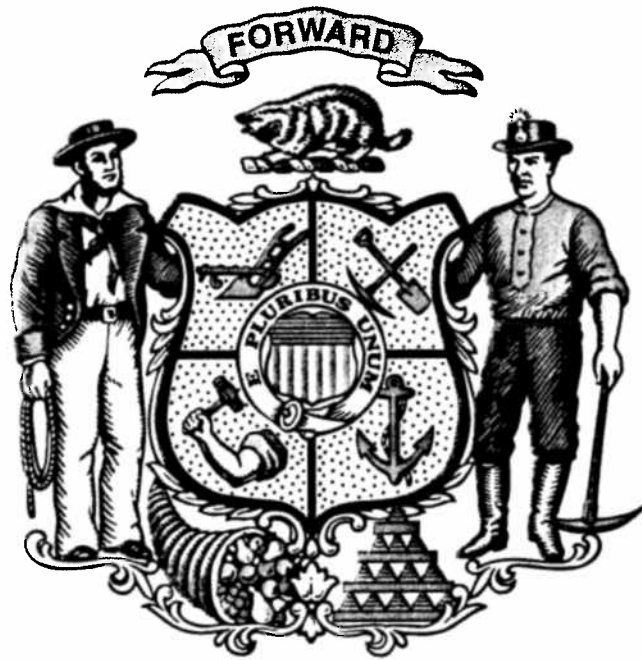
Regards,  
  
Steven J Schwager  
  
38486 US Hwy 18  
  
Prairie du Chien, WI 53821

3/2/10

Bob-

I can't put it in  
the Comt. Record  
unless they testified  
in person. I will just  
file this w/ the other  
correspondence on the  
bill.

N.



## McAdams, Nancy

---

**From:** Rep.Turner  
**Sent:** Tuesday, March 02, 2010 8:58 AM  
**To:** Rep.Kessler; Rep.Staskunas; Rep.Hraychuck; Rep.Soletski; Rep.Pasch; Rep.Kleefisch;  
Rep.Friske; Rep.Kramer; Rep.Brooks; Rep.Ripp  
**Cc:** Rep.Milroy  
**Subject:** FW: AB 747, relating to crimes against animals and providing a penalty

Dear Criminal Justice Committee Members:

I am forwarding this message to you regarding a question that was asked at the hearing on Assembly Bill 747 last week. Legislative Council Attorney Melissa Schmidt has clarified the answer to the question about the charges that can be brought under the bill's provisions. I hope this is helpful.

Sincerely,

State Rep. Robert Turner, Chair  
Assembly Criminal Justice Committee  
223 North Capitol  
P.O. Box 8953  
Madison, WI 53708-8953  
Phone: 608-266-0731  
Fax: 608-282-3661

---

**From:** Schmidt, Melissa  
**Sent:** Monday, March 01, 2010 4:56 PM  
**To:** Rep.Turner  
**Subject:** AB 747, relating to crimes against animals and providing a penalty

Representative Turner,

At the February 24<sup>th</sup> public hearing of the Assembly Committee on Criminal Justice, the question was asked whether AB 747 removed the ability to charge certain crimes against animals as a civil forfeiture or a misdemeanor. The correct answer is that yes, the bill removes this discretion for the following crimes:

- Mistreating animals. [s. 951.02, Stats.]
- Providing proper food and drink to confined animals. [s. 951.13, Stats.]
- Providing proper shelter. [s. 951.14, Stats.]
- Abandoning animals. [s. 951.15, Stats.]

For the crimes listed above, Assembly Bill 747 removes ability for a district attorney to charge (1) violations or (2) intentional or negligent violations. ***The result is that these crimes may not be charged as a civil forfeiture or a misdemeanor.***

If you have any further questions, please do not hesitate to contact me at the Legislative Council staff offices.

Sincerely,

Melissa Schmidt  
Staff Attorney  
Wisconsin Legislative Council  
(608) 266-1304





**George, Lorna**

---

**From:** Natasha DeMatto [natashadematto@aol.com]  
**Sent:** Tuesday, March 02, 2010 11:07 AM  
**To:** Rep.Turner  
**Subject:** Please support AB 747 Wind Chill's Law

Dear Chairman Turner,

I am asking you to give your consideration and assistance to the passage of AB 747 Wind Chill's Law. As Americans become more informed of the rampant cruelty some inflict upon innocent animals, America is demanding tougher laws that will counter the cruelty and affect a change. A change that is better for the animals and for the humans. Kindness and compassion will prevail; sometimes, a higher standard must be spelled out and upheld to show the way for those who consider doing the wrong thing.

I ask that Wisconsin's Criminal Justice Committee vote yes on Wind Chill's Law. In doing so, Wisconsin will benefit, the animals will benefit, and the nation will benefit.

Natasha DeMatto  
Your Fellow Proud & Hopeful American  
615-478-4505



**McAdams, Nancy**

---

**From:** Dana Barre [dbarre@gmail.com]  
**Sent:** Tuesday, March 02, 2010 12:50 PM  
**To:** Sen.Jauch; Sen.Carpenter; Sen.Risser; Rep.Berceau; Rep.Benedict; Rep.Milroy; Rep.Pasch; Rep.Sinicki;  
Rep.Smith; Rep.Turner; Rep.WilliamsA; Rep.Zepnick  
**Subject:** Windchill's Bill (AB 747)

**Attachments:** HFS General Brochure 8.5x14\_.pdf

Packet

Dear Senators and Assemblypersons:

I want to thank you for introducing AB 747, also called Windchill's Bill, on behalf of animals, children, and victims of domestic violence in our state.

As you know, certain interests are voicing their opposition of this law that is so badly needed to strengthen our state's animal protection laws. But for every voice that opposes this legislation, there are many times that number in voters who will support your bill and the legislators who do also!

Here are two recent cases involving animal and child neglect that would benefit from Windchill's Law:

1. <http://www.pet-abuse.com/cases/15941/WI/US/>

(late 2009 case in Adams County of animal AND child neglect)

2. <http://gazettextra.com/weblogs/latest-news/2010/feb/26/officials-find-dead-emaciated-cows-north-bend/>

(Feb. 2010 case of dozens of emaciated and dead cows)

I am the executive director and founder of Heartland Farm Sanctuary, whose dual mission is to help homeless farm animals in Wisconsin AND to provide animal-assisted programming to heal abused, neglected, at-risk, and disabled youth in Dane County. Heartland respects the important role of farming in Wisconsin while helping children and animals in need - these goals are NOT mutually exclusive.

Attached is a rough copy of Heartland's brochure. Heartland's website will go active next week.

Please know that I, and many other folks, will do everything we can to support your good work, at the polls and behind the scenes.

Thank You!!!

Dana Barre, concerned citizen, MBA, MS  
312 Monte Cristo Circle  
Verona, WI 53593  
608-219-1172

03/02/2010

# Future Programs & Services



## Animal Care

As a full-service farm animal sanctuary we will provide transport, vet care, rehabilitation, and shelter services for rescued farm animals in Dane County.

We will also be a resource for state animal shelters that request our assistance in meeting the needs of farm animals in their counties. When possible, we will place animals in loving, permanent adoptive homes.



## People Care

As important as our care for animals is our commitment to helping at-risk and special needs youth through the human-animal bond. In collaboration with school districts and social service agencies, HFS will develop animal-assisted programming to benefit children from abusive or neglectful home environments, individuals with physical, cognitive, or emotional disabilities, and at-risk youth. Planned programs include:

- Violence Prevention Program
- Special Needs Program
- Leadership Program

Our programs allow participants to learn new skills and attitudes in a relaxing, safe, fun environment. Over time, these achievements develop self-esteem, confidence, and character in our most precious resource - today's youth who will become tomorrow's leaders.



## Humane Education

When kids learn to respect and be kind to animals and each other, everyone wins. Our Humane Educator will come to your school or location to teach students about the special qualities of farm animals and the care they need. Kids get a chance to pet and talk to the animals, instilling a sense of connection to and responsibility for all living things.



## Sanctuary Tours & Events

Heartland will be open to the public for guided and unguided tours and special events. Individuals, families, and groups will enjoy their day at our farm petting, feeding and grooming our residents outdoors in the fresh air. You'll learn about our animal rescue work, and even help with the chores if you wish!



## Farm on Wheels

We will bring our most engaging resident animals to your work, community, or private event. Kids and adults alike will enjoy learning more about the animals. For some folks, this may be the first time they've ever fed a sheep or held a chicken!

# Help Us Build Heartland's Future...



## Greener Pastures Fund

Our most ambitious campaign will raise funds to purchase pastured land in Dane County. Heartland's future animal residents and human visitors need fresh air and green open space to heal and grow! Your major financial gift or land donation will make a lasting difference to Dane County youth and animals. You also have the opportunity to name our location! Call Dana Barre at 608-219-1172 for more information.

## Build-A-Barn Fund

On those frigid Wisconsin winter nights, our rescued animals will thank you for the warmth and safety of our flagship animal barn. This barn will also house the Education Center until we have resources to expand. Call Dana at 608-219-1172 to discuss naming opportunities for this very special home.



## Host a Fundraiser

Who doesn't love a party? We can help you, your business, or organization plan a fundraiser to benefit Heartland's Greener Pastures and Build-A-Barn campaigns. You will receive advertising space on our website as a thank you for your dedication to rescued animals and youth in your community! Call Dana at 608-219-1172 to get started today.

Gifts of \$5,000 or more qualify you as a charter lifetime member of our Hearts of Gold Club. Your generous gift will be recognized with a permanent plaque displayed on the inside walls of our flagship Animal Barn!



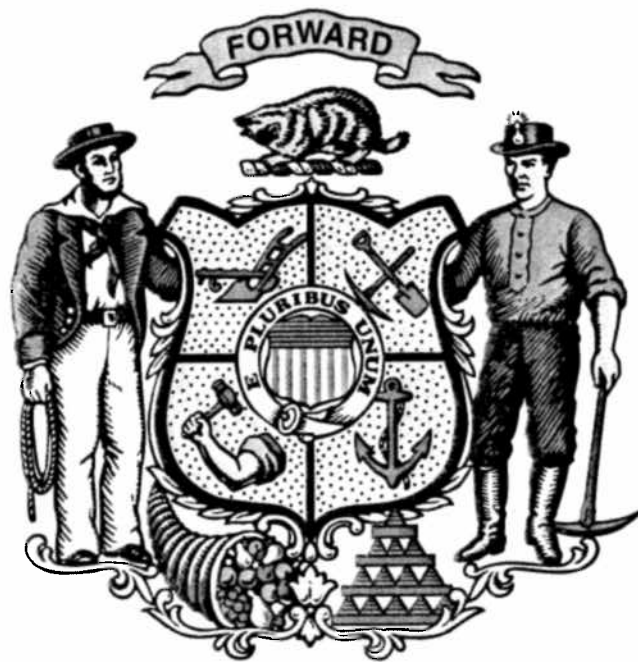
To learn more about our programs or to discuss how you can help us grow, contact us today:

Dana Barre, Executive Director  
Email: [dbarre@heartlandfarmsanctuary.org](mailto:dbarre@heartlandfarmsanctuary.org)  
Phone: 608-219-1172

Through the fiscal sponsorship of Dane County Humane Society, contributions to HFS are tax deductible.

MAKE CHECK PAYABLE /MAIL TO:  
Heartland Farm Sanctuary  
P.O. Box 48746  
Madison, WI 53744-5746

"From little seeds,  
big trees grow."



CONNIE KIECKHEFER  
1447 LAKE SHORE RD.  
GRAFTON, WI 53024  
262-377-3878  
ckieck@sbcglobal.net

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Rep. Chuck Benedict – 608-282-3645	Connie Kieckhefer
Rep. Terese Berceau – 608-282-3676	
Rep. Nick Milroy – 608-282-3673	
Rep. Sandy Pasch – 608-282-3622	
Rep. Christine Sinicki – 608-282-3620	
Rep. Jeff Smith –	
rep.smith@legis.wisconsin.gov	
Rep. Robert Turner – 608-282-3661	
Rep. Annette Williams – 608-282-3610	
Rep. Josh Zepnick – 608-282-3609	
Sen. Tim Carpenter – 608-282-3543	
Sen. Dave Hansen – 608-267-6791	
Sen. Robert Jauch – 608-266-3580	
Sen. Fred Risser – 608-266-1629	

AB 747  
folder

COMPANY:	DATE:
	03/02/10
	TOTAL NO. OF PAGES INCLUDING COVER:
	1
RE:	SENDER'S FAX NUMBER:
Public Hearing – SB 555- Windchill Bill - Sponsors of Bill	262-377-3878

Dear Representatives and Senators Sponsoring Windchill Bill SB 555–

I am OPPOSED to this bill, SB 555 Windchill Bill. The language in the bill is too vague and over-reaching. What are the implications of “failing to prevent” supposed to mean? It is outrageous that an activity that results in the death of an animal in the presence of a child could be prosecuted as a Class C Felony. How did this bill get created? It is over the top. We do not need more laws.

Regards,  
*Connie Kieckhefer*

Connie Kieckhefer  
1447 Lake Shore Rd. Grafton, WI 53024



**McAdams, Nancy**

---

**From:** Rep.Turner  
**Sent:** Tuesday, March 02, 2010 2:15 PM  
**To:** Rep.Kessler; Rep.Staskunas; Rep.Hraychuck; Rep.Soletski; Rep.Pasch; Rep.Kleefisch;  
Rep.Friske; Rep.Kramer; Rep.Brooks; Rep.Ripp  
**Cc:** Rep.Milroy  
**Subject:** Comparison of Penalties in 2009 AB 747

**Attachments:** Comparison of penalties in AB 747.doc

Packet

Dear Criminal Justice Committee Members:

Attached is additional information responding to questions about penalties that were raised at the hearing on Assembly Bill 747. I hope you find the chart that Legislative Council Attorney Melissa Schmidt has prepared to be responsive to those questions.

Sincerely,

State Rep. Robert Turner, Chair  
Assembly Criminal Justice Committee  
223 North Capitol  
P.O. Box 8953  
Madison, WI 53708-8953  
Phone: 608-266-0731  
Fax: 608-282-3661

---

**From:** Schmidt, Melissa  
**Sent:** Tuesday, March 02, 2010 1:32 PM  
**To:** Rep.Turner  
**Cc:** Kelley, Margit; McAdams, Nancy  
**Subject:** Comparison of Penalties in 2009 AB 747

Rep. Turner,

In response to questions regarding how the penalties of 2009 AB 747 compare to current statutes, asked at the February 24, 2010 public hearing of the Assembly Committee on Criminal Justice, ***I have prepared a chart comparing the penalties in 2009 AB 747 with comparable provisions in chapters 940 and 948 of the Wisconsin Statutes.*** The penalties are separated by whether the crime was intentional or recklessly caused.

If you have any further questions, please do not hesitate to contact me at the Legislative Council Staff offices at 266-1304.

Thank you,

Melissa Schmidt  
Staff Attorney  
Wisconsin Legislative Council  
(608) 266-1304



Comparison of penalties in AB ...



# A Comparison Penalties in 2009 Assembly Bill 747, Ch. 940, and Ch. 948 For Intentionally or Recklessly Causing Death or Harm

Melissa Schmidt, Staff Attorney  
Wisconsin Legislative Council  
March 2, 2010

Table 1: Comparison of Penalties for Intentionally Causing Death or Harm

Result of Conduct	What is Intended			Penalty		
	2009 AB 747	Crimes Against a Person (Ch. 940)	Crimes Against a Child (Ch. 948)	2009 AB 747	Crimes Against a Person (Ch. 940)	Crimes Against a Child (Ch. 948)
Death	Intent to cause <u>harm</u>	Intent to <u>kill</u> <sup>1</sup>	Intent to <u>kill</u> <sup>2</sup> (crime listed in ch. 940)	<u>D Felony</u> - or - <u>C Felony</u> if in presence of a child	<u>A or B Felony</u>	<u>A or B Felony</u> (crime listed in ch. 940)
Great Bodily Harm	Intent to cause <u>harm</u>	<ul style="list-style-type: none"> <li>• Intent to cause <u>great bodily harm</u></li> <li>• Intent to cause <u>bodily harm</u></li> </ul>	Intent to cause <u>great bodily harm</u>	<u>E Felony</u> - or - <u>D Felony</u> if in presence of a child	<ul style="list-style-type: none"> <li>• <u>E Felony</u></li> <li>• <u>H Felony</u></li> </ul>	<u>C Felony</u>
Bodily Harm	Intent to cause <u>harm</u>	Intent to cause <u>bodily harm</u>	Intent to cause <u>bodily harm</u>	<u>A Misdemeanor</u> - or - <u>I Felony</u> if in presence of a child	<u>A Misdemeanor</u>	<u>H Felony</u>

<sup>1</sup> This phrase is used for both *first and second-degree intentional homicide*.

<sup>2</sup> This phrase is used for both *first and second-degree intentional homicide*.

# A Comparison Penalties in 2009 Assembly Bill 747, Ch. 940, and Ch. 948 For Intentionally or Recklessly Causing Death or Harm

Melissa Schmidt, Staff Attorney  
Wisconsin Legislative Council  
March 2, 2010

Table 2: Comparison of Penalties for Recklessly Causing Death or Harm

Result of Conduct	What is Recklessly Caused			Penalty		
	2009 AB 747	Crimes Against a Person (Ch. 940)	Crimes Against a Child (Ch. 948)	2009 AB 747	Crimes Against a Person (Ch. 940)	Crimes Against a Child (Ch. 948)
Death	Recklessly causes <u>harm</u>	Recklessly causes <u>death</u> <sup>3</sup>	Recklessly causes <u>death</u> <sup>4</sup> (crime listed in ch. 940)	<u>F Felony</u> - or - <u>E Felony</u> if in presence of a child	<u>D Felony</u>	<u>D Felony</u> (crime listed in ch. 940)
Great Bodily Harm	Recklessly causes <u>harm</u>	Recklessly causes <u>great bodily harm</u> <sup>5</sup>	Recklessly causes <u>great bodily harm</u>	<u>H Felony</u> - or - <u>G Felony</u> if in presence of a child	<u>F Felony</u>	<u>G Felony</u>
Bodily harm	Recklessly causes <u>harm</u>		Recklessly causes <u>bodily harm</u>	<u>B Misdemeanor</u> - or - <u>A Misdemeanor</u> if in presence of a child		<u>I Felony</u>

<sup>3</sup> This is what is required for *second-degree reckless homicide*. First-degree reckless homicide requires “circumstances which show utter disregard for human life.”

<sup>4</sup> This is what is required for *second-degree reckless homicide*. First-degree reckless homicide requires “circumstances which show utter disregard for human life.”

<sup>5</sup> This is what is required for *second-degree reckless injury*. First-degree reckless injury requires “circumstances which show utter disregard for human life.”



# The WindChill Legacy, Ltd

*Your spirit brought hope to the world*



[www.TheWindChillLegacy.org](http://www.TheWindChillLegacy.org)

AB 747  
Folder

## Thank You Thank You Thank You

MAR 02 2010

*Representative Turner,*

*Thank you for allowing the Windchill Legacy to speak to the Criminal Justice Committee last Wednesday. We appreciated your time, patience, and desire to find common language we can all live with. We look forward to passage of AB 747!*

*Polly Niemi*  
*KAT*

The WindChill Legacy, Ltd.  
5303 S Cty Rd K  
South Range WI 54874

*Bob Hess!*

**George, Lorna**

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**From:** Ken and Rochelle Miller [ctx19262@centurytel.net]  
**Sent:** Wednesday, March 03, 2010 11:02 AM  
**To:** Rep.Turner  
**Subject:** AB 747 Comments From Sand Bay Farms  
**Attachments:** AB 747 Comments.docx

Packet

3 MARCH 2010

Dear Sir:

My name is Ken Miller. I raise sheep in Bayfield, Wisconsin.

I ask that you work with the Wisconsin Farm Bureau, UW Professor Dave Thomas, and veterinarians as you write AB 747. A copy of my attachment has been faxed to your office. Please share the attachment with the other committee members.

Respectfully,

Ken Miller

93740 Hyde Road

Bayfield, WI 54814

(715) 779-0147

email: [sandbayfarms@centurytel.net](mailto:sandbayfarms@centurytel.net)

**McAdams, Nancy**

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**From:** Rep.Turner  
**Sent:** Thursday, March 04, 2010 9:38 AM  
**To:** Rep.Kessler; Rep.Staskunas; Rep.Hraychuck; Rep.Soletski; Rep.Pasch; Rep.Kleefisch; Rep.Friske; Rep.Kramer; Rep.Brooks; Rep.Ripp  
**Cc:** Rep.Milroy; Schmidt, Melissa; Kelley, Margit  
**Subject:** FW: AB 747 Comments From Sand Bay Farms  
**Attachments:** AB 747 Comments.docx

Dear Committee Members:

Mr. Ken Miller of Bayfield, WI, has requested that I provide this information to the members of the Assembly Criminal Justice Committee regarding Assembly Bill 747.

Sincerely,

State Rep. Robert Turner, Chair

Assembly Criminal Justice Committee  
223 North Capitol  
P.O. Box 8953  
Madison, WI 53708-8953  
Phone: 608-266-0731  
Fax: 608-282-3661

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My name is Ken Miller. I raise sheep in Bayfield, Wisconsin.

I ask that you work with the Wisconsin Farm Bureau, UW Professor Dave Thomas, and veterinarians as you write AB 747. A copy of my attachment has been faxed to your office. Please share the attachment with the other committee members.

Respectfully,  
Ken Miller  
93740 Hyde Road  
Bayfield, WI 54814  
(715) 779-0147  
email: [sandbayfarms@centurytel.net](mailto:sandbayfarms@centurytel.net)

## McAdams, Nancy

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**From:** Rep.Turner  
**Sent:** Thursday, March 04, 2010 10:38 AM  
**To:** Rep.Kessler; Rep.Staskunas; Rep.Hraychuck; Rep.Soletski; Rep.Pasch; Rep.Kleefisch;  
Rep.Friske; Rep.Kramer; Rep.Brooks; Rep.Ripp  
**Cc:** Rep.Milroy; Schmidt, Melissa; Kelley, Margit  
**Subject:** FW: Attached Letter from Ken Miller

**Attachments:**

AB 747 letter from Ken Miller.pdf



AB 747 letter from  
Ken Miller....

Here is the attachment. Sorry for the omission.

AB 747  
Folder

Rep. Turner

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**From:** Rep.Turner  
**Sent:** Thursday, March 04, 2010 9:52 AM  
**To:** Rep.Kessler; Rep.Staskunas; Rep.Hraychuck; Rep.Soletski; Rep.Pasch; Rep.Kleefisch; Rep.Friske; Rep.Kramer; Rep.Brooks;  
Rep.Ripp  
**Cc:** Rep.Milroy; Schmidt, Melissa; Kelley, Margit  
**Subject:** Attached Letter from Ken Miller

Dear Committee Members:

Attached is the copy of Mr. Miller's letter, which he faxed to me in a subsequent e-mail yesterday. I'm sorry for any confusion this may have caused.

Sincerely,

Rep. Robert Turner  
223 North Capitol  
P.O. Box 8953  
Madison, WI 53708-8953  
Phone: 608-266-0731  
Fax: 608-282-3661

My name is Ken Miller. I raise White Dorper sheep and lambs on our farm in Bayfield, Wisconsin.

Recently, Assembly Bill 747 came forward for review by the Criminal Justice Committee in Madison, WI. This bill aims to increase penalties for the mistreatment and cruelty to animals. The bill is the result of a citizen group named Windchill Legacy. The group rescued an abused 9 month-old colt that subsequently died. Their concerns on penalties and fines should be addressed.

My concern is about water referenced in two sections of AB 747.

Section 9 to ss951.13 wants to include the line: A person who fails to supply the animal with sufficient supply of food or of water violate this section. Section 10 to ss951.13(2) wants to include an amendment: For the purpose of this section, snow and ice is not potable water. Ss951.13(2) states – it should be provided daily in sufficient quantity.

AB 747 gets off track. Sheep routinely consume fresh snow to meet their water requirements in the winter. Shepherd's have hauled water in sub-zero weather, only to have the flock refuse to drink, and find tracks of grabbed snow.

There are numerous sources for the sponsors of this bill to learn about utilizing snow as a water source for livestock:

- UW-Extension Livestock Team Publication (A3858-02): Guide To Raising Healthy Sheep.
- UW Center of Integrated Agricultural Systems: Research Brief #27

Out Wintering Dairy Cattle

- Ministry of Agriculture Food and Rural Affairs Ontario: Beef Cattle Consuming Snow As A Source of Water.

Cattle can and do learn to utilize snow as a water source. Sheep will hold back and eat snow before drinking in sub-zero weather.

Anthropomorphizing doesn't improve the public perception of lawmakers.





## McAdams, Nancy

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**From:** Schmidt, Melissa  
**Sent:** Friday, March 05, 2010 1:59 PM  
**To:** Rep.Friske; Rep.Kessler; Rep.Kleefisch; Rep.Turner; Rep.Milroy  
**Cc:** Kelley, Margit  
**Subject:** Statistics on sentencing for AB 747

At the February 24<sup>th</sup> public hearing of the Assembly Committee on Criminal Justice you requested statistics regarding the charging and sentencing data for ss. 951.02, 951.13, 951.14, and 951.15, Stats. The only information I was able to find was how many people were on probation and parole for these crimes in 2006. **The data I am able to provide to you does not answer (1) how many people were given forfeiture citations, or (2) were sentenced to county jail for negligent and intentional violations of these crimes.**

Here is the only information DOC had, which is for the calendar year 2006:

- Section 951.02: 6 people were on parole; 26 were on probation
- For s. 951.13:
  - Section 951.13 (1): 9 people on probation
  - Section 951.13 (2): 3 people on probation
- For s. 951.14:
  - Section 951.14 (1) (a): 1 person on probation
  - Section 951.14 (1) (b): 1 person on probation
  - Section 951.14 (2): 1 person on probation
  - Section 951.14 (3) (b): 5 people on probation
  - Section 951.14 (4): 5 people on probation
- Section 951.15: 3 people on probation

***For information as to how many people were given jail time for negligent and intentional violations of ss. 951.02, 951.13, 951.14, and 951.15, Stats., you may want to contact your local district attorney.***

Please let me know if I can be of any further assistance.

Sincerely,

Melissa Schmidt  
Staff Attorney  
Wisconsin Legislative Council  
(608) 266-2298



**McAdams, Nancy**

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**From:** Kendra Gurnee [gurnee@wisc.edu]  
**Sent:** Wednesday, March 10, 2010 4:34 PM  
**To:** Rep. Turner  
**Subject:** Request for Written Testimony on AB 747

Sen. Turner (or aides) -

In late February, the Criminal Justice committee held a public hearing for AB 747 (Wind Chill's law). I would like to get a copy of written testimony from the hearing, if possible. If you have it in a pdf/electronic format, it can be sent to this e-mail, otherwise it could be mailed to:

Kendra Gurnee  
7401 Old Sauk Rd., #3  
Madison, WI 53717

If there is someone else I should speak to regarding this matter, please let me know.  
Thank you.

Sincerely,  
Kendra Gurnee

*Sent 3-12-10*

*N.*