



Dog Federation of Wisconsin
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Red Alert —URGENT—ACT NOW—Issued March 23, 2010 Assembly Bill 793

Assembly Bill 793 is on the Executive Session Committee on Corrections and the Courts calendar for Thursday, April 1, 2010.

This means that the committee will be voting to either put the bill forward, or not let it go any further.

IT IS IMPERATIVE THAT EVERY ANIMAL OWNER IN THE STATE SEND LETTERS OF OPPOSITION TO THE COMMITTEE MEMBERS AS WELL AS THEIR OWN ELECTED REPRESENTATIVES.

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> , and AB 793 can be found at: <http://www.legis.state.wi.us/2009/data/AB793.pdf>

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](#)

AB 793 takes away one of our most basic human rights by making the assumption that a person is guilty, before being proven innocent. There is no due process. The bill creates section 173.01 (4) that states “reasonable grounds to believe”, which is based on a “reasonable person’s belief” regarding an act of animal cruelty. Animal cruelty should be defined by an expert in animal health, such as a veterinarian; not an untrained individual who does not know or understand all animal husbandry methods or who could be an individual involved in a neighborhood dispute.

According to the bill, if a person is unjustly accused of a violation of crimes against animals and their animals are seized, they must, within 7 days, serve whoever has custody of their animals with a petition that the animals were improperly seized. However, according to the bill, section 173.17 (2), the individuals that took custody of the animals do not have to disclose any information, unless ordered so by the court. It is not possible to petition the court to have the information disclosed and then ultimately serve the individuals with notice in a time frame of 7 days. The bill itself even states that a hearing will be held within 10 days of the notice and the time frame could be extended.

AB 793 requires the owner to pay funds into the court for the anticipated care of the animals upon demand (within 5 days), if the owner cannot pay these funds, the animals are to be considered unclaimed. Depending on the number of animals involved, and the possibility of unnecessary medical treatments (including vaccinations or microchipping that may have already been done by the owner), these funds could be astronomical; creating an undue financial burden to someone who ultimately is found innocent of all charges.

AB 793 – Section 39. 968.20 (1) States that any persons claiming the right to possession of property seized pursuant to a search warrant or seized without a warrant EXCEPT PROPERTY SEIZED UNDER 172.13 (1) (a) or withheld under 173.21 (1) may apply for its return. What this really means is that a person has absolutely no rights, no access to due process if there is supposed “reason to believe” they have mistreated an animal.

Also see our previous alert, and the article available at <http://www.spanieljournal.com/46lbaughan.html> regarding this bill for more details.