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TESTIMONY ON MICHIGAN H.B. 4478
Presented by Vicki Deisner, Midwest Legislative Director
Before the Michigan House Criminal Justice Committee
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Chairman Heise, Majority Vice-Chair Webber, Minority Vice-Chair Guerra and distinguished members of the House Criminal Justice Committee, I am Vicki Deisner, the Midwest Legislative Director for the American Society for the Prevention of Cruelty to Animals (ASPCA). The ASPCA, founded in 1866, is the first humane organization established in the Americas and serves as the nation's leading voice for animal welfare. The ASPCA's mission is to provide effective means for the prevention of cruelty to animals throughout the United States. As part of our national effort to assist local anti-cruelty efforts on the ground, the ASPCA provides grants to local communities. In fact, over the last several years we have awarded over $600,000 to communities throughout Michigan. On behalf of our approximately 2.5 million members and supporters, including over 73,000 Michiganers, the ASPCA respectfully urges this committee to support H.B. 4478 and join 28 other states, DC, and Puerto Rico in enacting pet protective orders that will help protect Michigan families and their pets.

As this country has witnessed during the tragedies of Hurricane Katrina, Sandy and other natural disasters, many people will not leave their homes without their beloved pets – even when their own lives are at risk. So it is with domestic violence situations, and abusers know this. National studies show that 48% of domestic violence victims report that they delayed leaving a dangerous situation because they feared for their pets' safety and knew of no way to remove the animal or where to take them (Carlisle-Frank, Frank & Nielsen 2004). Over 75% of domestic violence victims have indentified the need for pet support for victims, and over 40% have reported their pets were killed, harmed or threatened to be harmed, and that they believed their pets would be harmed if they left home without them. Many victims clearly state that pet safety impacted their decision to leave an abusive home. This inability to leave places puts women, children, and pets at greater risk of exposure to emotional and physical trauma, and death. The threat, or actual use, of violence against family pets is part of the dynamic of family violence – a dynamic that includes not only the victim and batterer, but also the children, elderly relatives, and the family pets. As was the response to Hurricane Katrina and other natural tragedies, it is appropriate that the law and the courts make it easier for domestic violence victims to protect themselves by recognizing the need to protect their pets.

Domestic violence crimes against companion animals are often violent and egregious acts of cruelty,

including setting pets on fire, throwing them off balconies, and beating or killing them in front of children. Victims of family violence are often left in a position of deciding whether to stay in an abusive situation and often dangerous situation, or to go and leave behind their beloved pets.

Victims know that leaving their pets behind puts them at even greater risk of abuse once the victim is gone. Animals are often used by the abuser to punish or manipulate, as well as to take revenge against the victim. Considering that more than 64 million households in this country have one or more companion animals, being cruel to animals is a common way to punish and control a victim of domestic violence (Randour & Davidson, 2008). Likewise, attachments to pets on the parts of both victim and the children in a violent family are considerable, and traumatic suffering can result when pets are abused or killed.

The need for pet protective orders lies in the fact that animals are considered property in all 50 states. Because pets are considered personal property, courts cannot legally restrain a person from harming, injuring, or interfering with their care. If an abuser refuses to relinquish a pet and the pet is not listed on a temporary restraining order (TRO), police and even courts are often reluctant to get involved in what is usually considered a property dispute. As a result, abusers have been known to threaten to harm or kill a pet if a victim does not return to the home, or dismiss criminal charges or restraining orders against the abuser.

Animal abuse is a recognized indicator of future violence and is a common and violent crime in domestic violence situations. Understanding how to address animal abuse, including enacting pet protective orders, can protect both animals and the human victims of domestic violence. Enacting H.B. 4478 will help to protect Michigan's families by removing one obstacle that may prevent a victim from leaving an abusive situation.

For all of the aforementioned reasons, the ASPCA respectfully urges the House Criminal Justice Committee to support H.B. 4478 and join 28 other states, DC, and Puerto Rico in enacting pet protective orders that will help protect Michigan families and their pets. Thank you for your time and consideration.

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