

2001 ASSEMBLY BILL 686

December 21, 2001 – Introduced by Representatives OTT, WALKER, ALBERS, BIES, J. FITZGERALD, FREESE, GRONEMUS, GUNDERSON, HAHN, HINES, JOHNSRUD, KESTELL, KRAWCZYK, LASSA, M. LEHMAN, LOEFFELHOLZ, MCCORMICK, MILLER, OLSEN, OWENS, PETROWSKI, SKINDRUD, STONE, SYKORA, TOWNSEND, TURNER, URBAN, VRAKAS and MUSSER, cosponsored by Senators BAUMGART, HARSDORF, ROESSLER and SCHULTZ. Referred to Committee on Criminal Justice.

1 **AN ACT to renumber and amend** 943.76 (1); **to amend** 939.24 (2); and **to create**
2 943.76 (1) (b), 943.76 (1) (c) and 943.76 (3) of the statutes; **relating to:** infecting
3 animals with a contagious disease and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from intentionally introducing a contagious or infectious disease into livestock without the consent of the owner of the livestock. Current law also prohibits a person from intentionally introducing a contagious or infectious disease into wild deer without the consent of the department of natural resources (DNR). A person who violates either of these prohibitions may be fined not more than \$10,000 or imprisoned for not more than 15 years or both.

This bill prohibits a person from introducing, through reckless conduct, a contagious or infectious disease other than paratuberculosis (Johne's disease) into livestock without the consent of the owner of the livestock. The bill also prohibits a person from introducing, through reckless conduct, a contagious or infectious disease other than paratuberculosis into wild deer without DNR's consent. A person who violates either of these prohibitions may be fined not more than \$10,000 or imprisoned for not more than nine months or both. These prohibitions do not apply if the actor's conduct is undertaken pursuant to a directive issued by the department of agriculture, trade and consumer protection (DATCP) or an agreement between the actor and DATCP, if the purpose of the directive or the agreement is to prevent or control the spread of the disease.

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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.** 939.24 (2) of the statutes is amended to read:

2 939.24 (2) Except as provided in ss. 940.285, 940.29 and, 940.295, and 943.76,
3 if criminal recklessness is an element of a crime in chs. 939 to 951, the recklessness
4 is indicated by the term “reckless” or “recklessly”.

5 **SECTION 2.** 943.76 (1) of the statutes, as created by 2001 Wisconsin Act 16, is
6 renumbered 943.76 (1) (intro.) and amended to read:

7 943.76 (1) (intro.) In this section, ~~“livestock”~~:

8 (a) “Livestock” means cattle, horses, swine, sheep, goats, farm-raised deer, as
9 defined in s. 95.001 (1) (a), and other animals used or to be used in the production
10 of food, fiber, or other commercial products.

11 **SECTION 3.** 943.76 (1) (b) of the statutes is created to read:

12 943.76 (1) (b) “Paratuberculosis” has the meaning given in s. 95.001 (1) (c).

13 **SECTION 4.** 943.76 (1) (c) of the statutes is created to read:

14 943.76 (1) (c) “Reckless conduct” means conduct which creates a substantial
15 risk of an animal’s death or a substantial risk of bodily harm to an animal if the actor
16 is aware of that risk.

17 **SECTION 5.** 943.76 (3) of the statutes is created to read:

18 943.76 (3) (a) Whoever, through reckless conduct, introduces a contagious or
19 infectious disease other than paratuberculosis into livestock without the consent of
20 the owner of the livestock is guilty of a Class A misdemeanor.

