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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS

2011-12

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Labor, Public Safety, and Urban
Affairs (SC-LPSUA)

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**

* Contents organized for archiving by: Mike Barman (LRB) (July/2012)

Moved by Senator Lazich, seconded by Senator King that **Senate Amendment 1** be recommended for introduction and adoption.

Ayes: (5) Senators Wanggaard, Grothman, Lazich,
Wirch and King.

Noes: (0) None.

INTRODUCTION AND ADOPTION OF SENATE
AMENDMENT 1 RECOMMENDED, Ayes 5, Noes 0

Moved by Senator Lazich, seconded by Senator King that **Senate Amendment 2** be recommended for introduction and adoption.

Ayes: (5) Senators Wanggaard, Grothman, Lazich,
Wirch and King.

Noes: (0) None.

INTRODUCTION AND ADOPTION OF SENATE
AMENDMENT 2 RECOMMENDED, Ayes 5, Noes 0

Moved by Senator Lazich, seconded by Senator King that **Senate Amendment 3** be recommended for introduction and adoption.

Ayes: (5) Senators Wanggaard, Grothman, Lazich,
Wirch and King.

Noes: (0) None.

INTRODUCTION AND ADOPTION OF SENATE
AMENDMENT 3 RECOMMENDED, Ayes 5, Noes 0

Moved by Senator Lazich, seconded by Senator Wanggaard that **Senate Bill 88** be recommended for passage as amended.

Ayes: (5) Senators Wanggaard, Grothman, Lazich,
Wirch and King.

Noes: (0) None.

PASSAGE AS AMENDED RECOMMENDED, Ayes 5, Noes 0

Craig Summerfield
Committee Clerk

Vote Record
Committee on Labor, Public Safety, and Urban Affairs

moved.

Date: _____

Moved by: Lazich

Seconded by: King

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

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 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>
Senator Van Wanggaard, Chair	X <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Glenn Grothman	X <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Mary Lazich	X <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	X <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Jessica King	X <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Adoption: Approval as amended moved by Lazich 2nd - van
 vote all Ayes

Motion Carried

Motion Failed



SB 88



9/21/11

To: Sharon Henson
Animal Control Officer
Green Bay Police Department
Green Bay, WI/

From: Steve Daniels
High Risk Parole Agent (retired)
Wisconsin Department of Corrections

Re: Felons Owning Vicious Dogs

I know that you are working hard to address the issue of felons owning vicious dogs and will be traveling to Madison for a hearing on this most important area of public safety. I am sorry I cannot be with you for this, but I will be out-of-state at the time. Please allow me to offer my professional input.

To be brief, I will offer bullet points on my experiences as an UNARMED, high-risk parole agent, rather than long narratives.

- Throughout the state, as well as my area of jurisdiction, Brown County, many drug dealers position vicious dogs at all entries and exits from their selling houses. These dogs can be chained outside, with a reach to scare off any "home-visiting" agent, or can be inside, clipped of toenails so agents will not be aware of their presence. Children are certainly at risk in/or near these homes.
- Owning a vicious dog, in many criminal circles is position of status, and gives the offender a "leg up" on competitors.
- There is no question that there are dog-fighting matches happening in many areas of the state, and obviously, many felons are involved in this criminal enterprise. As you have said in the past: "where there is dog fighting, there are drugs, and where there are drugs, there are guns, and then there are gangs. In my experience, I have found this to be true. This is a cycle that must be broken.
- I believe that allowing certain offenders to have vicious dogs simply allows them to have one more weapon in their arsenal.

Continuing, here are other incidents and issues that I have been involved in, regarding the above-captioned problem.

- At least two agents in my area have been attacked by dogs.
- On one occasion, (while UNARMED) I attempted a home visit on a career criminal. Luckily, I had police officers with me. The homeowner opened the door and siced two dogs on us. Officers had to draw their weapons before the dogs were called off.

- In the process of attempting to locate an AWOL murderer, I brought police to a home contact with me. The dogs, which were locked in the basement, had basically eaten the couch, chairs and could not be controlled by police. They had to remain in the basement for the duration of the search.

These are simply a few events that occurred in my career. Certainly there are more. But a serious issue remains within certain units of the DOC's Probation and Parole offices. Supervisors, who have little experience in the field, or have less concern for their agents than they do for "not making waves" continually, tell agents that offenders can have the aforementioned dogs. This is devastating to UNARMED agents who must do home contacts, and are faced with these dangerous animals. Supervisors do not have to make themselves targets to such attacks.

SUGGESTIONS:

1). Any offender convicted of certain drug offenses, violent crimes, gang-related offenses, or animal-related offenses should not be allowed to have vicious/dangerous animals.

2). Vicious/dangerous animals should include:

- Attack trained dogs
- Dogs used in fighting matches: i.e., Pit Bull, Rottweilers, Chows, etc.
- Exotic, illegal animals such as dangerous snakes, big cats, etc
- Disease bearing animals
- Any dog identified as being in a "drug house"
- Dogs with toenails removed
- Animals that have attacked before and not "put down"
- Agents in the field should be the sole determiner of what is a dangerous animal, not supervision. If it is a dangerous to them, than it is a danger.

Again, I am sorry I cannot be at the hearings. I hope this helps. If any one has questions, they can feel free to contact me.





GREEN BAY POLICE DEPARTMENT OPERATIONS DIVISION

307 S. Adams Street
Green Bay, WI 54301

Captain Bill Bongle

920-448-3215

September 27, 2011


Dear Legislator,

I am writing to express my support for SB 88, which seeks to prohibit persons who are convicted of serious felonies from possessing dangerous dogs. I have been a law enforcement officer for 25 years. Law enforcement officers frequently deal with violent offenders who are armed. We also face the threat of violent offenders who possess animals who are trained to kill. One example is drug dealers who use specially trained dogs to protect their property from those who would rob them of contraband (drug rips).

Currently, state law forbids certain felony offenders from possessing firearms. However, no law exists banning them from possessing dangerous dogs, animals that can be every bit as lethal as a firearm. No law enforcement officer wants to take the life of a dog but that is the position we are put in when executing search warrants on drug houses that are protected by dangerous or vicious dogs.

Dogs are wonderful pets and it is a tragedy when those who choose to engage in dangerous and violent behavior involve innocent animals. I believe this law would serve as a deterrent in at least some of those cases. Please vote to pass SB 88.

Sincerely,


Captain Bill Bongle



GREEN BAY POLICE DEPARTMENT
HUMANE ANIMAL CONTROL PROGRAM

Dedicated to providing service, creating a safe environment, and enhancing the quality of life in our neighborhoods.

Humane Officer Sharon Hensen (920) 448-3266

Animal Control Interns (920) 448-3266



To whom it may concern,

I am writing to encourage support of 2011 Senate Bill 88, regulating the possession of dogs by certain felony offenders. In my role as a police officer, and now as a supervisor overseeing Animal Control for the Green Bay Police Department, I have come across a number of examples of criminals utilizing dangerous animals to further their criminal enterprises. There are several different types of this behavior, including the use of dangerous dogs to intimidate victims, attack people, or guard contraband such as illegal narcotics. In addition, many of these parties engage in dogfighting as a means of recreation or to create gambling revenue.

Law enforcement faces a variety of challenges in investigating crimes, particularly in cases involving violent felony offenders. Felons are already denied the right to possess firearms, and I believe this should be extended to include the use of dangerous dogs as weapons or for protection of contraband. We have had a number of cases in Green Bay where officers who are executing drug related search warrants have been confronted with, and attacked by vicious dogs upon making entry to a home. Further, we have had officers injured by vicious dogs when they are confronted with violent offenders and are attempting to make an arrest or investigate these types of crimes.

I believe a law limiting the possession of vicious dogs by felony offenders makes perfect sense, is not over-reaching given their current firearms limitations, and has tremendous potential to make law enforcement officers, humane officers, and the general public safe. I therefore support this legislation, and ask that you implement it as soon as possible.

Thank you,

Lieutenant Jeremy Muraski
Green Bay Police Department
307 S. Adams Street
Green Bay, WI 54301
(920) 448-3214

Laura Wery

From: Sharon Hensen
Sent: Monday, September 26, 2011 8:31 AM
To: Laura Wery
Subject: FW: vicious dogs

Sweetie could you print this for me pls.... thanks

-----Original Message-----

From: ctr00064@centurytel.net [<mailto:ctr00064@centurytel.net>]
Sent: Friday, September 23, 2011 8:41 PM
To: Sharon Hensen
Subject: vicious dogs

To: Sharon Henson, Animal Control Officer
Green Bay Police Department

From: Robert Fوسفeld, WI DOC (retired)
Sex Offender Supervision
Security Threat Group Specialist
Member Fox Valley and Green Bay Gang Task Force

Re: Vicious Dog Legislation

Briefly. I have noted that you have been instrumental in approaching Senator Hanson who is sponsoring legislation to restrict felons from owning and/or possession vicious dogs. First, any dog breed can be trained for attack. However, in my professional experience, most felons who possess these dogs tend to choose pit bulls, rottweilers, mastiffs, pugs, dobermann's, and/or large breeds which are specifically to intimidate and threaten persons who may stumble upon a situation. These dogs are for the purpose of warning and protecting their trainer and master who use them to guard a residence, family, and, most importantly drug stashes, firearms, other illegal weapons, and contraband. In my professional experience, I have been confronted by the presence of these "pets". In fact, you are familiar with a person previously on my case roster who is well known for breeding and training pit bulls. Toward the end of my service, I discovered one of his breeds in the residence of o!

ne of my offenders which required police back-up. I am aware of several agents within the Green Bay jurisdiction who have been attacked and/or bitten. I have assisted agents and upon entering a premise, we were confronted by one of these breeds.

These dogs are often trained to respond to non-verbal commands; thus, an intruder may not be alert to what they are facing. Many times these breeds have toe-nails either shorn or removed so as not to alert an agent or officer of the presence. I encountered this with someone on my former supervision partners case roster. I have seen first hand the damage one of these dogs can produce to a residence. Though my position was often challenged, I restricted anyone on my case roster from owning or possessing any dog whose sole purpose is to intimidate and threaten. Yes, even sex offenders possess these animals. They are used not just to intimidate but to guard access to stored sexual contraband. Also, they have a role in a sex offender's arousal scheme. I understand that a layman would question such a claim; however, most criminal personalities including sex offenders tend to be persons without a great deal of adequacy, esteem, personal status, and social potency. These animals act as a surrogate for these emotions and/or psychological manifestations.

It is beyond my comprehension that these animals are perceived as pets: they are not. Their primary purpose is an extension of a criminal enterprise. Indeed, they may offer the appearance of docile and friendly but this is a ruse. I found it disheartening when agents

would inform me their supervisors refused their requests to restrict these "pets". This position and thinking reduces the effectiveness of an offender's supervision offering a form and condition of professional complicity. Agents and other law enforcement officers well being is jeopardized when these dogs are present.

In my professional opinion, I believe that felons who have been convicted of drug and violent crimes should be prohibited from owning and/or possessing any dog whose breed is known to be aggressive and intimidating. Furthermore, those who have been identified as members and/or affiliates of street gangs, cults, and/or paramilitary organizations should be prohibited from owning and/or possessing one of these dog breeds. Finally, I believe that the legislature should request that the Department of Corrections administratively support their agents when it is believed that the possessing and/or owning of one of these breeds interferes with the safety of the agent(s), law enforcement officers, and the general community.

I trust that Senator Hanson and his senate colleagues will understand the gravity of this issue. During the last 30 to 40 years, criminal offenders and their modus operandi have evolved in a most troublesome, dangerous fashion. It is just not their desperation to survive but their intention to create mayhem. And, these "pets" are solely for this purpose.

I appreciate your effort in bringing this issue to the attention of Senator Hanson and that this legislation is swiftly passed.

Good luck and stay safe.

9/21/11

To: Sharon Henson
Animal Control Officer
Green Bay Police Department
Green Bay, WI/

From: Steve Daniels
High Risk Parole Agent (retired)
Wisconsin Department of Corrections

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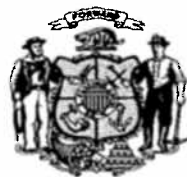
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Again, I am sorry I cannot be at the hearings. I hope this helps. If any one has questions, they can feel free to contact me.



Scott Walker
Governor

Gary Hamblin
Secretary

Division of Community Corrections
200 N. Jefferson Street, Suite 328
Green Bay, WI 54301

Phone: 920-448-5406
FAX: 920-448-5379

State of Wisconsin
Department of Corrections

9-28-11

RE: 2011 Senate Bill 88

I have read the 2011 Senate Bill 88 introduced by Senators Hansen and Carpenter regarding the possession of dogs by certain felony offenders. I believe that this bill must be passed in order to keep the community safe.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Reignier".

Kelly Reignier
Division of Community Corrections
Department of Corrections





WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: SENATOR VAN H. WANGGAARD

FROM: Margit Kelley, Staff Attorney *MSK*

RE: Description of Senate Amendments __, __, and __ (LRBa1640/1, LRBa1639/1, and LRBa1695/1) to 2011 Senate Bill 88

DATE: October 20, 2011

This memorandum, prepared at your request, describes Senate Amendments __, __, and __ (LRBa1640/1, LRBa1639/1, and LRBa1695/1) to 2011 Senate Bill 88, relating to possession of dogs by certain felony offenders and providing a penalty.

CURRENT LAW

Under current law, a humane officer or law enforcement officer of a municipality may withhold an animal that is in custody from an owner if there are reasonable grounds to believe that the animal poses a significant threat to public health, safety, or welfare. [s. 173.21 (1) (b), Stats.]

Also, under current law, a court may order a dog to be euthanized if the dog caused serious injury to a person or domestic animal on two separate occasions off the owner's property, without reasonable cause, and the owner of the dog was notified or knew, prior to the 2nd injury, that the dog caused the first injury. [s. 174.02 (3) (a), Stats.]

2011 SENATE BILL 88

Senate Bill 88 allows a humane officer or law enforcement officer, after conducting an investigation, to issue a written declaration that a dog is vicious. A dog may be declared vicious if either (a) or (b) applies:

- (a) The dog, without justification, attacked a person *and* caused serious physical injury or death.
- (b) The dog, without justification, has done any of the following on at least three occasions:

1. Bitten a person, without causing serious physical injury or death.
2. Attacked a cat or dog, and caused serious physical injury or death to the cat or dog.
3. Behaved in a manner that a reasonable person would believe posed a significant, imminent threat of physical injury or death to a person, cat, or dog.

The bill provides that if a dog has been declared vicious, then a serious felon is prohibited from possessing, controlling, or residing with the vicious dog.

A serious felon is also prohibited from possessing any dog that does not have an identifying microchip, if over 12 weeks of age.

Under the bill, if a serious felon is guilty of possessing, controlling, or residing with a vicious dog, or possessing any dog without a microchip, that person is subject to a Class A misdemeanor, including a fine up to \$10,000, imprisonment up to nine months, or both.

If a serious felon is guilty of possessing, controlling, or residing with a vicious dog, *and* a person or an animal suffers great bodily harm or death as a result of that violation, that person is subject to a Class I felony, including a fine up to \$10,000, imprisonment up to three years and six months, or both.

If a serious felon is guilty of possessing, controlling, or residing with a vicious dog, *and* knowingly allowed the vicious dog to run loose or failed to take steps to keep the vicious dog enclosed or under control, *and* a person suffers great bodily harm or death, that person is subject to a Class H felony, including a fine up to \$10,000, imprisonment up to six years, or both.

SENATE AMENDMENT __ (LRBa1640/1)

Senate Amendment __ (LRBa1640/1) revises the incidences that a humane officer or law enforcement officer may consider in declaring a dog to be vicious, by removing the consideration of incidences involving an attack or threat to a cat or dog.

SENATE AMENDMENT __ (LRBa1639/1)

Senate Amendment __ (LRBa1639/1) removes the requirement that any other dog possessed by a serious felon have an identifying microchip.

SENATE AMENDMENT __ (LRBa1695/1)

Senate Amendment __ (LRBa1695/1) adds an explicit authorization for a court to order a serious felon who has violated the prohibition on ownership to surrender a vicious dog, if reasonable and appropriate.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

MSK:ty:wu