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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2019 Assembly Bill 152**

**Assembly Amendment 1**

### 2019 ASSEMBLY BILL 152

Under current law, it is a Class A misdemeanor to commit an act of sexual gratification involving an animal, and a Class I felony to intentionally treat any animal in a cruel manner that results in the mutilation, disfigurement, or death of the animal.

Assembly Bill 152 repeals the crime of sexual gratification involving animals and creates a new offense titled bestiality, under which engaging in sexual contact with an animal and other related acts are prohibited. Specifically, the bill creates a definition of “sexual contact” and prohibits a person from knowingly doing any of the following acts:

- Engage in sexual contact with an animal.
- Advertise, offer, accept an offer, sell, transfer, purchase, or otherwise obtain an animal with the intent that it be used for sexual contact in this state.
- Organize, promote, conduct, or participate as an observer of an act involving sexual contact with an animal.
- Permit sexual contact with an animal to be conducted on any premises under the person’s ownership or control.
- Photograph or film obscene material depicting a person engaged in sexual contact with an animal.
- Distribute, sell, publish, or transmit obscene material depicting a person engaged in sexual contact with an animal.
- Possess with the intent to distribute, sell, publish, or transmit obscene material depicting a person engaged in sexual contact with an animal.
- Force, coerce, entice, or encourage a minor child to engage in sexual contact with an animal.
- Engage in sexual contact with an animal in the presence of a minor child.

Under the bill, the penalty for a first offense is either a Class F, G, or H felony, depending on the type of conduct, whether the act results in bodily harm to or death of an animal, and the age of the child involved, if applicable. A person engaged in any of the prohibited acts could also be subject to a Class C forfeiture. In addition, the sentencing court must restrict the person’s interaction with animals for a period of five to 15 years, require the person to submit to psychological assessment and participate in appropriate counseling at the person’s expense, and order payment of restitution to any person who suffered a pecuniary loss as a result of the offense.

The bill also adds the offense of bestiality to the definition of “sex offense” for purposes of the sex offender registry, and allows the offense of bestiality to provide a basis for certain duties and authority of humane officers and courts, including taking custody of and withholding animals from owners.

## **ASSEMBLY AMENDMENT 1**

Assembly Amendment 1 modifies the bill by clarifying the penalties associated with the crime of bestiality, requiring the court to make certain orders in matters involving the withholding of animals from their owners, and expanding the authority of the Department of Agriculture, Trade, and Consumer Protection (DATCP) in certain procedures under the statutory chapter governing humane officers.

Specifically, the amendment does all of the following:

- Clarifies the penalties for violating the crime of bestiality by removing the provision concerning a Class C forfeiture.
- Requires the court, if a hearing is held on an owner's application for return of an animal taken into custody, to order an animal be retained in custody if the animal is needed as evidence or there is reason to believe the animal was involved in the crime of bestiality.
- Requires the court to assess certain expenses if an animal has been used in or constitutes evidence of the crime of bestiality, or if a person is found guilty of the crime of bestiality.
- Authorizes DATCP to suspend certain animal-related licenses if there is evidence that an act of bestiality has been committed by the licensee or has occurred on licensed premises.
- Requires DATCP to report information to law enforcement or a humane officer if DATCP has reasonable grounds to believe that a dog is in the possession of a person required to be licensed and is being mistreated in violation of the crime of bestiality.

## **BILL HISTORY**

Representative Wichgers offered Assembly Amendment 1 on September 27, 2019. On October 31, 2019, the Assembly Committee on Criminal Justice and Public Safety recommended adoption of Assembly Amendment 1, and passage of the bill, as amended, on subsequent votes of Ayes, 13; Noes, 0.

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