

## 2011 DRAFTING REQUEST

### Bill

Received: 11/08/2011

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Nick Milroy (608) 266-0640

By/Representing:

May Contact:

Drafter: phurley

Subject: Criminal Law - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Milroy@legis.wisconsin.gov

Carbon copy (CC:) to:

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Animal cruelty

---

### Instructions:

See attached

---

### 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>
/?	phurley 11/10/2011	mduchek 12/05/2011		_____			
/1			jfrantze 12/05/2011	_____	sbasford 12/05/2011		
/2	phurley 01/25/2012	mduchek 01/27/2012	rschluet 01/30/2012	_____	mbarman 01/30/2012		
	phurley 01/31/2012	mduchek 02/02/2012		_____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3			rschluet 02/02/2012	_____	mbarman 02/02/2012	ggodwin 02/09/2012	

FE Sent For:

<END>

↳ Not Needed

2011 DRAFTING REQUEST

Bill

Received: 11/08/2011

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Nick Milroy (608) 266-0640

By/Representing:

May Contact:

Drafter: phurley

Subject: Criminal Law - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Milroy@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Animal cruelty

Instructions:

See attached

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>
/?	phurley 11/10/2011	mduchek 12/05/2011		_____			
/1			jfrantze 12/05/2011	_____	sbasford 12/05/2011		
/2	phurley 01/25/2012	mduchek 01/27/2012	rschluet 01/30/2012	_____	mbarman 01/30/2012		
	phurley 01/31/2012	mduchek 02/02/2012		_____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3			rschluet	_____	mbarman		
			02/02/2012	_____	02/02/2012		

FE Sent For:

<END>

**2011 DRAFTING REQUEST**

**Bill**

Received: **11/08/2011**

Received By: **phurley**

Wanted: **As time permits**

Companion to LRB:

For: **Nick Milroy (608) 266-0640**

By/Representing:

May Contact:

Drafter: **phurley**

Subject: **Criminal Law - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Milroy@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Animal cruelty

---

**Instructions:**

See attached

---

**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>
/?	phurley 11/10/2011	mduchek 12/05/2011		_____			
/1			jfrantze 12/05/2011	_____	sbasford 12/05/2011		
/2	phurley 01/25/2012	mduchek 01/27/2012	rschluet 01/30/2012	_____	mbarman 01/30/2012		

FE Sent For:

*Handwritten notes:*  
13  
2/2/12  
2/2/12

## 2011 DRAFTING REQUEST

### Bill

Received: 11/08/2011

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Nick Milroy (608) 266-0640

By/Representing:

May Contact:

Drafter: phurley

Subject: Criminal Law - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Milroy@legis.wisconsin.gov

Carbon copy (CC:) to:

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Animal cruelty

---

### Instructions:

See attached

---

### 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>
/?	phurley 11/10/2011	mduchek 12/05/2011		_____			
/1			jfrantze 12/05/2011	_____	sbasford 12/05/2011		

FE Sent For:

*M*  
*12/7/12*  
*1301A*

<END>

**2011 DRAFTING REQUEST**

**Bill**

Received: 11/08/2011

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Nick Milroy (608) 266-0640

By/Representing:

May Contact:

Drafter: phurley

Subject: Criminal Law - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Milroy@legis.wisconsin.gov

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Animal cruelty



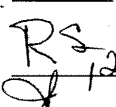
---

**Instructions:**

See attached

---

**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>
1/?	phurley	 12/2/11	 12/5	 12/5			
FE Sent For:		/ /		<END>			

11-8-11

t/c to Mary Lou.

Wants to allow a provider or board to get legal ownership of an animal if owner fails to pay boarding fees for 60 days.

Look at 173.21 (maybe adding a def or "abandoned...") or possibly d779

11-10-11. t/c w. Rep Milroy - leave that issue for another draft.



2011-12 proposed animal neglect/abandonment for drafters

~~951.18 (1) of the statutes is amended to read:~~

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

~~951.13 (intro.) of the statutes is amended to read:~~

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

~~Except as provided in sub. (3), a person who owns or who is responsible for confining or impounding any animal shall supply the animal with a sufficient supply of food and water as prescribed in this section. A person who fails to supply the animal with a sufficient supply of food or of water violates this section.~~

~~951.13 (2) of the statutes is amended to read:~~

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

~~951.15 of the statutes is amended to read:~~

~~951.15 Abandoning animals. No person may abandon any animal. In this section, "abandon" means to leave an animal previously under the care or possession of the person without making arrangements for the animal's proper care, sustenance, and shelter. Caregivers shall send notification to owners by mail after 30 days without board payment, and ownership of the animals shall be transferred to caregivers after 60 days without payment of board.~~

~~951.18 (4) (c) of the statutes is amended to read:~~

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

~~951.18 (4) (d) of the statutes is created to read:~~

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

## Hurley, Peggy

---

**From:** Keleher, Marylou  
**Sent:** Tuesday, November 08, 2011 2:04 PM  
**To:** Hurley, Peggy  
**Subject:** Drafting Request

**Attachments:** Animal Abuse Draft Request.docx

Hi Peggy,

Please see the attached drafting instructions for a legislative proposal regarding animal cruelty. You may recall that Rep. Milroy had a similar bill last session (2009 AB 747). We would like a new bill, per the attached instructions, that will take portions of our previous bill.

If you have any questions, feel free to give me a call. And, of course, the sooner the better (as with all drafting requests, I'm sure!)

Thank you for all your hard work!

Mary Lou Keleher  
Aide to Rep. Nick Milroy  
6-0640



Animal Abuse  
Draft Request.doc..



med  
3452/1

Insert

**2009 ASSEMBLY BILL 747**

February 12, 2010 - Introduced by Representatives MILROY, TURNER, ZEPNICK, A. WILLIAMS, BERCEAU, SINICKI, PASCH, BENEDICT and SMITH, cosponsored by Senators JAUCH, CARPENTER and RISSER. Referred to Committee on Criminal Justice.

11-10-11

repen

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.),  
 3 951.01 (2), 951.13 (intro.), 951.13 (2), 951.15, 951.18 (1) and 951.18 (4) (c); and  
 4 **to create** 948.057, 951.18 (1m), 951.18 (1r) and 951.18 (4) (d) of the statutes;  
 5 **relating to:** crimes against animals ~~and providing a penalty.~~

**Analysis by the Legislative Reference Bureau**

~~Under current law, no person may mistreat an animal, fail to provide an animal for which they are responsible with proper food, water, or shelter, or abandon an animal. Under most circumstances, a person who does any of these things is guilty of a Class A misdemeanor.~~

~~Under this bill, a person who intentionally mistreats an animal, fails to provide an animal for which they are responsible with proper food, water, or shelter, or abandons an animal is guilty of a Class A misdemeanor if the animal suffers bodily harm, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class I felony. If the animal suffers great bodily harm, the person is guilty of a Class E felony, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class D felony. If the animal dies as a result of the person's actions, the person is guilty of a Class D felony, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class C felony.~~

~~Under the bill, a person who recklessly mistreats an animal, fails to provide an animal for which they are responsible with proper food, water, or shelter, or abandons~~

**ASSEMBLY BILL 747**

an animal is guilty of a Class B misdemeanor if the animal suffers bodily harm, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class A misdemeanor. If the animal suffers great bodily harm, the person is guilty of a Class H felony, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class G felony. If the animal dies as a result of the person's actions, the person is guilty of a Class F felony, except that if the person commits the violation in the presence of a child under the age of 18, the person is guilty of a Class E felony.

The bill makes it illegal for a person to cause a child under the age of 18 to mistreat an animal. A person who does so is guilty of a Class F felony if the child is under the age of 13 and is guilty of a Class H felony if the child has attained the age of 13 but is under the age of 18.

Under the bill, a sentencing court may order a person who is guilty of felony animal mistreatment, failure to provide proper food, water, or shelter, or abandonment to undergo a psychological assessment and to participate in anger management or psychological counseling or treatment.

Under current law, a judge or circuit court commissioner may issue a temporary restraining order or grant an injunction that bars a person who has committed certain violations from contacting or approaching the victim of his or her actions.

Under the bill, a judge or circuit court commissioner may include in the restraining order or injunction an order for the person to refrain from mistreating or threatening to mistreat an animal that the victim owns or cares for.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

- 1           **SECTION 1.** 813.12 (3) (a) (intro.) of the statutes is amended to read:
- 2           813.12 **(3)** (a) (intro.) A judge or circuit court commissioner shall issue a
- 3 temporary restraining order ordering the respondent to refrain from committing acts
- 4 of domestic abuse against the petitioner, to avoid the petitioner's residence, except
- 5 as provided in par. (am), or any other location temporarily occupied by the petitioner
- 6 or both, or to avoid contacting or causing any person other than a party's attorney
- 7 or a law enforcement officer to contact the petitioner unless the petitioner consents
- 8 in writing, to refrain from engaging in or threatening to engage in the mistreatment

**ASSEMBLY BILL 747**

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

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

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

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

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

SECTION 8. 951.01 (2) of the statutes is amended to read:

951.01 (2) "Cruel" means causing or failing to prevent unnecessary and excessive pain or suffering or unjustifiable injury or death.

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

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

~~No person owning or~~ A person who owns or who is responsible for confining or impounding any animal ~~may fail to~~ shall supply the animal with a sufficient supply of food and water as prescribed in this section. A person who fails to supply the animal with a sufficient supply of food or of water violates this section.

SECTION 10. 951.13 (2) of the statutes is amended to read:

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

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

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

INS  
MD

ASSEMBLY BILL 747

SECTION 12

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

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

SECTION 13. 951.18 (1m) of the statutes is created to read:

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

(a) A Class A misdemeanor if bodily harm to the animal is a consequence, except that if the violation occurred while the person was in the presence of a child who is 18 years of age or younger, the person is guilty of a Class I felony.

(b) A Class E felony if great bodily harm to the animal is a consequence, except that if the violation occurred while the person was in the presence of a child who is 18 years of age or younger, the person is guilty of a Class D felony.

(c) A Class D felony if death to the animal is a consequence, except that if the violation occurred while the person was in the presence of a child who is 18 years of age or younger, the person is guilty of a Class C felony.

SECTION 14. 951.18 (1r) of the statutes is created to read:

fine  
↓

great bodily harm to

plain

**ASSEMBLY BILL 747**

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

3 (a) A Class B misdemeanor felony if bodily harm to the animal is a consequence,  
 4 except that if the violation occurred while the person was in the presence of a child  
 5 who is 18 years of age or younger, the person is guilty of a Class A misdemeanor.

6 (b) A Class H felony if great bodily harm to the animal is a consequence, except  
 7 that if the violation occurred while the person was in the presence of a child who is  
 8 18 years of age or younger, the person is guilty of a Class G felony.

9 (c) A Class F felony if death to the animal is a consequence, except that if the  
 10 violation occurred while the person was in the presence of a child who is 18 years of  
 11 age or younger, the person is guilty of a Class E felony.

12 **SECTION 15.** 951.18 (4) (c) of the statutes is amended to read:

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

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

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

22 (END)

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3452/?ins

.....

INSERT ANALYSIS:

Under current law, no one may treat an animal cruelly, fail to provide an animal for which ~~they are~~ 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, disfigurement, great bodily harm to, or 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.

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



**2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3452/?ins  
.....

Ins MD

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

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



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3452/1  
PJH:med:jf

Steps

2  
RM

2011 BILL

SAW

1-25-12

*Reyer*

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. INSERT ANALYSIS

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

**BILL**

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. *INSERT*

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

8           **951.13 (2) WATER.** If potable water is not accessible to the animals at all times,  
9           it shall be provided daily and in sufficient quantity for the health of the animal. For  
10          the purposes of this section, snow or ice is not potable water.

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

12          **951.15 Abandoning animals.** No person may abandon any animal. In this  
13          section, "abandon" means to leave an animal previously under the care or possession  
14          of the person without making reasonable arrangements for the animal's proper care,  
15          sustenance, and shelter.

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

17          **951.18 (1)** Any person violating s. 951.02, 951.025, 951.03, 951.04, 951.05,  
18          951.06, 951.07, 951.09, 951.10, 951.11, 951.13, 951.14 or 951.15 is subject to a  
19          Class C forfeiture. Any person who violates any of these provisions within 3 years  
20          after a humane officer issues an abatement order under s. 173.11 prohibiting the  
21          violation of that provision is subject to a Class A forfeiture. Any person who

**BILL**

1 intentionally or negligently violates any of those sections is guilty of a Class A  
2 misdemeanor. Any person who intentionally violates s. 951.02, resulting in the  
3 mutilation, ~~of, the~~ disfigurement of, great bodily harm to, or the death of an animal,  
4 is guilty of a Class I felony. Any person who intentionally violates s. 951.02 or 951.06,  
5 knowing that the animal that is the victim is used by a law enforcement agency to  
6 perform agency functions or duties and causing injury to the animal, is guilty of a  
7 Class I felony.

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

9 951.18 (4) (c) Except as provided in s. 951.08 (2m), a sentencing court may order  
10 that the criminal violator may not own, possess or train any animal or type or species  
11 of animal for a period specified by the court, but not to exceed ~~5~~ 10 years. In  
12 computing the time period, time which the person spent in actual confinement  
13 serving a sentence shall be excluded.

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

15 951.18 (4) (d) A sentencing court may order a person convicted of a  
16 misdemeanor or a felony under this chapter to undergo a psychological assessment  
17 and to participate in anger management counseling or treatment or psychological  
18 counseling or treatment.

19 (END)

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3452/lins  
PJH:med:jf

INSERT ANALYSIS:

However, the bill does not impose requirements for providing food and water to farm animals that exceed normally accepted husbandry practices.

INSERT:

In the case of farm animals, nothing in this section shall be construed as imposing requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.

## **Hurley, Peggy**

---

**From:** Keleher, Marylou  
**Sent:** Tuesday, January 31, 2012 3:20 PM  
**To:** Hurley, Peggy  
**Cc:** Rep.Ripp  
**Subject:** Small changes to LRB 3452/2

Hi Peggy,

Rep. Milroy has a small change to the language we added to Section 1 of LRB 3452/2.

Lines 8 and 9:

Add the word animal and end the paragraph after the word practices:

normally accepted animal husbandry practices.

Thank you!!! If you have any questions, feel free to give me a call.

Mary Lou Keleher  
Aide to Rep. Nick Milroy  
6-0640



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3452/2  
PJH:med:rs

TW

stays

2011 BILL

1-31-12

Peyer

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 husbandry practices.

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

animal

**BILL**

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 <sup>animal</sup> husbandry practices in the  
9           ~~particular county where the animal or shelter is located.~~

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

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

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

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

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

20           **951.18 (1)** Any person violating s. 951.02, 951.025, 951.03, 951.04, 951.05,  
21           951.06, 951.07, 951.09, 951.10, 951.11, 951.13, 951.14 or 951.15 is subject to a



**BILL**

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

11 **SECTION 5.** 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~~ 10 years. In  
15 computing the time period, time which the person spent in actual confinement  
16 serving a sentence shall be excluded.

17 **SECTION 6.** 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  
19 misdemeanor or a felony under this chapter to undergo a psychological assessment  
20 and to participate in anger management counseling or treatment or psychological  
21 counseling or treatment.

22 (END)

**Godwin, Gigi**

---

**From:** Keleher, Marylou  
**Sent:** Thursday, February 09, 2012 12:25 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-3452/3 Topic: Animal cruelty

Please Jacket LRB 11-3452/3 for the ASSEMBLY.