



1995 ASSEMBLY BILL 18

January 13, 1995 - Introduced by Representatives OTT, AINSWORTH, GRONEMUS, FREESE, GOETSCH, SPRINGER, RILEY, SKINDRUD, SILBAUGH, JOHNSRUD, MUSSER, LADWIG, HAHN, BRANDEMUEHL, REYNOLDS, HASENOHRL, RYBA, PLOMBON, WILDER and SCHNEIDERS, cosponsored by Senator CLAUSING. Referred to Committee on Agriculture.

1 **AN ACT to amend** 951.16 of the statutes; **relating to:** investigation of animal
2 cruelty complaints.

Analysis by the Legislative Reference Bureau

Under current law, in addition to general search warrant procedures, a person who believes that some animal cruelty violation is occurring or has occurred may apply to a circuit court for a search warrant. The court must examine the person under oath and take the person's sworn affidavit in writing. This bill provides that the ordinary search warrant procedure applies, which permits the issuance of a warrant by a court either upon affidavit or upon oral testimony.

For further information see the *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:

3 **SECTION 1.** 951.16 of the statutes is amended to read:
4 **951.16 Investigation of cruelty complaints.** Any A person who has may
5 apply for a search warrant under s. 968.12 if there is reason to believe that a violation
6 of this chapter has taken place or is taking place may apply to any circuit court for
7 a search warrant. The court shall examine under oath the person so applying and
8 any witnesses the person may produce and shall take the person's sworn affidavit in
9 writing. The affidavit shall set forth the facts tending to establish probable cause

1 ~~to believe that a violation of this chapter has occurred or is occurring.~~ If the court
2 is satisfied that probable cause exists, it shall issue a search warrant directing a law
3 enforcement officer in the county to proceed immediately to the location of the alleged
4 violation with a doctor of veterinary medicine, if the court determines that a
5 veterinarian is necessary for purposes of the search, and directing the law
6 enforcement officer to search the place designated in the warrant, retaining in his
7 or her custody subject to the order of the court such property or things as are specified
8 in the warrant, including any animal. The warrant shall be executed and returned
9 to the court which issued the warrant in accordance with ss. 968.15 and 968.17. ~~The~~
10 ~~warrant issued under this section shall have the same force and effect as a warrant~~
11 ~~issued under s. 968.12.~~ This section shall not affect other powers and duties of law
12 enforcement officers.

13

(END)