

Angel's law in dogfight

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involving dogs, cats, farm animals or wild birds and game animals, is a subject very dear to Van Drew as a human being and as a lawmaker.

For the past two-and-a-half years, he's worked tirelessly on his proposed Assembly Bill 2649 designed to codify, organize, and in some cases rewrite New Jersey's animal cruelty laws, which have been on the books mostly unchanged for the past 125 years.

Van Drew describes the existing statutes as a disorganized "hodge podge."

"It's been a labor of love," he says. "We spent a lot of time determining how best to create a law to deal with animal cruelty."

He held fact-finding meetings and discussions with the SPCA, the Farm Bureau, Department of Agriculture, the Department of Health, the New Jersey Veterinarians Association, and, he adds, various kennel clubs.

However, the mother of all kennel clubs, the American Kennel Club, whose mission statement is to promote the ideals of responsible dog ownership and support and protect the rights of dog owners, in addition to perpetuating breed characteristics through dog shows, isn't sold on the idea.

For a variety of reasons, the AKC takes a rather dim view of some provisions in Van Drew's proposed bill.

On June 7, 2007 the AKC posted on its website the following notice under the link "Canine Legislation - Legislative Alerts: "The American Kennel Club is alarmed by the provisions of New Jersey Assembly Bill 2649. The proposal attempts to replace New Jersey's already comprehensive and reasonable animal cruelty laws and humane care standard with an unnecessary, confusing and haphazard system that will not only affect the health of the general public, but will also threaten the due process rights of individual dog owners."

Van Drew is astounded and incredulous that the AKC's claims run exactly counter to what he's trying to do: codify

and rewrite a confusing, haphazard system of laws to make them more comprehensive.

Most importantly, he wants to change penalties for animal cruelty violations from civil offenses, which carry little if any punishment other than minimal fines, to criminal offenses, which carry stiffer fines and possible jail sentences, similar to the recent dog fighting allegations against disgraced NFL quarterback Michael Vick.

But AKC legislative analyst Phil Guidry, who has a law degree from Loyola University, list four parts of the proposed bill that he believes are in direct conflict with the best interests of dog owners.

According to the proposed bill, anyone who submits a report of animal cruelty under this act shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed.

"To offer absolute immunity to someone who submits a report of animal cruelty could cause an animal to be taken from its owner," he said in a telephone interview.

Liz Parchment, policy operations manager for the State Assembly majority office, in this case the Democratic Party, knows the proposed bill A.2649, aka Angel's Law, inside and out.

In reply to Guidry's first concern, she answers: "It is always possible for a person to falsely accuse another person of a crime. The liability immunity offered under the bill for people reporting animal cruelty is a standard immunity offered for people who report child abuse or other domestic abuse. If a person is falsely accused to the extent of slander or libel, the falsely accused person may sue their accuser."

"Furthermore," she adds, "the immunity relates only to the reporting of the alleged offense. Perjury is committed when a person offers false testimony under oath. The bill provides no immunity from perjury charges." Guidry's second concern has to do with part of the proposal that charges animal abuse if a person causes unnecessary bodily injury to an animal through any means, overworks an animal, subjects an animal to unnecessary violence or subjects an animal to transportation in a cruel manner.

The AKC's gripe, according to Guidry, has to do with how the law could adversely affect

the use of dogs for herding livestock.

"If an animal kicks or butts a dog, and causes injury, it could be considered animal abuse," he says. "This could effect a large number of people who use dogs to work livestock, and it calls into question a dog's ability to do his work."

Many of our (AKC) performance events use live animals. Field trials would be illegal. Herding with sheep or ducks could be illegal. To be a party to these events, which might include spectators, could be illegal."

Van Drew says that under current law, "You can take a living animal and destroy it for no reason in sporting contexts."

Guidry and the AKC are further concerned with a "cruel tethering" provision that alleges animal cruelty if a person fastens or tethers a dog to a stationary object for more than 10 hours in a 24-hour period, and the tether must be more than 15 feet long. The use of choke, or prong collars on a dog that is tethered is prohibited.

The AKC's concern, says Guidry, is that dogs competing in breed shows are tethered to grooming tables on leashes usual a foot or so long, but only for short periods of time.

"The language is too broad," he says. "This can be addressed by existing laws."

Parchment replies, "Mr.

Guidry is incorrect in that there is currently no criminal law prohibiting cruel chaining."

In an email correspondence, Parchment writes: For a person to be convicted of cruelly restraining a dog, a court would have to find the person: 1) did not have a reasonable basis for restraining the dog, 2) did not use the proper harness or collar or the required length of tether, 3) used a choke or prong collar, or 4) did not provide minimum care to the dog while it was restrained.

"We're not trying to shut down dog shows," says Van Drew. "I breed my own dogs. I love dogs. This is aimed at the people who are involved in dog fighting."

A video titled "Off the Chain" details vividly the violent treatment of dogs raised and trained to fight other dogs. According to the video, fighting dogs spend much of their lives chained to a tree stump, or other immovable object, and until they are taken 'off the chain' to prepare for a fight.

"We want to move the charges for dog fighting, torturing and using dogs to smuggle drugs under the criminal code, instead of the Agricultural Code," says Van Drew.

Bev Grecko, who has run the Cumberland County SPCA for the past 18 years says she currently handles 900-1200 cases of animal

abuse every year, but most of the cases involve a lack of proper shelter and sustenance for the dogs.

"When I first started all we ever saw were sustenance violations - is the kennel big enough? Is there enough food and water and sanitation, is the chain long enough? But now there seems to be a horrible trend toward abuse. We pulled 31 pit bulls off a property in April of 2004. You think you can deal with it, and then something like Justice happens. That was in April of this year, and the state police are hoping to make an arrest."

"These cruelties have to be addressed," she adds. "Special interests dilute the bill and hold it up. A lot of laws are vague. If the penalties were increased the courts would have to take it more seriously."

Nancy Beall, president of the Atlantic County SPCA for the past 17 years, handles about 50 cases a week, but says only a dozen or so are legitimate cases of animal abuse. The others involve dogs running at large or family disputes.

The legitimate cases she handles are far more serious.

"A guy in Woodbine got five years for owning 16 fighting dogs," she says. "He had 34 when we went on the property. Dog fighting is big business around here."

And, she adds, "I think they should close down those stinking puppy mills. Take a

ride to Hamilton Mall. The cages are filthy. The animals are listless. We've been there three times a week for the past three months. It's disgusting."

Animal abuse, whether in puppy mills or pit bull kennels is a problem in South Jersey; a problem Van Drew hopes his proposed bill "Angels' Law" will help eliminate.

"The bill is very technical, very complex, and we've been dealing with it constantly for the past year, for hundreds of hours," says Parchment. "We're trying to get people on the same page. It's been rewritten many times."

The AKC would like to see a few more provisions rewritten once more, according to Guidry.

"We have to protect the interest of purebred dog owners," he says. "We need to let these animals do what they were bred to do, and any possibility for laws that call into question what we do needs to be addressed. We want to make sure the law is reasonable for everyone."

But Van Drew says, that "Nobody in their wildest imagination would call working dogs a case of animal abuse. We're speaking about gutting a dog alive, skinning a dog alive. People aren't reading the bill entirely. They're not reading all our definitions."

Senator-elect, AKC disagree on new law

By CHARLIE WOOD
Cape May Star and Wave

The American Kennel Club's legislative analysts have gone on record as being opposed to some of the provisions in Senator-elect Jeff Van Drew's proposed major overhaul of New Jersey's animal abuse laws.

The AKC's opposition has caused concern among dog fanciers in New Jersey, worrying the proposed bill, A.2649, "Angel's Law," might be detrimental to their interests.

The AKC's Web site lists points of contention with Van Drew's proposed legislation. With each of those points listed below are comments from AKC legislative analyst Phil Guidry with replies from either Van Drew or Liz Parchment, policy operations manager for the state Assembly majority office, in this case the Democratic Party, who knows the bill inside and out.

1. AKC: Any person, regardless of their lack of knowledge, training, or expertise, could accuse another person of animal cruelty, while receiving immunity from prosecution for cruelty themselves. Without providing redress for someone who has

been unjustifiably and vindictively accused of animal cruelty, this provision is ripe for abuse.

Guidry: "To offer absolute immunity to someone who submits a report of animal cruelty could cause an animal to be wrongly taken from its owner."

Parchment: "It is always possible for a person to falsely accuse another person of a crime. The liability immunity offered under the bill for people reporting animal cruelty is a standard immunity offered for people who report child abuse or other domestic abuse. If a person is falsely accused to the extent of slander or libel, the falsely accused person may sue their accuser."

"Furthermore, the immunity relates only to the reporting of the alleged offense."

Perjury is committed when a person offers false testimony under oath. The bill provides no immunity from perjury charges."

2. AKC: The use of a living bird or other animal in events would be considered animal abuse. This would effectively make illegal many performance events, including Earthdog, Coonhound, and Sporting dog hunt tests and field trials.

Guidry: "If an animal kicks

or butts a dog (working livestock), and causes injury, it could be considered animal abuse. This could affect a large number of people who use dogs to work livestock, and it calls into question a dog's ability to do his work. Many of our (AKC) performance events use live animals. Field trials would be illegal. Herding with sheep or ducks could be illegal. To be a party to these events, which might include spectators, could be illegal."

Van Drew: The AKC's objection has nothing to do with his proposal, because under existing laws, "You can take a living animal and destroy it for no reason in sporting contexts."

Van Drew does oppose that provision in the existing law.

3. AKC: The definition of "cruelly restraining a dog" specifically bans the tethering of dogs with less than 15 feet of tether. This provision does not expressly provide an exemption for dogs being groomed on grooming tables in any setting, including grooming salons and dog shows. With substantive animal cruelty provisions already in place, New Jersey state and local governments need to enforce existing law in cruel tethering cases.

Irresponsible owners who

are not providing humane treatment for their animals can and should be prosecuted under current law.

Guidry: The AKC is concerned with an allegation of animal cruelty if a person fastens or tethers a dog to a stationary object for more than 10 hours in a 24-hour period, and the tether must be more than 15 feet long. The use of choke, or prong collars on a dog that is tethered is prohibited.

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