

January 20 2022

Hon. Fred Patton
Kansas State Capitol
300 SW 10th Street
Topeka, Kansas 66612

Chair and Members of the Committee:

I ask, on behalf of the Kansas Animal Control Association, and myself that you SUPPORT HB 2364, a bill to define torturing for the purposes of the crime of cruelty to animals.

This bill would, effectively, make animal confinement in a manner that is likely to lead to the death of that animal a felony by changing the definition of 'torturing' in K.S.A. 21-6412(a)(1).

Having worked in Animal Control for almost fifteen years I can attest, personally, to several incidences of this type of abandonment. As recently as three weeks ago my department took two such animals that had been tied out in the county as the owner professed he didn't have the time, money, or desire to feed them any longer. Rather than taking the animals to the shelter or asking for help he elected to tie the animals out on a property where he did not live (where no one lived) and 'whatever happens, happens.' While I cannot testify on 'behalf' of my department or my county I can, personally, offer that my experiences have shown that the current statutes are far too permissible with this kind of behavior. When these types of cases occur, it is often preferential that local animal control take the case as there is an understanding that their fines have 'more consequences' than the current state statute. Simply put a \$150 fine is seen as better than trying and failing to get a misdemeanor conviction in court due to lack of case precedent.

By now I'm sure you have all read the story of Bowie, the dog rescued by the Wichita Animal Action League. What happened to Bowie was, effectively, dismissed as neglect, not cruelty. After 15 years in Animal Control, I can tell you it should not be this way.

HB 2364 would give more 'teeth' to local commissioned law enforcement and prosecutors to adequately investigate and charge cases that need a spotlight shined on them. Moreover, by supporting HB 2364 this committee would be sending a clear message to the citizens of Kansas that our legislature cares about the pets so many consider family; even when the owners do not.

Respectfully,

Nika Orebaugh

Kansas Animal Control Association; Treasurer

Sedgwick County Animal Control Supervisor