

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1414/P1dn
RCT:kjf:jf

January 14, 2014

Stuart Ewy:

This is a preliminary version of the amendment that makes SB 319 applicable to animals that are in custody when the bill takes effect. It should be reviewed carefully. Chapter 173 is complex, so please do not hesitate to contact me with any questions.

The main effects of the amendment would be eliminating the requirement that animals already in custody that are alleged to be needed as evidence in an animal fighting case or to have been involved in fighting be retained in custody until the case is resolved and the requirement that after a conviction an animal that is more than one year old or that shows evidence of having participating in fighting be euthanized.

The amendment provides a deadline for an owner of an animal in custody when the bill takes effect to petition for review of the seizure or withholding of the animal under s. 173.22. It seems as though this will not have much effect as a practical matter. A person who has been charged with involvement in animal fighting or other mistreatment is unlikely to petition for review because the animal would not be released to him or her after a petition is filed due to s. 173.22 (3) (a) 1. (as affected by the bill).

I am not certain that the amendment resolves all of the concerns about animals in the custody of the Milwaukee Area Domestic Animal Control Commission partly because it seems as though some of them may be held for reasons other than alleged animal fighting.

Note that under current law, if an animal has been seized or withheld from an owner because of alleged fighting or mistreatment and the owner has not indicated that he or she no longer wants the animal, the person with custody of the animal generally may not dispose of the animal without a court order. See s. 173.23 (2) and (3). That is not changed under the bill or the amendment.

Please contact me with any questions or redraft instructions.

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