



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 747**

March 26, 2010 – Offered by Representative MILROY.

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.),
3 951.13 (intro.), 951.13 (2), 951.15, 951.18 (1) and 951.18 (4) (c); and **to create**
4 948.057, 951.13 (3), 951.18 (1g), 951.18 (1m), 951.18 (1r), 951.18 (1x), 951.18 (4)
5 (d) and 951.19 of the statutes; **relating to:** crimes against animals and
6 providing a penalty.

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

7 **SECTION 1.** 813.12 (3) (a) (intro.) of the statutes is amended to read:
8 813.12 **(3)** (a) (intro.) A judge or circuit court commissioner shall issue a
9 temporary restraining order ordering the respondent to refrain from committing acts
10 of domestic abuse against the petitioner, to avoid the petitioner's residence, except
11 as provided in par. (am), or any other location temporarily occupied by the petitioner
12 or both, or to avoid contacting or causing any person other than a party's attorney

1 or a law enforcement officer to contact the petitioner unless the petitioner consents
2 in writing, to refrain from engaging in or threatening to engage in the mistreatment
3 of an animal owned or cared for by the petitioner, or any combination of these
4 remedies requested in the petition, or any other appropriate remedy not inconsistent
5 with the remedies requested in the petition, if all of the following occur:

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

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

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

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

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

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

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

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

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

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

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

2 **948.057 Causing a child to commit a crime against an animal. (1)**

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

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

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

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

9 **SECTION 8.** 951.13 (intro.) of the statutes is amended to read:

10 **951.13 Providing proper food and drink to confined animals. (intro.)**

11 ~~No person owning or~~ Except as provided in sub. (3), a person who owns or who is
12 responsible for confining or impounding any animal ~~may fail to~~ shall supply the
13 animal with a sufficient supply of food and water as prescribed in this section. A
14 person who fails to supply the animal with a sufficient supply of food or of water
15 violates this section.

16 **SECTION 9.** 951.13 (2) of the statutes is amended to read:

17 951.13 **(2) WATER.** If potable water is not accessible to the animals at all times,
18 it shall be provided daily and in sufficient quantity for the health of the animal. For
19 the purposes of this section, snow or ice is not potable water.

20 **SECTION 10.** 951.13 (3) of the statutes is created to read:

21 951.13 **(3) EXCEPTIONS.** This section does not prohibit bona fide experiments
22 carried on for scientific research or normal and accepted veterinary practices.

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

24 **951.15 Abandoning animals.** No person may abandon any animal. In this
25 section, “abandon” means to leave an animal previously under the care or possession

1 of the person without making arrangements for the animal's proper care,
2 sustenance, and shelter.

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

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

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

16 951.18 **(1g)** Except as provided in sub. (1m), (1r), or (1x), any person who
17 violates s. 951.02, 951.13, 951.14, or 951.15 is subject to a Class C forfeiture. Any
18 person who violates any of these provisions within 3 years after a humane officer
19 issues an abatement order under s. 173.11 prohibiting the violation of that provision
20 is subject to a Class A forfeiture.

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

22 951.18 **(1m)** Any person who violates s. 951.02, 951.13, 951.14, or 951.15 and
23 intentionally causes harm to an animal is guilty of one of the following:

- 24 (a) A Class A misdemeanor if bodily harm to the animal is a consequence.
25 (b) A Class H felony if great bodily harm to the animal is a consequence.

1 (c) A Class G felony if death to the animal is a consequence.

2 **SECTION 15.** 951.18 (1r) of the statutes is created to read:

3 951.18 (1r) Any person who violates s. 951.02, 951.13, 951.14, or 951.15 and
4 recklessly causes harm to an animal is guilty of one of the following:

5 (a) A Class B misdemeanor if bodily harm to the animal is a consequence.

6 (b) A Class I felony if great bodily harm to the animal is a consequence.

7 (c) A Class H felony if death to the animal is a consequence.

8 **SECTION 16.** 951.18 (1x) of the statutes is created to read:

9 951.18 (1x) Any person who violates s. 951.02, 951.13, 951.14, or 951.15 and
10 negligently causes harm to an animal is guilty of a Class B misdemeanor.

11 **SECTION 17.** 951.18 (4) (c) of the statutes is amended to read:

12 951.18 (4) (c) Except as provided in s. 951.08 (2m), a sentencing court may order
13 that the criminal violator may not own, possess or train any animal or type or species
14 of animal for a period specified by the court, but not to exceed 5 15 years. In
15 computing the time period, time which the person spent in actual confinement
16 serving a sentence shall be excluded.

17 **SECTION 18.** 951.18 (4) (d) of the statutes is created to read:

18 951.18 (4) (d) A sentencing court may order a person convicted of a felony or
19 misdemeanor under this chapter to undergo a psychological assessment and to
20 participate in anger management counseling or treatment or psychological
21 counseling or treatment.

22 **SECTION 19.** 951.19 of the statutes is created to read:

23 **951.19 Increased penalty for certain offenses committed in the**
24 **presence of a child. (1)** In this section, “in the presence of a child” means in the
25 physical presence of a child, in or on the premises of the child’s home, or under

1 circumstances in which a reasonable person would know that the act may be seen or
2 heard by the child.

3 (2) If a person violates s. 951.02, 951.13, 951.14, or 951.15 in the presence of
4 a child, and the violation constitutes a crime, the maximum term of imprisonment
5 for that crime may be increased by not more than 2 years.

6

(END)