



2011 ASSEMBLY BILL 593

February 20, 2012 – Introduced by Representatives MILROY, RIPP, WYNN, BARCA, BERCEAU, BEWLEY, CLARK, DOYLE, FIELDS, GRIGSBY, HULSEY, JORGENSEN, MARKLEIN, PASCH, PETRYK, POPE-ROBERTS, ROYS, SEIDEL, SINICKI, SPANBAUER, STASKUNAS, STEINEKE, C. TAYLOR, TRANEL, VAN ROY, ZAMARRIPA and ZEPNICK, cosponsored by Senators JAUCH, CARPENTER, RISSER and KING. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT** *to amend* 951.13 (intro.), 951.13 (2), 951.15, 951.18 (1) and 951.18 (4) (c);
2 and *to create* 951.18 (4) (d) of the statutes; **relating to:** crimes against
3 animals.

Analysis by the Legislative Reference Bureau

Under current law, no one may treat an animal cruelly, fail to provide an animal for which he or she is responsible with proper food, water, or shelter, or abandon an animal. Under most circumstances, a person who does any of those things is guilty of a Class A misdemeanor, except that a person who treats an animal cruelly is guilty of a Class I felony if the mistreatment is intentional and results in the mutilation, disfigurement, or death of the animal.

Under this bill, a person who treats an animal cruelly is guilty of a Class I felony if the mistreatment is intentional and results in the mutilation of, the disfigurement of, great bodily harm to, or the death of, the animal.

The bill clarifies that a person abandons an animal if the person fails to make arrangements for the animal's proper care, sustenance, and shelter. The bill clarifies that a person must provide an animal with adequate food and water, that snow or ice is not adequate water, and that failure to provide either food or water constitutes a violation. However, the bill does not impose requirements for providing food and water to farm animals that exceed normally accepted animal husbandry practices.

Under the bill, a court may order a violator to undergo a psychological assessment or to participate in anger management or other psychological counseling

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or treatment and may bar a violator from owning, possessing, or training any animal or any particular type or species of animal for up to ten years.

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

1 **SECTION 1.** 951.13 (intro.) of the statutes is amended to read:

2 **951.13 Providing proper food and drink to confined animals.** (intro.)

3 ~~No person owning or~~ A person who owns or who is responsible for confining or
4 impounding any animal may ~~fail to~~ shall supply the animal with a sufficient supply
5 of food and water as prescribed in this section. A person who fails to supply the
6 animal with a sufficient supply of food or of water violates this section. In the case
7 of farm animals, nothing in this section shall be construed as imposing requirements
8 or standards more stringent than normally accepted animal husbandry practices.

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

10 **951.13 (2) WATER.** If potable water is not accessible to the animals at all times,
11 it shall be provided daily and in sufficient quantity for the health of the animal. For
12 the purposes of this section, snow or ice is not potable water.

13 **SECTION 3.** 951.15 of the statutes is amended to read:

14 **951.15 Abandoning animals.** No person may abandon any animal. In this
15 section, “abandon” means to leave an animal previously under the care or possession
16 of the person without making reasonable arrangements for the animal’s proper care,
17 sustenance, and shelter.

18 **SECTION 4.** 951.18 (1) of the statutes is amended to read:

19 **951.18 (1)** Any person violating s. 951.02, 951.025, 951.03, 951.04, 951.05,
20 951.06, 951.07, 951.09, 951.10, 951.11, 951.13, 951.14 or 951.15 is subject to a
21 Class C forfeiture. Any person who violates any of these provisions within 3 years

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1 after a humane officer issues an abatement order under s. 173.11 prohibiting the
2 violation of that provision is subject to a Class A forfeiture. Any person who
3 intentionally or negligently violates any of those sections is guilty of a Class A
4 misdemeanor. Any person who intentionally violates s. 951.02, resulting in the
5 mutilation, of, the disfigurement of, great bodily harm to, or the death of an animal,
6 is guilty of a Class I felony. Any person who intentionally violates s. 951.02 or 951.06,
7 knowing that the animal that is the victim is used by a law enforcement agency to
8 perform agency functions or duties and causing injury to the animal, is guilty of a
9 Class I felony.

10 **SECTION 5.** 951.18 (4) (c) of the statutes is amended to read:

11 951.18 (4) (c) Except as provided in s. 951.08 (2m), a sentencing court may order
12 that the criminal violator may not own, possess or train any animal or type or species
13 of animal for a period specified by the court, but not to exceed 5 10 years. In
14 computing the time period, time which the person spent in actual confinement
15 serving a sentence shall be excluded.

16 **SECTION 6.** 951.18 (4) (d) of the statutes is created to read:

17 951.18 (4) (d) A sentencing court may order a person convicted of a
18 misdemeanor or a felony under this chapter to undergo a psychological assessment
19 and to participate in anger management counseling or treatment or psychological
20 counseling or treatment.

21 (END)