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Testimony of Richard Angelo, Legislative Attorney, *in support of* HB 4035/House Ways and Means Committee

Good afternoon Mr. Chairman and members of the Committee. My name is Richard Angelo and I am an attorney with Best Friends Animal Society and also a resident of Genesee County, Michigan. We all want safe and humane communities for people and pets, that's why I urge you to support HB 4035.

HB 4035 is an important piece of legislation because it would put an end to breed based discrimination in the State of Michigan. Breed discriminatory laws are bad public policy solutions for 3 primary reasons. (1) Breed discriminatory laws are completely ineffective at protecting the public. The best ordinances always focus on the behavior of the dog and the behavior of the owners. Reckless dog owners should be held accountable for their actions and those of their dog - no exceptions, no excuses. (2) Breed Discriminatory laws are a complete waste of taxpayer dollars. It would cost almost \$15 million annually if Michigan enacted a statewide law similar to the ones in place in some of its counties and local municipalities. (3) Breed discriminatory laws infringe on the property rights of pet owners. Responsible Michiganders should be allowed to own and care for any breed of dog he or she wants.

It is very likely that you are going to hear emotional testimony from opponents of this legislation. That testimony may be accompanied by graphic pictures of dog bites. Every report of a dog bite is disturbing and a tragedy. No proponent of HB 4035 wants to put dangerous dogs into our communities. To the contrary, we all want safe and humane communities first and foremost. However, breed discriminatory laws are not the solution to help us reach that goal. In 2012, a study published in the JAVMA looked at the factors in attacks and dog bite related fatalities. The study found that no one particular breed of dog is more inclined to attack than any other, and this is one of many studies to come to this conclusion. Further, a study of dog bite related fatalities occurring from 2000-2009 (10 full years), breed of the dog could be reliably determined in only 45 of the 256 incidents (less than 20%). In the other 211 cases breed could not be reliably determined. Of those 45 where breed *could* be determined, 20 different breeds and 2 mixed breeds were involved. The data tells us that holding the animal and the reckless owner accountable for each incident is the only way we will have safe and humane communities across Michigan.

As a practical matter for enforcement of breed discriminatory laws, visual identification of a breed is a primary method employed under such ordinances. Trying to visually identify a dog has been shown to be difficult for even the most experienced of Animal Shelter employees. However, visual identification of a dog subject to a breed discriminatory law is the exact impossible task that some municipalities are asking their law enforcement officers and animal control staff to do in order to enforce the law. Studies have shown that visual breed identification of pit-bull-terrier like dogs by shelter staff and veterinarians was shown to be inconsistent among individuals and an unreliable means of identification. In one study in particular, 50% of dogs labeled as pit bulls lacked DNA breed signatures of breeds commonly



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classified as pit bulls. As evidence of the difficulty in visually identifying the breed of a dog, we have included in our packet to you a one page visual ID test which contains 16 dogs that many might identify as pit bulls upon first visual inspection. In reality, only 2 of the dogs in the array contain breed markers for 2 of the breeds that are commonly referred to as pit bulls.

For these reasons, a wide range of respected organizations have all come out against breed based discrimination, including the American Bar Association, the American Veterinary Medical Association, the National Animal Care and Control Association, the Centers for Disease Control (CDC), the American Kennel Club, and countless others. In addition, according to a nationwide poll conducted by the Luntz Global group, 84% of Americans believe that a responsible pet owner should be permitted to own any breed of dog he or she wants. Most recently, the International Municipal Lawyers Association revised their model dangerous dog ordinance to remove any reference to breed of the dog in determining the behavior of the dog. The overwhelming trend across the country is to move away from these breed-restrictive ordinances for the reasons that I have already outlined. That is also why 22 other states have passed laws similar to HB 4035.

There are approximately 30 municipalities in Michigan that have some form of breed based discriminatory ordinance, many of which take the form of a ban of certain dogs because of the way they might look. It is vitally important to note that under the provisions of this bill, every local municipality in the state will continue to be permitted to regulate dogs in their communities. Individual dogs and irresponsible owners should be held accountable for their conduct- no excuses and no exceptions. The best laws focus on behavior, both those of the dog and of the owner. Bad owners lead to bad dogs and that puts everyone at risk.

HB 4035 will also provide uniformity in the both the drafting and application of local laws in our state. Currently, there are people who may want to move to a certain area of Michigan, and cannot do so because of the way that their family dogs looks. In some areas, people are potentially breaking the law simply by walking their dog across an imaginary city line, into a city that has a breed discriminatory law in place. HB 4035 would remove these problems for responsible dog owners living within our state, without jeopardizing the public safety in any way.

HB 4035 is a win-win for Michigan. It will end breed-based discrimination throughout the state, enabling responsible pet dog owners to care for whatever type of dog they choose. At the same time, it will help us focus attention on strengthening our current dog laws to make them more effective at protecting the public. We all want safe and humane communities in Michigan, for our residents and our pets. For all these reasons, Best Friends and I urge you to vote yes on HB 4035. Thank you for your time and consideration this afternoon, and with that, I am available for any questions you may have.

We hope that you will stand with all the Michiganders who want to see **HB 4035** become law and continue to support the bill and advocate on its behalf to your House colleagues.

Sincerely,



September 14, 2020

Chair Brandt Iden
House Ways and Means Committee
Anderson House Office Building
Post Office Box 30014
Lansing, MI 48909-7514

Dear Chair Iden and Committee Members:

On behalf of the Michigan voters we represent, the undersigned coalition of organizations is asking for your support of **House Bill 4035** in the House Ways and Means Committee. A hearing on this bill is scheduled before your committee on Tuesday, September 15, 2020.

As you know, **HB 4035** would protect the individual property rights of all responsible dog owners in our state, while also putting an end to arbitrary and ineffective breed-based laws that do nothing to keep our communities safe. This common-sense approach has been adopted in 22 other states and we are excited for the chance to make Michigan the 23rd name on that list.

It is important to remember that **HB 4035** does not take the authority or responsibility away from our local governments to regulate dangerous dogs and reckless owners. In fact, if enacted, **HB 4035** will strengthen our local dog and owner laws by focusing all communities in Michigan on the underlying problems of individual dog behavior (regardless of breed) and the behavior of reckless owners.

A fundamental goal of **HB 4035** is to achieve safe and humane communities and that is the goal of our collective organizations. We want our communities protected against dangerous dogs and we want abused dogs to be protected from reckless owners. **HB 4035** will help to achieve these goals in our communities and allow our organizations to be proud that Michigan would be the 23rd state in the country to do so.

We, and many Michigan residents, believe in the great need for this common-sense legislation in Michigan. Providing for safe and humane communities, while at the same time protecting the property rights of all Michiganders, is not a partisan issue. **HB 4035** will also maintain local governments' ability to protect their residents by implementing and enforcing laws that focus on problems with dog and reckless owner behavior, regardless of breed.