

Bulldog Banter

NUMBER 100 • APRIL 2014

EBA provides funds for Virginia case

*By Joan Morrison
EBA Treasurer*

We're sure you've all read Endangered Breeds Association's mission statement where we say we will not provide funding for any illegal activities.

A recent case in Palmyra, Va., has caused the board to take a second look at that statement and examine each case on its own merits.

Brenton Mathis of Palmyra was arrested and charged with felony dogfighting. His 10 dogs were confiscated. Of the 10, six were puppies under 1 year of age.

The search warrant for the man's property indicated there were 30 to 40 American Pit Bull Terriers on the property. And that they were not properly cared for.

This is where all the problems with this case begin.

Officers served the search warrant on property owned by Mathis' grandmother and the warrant stated the property belonged to Mathis himself. The dogs were kept at the grandmother's and Mathis came to the house daily to care for his dogs and spend time with them.

The dogs were in fleshy condition — not thin. All had very good shelter from the elements.

Only 10 dogs were found, but all were taken from the yard.

None of the dogs had scars or marks that are consistent with dogs that have been used in dogfighting.

A treadmill and flirt pole were found in a storage shed.

At a hearing to return the dogs, a state veterinarian testified there was mud and leaves in one of the dog's water bowls, and that the puppies' teeth had been "filed down."

This "expert" testified one of the puppies was a 2-year-old dog.

EBA was contacted by an American Dog Breeders Association conformation judge who knows the man being charged. The ADDBA judge was adamant that the Virginia man was NOT a dogfighter and never had fought dogs.

EBA received many, many emails from people who know Mathis, all stating he is being treated unfairly.

"This can happen to almost anyone," said Hank Greenwood, president of American Dog Breeders Association. "It may be hard to understand until you have had the experience of explaining to excellent breeders, new victims of Animal Rights-driven raids, just how their lives are about to be ruined. They have no chance of justice, because nobody with any money gets one of these attacks," Greenwood said. "The media have so poisoned the well of public understanding that victims will find their words appended with 'said the accused dog fighter' at every step of the way.

"These victims of bogus raids with trumped up charges usually have little or no choice but to plead out because they have few resources. Therefore chalk up another 'win' for the AR's and justification for their 'jobs'. We need to stand with those who will say 'enough' and fight injustice. We need more of them."

You may recall Virginia is the state where Michael Vick's case originated. The state has a dogfighting task force. An individual who worked on the Vick case has stated the current charges against Mathis in Virginia do not meet criteria for a charge of dogfighting.

The board of EBA weighed all the information and evidence provided to us; had a conversation with the man's attorney; and voted to provide a retainer fee for the attorney in this case.

"The Commonwealth of Virginia has a Virginia Animal Fighting Task Force. A visit to their web site, <http://www.vaanimalfighting.com/Home.html> revealed a \$20,000 operational grant from the American Society for the Prevention of Cruelty to Animals (ASPCA), with which the organization purchased a vehicle. A grant of that size undoubtedly comes with expected results," said Kim Krohn, EBA president.

"As the president of the Endangered Breeds Association, I was concerned about animal control officers harassing American Pit Bull Terrier owners in Virginia without a legitimate reason, and believed it necessary to provide financial assistance for the APBT owner falsely accused of dog fighting.

"If local animal control officers and task force members were allowed to violate one owner's rights, other search warrants based on questionable information would certainly follow, and all APBT owners in Virginia would be at risk of having their dogs confiscated," she added.

At this writing, Mathis remains in jail. He has been there since January. He has not had a hearing to enter a plea or a hearing to set bond.

The case has been to court, however. On March 14, the second court appearance, Mathis' attorney, Terry Hughes, asked for bond.

"Our case came from the lower court (much like a city municipal court) and we had filed a motion for a bond hearing and for arraignment," Hughes said. "The judge decided the lower court judge had erred in a ruling on the bond requests and sent the case back to the lower court for the bond question to be settled."

Mathis will have to put up a bond for

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BULLDOG BANTER

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Why BSL does not protect the public from dangerous dogs

■ The type of person attracted towards certain breeds and encouraging certain behaviors may be a better predictor.

Recent research conducted by animal behavior experts challenges the basis of breed specific legislation designed to protect the public from 'dangerous' dogs.

A team from the University of Lincoln, UK, concluded that rather than making people safer, current legislation could be lulling them into a false sense of security.

Dr. Tracey Clarke and Professors Daniel Mills and Jonathan Cooper from Lincoln's School of Life Sciences set out to discover the source of people's perceptions about 'typical behaviors' associated with different breeds of dog. Their findings were recently published in the journal *Human Animal Interaction Bulletin* published by the American Psychological Association, in a freely available paper "Acculturation -- Perceptions of breed differences in behavior of the dog (*Canis familiaris*)".

Professor Mills said: "This work provides good scientific evidence to explain why the pursuit by governments of breed specific legislation to reduce the risk of harm to citizens is not only doomed to failure, but also giving people a false sense of security, which may actually be making the situation worse."

The researchers applied a theory known as the 'contact hypothesis' — used by sociologists to understand the origin of racial stereotyping and other forms of prejudice.

They surveyed more than 160 people to examine if their contact with dogs influenced their tendency to believe populist and negative breed stereotypes.

They found significant variations in attitudes between people who owned dogs or had regular contact with them, and those who did not. More than half (54%) of respondents who identified themselves as "experienced or knowledgeable" of dogs disagreed with the statement that some breeds are more aggressive than others. Only 15% of respondents

who said they had little or no experience of dogs held the same view.

Similarly, more than half of the "experienced" respondents felt there was no valid reason for breed specific legislation, whereas less than 1 in 10 of the inexperienced respondents felt the same.

The results were consistent with the prediction that not just the level but also the quality of contact with dogs are major influences on the tendency to believe populist breed stereotypes, despite scientific evidence which challenges the validity of such generalisations.

The variability within a breed is nearly always greater than the variability between breeds for behavioral traits, meaning while there may be differences on average, when it comes to assessing the likelihood that a particular individual will behave in a certain way generalisations are often unsound. The type of person attracted towards certain breeds and encouraging certain behaviors may be a much better predictor.

It was discovered that a dog's visible characteristics informed strong attitudes, resulting in over-generalization. Not only bull-breeds but also those with much more superficial characteristics such as being well-muscled, or even short-haired, were stigmatised more often as dangerous by those with less experience or knowledge of dogs.

Attraction to certain types on the basis of their appearance, can then lead to these being preferred for use as a weapon or status dog, creating a self-fulfilling prophecy about their behavior through environmental rather than genetic effects.

The team suggest that further scientific research is needed to improve understanding of the origins and basis of negative breed stereotypes, and that this in turn should be used to inform future legislation.



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It's time to renew your membership

If the Endangered Breeds Association membership card in your wallet shows an expiration date of 1-2014, this is the last newsletter you will receive unless you renew.

All memberships expire Dec. 31 of each year, unless multiple years are paid or you are a life member. Your membership card will have your expiration date on it.

If you take the newsletter via email, you have received two notices of expiration. If you receive the newsletter via "regular" mail, this is a reminder your membership has expired.

Memberships and donations are the life blood of Endangered Breeds Association. Without your help, we cannot continue the

important work of "bird-dogging" legislation that affects you and your dogs.

Please take a moment to check your card, and if it has expired, please renew. It's simple — just send a check or money order, made out to Endangered Breeds Association, to: EBA, Route 1, Box 71, Gore, OK 74435.

Or, you can visit our web page at www.endangeredbreedsassociation.org and click on the donation button for Pay Pal. Follow the directions, and be sure to indicate the donation is for a membership and for how many years.

We appreciate your continued support for your dogs.

The Media Reports ...



"Child Attacked By Pack of Vicious Pit Bulls"

2013 FINANCIAL REPORT

Start balance	\$13,358.76
Income	\$9,055.62
Expenses	\$8,951.44
End balance	\$13,462.94

Virginia

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the care of his dogs until the case is settled and will have to put up a bond for his release from jail. And, because his attorney is filing for appeal on the bond for the care of the dogs, Mathis must put up a bond for the appeal.

"Right now we are back to the court we appealed from," Hughes said. "We need to get the issue of the bond question settled. Our opinion is once you leave the lower court, that court loses jurisdiction. Now the case has been sent back to the lower trial court and our issue is can the judge do that."

In the meantime, Hughes has filed another motion for bond, a motion to reconsider denial of bond, and a motion to suppress evidence. It also has been reported that Mathis' case will go before a grand jury.



The Pit Bull's bad rap: Dispelling common myths about America's most feared dog

*From the Reeves Law Group
December 2013*

Let's set up a test. Close your eyes and imagine that you are walking along your favorite hiking trail. You look up to see the horrifying site of a dog attacking a person.

What kind of dog did you picture?

If you're like most people, you probably pictured a Pit Bull, and with good reason. It is likely that every depiction of the breed that you have ever been exposed to is a negative one. These depictions might include Michael Vick's dog fighting conviction or just another story one of the dozens of stories of a Pit Bull attacking a person. Based on these stories, our perception of the Pit Bull is that it is an intrinsically aggressive and violent breed. This could not be further from the truth.

The fact remains, however, that due to this perception, state legislatures throughout the country have produced breed-specific laws. The facts about the Pit Bull breed suggest that these laws are nothing short of an egregious waste of resources.

So let's take a minute to look at the myths about America's most feared dog breed, and the facts which suggest that our perceptions simply aren't reality.

Myth 1: Pit Bulls are Among the Most Aggressive Breeds



False. Really false. In fact, according to the American Temperament Test Society, Inc. Pit Bulls rank second, only to Labrador Retrievers, in terms of tolerance.

Myth 2: Dogs in the "Bully Breeds" are mean (bullies)

There are a variety of breeds which are commonly referred to as "bully breed" dogs. These include pit bulls, bulldogs, mastiffs, Staffordshire bull terriers, American Staffordshire terriers, American bulldogs, American Bully Dogs, Boxers and Bull terriers. However, the semantics are misleading.

The "bully breed" title does not refer to their temperament. It refers to fact that they are descendants of the original English baiting dogs. These dogs were bred

and trained to grip and hold bulls, bears, and other large animals. However, when bull-baiting was banned in England in 1835, owners of these "bully breed" dogs resorted to putting on fights between their dogs.

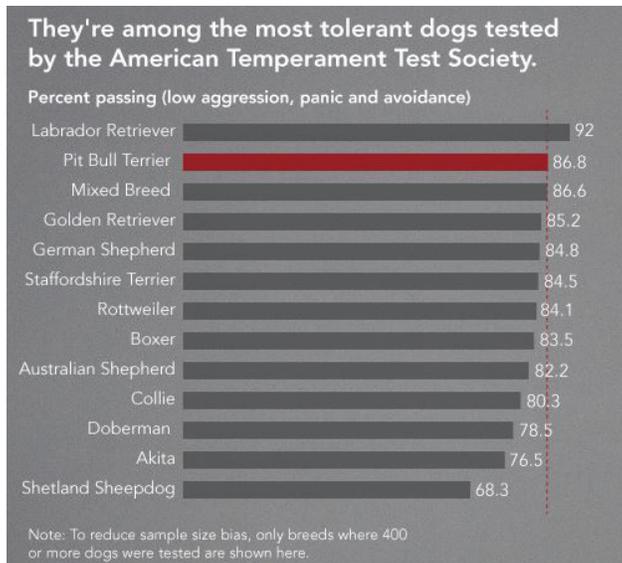
Myth 3: Legislation which bans pit bulls from specific areas will reduce attacks

No organization has ever been able to provide evidence that laws pertaining to specific dog breeds make communities any safer. However, there are plenty of examples of how breed-specific legislation can actually make things worse. For example, in many communities where ownership of Pit Bulls or other breeds is highly regulated, owners will fail to attain proper licensing, micro-chipping and vet care, which has a negative overall impact on the community.

Conclusion: Operator Error

What does this all mean? It means that the real issue with Pit Bulls is not their intrinsic personality traits, but rather their treatment by humans.

It is critical that cruel or irresponsible dog owners are held accountable for their negligence. By removing these people from the dog owner mix, we can begin to ensure that all breeds receive fair treatment based on the facts, not the myths.





Around the Nation

Legislation that affects you

Forty state legislatures and the District of Columbia are in regular session and bills have been prefiled in four states. This information is collected from ADBA, EBA and AKC. For the latest information on any bill, contact your elected local, county or state officials.

ARIZONA – House Bill 2242 would define a “commercial dog breeder” as one who sells at least 20 dogs in a calendar year. It would require all who meet this definition to comply with the same requirements as pet stores. This would include having females examined by a veterinarian prior to breeding and complying with the state’s consumer protection laws and basic standards of care. These standards include providing potable water and adequate nutrition, adequate space appropriate for the dog’s age, weight and breed, and a resting board or another object to allow the dogs to rest off a wire floor. No commercial breeder may sell a dog younger than eight weeks of age. The bill has passed the House and is pending in the Senate Government and Environment Committee.

House Bill 2530 modifies the state dog licensing laws, which currently apply to dogs that are at least three months of age. As amended by the House Agriculture and Water Committee, the County Board of Supervisors will be permitted to waive any penalties for up to 180 days in order to encourage licensing and vaccinations. Pet dealers, shelters and rescues that sell or offer dogs for adoption must provide the name and address of the person who obtained the dog within 90 days of the purchase and the county is only permitted to use this information for licensing purposes. The bill has passed the House Agriculture and Water Committee and is pending on the House floor.

CALIFORNIA – Assembly Bill 1965 would authorize retail food establishments to permit dogs in outdoor eating areas. It will also allow local governments to prohibit the practice.

The Pasadena City Council has chosen to defer proposed breed-specific mandatory spay/neuter proposal. Local responsible dog owners are encouraged to meet with their elected officials and educate them about the ineffectiveness of mandatory spay/neuter and breed-specific ordinances.

CONNECTICUT – Pursuant to HB 5027, which passed in 2013, the State of Con-

necticut appointed a task force to investigate the sale of dogs and cats in Connecticut. It has held several hearings and meetings on the issue. Upon completion of the public hearings, it is expected that the task force will draft legislation for consideration in 2014 that would restrict pet sales.

HB 6690 would allow courts to order that a separate, independent advocate be assigned to represent the interests of animals in any proceeding in which the welfare or custody of an animal is at issue. The measure passed the House and several Senate committees before being re-committed to the Senate Judiciary committee in 2013. It is likely that this measure will be brought forward again in 2014.

FLORIDA – The Lee County Board of Commissioners enacted significant changes to the county animal control code including breeder licensing, warrantless inspections, mandatory spay/neuter and restrictions on keeping dogs outside (even in fenced yards). The commission did direct the animal control director to meet with interested stakeholders, including breeders to discuss possible modification prior to the May 1st effective date. A stakeholders meeting will be held on March 6th.

GEORGIA – Albany – The city commission approved on first reading an ordinance that would require registration of “pit bull” dogs, establish stringent enclosure requirements, and require owners to maintain \$100,000 liability insurance or a \$15,000 surety bond. The ordinance defines “pit bulls” as American Pit Bull Terriers, American Staffordshire Terriers, Staffordshire Bull Terriers, and any dog displaying the majority of physical traits of the breeds. The measure was tabled at the February 25 meeting.

HAWAII – House Bill 2534, which would have required owners of 10 or more dogs age one year or older with intact sexual organs to register with the Department of Commerce and Consumer Affairs, was tabled by the House Committee on Agriculture.

Senate Bill 414, which carried forward from the 2013 legislative session, seeks to require licensing of persons who own or have custody of ten or more intact dogs over the age of 12 months and sell more than 3 litters or more than 25 dogs per year. The bill would prohibit ownership or custody of more than 30 intact dogs over 1 year of age and prohibit breeding any dog older than age 8. It would allow counties to

contract with any “dog protective agency” for seizure of dogs belonging to breeders not in compliance with any rule and dogs belonging to unlicensed breeders. Those operating without a license would be subject to a penalty of \$1,000 per day, and any failure to comply with standards and recordkeeping requirements would be subject to penalties of up to \$1,000 for each violation. SB 414 passed the Senate in 2013. It remains assigned to the House Economic Development and Business Committee in 2014.

INDIANA – Senate Bill 295 would require rescues not managed by cities or counties to comply with the same requirements as commercial dog breeders and acquire a \$75 annual license. Cities and counties may enact applicable zoning and business laws on state-licensed commercial breeders and rescues as long as the laws do not prevent them from legally operating. If a breeder or rescue feels they have been adversely affected by a local law that violates the bill, then they may file an action in court for declarative and injunctive relief, as well as actual and attributable damages. The bill also states that any local laws regarding commercial breeders and rescues made on, before, or after July 1, 2014 that are stricter than state law are void. The bill has been assigned to the Senate Agriculture and Natural Resources Committee.

IOWA – Senate File 2254 would create many new restrictions and requirements for “commercial breeders”, which are currently defined as someone who has four or more intact dogs and receives any kind of consideration for breeding. Provisions of concern include significantly increasing license fees to pay for a new “animal rescue remediation fund” to pay for the “rescue” of animals from commercial kennels. All who meet the definition of commercial breeder would be required to open up their kennels for unannounced inspections and by 2016 the primary enclosures would have to be three times that required by USDA. In addition, breeders would be prohibited from being involved in certain rescue activities. The bill passed the Senate Commerce Committee and is now pending on the Senate Floor.

KANSAS – House Bill 2682 and Senate Bill 392 expand the state’s Pet Animal Act. Rescue networks would be required to keep records of all foster homes and to

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designate a manager to oversee intake of animals and maintain records on their premises. Both bills require a \$10 fee per foster home, and a \$125 annual license fee. The bills would also expand the definition of “animal breeder premises” to include any premises where all or part of six or more litters or 30 or more dogs or cats are sold, offered, or maintained for sale. Current law only applies to those who meet this definition and sell primarily at wholesale for resale to another. New provisions for “animal breeders” include mandating inspections, which are currently at the discretion of the state Department of Agriculture. The frequency of the inspections will be based on performance, and the perceived risk of the kennel or rescue being inspected. Both bills are pending in their respective Agriculture Committees.

KENTUCKY – House Bill 409 would establish “minimum care standards” which, among other problematic provisions, would require pet owners to provide dogs and cats with “continuous access” to an exercise area. This requirement would criminalize many responsible pet owners, particularly apartment dwellers and others who may lack such facilities. Failure to provide such standards of care would be a crime of felony torture, and a conviction would include forfeiture and a prohibition against owning dogs and cats for three years. HB 409 would also allow officers to seize a dog or cat without due process or procurement of a warrant. A person whose animal was seized would be required to either relinquish ownership prior to adjudication or post a surety or cash bond for care of the animals. If found not guilty or if the charges were dropped, the owner would be reimbursed only the funds not used. HB 409 has been assigned to the House Committee on Judiciary.

MARYLAND – HB 73 and SB 247 create the rebuttable presumption that a dog owner should have known that their dog had dangerous propensities. HB 80 would hold dog owners liable for damages if the dog harms someone while running at large. A public hearing was held in the House Judiciary Committee on January 23. SB 247 received a favorable report from the committee on February 25.

HB 422 would prohibit counties and municipalities from declaring a dog “potentially dangerous” or a nuisance solely based on the dog’s breed. Local governments would also be prohibited from banning ownership of specific breeds. In addition, a homeowner or tenant may not be evicted or denied occupancy based on the breed of dog the resident owns. This does not prohibit landlords from banning dogs entirely, just banning specific breeds. This measure was heard in the House Judiciary Commit-

tee on February 20.

HB 665 and 667 and SB 659 and 660 would create unnecessary restrictions on several safe and accepted animal husbandry practices. HB 665/SB 659 would allow only veterinarians to perform ear cropping, tail docking, dewclaw removal or surgical births. The bill requires that the veterinarian use anesthesia for all these procedures. HB 667/SB 660 would prohibit debarking unless it is medically necessary to treat an injury or illness. The Senate versions of the bill were heard in the Senate Judicial Proceedings Committee on February 26.

MASSACHUSETTS – HB 3762, which was substituted for HB 1874/SB 401 on Nov. 14, would require “an individual, or a partnership, association, corporation, or an officer or employee thereof that sells animals to the public” to be subject to extensive consumer protection laws. The bill would also prohibit the sale of puppies or kittens less than eight weeks of age, and specifically empower the Department of Agricultural Resources to make rules and regulations for commercial breeder kennels and personal kennels where persons keep at least six intact female dogs between one and eight years of age for the purpose of breeding such dogs and selling the offspring as household pets. The bill is currently under the cognizance of the House Ways and Means Committee.

MICHIGAN – House Bill 4168 makes updates to the licensing requirements in the state’s “Dog Law of 1919”. This includes removing the current provision requiring sheriffs to locate and kill all unlicensed dogs. Under current law, any sheriff that does not comply would be considered negligent in their duties. The bill unanimously passed the House and the Senate Committee on Local Governments and Elections. It is pending on the Senate floor.

Senate Bill 560 would, among other provisions, limit the number of dogs that can be kept on a single premises and define a “large scale commercial breeder kennel” as one where more than 15 intact female dogs are kept for the purpose of breeding. The Senate Agriculture Committee heard testimony on this bill on October 31, 2013, but no vote has been taken.

MISSOURI – House Bill 1116 would prohibit municipalities from enacting breed-specific laws.

NEBRASKA – LB 288, which was carried over from the 2013 legislative session, makes a positive change to the state’s definition of commercial breeder. Currently the law defines a commercial breeder as anyone who sells/offers to sell, exchanges, or transfers 31 dogs in a year; owns four or more dogs “intended for breeding” (which is presumed to be intact dogs); or whose dogs produce four litters in a year. A person would only have to meet one of these criteria to be required to be licensed and comply with commercial breeder

requirements. LB 288 would change this to require someone to meet all three of these criteria before being defined as a commercial breeder. The bill is pending in the Agriculture Committee.

LB 1002 would make two changes to the state’s commercial breeder laws. It would require the Department of Agriculture to apply for a restraining order or injunction against any person violating or threatening to violate the law. State inspectors and law enforcement officers would also be required to impound dogs for alleged violations or an accusation. Currently, these provisions are optional and the Department of Agriculture and state inspectors may assess the situation to determine if further action is necessary.

NEW YORK – Assembly Bill 1204/Senate Bill 2271 seek to ban the practice of canine “devocalization”. The only exemptions are for instances when it is medically necessary to treat or relieve a physical illness or an abnormality causing pain or harm. Veterinarians who perform the procedure could have their license revoked. A.1204 passed the Assembly on January 23 and is pending in the Senate Agriculture Committee.

Assembly Bill 3952 prohibits insurers from refusing to issue, renew or cancel or raise premiums for homeowners’ insurance based solely on the breed of dog (or mixed-breed) owned by the policyholder. The bill does allow for insurance companies to take these actions if the dog has been declared dangerous based on current law. This bill was reintroduced for the 2014 session and is pending a vote by the full Assembly.

NORTH CAROLINA – House Bill 930 would define “large commercial dog breeding facilities” as individuals who own 10 or more intact females over the age of six months. It also establishes care and conditions within criminal – rather than typical animal welfare – codes for this group. Senate leadership has announced that due to some tactics used by some of the bill’s supporters, HB 930 will not be considered this year.

OKLAHOMA – House Bill 2637 revises local requirements regarding kennels. Under current law, a kennel (where 4 or more dogs are housed) may not be built within 2,500 feet of a school or day care. This bill modifies the law by stating that this prohibition applies solely to commercial pet breeders. Commercial kennels already in existence are exempt. Bill has passed the House Agriculture and Wildlife Committee.

PENNSYLVANIA – Senate Bill 82 would make positive changes to the commonwealth’s consumer protection laws. Among other changes, it clarifies that a dog cannot be declared “unfit for purchase” if the dog has intestinal or external parasites (unless the dog is clinically ill or dies), if the dog has an injury or illness likely contracted

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Legislation

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after the sale, or if the dog has a health problem that is disclosed in writing by the seller prior to the sale. The bill would also make reasonable changes to the time-frame for when a dog may be declared unfit for purchase and when the seller must be notified. It was amended by the House Agriculture and Rural Affairs Committee to require rescues and shelters to provide certain information regarding the animal's health care and known illnesses prior to sale. The bill unanimously passed the Senate and is pending in the House Game and Fisheries Committee.

RHODE ISLAND – House Bill 7198 sought to roll back some of the state's protections against local breed-specific legislation that were enacted in 2013 by permitting localities to mandate spay/neuter requirements on specific breeds. Upon its consideration of the bill on February 6, the House Municipal Government Committee recommended that the bill be held for further study. The bill is not expected to be further considered during the 2014 session.

SOUTH DAKOTA – Senate Bill 75 would prohibit local governments from enacting, maintaining, or enforcing breed-specific laws. The bill passed the Senate and has been assigned to the House Local Government Committee.

TENNESSEE – House Bill 2385/Senate Bill 2468 seek to delete the provision that terminates the Commercial Breeder Act on June 30, 2014. If this measure passes, the current Commercial Breeder Act would remain in effect. Because these bills are written to "amend" the existing law, additional (and possibly problematic) amendments could be added during the committee process should the bills advance. HB2385 has been assigned to the House Agriculture and Natural Resources Subcommittee. SB 2468 will be heard by the Senate Energy, Agriculture and Natural Resources Committee on March 12.

TEXAS - Houston – The staff of BARC, the City of Houston's animal shelter and adoption facility, is drafting proposed updates to the city's animal ordinances. The original draft considered all breeding of dogs to be commercial and would have required all breeders to acquire commercial breeding permits. All non-commercial breeding of animals would have been outlawed. Because most land use in Houston is controlled by home owners' association covenants, which almost uniformly prohibit commercial activity on controlled lands, hobby breeding in Houston could have been effectively ended if the original draft had been adopted. BARC officials were provided with extensive explanations as to why the original proposal would be detri-

mental to responsible dog breeders. BARC ultimately responded by offering a new draft proposal that addressed most concerns of fanciers and enthusiasts. BARC is currently accepting further comment about the draft, and is expected to introduce the revised proposal in the Houston City Council.

UTAH – House Bill 97 seeks to protect the rights of responsible dog owners in Utah by prohibiting municipalities from adopting or enforcing any breed-specific rule, regulation, policy or ordinance. It further states that any current breed-specific rule or policy in the state is void. The bill narrowly passed House Political Subdivisions Committee and is pending on the House floor.

VERMONT – Under current Vermont law, when someone is charged with animal cruelty, a prosecutor is permitted to bring an additional civil proceeding to determine whether the defendant should continue to own animals; and has to prove by "clear and convincing evidence" that the defendant should not. However, as introduced, Senate Bill 237 would have mandated such a civil proceeding and would have lowered the burden of proof to a "preponderance of the evidence." Furthermore, the bill failed to specifically provide for a right to appeal an order of forfeiture before property rights were extinguished, and failed to protect the rights of non-possessory co-owners to trump those of statutorily-cited parties of interest should the defendant be ordered to forfeit ownership. In light of several high-profile cases where animals were seized after defendants were charged with, but ultimately not found guilty of, animal cruelty and in which animals were permanently altered or sold, the AKC, joined by the Vermont Federation of Dog Clubs, expressed concern that the permanent deprivation of property rights and interests that would be easier to achieve should SB 237 be enacted was a dangerous proposition for Vermont residents. The bill was considered by the House Judiciary Committee on February 18, which purportedly made several changes to the bill that addressed concerns.

VIRGINIA – Senate Bill 228 would modify the Commonwealth's consumer protection laws. Changes include requiring pet stores and USDA pet dealers who advertise a dog or cat for sale in Virginia – including Internet advertisements – to provide the breeder's name, city, state and USDA license number to the customer prior to sale. Pet stores would also be required to post this information on or near the cage of animals for sale. Pet stores and USDA licensed dealers would be required to allow customers to keep an animal considered unfit for sale and reimburse veterinary fees up to the purchase price of the animal and pay for the veterinary certification. The customer must notify the seller within three days of the certification, and the customer

is responsible for any costs incurred by the customer after three days. The bill has had many positive amendments since it was introduced. It has passed the Senate and was approved with amendments by the House Agriculture, Chesapeake and Natural Resources Committee on February 19.

WASHINGTON – House Bill 1201/Senate Bill 5204 would create a civil infraction for "failure to provide care" in cases where behavior does not amount to animal cruelty in the first or second degree. These bills would also remove economic distress as a defense to second degree animal cruelty. House Bill 1202 has passed the House Judiciary Committee and has been re-referred to the House Rules Committee. Senate Bill 5204 has been assigned to the Senate Committee on Law and Justice; however, a hearing has not been scheduled.

HB 2117 – A public hearing has been held, which would amend the state's dangerous dog law and prohibit local governments from banning possession of a particular breed or declaring a specific breed of dog to be dangerous or potentially dangerous. This bill is pending in the House Judiciary Committee.

The Yakima City Council voted to keep their breed-specific law in place, but is continuing to gather information and has indicated that the council will consider breed-neutral dangerous dog ordinances in the future.

WEST VIRGINIA – House Bill 2794 would prohibit insurance companies from denying or terminating a policy based solely on the fact that the applicant has a certain breed of dog.

WISCONSIN - The City of Madison is seeking to require sterilization of "pit bulls" in an effort to address shelter overpopulation. The ordinance defines a "pit bull" as an American pit bull terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any mixed breed displaying similar physical characteristics. The Public Health Department of Madison and Dane County are permitted to inspect any dog to determine if it meets this definition. Exceptions include "show dogs", provided the owner submits documentation with pedigree information and verification that the dog has participated in at least one ADBA AKC, or UKC conformation event in the past 365 days. This must continue for the life of the dog for the exemption to apply, and no female may produce more than one litter a year. Additionally, the owner must allow their "breeding facility" to be open for inspection. It is unclear what this would entail or what would be inspected, specifically if someone owns an intact dog but is not breeding. The proposal was approved by the Public Safety Review Committee and opposed on a 4-4 vote by the Board of Health. The proposal is expected to be considered by the Madison Common Council in the next few weeks.



ABOUT THE
ENDANGERED
BREEDS
ASSOCIATION

(EBA) is a non-profit organization founded in 1980 for the purpose of preserving the American Pit Bull Terrier. Our goals are public education, media monitoring, legislative lobbying, and legal intervention to protect responsible owners from breed-specific legislation and unfair harassment by public officials or agen-

cies. We oppose animal abuse or any illegal activities with animals. Membership is \$15-single and \$20-family per year or \$300-lifetime with members receiving three newsletters a year. Canadian and overseas members please send US dollars money orders only. All memberships expire Dec. 31 of each year.

EBA MEMBERSHIP APPLICATION

(PLEASE PRINT CLEARLY!)

Name (s) _____ Occupation _____
Address _____ City _____ State _____ Zip _____
Phone _____ E-mail _____
By providing your e-mail address, you agree to receive your newsletter via e-mail.
Membership type: New _____ Renew _____ Single _____ Family _____ Lifetime _____

Information packet included

Please make check or money order payable to the Endangered Breeds Association and mail to:
Joan Morrison, Route 1, Box 71, Gore, OK 74435

ENDANGERED BREEDS ASSOCIATION

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