



2013 SENATE BILL 399

November 11, 2013 – Introduced by Senators JAUCH, CARPENTER, HANSEN and RISSER, cosponsored by Representatives MILROY, BERNIER, BERCEAU, BEWLEY, DOYLE, T. LARSON, GENRICH, GOYKE, HESSELBEIN, OHNSTAD, POPE, SCHRAA, SARGENT, C. TAYLOR, WACHS and WRIGHT. Referred to Committee on Judiciary and Labor.

1 **AN ACT to amend** 951.02, 951.13 (intro.), 951.13 (2), 951.15, 951.18 (1) and
2 951.18 (4) (c); and **to create** 951.18 (4) (d) of the statutes; **relating to:** crimes
3 against 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. Current law states that the prohibition against treating an animal cruelly does not prohibit normal and accepted veterinary practices.

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 specifies that the prohibition against treating an animal cruelly does not impose requirements or standards more stringent than normally accepted animal husbandry practices for farm animals and does not impose

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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 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.** 951.02 of the statutes is amended to read:

2 **951.02 Mistreating animals.** No person may treat any animal, whether
3 belonging to the person or another, in a cruel manner. This section does not prohibit
4 normal and accepted veterinary practices, and, in the case of farm animals, this
5 section does not impose requirements or standards more stringent than normally
6 accepted animal husbandry practices.

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

8 **951.13 Providing proper food and drink to confined animals.** (intro.)
9 ~~No person owning or~~ A person who owns or who is responsible for confining or
10 impounding any animal ~~may fail to~~ shall supply the animal with a sufficient supply
11 of food and water as prescribed in this section. A person who fails to supply the
12 animal with a sufficient supply of food or of water violates this section. In the case
13 of farm animals, nothing in this section shall be construed as imposing requirements
14 or standards more stringent than normally accepted animal husbandry practices.

15 **SECTION 3.** 951.13 (2) of the statutes is amended to read:

16 **951.13 (2) WATER.** If potable water is not accessible to the animals at all times,
17 it shall be provided daily and in sufficient quantity for the health of the animal. For
18 the purposes of this section, snow or ice is not potable water.

19 **SECTION 4.** 951.15 of the statutes is amended to read:

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1 **951.15 Abandoning animals.** No person may abandon any animal. In this
2 section, “abandon” means to leave an animal previously under the care or possession
3 of the person without making reasonable arrangements for the animal’s proper care,
4 sustenance, and shelter.

5 **SECTION 5.** 951.18 (1) of the statutes is amended to read:

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

18 **SECTION 6.** 951.18 (4) (c) of the statutes is amended to read:

19 951.18 (4) (c) Except as provided in s. 951.08 (2m), a sentencing court may order
20 that the criminal violator may not own, possess or train any animal or type or species
21 of animal for a period specified by the court, but not to exceed ~~5~~ 10 years. In
22 computing the time period, time which the person spent in actual confinement
23 serving a sentence shall be excluded.

24 **SECTION 7.** 951.18 (4) (d) of the statutes is created to read:

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1 951.18 (4) (d) A sentencing court may order a person convicted of a
2 misdemeanor or a felony under this chapter to undergo a psychological assessment
3 and to participate in anger management counseling or treatment or psychological
4 counseling or treatment.

5 (END)