

TX-RPOA E-News
From RPOA Texas Outreach and
Responsible Pet Owners Alliance
"Animal welfare, not animal 'rights'
and, yes, there is a difference."
Permission granted to crosspost.

March 13, 2009

Thanks to Laura Dapkus, Lone Star State APBT Club for the following information. The onslaught of anti-pet bills is staggering this session and we need all the help we can get!

Zandra Anderson is doing our bill analysis for us this session.
www.TexasDogLawyer.com

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See html version of this alert here
<http://lsspsc.com/blog/2009/03/13/sb554/>

SB554 is scheduled for a hearing Tuesday March 17 - please call or fax NOW.

COMMITTEE: Senate Criminal Justice
TIME & DATE: 1:30 PM or upon adjournment
Tuesday, March 17, 2009
PLACE: E1.016 (Hearing Room) State Capitol, Austin

Attorney Zandra Anderson has provided the following legal analysis and talking points.

What these bills mean:

HB 1147 & SB 554 (Possession of alleged dog fighting equipment criminalized)
Frost (Criminal Jurisprudence); Whitmire (Criminal Justice)

1. Under this bill it would become a crime to possess dog fighting equipment with the intent that the equipment be used to train a dog for fighting or is used in the furtherance of dog fighting. This would become a Class A misdemeanor punishable by up to one year in jail and up to a \$4000 fine.
2. Dog fighting equipment is defined to include a harness, treadmill, cage, decoy, pen, house for keeping a fighting dog, feeding apparatus, or training pen.

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Sample Letter / Talking Points:

Senate Criminal Justice Committee
Room: SHB 470
201 E. 14th
Austin, TX 78701

RE: OPPOSE SB 554

Dear Chairperson Whitmire, Vice Chair Seliger and Committee on Criminal Justice:

SB 554 criminalizes the ownership of items that are common to many dog owners, but especially to those who engage in activities such as hunting, dog sports and dog shows. While I support the prosecution of the crime of dogfighting, the language is vague and will result in people being falsely accused. In the vast majority of dogfighting cases, the dogs are destroyed prior to a trial or even a conviction. Owners who are falsely accused suffer devastating financial and emotional losses and can never get their dogs back.

a.. All dog owners possess at least some of the equipment in this bill, and many dog owners possess most of the equipment such as a harness, treadmill, cage for a dog, a pen for a dog, feeding apparatus (a dog bowl) and training pens.

b.. While possession of these items to be a crime is linked to intent to train dogs to fight or in the furtherance of dog fighting, that is very vague. There is no definition of what constitutes intent. How do you prove intent?

c.. Merely possessing this equipment does not mean that someone has the intent to train a dog to fight or that the equipment is used in the furtherance of dog fighting.

d.. Because someone has a dog bowl, does this mean they have the intent to fight a dog? This bill would open the door for unfairly prosecuting a person who legitimately owns American Pit Bull Terriers or other similar dogs.

e.. Legitimate dog trainers of all breeds use treadmills to exercise their dogs particularly when the weather is bad, and in no way indicates training of fighting dogs.

f.. If a dog fighter is convicted, then the equipment described above can already be seized and forfeited.

Respectfully,

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Clerk: Vanessa Valdez
Phone: (512) 463-0345

Please contact the members of the committee with your brief and respectful opposition.
Especially if you live in their districts - please let them know.

Chair: Sen. John Whitmire (Houston)
Vice Chair: Sen. Kel Seliger (Amarillo-Midland-Odessa)
Members: Sen. John Carona (Dallas)
Sen. Rodney Ellis (Houston)
Sen. Glenn Hegar (Katy)
Sen. Juan Hinojosa (Corpus Christi-McAllen)
Sen. Dan Patrick (Houston)

The Honorable John Whitmire
<http://www.senate.state.tx.us/75r/senate/members/dist15/dist15.htm>
P.O. Box 12068
Capitol Station
Austin, Texas 78711
(512) 463-0115
FAX 512-475-3737

The Honorable Kel Seliger
<http://www.senate.state.tx.us/75r/senate/members/dist31/dist31.htm>
P.O. Box 12068
Capitol Station
Austin, Texas 78711
(512) 463-0131
(512) 475-3733 fax

The Honorable Rodney G. Ellis
<http://www.senate.state.tx.us/75r/senate/members/dist13/dist13.htm>
P.O. Box 12068
Capitol Station
Austin, Texas 78711
(512) 463-0113
(512) 463-0006 (fax)

The Honorable John Carona
<http://www.senate.state.tx.us/75r/senate/members/dist16/dist16.htm>
P.O. Box 12068
Capitol Station
Austin, Texas 78711
(512) 463-0116
Fax: (512) 463-3135

The Honorable Glenn Hegar

<http://www.senate.state.tx.us/75r/senate/members/dist18/dist18.htm>

P.O. Box 12068

Capitol Station

Austin, Texas 78711

(512) 463-0118

(512) 475-3736 (Fax)

The Honorable Juan "Chuy" Hinojosa

<http://www.senate.state.tx.us/75r/senate/members/dist20/dist20.htm>

P.O. Box 12068

Capitol Station

Austin, Texas 78711

(512) 463-0120

(512) 463-0229 Fax

The Honorable Dan Patrick

<http://www.senate.state.tx.us/75r/senate/members/dist7/dist7.htm>

P.O. Box 12068

Capitol Station

Austin, Texas 78711

(512) 463-0107

(512) 463-8810 (Fax)

RPOA Texas Outreach (501 C4)

Responsible Pet Owners Alliance (501 C3)

900 NE Loop 410 #311-D

San Antonio, TX 78209

Website: www.responsiblepetowners.org

\$15 Annual dues (January - December)

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