



Dog Federation of Wisconsin
742 S. Indiana Ave.
West Bend, WI 53095

www.dfow.net

**UPDATED Red Alert – *Tuesday, March 2, 2010—Assembly Bill assigned—793
PUBLIC HEARING ON THURSDAY, MARCH 11, 2010 ROOM 415 NORTH WEST—10:15 AM**

Senate Bill number is 580

AB 793 & SB580 are the Assembly and Senate bills that seek to seriously undermine your Federal 14th Amendment rights. For those of you that are familiar with the Kentucky supreme court ruling (Louisville Kennel Club, et al vs. Metro Government), the judge in that case ruled that dogs are personal property under the 14th Amendment of the constitution, and the requirement of a seizure bond (where you must post a bond upon a showing of probable cause and if you cannot post the bond your animals become the property of the state, city etc.) is unconstitutional in the State of Kentucky and a finding of guilt must occur before a court can take your property. This case received National attention and thousands of dog owners and organizations throughout the US pooled their financial resources to help with the legal fees in this case.

The State of Wisconsin's own constitution also provides for due process: WISCONSIN CONSTITUTION , ARTICLE I., DECLARATION OF RIGHTS, **Equality; inherent rights.** SECTION 1. [As amended Nov. 1982 and April 1986] All people are born equally free and independent, and have certain inherent rights; among these are life, liberty and the pursuit of happiness; to secure these rights, governments are instituted, deriving their just powers from the consent of the governed. [1979 J.R. 36, 1981 J.R. 29, vote Nov. 1982; 1983 J.R. 40, 1985 J.R. 21, vote April 1986]. And according to case law: The state and federal constitutions provide identical procedural due process and equal protection safeguards. County of Kenosha v. C. & S. Management, Inc. 223 Wis. 2d 373, 588 N.W.2d 236 (1999), 97-0642.

AB 793 & SB 580 came about because of the Dane County Humane Society intake of animals from a man charged with drug trafficking and possible animal fighting in 2006, where they had to pay for the upkeep of the animals involved for a long period of time. So because of this **isolated incident**, there is now a bill being put forth that takes away your Federal 14th amendment rights and demands that animals are considered "unclaimed" if the owners cannot come up with fees to pay for the upkeep of their seized animals within 5 days of the court order—173.23 (6).

173.17(2) allows humane officers to not have to disclose information to anyone regarding the disposition of seized animals, unless ordered by the court, yet according to 173.22 (1), a person who claims that the animals were improperly taken into custody and files a petition to get them back, must SERVE A COPY OF THE PETITION to whomever has the animals!

It is very interesting that the bill goes out of its way to not only include Chapter 951 (crimes against animals) <which normally means the entire chapter> AND 951.08 which deals with instigating animal fighting.

This bill creates a new section of chapter 951—951.17. This will allow the court to keep the animal in custody to allow collection of evidence relating to the animal, eliminating your right to due process.

This bill is a very complicated bill as it is dealing with 3 sections of law— Ch. 173 Animals; Humane Officers, Ch. 951 Crimes Against Animals, and Ch. 968 Commencement of Criminal Proceedings. We encourage our members to read the bill, but in order to do so, it would be helpful for you to print out each Chapter to go over the changes. The chapters can be found at: <http://www.legis.state.wi.us/rsb/stats.html> , the State Constitution can be found at: <http://www.legis.state.wi.us/statutes/wisconst.pdf> , SB 580 can be found at <http://www.legis.state.wi.us/2009/data/SB-580.pdf> and AB 793 can be found at: <http://www.legis.state.wi.us/2009/data/AB793.pdf>

The public hearing is Thursday, March 11, 2010 at the State Capitol building, room 415 Northwest 10:15 AM. The bill is before the Committee on Corrections and the Courts. The committee members are: Representative Joe Parisi (Chair) Representative Chuck Benedict (Vice-Chair) Representative Donna Seidel Representative Frederick Kessler Representative Sondy Pope-Roberts Representative Ted Zigmunt Representative Sandy Pasch Representative Karl Van Roy Representative Mark Gundrum Representative Steve Kestell Representative Daniel LeMahieu Representative Edward Brooks

The bill is sponsored by: Representatives Pocan, BercEAU, Black, Brooks, Hebl, Pasch and Pope-Roberts; cosponsored by Senators Risser, Carpenter, Erpenbach and Miller.