



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Senate Bill 88

**Senate
Amendments 1, 2, and 3**

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CURRENT LAW

Under current law, a humane officer or law enforcement officer of a municipality may withhold an animal that is in custody from an owner if there are reasonable grounds to believe that the animal poses a significant threat to public health, safety, or welfare. [s. 173.21 (1) (b), Stats.]

Also, under current law, a court may order a dog to be euthanized if the dog caused serious injury to a person or domestic animal on two separate occasions off the owner's property, without reasonable cause, and the owner of the dog was notified or knew, prior to the 2nd injury, that the dog caused the first injury. [s. 174.02 (3) (a), Stats.]

2011 SENATE BILL 88

Senate Bill 88 allows a humane officer or law enforcement officer, after conducting an investigation, to issue a written declaration that a dog is vicious. A dog may be declared vicious if either (a) or (b) applies:

- (a) The dog, without justification, attacked a person *and* caused serious physical injury or death.
- (b) The dog, without justification, has done any of the following on at least three occasions:
 - 1. Bitten a person, without causing serious physical injury or death.
 - 2. Attacked a cat or dog, and caused serious physical injury or death to the cat or dog.
 - 3. Behaved in a manner that a reasonable person would believe posed a significant, imminent threat of physical injury or death to a person, cat, or dog.

The bill provides that if a dog has been declared vicious, then a serious felon is prohibited from possessing, controlling, or residing with the vicious dog.

A serious felon is also prohibited from possessing any dog that does not have an identifying microchip, if over 12 weeks of age.

Under the bill, if a serious felon is guilty of possessing, controlling, or residing with a vicious dog, or possessing any dog without a microchip, that person is subject to a Class A misdemeanor, including a fine up to \$10,000, imprisonment up to nine months, or both.

If a serious felon is guilty of possessing, controlling, or residing with a vicious dog, *and* a person or an animal suffers great bodily harm or death as a result of that violation, that person is subject to a Class I felony, including a fine up to \$10,000, imprisonment up to three years and six months, or both.

If a serious felon is guilty of possessing, controlling, or residing with a vicious dog, *and* knowingly allowed the vicious dog to run loose or failed to take steps to keep the vicious dog enclosed or under control, *and* a person suffers great bodily harm or death, that person is subject to a Class H felony, including a fine up to \$10,000, imprisonment up to six years, or both.

SENATE AMENDMENT 1

Senate Amendment 1 removes the consideration of incidences involving an attack or threat to a cat or dog in declaring a dog to be vicious. The amendment maintains the consideration of incidences involving an attack or threat to a person in declaring a dog to be vicious.

SENATE AMENDMENT 2

Senate Amendment 2 removes the requirement that any other dog possessed by a serious felon have an identifying microchip.

SENATE AMENDMENT 3

Senate Amendment 3 adds an explicit authorization for a court to order a serious felon who has violated the prohibition on ownership to surrender a vicious dog, if reasonable and appropriate.

LEGISLATIVE HISTORY

Senate Bill 88 was introduced on May 4, 2011, by Senators Hansen and Carpenter. Senate Amendments 1, 2, and 3 were introduced by the Senate Committee on Labor, Public Safety, and Urban Affairs on October 24, 2011, and adopted by the committee that day on a vote of Ayes, 5; Noes, 0; each.

On October 24, 2011, the Senate Committee on Labor, Public Safety, and Urban Affairs recommended passage of the bill, as amended, on a vote of Ayes, 5; Noes, 0.

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