



March 20th, 2024

Hon. Kellie Warren
Kansas State Capitol
300 SW 10th Street
Topeka, Kansas 66612

Dear Chair Warren and Members of the Committee:

We, the Wichita Animal Action League (“WAAL”), ask that you SUPPORT SB 503, a bill that extends the subsections of the animal cruelty statute that can be charged as a felony (“Bowie’s Law”). This bill amends K.S.A. 21-6412, the statute defining cruelty to animals. Currently, that statute makes some conduct a felony while other conduct is classified as a misdemeanor. K.S.A. 21-6412(b). Conduct defined as a nonperson felony includes “knowingly and maliciously killing, injuring, maiming, torturing, burning or mutilating any animal.” K.S.A. 21-6412(a)(1). “Knowingly abandoning any animal in any place without making provisions for its proper care” or “knowingly failing to provide such food, potable water, protection from the elements ... as is needed for the health or well-being of such kind of animal” is classified as only a Class A nonperson misdemeanor.

Bowie’s Law amends the statute to allow additional conduct to be considered as a felony. It would add subsection (2) which states “knowingly and maliciously abandoning any animal in any place without making provisions for the proper care of the animal.” This amendment allows a prosecutor to charge a defendant with a felony, rather than merely a misdemeanor, if the defendant knowingly and maliciously abandons an animal to deprive the animal of food or water with the intent of starving the animal to death.

WAAL became involved in trying to broaden the definition of what behaviors should constitute felony animal cruelty after our efforts to rescue and rehabilitate Bowie. In January of 2020, during below freezing temperatures, Bowie the dog, who had been starved to more than half of his normal body weight, was locked inside a kennel and placed in a commercial trash dumpster in an apartment complex parking lot in Wichita. If Bowie had not been found by coincidence, he would have died. After months of rehabilitation, Bowie has become an ambassador for WAAL's #BeLoud campaign which encourages people to come forward against animal cruelty and neglect in their communities. The person who starved and confined Bowie in a way that would most assuredly lead to his death has been charged and convicted of a misdemeanor under

section (a)(2) of the Kansas Animal Cruelty statute. The Sedgwick County District Attorney told the public and our rescue that they could not charge the accused with a felony under subsection (a)(1). We believe the Kansas Legislature would have wanted to include this behavior under K.S.A. 21-6412 (a)(2) as a felony if that had been an option at the time.

This amendment is necessary because currently, more specific provisions of K.S.A. 21-6412(a)(2) and (3) apply to behaviors within their narrow scope before the more general provisions of K.S.A. 21-6412(a)(1), even when the behaviors exhibit the same level of maliciousness. The acts of abandoning a dog in a cage without food or water and leaving the cage in the country where it will not be found most assuredly would die, or caging a dog without food or water and throwing the cage into a dumpster to be crushed by a trash compactor truck at pick-up is just as malicious and blameworthy as “killing, injuring, maiming, torturing, burning or mutilating any animal.” But those behaviors cannot currently be charged as felonies under K.S.A. 21-6412(1)(a). Instead, the provisions of K.S.A. 21-6412(a)(2) 3 and (3) prohibiting abandoning an animal without making proper provisions for an animal’s care or failing to provide food, water, and protection from the elements apply because those provisions are more specific than the general provisions of K.S.A. 21-6412(a)(1). There is little difference between intentionally running over a cat with your car and sealing a cat in a bag and abandoning the cat in the country where no one is likely to find it before it perishes; yet, as the law currently reads, the first act could be charged as a felony but the second only charged as a misdemeanor. Bowie’s Law would allow both acts to be charged as felonies.

Malicious and intentional abuse of animals should be taken seriously and punished more severely than mere neglect. Numerous studies have demonstrated the link between violence towards animals and violence towards humans. See, e.g., “The Link Between Animal Cruelty and Human Violence,” C. Robinson, M.A., M.S. and V. Clausen, M.A., FBI Law Enforcement Bulletin, August 21, 2021 (<https://leb.fbi.gov/articles/featured-articles/the-link-between-animal-crueltyand-human-violence>). That article notes that “animal cruelty is a predictor of current and future violence, including crimes of assault, rape, murder, arson, domestic violence, and sexual abuse of children” and concludes “understanding and correlation between animal cruelty and violence brings law enforcement one step closer to saving the lives of both animals and humans.”

This amendment will not impact ranching, farming, or efforts to control pests or predatory animals. Those activities already are excepted from the provisions of K.S.A. 21-6412 and this amendment does not eliminate or reduce the scope of those exceptions.

WAAL was founded in 2013 with the mission of saving animals in crisis. We strive to provide proactive solutions to pet overpopulation, animal neglect, and the unnecessary surrendering of animals to an overcrowded shelter system due to lack of resources. We operate a number of programs designed to assist animals and their owners such as a welfare check team, community pet food banks, a vet repayment program, subsidized

spay and neuter vouchers, and temporary boarding of pets whose owners are fleeing domestic violence or obtaining services from the Veterans Administration. WAAL has a social media following of 30,000 followers.

We believe this amendment will garner significant community support given the public outcry that occurred with the announcement that Bowie's abuser could only be charged with a misdemeanor. Bowie has become the face of WAAL's program to find and address animal abuse with the tagline "#BeLoud. Bowie has his own Facebook page with over 4,600 followers.

We urge you to SUPPORT SB 503 by passing it favorably out of committee.

With gratitude,

The Wichita Animal Action League Board of Directors & Veterinarian Advisors

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