

1981 Assembly Bill 817

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**CHAPTER 160 , Laws of 1981**

AN ACT to amend 948.08 (1), 948.18 (1) and 968.20 (1) (intro.) and (2); and to create 948.08 (3), 948.162, 948.165 and 948.18 (2m) of the statutes, relating to instigating fights between animals and increasing penalties.

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

SECTION 1. 948.08 (1) of the statutes is amended to read:

948.08 (1) No person may intentionally instigate, promote, aid or abet as a principal, agent, ~~or~~ employe ~~or~~ ~~spectator~~, or participate in the earnings from, or intentionally maintain or allow any place to be used for a cockfight, dog fight, bullfight or other fight between the same or different kinds of animals or between an animal and a person. This section does not prohibit events or exhibitions commonly featured at rodeos or bloodless bullfights.

SECTION 2. 948.08 (3) of the statutes is created to read:

948.08 (3) No person may intentionally be a spectator at a cockfight, dog fight, bullfight or other fight between the same or different kinds of animals or between an animal and a person.

SECTION 3. 948.162 of the statutes is created to read:

**948.162 Reports of animal fighting.** Any veterinarian who has reason to believe that an animal has been in a fight in violation of s. 948.08 shall report the matter to the local humane officer, society or organization or to a local law enforcement agency. The report shall be in writing and shall include a description and the location of the animal, any injuries suffered by the animal and the name and address of the owner or person in charge of the animal, if known. The general penalty provisions under s. 939.61 do not apply to this section.

SECTION 4. 948.165 of the statutes is created to read:

**948.165 Animal fighting; seizure.** (1) If an animal has been seized because it is alleged that the animal has been used in or constitutes evidence of any crime specified in s. 948.08, the animal shall not be returned to the owner by an officer under s. 968.20 (2). In any hearing under s. 968.20 (1), the court shall determine if the animal is needed as evidence or there is reason to believe that the animal has participated or been trained for fighting. If the court makes such a finding, the animal shall be retained in custody under s. 948.16.

(2) If the charges under s. 948.08 are dismissed or if the owner is found not guilty of a crime specified in s. 948.08, the animal shall be returned to the owner.

(3) (a) If the owner is convicted under s. 948.08, the animal shall be delivered to the local humane society or organization. If the animal is one year old or older or shows indication of having participated in fighting, the animal shall be disposed of in a proper and humane manner.

(b) If the animal is less than one year old and shows no indication of having participated in fighting, the animal may be released to a person other than the owner or may be disposed of in a proper and humane manner. If the animal is a dog, the release or disposal shall be in accordance with s. 174.046 (8) or (9).

SECTION 5. 948.18 (1) of the statutes is amended to read:

948.18 (1) Any person violating s. 948.02, 948.03, 948.05, 948.06, 948.07, 948.08, 948.09, 948.13, 948.14 or 948.15 (1) is subject to a Class D forfeiture. Any person who intentionally or negligently violates such sections is guilty of a Class A misdemeanor.

SECTION 6. 948.18 (2m) of the statutes is created to read:

948.18 (2m) Any person who violates s. 948.08 (3) is guilty of a Class A misdemeanor. Any person who violates s. 948.08 (1) or (2) is guilty of a Class E felony.

SECTION 7. 968.20 (1) (intro.) and (2) of the statutes are amended to read:

968.20 (1) (intro.) Any person claiming the right to possession of property seized pursuant to a search warrant or seized without a search warrant may apply for its return to the circuit court for the county in which the property was seized or where the search warrant was returned. The court shall order such notice as it deems adequate to be given the district attorney and all persons who have or may have an interest in the property and shall hold a hearing to hear all claims to its true ownership. If the right to possession is proved to the court's satisfaction, it shall order the property, other than contraband or property covered under s. 948.165, returned if:

(2) Property not required for evidence or use in further investigation, unless contraband or property covered under s. 948.165, may be returned by the officer to the person from whom it was seized without the requirement of a hearing.