



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 793

Assembly Amendment 1

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Under *current law*, ch. 173, Stats., governs taking animals into custody for cause and holding animals in custody on behalf of a city, village, town, or county.

2009 Assembly Bill 793 makes various changes to ch. 173, Stats.

Among the changes, the bill provides that an animal that is taken into custody because it is abandoned or stray, it is a dog that is not tagged, it is not licensed in compliance with any ordinance, it has caused damage to persons or property, it has been mistreated or involved in an animal fight instigated by any person, or it has been delivered by a veterinarian because the owner did not retrieve it from the veterinarian may not be returned to an owner unless it has been implanted with a microchip for identification or assurance of implantation of a microchip for identification is given by prepayment.

The bill also permits a person contracting with a political subdivision to provide care of animals taken into custody by a humane officer or a law enforcement officer to petition the circuit court for an order to receive payment for the care of the animal, to require the owner of the animal to post bond for the care of the animal, or to authorize the sale or other disposal of the animal. Under current law, only a political subdivision may petition the court for such an order.

Assembly Amendment 1 deletes the provision requiring certain animals to be implanted with a microchip as a condition of being returned to their owners.

Assembly Amendment 2 provides that a person contracting with a political subdivision may petition the circuit court for an order relating to an animal in custody only with the consent of the political subdivision.

Legislative History

Representative Pocan offered Assembly Amendment 1. Representatives Pocan and Brooks offered Assembly Amendment 2. On April 20, 2010, the Assembly adopted Assembly Amendments 1 and 2 on voice votes and passed the bill, as amended, on a voice vote.

AS:ksm