



2009 ASSEMBLY BILL 747

February 12, 2010 - Introduced by Representatives MILROY, TURNER, ZEPNICK, A. WILLIAMS, BERCEAU, SINICKI, PASCH, BENEDICT and SMITH, cosponsored by Senators JAUCH, CARPENTER and RISSER. Referred to Committee on Criminal Justice.

1 **AN ACT to amend** 813.12 (3) (a) (intro.), 813.12 (4) (a) (intro.), 813.122 (4) (a)
2 (intro.), 813.122 (5) (a) (intro.), 813.125 (3) (a) (intro.), 813.125 (4) (a) (intro.),
3 951.01 (2), 951.13 (intro.), 951.13 (2), 951.15, 951.18 (1) and 951.18 (4) (c); and
4 **to create** 948.057, 951.18 (1m), 951.18 (1r) and 951.18 (4) (d) of the statutes;
5 **relating to:** crimes against animals and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, no person may mistreat an animal, fail to provide an animal for which they are responsible with proper food, water, or shelter, or abandon an animal. Under most circumstances, a person who does any of these things is guilty of a Class A misdemeanor.

Under this bill, a person who intentionally mistreats an animal, fails to provide an animal for which they are responsible with proper food, water, or shelter, or abandons an animal is guilty of a Class A misdemeanor if the animal suffers bodily harm, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class I felony. If the animal suffers great bodily harm, the person is guilty of a Class E felony, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class D felony. If the animal dies as a result of the person's actions, the person is guilty of a Class D felony, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class C felony.

Under the bill, a person who recklessly mistreats an animal, fails to provide an animal for which they are responsible with proper food, water, or shelter, or abandons

ASSEMBLY BILL 747

an animal is guilty of a Class B misdemeanor if the animal suffers bodily harm, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class A misdemeanor. If the animal suffers great bodily harm, the person is guilty of a Class H felony, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class G felony. If the animal dies as a result of the person's actions, the person is guilty of a Class F felony, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class E felony.

The bill makes it illegal for a person to cause a child under the age of 18 to mistreat an animal. A person who does so is guilty of a Class F felony if the child is under the age of 13 and is guilty of a Class H felony if the child has attained the age of 13 but is under the age of 18.

Under the bill, a sentencing court may order a person who is guilty of felony animal mistreatment, failure to provide proper food, water, or shelter, or abandonment to undergo a psychological assessment and to participate in anger management or psychological counseling or treatment.

Under current law, a judge or circuit court commissioner may issue a temporary restraining order or grant an injunction that bars a person who has committed certain violations from contacting or approaching the victim of his or her actions.

Under the bill, a judge or circuit court commissioner may include in the restraining order or injunction an order for the person to refrain from mistreating or threatening to mistreat an animal that the victim owns or cares for.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

1 **SECTION 1.** 813.12 (3) (a) (intro.) of the statutes is amended to read:
2 813.12 **(3)** (a) (intro.) A judge or circuit court commissioner shall issue a
3 temporary restraining order ordering the respondent to refrain from committing acts
4 of domestic abuse against the petitioner, to avoid the petitioner's residence, except
5 as provided in par. (am), or any other location temporarily occupied by the petitioner
6 or both, or to avoid contacting or causing any person other than a party's attorney
7 or a law enforcement officer to contact the petitioner unless the petitioner consents
8 in writing, to refrain from engaging in or threatening to engage in the mistreatment

ASSEMBLY BILL 747

1 of an animal owned or cared for by the petitioner, or any combination of these
2 remedies requested in the petition, or any other appropriate remedy not inconsistent
3 with the remedies requested in the petition, if all of the following occur:

4 **SECTION 2.** 813.12 (4) (a) (intro.) of the statutes is amended to read:

5 813.12 (4) (a) (intro.) A judge or circuit court commissioner may grant an
6 injunction ordering the respondent to refrain from committing acts of domestic abuse
7 against the petitioner, to avoid the petitioner's residence, except as provided in par.
8 (am), or any other location temporarily occupied by the petitioner or both, or to avoid
9 contacting or causing any person other than a party's attorney or a law enforcement
10 officer to contact the petitioner unless the petitioner consents to that contact in
11 writing, to refrain from engaging in or threatening to engage in the mistreatment of
12 an animal owned or cared for by the petitioner, or any combination of these remedies
13 requested in the petition, or any other appropriate remedy not inconsistent with the
14 remedies requested in the petition, if all of the following occur:

15 **SECTION 3.** 813.122 (4) (a) (intro.) of the statutes is amended to read:

16 813.122 (4) (a) (intro.) A judge or circuit court commissioner shall issue a
17 temporary restraining order ordering the respondent to avoid the child victim's
18 residence or any premises temporarily occupied by the child victim or both, to refrain
19 from engaging in or threatening to engage in the mistreatment of an animal owned
20 or cared for by the child victim, and to avoid contacting or causing any person other
21 than a party's attorney to contact the child victim unless the petitioner consents in
22 writing and the judge or circuit court commissioner agrees that the contact is in the
23 best interests of the child victim, if all of the following occur:

24 **SECTION 4.** 813.122 (5) (a) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 747**SECTION 4**

1 813.122 (5) (a) (intro.) A judge may grant an injunction ordering the
2 respondent to avoid the child victim’s residence or any premises temporarily
3 occupied by the child victim or both, to refrain from engaging in or threatening to
4 engage in the mistreatment of an animal owned or cared for by the child victim, and
5 to avoid contacting or causing any person other than a party’s attorney to contact the
6 child victim unless the petitioner consents to that contact in writing and the judge
7 agrees that the contact is in the best interests of the child victim, if all of the following
8 occur:

9 **SECTION 5.** 813.125 (3) (a) (intro.) of the statutes is amended to read:

10 813.125 (3) (a) (intro.) A judge or circuit court commissioner may issue a
11 temporary restraining order ordering the respondent to cease or avoid the
12 harassment of another person, to avoid the petitioner’s residence, except as provided
13 in par. (am), or any premises temporarily occupied by the petitioner or both, to refrain
14 from engaging in or threatening to engage in the mistreatment of an animal owned
15 or cared for by the petitioner, or any combination of these remedies requested in the
16 petition, if all of the following occur:

17 **SECTION 6.** 813.125 (4) (a) (intro.) of the statutes is amended to read:

18 813.125 (4) (a) (intro.) A judge or circuit court commissioner may grant an
19 injunction ordering the respondent to cease or avoid the harassment of another
20 person, to avoid the petitioner’s residence, except as provided in par. (am), or any
21 premises temporarily occupied by the petitioner or both, to refrain from engaging in
22 or threatening to engage in the mistreatment of an animal owned or cared for by the
23 petitioner, or any combination of these remedies requested in the petition, if all of the
24 following occur:

25 **SECTION 7.** 948.057 of the statutes is created to read:

ASSEMBLY BILL 747**1 948.057 Causing a child to commit a crime against an animal. (1)**

2 Whoever causes a child who has not attained 18 years of age to violate s. 951.02 may
3 be penalized as provided in sub. (2).

4 **(2)** Whoever violates sub. (1) is guilty of:

5 (a) A Class F felony if the child has not attained the age of 13 years.

6 (b) A Class H felony if the child has attained the age of 13 years but has not
7 attained the age of 18 years.

8 **SECTION 8.** 951.01 (2) of the statutes is amended to read:

9 951.01 **(2)** "Cruel" means causing or failing to prevent unnecessary and
10 excessive pain or suffering or unjustifiable injury or death.

11 **SECTION 9.** 951.13 (intro.) of the statutes is amended to read:

12 **951.13 Providing proper food and drink to confined animals.** (intro.)

13 ~~No person owning or~~ A person who owns or who is responsible for confining or
14 impounding any animal ~~may fail to~~ shall supply the animal with a sufficient supply
15 of food and water as prescribed in this section. A person who fails to supply the
16 animal with a sufficient supply of food or of water violates this section.

17 **SECTION 10.** 951.13 (2) of the statutes is amended to read:

18 951.13 **(2) WATER.** If potable water is not accessible to the animals at all times,
19 it shall be provided daily and in sufficient quantity for the health of the animal. For
20 the purposes of this section, snow or ice is not potable water.

21 **SECTION 11.** 951.15 of the statutes is amended to read:

22 **951.15 Abandoning animals.** No person may abandon any animal. In this
23 section, "abandon" means to leave an animal previously under the care or possession
24 of the person without making reasonable arrangements for the animal's proper care,
25 sustenance, and shelter.

ASSEMBLY BILL 747**SECTION 12**

1 **SECTION 12.** 951.18 (1) of the statutes is amended to read:

2 951.18 (1) Any person violating s. ~~951.02, 951.025, 951.03, 951.04, 951.05,~~
3 951.06, 951.07, 951.09, 951.10, or 951.11, ~~951.13, 951.14 or 951.15~~ is subject to a
4 Class C forfeiture. Any person who violates any of these provisions within 3 years
5 after a humane officer issues an abatement order under s. 173.11 prohibiting the
6 violation of that provision is subject to a Class A forfeiture. Any person who
7 intentionally or negligently violates any of those sections is guilty of a Class A
8 misdemeanor. ~~Any person who intentionally violates s. 951.02, resulting in the~~
9 ~~mutilation, disfigurement or death of an animal, is guilty of a Class I felony.~~ Any
10 person who intentionally violates s. ~~951.02 or 951.06,~~ knowing that the animal that
11 is the victim is used by a law enforcement agency to perform agency functions or
12 duties and causing injury to the animal, is guilty of a Class I felony.

13 **SECTION 13.** 951.18 (1m) of the statutes is created to read:

14 951.18 (1m) Any person who violates s. 951.02, 951.13, 951.14, or 951.15 and
15 intentionally causes harm to an animal is guilty of one of the following:

16 (a) A Class A misdemeanor if bodily harm to the animal is a consequence,
17 except that if the violation occurred while the person was in the presence of a child
18 who is 18 years of age or younger, the person is guilty of a Class I felony.

19 (b) A Class E felony if great bodily harm to the animal is a consequence, except
20 that if the violation occurred while the person was in the presence of a child who is
21 18 years of age or younger, the person is guilty of a Class D felony.

22 (c) A Class D felony if death to the animal is a consequence, except that if the
23 violation occurred while the person was in the presence of a child who is 18 years of
24 age or younger, the person is guilty of a Class C felony.

25 **SECTION 14.** 951.18 (1r) of the statutes is created to read:

