

**Committee Name:**  
**Assembly Committee – Rural Affairs and Forestry**  
**(AC–RAF)**

**Appointments**

99hr\_AC–RAF\_Appt\_pt00

**Committee Hearings**

99hr\_AC–RAF\_CH\_pt00

**Committee Reports**

99hr\_AC–RAF\_CR\_pt00

**Clearinghouse Rules**

99hr\_AC–RAF\_CRule\_99–

**Executive Sessions**

99hr\_AC–RAF\_ES\_pt00

# Hearing Records

## 99hr\_ab0092\_pt02

99hr\_sb0000

**Misc.**

99hr\_AC–RAF\_Misc\_pt00

**Record of Committee Proceedings**

99hr\_AC–RAF\_RCP\_pt00

3-11-99 PH -  
AB92, AB104

# Committee Meeting Attendance Sheet

## Assembly Committee on Rural Affairs and Forestry

Date: March 11<sup>th</sup> 1999 Meeting Type: Public Hearing  
Location: 328 Northwest - State Capitol

| <u>Committee Member</u>    | <u>Present</u>                      | <u>Absent</u>            | <u>Excused</u>                      |
|----------------------------|-------------------------------------|--------------------------|-------------------------------------|
| Rep. John Ainsworth, Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Rep. Terry Musser          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Rep. Kitty Rhoades         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Rep. Stephen Freese        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Rep. Judith Klusman        | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Rep. Mary Hubler           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Rep. Barbara Gronemus      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Rep. Donald Hasenohrl      | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Rep. Gary Sherman          | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Totals:                    | <u>6</u>                            | <u>0</u>                 | <u>3</u>                            |



Kristina Boardman, Committee Clerk



**STATE OF WISCONSIN  
OFFICE OF STATE REPRESENTATIVE BARBARA GRONEMUS**

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**MEMORANDUM**

**TO: ASSEMBLY COMMITTEE ON RURAL AFFAIRS  
AND FORESTRY**

**FROM: REPRESENTATIVE BARBARA GRONEMUS**

**DATE: MARCH 11, 1999**

**RE: ASSEMBLY BILL 92  
Relating to Unauthorized Release of Animals**

**To assist committee members with an understanding of the major provisions of Assembly Bill 92, I am pleased to provide the detailed analysis contained on the reverse side.**

**Your affirmative consideration and recommendation of Assembly Bill 92 is requested.**

## **CURRENT LAW: UNAUTHORIZED RELEASE OF ANIMALS:**

Under current law, criminal penalties apply to the intentional release of a lawfully confined animal without the consent of the owner or custodian of the animal. The **first violation is punishable as a Class C Misdemeanor (a fine not to exceed \$500 or imprisonment not to exceed 30 days, or both)**. A **second violation is punishable as a Class A Misdemeanor (a fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both)**. Third and subsequent violations are punishable as a **Class E Felony (a fine not to exceed \$10,000 or imprisonment not to exceed two years, or both)**.

## **PROVISIONS OF 1999 AB92:**

### • **TYPES OF RELEASE AND PENALTIES:**

1. **Intentional Release** of an animal that is lawfully confined for scientific, farming, restocking, research or commercial purposes, acting **WITHOUT** the consent of the owner or custodian of the animal: **Class C Felony (a fine not to exceed \$10,000 or imprisonment not to exceed 10 years, or both)**.
2. **Intentional Release** of an animal that is lawfully confined for companionship or protection of persons or property, recreational, exhibition or educational purposes **WITHOUT** the consent of the owner or custodian of the animal: **Class C Misdemeanor (a fine not to exceed \$500 or 30 days in prison, or both); 2<sup>nd</sup> Violation: Class A Misdemeanor (a fine not to exceed \$10,000 or 9 months in prison, or both); 3<sup>rd</sup> and Subsequent Violations: Class E Felony (a fine not to exceed \$10,000 or not more than 2 years in prison, or both)**.

### • **" SECURITY DEVICES":**

1. Allows the use of any type of fence as presently permitted under Wisconsin law.
2. A Theft Alarm Signal Device, a Burglar Alarm or any other security alarm system or device.
3. A dog – the dog **MUST BE** on the owner's or custodian's property.

### • **IMMUNITY FROM CIVIL LIABILITY"**

An owner or custodian of a confined animal is immune from civil liability for any damages to a person if **ALL** of the following apply:

The person suffers damages while violating or attempting to violate law.

The damages are caused by a security device that is install or owner or custodian reasonably believes is necessary to protect the confined animal or premises containing the animal. **IT IS NOT REASONABLE TO INSTALL OR USE A SECURITY DEVICE THAT IS INTENDED TO OR LIKELY TO CAUSE DEATH OR GREAT BODILY HARM.**

If an owner or custodian of a confined animal uses a dog as a security device, the owner or custodian is entitled to immunity **ONLY IF** the dog is on the owner's property at the time it causes the damages.

### • **PUNITIVE DAMAGES:**

1. A person who intentionally releases an animal that is lawfully confined for scientific, farming, companionship or protection of persons or property, recreation, restocking, research, exhibition, commercial or educational purposes, acting **WITHOUT** the consent of the owner or custodian of the animal is liable to the owner or custodian for damages, punitive damages, attorney fees and interest on the amount of the damages incurred at the rate of 12% per year from the date of the intentional release.
2. The damages awarded shall include the costs of restoring the animal to confinement.

### • **VEHICLE SEIZURE:**

Provides for the forfeiture of any vehicle or property that is used to violate the prohibition against intentionally releasing an animal **WITHOUT** the consent of the owner or custodian of the animal.

- **DEFINITION OF "ANIMAL":** "Animal" means **ALL** vertebrate and invertebrate species, including mammals, birds, fish and shell fish but excluding humans.