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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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<b>2015 Senate Bill 450</b>	<b>Senate Amendment 1</b>
<i>Memo published:</i> February 15, 2016	<i>Contact:</i> Michael Queensland, Staff Attorney (266-3810)

### 2015 SENATE BILL 450

Senate Bill 450 (the bill) makes various changes to current law related to the treatment of an animal that is taken into custody as an unclaimed animal, or when it is believed to have been used in a crime against animals under ch. 951, Stats. Specifically, the bill does the following:

- Authorizes a humane officer or law enforcement officer to take an animal into custody if the officer has reasonable grounds to believe that the animal has been used in **any crime against animals** under ch. 951, Stats. Under current law, with respect to violations of ch. 951, Stats., a humane officer or law enforcement officer may take an animal into custody if the officer has reasonable grounds to believe that the animal that was either **mistreated** or a **participant in an animal fight** that was intentionally instigated by any person in violation of ch. 951, Stats.
- Authorizes a local governmental unit to withhold, or direct a person contracting with a local unit of government to withhold, an animal in custody from an owner if there are reasonable grounds to believe that the owner has used the animal in **any crime against animals** under ch. 951, Stats. Under current law, with respect to violations of ch. 951, Stats., an animal may be withheld if the animal **may be used as evidence** in a pending prosecution or if there are reasonable grounds to believe that the **owner has mistreated the animal** in violation of ch. 951, Stats.
- Requires an animal of any age that is being held in custody to be **treated as an unclaimed animal** if the owner of the animal is convicted of a crime against animals under ch. 951, Stats. Under current law, if an owner of an animal being held in custody is convicted of a crime related to animal fighting, and the animal is one-year

old or older, or shows an indication of having participated in fighting, then the animal **must be euthanized**.

- Reduces the period of time after which a stray or abandoned animal may be treated as an unclaimed animal from seven days to four days.
- Creates a specific court process for a court to determine if an animal may be returned to its owner in situations where the animal was taken into custody because it is believed that either of the following have occurred: (1) the animal has been used in any crime against animals under ch. 951, Stats.; or (2) the animal constitutes evidence of a crime against animals under ch. 951, Stats. Under current law, the only court process available is the general process applicable for the return of any property seized by law enforcement.
- With respect to the court process specified above, the bill allows a local governmental unit or other person with custody of an animal that is believed to have been used in, or constitutes evidence of, a crime against animals under ch. 951, Stats., to demand payment from the animal's owner for the custody, care, and treatment of the animal that is held in custody. The bill also provides the following with respect to this payment:
  - The demand for payment may be made not more frequently than every 14 days.
  - 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.
  - The owner may challenge the reasonableness of the payment demanded.
  - If the court orders that an animal be returned to its owner, then no payment is due.
- Authorizes a person who is providing services for an animal in custody under a contract with a political subdivision to petition a court for a court order for any of the following: (1) payment for the custody, care, or treatment of an animal; (2) a requirement that the owner of the animal post bond for the costs of custody, care, or treatment of the animal pending the outcome of any other proceeding; and (3) authorizing the sale, destruction, or other disposal of the animal. Under current law, only the political subdivision may file such a petition.

### **SENATE AMENDMENT 1**

Assembly Amendment 1 makes technical changes to the bill in order to correct drafting errors. The drafting errors corrected by Senate Amendment 1 are incorrect statutory cross-references.

**BILL HISTORY**

Senator Petrowski introduced Senate Amendment 1 on December 15, 2015. On February 11, 2016, the Senate Committee on Judiciary and Public Safety voted to recommend adoption of Senate Amendment 1 by a vote of Ayes, 5; Noes 0; and to recommend passage of the bill, as amended, by a vote of Ayes, 5; Noes, 0.

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