



Dog Federation of Wisconsin
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LRB 0677/2 and LRB 4273/1—two bill draft numbers that were given to us prior to their introduction

LRB 0667/2 & LRB 4273/1 are the Assembly and Senate bill drafts 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.

LRB 0667/2 & LRB 4273/1 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>

And the State Constitution can be found at: <http://www.legis.state.wi.us/statutes/wisconst.pdf>

As this piece of legislation has not yet been given a bill number, we have uploaded the draft document to our website: <http://www.dfow.net/09-06772.pdf>

The Fourteenth Amendment to the U. S. Constitution reads:

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Please contact your elected representatives and ask them to refrain from supporting this draft today.