

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Jeanne Hoferer at
Vice Chairperson

10:00 a.m./~~p.m.~~ on March 8, 1985 in room 514-S of the Capitol.

~~All~~ members ~~were~~ present ~~except~~: Senators Hoferer, Burke, Feleciano, Gaines,
Langworthy, Parrish, Talkington, Winter and Yost.

Committee staff present:

Mary Torrence, Office of Revisor of Statutes
Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee:

Senator James Francisco
Senator Phil Martin
Mary Kay Caldwell, President of the Southeast Kansas Humane Society
near Pittsburg
Audrey B. McCaig, Helping Hands Humane Society
Dick Ketterman, Lawrence Humane Society

Senator Hoferer chaired the committee today in the absence of
Senator Frey.

Senate Bill 204 - Diversion agreements, filing KBI and division of
vehicles.

Senator James Francisco, prime sponsor of the bill, explained the re-
quest for this bill came from the Association of Legislative Action
of Rural Mayors. He said under diversion agreements the district or
county attorneys do not send diversion agreements to a clearing house
here in Topeka until diversion agreement is completed. They want the
agreements as soon as they are placed on diversion. The district at-
torneys and the law enforcement are waiting until diversions are com-
pleted before they send it in. The law doesn't state when the report
will be required. They want the names and addresses of a person who
is on diversion. Committee discussion followed.

Senate Bill 191 - Prosecutor's duties with respect to complaints
alleging cruelty to animals.

Senator Phil Martin, sponsor of the bill, presented background to the
bill. In 1983 and 1984 they had an unusual circumstance in Pittsburg.
An individual was killing a large number of cats over a period of six
to nine months. The humane society had a problem in dealing with the
situation because of the lack of cooperation from the county attorney's
office. He stated the American Humane Society suggested in line 45,
after "guardian" inserting "the expenses paid to the agency providing
the care"; in line 52, after "shall" inserting "immediately"; and in
line 53, following "and" and inserting "without delay". He also sug-
gested increasing the penalties.

Mary Kay Caldwell, President of the Southeast Kansas Humane Society
near Pittsburg, related the bizarre animal abuse case to which Senator
Martin had referred. A copy of her testimony is attached (See Attach-
ment I).

Audrey B. McCaig, Helping Hands Humane Society, appeared in support of
the bill. She testified this amendment is necessary so that county
and district attorneys will prosecute. A copy of her testimony with
suggested amendments is attached (See Attachment II).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on March 8, 1985

Senate Bill 191 continued

Dick Ketterman, Lawrence Humane Society, testified they have problems in getting district attorneys to prosecute these cases; however, their new district attorney has agreed to handle these cases. Mr. Ketterman stated he had a case in a bordering county, and the district attorney said he had more important things to do. He believes the wording, "search warrant" is needed in the bill.

The meeting adjourned.

Copy of the guest list is attached (See Attachment III).

3-8-85

MY NAME IS MARY KAY CALDWELL. I AM PRESIDENT OF THE SOUTHEAST KANSAS HUMANE SOCIETY LOCATED NEAR PITTSBURG, KANSAS.

DURING 1983 AND 1984 THE SOCIETY WAS CHALLENGED WITH THE MOST BIZARRE ANIMAL ABUSE CASE IN THE SOCIETY'S 12 YEAR HISTORY.

DURING AUGUST 1983 WE RECEIVED A CALL FROM AN ELDERLY LADY WHO REPORTED THAT HER DAUGHTER WHO IS DEAF AND CANNOT SPEAK HAD WITNESSED A YOUNG MAN WHO LIVED NEXT DOOR MISTREATING CATS. WE CHECKED THE SITUATION AND

FOUND HER INFORMATION TO BE TRUE. FROM AUGUST 1983 UNTIL MARCH 1984 WE KEPT A CLOSE WATCH ON THIS INDIVIDUAL. WE SOUGHT HELP FROM OUR

LOCAL POLICE DEPARTMENT BY ASKING THEM TO KEEP A WATCH ON THIS PERSON. THEY TOLD US THAT THEY DID NOT HAVE THE MANPOWER OR TIME. THE JOB

WAS THEN LEFT TO THE VOLUNTEERS FROM OUR SOCIETY. WE ANSWERED CALLS IN HIS NEIGHBORHOOD WHERE WE FOUND BEAUTIFUL SPAYED AND NEUTERED CATS THAT HAD BEEN STRANGLERED AND MUTILATED TO A CAT WITH AN EYE POKED OUT.

IN MID MARCH IN DESPARATION WE VISITED WITH THE PITTSBURG CITY ATTORNEY. HE HAD US LOG AND DATE ALL THE INFORMATION THAT WE HAD COLLECTED. THREE

OF US WROTE FOR THREE HOURS. HE THEN TOLD US THAT WE WOULD HAVE TO CATCH HIM IN THE ACT BEFORE THEY COULD DO ANYTHING ABOUT IT. THE POLICE TOLD US THAT WHEN WE CAUGHT HIM THEY WOULD ARREST HIM.

WE WERE OFF. WE MADE A PLAN AND CAUGHT HIM IN ACTION BEFORE THE WEEK WAS OUT. IT WAS MARCH 21ST. ON MARCH 25 MY NEW BUICK WAS TURPENTINED DURING THE NIGHT.

ON MARCH 23rd OUR ENDORSEMENT OF WITNESS WAS FILED AND THE DEFENDANT WAS TO APPEAR MARCH 27TH. THE DEFENDANT ENTERED A PLEA OF "NOT GUILTY".

THE TRIAL WAS SET FOR APRIL 12TH AND THE DEFENDANT WAS RELEASED ON \$100 BOND. HE WAS NOT TO HAVE ANY CATS IN HIS POSSESSION NOR WAS HE TO HAVE ANY CONTACT WITH ANY WITNESSES IN THE CASE.

AM 3/8/85
Attch. I

ON APRIL 9TH CASE CONTINUED BY DEFENDANT'S ATTORNEY AND TRIAL RESET FOR APRIL 26TH.

APRIL 10TH DEFENDANT WAS CAUGHT WITH ANOTHER CAT AND ACTING IN CONTEMPT OF COURT. APRIL 11TH DEFENDANT CAUGHT AGAIN WITH A CAT. ON APRIL 12TH I TALKED TO THE ASSISTANT COUNTY ATTORNEY ABOUT REVOKING THE DEFENDANT'S BOND. HE WAS NOT IN AGREEMENT BUT AFTER A BIT OF INTENSE DISCUSSION HE AGREED TO MAKE A MOTION TO REVOKE BOND. HEARING WAS SET FOR APRIL 20TH. AT THAT TIME BOND WAS RAISED TO \$1000. ON APRIL 19TH THE TRIAL WAS CONTINUED BY THE COUNTY ATTORNEY AS HE AND HIS ASSISTANT TOOK A TRIP TO THE BAHAMAS. WE WERE QUITE ANXIOUS FOR THE TRIAL TO PROCEED AS HAD BEEN PLANNED AS WE HAD A FIELD INVESTIGATOR FROM THE AMERICAN HUMANE ASSOCIATION IN DENVER IN TOWN.

ON APRIL 26TH THE TRIAL WAS CONTINUED BY THE DEFENDANT'S ATTORNEY TO MAY 22. ON MAY 10TH THE TRIAL CONTINUED AGAIN BY THE COUNTY ATTORNEY TO MAY 29TH.

MAY I INJECT AT THIS POINT THAT THE COMMUNITY WAS BECOMING VERY UPSET ABOUT THESE CONTINUANCES. THE COUNTY ATTORNEY'S OFFICE PHONE WAS FLOODED WITH CALLS. THE COUNTY ATTORNEY MADE A COMMENT TO ANOTHER BOARD MEMBER AND ME THAT HE HAD RECEIVED MORE CALLS OVER THESE "DUMB CATS" THAN ANY MURDER TRIAL. EVERYONE FELT THAT THIS INDIVIDUAL WAS COMPELLED TO DO THIS AND THAT HIS ACTIVITIES WERE CONTINUING. MANY CATS WERE STILL COMING UP MISSING. PEOPLE WERE FRIGHTENED TO THINK THIS SICK INDIVIDUAL WAS RUNNING LOOSE. ON APRIL 29TH THE DEFENDANT'S WIFE GAVE BIRTH TO A BABY WHICH COMPLICATED THE MATTER. NOW EVERYONE FEARED FOR THE CHILD'S SAFETY.

ON MAY 29TH AT THE TRIAL THE DEFENDANT'S ATTORNEY CHANGED HIS PLEA FROM "NOT GUILTY" TO "NOLO CONTENDERE". HE DID NOT APPEAR. THE COURTROOM WAS FULL.

Atch. I

ON JUNE 19TH AN ORDER WAS FILED BY THE STATE ORDERING THE DEFENDANT TO BE EXAMINED BY THE MENTAL HEALTH CENTER. ON JUNE 26TH THE SENTENCING WAS SET FOR JULY 31st.

ON JULY 15TH AT 2:00 A.M. THE DEFENDANT WAS FOUND WITH ANOTHER CAT IN HIS POSSESSION.

ON JULY 19TH THIS BOND WAS REVOKED AND HE WAS SENT TO JAIL UNTIL JULY 24TH. SINCE HE WAS GOING TO JAIL THE SENTING DATE WAS MOVED UP TO THE 24TH FROM THE 29TH. WE EVEN SUMMARIZED AND INDEXED THE CASE FOR THE C.A.

ON JULY 24TH HE WAS SENTENCED TO 6 MONTHS AS AN INPATIENT OR JAIL.

ON THE NIGHT OF JULY 25TH HE ATTACKED AN EMPLOYEE IN THE MENTAL WARD OF OUR LOCAL HOSPITAL. HE WAS THEN TRANSFERRED TO THE OSAWATOMIE STATE HOSPITAL. HE WAS RELEASED NOVEMBER 1ST. HE IS ON PAROLE FOR ONE YEAR.

WE FEEL THAT THIS CASE SHOULD HAVE BEEN BROUGHT TO TRIAL MUCH MORE QUICKLY AS THE DELAY CAUSED MANY MORE ANIMALS TO SUFFER AND DIE; PET OWNERS TO FEAR FOR THEIR PETS; AND THE COMMUNITY TO BE THREATENED BY AN INDIVIDUAL WHO WAS IN DESPERATE NEED OF HELP.

3-8-85



Helping Hands Humane Society, Inc.

MISS AUDREY B. MCCAIG • EXECUTIVE DIRECTOR
OFFICE AND ANIMAL SHELTER 2625 ROCHESTER RD. • TOPEKA, KANSAS 66617 • TELEPHONE 233-7325

SINCE 1938 - A CHARITABLE ORGANIZATION FOR THE PROTECTION OF ANIMALS

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March 8, 1985

Senator Bob Frey, Chairperson
Judiciary Committee of the Senate
Room 514-S
State House
Topeka, Kansas 66612

Senator Frey and Members of the Committee. I am Miss Audrey B. McCaig, Executive Director of the Helping Hands Humane Society here in Topeka.

I am here today in support of SB-191 which amends K.S.A. 21-4311. This amendment is necessary so that County Attorneys and District Attorneys in the State of Kansas will prosecute this Statute on Cruelty to Animals. I have had the full cooperation of Gene Olander, District Attorney for Shawnee County and his staff, but there are many humane societies who do not receive the cooperation of their County Attorney or District Attorney.

The people who mistreat animals can also harm children and adults, and should be prosecuted.

The only change I would make in this amendment is to insert the phrase, "with a Search Warrant" on line 0026 after the words, "may take into custody any animal,....". This is for the protection of all involved in taking into custody the animal in question.

Therefore, I urge each of you to join me in support of SB-191, because we need this bill passed during this session. Your help will be deeply appreciated.

Thank you.

Respectfully submitted,
Audrey B. McCaig
Miss Audrey B. McCaig,
Executive Director

3/8/85
Attch. II