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TO: Members of the Senate Committee on Judiciary and Public Safety

FROM: Rep. André Jacque

DATE: March 14, 2018

RE: Assembly Bill 666

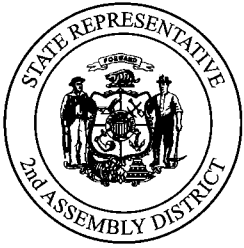
Chairman Wanggaard and Members of the Senate Judiciary and Public Safety Committee:

Thank you for the opportunity to testify in support of Assembly Bill 666. I am very pleased to bring forward this common sense, bi-partisan legislation with Sen. Risser and Sen. Taylor to more effectively address the crime of sexual abuse of an animal by increasing the penalty to a felony and increasing penalties for repeat offenses, and making a technical change to the definition of sexual contact with an animal to prohibit perpetrators from using any body part or object on an animal for sexual gratification, not just their sex organ, closing a loophole that has unfortunately been exploited. These changes were drafted in consultation with and at the request of district attorneys, law enforcement agencies, farmers, and animal advocates.

A study of 44,000 adult sex offenders found that prior sexual abuse of animals is the number one behavioral predictor for sexual abuse of a child, and individuals who sexually abuse animals are very frequently violent, predatory sex offenders who share many common traits with pedophiles. In addition, 37% of sexually violent juvenile offenders are reported to have sexually abused animals, and 95 percent of juveniles who had reported engaging in animal sexual assault had also sexually assaulted individuals. In one jurisdiction in Virginia, of ten adult males convicted of crimes related to bestiality, eight had also been involved in sexual crimes involving children (child pornography, soliciting sex from a minor).

This bill further prohibits abusers from participating in certain state licensed programs such as foster care and operating a child care service, and prohibits them from owning animals or working with them. They must also surrender any animals in their possession and are required to undergo a psychological assessment. The legislation also prohibits trafficking or advertising animals for sex, engaging in sexual contact with animals in the presence of a minor or coercing minors to engage in sexual contact with animals. Sexual abuse of animals is currently a felony in twenty three states.

I am pleased to note that the Wisconsin State Horse Council, Badger State Sheriffs Association, Wisconsin Sheriffs and Deputy Sheriffs Association, Wisconsin Veterinary Medical Association,



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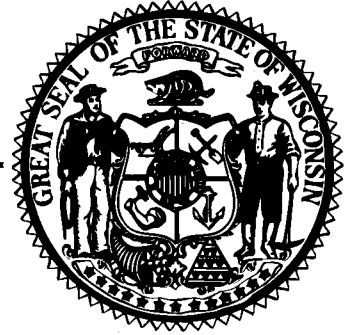
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Wisconsin Federated Humane Society, Humane Society of the US, and Sheltering Animals of Abuse Victims all strongly support this legislation and testified in favor at the Assembly hearing, as well as a prosecutor and District Attorney from different counties who spoke to the need for its passage.

This legislation passed the Assembly Criminal Justice and Public Safety Committee on a unanimous 11-0 vote and passed the full Assembly on a voice vote. Thank you for your consideration.

FRED A. RISSER

Wisconsin State Senator



March 14, 2018

Chairman Wanggaard and fellow members of the Senate Committee on Judiciary and Public Safety,

Thank you for holding this public hearing on Assembly Bill 666, bipartisan legislation that would heighten the penalty for sexual abuse of animals.

AB 666 is necessary to provide a stronger deterrent and punishment for sexually abusing animals. A list of cases in Wisconsin, compiled by experts on the matter and provided to the Assembly Committee on Criminal Justice and Public Safety, details the grisly and disturbing accounts of sexual abuse and mistreatment of animals in our state. As can be inferred from these Wisconsin cases, our current laws are not serving as a strong enough deterrent or punishment for this serious crime.

AB 666 would increase the penalties for sexual abuse of animals to felony charges, and increase the felony classifications for subsequent violations. Currently, this crime is a Class A misdemeanor.

AB 666 was passed out of the Assembly Committee on Criminal Justice and Public Safety unanimously and was passed by the Assembly by voice vote on February 15th of this year. I look forward to this committee recommending passage of AB 666 so that the Senate may take swift action in moving this important bill forward this session.

As the Senate author of this bipartisan Assembly bill, I appreciate the Committee's consideration of AB 666 and would be happy to answer any questions you may have.

Most sincerely,


FRED A. RISSER
Wisconsin State Senate

FAR:cj



THE HUMANE SOCIETY
OF THE UNITED STATES

Written Testimony in Support of Senate Bill 802/Assembly Bill 666
Presented to the Senate Committee on Judiciary and Public Safety
by Melissa Tedrowe, Wisconsin State Director
The Humane Society of the United States
March 14, 2018

Honorable Chairman Wanggaard, Vice-Chair Testin, and Senators Risser, Taylor, and Stroebel:

On behalf of The Humane Society of the United States (HSUS), the nation's largest animal protection organization, and our Wisconsin supporters, I urge you to vote in favor of S.B. 802/A.B. 666.

I recognize that this bill raises an uncomfortable subject that decent people don't like to discuss, and humor is often employed to deflect from conversation. But the matter this bill addresses is no joke. Animal sexual abuse is a serious crime, often perpetrated by repeat offenders who extend their criminal activity to human beings.

Here in Wisconsin an individual by the name of Sterling Rachwal has put a notorious face to animal sexual abuse for more than three decades; he's a recidivist in every sense of the word. It's because of Rachwal's repeated crimes that the Wisconsin public and many members of our state law enforcement have become aware of animal sexual abuse and the inability of our current law to adequately respond.

But S.B. 802/A.B. 666 is not about one individual; thousands of people nationwide, including here in Wisconsin, solicit or offer animals for sex every year. Ads posted on Craigslist and bestiality websites indicate that the sexual abuse of animals is happening in every area of our state, urban and rural. On one popular bestiality forum, the most recent Wisconsin "roll call," dated March 4, 2018, has 125 replies and has been viewed more than 8500 times.

We know that animal sexual abuse is linked to human crime and cruelty. Extensive case history shows that bestiality has strong ties to pedophilia; in fact, researchers suggest that bestiality is the single largest risk factor and strongest predictor of increased risk for committing child sexual abuse.

The FBI has found high rates of sexual assault of animals in the backgrounds of serial sexual homicide predators, which is why bestiality and other forms of animal cruelty are now tracked as a Group A offense in the National Incident Based Reporting System, the same category as rape and murder.

The Wisconsin legislature decided decades ago to prohibit the sexual abuse of animals. As times have changed, the language addressing animal sexual abuse in our current law, Ch. 944, has become outdated and is no longer sufficient to prosecute the variety of crimes related to the sexual abuse of animals. This has caused cases to be dismissed, overturned on appeal, or not able to be charged at all.

Strengthen Wisconsin's Law on Animal Sexual Abuse!

What is animal sexual abuse?

It is the sexual molestation of an animal by a human. Animal sexual abuse, like rape, is the eroticization of violence, control and exploitation.

Why does it matter?

Animal sexual abuse is the single strongest predictor of increased risk for committing child sexual abuse.

In a study of over 44,000 adult male sex offenders, researchers concluded that animal sexual abuse is the number one risk factor and the strongest predictor of increased risk for sexual abuse of a child.

Some studies have found high rates of sexual assault of animals in the backgrounds of serial sexual homicide perpetrators. This is one reason why bestiality and other forms of animal cruelty are now tracked by the FBI as a Group A offense in the National Incident Based Reporting System, in the same category as rape and murder.

Isn't it already illegal?

Wisconsin Chapter 994, Crimes Against Sexual Morality, makes it a crime for anyone to commit an act of sexual gratification using his or her sex organ, mouth, or anus and the sex organ, mouth, or anus of an animal. Only prohibiting contact with a sex organ is a major loophole in the law that has caused convictions to be overturned on appeal.

In addition, Wisconsin's animal cruelty law only applies in cases where there is provable physical injury to the animal. Many acts of animal sexual abuse are filmed and discovered well after the incident occurs, so the requisite animal or medical evidence to substantiate physical injury cannot be recovered.

Finally, animals, like women and children, are trafficked, sold, and traded for sex and frequently used in the pornography industry. Trafficking animals for sex is not currently prohibited in Wisconsin.

Establishing animal sexual abuse as a separate crime allows law enforcement to identify potentially dangerous sexual predators in their community.

AB 666:

- Prohibits engaging in sexual contact with animals with any part of the body or an object;
- Prohibits promoting, trafficking, advertising, or soliciting animals for sex;
- Prohibits engaging in sexual contact with animals in the presence of a minor or coercing others;
- Increases the penalty from misdemeanor to a felony;
- Requires the court to order the convicted person to refrain from contact with animals and surrender any animals in their possession;
- Requires psychological assessment;
- Exempts veterinary procedures, accepted animal husbandry and animal care, artificial insemination, and conformation judging.



NATIONAL LINK COALITION
*Working together to stop violence
against people and animals*



Range of Bestiality-related offenses in Wisconsin
 Information compiled by M. Jenny Edwards - January 29, 2018

No.	Offender	Offense county & description	Conviction	The back story.
1	Sterling Rachwal			The back story. Repeat offender since 1982 of violent sexual acts. See full summary below.
2	Maekenzie Behrman, 18	Manitowoc - While under investigation on a child sexual assault case, investigators found videotapes of Behrman having sex with two different dogs.	Case Pending - charged with 2c Misdemeanor Sexual Gratification with an Animal, as well as car theft, sexual assault of child <13, and obstructing an officer.	Behrman is a member of a local Kennel club for hunting dogs,
3	Nicholas Bradley, 22	Dodge - Arrested 2015 for sodomizing his girlfriend's dog.	12 mos. Probation for Misdemeanor Sexual Gratification with an Animal. A charge of Disorderly Conduct was dropped.	In 2016 Bradley was arrested in Alaska for sexually assaulting a 14 y/o girl. Was originally charged with 1c M sex gratification w/animal and disorderly conduct; the DO charge was dropped and he was sentenced to 12m probation
4	Gideon Swarzenruber, 20	Clark - Arrested 2015 for having sex with a jenny (female donkey)	12 mos. Probation for Misdemeanor Sexual Gratification with an Animal	Swarzenruber was working as a stable hand and was caught by his boss.

5	Jared Krefl, 30	Marathon - Arrested 2014 after breaking into a barn where he performed oral sex and manual stimulation of a male horse. Marijuana pipe and Vaseline were found onsite. Convicted on possession of drug paraphernalia.	2 years probation for marijuana possession; Animal sexual gratification charge dropped.	Krefl told officers he had been viewing animal pornography . Krefl had previously been arrested for marijuana possession and bail jumping.
6	Jamie Garcia, 33	Outagamie - Arrested 2014 after posting images online of himself having intercourse with a mare (female horse).	3 months in jail, 3 months on Huber, 12 mos. probation for Misdemeanor Sexual Gratification with an Animal	At time of arrest, Garcia was in possession of crystal meth, and admitted to having sex with multiple dogs since he was a teen . He had previously been arrested for a substantial marijuana grow.
7	Kenneth Risch	Taylor - Arrested 2013 after posting pictures of himself sexually penetrating a dog,	1c Misdemeanor Sexual Gratification with an Animal; outcome unknown	In 2012 Risch was convicted felony sexual assault of child , and had a prior record of assault and battery, embezzlement, disorderly conduct, and disturbing the peace
8	John Bullock, 24 and Damonta Jones, 25	Eau Claire - Arrested 2010 for raping an unconscious woman with a snake.	25 years for Bullock; 35 years for Jones for (human) sexual assault	Both men had intercourse the victim, then each one penetrated her vaginally with live snake belonging to Jones. Jones was on probation at the time for a prior sexual assault. Bullock's prior criminal history includes sexual assault , property damage and disorderly conduct. Both are appealing their convictions.
9	Jeremiah Purtell, 21	Dane - Arrested 2007 for pornographic images of children and animals, a parole violation for earlier animal cruelty conviction.	12 years for possession of child porn.	In 2006 Purtell was convicted of animal cruelty and sentenced to 6 months plus 5 years' probation for the torture and death of his girlfriend's two dogs . One dog suffered two broken legs, cuts on his tail, and one eye that had been punctured with a needle. The other dog died of massive liver trauma. After being released from jail in 2007, he violated parole (in Washington County) by child porn and bestiality images on his computer . Purtell was sentenced to 12 years in jail.

10	Bryan Hathaway, 20	Douglas - Arrested 2006 for having sex with a roadkill deer.	18 mos., 2 years' probation for Misdemeanor Sexual Gratification with an Animal	Hathaway's juvenile record included weapons violations, lewd behavior, disorderly conduct, damage to property, malicious mischief and animal cruelty. In 2004 he was arrested for threatening w/weapon. In 2005 he shot and killed a horse for the purpose of having sex with it. He served 18 months for felony mistreatment of an animal, and was living at a halfway house at the time of the 2006 necrobestiality incident. In 2014 Hathaway was arrested while out on parole for cell-phone theft and assaulting an off-duty police officer.
11	Barry Herbeck, 35	Dodge - Convicted 1998 of sodomizing and killing numerous cats and dogs, sometimes in front of children	5c of animal mistreatment and 1c of possession of firearm by a felon	Herbeck was convicted in 1989 of raping his 6-year-old stepdaughter.
12	Tod Bergemann, 25	Brown - Designated a Sexually Violent Predator in 1997, admitted history of undetected bestiality	2 years and 3 mos. For sexual assault of a child.	Bergemann has been arrested for sexual assaults of multiple victims, including his sister, 2 foster brothers, a 2 y/o baby and sex acts with both parents. He also admitted to prior acts of bestiality w/the family dog. In one such incident he forced another person to have sex with the dog and posted images of her as a threat that she remain silent.

Summary of Sterling Rachwal's criminal history:

1982, 1984 and 1988 - Fond du Lac, Monroe, Waupaca and Outagamie counties: Previous charges including a pony, found dead and tied by the front legs over a fence post, with a broom handle shoved up its rectum. He has also rectally torn and cut the nipples off broodmares in foal.

1993 - Monroe County: sexually assaulted three horses at two farms in the Tomah area; in one arm into a horse's anus and simultaneously masturbating himself. Horses were destroyed because of their injuries. Charged w/3c mistreatment causing death, 3c sexual satisfaction w/animal; 2c burglary. Sentenced 12/23/93 to 8, 3, and 3Y consecutive

1995-0800 - REVERSED & REMANDED because law said oral & anal w/his penis; released on signature bond // based on Jones v State

1996-0601 Waupaca County WI: Charges: burglary, mistreatment of an animal, criminal damage to property, bail jumping. a couple who lived next door to Rachwal's parents reported the sexual assault of their pregnant Arabian mare. Mare survived. // Rachwal's parents live in Waupaca Co. He has a twin brother and possibly one other brother.

1997-0500 - Found NG by reason of mental defect. Committed 18 years, eight months; judge later added 19 years for 1992 charges

2008-0200 - conditionally released

2008-11/01 - Fond du Lac County: owner reported intruder wearing latex gloves & a baseball cap w/a red laser light on it, who said he had a "fascination with horses"; owner reported horses loose, strange footprints, and horse had been sick for a while. Charged with disorderly conduct for attempted sex w/horse. // SR said he wanted to "test the waters"

2008-2010 - two horses had to be euth'd from injuries similar to those inflicted by Rachwal, but no evidence linked him to the crime. // 90D ordered in 2012

2010 - Convicted on violating the terms of release by having contact with a horse, consuming alcohol, and traveling outside the Fond du Lac city limits. Also received approximately 50 e-mails showing acts of sex with animals. Returned to MH facility until 2015 (under original sentence)

2011-0128 - Trial bound over

2012 - sentenced to 90 days in jail for one count of disorderly conduct for entering a barn in Fond du Lac County (the 2008 case)

2014-0315 petitioned for conditional release denied; will stay till due for release in May 2015.

2015-0500 released from MHF

2015-1129 assaulted horse in Lebanon, Waupaca County, WI

2017-0503 - Brown and Manitowoc counties: Booked on Mistreatment of Animals; Sexual Gratification with an Animal; and Burglary. Rachwal was seen running from a barn in February, where a horse was found to be abused and had a bleeding rectum. Surveillance footage shows him repeatedly molesting a horse. GPS tracking put him at the Manitowoc barn.

2017-0503 - Brown and Manitowoc (Eaton) counties: Booked on Mistreatment of Animals; Sexual Gratification with an Animal; and Burglary. Rachwal was seen running from a barn in Eaton in February, where a horse was found to be abused and had a bleeding rectum. Surveillance footage shows him repeatedly molesting a horse

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January 25, 2018

Rep. Andre Jacque - Rep.Jacque@legis.wisconsin.gov
Rep. Frederick Kessler - Rep.Kessler@legis.wisconsin.gov

Re: Assembly Bill 666 regarding animal sexual abuse and exploitation

As a field researcher and subject matter expert on animal sexual abuse and exploitation, I am writing in support of Assembly Bill 666 which is currently before the committee on Criminal Justice and Public Safety.

I have thirteen years' experience in collection, analysis, and dissemination of bestiality-related information, fifteen years' experience in the shelter and rehabilitation of animals seized in criminal proceedings, and eight years' experience in assisting law enforcement and prosecutors with bestiality investigations and convictions. In addition to conducting original research, I have contributed to or authored numerous publications, and recently completed a large-scale study on bestiality arrests in the U.S. over the past 45 years. There is additional information on my website: <http://mjennyedwards.com>, including a copy of my *curriculum vitae*.

There are several misconceptions about animal sexual abuse. Chief among them are the notion that it is a minor crime that occurs only rarely, that animals are not generally injured, and that it is a solitary event perpetrated by someone with a mental illness. None of these notions are supported by the facts.

Bestiality is a complex crime, the full impact and extent of which is unknown. Virtually all statistics related to bestiality are artificially low and may create a false sense of security that "it never happens in my district." Like human sex crimes, only a tiny percentage of animal sexual assaults are ever reported, and even when reported, charges are often not filed, dismissed, pleaded down to a lesser crime, or treated as a misdemeanor not worthy of jail time. The result is the nature and number of these offenses are minimized or hidden altogether.

There is growing evidence that bestiality may be a lifelong behavior and not just something that happens rarely or is easily controlled. While the sexual attraction of people to animals is considered abnormal, it is not considered a mental health disorder, and no treatment has been proven effective. Animal sexual abuse and exploitation also does not happen in a vacuum. The Internet has made it extremely easy for offenders to connect with one another to share information, contacts, pornography, and victims. The result is that offenders have frequently been arrested in multiple jurisdictions, in distant states, and often in concert with another offender.

There are direct, measurable links between animal sexual abuse and other forms of criminal behavior. Animal sexual abuse is more a form of sexual assault than a form of animal cruelty, and research suggests that more than 30% of animal sex abusers also offend against children and adults. The crimes that most often co-occur are child pornography, interpersonal violence, drug possession, and trespass.

A sampling of Wisconsin cases demonstrates the above points:

- Much attention has been paid recently to Sterling Rachwal, a 55-year-old Wisconsin man who has been arrested or hospitalized repeatedly since 1982 for violent and sometimes deadly sexual assaults on horses in multiple counties across the state.

M JENNY EDWARDS ▶ POB 2452 ▶ WOODINVILLE WA 98072 ▶ 425.522.3335

- Janesville resident Barry Herbeck tortured and killed a puppy and five cats, one of whom he sodomized. Herbeck was previously convicted of raping his 6-year-old stepdaughter.
- Tod Bergemann of Brown County has been arrested multiple times for sexual assaults, including the sodomy or rape of his sister, two foster brothers, a 2-year-old toddler, and the family dog. At least one assault involved the coercion of another person to have sex with the dog.
- Nicholas Bradley was arrested in Dodge County after he was caught sodomizing his girlfriend's dog. The following year he moved to Alaska where he was arrested for sexually assaulting a 14-year-old girl.
- Mackenzie Behrman, an 18-year-old from Manitowoc County, sexually assaulted a girl under the age of 13, and videotaped himself having sex with two different dogs.
- Two young men in Eau Claire County - John Bullock and Damonta Jones - raped an unconscious young woman with a pet snake. Both men had prior criminal records.
- Last year, Christopher Ehlenfeldt of Portage County was arrested and found to have the largest child porn stash in history. Like numerous child porn collectors, many images were of children being sexually assaulted by animals as well as adults.

Thank you for your support of Assy. 666. This bill ensures the rest of the country that Wisconsin takes the issue of animal sexual abuse and exploitation seriously, thus protecting its citizens and animals from predatory sexual practices.

Please consider me a resource, and let me know if I may be of help to you in any way.

Best regards,
M. Jenny Edwards
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Thank you Sen. Wanggaard for chairing this important committee, and to Sen. Testin, Sen. Risser, Sen. Taylor and Sen. Stroebel for your support. Thank you for the opportunity to testify.

Introduction

EMT and law enforcement

Women's self-defense courses -- I researched sexual abuse and domestic violence

Madison Vet Center -- Police peer support group, PTSD

Professional dog trainer with behavior certification

Similarities among mammal species in terms of neurophysiology and emotions

Jaak Panskepp (neuroscientist and psychobiologist) researched seven core emotions shared by dogs and humans

1. **Fear**
2. **Grief**
3. **Rage**
4. **Care**
5. Play, Lust, Seeking

Dr. Amy Pike -- Canine PTSD in military dogs

Over 200 studies on canine cognition around the world, and with other species

There is every reason to believe many species share the same emotions as humans, and suffer the same trauma from sexual abuse.

Brambell's Five Freedoms -- UK Farm Animal Welfare Council

1. **Freedom from hunger or thirst**
2. **Freedom from discomfort**
3. **Freedom from pain, injury or disease**
4. **Freedom to express (most) normal behavior**
5. **Freedom from fear and distress**

As a canine behavior consultant

Anxious and fearful dogs - - I understand the neurophysiology of fear

Dr. Franklin McMillan - - Research on Abuse, neglect and hoarding

Sunnie - - Shot in the face and left for dead at six years of age

Angel - - Repeatedly raped at 9 months of age, requiring vaginal and rectal surgery

Dr. Judy Batker - - has seen animal patients whom she suspected...and reported

Denmark - - Passed legislation in response to a survey of veterinarians that found 17% suspected a human injured their animal patient by bestiality

Monona - - Violent man had sex with a calf, tried to ambush me, killed himself

His brother - - Waunakee and shot three Deputies

Does Animal Abuse Threaten Human Safety?

Current Events - - Mass shootings & Serial Killers

Psychology Today - - "Do Mass Killers Start Out by Harming Pets?"

(Gail F. Melson, Ph.D., is a professor of child development and family studies at Purdue University.)

- At mental health clinics animal cruelty rates range from 10 to 25%.
- Among children ages 6 to 12 who were abused, 60% had abused animals
- Animal abuse is often the first sign of serious disturbance among adolescent and adult killers
- 70% of the most violent prisoners practiced serious repeated animal abuse

The Huffington Post - - "The Link Between Animal Cruelty and Human Violence"

- Violent individuals may hide their behavior towards humans but are less likely to conceal cruelty to animals
- Diagnostic and Statistical manual of Mental Disorders includes animal cruelty as a diagnostic indication
- F R Ascione - - 50% of battered women stayed with their abuser because they feared for the well-being of their pets

Do human victims endanger themselves for their pet's welfare?

- (Hurricane Katrina - - 1,800 deaths. Zogby International poll conducted after Hurricane revealed 61 percent of pet owners said they would refuse to evacuate if they could not take their pets with them.

Jessica Pierce, Ph.D. bioethicist and writer

- ASPCA data 900 to 1,000 bestiality chatrooms at any time

M. Jenny Edwards Criminalist expert on animal sexual abuse

- Average age of onset is 13 years
- Average age of arrest is 43 years

Conclusion

By passing this bill you will protect animals and humans alike, which is consistent with the mission of this committee.

Thank you for your time and attention.

Have you any questions?