

There Ought to Be a Shelter Reform Law



**An
Activist's
Guide to
Passing
Humane
Legislation**



A PUBLICATION OF THE NO KILL ADVOCACY CENTER

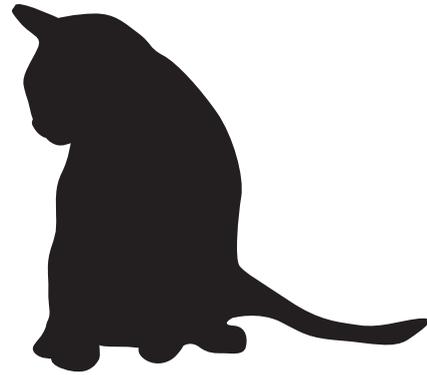
For the No Kill Advocacy Center's free model legislation, **The Companion Animal Protection Act** and **The Animal Rescue Act**, visit:

Model Legislation to Improve the Performance and Life-Saving of Animal Shelters

The Animal Rescue Act



- Saving Lives
- Saving Taxpayer Money
- Mandating Collaboration
- Ending Discrimination Against Non...

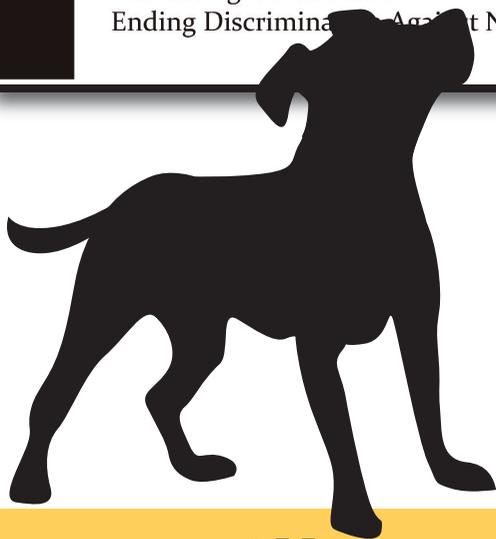


Model Legislation to Improve the Performance and Life-Saving of Animal Shelters

The Companion Animal Protection Act



- Saving Lives
- Saving Taxpayer Money
- Improving Public Health and Safety
- Improving Public Satisfaction with Government



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What Does the Companion Animal Protection Act Do?

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- 1 Establishing the shelter's primary role as saving the lives of animals;
- 2 Protecting all species of shelter animals;
- 3 Making it illegal for a shelter to kill an animal if a rescue group or No Kill shelter is willing to save that animal;
- 4 Requiring shelters to provide animals with fresh food, fresh water, environmental enrichment, regular exercise, veterinary care, and cleanliness;
- 5 Requiring shelters to have fully functioning adoption programs including offsite adoptions, use of the internet to promote their animals, and ample adoption hours when the public is available;
- 6 Prohibiting shelters from killing animals based on arbitrary criteria such as breed bans or when alternatives to killing exist;
- 7 Requiring animal control to allow volunteers to help with fostering, socializing, and assisting with adoptions; and
- 8 Requiring shelters to be truthful about how many animals they kill and adopt by making shelter statistics public.

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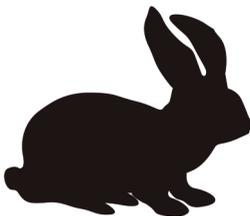
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HOW A BILL BECOMES A LAW

A BREAKDOWN OF THE LEGISLATIVE PROCESS



- 1 **LEGISLATION IS INTRODUCED**
A bill is written, introduced, and assigned a bill number in one chamber (either the Assembly or Senate) or perhaps both.
- 2 **BILL IS ASSIGNED TO COMMITTEE**
The bill is assigned to one or more committees.
- 3 **COMMITTEE VOTES ON BILL**
The bill is voted on by one or more committees.
- 4 **LEGISLATION MOVES TO FLOOR**
If a bill proceeds through the committee stage, it goes to the full floor (all the members) of the chamber to be heard and discussed among all the members of that chamber. If it is approved by a majority vote on the full floor, it proceeds onto the next chamber.
- 5 **LEGISLATION MOVES TO FLOOR OF NEXT HOUSE FOR VOTE**
Once at the next chamber, it goes through the same process: consideration by committee and a final floor vote.
- 6 **VICTORY OR DEFEAT**
If the bill makes it through all the committees and the floor votes of both chambers, it goes to the Governor for signature or veto. It either becomes a law (if signed) or you need to try again, more prepared to overcome the obstacles standing in the way of your bill, the following year.

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Why Shelter Reform Legislation Is Needed

We are a nation of dog and cat lovers, but the tax and philanthropically funded animal shelters we expect to protect animals are instead killing four million of them every year. In the last decade and a half, however, several animal shelters in numerous communities have comprehensively implemented a bold series of programs and services to reduce birthrates, increase placements, and keep animals with their responsible caretakers. As a result, they are achieving unprecedented results, saving upwards of 99 percent of all impounded animals in open admission animal control facilities. Some of these shelters are in urban communities, and others are in rural communities. Some are in the North, and others are in the South. Some are in very politically liberal communities, and others are in very conservative ones. Some are in municipalities with high per capita incomes, and others are in communities known for high rates of poverty. These communities share very little demographically.

What they do share is leadership at their shelters who have comprehensively implemented a key series of programs and services, collectively referred to as the “No Kill Equation.”

Currently, No Kill is succeeding in those communities with individual shelter leaders who are committed to achieving it and running their shelters consistent with the programs and services that make No Kill possible. But unfortunately, No Kill leaders remain few and far between, and when a No Kill leader leaves the organization, the leader’s No Kill vision could be doomed. It is why a shelter can be progressive one day, and moving in the opposite direction the next.



**We
are a
nation
of
animal
lovers**

For No Kill success to be widespread and long lasting, we must focus on institutionalizing No Kill by giving shelter animals rights and protections afforded by law.



For No Kill success to be widespread and long lasting, we must focus on institutionalizing No Kill by giving shelter animals rights and protections afforded by law irrespective of who is running the shelter. Every successful social movement results in legal protections that codify expected conduct and provide protection against future conduct that violates normative values. We need to regulate shelters in the same way we regulate hospitals and other agencies that hold power over life and death. The answer lies in passing and enforcing shelter reform legislation that mandates how a shelter must operate.

The ideal animal law would ban the killing of dogs and cats, and would prohibit the impounding of feral cats except for purposes of spay/neuter and release. Yet given that local governments may not pass such sweeping laws at this time in history, advocates must seek shelter reform legislation that forces shelter leadership to operate their shelters in a progressive, life-affirming way, removing the discretion that has for too long allowed shelter leaders to ignore what is in the best interests of the animals.

The No Kill Advocacy Center has created model legislation of this kind —the “Companion Animal Protection Act” (CAPA). Versions of CAPA are already in effect in California, Delaware, and elsewhere. And it is the goal of the No Kill Advocacy Center to work with grassroots organizations nationwide to see that CAPA-like laws are passed in every state.

This guide is a primer on the legislative process. If you are a concerned animal lover, please consider working to pass CAPA in your state. The No Kill Advocacy Center will work with you throughout the entire legislative process to provide guidance and assistance. Visit our website for more information.



What Does the Companion Animal Protection Act Do?

A comprehensive shelter reform law, the Companion Animal Protection Act saves the lives of animals by:



- 1 Establishing the shelter's primary role as saving the lives of animals;
- 2 Protecting all species of shelter animals;
- 3 Making it illegal for a shelter to kill an animal if a rescue group or No Kill shelter is willing to save that animal;
- 4 Requiring shelters to provide animals with fresh food, fresh water, environmental enrichment, regular exercise, veterinary care, and cleanliness;
- 5 Requiring shelters to have fully functioning adoption programs including offsite adoptions, use of the internet to promote their animals, and ample adoption hours when the public is available;
- 6 Prohibiting shelters from killing animals based on arbitrary criteria such as breed bans or when alternatives to killing exist;
- 7 Requiring animal control to allow volunteers to help with fostering, socializing, and assisting with adoptions; and
- 8 Requiring shelters to be truthful about how many animals they kill and adopt by making shelter statistics public.

How to Pass CAPA In Your State



Together, we must pass legislation mandating that our animal shelters follow modern, innovative, and progressive lifesaving protocols. We must bring our nation's animal shelters into the 21st century.

STEP 1 Gather Your Facts and Prepare

Before meeting with a legislator, it is important to prepare. As animal lovers were getting ready to introduce California's groundbreaking shelter reform law in 1998, they came armed with the facts. And the facts painted a very ugly picture. According to the author of what would become the 1998 Animal Shelter Law:

With some notable exceptions, [California] shelters have failed to provide hours the working public can visit the shelters for adoptions or

redemptions of their companion animals. They have failed to provide adequate lost/found services. They have failed to keep records adequate to find pets within the system. They have failed to use freely offered microchip scanning services. They have failed to provide adequate veterinary health care for many animals. They have resisted working with the rescue/adoption community. They have failed to raise funds aggressively to promote lifesaving methods to spare the lives of placeable

Show government leaders that what you seek is achievable and reasonable by demonstrating that a solution to the killing (and poor care) exists, and why legislation is necessary to ensure that your local or state shelters operate according to lifesaving best practices.

companion animals. They have used tax dollars to kill animals they didn't have to accept in the first place ("owner-relinquished" pets) and to kill animals whose companion humans never even had a chance to locate them.

Our shelters have a very bad track record when it comes to adoption. In California in 1997 with a statewide human population of close to 33 million, only 142,385 cats and dogs were adopted from our shelters. The vast majority—576,097—were killed.

How does your state compare? Can you document these kinds of conditions in local shelters? For example, a 2010 survey of rescue groups across New York State found that 71% of respondent rescue groups were turned away by shelters and then those shelters killed the very animals they were willing to save. In fact, 43% of respondents who have expressed concerns about inhumane conditions that they have witnessed in New York State shelters said that their non-profit rescue organizations became the subject of retaliation, while over half (52%)

who have witnessed inhumane conditions said they were afraid to complain about such conditions—and simply looked the other way—because they were afraid they would no longer be allowed to rescue, thus allowing those inhumane conditions to continue.

You should also aim to show what successful communities inside or outside your state are doing. How do state shelters compare to the best performing shelters in the nation? There are municipal shelters saving in excess of 90% of all the animals. Document these successes to show that a solution to the killing (and poor care) exists, and why legislation is necessary to ensure that your local or state shelters operate according to life-saving best practices. Show government leaders that what you seek is achievable and reasonable.

Remember, elected officials are risk averse about being the first to try out a new concept. If you can show them that not only are shelters succeeding in other locations, but that other states have similar laws, they will be more inclined to support your bill. Both California and Delaware, for example, make it illegal in those states for a shelter to kill an animal if a rescue group is willing to save that animal's life. The State of Delaware goes further, requiring shelters to utilize foster care networks and/or double up animals in kennels rather than kill them.

CAPA is based on the 1998 California Animal Shelter Law and was the basis for the Delaware CAPA that passed unanimously in 2010. Other jurisdictions, both state and local, have also passed some elements of CAPA. Should you seek the entire law? Or should you focus on only some aspects of it, such as the rescue access provision? It depends.



STEP 2 Modify CAPA as Needed



The ultimate goal of shelter reform legislation is to increase adoptions and redemptions, and improve quality of care. You also want to reduce the number of animals entering shelters through low-cost, high-volume spay/neuter. You need outreach to the community about what animals are available and what resources are available for pet owners. Improving conditions in the shelter is important for the animals, but also makes it possible for some people to feel comfortable going to the shelter to adopt; often, people are fearful that they will see tragic conditions, with feces and sick animals in every kennel. The more comprehensive the law, the more successful shelter reform can be.

In addition, it may be beneficial to focus only on those provisions that can successfully be argued to be revenue neutral or positive. For example, by passing a law that requires shelters to give animals they plan to kill to rescue groups, not only will shelters in your state save lives, but taxpayers will save money because the cost of care will shift from taxpayers to private groups, while shelters will also save the cost of killing and disposal. A law like this is more likely to get passed than one that increases holding periods which might be seen as costly in a time of budget cut-backs.

Before seeking to introduce CAPA in its entirety, however, you need to determine the status of your current laws. It may be that your state already requires veterinary care, requires shelters to sterilize animals before adoption, or to post lost and found lists. In other words, if your state already does some of these things, you need to focus on the others.

But the more provisions you can get, the more you give the animals a chance at being treated kindly in shelters and getting out alive.

Once you draft the provisions of the bill, you don't need to figure out where to locate those provisions in the state code. Your legislative sponsor will handle that for you. What you might want to do is to find each provision in existing state law that may be modified or deleted by your bill. That is a question that will arise in this process.

Laws that require shelters to post lost and found lists or scan for microchips may also seem costly, but in reality, they actually save shelters money while increasing lives saved. The more animals who are reclaimed by their families, the less money a shelter spends on care and killing, and the more revenue it brings in. It also means fewer

No Kill Advocacy attorneys can work with you to clarify the language of your bill to fit the needs of your particular state.

animals competing for adoption space. Even laws that require vaccination of animals on intake or better care of the animals can reduce costs of care because fewer animals get sick, animals move through the system more quickly, more adoptions occur (increasing revenue from adoption fees), and fewer animals are killed (decreasing costs). In other words, just because some provisions cost money doesn't mean they are not ultimately cost-effective. There may be some initial costs, but in the end, the fiscal benefits outweigh the costs.

STEP 3 Find a Legislative Sponsor

A legislative sponsor or author is the legislator who introduces the bill and carries it through the legislature. A bill can have more than one sponsor, but generally one person in each chamber will take primary responsibility and make the key decisions about amendments, though they may confer with the others prior to doing so if it is an important or popular issue. For example, California has 40 Senators and 80 Assembly members. Out of 120, it would not be difficult to find someone who is animal-friendly. And while California is the largest state, there are plenty of animal lovers in the legislatures of the other 49 states. Luckily for the animals, this is an issue that has broad support across party lines. In Georgia, a Republican carried a bill to end the use of the gas chamber. In Delaware, shelter reform passed unanimously. In California, a liberal senator and a conservative assembly member co-sponsored rescue access and shelter reform. Regardless of what your own political leanings may be, you want support from both sides of the aisle. Be open to working with a sponsor from either or both parties. Start asking around: Which legislator has put forward legislation that benefits animals? Who has spoken out against animal cruelty? The internet is your best friend in this search.

If possible, start with the chairman of the committee that your bill will be assigned to or look for a high ranking member of that committee. This will give your bill a greater chance of getting passed. But sometimes this is not possible. That's all right. Once your research determines someone you think might



be cooperative, you will need to schedule a meeting with that legislator's staff. Generally, staff will filter out requests from constituents, so getting staff to support you is an important first step. Call the office, and explain to the person that you have a draft of legislation that you think the legislator would be interested in, and ask for a meeting with staff to make the proposal. Show up (on time!) with at least three copies of your draft legislation. For each provision in the bill, have an explanation as to why it is needed.

You should explain that when hearings are held, you will be able to bring in supporters for testimony and to show support. But remember: you must never promise what you can't deliver. Never assume that others will support you. In fact, you should line up support before you approach a legislator. Doing a bill of this type alone, or with one or two others, can be extraordinarily difficult. Have your supporter base ready to go before anything happens in the legislature.

Unfortunately, you will find opponents that you never expected. When the 1998 Animal Shelter Law was passed in California, the Humane Society of the United States showed up to oppose the bill, even though passage significantly improved conditions in the state's shelters. The state Animal Control Directors' Association came out strongly against the bill, too. When New York State considered legislation to require shelters to work with rescue groups rather than kill the animals, the ASPCA fought the bill. You will need to build stakeholder support before proceeding. If, for

example, a veterinary group comes out against the bill, find some veterinarians that support your position and bring them to the hearing. If an animal shelter management group comes out against you, find some animal directors who will take a stand in support of the legislation.

This may seem obvious, but when you meet with staff or legislators, dress in business attire. Talk

slowly and quietly yet firmly; you will make the best impression if you appear calm, reasonable, professional and prepared. Being passionate about your bill does not mean being angry or emotional. Even if the bill makes sense, they want to know that you will be a good spokesperson for it before they agree to represent your cause. Practice your

presentation in front of others. Make sure you have answers to the questions that might be asked. This includes providing information on potential opposition and their reasons for opposing the bill. You do not want the legislator caught off-guard by opposition when it arises. And be parsimonious. Having one or two examples of points you want to get across is important. Having ten is a waste of their time.

We've seen activists who have written sixty page reports giving every example of a shelter's transgressions and they are surprised when no one reads it. Legislators and their staff will not read a 60-page report. But they will read a two-page synopsis with a few key examples of why legislation is necessary. Let

them know that more information is available if they require it.

Once you make your presentation to staff, you should ask for a formal meeting with the legislator. That meeting will likely be shorter, as the legislator should have been briefed by staff already. The legislator may want to limit the bill or try to move only portions of your

program forward; try to find someone who will go with the entire program. And most of all, find someone who believes in the cause. Nothing is more frustrating than working on a bill, seeing it introduced, only to have the bill's sponsor gut the bill in ways that harm, rather than help. While some compromise is always necessary in passing legislation, you do not want someone who agrees to changes that do not help animals just so they can get it

passed. In the end, it is better to have a bill die, and try again next year after doing more education and lobbying of legislators, than it is to have a bill that is gutted so much that it actually harms more than it helps.

Few bills are ever passed into law without amendments. Committee members who do not want to alienate either side of a bill are often inclined to give each side only part of what they want. Be ready to compromise, but only if it will not undermine the intent of the law. There is no point in getting a law passed that is unenforceable, guts its intent, is nothing more than a restatement of existing law, or undermines an opportunity for true reform in



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the future by giving the false impression of progress on that issue with its passage. That is why it is so important to establish good rapport with your legislative sponsor/author. A good sponsor will give you a realistic assessment of how likely the bill is to pass if you do not accept amendments.

More importantly, he or she will ask you if you can live with changes in order to get a bill out of committee. It may be uncomfortable to give a legislator direction, but it shouldn't be. You, not they, are the subject matter expert and they work for you!

If staff says "no" to your request for a face-to-face meeting with the legislator, that doesn't mean the battle is over. Staff may want to make a presentation first. Be persistent but be polite. If one legislator says "no," find another. In fact, if you have two or three legislators co-sponsoring your bill, it makes your position stronger, and often makes it easier for the legislators (they, too, find safety in numbers). But in the end, you will need someone to agree to sponsor/author the legislation and get the bill put onto the Legislature's formal calendar for hearing.

STEP 4 **Navigate Your Bill Through the Legislature**



Many jurisdictions have filing deadlines for new legislation. Some also limit the number of bills a legislator may file in a session. Know what the rules are in your legislative arena and prepare a schedule to help you meet deadlines and rules. Give your sponsor the time it takes to work the bill through the legislative process starting with filing the bill well in advance of the session's adjournment. Every state is different, but generally the process works as demonstrated on the opposite page.

It is a long and cumbersome process, and the bill could be amended at any point in the process or voted down. This is intentional. Our founding fathers designed a system to ensure that only thoroughly considered legislation becomes law.

At the committee hearings, you will have a chance to bring out your best testimony. Your supporters should be there en masse, showing their support for the legislation. Prior to the hearing, get the word out to your supporters. Everyone needs to send a letter. Those who represent an organization should send both a written comment and show up in person at the hearing. Prior to the hearing, you and your supporters should get a meeting with each

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3 COMMITTEE VOTES ON BILL

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If a bill proceeds through the committee stage, it goes to the full floor (all the members) of the chamber, to be heard and discussed among all the members of that chamber. If it is approved by a majority vote on the full floor, it proceeds onto the next chamber.



5 LEGISLATION MOVES TO FLOOR OF NEXT HOUSE FOR VOTE

Once at the next chamber, it goes through the same process: consideration by committee and a final floor vote.

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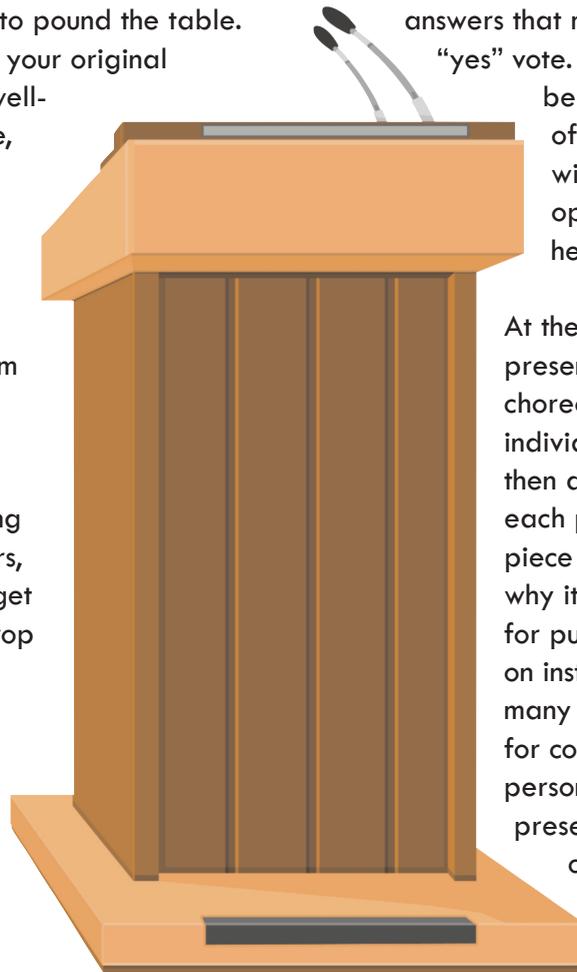
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and every member of the committee voting on the bill. You may meet with staff or with the legislator. You are there to educate and to listen to their concerns, not to pound the table. The same rules apply as in your original meetings—dress well, be well-rehearsed, show up on time, have answers for the tough questions, and be parsimonious. And if there is anything you do not know, be honest and tell them you'll get back to them with the information.

You will need to call in advance to set up a meeting with the committee members, but if you are not able to get through, you can always drop by if you are in the capitol lobbying others. Be sure to include short and concise packets that include a one page fact sheet that lays out the arguments for your bill, a list of organizations that support your bill, and any news articles, editorials, or op-ed pieces in favor. (The more favorable media coverage you can get in support of your bill, the more legislators will take notice. But be sure to clear press releases with the staff of your legislative sponsor before releasing them.)

You should try to get a “yes” from each of the committee members prior to the hearing, but don't be surprised if you get some “no” votes.

Those “no” votes will be very instructive. Listen carefully to them. Find out what bothers them about the bill, then go out and find answers that may help sway them to a “yes” vote. The “no” legislators will be talking to other members of the legislature, so you will get a preview of your opposition well before the hearing.



At the hearing, your presentation should be choreographed among several individuals. First one presenter, then another, then another, each providing a different piece of the legislation and why it is important. The reason for putting a number of people on instead of only one is that many hearings have time limits for comments from a single person. By breaking up the presentation, you will circumvent the time limits.

Keep your oral testimony brief. You can make your written testimony longer and you can include back up documentation to bolster your case. But you must be concise. After your key supporters have presented, make sure other supporters are ready to speak.

At the hearing, your presentation should be choreographed among several individuals. First one presenter, then another, then another, each providing a different piece of the legislation and why it is important.

Some may simply want to say they are in support of the bill, and refer the legislators to a letter already submitted. Others may want to make impassioned presentations, complete with

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photos and sad stories of how shelters have failed both people and animals. You can't control all supporters, only your key ones. Just make sure your piece is professional; you can let the others cry for the cameras. Unless someone is completely out of line, don't discourage anyone from any type of presentation. It is their right to present their ideas. However, you and your key supporters should be identified as "centrist" and "reasonable;" that means very professional and well-prepared to answer all questions about the legislation in an intelligent and thoughtful way.

After the committee hearing, if you prevail you will move to the next level. Sometimes that is the second house of the legislature or just another committee such as the "appropriations" or "fiscal" committee, which is in charge of money. In these challenging economic times, passage of a bill may depend on how much it costs. Opponents will argue that it costs too much to implement, no matter what the cost. As always, have the information in hand to provide the correct data to the legislators when the topic arises—and *it will come up*.

Your legislative sponsor/author will have invaluable information about who to lobby, how to lobby, and when to lobby. Each state will be very different, and having your political "specialist"—your legislator—provide you with his or her expert advice will be invaluable. Listen to them.

At every stage of the process, you need to be ready to bring out the supporters, sit down in front of committees or individual legislators, and write letters. Just because one of your supporters wrote a letter to the first committee doesn't mean their work is done. They need to write another letter to the next committee, and the next, and the next. They need to appear at hearings, make telephone calls, email members and supporters, and generally stay in touch through the entire process.

Even if your bill gets approved by both houses of the legislature, you don't win until the Governor signs the bill into law. Again, pull out your telephone and e-mail lists and start contacting your supporters. The Governor needs to know there is a broad (voting) coalition of people that support reform. He or she needs a good political reason for signing the bill. By this time, you will be a lot more sophisticated, so you should know how to proceed. But remember your supporters, and get them on the telephone and at their computers, writing their letters of support.



Sample factsheet for legislators and media avail



Citizens for Humane Shelter Reform

THE COMPANION ANIMAL PROTECTION ACT:

Saving lives and taxpayer money while improving public health, safety, and satisfaction with government

Pending before the Oregon State Legislature is an important animal protection bill that would reform our state's animal shelters, the Oregon Companion Animal Protection Act (CAPA). CAPA is necessary legislation to bring our state's shelters in line with the most modern, progressive and life-saving sheltering protocols that have been proven successful in other states at reducing shelter killing, saving taxpayer money, and improving public satisfaction with government.

THE COMPANION ANIMAL PROTECTION ACT SAVES THE LIVES OF ANIMALS

A 2010 statewide survey of rescue groups in New York State found that 71% of non-profit animal welfare groups have had at least one NYS shelter refuse to work collaboratively and then turned around and kill the very animals they were willing to save. This is inhumane and bad policy. CAPA would make it illegal for a shelter to kill an animal when a qualified non-profit organization that specializes in adoptions is willing to save that animal. This maximizes the number of animals who are saved, while reducing the numbers killed.

CAPA SAVES TAXPAYERS MONEY

CAPA is modeled after a similar law which has been in effect in California since 1998. An analysis of that law found that sending animals to non-profit animal rescue organizations saved the City and County of San Francisco \$486,480 in publicly funded animal control costs. CAPA saves taxpayer money by mandating public-private partnerships that not only reduce expenses associated with having to care for, then kill and dispose of an animal, but which transfers expenses from taxpayers to private philanthropy. Under CAPA, shelters can also charge the cost of an adoption to those groups, thereby bringing in needed revenues and defraying any costs associated with implementation.

CAPA PROVIDES WHISTLEBLOWER PROTECTIONS FOR RESCUERS

A 2010 statewide survey of rescue groups in New York State found that 43% of groups have been the subject of retaliation by shelters after they expressed concerns about inhumane conditions which they have witnessed in New York State shelters, while over half (52%) who have witnessed such conditions did not express concerns—and simply looked the other way—because they were afraid if they did complain, they would no longer be allowed to rescue, thus allowing those inhumane conditions to continue. By giving non-profit organizations the legal right to save animals scheduled to be killed, the CAPA removes the power to condition lifesaving on silence as to inhumane conditions, and sometimes criminal behavior, witnessed by rescuers.

CAPA ENDS DISCRIMINATION

All non-profit organizations have identical rights and responsibilities before the law. CAPA seeks to protect those rights by leveling the playing field between the large non-profits which have all the power and the small non-profits which are prevented from fulfilling their lifesaving mission when these larger organizations refuse to collaborate with them in order to save more lives.

CAPA IMPROVES THE EMOTIONAL WELL-BEING OF SHELTER STAFF

Studies show that staff members responsible for killing animals in shelters are vulnerable to emotional trauma, exhaustion, and burnout. CAPA would spare staff from killing animals when those animals have readily available lifesaving options.

CAPA PROTECTS PUBLIC HEALTH AND SAFETY

CAPA specifically excludes dangerous and aggressive dogs, animals who have rabies and animals who are irremediably suffering.

CAPA PROTECTS ANIMALS FROM BEING PLACED IN HARMFUL SITUATIONS

CAPA specifically excludes organizations with a volunteer, staff member, director, and/or officer with a conviction for animal neglect, cruelty, and/or dog fighting, and suspends the organization while such charges are pending. It also allows shelters to inspect the group when probable cause exists to believe an animal would be put in harm's way.

Moreover, because CAPA requires rescue organizations to be incorporated as non-profit public corporations under Internal Revenue Code Section 501(c)(3), CAPA would also improve oversight of groups which perform rescue: a 2010 statewide survey revealed that 70% of organizations performing animal rescue which are not incorporated would do so if CAPA becomes law. This would require them to file articles of incorporation, to recruit a Board of Trustees, and to subject themselves to both state and federal mandates, while placing them under the supervision of the Attorney General's Office.

CAPA REDUCES BURDENS ON SHELTERS

CAPA will reduce the number of animals shelters kill. It reduces costs for killing. It brings in revenue through adoption fees. And it transfers costs from taxpayers to private organizations, funded through philanthropic dollars. While CAPA requires shelters to notify non-profit organizations of animals they are going to kill, this can be accomplished through computer programs that do this automatically which are available at no cost to shelters.

CAPA IS GOOD BIPARTISAN POLITICS POPULAR WITH CONSTITUENTS

CAPA is based on a similar law in California which was passed in 1998 with overwhelming bipartisan support—96 to 12. It made no sense to California legislators that taxpayers were spending money on killing animals when non-profit organizations were willing to spend their own money to save them. Legislators also found that public shelters that killed animals when those animals have a place to go did not reflect the humane values of their constituents. In addition, the State of Delaware recently passed similar legislation. The bill, mandating collaboration between shelters and rescue organizations, passed both houses of the Delaware Legislature unanimously.

CONGRATULATIONS

You Won!

What Happens Now?

Now that you have a bill, and the Governor has signed it, what do you do to implement it? First, you prepare and circulate an information sheet on what shelters and rescue groups can and can't do under the new law. Start an education campaign and keep talking about the bill for at least a year. Just because the bill is law, don't assume that everyone will follow it. While many shelters are empowered to enforce laws, some of them seem to have no problem violating it. In California, there were some shelters refusing to follow the 1998 Animal Shelter Law even years after passage. Hold the shelters accountable.

If you need to force implementation of the law because the shelters are refusing to do what is required, there are many tools at your disposal. You may need to use the Public Records Act in your state. You can try working with your legislative sponsor/author as well. Also, you can try the Attorney General's office in your state. The Attorney General is supposed to ensure that state laws are followed, and you might get someone who is willing to work on a difficult issue, and their help would be invaluable. But, in the end, you may have to file a lawsuit.

Moreover, laws can be changed. The following legislative year, someone can draft a measure seeking to repeal your reforms, to postpone enforcement, or to modify your law. Fending off repeal or modification that tries to "water down" the reforms can be as difficult as getting the bill enacted in the first place. Your one big advantage is that you now have personal relationships with many of the legislators and staff, and you know the process. Contact your original author, or if they are gone, some of the legislators who were strongly in support of your bill, and ask for meetings. You need to find out what the perceived problem might be and how to solve it without damaging the substance of your law. Consult with animal shelter directors or veterinarians to get the information needed to counter the criticisms.



More importantly, stay in touch with your legislative supporters and their staff. Use emails, letters, or postcards, and personal contact whenever possible. Update key legislators whenever something good happens. In California, for example, one county shelter did not send a single animal to rescue because they refused to work with rescue groups until they were forced to by the rescue access provision of the 1998 Animal Shelter Law. They now send almost 4,000 animals to rescue groups each year, animals who would have been killed in years past at great expense to taxpayers. Let them know with a letter of thanks and a quick update. As usual, keep it brief, but do tell them that their vote mattered and they did the right thing by voting for the legislation. That way, the next time an attack is made on your shelter reform law, your legislators will remember your letters and how well the law is working in the “real world” of sheltering.

Don't underestimate this tactic. Let the folks in the state capitol know you appreciated their vote, and that it is successful in their districts. That way, the next time you need to talk to them, you're not an unwelcome stranger.

You Lost

Don't Give Up!

Sometimes it takes years for a law to pass. Don't give up hope if your bill dies in committee. There is always next year and you can spend the time during the recess between legislative years to build up support and wear down opposition. But if the opposition is too powerful, in some states there is another option. Some states allow citizens to bypass the legislature and put issues directly to a vote through a citizen initiative. In California, you can do this statewide or locally. Although it can be a costly and difficult undertaking and requires coordination with multiple stakeholders, it is not impossible. You have the hearts and minds of the people and they almost always vote for legislation to save the lives of animals. Do the research needed to find out whether your state has a citizen initiative process, what the process is, and what you need to do to get a law on the ballot.

Alternatively, try to pass a local ordinance in your community instead. It is sometimes easier to pass a local law than a state law, and if successful, you can then use that success to lobby for a statewide bill.



**Shelter
killing is
the leading
cause of
death for
healthy
dogs and
cats in
America.**

**Together,
we can
change that.**



**A NO  KILL NATION
IS WITHIN OUR REACH**

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