

Approved 2/6/84
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Senator Edward F. Reilly, Jr. at
Chairperson

11:00 a.m. ~~pm~~ on January 19, 19 84 in room 254-E of the Capitol.

All members were present except: Senator Roitz, who was excused.

Committee staff present: Russell Mills, Legislative Research
Fred Carman, Assistant Revisor of Statutes
June Windscheffel, Secretary to the Committee

Conferees appearing before the committee:

Audrey B. McCaig, Helping Hands Humane Society, Topeka, Kansas
Ellen Querner, Kansas Humane Society, Wichita, Kansas
Pat Ireland, Kansas Federation of Humane Societies, Lawrence, Kansas
Dick Ketterman, Lawrence Humane Society, Lawrence, Kansas

SB403 - Concerning amendments to the prohibition on pit dog fighting.

The Chairman announced that SB403 was being heard today, and that in addition to those who had requested to speak today, if there were others present who wished to speak he would be happy to have them do so.

Audrey McCaig, of Topeka, spoke first. She said that she does know that pit dog fighting does go on in Topeka, but it is very difficult to get the names of people who sponsor the fights. She said that the Helping Hands Humane Society will not adopt a pit bull, that the dog will attack a neighbor's dog or kill a person. She said that Doberman pinschers and rottweillers are also used in the dog fighting. She said that viciousness is bred into the pit bulls and they are not to be trusted. She said that they have been told that many of the dogs are brought in from Missouri; also that a lot of money passes at the fights, as well as small arms and knives and dope. When asked if there were other areas in the state where fights are known to take place, McCaig replied that she understood they existed in both the Wichita area and in Jackson County.

The Chairman recognized Ellen Querner, of Wichita, next. She presented copies of amendments which they had had prepared since the bill was printed. She said that the owners of the pit bulls do see an income from the pups, and they can derive much income from the pups. The Kansas Humane Society feels that the majority of pit bulls are bred to produce puppies to the fighters, although there are people who do have pit bulls as pets. She said that the neighbors of those who have pit bulls as pets are concerned, because the dogs are aggressive to other animals and to small children. The pit bull has been bred for centuries for its aggression, and when one has a litter in order to use the dogs for pets the aggression must be trained out of the animal.

Querner said that although dogs do show evidence of having fought it is difficult to produce evidence that the dogs have fought. In a court case in Sedgwick County where an owner was found of guilty of having had a dog that had fought, the owner was still given back the dog. The Humane Society feels that if the owners were not allowed to keep the dogs it would be a great deterrent to the problem of fighting. Their dogs are the most valuable possession they have, according to Querner. The suggested amendment is a part of the Minutes, and is Attachment #1.

Pat Ireland, of Lawrence, said that the Federation of Humane Societies covers the state, and that the organization supports these amendments and changes in the bill. She said that they strongly support the concept that the dogs should not be returned to owners convicted of having their dogs illegally engaged in fighting. She said that more and more states have moved in this direction, and they found that 39 states have laws stating that the animals not be returned if the owner were convicted.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
room 254-E, Statehouse, at 11:00 a.m./~~p.m.~~ on January 19, 1984.

Dick Ketterman, of Lawrence, also spoke before the Committee. He said that about a year ago they heard about a floating ring concerned with dog fighting in the Leavenworth county area and that they had gone to Tonganoxie to investigate but that the people there had been very close-mouthed, that it is a very closely-knit group, a very tough group. He said that the Leavenworth County Sheriff had told him if they could supply him with information as to where the fights were being held that he would act on it. The problem is in getting the information. He said that the State of Georgia now has legislation which is quite effective and that a man recently found guilty there on two counts received a 4-year jail term and a \$6,000 fine. He said that legislation probably would not stamp out the problem but will discourage people's involvement.

The conferees expressed the sentiment that because of the great deal of money involved in the dog fights that there could be the element of organized crime involved in it.

Following the hearing, the meeting adjourned at noon.

Reilly
file 56403
Attachment #1
January 19, 1984

SENATE BILL No. 403

By Committee on Federal and State Affairs

3-9

0016 AN ACT concerning ~~pit~~ dog fighting; amending K.S.A. 1982
0017 Supp. 21-4315 and repealing the existing section.

0018 *Be it enacted by the Legislature of the State of Kansas:*

0019 Section 1. K.S.A. 1982 Supp. 21-4315 is hereby amended to
0020 read as follows: 21-4315. (a) Unlawful conduct of ~~pit~~ dog fighting
0021 is: (1) Causing, for amusement or gain, any dog to fight with or
0022 injure another dog; ~~or~~, (2) knowingly permitting such fighting or
0023 injuring on premises under one's ownership, charge or control,
0024 ~~or (3) training, owning, or keeping any dog for the purpose of pit~~ → *or selling transporting*
0025 dog fighting.

0026 (b) Unlawful conduct of ~~pit~~ dog fighting is a class E felony.

0027 (c) Attending the unlawful conduct of ~~pit~~ dog fighting is a
0028 class ~~C~~ misdemeanor. (B) *adopted*

0029 (d) This section *and sections 2 and 3* shall be part of and
0030 supplemental to the Kansas criminal code.

0031 New Sec. 2. (a) When a person is arrested under K.S.A. 1982
0032 Supp. 21-4315 and amendments thereto, a law enforcement
0033 agency may take into custody any dog on the premises where the
0034 ~~pit~~ dog fight is alleged to have occurred and any dog owned or
0035 kept on the premises of any person arrested under subsection (a) — *or (c)*
0036 of K.S.A. 1982 Supp. 21-4315 and amendments thereto.

0037 (b) When a law enforcement agency takes custody of a dog
0038 under this section, such agency may place the dog in the care of a
0039 duly incorporated humane society or licensed veterinarian for
0040 boarding, treatment or other care. If it appears to a licensed
0041 veterinarian that the dog is diseased or disabled beyond recovery
0042 for any useful purpose, such dog may be humanely killed. The
0043 owner or keeper of a dog humanely killed under this subsection
0044 (b) shall not be entitled to damages unless the owner or keeper

ATTACHMENT 1 1/19/84

or selling transporting
(B) adopted
conceptual motion
for the purpose of fighting, breeding
or selling

0045 proves that such killing was unwarranted.

0046 (c) If a person is convicted of unlawful conduct of ~~pet~~ dog
0047 fighting under K.S.A. 1982 Supp. 21-4315 and amendments
0048 thereto, a dog taken into custody pursuant to subsection (a) shall
0049 not be returned to such person and the expenses incurred for the
0050 care, treatment and boarding of such dog prior to conviction of
0051 the owner or keeper shall be assessed to the owner or keeper.

or attending the unlawful conduct of ~~pet~~ dog fighting

Disposition of such dog shall be in accordance with
K.S.A. 21-4311.

0052 New Sec. 3. (a) Illegal ownership or keeping of a dog is
0053 owning or keeping on one's premises a dog by a person con-
0054 victed of unlawful conduct of ~~pet~~ dog fighting under K.S.A. 1982
0055 Supp. 21-4315 and amendments thereto within five years of the
0056 date of such conviction.

0057 (b) Illegal ownership or keeping of a dog is a class B mis-
0058 demeanor.

0059 Sec. 4. K.S.A. 1982 Supp. 21-4315 is hereby repealed.

0060 Sec. 5. This act shall take effect and be in force from and
0061 after its publication in the statute book.

19 82 - 1983 adapted

Effect State Register
Date