



2015 SENATE BILL 286

October 2, 2015 - Introduced by Senators LASEE, LEMAHIEU, STROEBEL and DARLING, cosponsored by Representatives CZAJA, GANNON, A. OTT, STEFFEN, TITTL and KERKMAN. Referred to Committee on Insurance, Housing, and Trade.

1 **AN ACT** *to amend* 174.02 (1) (b), 174.02 (2) (a) and (b) and 174.02 (3) (a) (intro.)
2 of the statutes; **relating to:** liability for damages caused by dogs, court orders
3 to kill a dog, and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill makes changes to an owner's liability and penalties for damage caused by a dog and to who may request a court order to kill a dog.

Under current law, a person who owns or keeps a dog is generally liable for the amount of damages caused by the dog injuring a person, a domestic animal, or property. Under current law, a person who owns or keeps a dog is generally liable for two times the amount of damages caused by the dog injuring a person, a domestic animal, or property if the owner or keeper knew that the dog previously injured a person, a domestic animal, or property.

The bill changes the current provision under which a dog owner or keeper may be liable for two times the amount of damages caused by the dog so that it applies only when a dog bites a person with sufficient force to break the skin and cause permanent physical scarring or disfigurement, and the owner or keeper knew that the dog had previously, without provocation, bitten a person with sufficient force to break the skin and cause permanent physical scarring or disfigurement.

Under current law, a person who owns or keeps a dog is subject to a forfeiture (a civil monetary penalty) of \$50 to \$500 if the dog causes injury to a person, domestic animal, property, deer, game birds, or the nests or eggs of game birds. This bill increases the maximum forfeiture to \$2,500. Under current law, if the owner or

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keeper knew that the dog had previously caused injury to a person, domestic animal, property, deer, game birds, or the nests or eggs of game birds, the forfeiture is \$200 to \$1,000. This bill increases the maximum forfeiture to \$5,000.

Under current law, this state or a municipality may ask a court to order that a dog be killed. The court may issue the order if the dog caused serious injury to a person or domestic animal on two separate occasions, off of the owner's or keeper's property, without reasonable cause, and the owner or keeper knew, before the second injury, that the dog caused the first injury.

Under this bill, an action asking a court to order that a dog be killed may also be brought by a person who is injured by the dog, whose minor child was injured by the dog, or whose domestic animal is injured by the dog.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 174.02 (1) (b) of the statutes is amended to read:

2 174.02 (1) (b) *After notice.* Subject to s. 895.045 and except as provided in s.
3 895.57 (4), the owner of a dog is liable for 2 times the full amount of damages caused
4 by the dog ~~injuring or causing injury to~~ biting a person, ~~domestic animal or property~~
5 with sufficient force to break the skin and cause permanent physical scarring or
6 disfigurement if the owner was notified or knew that the dog ~~had~~ previously injured
7 ~~or caused injury to, without provocation, bitten~~ a person, ~~domestic animal or~~
8 ~~property~~ with sufficient force to break the skin and cause permanent physical
9 scarring or disfigurement.

10 **SECTION 2.** 174.02 (2) (a) and (b) of the statutes are amended to read:

11 174.02 (2) (a) *Without notice.* The owner of a dog shall forfeit not less than \$50
12 nor more than ~~\$500~~ \$2,500 if the dog injures or causes injury to a person, domestic
13 animal, property, deer, game birds or the nests or eggs of game birds.

14 (b) *After notice.* The owner of a dog shall forfeit not less than \$200 nor more
15 than ~~\$1,000~~ \$5,000 if the dog injures or causes injury to a person, domestic animal,

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1 property, deer, game birds or the nests or eggs of game birds, and if the owner was
2 notified or knew that the dog previously injured or caused injury to a person,
3 domestic animal, property, deer, game birds or the nests or eggs of game birds.

4 **SECTION 3.** 174.02 (3) (a) (intro.) of the statutes is amended to read:

5 174.02 (3) (a) (intro.) The state ~~or~~, any municipality, or a person who is injured
6 by the dog, whose minor child was injured by the dog, or whose domestic animal is
7 injured by the dog may commence a civil action to obtain a judgment from a court
8 ordering an officer to kill a dog. The court may grant the judgment if the court finds
9 both of the following:

10 (END)