

Fiscal Estimate Narratives

DATCP 12/10/2015

LRB Number 15-1926/1	Introduction Number AB-0487	Estimate Type Original
Description Animals believed to have been involved in crimes against animals, when a stray or abandoned animal may be considered unclaimed, and a court order relating to an animal taken into or held in custody		

Assumptions Used in Arriving at Fiscal Estimate

This bill makes various changes to the treatment of animals that are believed to have been used in crimes against animals. The bill relates to:

- When a stray or abandoned animal may be considered unclaimed.
- Animals believed to have been involved in crimes against animals.
- A court order relating to an animal taken into or held in custody.

Stray/Abandoned Animals:

Under current law, stray or abandoned animals that are not claimed by and returned to its owner within 7 days may be treated as an unclaimed animal. At the end of 7 days, unclaimed animals may be euthanized or released to another person or to specified entities for scientific purposes.

This bill would reduce the amount of time abandoned or stray animals would have to be held in order to be claimed by their owners from 7 days to 4. Any cost savings to local government related to eliminating 3 days of custody of a stray animal are indeterminate. It is unknown how many local governments would choose to euthanize or release a stray animal after 4 days as these entities may hold stray animals as long as they choose. However, if a local government chooses to euthanize or release a stray animal after the 4 day waiting period, there may be additional costs related to owner interactions including phone calls, emails, and visits by distraught animal owners whose pet went missing and was euthanized or given away after only 4 days.

Animal Behavior:

Under current law, if an animal is one year old or older, or shows indication of having participated in fighting the animal must be euthanized if the animal's owner is convicted of a crime relating to animal fighting. If the animal is less than one year old, and shows no indication of having participated in fighting, the animal shall be released to a person other than the owner, or euthanized.

Under this bill, if an animal of any age is being held in custody and the owner of the animal is convicted of a crime against an animal, the animal must be treated as an unclaimed animal. In this case an unclaimed animal may be released to a person other than the owner or euthanized. There may be additional costs or potential liability issues related to allowing animals, particularly dogs, more than one year old that may have fought to be released to another person.

- If the dog is not properly evaluated and released to a family that is unprepared, there could be significant consequences to both the local government and the family.
- If the dog is unknowingly released to a person involved in dog fighting, the problem and related costs are perpetuated.

If the local government chooses to evaluate these dogs for behavioral issues, there may be additional costs if that entity does not have existing staff with proper training to assess animal behavior.

Petitioning the Court:

Under current law, a local governmental unit may petition the court for an order regarding an animal in custody, including an order requiring payment or the posting of a bond for costs of custody, care, and treatment pending the outcome of a proceeding or an order authorizing the sale, destruction, or other disposal of the animal.

This bill allows a person other than a local governmental unit that has custody of an animal, such as a humane society, to petition the court for such an order. This provision may transfer the cost of petitioning the court for such an order from the local governmental unit to the humane society or entity that has custody of the animal. The humane society/entity may have to pay for, or contract with, attorneys or other staff to provide these services. It is unknown how many humane societies/entities have staff that could do this work. Therefore, these costs are indeterminate.

Disposition of Fighting Dogs:

Under current law, in cases of dog fighting, local governments are required to hold onto the dogs until there is a resolution of the dog fighting case. This is unique to dog fighting cases. In all other violations of ch. 951, Wis. Stats., there are mechanisms for the disposition of the animals, prior to resolution of the case.

This bill allows a local governmental unit or person with custody of an animal believed to be used in, or constitutes evidence of, a crime against animals to demand payment from the animal's owner for the custody, care, and treatment of the animal no more frequently than every 14 days if the court orders the animal to be retained in custody. If the payment demanded is not received within 30 days of mailing the demand, the bill requires the animal to be treated as an unclaimed animal. It is assumed that these unclaimed animals could not be released to another person or euthanized until there is resolution of the case.

This provision could reduce local government costs for housing and care of these animals, which can be significant because dog fighting cases are often prolonged. The amount saved is indeterminate and will vary with the number of cases and animals involved.

Long-Range Fiscal Implications