



# Van H. Wanggaard

## Wisconsin State Senator

October 1, 2015

### Testimony on Senate Bill 241

Thank you members of the committee for hearing this bill today. Senate Bill 241 (SB 241) is written to prohibit private possession, sale, and propagation of wild animals and to keep Wisconsin communities and their residents safe from dangerous nonnative species.

Currently, Wisconsin is only one of five states that does not have some form of statewide regulation in statutes regarding ownership of wild animals as pets. Certain dangerous species of animals simply do not belong in homes throughout Wisconsin's communities. Some exotic pet owners may eventually realize that they cannot provide a suitable habitat or that the animal has simply grown to be too big for them to handle, or they escape. Because this poses a serious threat to neighborhoods, police, animal control, and other emergency personnel are usually the first ones called to the scene draining already limited resources from local governments. Recently in Pleasant Prairie, law enforcement were called to a scene and removed a crocodile and two alligators. As we've seen in Milwaukee, when a dangerous nonnative animal is spotted in a neighborhood tremendous local efforts and resources are diverted to the address the situation.

Municipalities, in recognizing the threat these animals pose to communities, have taken it upon themselves to enact prohibitions at the local level. This creates a hodgepodge of inconsistent laws. SB 241 would fix that by creating a statewide law that will bring uniformity and make Wisconsin consistent with other states.

This bill also creates reasonable exemptions for entities that are accredited by various zoological organizations or are registered with, or licensed by the United States Department of Agriculture. In order to acquire a license, the facility must meet a series of guidelines and maintain standards that cover quality care, adequate living space, and sanitation among many others. This bill **does not** require that individuals currently in possession of these dangerous animals give them up. It does, however, require that they register their animal with their municipality.

Animals that fall under this prohibition are nonnative big cats including lions and tigers; nonnative bear, including brown bears and polar bears; apes, including gorillas, chimpanzees, and gibbons; and crocodilians, including alligators, crocodiles, and caimans.

This is a common sense bill that will keep Wisconsin's communities and their first responders safe. It has received wide support from law enforcement and local government groups including

Serving Racine and Kenosha Counties - Senate District 21

League of Wisconsin Municipalities, Milwaukee Police Association, Wisconsin Professional Police Association, Wisconsin Realtors Association, and the Wisconsin Animal Control Association. I encourage you to support this legislation as well. Thank you for your consideration.



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBa0786/P2  
EHS:amn

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**SENATE AMENDMENT ,**  
**TO SENATE BILL 241**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 5, line 22: delete lines 22 to 25 and substitute:

3 “**(2)** PROHIBITIONS. Except as provided in sub. (3), no person may possess, import  
4 into this state, sell, transfer, or breed a dangerous exotic animal.”.

5 **2.** Page 6, line 1: delete “Subsection (2) (a)” and substitute “Subsection (2)”.

6 **3.** Page 6, line 5: after that line insert:

7 “1m. An entity that is an accredited member of the Zoological Association of  
8 America.”.

9 **4.** Page 6, line 19: after that line insert:





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## WISCONSIN LEGISLATIVE COUNCIL

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*Terry C. Anderson, Director*

TO: SENATOR VAN H. WANGGAARD

FROM: <sup>MQ</sup> Michael Queensland, Staff Attorney

RE: Description of 2015 Senate Bill 241, Relating to the Possession of Certain Wild Animals and Providing a Penalty, and LRBa0786/P2

DATE: October 1, 2015

2015 Senate Bill 241, "the bill," makes changes to the laws relating to the possession of certain wild animals. This memorandum describes the bill and LRBa0786/P2, "the draft amendment."<sup>1</sup>

### DEPARTMENT OF NATURAL RESOURCES AUTHORITY TO REGULATE CAPTIVE WILDLIFE

#### Current Law

Under current law, the buying, selling, and possession of **native** wild animals is regulated by the state under the captive wildlife law, ch. 169, Stats. The buying, selling, and possession of **non-native** animals, such as lions, tigers, and elephants is generally not prohibited by state law unless the animal is an endangered or threatened species, or is included in the listing of "harmful wild animals," which currently includes bears, cougars, feral hogs, mute swans, and wolf-dog hybrids. With certain exceptions, a person may not possess, take, propagate<sup>2</sup>, sell, purchase, transfer, exhibit, or rehabilitate a harmful wild animal without specific authorization by the Department of Natural Resources (DNR). In addition, a person may generally not introduce, stock, or release, or import into Wisconsin, any harmful wild animal without specific authorization by the DNR.

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<sup>1</sup> A wide variety of federal, state, and local restrictions regulate activities related to wild animals. A discussion of these laws is beyond the scope of this memorandum.

<sup>2</sup> "Propagate" means "to breed, encourage, or facilitate for the purpose of generating offspring." [s. 169.01 (27), Stats.]

### Senate Bill 241

The bill prohibits the DNR from regulating "dangerous exotic animals" as "harmful wild animals" under Wisconsin's captive wildlife law and instead provides that dangerous exotic animals are regulated as described below.<sup>3</sup> Under the bill, a "dangerous exotic animal" is a live animal that is any of the following:

- One of the following animals of the family felidae: a lion, tiger, jaguar, leopard, snow leopard, clouded leopard, Sunda clouded leopard, or cheetah, or a hybrid of any of these species.
- One of the following animals of the family ursidae: an Asiatic black bear, brown bear, polar bear, sloth bear, sun bear, giant panda bear, or spectacled bear, or a hybrid of any of these species.
- One of the following animals of the family hominidae: a gorilla, orangutan, chimpanzee, or bonobo.
- One of the following animals of the family hylobatidae: a siamang or gibbon.
- One of the following animals of the order crocodylia: an alligator of any species, crocodile of any species, caiman of any species, or gharial.

### PROHIBITION ON THE POSSESSION OR SALE OF DANGEROUS EXOTIC ANIMALS

#### Senate Bill 241

The bill, with certain exceptions, prohibits the possession, importation into Wisconsin, sale, transfer, or breeding of a dangerous exotic animal (prohibition on the possession or sale of dangerous exotic animals). A person is subject to a forfeiture of up to \$1,000 per animal for violations of this prohibition.

The bill provides that certain persons and entities are exempt from this prohibition, including the following:

- An entity that is an accredited member of the Association of Zoos and Aquariums or that has a contract under a species survival plan of the Association of Zoos and Aquariums for the breeding of species listed as threatened or endangered under 16 U.S.C. s. 1533 (c).
- A zoo that is operated by a municipality or county.
- A circus.<sup>4</sup>

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<sup>3</sup> The bill also generally eliminates the DNR's authority to regulate non-native bears under Wisconsin's captive wildlife laws that pertain to the exhibition of live wild animals, propagation of wild animals, and captive animal farm licenses.

<sup>4</sup> Under the bill, "circus" means an entity holding a Class C license as an exhibitor under the federal Animal Welfare Act, 7 U.S.C. s. 2131 to 2159, who conducts scheduled events performed by a traveling company that uses

- Circus World Museum.
- A wildlife sanctuary.<sup>5</sup>
- A person operating a research facility that is registered under the federal Animal Welfare Act, 7 U.S.C. s. 2131 to 2159.
- A veterinarian licensed under ch. 453, Stats., who is providing treatment to a dangerous exotic animal.
- An individual performing his or her duties as a humane officer or law enforcement officer, a political subdivision on whose behalf a humane officer or law enforcement officer takes a dangerous exotic animal into custody, or a person providing services for the care, treatment or disposal of animals under a contract with a political subdivision.
- A person transporting a dangerous exotic animal through Wisconsin if the dangerous exotic animal is in this state for no longer than 72 hours.

#### **LRBa0786/P2**

The draft amendment expands the list of persons and entities that are exempt from the prohibition on the possession or sale of dangerous exotic animals to also include the following:

- An entity that is an accredited member of the Zoological Association of America.
- A person who holds a license from the U.S. Department of Agriculture that allows the person to possess, import into Wisconsin, sell, transfer, or breed a dangerous exotic animal.

#### **APPLICATION OF THE PROHIBITION ON THE POSSESSION OR SALE OF DANGEROUS EXOTIC ANIMALS TO CURRENT OWNERS**

Under the bill, a person who owns a dangerous exotic animal on the bill's effective date<sup>6</sup>, but does not qualify for an exemption, may continue to possess that animal if the person does the following:

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mobile facilities in which entertainment consisting of a variety of performances by acrobats, clowns, and trained animals is the primary attraction or principal business.

<sup>5</sup> Under the bill, "wildlife sanctuary" means a nonprofit entity to which all of the following apply:

1. The entity operates a place of refuge where abused, neglected, unwanted, abandoned, orphaned, displaced, or impounded dangerous exotic animals are provided with lifelong care.
2. The entity does not conduct any commercial activity involving a dangerous exotic animal, including the sale, trading, or leasing of dangerous exotic animals or the dead bodies or parts of bodies of dangerous exotic animals or the use of dangerous exotic animals in a for-profit operation.
3. The entity does not use dangerous exotic animals for performances or in a traveling exhibit.
4. The entity does not breed dangerous exotic animals.

<sup>6</sup> "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

- Maintains documentation showing that he or she owned the animal on the bill's effective date.
- Registers the animal with the city, village, or town and pays a registration fee no later than the first day of the seventh month after the bill's effective date.

A person authorized to possess a dangerous exotic animal by this method may transfer the animal to another person who is legally authorized to possess the animal.

## **LOCAL REGULATION OF DANGEROUS EXOTIC ANIMALS**

### **Current Law**

Under current law, a city, village, town, or county may enact and enforce an ordinance that prohibits the possession or selling of live wild animals. [s. 169.43, Stats.]

### **Senate Bill 241**

The bill requires cities, villages, and towns to begin accepting registrations of dangerous exotic animals by the first day of the fourth month after the bill's effective date. Under the bill, a city, village, or town must charge a fee for registering a dangerous exotic animal.

The bill also provides that a city, village, town, or county may enact an ordinance relating to dangerous exotic animals. Such an ordinance must be at least as strict as the requirements provided in the bill that restrict the possession, importation, sale, transfer, or breed of a dangerous exotic animal and the above-mentioned registration requirement.

## **PROHIBITION ON ALLOWING PUBLIC CONTACT WITH A DANGEROUS EXOTIC ANIMAL**

### **Senate Bill 241**

The bill prohibits allowing a member of the public to come into direct contact with a dangerous exotic animal. A person is subject to a forfeiture of up to \$1,000 per animal for violations of this prohibition.

### **LRBa0786/P2**

The draft amendment removes the prohibition against allowing a member of the public to come into direct contact with a dangerous exotic animal.

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[s. 991.11, Stats.] The date of publication is the day after the date of enactment. [s. 35.095 (1) (b), Stats.] The bill does not specify an effective date. Therefore, the 2015 Senate Bill 241's effective date is two days after the date of enactment.

## ESCAPED DANGEROUS EXOTIC ANIMALS

The bill requires the owner of a dangerous exotic animal to immediately notify local law enforcement if the animal is released or escapes. Under the bill, the owner of a dangerous exotic animal that is released or escapes is liable for the expenses incurred to recapture the animal. The bill also provides that a person is subject to a forfeiture of up to \$1,000 per animal for violations of this prohibition. If the dangerous exotic animal causes property damage or attacks an individual, the person may be required to forfeit up to \$2,000.

## TAKING CUSTODY OF DANGEROUS EXOTIC ANIMALS

### **Current Law**

Under current law, a humane officer or law enforcement officer may take custody of an animal if he or she has reasonable grounds to believe that the animal is an abandoned or stray animal, an unwanted animal, a dog that is not tagged, an animal not licensed in compliance with any ordinance, an animal not confined as required by a quarantine order relating to the control of any animal disease, an animal that has caused damage to persons or property, a participant in an animal fight intentionally instigated by any person, an animal mistreated in violation of ch. 951, Stats., or an animal delivered by a veterinarian under certain conditions. [s. 173.13, Stats.]

### **Senate Bill 241**

Under the bill, a humane officer or law enforcement officer may take custody of a dangerous exotic animal that has been possessed, imported into this state, sold, transferred, or bred in violation of the prohibition on the possession or sale of dangerous exotic animals.

## HOLDING ANIMALS FOR CAUSE

### **Current Law**

Current law permits a political subdivision to withhold, or direct a person contracting with the political subdivision to withhold, an animal in custody from an owner who makes an otherwise adequate claim for the animal, as described below, on any of the following grounds:

- There are reasonable grounds to believe that the owner has mistreated the animal in violation of ch. 951, Stats.
- There are reasonable grounds to believe that the animal poses a significant threat to public health, safety, or welfare.
- The animal may be used as evidence in a pending prosecution.
- A court has ordered the animal withheld for any reason.

The owner of an animal withheld under this provision is not liable for any costs of custody, care, or treatment except as provided by court order. [s. 173.21, Stats.]

### **Senate Bill 241**

The bill permits a political subdivision to withhold an animal from an owner, who makes an otherwise adequate claim for the animal, if there are reasonable grounds to believe that the animal that has been illegally possessed, imported into this state, sold, transferred, or bred.

### **REVIEW OF SEIZURE OR WITHHOLDING**

#### **Current Law**

Under current law, a person claiming that an animal that he or she owns was improperly taken into custody on the grounds that it is a dog that is not tagged, it is not licensed in compliance with any ordinance, it has caused damage to persons or property, or it has been mistreated, or is wrongfully withheld may seek return of the animal by petitioning for an order from the circuit court for the county in which the animal was taken into custody or in which it is held. The court must hold a hearing on the issue of whether the animal was improperly taken into custody or is wrongfully withheld. [s. 173.22, Stats.]

#### **Senate Bill 241**

The bill provides that the petition process provided under current law is available to a person claiming that an animal that he or she owns was improperly taken into custody on the grounds that it is a dangerous exotic animal that has been possessed, imported into this state, sold, transferred, or bred in violation of the prohibition on the possession or sale of dangerous exotic animals.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

MQ:jal



STATE REPRESENTATIVE

**SAMANTHA KERKMAN**

**Senate Bill 241  
Wild/Exotic Animals**

Senate Committee on Judiciary and Public Safety  
Thursday, October 1, 2015

Chairman Wanggaard and committee members; thank you for holding a hearing today on Senate Bill 241.

Senate Bill 241 is common-sense legislation that limits the possession, sale, and propagation of exotic animals in Wisconsin. Wisconsin is currently one of only a handful of states that does not have a state law regulating the private possession of dangerous wild or exotic animals.

Private individuals are most often not equipped to keep lions, tigers, bears, chimpanzees, alligators and other wild or exotic animals as pets. That has not stopped individuals from purchasing these species via the internet. In many cases this results in undue stress or harm to the animals, risk of injury or death to neighbors and community members, and a burden on local law enforcement and municipal resources in responding to exotic animal control calls and managing the interim and long-term placement of captured animals.

A statewide, rather than municipal approach to wild or exotic animal possession regulation is needed to provide consistency and the best possible public safety outcome.

It is not our intention to prevent zoos and other already-regulated entities in Wisconsin from continuing to possess these animals and an amendment to make this clear has been prepared.

In your consideration of SB 241, you may find of interest the additional materials provided: clippings from the Kenosha News of two separate exotic animal incidents within a week, and an article from the Pew Charitable Trusts that contains a map of exotic animal laws by state.



The Pew Charitable Trusts / Research & Analysis / Stateline / Lions, Tigers and Bears Attract State Scrutiny

## Stateline

# Lions, Tigers and Bears Attract State Scrutiny

September 25, 2015

By Jenni Bergal



Mack Ralbovsky, left, of the Rainforest Reptile Shows, gets assistance from state game wardens Timothy Carey, center, and Wesley Butler as they remove a python from a Vermont home. Many states ban the private ownership of exotic animals or require that owners get licenses or permits.

This summer, Milwaukee residents were captivated by reports of what appeared to be a lion-like creature roaming city neighborhoods. Authorities set up a dragnet and traps, but the big cat was never located.

Wisconsin state Sen. Van Wanggaard, a Republican, wasn't surprised to hear of a wandering wild feline. He already was so concerned about the threat posed by dangerous exotic pets that he'd been crafting a bill to limit private ownership of them.

Wanggaard wants his state to join dozens of others that have passed laws banning or regulating big cats, bears, apes and other exotic pets, which animal welfare advocates say can threaten public safety when they escape and are at risk of being poorly cared for by private owners.

Although it's difficult to determine exactly how many exotic creatures are privately owned, the Humane Society of the United States says they are part of a multibillion-dollar industry. Born Free USA, a wildlife conservation and animal welfare group opposed to private ownership, estimates that between 10,000 and 20,000 big cats alone are in private hands in the U.S. And because the federal government largely leaves it to the states to regulate exotic animals, legislatures have been grappling with the issue.

Since 2013, legislation that deals with exotic pet ownership has been proposed in more than a dozen states, including Wisconsin, according to Born Free. Of the 22 measures filed, 18 have failed and two have passed, including one that created an exemption allowing the owner of a Louisiana truck stop to keep his tiger, Tony, as a roadside attraction. Two remaining measures are pending, including Wanggaard's in Wisconsin and another in Pennsylvania.

Opponents say many owners are ill-equipped to house and care for exotic pets, putting them in cages and enclosures that don't meet the creatures' basic needs.

"Wildlife belongs in the wild. It's risky for everyone involved," said Kate Dylewsky of Born Free. "It's cruel to the animals to keep them in confinement, often isolated from members of their own species. And most people don't have knowledge or the resources to care for these animals properly."

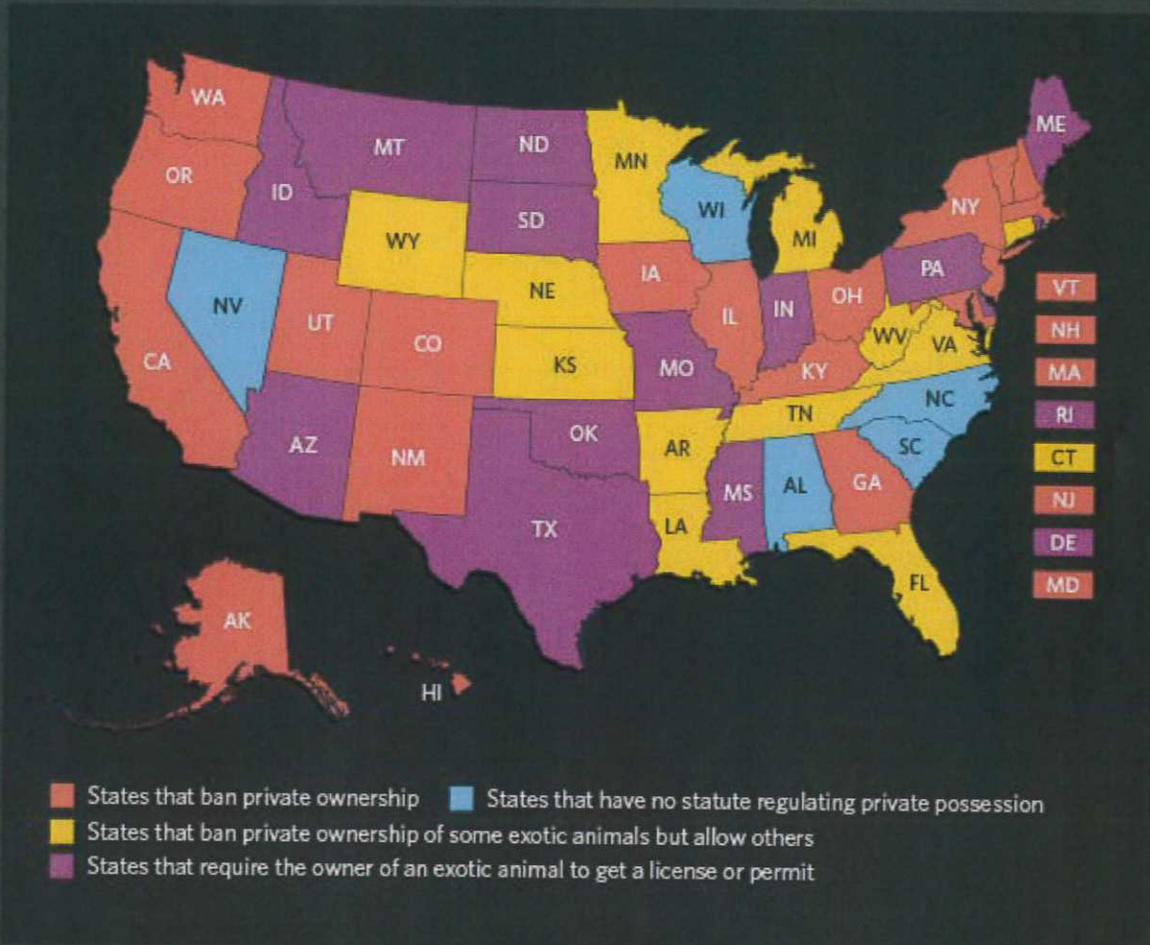
Many exotic pet owners, breeders, private zoos and sanctuaries disagree. They say that state bans can hurt efforts to protect animals. And, some argue, the states shouldn't meddle with an individual's decision about what kinds of pets to keep.

Good regulations could help protect these animals, said Lynn Culver, executive director of the Feline Conservation Federation, which represents owners, breeders, private zoos and sanctuaries that keep wild cats. "But these [ban] laws are designed to stop future generations and clamp down on current populations."

Culver said exotic animals need to be kept in captivity so they can breed. "They are the offspring of animals that were taken out of the wild. We're morally obligated to manage them responsibly for future generations."

## Exotic Animal Laws

Nineteen states ban private ownership of dangerous exotic animals. Others have partial bans or allow owners to keep them if they get licenses or permits. Five states have no law regulating ownership.



Source: Born Free USA

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## States React

Federal laws restrict the sale and transportation of some exotic and wild animals, but don't generally address private ownership. That falls to the states, which take a variety of approaches.

Some state laws specify which species are banned or regulated. The Wisconsin proposal lists several types of exotic animals that would be considered dangerous—including non-native big cats and bears, gorillas, chimpanzees, alligators and crocodiles. Others are more general, said David Favre, a professor at the Michigan State University College of Law and director of the Animal Legal & Historical Center, a website devoted to animals and the law.

“It usually takes some horrible event in a state, where people say, ‘How did you let this happen?’ for the legislature to act,” Favre said.

That’s what occurred in Zanesville, Ohio, after a suicidal man released more than 50 big cats, bears, primates and wolves in 2011. Police and animal control officers tried to use tranquilizers, but couldn’t control the situation and were forced to kill most of the animals.

At the time, Ohio had no law dealing with dangerous exotic pets. After the Zanesville incident, the Legislature in 2012 banned their possession or acquisition. Those who already owned such pets were allowed to keep them, but they had to apply for permits and comply with safety and care standards.

In Connecticut, the Legislature amended its law in 2009 to ban the private ownership of some primates after an incident that year in which a woman was blinded, lost both hands and had much of her face ripped off by her friend’s 200-pound pet chimp.

Wisconsin is one of five states without a law regulating the private ownership of dangerous exotic animals, according to Born Free. Fourteen states require licenses or permits. Twelve allow ownership of some exotic animals but prohibit others. And 19 have bans on a number of species.

Last year, West Virginia, which had not had a law, passed a measure that prohibited private possession of lions, tigers, bears, elephants and most primates. Owners were grandfathered in, provided they are registered. The rules went into effect earlier this year.

“When you don’t have any checks and balances in place, it was wide open for people bringing these exotic animals into our little state,” said former Democratic Del. Randy Swartzmiller, who introduced the bill. “The majority of the Legislature saw this as a bill that was not only going to protect people but also the well-being of these animals.”

But bills restricting or regulating exotic animal ownership often die in state legislatures. This year, six measures failed—in Indiana, Kansas, North Carolina, Oklahoma, Virginia and Wyoming—according to Born Free.

“In some of these states, it’s very hard to have a conversation about it,” said Born Free’s Dylewsky.

To pass laws, legislators and the public often must be educated about the potential threats to public safety and the animals’ well-being, said Nicole Paquette, vice president of wildlife for the Humane Society. Also, debates about which animals should be covered by new laws are usually heated.

Zuzana Kukol, co-founder of REXANO, or Responsible Exotic Animal Ownership, a nonprofit that advocates for exotic pet owners’ rights, opposes bans, saying they don’t really work. “Do bans on drugs or prostitution work? If people want it, they’re going to get it.”

Kukol, who with her fiance lives in rural Nevada and owns lions, tigers, bobcats, cougars and other exotic animals, dismisses the public safety argument. “The regular population isn’t getting killed by tigers and lions on the way to the store,” she said. “They’re much more likely to be killed by a drunk driver.”

Kukol said that many counties and cities already have regulations governing exotic animal ownership. In her area, she said, the county does an inspection every year and requires her to get an annual permit.

“I don’t think states should micromanage,” Kukol said. “They should take care of the roads, not worry about exotics. They are not telling me how many dogs or horses I can have.”

## **Strain on Resources**

Wanggaard, who introduced the Wisconsin measure last month, points to a case in Kenosha two years ago. Police were called to a house where they found five rattlesnakes, a crocodile, two alligators and a poisonous Gila monster, and, dead in the backyard, an alligator and a snake. While these types of incidents have cropped up over the years, Wanggaard said, the recent Milwaukee lion scare might be the impetus needed to pass legislation.

Under his proposal, private possession of many dangerous exotic animals would be prohibited. Those who already own them would be able to keep them—but not to acquire any others—if their municipality allows it and they are registered. The proposal would exempt accredited zoos, wildlife sanctuaries and circuses.

A police officer for 30 years, Wanggaard said that he recalls times when police would respond to domestic violence calls and, arriving at a home, find a bear or an 8-foot alligator. “Not only is it dangerous for the officer, but these animals often aren’t being maintained in a humane way.”

Wanggaard said that exotic pets also put a strain on emergency services, noting that in Milwaukee this summer, 30 or 40 officers were busy trying to corral the lion.

Wanggaard, who is vice chairman of the Senate majority caucus, said that if his bill becomes law, authorities will have a better handle on where exotic animals are located and whether they’re legally allowed.

“We have hours of discussion in our towns and villages about somebody raising five chickens in their backyard,” he said. “We’re regulating that, but we won’t regulate it if you have a lion or a baboon in your basement.”

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With help from the Racine Zoo, a Kenosha Police officer takes reptiles from a home in the 1400 block of 53rd Street on Tuesday morning.

KENOSHA NEWS PHOTO BY SEAN KRAJACIC

KENOSHA NEWS - WEDNESDAY, MAY 15, 2013 - A1

# Dangerous reptiles found

## Animals removed include Gila monster, crocodile

BY JESSICA TUTTLE  
jtuttle@kenoshanews.com

Several live and potentially dangerous reptiles were removed from a Kenosha home Tuesday during an animal cruelty investigation.

Kenosha Police Department officers who went to the residence at 1404 53rd St. at 4:19 p.m. Monday after a complaint of possible animal cruelty found several dead and living reptiles.

While investigating, officers found what appeared to be a 3- to 4-foot skeleton of an alligator in a large aquarium, the body of a large, burned snake lying in some weeds, a dead 4- to 5-foot alligator and the carcass of a fawn, according to police.

Inside the home, officers found several aquariums of various sizes, one of which contained a live, large Gila monster. Another aquarium

contained a live 4- to 5-foot crocodile. Police said several live snakes also were located in other containers in the residence.

In the basement, officers found two 6- to 8-foot live alligators in a homemade, indoor pond and a very large snapping turtle in a tub, according to police.

Among the items removed from the property were three large rubbermaid totes sealed with tape and a large open tub. The bins contained two alligators and a crocodile, and the tub held the large alligator snapping turtle.

Lt. Brad Kemen of the Kenosha Police Department said Tuesday that no one had been charged for any crime related to the case and it is unclear whether there will be charges.

"It depends on what kind of animals were in the house and what kind of conditions

they were in," he said.

Jay Christie, president and CEO of the Racine Zoo, said owners may potentially face local ordinance violations.

Small, nonpoisonous reptiles are among the domesticated or wild animals defined in Kenosha's city ordinance. However, a Gila monster would not be allowed in the city under the ordinance because it is poisonous. In addition, the animals measuring up to 8 feet in length would probably not be considered small.

Some live animals removed from the property were taken to the Racine Zoo on Tuesday, including five Central American rattlesnakes, two alligators, a crocodile, the large male alligator snapping turtle and the venomous Gila monster, Christie said.

"Their overall general health appeared to be adequate," he said. "There was nothing in there that

appeared to be critically endangered."

Christie said the Racine Zoo will care for the animals as long as it can, but the fate of the animals will be decided by the courts. It was unlikely the animals would be displayed at the zoo, he said.

Brian Berthelsen, who lives in the 5300 block of 14th Avenue, said he was bringing in groceries when he saw several squads pull up to his neighbor's home. He immediately turned on a police scanner on his phone and heard word of dead animal carcasses and exotic animals in the home.

He said two police squads parked outside of the house all night and caution tape around the house.

"It's amazing what your neighbors can be doing without you knowing," Berthelsen said. "Nobody knew what he was doing in there."

In addition to the Racine Zoo, the Wisconsin Department of Natural Resources is helping with the live animals recovered from on the property.

The investigation is ongoing, police said.



# Sunday night stroll? Alligator found loose, captured in Kenosha

BY JESSICA TUTTLE  
jtuttle@kenoshanews.com

An alligator found loose in Kenosha Sunday night was later captured.

A Kenosha resident reported seeing a large lizard in the 4600 block of 19th Place around 11 p.m. on Sunday, according to Kenosha police reports. He was able to take a photo of the animal, and police determined it was an alligator. Officers responded to the area and found the alligator in a ditch

line along 47th Avenue south of 19th Place. It was captured and held in a crate before it was transported to the Racine Zoo.

Zoo staff identified the reptile as an American alligator, approximately 4 to 7 years old. It measured about 3 feet long and was approximately 20 pounds.

Gianna O'Keefe, marketing and resource development manager for the Racine Zoo, said the facility is temporarily housing the alligator

with the reptiles that were removed from an apparently abandoned Kenosha residence last week.

O'Keefe said there is a need for education on how to safely surrender animals. The Racine Zoo plans to meet with an animal conservation team and veterinarian today to provide education and options for owners in need of help.

"We're happy to take the animals, but it's important for people who can't care for their pets to find the

right outlets in those situations," O'Keefe said.

Police were unable to identify where the alligator found Sunday came from and do not believe it is related to the recent investigation of reptiles found at 1404 53rd St. on May 14.

The live animals taken from the site included five rattlesnakes, two 4- to 5-foot American alligators, a crocodile, an alligator snapping turtle and a Gila monster.

O'Keefe said a veterinarian will be conducting an in-depth checkup on all the reptiles from Kenosha today. They are not expecting to find any surprises, but they hope to verify the species and good health of the animals.

O'Keefe said the other reptiles are doing well and started eating again this weekend. The alligator snapping turtle has especially shown improvement, as it seems much happier and less stressed, she said.



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Judy Ney

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Andrew Weinstein

Jason Weiss

David O. Wiebers, M.D.

**Wisconsin State Senate  
Committee on Judiciary and Public Safety – SB 241**

October 1, 2015

Chairman Wanggaard and members of the Committee, thank you for the opportunity to testify today. My name is Debbie Leahy and I am manager of Captive Wildlife Protection for The Humane Society of the United States. On behalf of HSUS and our supporters in Wisconsin, I urge the committee to support Senate Bill 241.

This sensible legislation will protect public safety and promote animal welfare by restricting the future private ownership of dangerous exotic animals, such as non-native big cats and bears, apes, alligators, and crocodiles.

The bill has reasonable exemptions for zoos accredited by the Association of Zoos and Aquariums, municipal zoos, wildlife sanctuaries, research facilities, and circuses.

People who currently possess these species can keep them until the animals die, but they will not be allowed to acquire additional dangerous exotic animals.

Wisconsin is one of only five states with almost no laws concerning the private possession of dangerous exotic animals. In fact, Wisconsin is surrounded by states with stronger laws and will likely attract a growing and expensive problem as the rest of the country continues to crack down on this issue.

The private possession of these animals puts communities at risk and puts emergency responders in harm's way when animals escape and attack. Taxpayers, as well as the sanctuary community, are footing the bill to deal with the problem.

We urge the committee to reject attempts to weaken SB 241 by adding further exemptions, such as for the Zoological Association of America (ZAA), an organization that accredits poorly-run roadside zoos that fail to meet AZA's more comprehensive and stringent standards. ZAA counts among its facilities and members individuals who have been convicted of felonies, wildlife trafficking, and cruelty to animals.

ZAA facilities offer unsafe public contact with 90-pound bears, as well as tiger and lion cubs and even chimpanzees and orangutans. People have been critically injured and suffered permanent disabilities from attacks by animals ranging from elephants to big cats to chimpanzees at facilities operated by ZAA members.

AZA inspectors review 56 items related to safety and security versus just four for ZAA. ZAA has no requirement for insurance or fiscal stability to ensure a facility can provide long-term quality care to animals. In ZAA's short history, two facilities have gone out of business and one was sold after suffering a significant loss in revenue.

Restricting especially dangerous species to qualified, professionally-run, and fiscally-responsible facilities is fair, reasonable, and necessary to ensure animal welfare and protect public safety. We urge your support for SB 241.

Sincerely,

A handwritten signature in black ink that reads "Debbie Leahy". The signature is written in a cursive, flowing style.

Debbie Leahy  
Manager, Captive Wildlife Protection  
[dleahy@humanesociety.org](mailto:dleahy@humanesociety.org)  
630-393-9627

## Support SB 241/AB 333 to Prohibit the Private Ownership of Dangerous Exotic Animals Wisconsin is one of only five states that have virtually no laws



Bears are a challenging species to properly maintain in captivity and suffer immensely when housed in grossly sub-standard conditions.



Tigers are 360-720 times more likely to be involved in a fatal attack than dogs.



Flimsy cages endanger the community. Escaped animals are often killed by authorities.

Free - cinnamon black bear male approximately 500 pounds, out pet, must go to a good home. Please call Brian at 715-571-  
WI 7-1-11

Dangerous wild animals are readily available to unqualified people.

Updated: September 28, 2015

SB 241/AB 333 prohibit the private ownership of dangerous exotic animals, promote animal welfare, and protect public safety. Animals such as tigers, bears, and chimpanzees can cause death, inflict serious injury, and spread deadly diseases. It is difficult, if not impossible, for individuals to meet the animals' specialized needs in captivity.

**Wisconsin laws must be changed to prohibit future ownership of dangerous exotic animals.** Lax laws threaten the safety of Wisconsin residents and would not prevent tragic incidents—such as the one in Zanesville, Ohio, where a disturbed man released nearly 50 big cats, bears, primates, and wolves before committing suicide—from occurring here. Wisconsin currently has no ban on the private possession of most dangerous exotic animals, which results in situations such as a Lakewood man who collected 15 tigers, 4 African lions, and 5 Syrian brown bears, forcing local authorities to deal with an unsafe situation, and the lion-like big cat—potentially an escaped pet—who recently roamed Milwaukee.

**Threat to animal welfare.** Most individuals cannot provide appropriate and humane care for captive wild animals. Experts, including the Association of Zoos and Aquariums and the National Association of State Public Health Veterinarians, oppose the private possession of exotic and dangerous wild animals as pets.

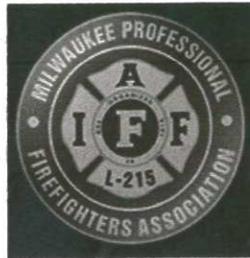
**Threat to public health and safety.** More than 40 people have been killed by captive big cats, bears, primates, and dangerous reptiles in the United States since 1990, and many more have been injured. These animals retain their basic instincts, even if they are born in captivity and hand raised. Emergency personnel should not have to confront a rampaging chimpanzee or a stalking tiger. Wild animals can carry diseases such as rabies, tuberculosis, Herpes B virus, and Salmonella.

**Burden to taxpayers and law enforcement:** Taxpayers routinely foot the bill for costs related to animal escapes, attacks, and confiscations caused by irresponsible pet owners. Police, animal control, and other emergency personnel funded by tax dollars must respond to incidents involving these very deadly predators.

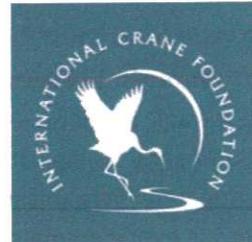
**No impact on zoos, sanctuaries, circuses, or current owners.** SB 241/AB 333 exempt zoos accredited by the Association of Zoos and Aquariums, municipal and county zoos, sanctuaries, research facilities, and circuses. Existing animals would be grandfathered so that people who currently have these animals can keep them, but breeding and new acquisitions of restricted species would be prohibited.

**Many states prohibit possession of wild animals as pets.** Since 2004, states including Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, New York, Ohio, Oregon, and Washington have enacted legislation prohibiting certain wild animals as pets, joining states that already had such rules. With exotic and native wildlife readily available from dealers and over the Internet, states that do not act will attract a growing problem.

# widespread support for SB 241 and AB 333



ASSOCIATION  
OF ZOOS &  
AQUARIUMS



**WRA**  
Wisconsin REALTORS' Association



*The Nation's First  
Elephant Sanctuary*



## Wisconsin Incidents Involving Dangerous Exotic Animals

Wisconsin currently has no ban on the private possession of most dangerous exotic animals, which results in situations like the seizure of a 3-year-old baboon who was living in a Madison basement laundry room, residents in St. Francis, Eagle, Green Bay, and Richfield being rushed to the hospital after being bitten by highly venomous pet snakes, and a Beloit child being bitten by a 10-foot python who crawled into his bed. SB 241/AB 333 would be strengthened by adding venomous reptiles, large constrictor snakes, and all primate species, including baboons, which present serious physical dangers, and macaques, a species that carries a deadly virus that is transmissible to people. While many bites and escapes go unreported, the following is partial list of incidents in Wisconsin.

Date and Location	Incident Details
<p><b>September 10, 2015</b> <b>Antigo, Wisconsin</b></p>	<p>Local police informed a resident that the 2-foot alligator they were keeping was illegal and must be removed. Police chief Eric Roller stated, "Exotic animals or wild animals, they get too big. They're dangerous. They're wild and they become too much for the people to handle, and eventually we know what happens: They either let them go or they do something inhumane to the animal, so we're concerned on that end."<sup>1</sup></p>
<p><b>July 20, 2015</b> <b>Milwaukee, Wisconsin</b></p>	<p>A woman alerted police after seeing a lion-like big cat on the city's north side. Since the initial sighting, a blurry video was captured showing an animal that could be a cougar or young African lion and—for more than a week—dozens of other residents reported seeing the animal. Police and officials with the Department of Natural Resources also observed the big cat. Authorities closed off streets, conducted searches, and set traps, but efforts to capture the animal failed.<sup>2,3,4</sup></p>
<p><b>July 3, 2015</b> <b>Adams, Wisconsin</b></p>	<p>Melanie Nawrot who operates a business called Monkey Mommy was cited by the U.S. Department of Agriculture for failure to have a ring-tailed lemur under control after the lemur bit a person while being exhibited on public property in Wisconsin.<sup>5</sup></p>
<p><b>July 20, 2014</b> <b>Sheboygan, Wisconsin</b></p>	<p>A 4-foot alligator was found in a ditch near the Sheboygan River and the Wisconsin Department of Natural Resources contacted numerous zoos and animal rescues centers seeking placement. A facility in Illinois agreed to take the alligator.<sup>6</sup></p>
<p><b>April 2, 2014</b> <b>Madison, Wisconsin</b></p>	<p>A fisherman found a dead 6-foot boa constrictor in the icy waters of Lake Monona. An official at the Henry Vilas Zoo speculated that the snake was a pet who had been turned loose and was unable to survive Wisconsin's frigid winters.<sup>7</sup></p>
<p><b>July 16, 2013</b> <b>Chippewa Falls, Wisconsin</b></p>	<p>Police alerted the community and neighbors expressed concern after a resident reported his 7-foot red-tailed boa constrictor went missing and presumably escaped from the home through an open window. The snake was found about three weeks later inside the owner's home.<sup>8,9</sup></p>
<p><b>May 7, 2013</b> <b>Kenosha, Wisconsin</b></p>	<p>The police department with the assistance of the Racine Zoo removed several dangerous reptiles kept in inhumane conditions from a residence. Among the live animals removed were a venomous Gila monster, a 4 to 5-foot crocodile, two 6 to 8-foot alligators, a snapping turtle, and five Central American rattlesnakes. The remains of several other animals were found on the property.<sup>10</sup></p>

Date and Location	Incident Details
<b>August 14, 2012</b> <b>Milwaukee, Wisconsin</b>	Milwaukee police seized a 5-foot, 70-pound alligator from a resident who had been keeping the reptile in a cage in his bedroom for the past three years. The alligator was turned over to animal control. <sup>11</sup>
<b>July 10, 2012</b> <b>Kenosha, Wisconsin</b>	A 7-year-old boy riding his bicycle discovered a dead 4-foot Burmese python on the sidewalk. The snake appeared to have been run over. <sup>12</sup>
<b>July 5, 2012</b> <b>Whitewater, Wisconsin</b>	Police were searching for a 6- to 7-foot red-tailed boa constrictor who escaped from a home when the cage it was kept in was damaged during a burglary. The snake was captured three weeks later after a city employee found the animal while walking in a nature preserve. <sup>13,14</sup>
<b>June 14, 2012</b> <b>Shiocton, Wisconsin</b>	Officials announced they were searching for a 10-foot python abandoned at the 15,000-acre Navarino Wildlife Center after a visitor encountered and photographed the snake over Memorial Day weekend. <sup>15</sup>
<b>December 15, 2011</b> <b>St. Francis, Wisconsin</b>	For the second time in a year a man's venomous reptiles were seized. Police and health department officials executed an inspection order for a resident's home and found 30 snakes and spiders; many of them venomous. Police also recovered 23 knives, swords and a shotgun. The resident was taken into custody and sentenced to two years probation after pleading guilty to disorderly conduct, domestic abuse, and use of dangerous weapon. The man allegedly threatened to chop off his grandfather's head with a sword. On April 11, 2011, he was hospitalized after being bitten by his pet African gaboon viper. <sup>16,17</sup>
<b>August 3, 2011</b> <b>Madison, Wisconsin</b>	Dane County Humane Society seized a 3-year-old baboon who was being kept in a basement laundry room. The baboon's canine teeth had been extracted. The baboon's owner had previously lied to authorities on two separate occasions about having the baboon, but finally admitted to it when confronted with an inspection warrant issued by a judge. The same man had previously been investigated for keeping alligators and large snakes. <sup>18</sup>
<b>July 12, 2011</b> <b>Delafield, Wisconsin</b>	A man who took his pet boa constrictor shopping with him found the animal missing when he returned to his car after visiting a store. The snake turned up eight days later on the back seat of the car. <sup>19</sup>
<b>April 11, 2011</b> <b>St. Francis, Wisconsin</b>	A 22-year-old man was hospitalized in critical condition after he was bitten by an African gaboon viper while he was handling the snake. Animal control authorities removed the viper from the home, along with along with three cobras, another viper, eight western diamond back rattle snakes, and numerous other reptiles. <sup>20,21</sup>
<b>November 20, 2010</b> <b>Mauston, Wisconsin</b>	A 20-pound pet monkey escaped from a basement while the owner was trying to get the animal back inside a cage. The monkey went to a nearby car parts store, charged at an employee and a customer, then jumped onto the back of the employee. <sup>22</sup>
<b>October 22, 2010</b> <b>Rock Springs, Wisconsin</b>	A volunteer at Wisconsin Big Cat Rescue and Education Center was severely bitten by an adult tiger who grabbed the man's arm and pulled it into the cage as the man was providing water to the big cat. Other volunteers helped the victim extract his arm from the cage, and the man was flown by helicopter to a hospital where he underwent surgery on his hand and arm. <sup>23</sup>

Date and Location	Incident Details
<b>August 28, 2010</b> <b>Fond du Lac, Wisconsin</b>	A resident reported the escape of a 6-foot anaconda. The snake was found four days later in the owner's garage. <sup>24</sup>
<b>May 13, 2010</b> <b>Milwaukee, Wisconsin</b>	More than 230 snakes, including pythons, boa constrictors, and 20-to-30-foot anacondas, crocodiles, alligators, and other animals were seized from reptile-keeper Terry Cullen after they were found left unfed in squalid conditions. Some of the animals were found dead, injured or ill, kept in plastic boxes and sweater containers with little food or water. Cullen was charged with a dozen counts of animal abuse and violations of endangered and exotic species regulations. He was also charged with sexual assault and false imprisonment in an incident that led to the discovery of the animals. <sup>25,26</sup>
<b>March 5, 2010</b> <b>Manitowoc, Wisconsin</b>	One of two Asiatic black bears at the Lincoln Park Zoo bit a woman's hand, biting off two fingers and partially severing two other fingers, when she tried to feed the bears. Her boyfriend was bitten when he tried to pry the bear's mouth off her hand. The couple was fined \$681 each by the city for stepping over a barrier to access the bears. The U.S. Department of Agriculture issued an official warning against the zoo for failure to have an adequate safety barrier. <sup>27,28,29</sup>
<b>September 11, 2009</b> <b>Madison, Wisconsin</b>	A man was investigated for keeping two alligators—one of whom was nearly 6-foot—and two boa constrictors in the home he shared with his 2-year-old daughter. Although possession of exotic animals was prohibited in the city of Madison, the animals were not turned over to authorities because the complainant that had alerted officers to the situation was anonymous. <sup>30</sup>
<b>August 19, 2009</b> <b>Chippewa Falls, Wisconsin</b>	A capuchin monkey escaped from the Irvine Park Zoo after vandals opened her cage. She was captured 15 days later in a live trap set at a nearby home. Three porcupines, two coatimundis, and another capuchin monkey also escaped, but were quickly recaptured. <sup>31</sup>
<b>June 23, 2009</b> <b>Janesville, Wisconsin</b>	Police gave a couple two weeks to remove 22 boa constrictors from their apartment because keeping them violated a city ordinance. One was about 6 feet long, another about 4 feet long, and 20 were 3-month-old babies. <sup>32</sup>
<b>June 20, 2009</b> <b>Green Bay, Wisconsin</b>	After a 17-year-old boy was bitten by a rattlesnake at his home, local police and humane officers removed approximately 13 venomous reptiles and amphibians as well as other non-venomous reptiles. <sup>33</sup>
<b>April 3, 2009</b> <b>Milwaukee, Wisconsin</b>	Authorities removed a stash of exotic animals from a resident's home, including a 14-foot reticulated python, a 10-foot yellow anaconda, a 6-foot carpet python, a 5-foot red tail boa constrictor, a 4-foot green anaconda, a 3-foot rock python, a five-foot Nile crocodile, a 3-foot Asian water monitor, a 2-foot Savannah monitor, and four snapping turtles. <sup>34</sup>
<b>February 15, 2009</b> <b>Beloit, Wisconsin</b>	Teenagers cleaning an apartment found a 3-foot-long alligator who had been abandoned by tenants who moved approximately four weeks previously. Humane society officials were surprised that the alligator had survived. <sup>35</sup>
<b>February 2009</b> <b>Beloit, Wisconsin</b>	Two Burmese pythons and a ball python were turned over to a shelter after the owners were arrested on drug-related charges. <sup>36</sup>

Date and Location	Incident Details
<b>December 27, 2007</b> <b>Manitowoc, Wisconsin</b>	Two cougars escaped from the Lincoln Park Zoo when the fencing of the cage was cut by vandals. The animals were on the loose for approximately two hours before being located, tranquilized, and returned to the cage. <sup>37</sup>
<b>August 31, 2007</b> <b>Marshfield, Wisconsin</b>	An 8½-foot red-tailed boa constrictor was reported missing after escaping from a room inside a mobile home. The snake was found two days later inside a closet. <sup>38</sup>
<b>August 8, 2007</b> <b>Madison, Wisconsin</b>	A 1-year-old pet capuchin monkey bit a 21-year-old woman on the thumb at a beer garden and then eluded police for an hour before being recaptured. The monkey was declared dangerous by the Madison Environmental Health Services Department and was quarantined to be monitored for disease, and the owner was ordered to remove the animal from the city upon release from quarantine. The monkey had previously bitten at least one other person [see July 11, 2007]. <sup>39</sup>
<b>July 23, 2007</b> <b>Hayward, Wisconsin</b>	An employee at Weber's Wilderness Walk was bitten on the hand by a primate when he/she entered the animal's cage. <sup>40</sup>
<b>July 11, 2007</b> <b>Madison, Wisconsin</b>	A pet capuchin monkey was placed under home quarantine after biting someone. <sup>41</sup>
<b>March 30, 2007</b> <b>Milwaukee, Wisconsin</b>	Rental car employees discovered a 4-foot red-tailed boa constrictor in the glove compartment of a rental car. Animal control officers ripped apart the dashboard to retrieve the snake. The snake had disappeared two weeks earlier from two men who were renting the car. Someone else had rented the car before the snake was found. <sup>42</sup>
<b>October 28, 2006</b> <b>Marquette County, Wisconsin</b>	A woman was taken to the hospital after being bitten by a lemur at an exotic animal farm. <sup>43</sup>
<b>July 18, 2006</b> <b>Pewaukee, Wisconsin</b>	A woman called police after seeing a monkey on the edge of her lawn at her condominium complex. The monkey, believed to be an escaped pet, disappeared into a nearby marsh when a responding officer attempted to capture the primate. <sup>44</sup>
<b>January 20, 2005</b> <b>Baraboo, Wisconsin</b>	An 8-year-old girl was bitten on the chest by an 80-pound, 7-month-old lion cub at Creature Features Pet Store. The girl had to undergo rabies shots. <sup>45,46</sup>
<b>December 1, 2004</b> <b>Eagle, Wisconsin</b>	A man was rushed to the hospital after being bitten by his highly venomous African spitting cobra while he was feeding the snake. Hospital officials obtained the needed antivenin from the Milwaukee County Zoo but because the species of snake was originally misidentified, sheriff's deputies had to make three trips before the hospital had the proper serum. The snake was euthanized. <sup>47</sup>
<b>April 19, 2003</b> <b>Green Bay, Wisconsin</b>	A pet capuchin monkey purchased on the Internet escaped when the owner brought him, perched on her shoulder, into a tavern. <sup>48</sup>
<b>September 13, 2001</b> <b>Richfield, Wisconsin</b>	A 33-year-old man ended up in a hospital intensive care unit after he was bitten by two of his pet venomous snakes while he was cleaning their cages. The snakes - an Indian cobra and an Egyptian cobra - were among 24 snakes, two scorpions and at least one tarantula that the man kept in his basement. <sup>49</sup>
<b>May 17, 2001</b> <b>Beloit, Wisconsin</b>	A 5-year-old boy was bitten by a 10-foot python who escaped from a homemade glass cage and crawled into the boy's bed. The snake was one of two pythons kept as family pets. <sup>50</sup>

Date and Location	Incident Details
August 1, 2000 Dover, Wisconsin	A pet Japanese macaque got loose and attacked two people. The monkey grabbed a neighbor around the waist and inflicted four bite wounds to the leg. Moments later, the monkey bit a postal carrier on the hand and then jumped in the postal truck and tried to attack the carrier again. The monkey was captured and killed. The owner also had a wolf hybrid penned in her backyard. <sup>51</sup>
July 2000 Chippewa Falls, Wisconsin	An employee at the Irvine Park Zoo was bitten by a cougar after she tried to pet him. The bite punctured the skin and nicked the bone. The woman was hospitalized for three days. <sup>52</sup>
June 5, 2000 Greenfield, Wisconsin	Police seized a leopard, a cougar, and dozens of other exotic mammals and reptiles from the apartment of a 22-year-old man. The animals were living in cramped and poorly ventilated conditions. <sup>53</sup>
May 4, 2000 New Berlin, Wisconsin	Teachers were instructed to keep the school's 376 students indoors for recess while police and school officials searched for a 4½-foot boa constrictor who escaped from a student teacher's car at the Orchard Lane Elementary School. <sup>54</sup>
April 24, 1998 Greenfield, Wisconsin	A cab driver called police after he found a 2-foot red-tailed boa constrictor in the back seat of his cab. The snake was turned over to the humane society. <sup>55</sup>
January 27, 1997 Lake Delton, Wisconsin	Two pet shop owners were attacked by a 20-foot, 275-pound reticulated python on display at their shop. The snake bit one man on the hand and wrapped around his chest and face, causing him to pass out. The co-owner was bitten on the hand and arm. Four officers captured the snake while the shop owners were taken to the hospital. <sup>56</sup>
August 25, 1995 Madison, Wisconsin	A 13-year-old, 8-foot, 45-pound pet python lunged at a man's face as he was holding the snake while her cage was being cleaned. It took five to six people to release the snake's jaws from the man's nose. The man was treated at a hospital and he was scheduled to meet with a plastic surgeon. <sup>57</sup>
1995 Green Bay, Wisconsin	NFL player Travis Jervey was bitten by his approximately 7-month-old pet lion. According to Jervey, the lion "bit a hole" in his arm when he tried to take a hat away from her. <sup>58</sup>
February 25, 1992 Dane County, Wisconsin	A man underwent surgery to repair torn tendons in his ankle after he was attacked by a bear while participating in a bear "wrestling" event sponsored by Jungleworld Animal Rental Agency. <sup>59</sup>

Updated: September 29, 2015

<sup>1</sup> "Police discover pet alligator in Northwoods home," WJFW TV-12, September 10, 2015.

<sup>2</sup> Myra Sanchick and Katie DeLong, "'Lion' latest: Source says tracks photographed, confirming large cat with retractable claws," FOX6NOW, July 31, 2015.

<sup>3</sup> Marion Renault, "As confirmed sightings dwindle, Milwaukee lion fading into urban legend," *Journal Sentinel*, July 30, 2015.

<sup>4</sup> Louis Weisberg and Lisa Neff, "'Lion on the loose' sparks concerns about exotic pets," *Wisconsin Gazette*, August 13, 2015.

<sup>5</sup> U.S. Department of Agriculture, Inspection Report, Melanie Nawrot, 35-B-0206, July 14, 2015.

<sup>6</sup> "DNR finds home in Illinois for Sheboygan alligator," *Journal Sentinel*, July 23, 2014.

<sup>7</sup> Jeff Glaze, "Fisherman finds dead boa constrictor in Lake Monona," *Wisconsin State Journal*, April 5, 2014.

<sup>8</sup> Olga Michail, "NEW INFORMATION: Red-Tailed Boa Constrictor still on the loose in Chippewa Falls," WEAU, July 19, 2013.

<sup>9</sup> Rod Stetzer, "Missing boa constrictor found; has day in the sun," *Chippewa Herald*, August 5, 2013.

<sup>10</sup> Jessica Tuttle, "Update: Alligators and a crocodile found in Kenosha home, police say," *Kenosha News*, May 14, 2013.

<sup>11</sup> "Police discover five foot alligator in Milwaukee mans home," FOX11, August 16, 2012.

<sup>12</sup> Joe Potente, "Yikes! Boy spots python in Kenosha, but the creature is dead," *Kenosha News*, July 13, 2012.

<sup>13</sup> Matt Montgomery, "Boa constrictor on loose in Whitewater," WTMJ, July 6, 2012.

<sup>14</sup> Michael Fiore, "Seven foot snake caught in Whitewater," WTMJ, July 28, 2012.

<sup>15</sup> "Python loose in Shiocton park," *Appleton Post Crescent*, June 15, 2012.

<sup>16</sup> "St. Francis man arrested for housing several poisonous animals," FOX6NOW, December 16, 2011.

<sup>17</sup> Cary Docter, "Jeremy Loveland sentenced to two years probation," FOX6NOW, March 13, 2012.

<sup>18</sup> Gena Kittner, "Humane Society seizes baboon kept in Madison man's basement," madison.com, August 5, 2011.

<sup>19</sup> "Snake found in owner's car," WISN, July 20, 2011.

<sup>20</sup> Jesse Garza, "Poisonous snake bites St. Francis man; 36 reptiles removed from home," *Journal Sentinel*, April 12, 2011.

<sup>21</sup> Abe Lubetkin, "More Than Two Dozen Snakes Removed From St. Francis Home," WISN, April 12, 2011.

<sup>22</sup> "Mauston woman cited for having a monkey in the city," WRJC, November 30, 2010.

- <sup>23</sup> Patricia Simms, "Man severely bitten by tiger at Rock Springs big cat rescue facility," *Wisconsin State Journal*, October 22, 2010.
- <sup>24</sup> "Missing snake found in owner's garage," WLUK-TV, September 1, 2010.
- <sup>25</sup> Jackie Loohaus-Bennett, "At least 32 reptiles in abuse case were lent from zoos," *Journal Sentinel*, August 4, 2010.
- <sup>26</sup> Lisa Holewa, "Wis. Warehouse Found Crawling With Rare Reptiles," AOL News, May 14, 2010.
- <sup>27</sup> "Bear attack at Manitowoc Zoo; Two taken to hospital from Lincoln Park Zoo," Associated Press, March 5, 2010.
- <sup>28</sup> "Two Fined in Lincoln Park Zoo Bear Attack," WTAQ, March 11, 2010.
- <sup>29</sup> U.S. Department of Agriculture, Official Warning, Violation of Federal Regulations, License #35-C-0041, January 10, 2012.
- <sup>30</sup> Samara Kalk Derby, "Man who housed baboon had run-ins with police over alligators, snakes," *Madison.com*, September 10, 2011.
- <sup>31</sup> "Missing Irvine Park Zoo monkey captured alive," *Leader-Telegram*, September 4, 2009.
- <sup>32</sup> Kathleen Foody, "22 snakes found in Janesville apartment," *Gazettextra*, July 3, 2009.
- <sup>33</sup> Linda Spice, "Green Bay teen bitten by rattlesnake," *Journal Sentinel*, June 22, 2009.
- <sup>34</sup> Jesse Garza, "Snakes, crocodile removed from south side home," *Journal Sentinel*, April 3, 2009.
- <sup>35</sup> Hillary Gavan, "Abandoned alligator, 'Wally,' will go to Serpent Sanctuary," *Beloit Daily News*, February 18, 2009.
- <sup>36</sup> Hillary Gavan, "Abandoned alligator, 'Wally,' will go to Serpent Sanctuary," *Beloit Daily News*, February 18, 2009.
- <sup>37</sup> "Escaped cougars captured," *Herald Times Reporter*, December 27, 2007.
- <sup>38</sup> "Missing boa constrictor turns up safe at home," Associated Press, September 2, 2007.
- <sup>39</sup> Steven Elbow, "Biting monkey ordered out of city," *Capital Times*, August 14, 2007.
- <sup>40</sup> U.S. Department of Agriculture, Inspection Report, License #35-C-0215, July 30, 2007.
- <sup>41</sup> Steven Elbow, "Biting monkey ordered out of city," *Capital Times*, August 14, 2007.
- <sup>42</sup> "Owners reclaim snake left in rental car; Sammy the boa survives two weeks chilling in chill in Dodge Charger," Associated Press, March 30, 2007.
- <sup>43</sup> "Woman bitten by lemur," *Oshkosh Northwestern*, October 29, 2006.
- <sup>44</sup> Jaqueline Seibel, "A little monkey business," *Milwaukee Journal Sentinel*, July 18, 2006.
- <sup>45</sup> "Lion cub bites child," *Wisconsin.com*, January 23, 2005.
- <sup>46</sup> Sauk County Health Department, Animal Bite Form, January 20, 2005.
- <sup>47</sup> Jacqueline Seibel, "Man hospitalized after bite from pet snake," *Milwaukee Journal Sentinel*, December 2, 2004.
- <sup>48</sup> "Monkey missing after trip to bar," Associated Press, April 21, 2003.
- <sup>49</sup> "2 snake bites put man in ICU," *Dayton Daily News*, September 14, 2001.
- <sup>50</sup> Kathleen Ostrander, "Pet python bites boy in bed," *Journal Sentinel*, May 19, 2001.
- <sup>51</sup> Dave Cole, "Pet monkey attacks man, letter carrier," *Journal Sentinel*, August 3, 2000.
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Updated: September 25, 2012

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## Wisconsin Exotic Animal Exhibitors

Wisconsin's roadside zoos keep animals in conditions that were common 30 to 40 years ago, but are now inconsistent with modern husbandry practices. Below is a partial list of USDA-licensed facilities in Wisconsin that have had serious violations of the federal Animal Welfare Act, such as inadequate veterinary care, handling violations, and other problems.

### Wheeler, Gene dba Special Memories Zoo in Greenville and Hortonville, Wisconsin

Since 2006, Special Memories Zoo has been cited by the USDA for failure to provide animals suffering from excessive thirst with drinking water, filthy, foul-smelling cages that in some cases had not been cleaned in



A caged monkey at Special Memories Zoo.

weeks, rodent-infested conditions, inadequate perimeter fencing, and repeated failure to have a responsible adult available to conduct an animal welfare inspection at both registered sites.<sup>1</sup> Special Memories Zoo offers public handling of tiger cubs. Two September 2015 TripAdvisor reviews of Special Memories Zoo indicate visitors are concerned about crowded conditions and undersized cages:

*"This 'zoo' is actually more like 'lady who hoards exotic animals'. I wanted to like this place since it's cheap and the animals are so close that my 1 year old could actually spot most of the animals. The reality is that all of these animals homes are just too small cages on a concrete slab.*

*They look sad and hungry. No habitat whatsoever. I can't believe this place hasn't been shut down."*<sup>2</sup>

*"My wife and I found this a very sad trip. Seeing two lions in a cage the size of my bedroom was beyond sad."*<sup>3</sup>

### Schoebel, Mark dba Timbavati Wildlife Park in Dells, Wisconsin

Since 2007, Schoebel has been cited by the USDA for allowing members of the public to have unsafe contact with a juvenile tiger brought to Kalahari Resort for photo ops, causing trauma and harm to two giraffes who died



A barren big cat cage at Timbavati.

in a barn fire as a result of a faulty heater, failure to provide animals with veterinary care and minimum space, enclosures that were in disrepair, and failure to have a responsible adult available for an inspector to conduct an animal welfare inspection.<sup>4</sup>

According to *Animal Underworld: Inside America's Black Market for Rare and Exotic Species*, "Evidence gathered by the U.S. Fish and Wildlife Service revealed that Schoebel had supplied bears to the owner of an Illinois game farm who was charged

with shooting the animals, dismembering and decapitating them, packing the carcasses in dry ice, and shipping them via a New York firm to Korea where the gall bladders are used in traditional medicines. ... Schoebel pleaded guilty to four counts of wildlife violations and received a fine and four years probation."

Other incidents involving Schoebel include:

- 2008** | A Siberian lynx escaped while Schoebel's firm was transporting the animal. The lynx was captured after roaming near homes in Wisconsin Dells.<sup>5</sup>
- 2008** | The Missouri Department of Conservation charged Schoebel with "pursuing/taking/killed/possessed or disposed of wildlife illegally."<sup>6</sup>
- 2006** | A woman was bitten on the forehead by a lemur at Schoebel's farm.<sup>7,8</sup>
- 1998** | A U.S. Fish and Wildlife Service investigation revealed that eight tigers sold by Schoebel to an animal trafficker were brought to a Chicago suburban warehouse and shot more than 30 times while still in the trailer. Another tiger and two lions sold by Schoebel to the same individual were killed at a rural Illinois farm.<sup>9</sup>
- 1997** | A 4-year-old girl was bitten by a baboon that was part of Schoebel's petting zoo.<sup>10</sup>
- 1996** | "State records indicate Schoebel sells deer and other animals to places that stage hunts or sell animals to shooting preserves."<sup>11</sup>
- 1994** | A hippo escaped from Schoebel's facility and wandered for two days before ending up in the Macan river. Schoebel shot and killed the hippo because he couldn't get the animal out of the river.<sup>12</sup>
- 1986** | Schoebel paid a \$1,000 federal fine and was placed on four years of probation after pleading guilty to four counts of federal game violations, including supplying wild Wisconsin bears to Korea.<sup>13,14</sup>

#### Casady, Heidi dba Casady's Critters in Cascade, Wisconsin

Casady takes monkeys to the Janesville Renaissance Faire for photo ops with the public. Since 2010, Casady's Critters was cited by the USDA for failure to include capuchin monkeys in the program of veterinary care, failure to provide a written environmental enrichment plan for primates, and insufficient perimeter fencing.<sup>15</sup> In October 2009, Casady was found guilty of cruelty to animals for starving six dogs who were described as emaciated. In December 2009, Casady was sentenced to serve a year of probation and pay the humane society \$4,305 restitution for the care of the dogs, which were returned to her.<sup>16,17</sup>

#### Hofferber, Dawn and Jim dba Animal Haven Zoo in Weyauwega, Wisconsin



A solitary capuchin monkey missing large patches of hair, possibly from overgrooming, lives in a mostly barren wire-floored cage at Animal Haven Zoo.

Since 2008, Animal Haven Zoo has been cited by the USDA for inadequate safety barriers, failure to provide veterinary care to a sick lion who was unable to walk, failure to provide shelter, failure to provide environmental enrichment to a solitary 17-year-old capuchin monkey, failure to notice that a sheep had died (the carcass was discovered during the inspection), dirty water containers, repeated failure to provide an adequate perimeter fence, enclosures in disrepair, and rodent-infested conditions.<sup>18</sup> In August 2012, zoo owner Jim Hofferber offered to sell two tigers to an undercover reporter with ABC's 20/20 program.<sup>19</sup>

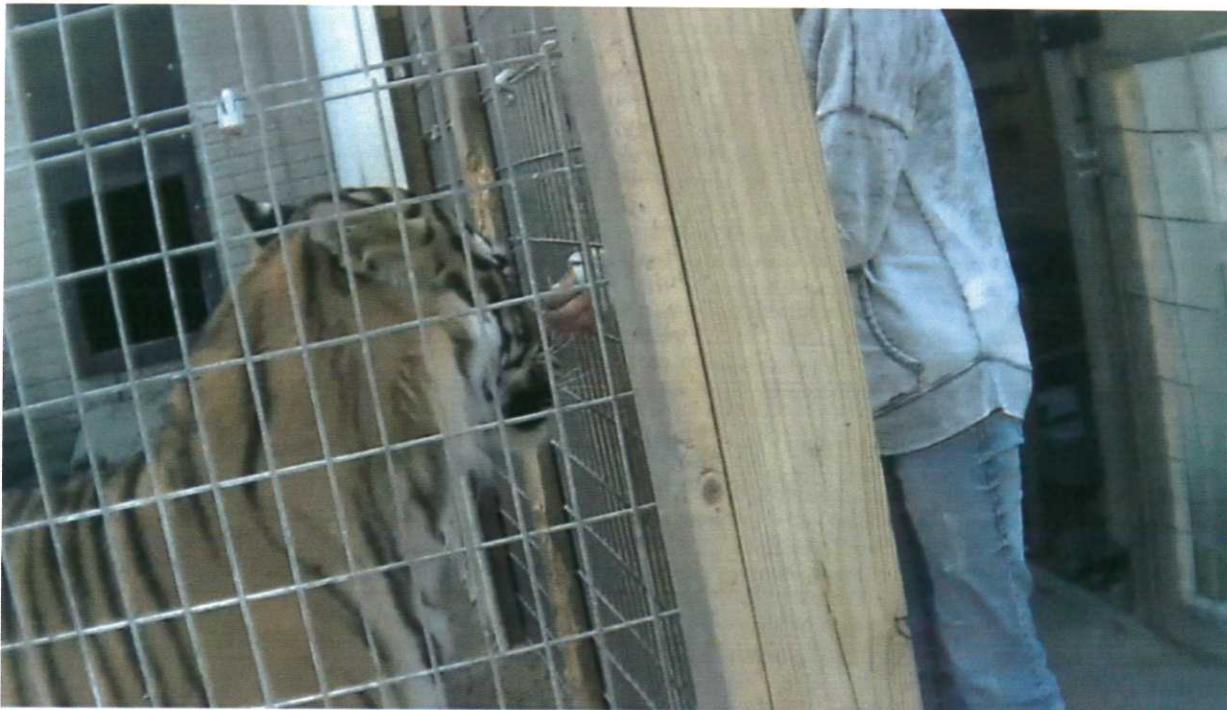
#### Ludwig, Casey dba Lakewood Zoo in Lakewood, Wisconsin

In 2008, Casey Ludwig began collecting dangerous animals as pets until he ended up with 15 tigers, 4 African lions, and 5 Syrian brown bears among many other animals. Despite his lack of resources and qualifications, he invited the public to visit his personal menagerie. Three years after it began, this ill-conceived and poorly run Lakewood menagerie

closed, but not before it became a burden to taxpayers since government officials at the town, county, state, and federal level had to deal with neglectful and hazardous conditions among other problems. Federal inspectors found many serious problems that went uncorrected for years, including unsafe conditions, a lack of veterinary care, malnourished animals, and inexperienced staff. In 2011, the DNR discovered that Ludwig's state Captive Wild Animal License had expired in 2008. Without a federal license or a state permit, Oconto County officials revoked his conditional use permit for the property and the zoo finally closed.<sup>20,21,22</sup>

### **Meyer, Robert dba Jo-Don Farms in Franksville, Wisconsin**

Since 2010, Jo-Don Farms has been cited by the USDA for inadequate public safety barriers, dirty water receptacles, dirty and foul-smelling conditions, failure to provide minimum space, failure to provide environmental enrichment to primates, and enclosures in disrepair.<sup>23</sup> In 2012, an alligator escaped from Jo-Don Farms and was missing for months.<sup>24</sup>



A teenager working at Jo-Don Farms sticks her hand into a tiger cage.

### **Montana, Dana dba Exotic Enterprises in Delavan, Wisconsin**

Since 2009, Exotic Enterprises has been cited by the USDA for repeated failure to provide environmental enrichment for primates, injury caused to a camel because the animal was allowed access to an unfinished shelter area, failure to separate incompatible animals, resulting in euthanasia of an alpaca who was attacked by a camel, failure to provide veterinary care to a coatimundi with a crushing injury to her tail, enclosures and shelters in disrepair, employees without adequate experience and knowledge, repeated failure to provide sufficient perimeter fencing, rodent-infested conditions, failure to maintain records of acquisition and disposition, and failure to be available for inspection. In 2012, the USDA issued an Official Warning against Exotic Enterprises for failing to provide environmental enhancement for two ring-tailed lemurs and a capuchin and for an incident in which a camel attacked and severely injured an alpaca who had to be euthanized. Also in 2012, an intern required medical care after she was attacked by a camel while preparing the animal to give rides to the public.<sup>25,26,27</sup>

## Schultz, Mark dba Glacier Ridge Animal Farm in Vandyne, Wisconsin

Since 2010, Glacier Ridge Animal Farm has been cited by the USDA for having an outdated program of veterinary care, repeated failure to provide a sufficient perimeter fence, failure to maintain facilities in good repair to prevent escape of the animals and harm to the animals, an excessive accumulation of flies, and enclosures in disrepair.<sup>28</sup>

## Weber, Dan and Diane dba Weber's Wilderness Walk in Hayward, Wisconsin

Since 2007, Weber's Wilderness Walk has been cited by the USDA for failure to provide veterinary care to a coatimundi who had an open and bleeding wound on the tip of his tail, an alpaca with overgrown hooves, and two wolves who had moderate to severe fly bites on the tips of their ears, improper animal handling after an employee was bitten on the hand by a primate, inadequate public safety barriers, failure to dispose of expired medications, and failure to make records available for inspection.<sup>29</sup> In 2012, the USDA issued an Official Warning against Weber's Wilderness Walk for veterinary care violations.<sup>30</sup>

Updated: September 30, 2015

<sup>1</sup> U.S. Department of Agriculture, Inspection Report, Special Memories Zoo, 35-B-0198, July 19, 2006 through May 11, 2015.

<sup>2</sup> whiteaub, "Animals look sad," Tripadvisor.com review of Special Memories Zoo, September 22, 2015. <[http://www.tripadvisor.com/ShowUserReviews-g59936-d1792328-r312808809-Special\\_Memories\\_Zoo-Greenville\\_Wisconsin.html#CHECK\\_RATES\\_CONT](http://www.tripadvisor.com/ShowUserReviews-g59936-d1792328-r312808809-Special_Memories_Zoo-Greenville_Wisconsin.html#CHECK_RATES_CONT)>

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<sup>4</sup> U.S. Department of Agriculture, Inspection Reports, Mark Schoebel, 35-B-0033, March 22, 2007 through June 18, 2014.

<sup>5</sup> "UW student group tries to stop tiger show," WKOW-TV, March 4, 2010.

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<sup>14</sup> "Game farm owner has troubled past," Associated Press, April 29, 1988.

<sup>15</sup> U.S. Department of Agriculture, Inspection Reports, Casady's Critters, 35-C-0235, April 1, 2010 through April 23, 2012.

<sup>16</sup> "Cascade petting zoo owner found guilty of mistreating dogs," Sheboygan Press, October 29, 2009.

<sup>17</sup> "Dogs returned to Sheboygan County woman convicted of mistreatment," Sheboygan Press, December 9, 2009.

<sup>18</sup> U.S. Department of Agriculture, Inspection Reports, Dawn Hofferber, 35-B-0104, February 12, 2008 through June 26, 2014.

<sup>19</sup> <http://abcnews.go.com/2020/video/zoo-confidential-17032299>

<sup>20</sup> Kent Tempus, "Embattled owner of Lakewood Zoo quits," Green Bay Press Gazette, August 15, 2012.

<sup>21</sup> "Lakewood Zoo closes, animals to be relocated," Green Bay Press Gazette, August 7, 2012.

<sup>22</sup> U.S. Department of Agriculture, Inspection Reports, Lakewood Zoo, 35-C-0290, September 24, 2008 through November 28, 2011.

<sup>23</sup> U.S. Department of Agriculture, Inspection Reports, Jo-Don Farms, 35-C-0014, October 21, 2010 through June 9, 2014.

<sup>24</sup> "Alligator may be on the loose in Caledonia," *Journal Times*, February 27, 2013.

<sup>25</sup> U.S. Department of Agriculture, Inspection Reports, Exotic Enterprises, 35-C-0189, March 2, 2009 through June 11, 2014.

<sup>26</sup> U.S. Department of Agriculture, Inspection Report, June 19, 2012.

<sup>27</sup> U.S. Department of Agriculture, Official Warning Violation of Federal Regulations, Case No. WI 120010, Exotic Enterprises, May 29, 2012.

<sup>28</sup> U.S. Department of Agriculture, Inspection Reports, Glacier Ridge Animal Farm, 35-C-0268, September 16, 2010 through August 7, 2014.

<sup>29</sup> U.S. Department of Agriculture, Inspection Reports, Webers Wilderness Walk, 35-C-0215, July 30, 2007 through June 10, 2015.

<sup>30</sup> U.S. Department of Agriculture, Official Warning Violation of Federal Regulations, Case No. WI 120011, Webers Wilderness Walk, June 15, 2012.

## Wisconsin Dangerous Exotic Animal Bills SB 241/AB 333 Frequently Asked Questions

<p><b>What is the purpose of SB 241/AB 333?</b></p>	<p>These bills protect the public from captive dangerous exotic animals by prohibiting the private possession of these animals. Wisconsin is one of only five states (Alabama, Nevada, North Carolina, South Carolina, and Wisconsin) that have virtually no laws regarding the private possession of dangerous exotic animals such as tigers, lions, bears, and chimpanzees. If Wisconsin fails to join the majority of states—including all surrounding states—that have addressed this issue, it will attract a growing problem.</p>
<p><b>What species are included under SB 241/AB 333 as “dangerous exotic animals”?</b></p>	<p>These bills define dangerous exotic animals as: non-native big cats, non-native bears, great apes, alligators and crocodiles.</p>
<p><b>If SB 241/AB 333 pass, where will all the prohibited animals go?</b></p>	<p>The passage of these bills will not result in animals being displaced. No one will be forced to get rid of any dangerous exotic animals they currently have, but breeding and acquisition of additional restricted species will be prohibited. Anyone who possesses dangerous exotic animals prior to the date of the legislation’s implementation is simply required to:</p> <ul style="list-style-type: none"> <li>• maintain documentation showing when the animal was acquired</li> <li>• register the animal(s) with the local animal control authority</li> <li>• pay a registration fee</li> </ul> <p>Displacement of animals has not been a problem in the 34 other states that have passed similar legislation. Through attrition, private possession of dangerous exotic animals will be limited to legitimate facilities with experienced and knowledgeable staff. SB 241 and AB 333 provide a reasonable and commonsense framework for accomplishing this.</p>
<p><b>What entities are exempt?</b></p>	<p>The primary purpose of these bills is to protect public safety and animal welfare by ensuring that only the most qualified facilities with adequate resources are caring for dangerous species. The bills exempt the five Wisconsin facilities that are accredited by the Association of Zoos and Aquariums (AZA), as well as anyone with an AZA species survival plan contract to breed threatened or endangered species. Also exempt are wildlife sanctuaries, the seven non-AZA Wisconsin zoos that are operated by a municipality or county, circuses, the Circus World Museum, and research facilities.</p>
<p><b>Will SB 241/AB 333 shut down any zoo that is not a municipal or county zoo or accredited by the Association of Zoos and Aquariums (AZA)?</b></p>	<p>No, SB 241/AB 333 will not close down businesses. Zoos that are not AZA accredited or are not operated by a county or city can keep the dangerous exotic animals they already have until the animals die, and can continue to acquire and exhibit the many species of animals that are not covered in this bill. These bills simply ensure that some of the most dangerous species will ultimately only be housed in facilities that have the resources and expertise to properly and safely care for them.</p>
<p><b>Hasn’t Ohio’s Dangerous Wild Animal law been problematic?</b></p>	<p>SB 241/AB 333 cannot, and should not, be compared to Ohio’s Dangerous Wild Animal law. Ohio’s law established a permitting system and mandated the</p>

	<p>creation of comprehensive <a href="#">rules for the housing and care of dangerous wild animals</a>. Subsequently, anyone who possessed dangerous wild animals was required to seek a permit and abide by the rules in order to keep the animals. <b>SB 241/AB 333 have no such mandate and no such rules.</b> The relinquishment of animals following passage of Ohio's law was the result of people who were unwilling or unable to comply with the animal care and confinement rules established by the state. The one case of confiscation and litigation was the result of an exotic animal owner who, despite being given years to comply with the new law, stubbornly refused to seek proper permits and comply with the animal care and confinement rules. Again, <b>SB 241/AB 333 has no such rules or a mandate for such rules</b>, so claims about similar problems resulting from the Wisconsin bills are disingenuous.</p>
<p><b>Will there be a financial burden to municipalities that would have to purchase cages to house confiscated animals?</b></p>	<p>Since people can keep the animals they currently have, there will not be a need or impetus for confiscations. Local authorities already deal with attacks, escapes, and cruelty cases involving these species, so there will eventually be a reduction in the burden to municipalities as these species are phased out over time. In rare cases where a dangerous wild animal is confiscated for any reason, local governments could seek assistance from zoo, sanctuary, and animal protection professionals, as is already standard procedure in such situations.</p>
<p><b>Why aren't facilities licensed by the U.S. Department of Agriculture (USDA) exempt from SB 241/AB 333?</b></p>	<p>Exempting USDA licensees severely weakens any law that is intended to restrict the private possession of dangerous exotic animals to qualified facilities. USDA exhibitor licenses are easy to acquire, the standards of the Animal Welfare Act are limited and inadequate which means that licensees can (and often do) keep animals in inhumane and unsafe conditions, and agency audits confirm that the USDA is unable to effectively enforce the AWA.</p>
<p><b>Does this bill have any impact on a sanctuary's ability to provide educational tours to the public and house a gift shop?</b></p>	<p>A sanctuary under the bill can provide educational tours and house a gift shop. The definition of "sanctuary" included in SB 241/AB 333 has been adopted in countless states across the country and allows these types of activities to continue at a sanctuary.</p>
<p><b>What is the difference between accreditation by the Association of Zoos and Aquariums (AZA) and the Zoological Association of America (ZAA)?</b></p>	<p>Accreditation by the Association of Zoos and Aquariums (AZA) ensures that highly qualified, knowledgeable, and experienced professionals provide care for animals in a safe and secure environment. In contrast, the deceptively-named Zoological Association of America (ZAA) has weak standards, accredits poorly run roadside zoos and private menageries, promotes the private ownership of exotic pets and the commercialization of wildlife, and engages in unsafe practices such as allowing the public to handle 90-pound bear cubs, tiger and lion cubs, and primates. Further, ZAA has no requirement that facilities demonstrate fiscal responsibility and counts among its facilities, members, and activities individuals convicted of felonies, wildlife trafficking, and cruelty to animals.</p> <p>Any facility that operates in a responsible and professional manner and abides by widely accepted industry standards of animal husbandry should be eager to attain AZA accreditation. Excellence in animal care and husbandry is a lofty goal and one that is essential for the animals and public safety. Hopefully this legislation will inspire facilities to pursue AZA accreditation.</p>

## **Exempting the Zoological Association of America (ZAA) severely weakens laws and regulations intended to restrict the private possession of dangerous wild animals to qualified facilities.**

The deceptively-named Zoological Association of America (ZAA) has weak standards and endorses poorly run roadside zoos, traveling zoos, and private menageries, and promotes the private ownership of exotic pets. Despite threats to public safety and animal welfare, ZAA standards allow public contact with dangerous wild animals. In 2011-2013, attempts to exempt ZAA facilities from state dangerous wild animal laws were defeated in Louisiana, Michigan, and Texas, as was a proposed regulation to exempt ZAA from the California Restricted Species Law. ZAA has no affiliation with the highly respected Association of Zoos and Aquariums (AZA), which has a long history of setting industry standards for zoological institutions.

**“[Expanding permission to ZAA facilities to keep large carnivores in Michigan] could lead to gaps in public health protection and animal welfare.”**

**Michigan Governor Rick Snyder, in vetoing changes to Michigan’s Large Carnivore Act**

**“[The ZAA is] an advocacy group for private (animal) owners that does not represent the national or international zoo and aquarium profession.”**

**Steve H. Taylor, director, Cleveland Metroparks Zoo**

**“Most of these [ZAA facilities] are what I refer to as ‘roadside menageries.’”**

**Mark Reed, director, Sedgwick County Zoo**

### **Concerns about ZAA’s facilities, members, and activities include the following:**

- Individuals convicted of felonies, wildlife trafficking, and cruelty to animals
- Animal attacks and escapes
- Allowing the public to have direct and unsafe contact with dangerous wild animals
- Disposing of unwanted wild animals in harmful and irresponsible ways
- Inexperienced staff and insufficient staffing levels
- Numerous USDA fines and official warnings for serious and chronic problems
- Serious welfare concerns found at ZAA facilities include:
  - inadequate veterinary care
  - inhumane methods of euthanasia
  - inadequate feeding
  - filthy drinking water
  - lack of shelter from sunlight and the elements
  - cramped, undersized, and filthy enclosures
  - little to no environmental enrichment
  - depriving newborn bears, big cats, and primates of maternal care
  - subjecting big cats to declawing—a procedure that does not comply with the federal Animal Welfare Act requirements for adequate veterinary care because it causes considerable pain and chronic health problems

### **ZAA standards pale in comparison to AZA standards**

ZAA’s vague accreditation standards allow conditions that were common at zoos 30 or 40 years ago, but which are totally inconsistent with modern animal care practices. On the other hand, the AZA has a rigorous and comprehensive accreditation process as well as strong standards and policies to address safety, provide for animal health and welfare that greatly exceeds the minimum standards of the federal Animal Welfare Act, and prevent wild animals from entering the pet trade and canned hunting facilities. Unlike AZA, ZAA has no requirement for insurance or fiscal stability to ensure a facility can provide long-term quality care to animals.

<http://journaltimes.com/news/opinion/editorial/journal-times-editorial-milwaukee-lion-scare-raises-serious-questions/article.f5483-52ec-8e7a-d6231a45adcb.html>



## Journal Times editorial: Milwaukee lion scare raises serious question

August 05, 2015 8:00 pm • Journal Times Editorial Board

Last month, social media went wild when learning about the possible sighting of a lion within the Milwaukee city limits.

We still don't really know what type of animal was spotted, or how it got there. But it raised a lot of questions about what regulations we have governing exotic animals, and, as it turns out, Wisconsin is one of only five states that doesn't regulate exotic animals.

State Sen. Van Wanggaard, R-Racine, is right to propose changing the law to prohibit the private ownership of exotic animals going forward, with exceptions for zoos, sanctuaries, circuses and licensed research facilities.

For those who currently have exotic animals, the bill requires those owners to register their animals and report them if they go missing.

That was one of the problems when the lion was spotted. There was no comprehensive list law enforcement could check to see if any lions were missing, because it is not regulated.

Generally, Wisconsin law already forbids people from possessing wild animals native to Wisconsin, such as deer, without a license from the Department of Natural Resources.

Two years ago, after a report of a fawn named "Giggles" being kept at a Kenosha County shelter, the equivalent of a SWAT team swarmed the shelter to get the deer, which was later euthanized. That deer was reportedly brought there by a family worried the fawn had been

Granted, dog attacks are far more common than attacks by exotic animals, but when the latter happens they are horrific.

You may remember the Connecticut woman who lost both her hands, was blinded and disfigured when a 200-pound chimp attacked her at a Connecticut home in 2009.

While there hasn't been a vicious exotic animal attack in recent years, or a lion sighting in Racine County that we know of, in the past police have reported alligators spotted in Caledonia.

In addition, the Racine Zoo has helped with the rescue of numerous exotic animals. The zoo was involved in the rescue of a dozen rattlesnakes, two alligators, a crocodile and an alligator snapping turtle from a Kenosha residence.

Wanggaard's bill doesn't regulate snakes, but it could also be something worth adding to the bill. If the bill is crafted, if it is not addressed elsewhere, at the very least, the state should be aware of where poisonous snakes are housed and require people to report them. Responsible owners should not have any problem doing that.

The state also should work with animal control experts to determine what other animals should be included, and, when the final bill is crafted, the consequences for keeping an illegal animal should be a lot more than a slap on the wrist.

The message needs to be sent that k

**AMERICAN BAR ASSOCIATION**  
**TORT TRIAL AND INSURANCE PRACTICE SECTION**  
**REPORT TO THE HOUSE OF DELEGATES**  
**RECOMMENDATION**

1 RESOLVED, that the American Bar Association urges all federal, state, territorial, and local  
2 legislative bodies and/or governmental agencies to enact comprehensive laws that prohibit the  
3 private possession, sale, breeding, import, or transfer of dangerous wild animals, such as big cats,  
4 bears, wolves, primates, and dangerous reptiles, in order to protect public safety and health, and  
5 to ensure the humane treatment and welfare of such animals.



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Wisconsin Federated Humane Societies, Inc    5132 Vogus Road    Madison, WI 53718

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October 1, 2015

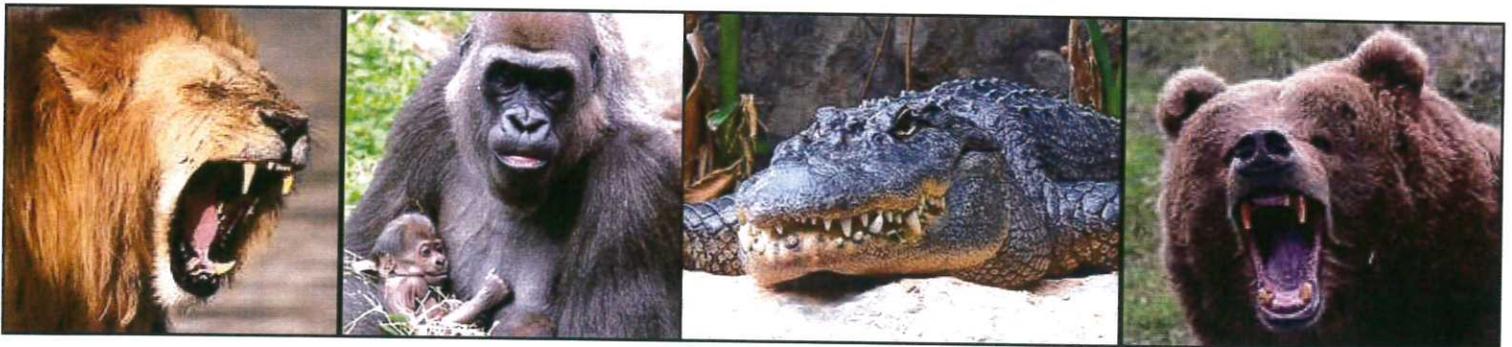
Reference: Senate Bill 241  
Assembly Bill 333

**PLEASE SUPPORT Legislation to Regulate the Possession of Certain Wild Animals**

***Wisconsin Federated Humane Societies Board of Directors and the humane societies and animal shelters we represent respectfully request your support of regulation of the possession of certain wild / exotic species in Wisconsin.***

- Wisconsin is one of the few states in the country that does not regulate or require licensing for the possession of certain wild animals.
- These animals have very specific needs for food, housing, exercise and veterinary care that few citizens can adequately provide. This lack of proper care inflicts suffering on the animals.
- Wild animals can be dangerous. They are not pets.
- While adorable and appealing when young, these species grow to be unmanageable for most people and often end up abandoned, released or “warehoused” in substandard facilities.
- Keeping these animals in our Wisconsin communities poses a significant threat to public health and safety.
- The release or escape of wild animals is a danger and burden on law enforcement, fire fighters first responders, and to humane organizations.
- Humane societies and animal shelters in Wisconsin do not have the resources to care for these types of animals when they become homeless, abandoned or escape.

**These Animals are NOT Pets!**



October 1<sup>st</sup>, 2015

Committee on Judiciary and Public Safety

Senate Bill 241 Hearing Testimony

Renee Benell

Hello Senators,

Thank you for the opportunity to share our opinions on Senate Bill 241. I'm here to urge you to vote yes on the bill.

My name is Renee Benell and I'm from Fitchburg, WI. I have a degree in Zoology from the University of Wisconsin. I worked as animal keeper at an AZA (Association of Zoos and Aquariums) accredited zoological institution for several years. During my career within the zoological field, I cared for a wide variety of African and South American species, including some of the species addressed within this particular bill.

Throughout my training and experiences as an animal keeper, I was made well aware of, and witnessed the danger these animals can pose to humans. They have instincts and behaviors that must be managed carefully and responsibly to avoid injury and incident. These animals require extreme standards of care and management. They have evolved without human interference in nature and have needs that humans typically cannot replicate. Many accredited zoos are challenged to meet the needs of these wild animals in captivity. Diet, exercise, social interactions, enrichment and more can all be factors. Private ownership scenarios and roadside zoos typically face an even greater challenge meeting those needs.

Currently the state of Wisconsin does not have any restrictions regarding the ownership of exotic species. This is not a responsible approach and there are dozens of documented situations, which demonstrate the public safety issues that arise. Exotic species are also sold through the wildlife trade, an industry filled with cruelty, inhumane methods and crime.

My support of SB 241 also stems from my experience working for two large animal welfare organizations (humane societies) within the Midwest – one right here in Wisconsin. Humane societies and animal control entities encounter exotic animal ownership situations on a regular basis. When people choose to abandon, neglect or re-home exotic animals, these organizations and public services have to pick up the slack for the irresponsible behavior and choices of others.

Various local searches online can quickly demonstrate how serious of an issue irresponsible animal ownership is in our community. You'll find hundreds of posts a day from people looking to rehome their exotic animals including dangerous snake species, monkeys, and more. For example, on WisconsinSuperads.com an individual in Whitewater is selling Capuchin Monkeys:

[http://www.wisconsinSuperads.com/exotic\\_pets\\_and\\_reptiles\\_For\\_Sale/C52A1803749P6/Two\\_Capuchin\\_Monkeys\\_Text\\_or\\_call\\_\(843\)\\_608-1422.aspx](http://www.wisconsinSuperads.com/exotic_pets_and_reptiles_For_Sale/C52A1803749P6/Two_Capuchin_Monkeys_Text_or_call_(843)_608-1422.aspx)

The well being of animals in our society and in their natural environment is something I've cared about and been involved with since I was a young child. These exotic animals absolutely do not need to be displayed in roadside zoos or managed in private homes for them to thrive or for the public to value the animals. There are innumerable resources now available for us to gain knowledge and respect for wild animals, such as

through TV, movies, online and at accredited institutions. Lastly, I would like to see this bill add additional language to prohibit other species, such as dangerous snakes, monkeys, parrots, wolves, and more.

I ask that you all choose to be on the right side of history with this issue and vote YES on the bill. With Wisconsin being one of five states left without little to no legislation on this issue, we have a long -awaited chance to do the right thing for these animals and for the general public.

Thank you,

Renee Benell  
4846 Maple Ave.  
Fitchburg, WI 53711  
608-628-6530



8403 Colesville Road, Suite 710  
Silver Spring, MD 20910-3314  
301-562-0777 tel 301-562-0888 fax  
[www.aza.org](http://www.aza.org)

September 3, 2015

The Honorable Van H. Wanggaard  
Room 319 South  
State Capitol  
Madison, WI 53707

Dear Senator Wanggaard,

As members of the Association of Zoos and Aquariums (AZA), we are writing to express our support for SB 241, which would help to protect the public and promote animal welfare by allowing only the most qualified entities, such as AZA-accredited zoos, to possess dangerous animals. We support the inclusion of this narrowly defined exemption for zoos and aquariums, and we encourage you to oppose efforts to broaden this exemption to facilities that do not meet the high standards of AZA-accredited zoos and aquariums.

Founded in 1924, the AZA is a 501(c)3 non-profit organization dedicated to the advancement of zoos and aquariums in the areas of animal welfare, conservation, education, science, and recreation. AZA is the independent accrediting organization for the premier zoos and aquariums in America and the world. AZA-accredited zoos and aquariums collectively draw more than 180 million visitors annually, generate more than \$17 billion in annual economic activity, and support more than 165,000 jobs. They also spend annually \$160 million on field conservation, supporting more than 2,600 projects in 130 countries.

AZA accreditation is a publicly recognized badge signifying excellence in, and commitment to, veterinary care, ethics, physical facilities, staffing, conservation, education, safety and security, and in particular, animal management and welfare. Because each zoo and aquarium must meet the AZA's rigorous accreditation standards, the public can be confident that animals have the best possible care while ensuring that visitors will have a safe and enjoyable experience. Fewer than 10 percent of the 2,800 wildlife exhibitors licensed by the U.S. Department of Agriculture under the Animal Welfare Act meet the more comprehensive standards of AZA accreditation. Please refer to the attached document which provides a general overview of some key areas of the AZA's accreditation standards.

Thank you for introducing this legislation. If we can be of assistance to you, please do not hesitate to contact us.

Sincerely,

Henry Vilas Zoo  
International Crane Foundation  
Milwaukee County Zoological Gardens  
Northeastern Wisconsin (NEW) Zoo & Adventure Park  
Racine Zoological Gardens

Confidential

The Honorable Tom H. Hooper  
Room 39 South  
State Capitol  
Madison, WI 53703

Dear Senator Hooper:

As members of the Association of Zoos and Aquariums (AZA), we are writing to request your support for H.R. 241, which would help to protect the public and provide for the care of the animals in AZA's care. We support the passage of this bill because it would help to ensure that the animals in AZA's care are protected and that the public is safe. We urge you to support this bill and to vote in favor of it.

Founded in 1924, the AZA is a 501(c)(3) non-profit organization dedicated to the advancement of zoos and aquariums in the areas of animal welfare, conservation, education, and research. AZA is the independent accrediting organization for the people's zoos and aquariums in the world. AZA and its members have spent more than \$2 billion in animal care, education, and research over the past 80 years. They have spent another \$100 million on conservation, supporting over 2,000 projects in 150 countries.

It is our hope that you will support this bill and help to ensure that the animals in AZA's care are protected and that the public is safe. We urge you to support this bill and to vote in favor of it. Thank you for your time and consideration.

Thank you for introducing this legislation. If we can be of assistance to you in any way, please do not hesitate to contact us.

# ASSOCIATION OF ZOOS & AQUARIUMS

Accreditation by the AZA assures that the highest standards for animal management and welfare, veterinary care, safety, conservation, and education are followed at AZA-accredited zoos and aquariums across the country. AZA distinguishes itself from other accrediting organizations in several key areas including (but not limited to):

## **Accreditation**

- Institutions must complete a 27-page application and submit a vast amount of material and documentation just to apply [4-6 months].
- After months of study and evaluation, a 3-5 day inspection of the institution takes place generating a detailed report and a list of items which the institution must address.
- A 12-member independent Accreditation Commission consisting of leaders in zoo/aquarium operations, animal husbandry, and veterinary medicine thoroughly evaluates each case, assesses the institution's progress and adequacy in addressing those items identified at inspection, and interviews the institution's top officials.
- Standards are based on accepted best practices and science-based research and are revised annually to assure that they stay current modern zoological practice and philosophy.
- Standards cover all areas of an institution's operations, including financial, so as to assure that an institution has the stability to maintain AZA standards throughout the five-year period of accreditation.
- AZA accreditation standards are enforced. Accreditation can be rescinded any time standards are not being maintained. Since 1974, 62 institutions have had their accreditation repealed or denied.
- Complete details of the AZA accreditation process, along with copies of the standards and the application, are available to the public for download at the AZA's website. A copy of the 2015 AZA Accreditation Standards and Related Policies may be found at <https://www.aza.org/uploadedFiles/Accreditation/AZA-Accreditation-Standards.pdf>.

## **Finance Requirements (highlights)**

- Institutions must provide sufficient evidence of adequate financial stability including complete financial reports.
- Insurance coverage must be provided for visitors, staff, volunteers/docents, and physical facilities.
- The institution must have a sufficient written contingency plan in the event that significant decreases in operating income should occur.

## **Animal Care, Welfare, and Safety Requirements (highlights)**

- All animals must be provided veterinary care, daily enrichment, and safely housed in appropriate groupings which meet their psychological and social needs.

- All animal transportation must be conducted in a manner that is safe and minimizes risk to the animal(s), employees, and general public.
- Live-action emergency drills must be conducted at least once annually for each of the four basic types of emergency (fire; weather/environment appropriate to the region; injury to staff or a visitor; animal escape).

### **Wildlife Conservation Requirements (highlights)**

- The institution must have a written conservation action plan and also participate in every applicable Species Survival Plan (SSP) for each animal.
- The institution must be actively involved in regional or international conservation programs.
- By working closely with federal agencies and other partners, AZA-accredited zoos and aquariums are critical partners in reintroduction programs for a variety of species including black-footed ferrets, California condors, freshwater mussels, and golden lion tamarin, to name a few.

### **Education Requirements (highlights)**

- The institution must prioritize education as a key component of its mission, and have a written education plan that matches current industry standards.
- Education must be under the direction of a paid staff person who is trained or has experience in educational programming.
- Institutions should participate in ongoing collaborative partnerships with organizations and individuals that can contribute to the expansion of their educational dimension (local colleges, universities, etc.).

October 1, 2015

Wisconsin State Assembly  
Public Hearing, Senate Committee on Judiciary and Public Safety

Dear Committee Members:

I am a former zookeeper. I worked at a zoo accredited by the Association of Zoos and Aquariums (AZA) in another state and I also worked at an unaccredited zoo in Wisconsin. I left the profession about two years ago and am currently working as a teacher. As someone with several years of experience working with captive wildlife, I support SB 241 and AB 333 to limit the private possession of dangerous exotic species to only the most qualified facilities in Wisconsin, such as zoos accredited by the AZA.

Although Wisconsin zoos have to be licensed by the U.S. Department of Agriculture (USDA), a USDA license does not ensure that animals are treated humanely or that employees work in a safe environment. The federal Animal Welfare Act does not have specific standards for most animals commonly kept in zoos and the agency's inspection process is inadequate. Captive wildlife have very specific husbandry needs which are not addressed by USDA regulations as USDA groups all captive wildlife into one group with the exception of primates. Zoos know in advance when the USDA inspector is coming and the zoos are often not held accountable for issues such as dirty cages, lack of animal enrichment, animals without access to drinking water, animals fighting with one another resulting in injury and sometimes animal deaths due to overcrowding in small cages, and poorly trained staff with minimal animal experience.

During the 15 months that I worked at an AZA-accredited zoo, there was not a single animal-related injury to the approximately 25 zoo employees. Non-accredited zoos experience many animal-related injuries of employees as a result of improper training and the way the enclosures are built. Working conditions are dangerous as employees have to go into enclosures with tigers, lions, bears, leopards, alligators, primates, and other animals to clean the enclosures and provide animals food and water. Animals often escape due to these outdated practices as well, since it is difficult to clean an enclosure or even put food dishes in with four monkeys in a pen and not expect one may run out the open door.

In the interest of animal welfare and human safety, I urge you to pass SB 241 and ensure that no further exemptions are added that would weaken the bill.

Sasha Ripley  
528 S Franklin Ave  
Oxford, WI 53952  
608-450-0178  
[sashar33@yahoo.com](mailto:sashar33@yahoo.com)

In Opposition of Senate Bill 241  
Possession of Certain Wild Animals

Public Committee Hearing 10/1/15  
Ryan McVeigh – President and Founder  
Madison Area Herpetological Society, Inc.  
[Pres.MAHS@gmail.com](mailto:Pres.MAHS@gmail.com)  
(608) 658-4653  
[www.madisonherps.org](http://www.madisonherps.org)

## **Removal of Crocodylians/Introduced Permit Amendment**

- While these animals may not seem to be pets to many people, others have a real connection with them.
- In Wisconsin, there has NEVER been a death due to a crocodylian. In the past 24 years, there have only been 4 incidents in Wisconsin dealing with any animals included in SB 241, including NO DEATHS. Why make a law as a solution for a problem that doesn't exist.
- Looking at other states that have created more strict laws, such as Ohio, they have caused a worse problem of animals without homes, and millions of dollars in costs to their taxpayers that are severely higher than the costs of any incidents that may have happened, including a \$2.9 Million dollar holding facility for large exotic animals that may never be used.
- More recently, states such as West Virginia and Illinois have removed Crocodylians from their proposed bans, or implemented a permit system similar to what we are proposing today. This permit system allows for educational organizations and keepers with the means to properly house these animals to continue to do so, while keeping them out of the hands of irresponsible keepers and animal welfare situations. Isn't this how we should be reacting to the keeping of any animal? Allow those who provide them with proper care and in a way that protects the general public, to keep their pets, while keeping them out of the hands of irresponsible people.
- As the president of an educational organization that lectures at Madison's Colleges, including the UW-Madison Vet School, Globe University, and Madison College, as well as many local K-12 schools, community groups, and public events, this limits our ability to present these animals to the public and allow for us to educate them on their care, and the conservation of species within the family of crocodylians in the wild. Studies have shown, and I can attest to this, that contact with these animals has a much larger impact to learning and people's personal want to help conserve them, than a lecture with pictures, reading a book, or watching a show on TV.
- If there is a worry of any crocodylian escaping from captivity or being dumped, these animals can't survive a WI winter. In fact they would be dead by the end of October. The northern range for these animals doesn't even hit the southern tip of Illinois.

- In captivity Crocodilians typically grow very slowly. This is a natural occurrence because crocodilian biology is entirely different from mammalian biology. It has been shown that even in the wild in North Carolina, one of the northern most states for native crocodilians, it takes 18 years for one to reach 6 feet long.
- A complete ban is an overreach of legislation and is completely unreasonable. Many other states, such as Illinois and Indiana have specific regulations and in Indiana, only require a permit and specific secure caging for crocodilians 5 feet and longer.
- The supporters of this bill and lobbying organization that proposed this type of legislation, The Humane Society of the United States, is an animal rights group with the goal of removing all animals from human contact, including farms, pets, zoos, and even human involvement in conservation. They have little to no contact or work with local Humane Societies and donate less 1% of their \$200 Million budget to animals in need, less than the money they spend on postage yearly. Eventually by letting them have influence we will find ourselves in the same position as other states where they are coming after agriculture and pushing to create laws that destroy family farms and small businesses. They will be gone when problems arise from this type of legislation and will watch as it hurts our state and our communities. In the past year they lost a lawsuit for racketeering, have been caught putting tens of millions of dollars in offshore bank accounts for their pensions, and are under investigation for fraudulent fundraising by many states. This year, the Midwestern Legislative Conference of the Council of State Governments passed a resolution calling on 11 states, including WI to investigate HSUS for fraudulent fundraising. This group is an extreme animal rights group, just like PETA, but they hide behind term "Humane Society," to hide their agendas. HSUS's Chief Policy Officer has defended the Animal Liberation Front (ALF), an FBI-designated domestic terrorist group; and HSUS employs a former spokesperson for the terror group. This is not the type of organization we want to be working with in our state. Especially with our rich history in agriculture.
  - Another Main point is that HSUS has no one on staff with an expertise in reptiles and amphibians, and when they speak on them, their information is usually incorrect and very misguided. The Madison Area Herpetological Society is an organization that works within Wisconsin and is a Non-Profit Educational Organization. We have an actual stake in our state as we all live here and keep animals here. We have provided immeasurable free services for schools and organizations throughout the state in order to educate people on conservation and proper husbandry. MAHS is made up of keepers, scientists, herpetologists, biologists, veterinarians, and many other people with decades of combined experience with these animals.
  - For more information, visit [www.humanewatch.org](http://www.humanewatch.org)

**Proposed Amendment by the United States Association of Reptile Keepers for SB 241**

**In Conjunction with and Supported by the Madison Area Herpetological Society, Inc.**

CROCODILIAN PERMIT

Introduction:

Some crocodilians do not generally grow longer or much longer than one meter, such as Cuvier's Dwarf Caiman (*Paleosuchus palpebrosus*), Schneider's Dwarf Caiman (*Paleosuchus trigonatus*), Spectacled Caiman (*Caiman crocodilus*), Broad-snouted caiman (*Caiman latirostris*), African Dwarf Crocodile (*Osteolaemus tetraspis*) and Morelet's crocodile (*Crocodylus moreletii*), and certain hybrids of these species. In addition, crocodilians often grow at a slow rate in captivity while being perfectly healthy. A blanket ban on possession of crocodilians precludes many responsible individuals from possessing these animals, many of whom are involved in important conservation, education and other important matters regarding crocodilians. This proposal is drafted to allow the possession of crocodilians by responsible individuals while ensuring that appropriate oversight occurs for larger animals.

Crocodilian permit requirements:

Unless otherwise exempt, a crocodilian permit shall be required to possess any crocodilian with a length in excess of one meter from snout to vent.

Permits shall be issued to individuals to possess crocodilian species upon completion of an inspection and approval of the proposed facilities by a licensed veterinarian, designated Department of Natural Resources or Department of Agriculture representative, or designated municipal official.

The initial permit fee including inspection fee shall be \$100. The non-refundable annual permit fee shall be \$50 per crocodilian, not to exceed \$200.

The annual fee shall not apply to any individual who instead provides documented proof of a minimum of two educational programs being completed for the prior calendar year. Such documentation must be signed by the permittee and a representative of each group or organization for which each program took place. These documents must be kept on record and copies supplied at the time each annual renewal fee would be due.

The municipality reserves the right to annually inspect the permittee's crocodilian facilities during reasonable hours with reasonable notice provided to schedule an appropriate inspection time.

Possession of an initial crocodilian in excess of one meter from snout to vent may not occur without prior possession of a crocodilian permit. Additions to permits must be approved as soon as practicable after acquisition of any additional crocodilian, and any addition shall be

reported to the Department in writing no later than the first business day after that addition occurred.

#### Relocation of Prohibited Species:

The Department of Natural Resources or Department of Agriculture may issue to an already permitted individual a permit to serve as a rescue facility for crocodilians under such terms and conditions as it reasonably determines to be appropriate.

#### Maintenance of crocodilians:

Everyone shall keep all crocodilians maintained in suitable, strong, impact resistant, escape-proof enclosures at all times unless being transported or used for bona fide purpose, such as educational programs or trips for veterinary care.

#### Educational programs with crocodilians:

During any bona fide educational program involving crocodilians, the owner or qualified assistant must maintain physical possession and control of the crocodilian at all times if removed from a container or cage. Interiors of cages or containers used during educational programs may not be accessible to the public. Crocodilians removed from their cage or enclosure for educational programs must:

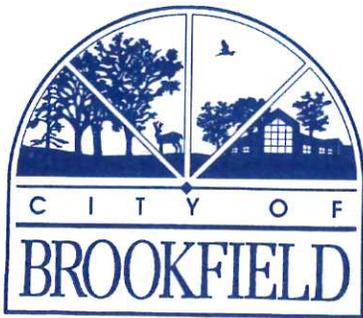
1. Have the mouth banded or taped shut; and
2. Be maintained under the control of qualified individuals.

Compliance with the guidelines for educational programs published by the American Zoological Association Crocodilian Advisory Group shall be sufficient to meet the standards for educational programs.

Hand sanitizer should be available and recommended for anybody who comes into contact with any crocodilian.

#### Transport of crocodilians:

During transport of any crocodilian, it must be kept out of sight of the public in an escape-proof cage or container at all times. Transportation of any crocodilian to any public venue, commercial establishment, retail establishment, educational institution or other public location shall only be for bona fide purpose, such as educational programs or veterinary care.



**POLICE DEPARTMENT**  
2100 North Calhoun Road  
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(262) 787-3566 24-Hour Fax (262) 782-8757  
Administrative Fax (262) 796-6701  
*Daniel K. Tushaus, Chief of Police*



October 1, 2015

Sen. Van H. Wanggaard  
Senate Judiciary Chair  
State Capitol, Room 319S  
Madison, WI 53707

**RE: Unenforceability of 2015 SB-241/AB-333; Possession of Wild Exotic Animals**  
[For inclusion in the committee and legislative files.]

Dear Legislators:

I wish to thank the Senate Judiciary Committee for this opportunity to present my testimony concerning the possession of exotic and dangerous animals. I concur with you that now is the time to finally address the threat to the public and to the first responders who must deal with exotic and dangerous animals.

My name is Dean Collins. I retired from the Milwaukee Police Department after 32 years of service where I served as the legislative and legal liaison to the City Attorney and the Milwaukee County district attorney from about 1985 until 2002. For the past thirteen years I have been the Assistant Chief of Police for the City of Brookfield and have continued analyzing legal and legislative issues. I hold bachelor and master's degrees from the University of Wisconsin-Milwaukee and am a graduate of the Northwestern University School of Police Staff and Command (summa cum laude). I am a Life Member of the International Association of Chiefs of Police, a Life Member of the FBI Law Enforcement Executive Development Association, the Waukesha County Chiefs of Police Association, and the Wisconsin Chiefs of Police Association. Some of you may recall my testimony at prior legislative hearings.

My testimony this afternoon is intended to provide the Judiciary Committee with information. Hence, I am not taking a position in support of or in opposition to SB-241. Therefore, I wish to apprise you of the following observations:

1. For reasons known only to the authors of the above captioned bills, the violation of the provisions of this legislation is NOT a crime. It has been decided to make such violations only a civil violation, a 'State forfeiture offense'. **Since the legislature has not passed a statute specifically authorizing law enforcement officers to enforce State civil forfeiture offenses, 2015 SB-241/AB-333 is UNENFORCEABLE AS WRITTEN.** Officers may not stop, detain, or arrest anyone for such offenses without thereby

ADDRESS ALL CORRESPONDENCE TO THE CHIEF OF POLICE



subjecting themselves to a possible Federal civil rights lawsuit under 42 USC 1983 and/or felony prosecution for False Imprisonment under Wis. Stat. 940.30. According to the U.S. Supreme Court in *U.S. v. Mendenhall*, a Fourth Amendment seizure occurs whenever the police stop or detain a person for questioning. Without legislative authorization for enforcing specific laws, such stops and/or detentions are illegal and violate the U.S. and Wisconsin Constitutions.

The Wisconsin Court of Appeals in *City of Madison v. Ricky Two Crow*, reaffirmed an 1870 decision of the Wisconsin Supreme Court that the Legislature must grant enforcement powers by specific statute which it has done for crimes [968.07(1)(d)], civil traffic violations [345.22], civil alcohol beverage violations [125.14], and civil municipal ordinance violations [800.02 (6)]. On August 20, 2015, I presented this information in my testimony to the joint hearing of the Judiciary Committees on 2015 AB-90 and SB-82. I have also presented this matter to the Governor, the Governor's legal counsel, the Attorney General, numerous legislators, and the Wisconsin Judicial Council. The Wisconsin Legislative Council is well aware of this issue and has written concurring memos. The solution to this legal void is to reintroduce and pass the single sentence contained in 2011 AB-237. Attorney General Schimel, Waukesha County district attorney Sue Opper, the League of Wisconsin Municipalities, the Wisconsin District Attorneys Association, and the Wisconsin Chiefs of Police Association all support this action. If this legislative action is not taken, the proposed exotic animal State forfeiture offense, like almost all other State forfeiture offenses, will remain unenforceable and not worth the paper it's written on. Only the Legislature can fix this *lacuna* in the law.

Please see the attached materials (letter dated August 18, 2015 to Rep. Jim Ott and Sen. Van Wanggaard) which will provide additional information concerning this void in the law.

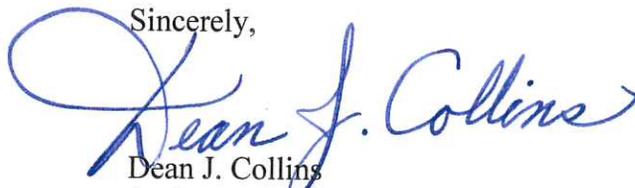
2. **There will be no uniform, State-wide enforcement of the provisions of this bill** thus resulting in a patchwork quilt of areas which may or may not enforce the proposed provisions of SB241/AB-333. While the bill would permit local governments to adopt the language of the bill into their ordinances, this is not a viable solution. It may be surmised that if the legislature refuses to grant state-wide enforcement authority for this bill, many local municipalities may feel no obligation to assume such a voluntary administrative burden.
3. **Because no State agency (DNR, DATCP, etc.) is tasked with enforcing this bill or implementing any of its provisions, there will be no State-wide data bank recording which owners possess specific animals.** If an exotic animal is at large, it would be almost impossible to determine its ownership without such a database. Some animals are far ranging and may be found at great distances from their normal enclosures. A State-wide database of exotic animals would make tracing ownership far easier and the prosecution of violators possible. *The prosecution of violators cannot occur unless ownership of the animal can be readily determined.*

4. **The bill fails to penalize the owner for each day an animal is at large.** Each day at large represents a very significant cost to local governments and non-profit animal welfare groups who may not have the resources to readily locate and capture the animal. Creating a *per diem* violation clause and penalty would encourage exotic animal owners to keep their animals safely secured on their own property.
5. **The bill does not include snakes and arachnids (spiders) in the definition of “dangerous exotic animal”.** Boa constrictors, anacondas, and venomous snakes are not included in the provisions of the bill. Venomous spiders are also not included. Law enforcement officers, humane officers, and other first responders may encounter such creatures in the regular course of their duties if possession of such creatures is not prohibited by the bill. Workers’ compensation costs may be considerable due to a venomous bite or a constricting injury
6. **The bill does not provide for civil immunity for law enforcement officers who may capture, injure, or kill an exotic animal in the performance of their duties.** Local units of government may have to assume significant legal costs not only for their own legal representation but also for a successful plaintiff in a Federal civil rights lawsuit alleging an unlawful deprivation of property, i.e. the exotic animal(s). Many exotic animals may have a large monetary value which the owner may seek to recover from the municipality if officers must kill the animal to ensure public safety.

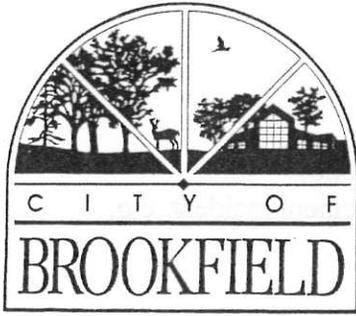
The above points are only a preliminary analysis of the current version of 2015 SB-241/AB-333. (There may be other points which I have not yet identified.) My principal concern is that this State forfeiture offense will remain as unenforceable as these other State forfeiture offenses: electioneering within 100 ft. of a polling place, disturbance of human graves, intoxicated flying of aircraft, refusal to follow emergency management orders at disaster scenes, etc. There are many more unenforceable State forfeiture offenses scattered throughout the six volumes of the Wisconsin statutes. I entreat the legislators not to create any additional unenforceable State civil forfeiture offenses to clutter the statute books.

Although I and my agency are not taking an official position on this bill, as a law enforcement officer of over 45 years of experience, I felt it incumbent upon me to share with you the information contained in this letter. I welcome and encourage you to contact me for further clarification.

Sincerely,



Dean J. Collins  
Assistant Chief of Police  
(262) 787-3567  
collins@ci.brookfield.wi.us



## POLICE DEPARTMENT

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*Daniel K. Tushaus, Chief of Police*



August 18, 2015

Rep. Jim Ott, Chair  
Assembly Judiciary Committee  
Box 8953  
Madison, WI 53708-8953

Sen. Van Wanggaard, Chair  
Senate Judiciary Committee  
Box 7882  
Madison, WI 53707-7882

**RE: 2015 AB-90 and SB-82, Criminal Procedure Code Revision; Lack of Authority to Enforce State Civil Forfeiture Offenses**

Dear Gentlemen:

Again I wish to bring to your attention a significant void in Wisconsin law which can be easily addressed in your criminal procedure code revision, to wit: the lack of general statutory authority for the enforcement of State civil forfeiture offenses. Your bills would be most appropriate vehicles to address this pressing issue since there are various **State forfeiture offenses contained within the criminal code.**

Although there are numerous State civil forfeiture offenses scattered throughout the Wisconsin statute books, these are only a few found in the criminal code:

- 947.012 (2) Unlawful use of telephone
- 947.0125 (3) Unlawful use of computerized communication systems
- 947.013 (1m) Harassment
- 948.605 (2) Gun-free school zones
- 948.70 (2) Tattooing of children
- 941.25 Manufacturer to register machine guns
- 941.2965 (2) Restrictions on use of facsimile firearms
- 941.297 (2) Sale or distribution of imitation firearms
- 941.299 (3)(b) Restrictions on the use of laser pointers
- 943.455(4)(a) Theft of commercial mobile service
- 943.47(3)(a) Theft of satellite cable programming

These are only a few of the State civil forfeiture offenses found in the other portions of the statutes:

- 114.09 (2) Intoxicated or reckless flying of aircraft
- 134.96 Hotel rooms used for underage alcohol or drugs
- 167.31 (2)(e) Safe use and transportation of firearms and bows
- 157.70 (10) Disturbance of human graves

ADDRESS ALL CORRESPONDENCE TO THE CHIEF OF POLICE



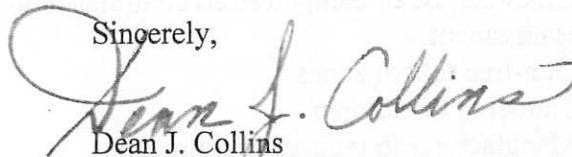
192.32 Trespassing/prowling on railroad tracks  
192.321 Jumping on/off a moving train  
255.40 Hospitals not reporting gunshot wounds/crime wounds to police  
323.28 Refusal to obey official orders during an emergency management incident, e.g. curfew, restricted access to prevent looting, etc.

**As the result of a lack of legislative enforcement authority, Wisconsin law enforcement officers may not legally stop, detain, question, or arrest a violator for any of the above statutes.** This obviously places our law enforcement agencies in a very difficult position. Without such legislative enforcement authority, officers risk a Federal civil rights lawsuit under 42 USC 1983 and possible criminal prosecution for False Imprisonment under Wis. Stat. 940.30 should they stop, detain, or arrest a violator no matter how egregious or repetitive the forfeiture offense might be.

**The solution to this dilemma is simple: incorporate the language of 2011 AB-237 into 2015 AB-90/SB-82 (copy attached).** 2011 AB-237 was endorsed by the Wisconsin Chiefs of Police Association, the Badger State Sheriffs Association, the Wisconsin District Attorneys Association, the League of Wisconsin Municipalities, the Milwaukee County Law Enforcement Executives Association, the Waukesha County Chiefs of Police Association, then Waukesha County District Attorney Brad Schimel, and Milwaukee County District Attorney John Chisholm. More recently, the Wisconsin Chiefs of Police Association, the Wisconsin District Attorneys Association, the Waukesha County Chiefs of Police Association, and Attorney General Brad Schimel have reaffirmed their support for addressing the lack of enforcement authority for State forfeiture offenses.

I request that you place this letter in the committee files for future reference. I must pose to you an existential public policy question: **why pass laws that can't be enforced?** As always, I am willing to meet with anyone at any place to discuss this matter further.

Sincerely,



Dean J. Collins  
Assistant Chief of Police

(262) 787-3567  
[collins@ci.brookfield.wi.us](mailto:collins@ci.brookfield.wi.us)

cc: Rep. Joel Kleefisch  
Rep. Rob Hutton  
Rep. Robin Voss, Assembly Speaker  
Sen. Scott Fitzgerald  
Sen. Leah Vukmir  
Sen. Fred Risser  
Atty. Gen. Brad Schimel  
D.A. Sue Opper



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-0404/1  
CMH;jld:rs

## 2011 ASSEMBLY BILL 237

August 30, 2011 - Introduced by Representatives KLEEFISCH, DANOU, FARROW and KNILANS, cosponsored by Senator WANGGAARD. Referred to Committee on Criminal Justice and Corrections.

1     **AN ACT** *to create* 175.39 of the statutes; **relating to:** authorization to make  
2             arrests for activities punishable by civil forfeiture.

---

### *Analysis by the Legislative Reference Bureau*

Current law grants specific authority to law enforcement officers to arrest for violations of criminal procedures, noncriminal traffic offenses, and ordinances and grants specific authority to law enforcement officers employed by cities to arrest for violations of any law. This bill specifies that any law enforcement officer may arrest a person for violating a law that constitutes a civil forfeiture if the law enforcement officer has reasonable grounds to believe that the person is violating or has violated the law.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3             **SECTION 1.** 175.39 of the statutes is created to read:

4             **175.39 Arrest by a law enforcement officer.** In addition to the arrest  
5             powers under s. 968.07, a law enforcement officer may arrest a person for a law

**ASSEMBLY BILL 237**

**SECTION 1**

1 violation that is punishable by a civil forfeiture if the arresting officer has reasonable  
2 grounds to believe that the person is violating or has violated the law.

3 (END)

**NOTE: The above language is almost identical to the enforcement/arrest authority granted for the following offenses:**

- a. Crimes: Wis. Stat. 968.07 (1)(d)
- b. Civil alcohol beverage violations: Wis. Stat. 125.14
- c. Civil traffic violations: Wis. Stat. 345.22
- d. Civil municipal ordinance violations: Wis. Stat. 800.02 (6)

# Wisconsin Lawyer

Vol. 85, No. 9, September 2012

## Letters

### Enforcement Lacuna in Statutes

I read with interest the article "Wisconsin's Concealed Carry Law" by Mark R. Hinkston (July 2012), explaining the many provisions of 2011 Act 35, which regulates the carrying of weapons. This is an issue of obvious importance to law enforcement officers, prosecutors, and the defense bar. The article mentioned that Act 35 created a number of state forfeiture offenses for certain violations of the Act. I and many other law enforcement executives attended a series of seminars held throughout the state that were sponsored by the Wisconsin Attorney General to explain the intricacies and mechanics of the concealed carry law. This Act and the Attorney General's seminar surfaced a much broader issue concerning a void in the Wisconsin statutes.

When questions arose regarding enforcement of Act 35, the assistant attorneys general present stated what had been known to only a handful of police and legal professionals: there is no general statutory authority for law enforcement officers to enforce state forfeiture violations.

While the legislature has authorized arrests for crimes (Wis. Stat. § 968.07), traffic regulations (Wis. Stat. § 345.22), and municipal ordinance violations (Wis. Stat. § 800.02(6)), there is no similar statutory authority to enforce state forfeiture violations. Without such authority, law enforcement officers cannot legally stop, detain, question, cite, or take into custody the violator of a state forfeiture offense without thereby inviting a federal civil rights lawsuit.

Why should this lacuna in the statutes concern the legal community? Simply put, without statutory enforcement authority, a significant number of state forfeiture laws are unenforceable nullities. Hence, the legal remedies created by the legislature are unavailable to clients and to the public at large. The following are only a minute number of such state forfeitures: flying aircraft while impaired by alcohol or drugs (Wis. Stat. § 114.09(1)(b)); prisoners engaged in telephone solicitations (Wis. Stat. § 134.73); disposal of records containing personal information (Wis. Stat. § 134.97); felons installing burglar alarms (Wis. Stat. § 134.59); illegal transport of weapons (Wis. Stat. § 167.31(2)); disturbance of human graves (Wis. Stat. § 157.70(10)); and refusal to obey emergency management orders during emergency situations, natural or human-caused (Wis. Stat. § 323.28). There are many other state forfeiture violations scattered throughout the five volumes of the statutes for which local law enforcement officers cannot take enforcement action.

2011 A.B. 237 would have granted Wisconsin law enforcement officers the authority to enforce state forfeitures. This bill was endorsed by the Wisconsin Chiefs of Police Association, the Milwaukee and Waukesha counties police chiefs, the Badger State Sheriff's Association, the League of Wisconsin Municipalities, and the Wisconsin District Attorneys Association. It passed the Assembly's Criminal Justice Committee on a bipartisan 9-0 vote and then died in the Assembly Rules Committee at the end of the legislative session. Unless

this bill is reintroduced and passed in the next session of the legislature, expect your local police agency to tell you "there's nothing we can do" when you ask them to enforce a state forfeiture violation on behalf of your client or organization.

(The opinions in this letter are the author's alone and do not necessarily reflect those of the city of Brookfield or its police department.)

Dean J. Collins  
Assistant Chief of Police, City of Brookfield

**Wisconsin Lawyer**

# Wisconsin Chiefs of Police Association, Inc. COPY

River Ridge - 1141 South Main Street, Shawano, Wisconsin 54166 • Telephone (715) 524-8283

Dave Funkhouser  
President  
Kiel

Robert J. Rosch  
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Sheboygan

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Executive Director  
Shawano

Timothy J. Styka  
Treasurer  
Menasha



May 21, 2015

REC'D MAY 26 2015

Dean J. Collins  
Assistant Chief of Police  
City of Brookfield Police Dept.  
2100 N. Calhoun Rd.  
Brookfield, WI 53005-5054

A.C. Collins:

In reply to your request, the Wisconsin Chiefs of Police executive board of directors met on Wednesday, May 20th, 2015 in Green Bay and as part of the meeting our executive board discussed the issue of general statutory authority for Wisconsin law enforcement officers to enforce State forfeiture offenses.

The board of directors voted and authorized me to voice support in concept that such legislative action would be beneficial to Wisconsin law enforcement officers and we would encourage members of the state legislature to draft legislation which would remedy the issues/concerned which you have brought to our attention.

Please note that I state "in concept" as our board conceptually agrees that legislation should be drafted to address this issue, but we typically withhold formally endorsing specific legislation until such time that we have been given the opportunity to read, review, and analyze specific legislation related to this or any other issue that impacts our profession.

Thank you for bringing this matter to the board's attention and for your efforts on our behalf.

Sincerely,

Dave Funkhouser  
President  
Wisconsin Chiefs of Police Association

NOT NOW x

## Get the Wonkbook Newsletter

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# The crazy reason it costs \$14,000 to treat a snakebite with \$14 medicine

By Christopher Ingraham September 9

Every once in awhile somebody will go and get themselves bitten by a venomous snake, and come home with an outrageous hospital bill that makes headlines.

Nobody expects antivenom to be cheap. Making the most common rattlesnake antivenom, for instance, involves injecting sheep with snake venom and then harvesting the antibodies produced by the animals' immune systems. But does that process, complicated as it may be, add up to the estimated \$2,300 per vial hospitals pay for the stuff?

Leslie Boyer wanted to find out. She's the founding director of the VIPER Institute at the University of Arizona, a research group studying ways to improve the medical treatment of venom injuries. VIPER was instrumental in the development of CroFab, the leading rattlesnake antivenom, as well as its upcoming competitor Anavip.

Boyer knows more than just about anyone about how antivenoms work, and how to study them in the lab. But she couldn't figure out why the price was so high. So, as she writes in an upcoming issue of the American Journal of Medicine, she requested "cost data from factory supervisors, sales representatives, animal managers, hospital administrators, health care finance officers, hospital pharmacists, grants managers and insurance specialists representing over 20 organizations involved in antivenom work affecting Latin America and the USA." She and her colleagues at VIPER used the numbers to build a pricing model for a typical arachnid antivenom sold in the United States. Here's how that model breaks down:

Shockingly, the cost of actually *making* the antivenom — of R&D, animal care, plasma harvesting, bottling, and the like — added up to roughly one tenth of one percent of the total cost. Clinical trials to evaluate the efficacy of the antivenom accounted for another 2 percent. Other miscellaneous costs, including licensing fees, wholesaler fees, regulatory, legal and office costs, and profit to medical providers, added up to 28 percent.

Finally, over 70 percent of the cost — responsible for most of the "sticker shock" you see in so many stories about envenomation care — comes from hospital markups that are used as instruments in negotiation with insurance providers. Depending on the hospital and the insurer, some percentage of this amount later gets discounted during the final payment process.

"It's a markup intended to be discounted back down," Boyer explained in an interview. But if you don't have insurance? The negotiating is all on you. And if you happen to have a high deductible for medications, you have to cough up the deductible amount, which can add up to thousands of dollars.

Setting aside the huge hospital markups, Boyer says there's a lot going on in the "other" cost category as well. "The lion's share of expected payment on behalf of insured patients was attributable to analysts, attorneys, consultants and business activities that set the U.S. bureaucracy apart from its neighbors," she writes in the *Journal of American Medicine*.

Perversely, in this field competition can sometimes drive *up* the cost of medication. She points to the fight between rival rattlesnake antivenoms currently winding down before the International Trade Commission. "Rather than bringing the price of antivenom down, competition drove it up, as millions of dollars in legal costs had to be distributed across a few thousand patients," she writes.

"My clinical trials can only benefit future patients if they can afford the drugs," Boyer said. "The U.S. needs to rethink how we manage these things, because we have reached the point where the developing world is getting more timely access to better drugs (at least in this field) than we are."

According to Boyer's model, a single vial of antivenom that would cost more than \$14,000 in the United States would cost \$100 to \$200 in Mexico. Same medicine. Same manufacturer. But a totally different pharmaceutical market.

In Mexico, Boyer says, authorities determined some time ago that treating venomous snake and spider bites was a public health issue. "Their policy has always been that the government will provide adequate

amounts of antivenom via a massive purchase of the drug which it distributes to health clinics." We could try to implement something similar here, but it would require an act of Congress to do so.

Boyer calls antivenom troubles the "tip of the iceberg." She goes on: "It sounds esoteric. It's something that happens to so few people. But the truth is the entire American system for developing, testing, licensing and paying for drugs is broken. Things like this go on every day with every drug but in a smaller way, and it adds up."

Christopher Ingraham writes about politics, drug policy and all things data. He previously worked at the Brookings Institution and the Pew Research Center.

## PROMOTED STORIES



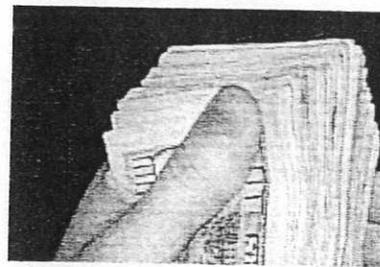
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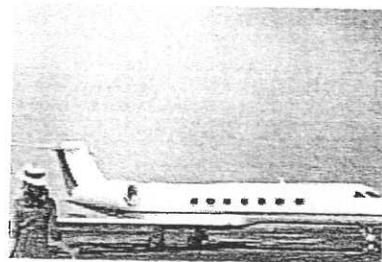
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