



January 20, 2022

Hon. Fred Patton  
Kansas State Capitol  
300 SW 10<sup>th</sup> Street  
Topeka, Kansas 66612

Dear Chair Patton and Members of the Committee:

We, the Wichita Animal Action League ("WAAL"), ask that you SUPPORT HB 2364, a bill to define torturing for the purposes of the crime of cruelty to animals ("Bowie's Law").

This bill amends K.S.A. 21-6412, the statute defining cruelty to animals. Currently, that statute, makes some conduct a felony while other conduct is classified as a misdemeanor. K.S.A. 21-6412(b). Conduct defined as a nonperson felony includes "knowingly and maliciously killing, injuring, maiming, torturing, burning or mutilating any animal." K.S.A. 21-6412(a)(1). "Knowingly abandoning any animal in any place without making provisions for its proper care" or "knowingly failing to provide such food, potable water, protection from the elements ... as is needed for the health or well-being of such kind of animal" is classified as only a Class A nonperson misdemeanor.

Bowie's Law amends the statute to allow additional conduct to be considered as a felony. It defines "torturing" as used in K.S.A. 21-6412(a)(1) "includes, but is not limited to, confining or restricting an animal in a way that is likely to cause death." Sec. 1, (i)(4). This amendment allows a prosecutor to charge a defendant with a felony, rather than merely a misdemeanor, if the defendant knowingly and maliciously confines an animal to deprive the animal of

food or water with the intent of starving the animal to death. It also would allow a prosecutor to charge a defendant with a felony, rather than merely a misdemeanor, if the defendant knowingly and maliciously confines the animal in a location where its death is likely to result, such as putting a kitten in a sealed bag and tossing in onto a busy street.

WAAL became involved in trying to broaden the definition of what behaviors should constitute felony animal cruelty after our efforts to rescue and rehabilitate Bowie. In January of 2020, during below freezing temperatures, Bowie the dog, who had been starved to more than half of his normal body weight, was locked inside a kennel and placed in a commercial trash dumpster in an apartment complex parking lot in Wichita. If Bowie had not been found by coincidence, he would have died. After months of rehabilitation, Bowie has become an ambassador for WAAL's #BeLoud campaign which encourages people to come forward against animal cruelty and neglect in their communities. The person who starved and confined Bowie in a way that would most assuredly lead to his death has been charged and convicted of a misdemeanor under section (a)(2) of the Kansas Animal Cruelty statute. The Sedgwick County District Attorney told the public and our rescue that they could not charge the accused with a felony under subsection (a)(1). We believe the Kansas Legislature would have wanted to include this behavior as torture under K.S.A. 21-6412 (a)(1) as a felony. However, to ensure clarity for prosecutors that the confinement or restraint of an animal in a way that is likely to lead to their death is included within the scope of subsection (a)(1), we have offered HB 2364, "Bowie's Law," to provide clarity for prosecutors and the citizens of Kansas.

This amendment is necessary because currently, more specific provisions of K.S.A. 21-6412(a)(2) and (3) apply to behaviors within their narrow scope before the more general provisions of K.S.A. 21-6412(a)(1), even when the behaviors exhibit the same level of maliciousness. The behaviors of caging a dog without food or water and leaving the cage in the country where it will not be found most assuredly would die, or caging a dog without food or water and throwing the cage into a dumpster to be crushed by a trash compactor truck at pick-up is just as malicious and blameworthy as "killing, injuring, maiming, torturing, burning or mutilating any animal." But those behaviors cannot currently be charged as felonies under K.S.A. 21-6412(1)(a). Instead, the provisions of K.S.A. 21-6412(a)(2)

and (3) prohibiting abandoning an animal without making proper provisions for an animal's care or failing to provide food, water, and protection from the elements apply because those provisions are more specific than the general provisions of K.S.A. 21-6412(a)(1). There is little difference between intentionally running over a cat with your car and sealing a cat in a bag and throwing the cat onto a busy street so someone else will run over it; yet, as the law currently reads, the first act could be charged as a felony but the second only charged as a misdemeanor. Bowie's Law would allow both acts to be charged as felonies.

Malicious and intentional abuse of animals should be taken seriously and punished more severely than mere neglect. Numerous studies have demonstrated the link between violence towards animals and violence towards humans. *See, e.g., "The Link Between Animal Cruelty and Human Violence," C. Robinson, M.A., M.S. and V. Clausen, M.A., FBI Law Enforcement Bulletin, August 21, 2021* (<https://leb.fbi.gov/articles/featured-articles/the-link-between-animal-cruelty-and-human-violence>). That article notes that "animal cruelty is a predictor of current and future violence, including crimes of assault, rape, murder, arson, domestic violence, and sexual abuse of children" and concludes "understanding and correlation between animal cruelty and violence brings law enforcement one step closer to saving the lives of both animals and humans."

This amendment will not impact ranching, farming, or efforts to control pests or predatory animals. Those activities already are excepted from the provisions of K.S.A. 21-6412 and this amendment does not eliminate or reduce the scope of those exceptions.

WAAL was founded in 2013 with the mission of saving animals in crisis. We strive to provide proactive solutions to pet overpopulation, animal neglect, and the unnecessary surrendering of animals to an overcrowded shelter system due to lack of resources. We operate a number of programs designed to assist animals and their owners such as a welfare check team, community pet food banks, a vet repayment program, subsidized spay and neuter vouchers, and temporary boarding of pets whose owners are fleeing domestic violence or obtaining services from the Veterans Administration. WAAL has a social media following of 23,000 followers.

We believe this amendment will garner significant community support

given the public outcry that occurred with the announcement that Bowie's abuser could only be charged with a misdemeanor. Bowie has become the face of WAAL's program to find and address animal abuse with the tagline "#BeLoud. Bowie has his own Facebook page with over 4,600 followers.

Christy Fischer, the Executive Director of WAAL, is a former Deputy Sheriff for the Sedgwick County Sheriff's office, where she worked several animal cruelty cases. In 2011, she was certified as a National Animal Cruelty Investigator through the University of Missouri. She became an instructor for the National Animal Cruelty Investigator's School in 2013 and continues teaching there to the present. Before coming to WAAL, Christy was the Assistant Director of the Amarillo Animal Management and Welfare for five years, responsible for both field operations and managing their shelter.

We urge you to SUPPORT HB 2364.

Rescue on,

Christy Fischer  
Executive Director  
Wichita Animal Action League  
[www.WAALrescue.org](http://www.WAALrescue.org)

Rick E. Bailey  
Attorney for WAAL

Bowie when rescued







Bowie today



