

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:30 A.M. on February 2, 2006, in Room 123-S of the Capitol.

All members were present except:

Barbara Allen- excused
Donald Betts- excused
Kay O'Connor- excused

Committee staff present:

Mike Heim, Kansas Legislative Research Department
Helen Pedigo, Office of Revisor of Statutes
Karen Clowers, Committee Secretary

Conferees appearing before the committee:

Senator Phil Journey
Patrick J. Hurley, Humane Kansas Legislative Network
Diane P. Weber, Regional Director, Humane Society of the United States
Jennifer Campbell, Director of Communications, Kansas Humane Society
Terra D. Moorehead
Sara Welch
Midge Grinstead, Executive Director, Lawrence Humane Society
Lee Brand, Power for Paws
Brent Haden, Assistant Counsel, Kansas Livestock Association
Senator David Haley
Judy Bishop, Friends of the Animals in Kansas
Melinda Carlton
Lyn King, Power for Paws
Dr. Brian Withrow, Mayor, Bel Aire, KS & Professor of Criminology, Wichita State University
Judy Breault, Heartland Animal Hospital
Brendan M. Wiley, Director of Operations, Animal Haven, Inc.
Sandy Barnett, Executive Director, Kansas Coalition Against Sexual & Domestic Violence
Sam Mosshart, President, Kansas Federation of Animal Owners

Others attending:

See attached list.

Bill introductions

Senator Derek Schmidt introduced a bill relating the offender registration act. Senator Schmidt moved, Senator Journey seconded, to introduce the bill. Motion carried.

Senator Derek Schmidt introduced a bill regarding medicaid reimbursement. Senator Schmidt moved, Senator Haley seconded, to introduce the bill. Motion carried.

Senator Goodwin introduced a bill regarding jury fees. Senator Goodwin moved, Senator Umbarger seconded, to introduce the bill. Motion carried.

The hearing on **SB 402--Cruelty to animals; intentional or negligent; mandatory imprisonment and psychological evaluations in certain circumstances; offender registration** was opened.

Senator Phil Journey spoke in favor of **SB 402** stating that it offers a comprehensive approach in dealing with animal abusers (Attachment 1). Senator Journey explained the differences and similarities between **SB 402** and **SB 408**. **SB 402** presents an unique system of recodifying and restructuring appropriate statutes to protect animals from individuals convicted of animal abuse. The intentional abuse of animals is a serious crime in addition to the possibility of the defendant moving up to more violent crimes and should be dealt with in an effective way.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:30 A.M. on February 2, 2006, in Room 123-S of the Capitol.

Neutral written testimony was submitted by Kyle Smith, Kansas Bureau of Investigation, (Attachment 2).

There being no further conferees, the Chairman closed the hearing on **SB 402**.

The hearing on **SB 408--Cruelty to animals; harming or killing certain dogs; nongrid felony; mandatory sentence** was opened.

Patrick Hurley spoke in support of the bill indicating that based on the description of past crimes, classification of the most serious acts of animal cruelty for the first offense as a felony rather than a misdemeanor is of utmost importance (Attachment 3).

Diane Webber stated that the Humane Society of the United States strongly supports strengthening animal cruelty laws in Kansas (Attachment 4). She noted the mental health community recognizes that such acts are often an indicator of other violence being perpetrated or is a predictor that such individuals are at high risk of becoming increasingly violent. The victimization of animals has been associated with the abuse of the elderly and the disabled as well as with a significantly higher involvement in property crimes, drug crimes and violent offenses.

Jennifer Campbell spoke in support of **SB 402** (Attachment 5). The legislation will give prosecutors and law enforcement officials the tools they need when facing the most intentional acts of animal cruelty. It will also help communities recognize violent behavior. Mandatory counseling may prevent it from escalating.

Terra Morehead relayed her experience with an animal cruelty case in Kansas City, Kansas (Attachment 6).

Sara Welch spoke in favor of the bill relating several instances of animal abuse cases she prosecuted in Johnson County (Attachment 7). Ms. Welch stated that animal cruelty in its most heinous forms should be designated a felony in order to identify, tag and monitor those whose violent proclivities will likely turn from animals to humans. Equally as important, the sentencing judge should have the discretion to impose significant jail time on those who commit animal abuse.

Midge Grinstead spoke in support of the bill in order to protect not only the animals in our community but its citizens as well (Attachment 8). Experience has shown that the most serious act of animal cruelty often lead to more serious acts by those same perpetrators. Such crimes should be classified as felonies with mandatory sentences.

Lee Brand spoke in favor of **SB 408** because it calls for certain crimes against animals to result in a felony charge upon the first offense and prohibits ownership on another companion animal for a period of five years (Attachment 9). It will also serve as a tracking device for those with a predisposition towards violence against people.

Brent Haden spoke in support stating that the Kansas Livestock Association (KLA) is committed to the welfare of all animals and is opposed to deliberate and unnecessary pain or injury to any animal (Attachment 10). The KLA does request that SB 408 be amended to protect Kansans involved in animal husbandry and rodeo practices.

Senator David Haley spoke in support of **SB 408** indicating a first time conviction be defined as a felony which is the fundamental distinction between **SB 408** and **SB 402** and to urge action on this measure (Attachment 11).

Judy Bishop spoke in support stating that there is a direct correlation between animal abuse and people abuse (Attachment 12). Reports portray nearly all serial killers as having a history of violence to animals. Ms. Bishop feels that this legislation will provide the protective prevention needed for all Kansans from these type of predators.

Melinda Carlton spoke in support of **SB 408** since it will create stronger penalties for individuals who torture, maim or kill domestic dogs and cats (Attachment 13). She feels that enactment of this bill will also reduce

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:30 A.M. on February 2, 2006, in Room 123-S of the Capitol.

violence against humans due to the direct correlation between animal and human violence.

Lyn King spoke as a proponent expressing her belief that **SB 408** contains the necessary elements to decrease animal abuse (Attachment 14).

Dr. Brian Withrow spoke in support of the bill (Attachment 15). He stated that animal abuse is a serious crime warranting a serious response and that animal abuse can be an indicator of a tendency to engage in extreme human victimization.

Julie Breault spoke as a proponent relaying an incident of animal abuse that occurred in Wichita, Kansas (Attachment 16). She requested serious penalties for offenders.

Brendan Wiley spoke in support of **SB 408** and requested that it be made strong enough to not only affect people that break that law but modifies the behavior of people (Attachment 17).

Sandy Barnett spoke in support of **SB 408** (Attachment 18). Ms. Barnett stated that domestic abusers often utilize threats to a family pet as a means of intimidating a family member from calling police or reporting child abuse. There is growing evidence of the link between animal abuse and child abuse and batterers will continue to utilize the torture and killing of the family pet as a loophole to terrorize abused family members. She did have concerns regarding the required completion of an anger management program indicating that abuse is not about anger and it may be helpful to change the language to require completion of a batterers intervention program.

Sam Mosshart requested amending the bill to include a provision similar to other exceptions in the law with regard to normal or accepted practices of animal husbandry (Attachment 19).

Written testimony in support of **SB 408** was submitted by:

D. Kay Johnson, Director of Environmental Services, Wichita, KS (Attachment 20)

Written testimony in general terms was submitted by:

Chris Wilson, Executive Director, Kansas Dairy Association (Attachment 21)

Randy L. Rogers, President, Kansas Sheriff's Association (Attachment 22)

There being no further conferees, the Chairman closed the hearing on **SB 408** was closed.

The meeting was adjourned at 11:32 a.m. The next scheduled meeting is February 3, 2006.