



December 19, 2014

The Honorable Lynwood W. Lewis, Jr.
Virginia Senate
P.O. Box 760
Accomac, VA 23301

Dear Senator Lewis,

On behalf of our Virginia members and supporters, we are writing to you in the hope that you would consider introducing "Maya's Law," a draft of which is enclosed. Maya's Law would end the practice of killing animals in Virginia shelters when those animals have a lifesaving alternative, a practice already embraced in those shelters dedicated to saving lives. It is a common sense and compassionate approach to protecting animals' lives and empowering those who want to save them. Such a law is not only necessary, reasonable and an effective means of preventing future tragedies such as the killing of Maya, its passage would also bring your state's sheltering procedures more in line with the humane, progressive values of the American public.

A similar law passed in California in 1998 and has since been adopted elsewhere. In California, the number of animals saved by nonprofit rescue organizations, rather than killed, increased from 12,526 before the law went into effect to 58,939 in 2010—an increase of over 370%, and a potential cost savings of \$1,856,520 statewide for killing (these savings do not include additional savings relative to cost of care). It made no sense to California legislators that public and private shelters were paying to kill animals when nonprofit rescue organizations were willing to use private philanthropy to save the lives of those animals.

Despite initial concerns that such a law would put animals in the hands of dog fighters and animal hoarders or that it would require the release of dangerous animals, an 11-year analysis of the law found that such concerns were misplaced. In fact, the law improved oversight of rescue organizations and created a robust, educated, well-connected rescue network that saves over 46,000 additional animals every year. In addition, it led to improved shelter operations by requiring public and private shelters to work cooperatively with non-profit organizations that wanted to help them save lives. Nonetheless, the proposed Virginia legislation contains additional safeguards that the California legislation does not. Moreover, nothing in this proposed legislation requires shelters to work with any specific nonprofit organizations. The shelter is free to work with nonprofit organizations of its own choosing and it is free to adopt the animals itself. The only prohibition is against killing animals who have a place to go. Finally, the proposed legislation specifically exempts rabid, dangerous, and suffering animals.

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Mandating public-private partnerships saves lives and saves money and is consistent with public safety. It is a win for the animals and a win for taxpayers and donors.

History reveals that social progress does not occur in a steady, linear fashion. Often, the most groundbreaking change occurs in response to tragic events which throw a pervasive issue into stark relief, giving us an opportunity to define as a people what it is we stand for, as well as what it is we don't. The decision by PETA to take and kill Maya, a beloved family pet, is one such seminal event.

Sadly, we cannot bring Maya back. And we will forever remember her killing at the hands of PETA as many things: tragic and heartbreaking, chief among them. Nothing can alter that calculus. But we can lessen the futility of Maya's death if we learn from it, and alter our society in such a way as to prevent such a betrayal from ever happening again. Maya's Law would accomplish this vital and important outcome, and on her behalf, on behalf of her family, and on behalf of animals and animal lovers all over the great Commonwealth of Virginia, we ask that you introduce it.

Very truly yours,

Nathan J. Winograd

Enclosure

SEC. 1 The following shall be known as “Maya’s Law.”

SEC. 2 As used in this section:

(a) “Irremediable physical suffering” means an animal who has a poor or grave prognosis for being able to live without severe, unremitting pain even with comprehensive, prompt, and necessary veterinary care, as certified in writing by a licensed veterinarian.

(b) “Severe injury” means any physical injury that results in broken bones, permanently disfiguring lacerations requiring multiple sutures or cosmetic surgery;

(c) “Unprovoked biting” means biting that is not provoked. Biting is provoked if, among other things, it occurs because the dog was being taunted, or the dog was acting in defense of self, a person, another animal, or property, or the dog was acting from maternal instinct, or the dog was reacting to hunger, pain, or fear, or the dog bites accidentally, as when playing;

(d) “Documented history” must consist of medical reports made at the time the prior bite incident occurred or was reported, as well as medical reports documenting the circumstances of the bite and the severity of the injury;

(e) “Rescue group” is an organization designated as a non-profit under Section 501(c)(3) of the Internal Revenue Code, whose primary stated purpose is animal adoption, animal rescue, or formed for the prevention of cruelty to animals;

(f) “Licensed veterinarian” means a veterinarian licensed to practice medicine in the Commonwealth of Virginia.

SEC. 3 Notwithstanding any other provision of law, no animal in the care or custody of a public or private animal shelter shall be killed if, prior to the killing of that animal, a rescue group requests possession of the animal.

(b) At least two business days prior to the killing of an animal, the public or private animal shelter shall notify or make a reasonable attempt to notify by verifiable written or electronic communication any rescue group which has previously requested notification for animals scheduled to be killed.

(c) A rescue group shall be allowed to enter the facility during business hours to see all the animals in the facility scheduled to be killed for purposes of assessing the health and behavior of an animal and determining whether to seek possession of them.

(d) Upon taking possession of an animal, the rescue group shall assume all liability for the animal while the animal is in the custody and control of the organization; provided that the group shall not be deemed responsible for harm caused to or by the animal that:

- (1) Occurred prior to the time the organization assumed possession of the animal; or,
- (2) Is due to the acts or omissions of a person not associated with the organization.

(e) The provisions of this subdivision shall not apply to:

- (1) An animal suspected to carry and exhibiting signs of rabies, as determined by the local health department;

(2) A dog that has been determined by a court having competent jurisdiction to be dangerous pursuant to the provisions of § 3.2-6540;

(3) A dog with a documented history of unprovoked biting that has resulted in severe injury to a human being and which was documented by the public or private animal shelter prior to the current impound of the animal; or,

(4) An animal who is experiencing irremediable physical suffering.

(f) The determination that an animal is subject to the exceptions of subsection (e) shall be made in writing, signed by the supervising veterinarian, and be made available for free public inspection upon request for no less than three years.

SEC. 4(a) Any rescue group having an officer, board member, staff member or volunteer who has been convicted of a criminal offense having as its primary effect the prevention or punishment of animal neglect or animal cruelty or dog fighting shall be prohibited from being an organization under the terms of this subdivision until such time as that officer, board member, staff member or volunteer is no longer associated with the group.

(b) Any rescue group having an officer, board member, staff member or volunteer against whom charges of violating the provisions of a statute having as its primary effect the prevention or punishment of animal neglect or animal cruelty or dog fighting are pending in a court of law shall be prohibited from being an organization under the terms of this subdivision until such time as that officer, board member, staff member or volunteer is no longer associated with the group or such charges are dismissed or dropped.

SEC. 5(a) No animal in the custody of a public or private animal shelter shall be killed unless all of the following conditions are met:

(1) there are no empty cages, kennels, or other living environments in the shelter;

(2) the animal cannot share a cage or kennel with another animal;

(3) a foster home is not available;

(4) rescue groups have been offered but are not willing to accept the animal;

(5) all mandates of law have been met; and

(6) the supervising veterinarian certifies he or she has no other alternative.

(b) The determination that an animal is subject to the exceptions of subsection (a) shall be made in writing, signed by the supervising veterinarian, and be made available for free public inspection upon request for no less than three years.

SEC. 6 Notwithstanding enforcement by the Virginia Department of Agriculture and Consumer Services, an action for violation of this chapter seeking declaratory and injunction relief, and other remedies in law or equity, may be commenced by any person in a court of competent jurisdiction.