

February 1, 2022

The Honorable Michael J. Webert, Chair
The Honorable Thomas C. Wright, Jr.
The Honorable Robert D. Orrock, Sr.
The Honorable Tony O. Wilt
The Honorable C. Matthew Fariss
The Honorable Chris S. Runion
The Honorable Wendy W. Gooditis
The Honorable Dan I. Helmer
The Honorable Shelly A. Simonds
The Honorable Rodney T. Willett
The Honorable R. Lee Ware
Agriculture Subcommittee
Committee on Agriculture, Chesapeake and Natural Resources
Virginia House of Delegates

Re: PETA's Opposition to House Bill No. 53

Dear Committee Members:

I'm writing on behalf of People for the Ethical Treatment of Animals (PETA) and its nearly 137,000 members and supporters in Virginia to urge you to oppose HB 53, which is the latest attempt to weaken Virginia's laws protecting animals from cruelty after similar previous legislation has repeatedly failed. It would grant special treatment to "zoos" to prolong the abuse of animals there and would limit law enforcement officers' ability to obtain search warrants, work with qualified personnel, prevent animals' suffering, and swiftly deliver lifesaving care by seizing animals. The protection of animals is a matter of great concern to Virginians, and this bill would be a giant step backwards.

As a former Assistant Commonwealth's Attorney, I am deeply concerned that HB 53 would hamstring law enforcement officers investigating apparent cruelty to animals. Even in the case of a direct and immediate threat to the life of an animal held at a "zoo," it would prevent law enforcement from seizing that animal unless the condition can't be corrected within an undefined period of time or the owner is unwilling or unable to correct the condition after being given notice and time to correct it. This change in the law would lead to animals' prolonged suffering and even death, and would absurdly require law enforcement to leave an animal who, for example, is starving to death with the person who allowed the animal to starve in the first place.

HB 53 eliminates law enforcement officers' ability to obtain a search warrant when Virginia's laws protecting animals are "about to be violated." This change would have grave consequences by hindering law enforcement from *stopping* a crime before it starts. If authorities are notified, for example, that a dogfight is about to occur, they would have to wait until dogs are actively being fought and

PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS
FOUNDATION

Washington
1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk
501 Front St.
Norfolk, VA 23510
757-622-PETA

PETA FOUNDATION IS AN OPERATING
NAME OF THE FOUNDATION TO
SUPPORT ANIMAL PROTECTION.

ENTITIES:

- PETA U.S.
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Switzerland
- PETA Netherlands
- PETA Foundation (U.K.)

potentially seriously injured. That is irreconcilable with the purpose of Virginia's animal-protection laws.

This bill would remove the authority to seize an animal suffering from an "apparent" violation of Virginia's laws, a deletion that seems intended to constrain officers' discretion and ability to make on-the-job determinations given that any violation is "apparent" until it is proved in court.

Finally, HB 53 amends the current standard of "reasonable cause" to "probable cause" though "reasonable cause" is a common standard under Virginia law; and it prohibits non-residents of Virginia from serving as humane investigators, regardless of their qualifications, an unusual restriction that could especially burden jurisdictions on Virginia's borders.

There is no justification for diminishing Virginia law as HB 53 would.

The legislation is backed by the Virginia Animal Owners Alliance (VAOA). Among other activity, VAOA unsuccessfully sued Virginia Attorney General's Office personnel after emaciated animals were seized from a Charles City County resident, who had a pile of horse and goat bones on her property and was found guilty of cruelty to animals by a jury of her peers. Further, the legislation appears motivated at least in part by the Commonwealth's case against Keith Wilson, a Virginia zoo owner who was charged with cruelty to animals following the seizure—which was upheld by the Frederick County Circuit Court—of animals from his facility. In both instances, the defendants have received the full measure of due process. HB 53 is nothing more than an attempt to insulate abusive or neglectful animal owners from facing the consequences of their own actions.

We urge you to vote no on HB 53. Thank you for your time and consideration.

Very truly yours,



Elisabeth Custalow
Associate Director and Counsel for Regulatory Affairs
ElisabethC@petaf.org