

2001 Jr2 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB1)

Received: 03/10/2002

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau 6-3847

By/Representing: Schug

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: Criminal Law - miscellaneous
Agriculture - animals

Extra Copies: rlr
ret

Submit via email: NO

Pre Topic:

LFB:.....Schug -

Topic:

Prohibit infecting animals with a contagious disease

Instructions:

Draft AB686, as amended by AA1, as an amendment

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 03/12/2002	jdyer 03/12/2002		_____			
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FE Sent For:

<END>

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/?	mdsida	1/3/12 JLD	3/12	JRS			
				3/12			

FE Sent For:

<END>

WORKING GROUP

Penalty for Infecting Animals with a Contagious Disease

Include the provisions of 2001 Assembly Bill 686, as amended by Assembly Amendment 1. Unless an actor's conduct is undertaken pursuant to a directive issued by the Department of Agriculture, Trade and Consumer Protection or an agreement between the actor and DATCP for the purpose of preventing or controlling the spread of the disease, set a penalty of a Class A misdemeanor for anyone who, through reckless conduct: (a) introduces a contagious or infectious disease other than paratuberculosis into livestock (cattle, horses, swine, sheep, goats, farm-raised deer, poultry, or other animal to be used in the production of food, fiber or other commercial product) without the consent of the owner; or (b) introduces a contagious or infectious disease other than paratuberculosis into wild deer without the consent of the Department of Natural Resources.

2001

Date (time)
needed _____

LRB b 2369 1 1

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

myd : jld : _____

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**January 2002 SPECIAL SESSION CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 ASSEMBLY BILL 1**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

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, HARS DORF, 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.



ASSEMBLY BILL 686

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:

Page 228, line 3 : after that line insert:

1 " SECTION ^{535m}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". "

Page 271, line 8 : after that line insert:

5 " SECTION ^{810g}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), ^{poultry,} and other animals used or to be used in the production
10 of food, fiber, or other commercial products.

11 SECTION ^{810k}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).

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

13 SECTION ⁸¹⁰ⁿ4. 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. "

Page 271, line 18 : after that line insert:

17 " SECTION ^{812m}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.

ASSEMBLY BILL 686

1 (b) Whoever, through reckless conduct, introduces a contagious or infectious
2 disease other than paratuberculosis into wild deer without the consent of the
3 department of natural resources is guilty of a Class A misdemeanor.

4 (c) This subsection does not apply if the actor's conduct is undertaken pursuant
5 to a directive issued by the department of agriculture, trade and consumer protection
6 or an agreement between the actor and the department of agriculture, trade and
7 consumer protection, if the purpose of the directive or the agreement is to prevent
8 or control the spread of the disease. //

9

(END)



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2369/1
MGD:jld:jf

LFB:.....Schug - Prohibit infecting animals with a contagious disease

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 228, line 3: after that line insert:

3 "SECTION 535m. 939.24 (2) of the statutes is amended to read:

4 939.24 (2) Except as provided in ss. 940.285, 940.29 and, 940.295, and 943.76,

5 if criminal recklessness is an element of a crime in chs. 939 to 951, the recklessness

6 is indicated by the term "reckless" or "recklessly".

7 **2.** Page 271, line 8: after that line insert:

8 "SECTION 810g. 943.76 (1) of the statutes, as created by 2001 Wisconsin Act 16,

9 is renumbered 943.76 (1) (intro.) and amended to read:

10 943.76 (1) (intro.) In this section, "~~livestock~~";

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

4 **SECTION 810k.** 943.76 (1) (b) of the statutes is created to read:

5 943.76 (1) (b) “Paratuberculosis” has the meaning given in s. 95.001 (1) (c).

6 **SECTION 810n.** 943.76 (1) (c) of the statutes is created to read:

7 943.76 (1) (c) “Reckless conduct” means conduct which creates a substantial
8 risk of an animal’s death or a substantial risk of bodily harm to an animal if the actor
9 is aware of that risk.”.

10 **3.** Page 271, line 18: after that line insert:

11 **“SECTION 812m.** 943.76 (3) of the statutes is created to read:

12 943.76 (3) (a) Whoever, through reckless conduct, introduces a contagious or
13 infectious disease other than paratuberculosis into livestock without the consent of
14 the owner of the livestock is guilty of a Class A misdemeanor.

15 (b) Whoever, through reckless conduct, introduces a contagious or infectious
16 disease other than paratuberculosis into wild deer without the consent of the
17 department of natural resources is guilty of a Class A misdemeanor.

18 (c) This subsection does not apply if the actor’s conduct is undertaken pursuant
19 to a directive issued by the department of agriculture, trade and consumer protection
20 or an agreement between the actor and the department of agriculture, trade and
21 consumer protection, if the purpose of the directive or the agreement is to prevent
22 or control the spread of the disease.”.

23 (END)