

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3662/P1dn  
PJH:kjf:jf

November 19, 2009

Representative Milroy:

Please review this preliminary draft to ensure that it is consistent with your intent. In many instances, I made my best guess as to which of the proffered statutory sections seemed to reflect your intent, and I combined some of the language to conform to our current statutes and our drafting rules. Current law regarding proper shelter seemed, in my opinion, to cover many of the concerns raised by your constituents, although its language does not mirror statutes found in other states. Section 951.14 does require adequate indoor and outdoor shelter, protection from sunlight, protection from inclement weather, and contains standards for cleanliness and size. Similarly, the current definition of "cruel" treatment seems broad enough to incorporate the concerns raised by your constituents, although I did amend that definition to include a person who "fails to prevent" cruel treatment.

Please review the penalties in this draft for violations of ss. 951.02, 951.13, 951.14, and 951.15. I separated these sections from the general penalty provisions in s. 951.18 (1) because these seemed to be the focus of your constituents' concerns. If you would like a different approach, please let me know. Please compare the penalties in this draft with those found in s. 948.21, neglecting a child, and s. 948.03, physical abuse of a child. Let me know if you would like any changes.

Please review the created s. 948.057, causing a child to commit a crime against an animal. This section is modeled on s. 948.055, causing a child to view or listen to sexual activity. Please let me know if you want any changes.

I did not include the provisions regarding a civil action in this draft because, after our conversation, they seemed to be outside the scope of this draft. Please let me know if you want me to include them in this draft or if you would like a separate draft for a civil action against a person who abuses or neglects an animal.

This draft also does not contain any provisions for an "animal abuse fund" or a surcharge for animal abuse beyond the fines imposed for the offenses. Please let me know if you would like to establish a fund and/or if you would like to impose an additional surcharge on people who are convicted of abusing an animal. If you would like a surcharge, please let me know if you would like it to apply to every person convicted under chapter 951, or only to certain offenses.

If you have any other questions or concerns, please let me know.

Peggy Hurley  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: [peggy.hurley@legis.wisconsin.gov](mailto:peggy.hurley@legis.wisconsin.gov)