

MICHIGAN ASSOCIATION FOR PURE BRED DOGS

Founded 1964

"Promoting Responsible Dog Ownership"

Committee: House Committee on Judiciary
In Opposition to: House Bill 4534, House Bill 5061 and House Bill 5062
Date: January 30, 2014

Good Morning Chairman Cotter and Members of the House Committee on Judiciary.

I am Bob Darden, dog owner and President of Michigan Association for Pure Bred Dogs. Founded in 1964 MAPBD has a fifty year history promoting responsible dog ownership in Michigan. MAPBD is a federation representing dozens of Michigan dog clubs and their members. Through our volunteer effort, our members and member clubs work with legislators and administrators at the state, county, township and local levels of government to keep Michigan a dog-friendly state for all dogs and dog owners.

MAPBD opposes House Bill 4534, House Bill 5061 and House Bill 5062 and respectfully request that this committee not support those bills as written.

Since giving testimony in June, I want to take this opportunity to update you on the digest of bills that have been introduced which can be categorized as the Animal Abuser Registry bills and the ICHAT bills or commonly referred to as Logan's Law.

Collectively, twelve bills have been introduced between the House and Senate. Six of the bills would require an independent Animal Abuser Registry be created, maintained and enforced. The second set of six bills introduced would require the use of an established registry. The ICHAT registry. That idea was suggested in June by this committee.

You have already heard and read our concern with the Animal Abuser Registry bills. Attached to this testimony is the MAPBD position paper addressing our concerns with the current library of ICHAT bills. The last several paragraphs of the position paper offer an alternative method to using the ICHAT registry that, if written accordingly, MAPBD may support. It is a practical, fiscally responsible solution to what up until this time has been a very emotionally directed legislative effort.

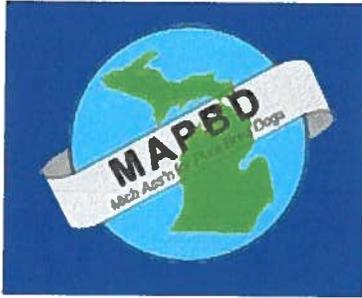
It is a simple approach, one that would direct the State Police to conduct a quarterly sort of their ICHAT data base to identify those individuals convicted of animal abuse. At which point, an email of that list would be sent to the MDARD registered animal control and animal protection agencies.

It is to be emphasized that only those animal control and animal protection agencies registered with MDARD be provided the ICHAT information on a free basis. This may encourage more shelters to register. Being a registered shelter, which is already required by law, further contributes to the welfare of the animals in that MDARD has oversight of those animal welfare agencies and the animals under their care.

MAPBD has a vested interest in the proper care of all animals, dogs in particular. MAPBD does not condone any form of animal abuse. Michigan Association for Pure Bred Dogs respectfully requests that this committee endorse the suggested method and return the bills to be amended to reflect the proposed recommendation presented in this testimony.

Thank you,

Bob Darden
President, MAPBD



MICHIGAN ASSOCIATION FOR PURE BRED DOGS

POSITION PAPER

MAPBD.ORG

10/25/13

SB 603/HB 5062 of 2013

SB 604/HB 5061 of 2013 AND SB 378(S-3) of 2013

MAPBD OPPOSES THESE BILLS. CONCERNED MICHIGAN DOG OWNERS ARE ENCOURAGED TO CONTACT THEIR STATE LEGISLATORS TO VOICE OPPOSITION TO THESE BILLS.

SB 604/HB 5061 and **SB 378(S-3)** would require all public animal control shelters and private animal protection shelters to check all applicants wishing to adopt a pet against the Internet Criminal History Access Tool (ICHAT) operated by the Michigan State Police before placing any animal for adoption. If an applicant's name were on a report in the capacity of having been charged with or convicted of an animal abuse offense, that person would be forbidden from adopting an animal for a period of five years. ICHAT normally assesses a \$10 charge for use of the system by non-law enforcement organizations. Under these bills, this service would be provided free to all animal protection shelters.

MAPBD POSITION

MAPBD agrees with the underlying concept of these bills that those persons convicted of animal abuse crimes should not be permitted to adopt animals. However, after weighing the facts, we conclude that the implementation of these bills will be unworkable and unenforceable for the following reasons:

- 1) All animal control shelters and animal protection shelters must register with Michigan Department of Agriculture and Rural Development (MDARD). However, MDARD has no funds

to enforce this mandate. As present, 195 shelters are registered with MDARD. However, research by Michigan Association for Pure Bred Dogs found that at least 125 animal shelters were not registered with MDARD. **In other words, MDARD currently registers only about 60% of all animal shelters in Michigan, but the exact number of shelters is unknown.**

- 2) MDARD requires each shelter to file an annual report on intake of animals by species and number and the final disposition of each by adoption, sale, transfer, euthanasia, or other means. **For 2012, 155 animal shelters filed this required report, representing only an 80% compliance rate among registered shelters.**
- 3) **The 2012 MDARD Michigan Annual Shelter Report showed that 39,298 cats and 34,548 dogs for a total of 73,846 were adopted by Michigan citizens in 2012.** Additionally, intake and adoptions were listed for various animals including birds, rabbits, ferrets, guinea pigs, hamsters, rats, and snakes.
- 4) **In 2011, there were three felony dispositions for cruelty to 10 or more animals, and none resulted in prison time. However, also in 2011 there were 45 felony dispositions for the crime of killing or torturing an animal, of which seven resulted in prison sentences.¹**
- 5) **Given the above arrest and conviction rate, MAPBD questions the legislative overkill of requiring a minimum of 73,846 applicant inquiries to ICHAT.** Indeed, even generously expanding these dispositions over five years would require hundreds of thousands of criminal background checks of law-abiding citizens to see if they were among approximately 500 charged and less than 100 convicted animal abusers listed on ICHAT.
- 6) **In reality, MAPBD estimates that there would be a bare minimum of 150,000 inquiries into ICHAT each year.** Adopting an animal is usually a family event. Thus, all adults and teenagers in a family would need these criminal background checks before adopting a pet. Further, these laws define an animal as any vertebrate other than a human being, excepting livestock. As a result, background checks would need to be completed for those wishing to adopt any companion animal besides just dogs and cats.
- 7) **According to the ICHAT FAQ, ICHAT is not available for use on weekends, when most people decide to adopt a pet. As a result, many potential pet owners may go elsewhere to acquire an animal rather than wait. This could mean that fewer animals are adopted.**
- 8) **Requiring all animal shelters to check all applicants for adoption would place both an administrative and financial burden on shelters, particularly smaller organizations or individuals.** Many times there are significantly more applications for adoption than there are

¹ Fiscal Analyst: Dan O'Connor. Bill analysis. *Penalties for Crimes Against Animals*. S. B. 285(S-1) & 286: Floor Summary. Date Completed: 4-17-13. Senate Fiscal Agency. Lansing, Michigan. Available at : <http://www.legislature.mi.gov/documents/2013-2014/billanalysis/Senate/pdf/2013-SFA-0285-F.pdf>

highly desirable pets available. Yet, ALL applicants would have to be checked on ICHAT, whether or not they were successful in adopting a particular pet.

- 9) **At present, government agencies and non-profit charitable organizations registered with the State Police that have an agency code are not charged for their requests to ICHAT.** Thus, it is argued, since these organizations are already allowed to utilize ICHAT free of charge requiring all animal shelters to implement criminal background checks is not a change to the system. **However, the vast majority of private animal shelters in Michigan are NOT “non-profit charitable organizations.”** While they may be registered as Michigan nonprofits, most have not registered with the State to solicit donations nor have they acquired federal designation as a 501(c)(3) charitable organization. The additional expense and requirements of federal oversight to obtain charitable status is generally far beyond the finances and administrative constraints of most animal shelters that do not deal in large numbers of animals.
- 10) **MAPBD was informed in an inquiry to the State Police that significant audit protections are in place on ICHAT to prevent unauthorized background checks. However, we question how these audits will operate when many of the registered animal shelters adopt out hundreds, and some, thousands of animals each year. How will excessive or unauthorized activity be audited and monitored?**
- 11) These bills require that ALL shelters must check ALL applicants before allowing an animal to be adopted. **There are no provisions in these bills for enforcement or compliance.** Will compliance be checked against the ICHAT inquiry records of each individual shelter and be compared to the number of animals adopted each year? **How will compliance be monitored and enforced?**
- 12) **No fiscal impact study has been conducted on the cost to the State Police of these additional tens of thousands of inquiries into ICHAT each year.**
- 13) Only about 25% of the total Michigan dog and cat population consists of animals adopted from shelters.² **It is highly unlikely that a convicted animal abuser would go to a shelter to acquire an animal because it is well known that most shelters have an application process.** Thus, it would be impossible to prevent a convicted animal abuser intent on acquiring more animals from doing so merely by having animal shelters utilize ICHAT. Animals would be available from other sources including theft, classified ads, pet shops, or from out of state.

AN ALTERNATIVE SOLUTION

Again, **MAPBD** agrees that convicted animal abusers should not be allowed to adopt animals.

However, the implementation of this bill would require significant over utilization of the ICHAT system

² National Council on Pet Population Study and Policy. Available at: <http://www.petpopulation.org/faq/html>

to monitor a comparatively small number of listed persons. Our background research into these bills also indicates that Michigan has a significant and serious underlying problem with a virtually unregulated private animal shelter industry. Even though MDARD is charged with oversight of the shelter industry, necessary funding and personnel are not available for this task. Indeed, MDARD is also charged with licensing and inspecting commercial pet shops but has not done so for several years because of lack of funds. Anyone can establish themselves as an “animal shelter” or “animal rescue” organization literally overnight. Though required to register with the MDARD, Michigan Association for Pure Bred Dogs found that at least 40% of the shelters in this state are not in compliance. **As a result, that lack of compliance is going to make enforcement of these bills extremely difficult.**

MAPBD respectfully suggests that measures be taken and funds provided to ensure that ALL animal shelters operating in Michigan are properly registered with MDARD. Further, because animal abuse is not rampant in this state, the names of those charged and convicted could be supplied by email to all registered animal shelters on a regular basis. This would serve to protect the ICHAT system from unauthorized inquiries from possible unscrupulous shelter employees or volunteers. It would also eliminate flooding ICHAT with tens of thousands of meaningless inquiries of law-abiding citizens who simply want to add a pet to their family. It would be extremely cost effective and eliminate an unnecessary administrative burden on the State Police and all animal shelters in the state. We believe this is a sensible solution to the problem.

MAPBD is a Michigan non-profit organization founded in 1964. Its members and member clubs advocate for responsible dog ownership and work to protect the rights of Michigan citizens to own, breed, and enjoy their dogs.

For more information contact MAPBD President Bob Darden: bobkdarden@hotmail.com