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# Wisconsin Legislative Council

## ACT MEMO

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**2019 Wisconsin Act 162**  
[2019 Senate Bill 139]

**Sexual Contact With Animals**

### BACKGROUND

Under prior law, it was a Class A misdemeanor to commit an act of sexual gratification involving an animal, and a Class I felony to intentionally treat any animal in a cruel manner that resulted in the mutilation, disfigurement, or death of the animal.

### 2019 WISCONSIN ACT 162

2019 Wisconsin Act 162 repeals the crime of sexual gratification involving animals and creates a new crime of bestiality, under which engaging in sexual contact with an animal<sup>1</sup> and other related acts are prohibited.

### Prohibited Conduct

Specifically, the act creates a definition of “sexual contact” and prohibits a person from knowingly doing any of the following acts:

- Engaging in sexual contact with an animal.
- Advertising, offering, accepting an offer, selling, transferring, purchasing, or otherwise obtaining an animal with the intent that the animal be used for sexual contact in this state.
- Organizing, promoting, conducting, or participating as an observer of an act involving sexual contact with an animal.
- Permitting sexual contact with an animal to be conducted on any premises under the person’s ownership or control.
- Photographing or filming obscene material depicting a person engaged in sexual contact with an animal.
- Distributing, selling, publishing, or transmitting obscene material depicting a person engaged in sexual contact with an animal.
- Possessing with the intent to distribute, sell, publish, or transmit obscene material depicting a person engaged in sexual contact with an animal.
- Forcing, coercing, enticing, or encouraging a minor child to engage in sexual contact with an animal.
- Engaging in sexual contact with an animal in the presence of a minor child.

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<sup>1</sup> The act defines “animal” as any creature, either alive or dead, except a human being.

## Penalties

Under the act, the penalty for violating the new crime of bestiality ranges from a Class H to Class D felony, depending on the type of prohibited conduct that occurred, whether the violation resulted in bodily harm to or the death of an animal, whether the violation was a first or subsequent offense, and the age of the child involved, if applicable.

In addition, the sentencing court must impose all of the following consequences on a person convicted of the crime of bestiality:

- For five to 15 years, prohibit the person from owning, possessing, residing with, or exercising control over any animal, and from engaging in any occupation, whether paid or unpaid, at any place at which animals are kept or receive care.
- Require the person to submit to a psychological assessment and participate in appropriate counseling at the person's expense.
- Order payment of restitution to any person who suffered a pecuniary loss as a result of the offense, based on the court's consideration of the person's financial resources and future ability to pay.

## Humane Officers

The act expands the duties and authority of humane officers, who are generally appointed by the governing body of a political subdivision to enforce laws related to animals. Specifically, the act requires humane officers to enforce the crime of bestiality, and allows the crime of bestiality to provide a basis for certain duties and authority of humane officers and courts related to taking custody of and withholding animals from owners, as well as returning animals to owners.

## Animal-Related Licenses

The act authorizes the Department of Agriculture, Trade, and Consumer Protection (DATCP) to suspend various animal-related licenses, such as licenses to operate an animal shelter, animal control facility, or a dog breeding facility, if there is evidence that an act of bestiality has been committed by the licensee or has occurred on licensed premises. The act also requires DATCP to report information to a law enforcement or humane officer if DATCP has reasonable grounds to believe that a person required to be licensed possesses a dog and is mistreating the dog in a manner that constitutes bestiality.

## Sex Offender Registry

Under Wisconsin law, a person must generally register as a sex offender if convicted of one of several crimes that constitute a "sex offense." The act adds the crime of bestiality to the definition of "sex offense" for purposes of the sex offender registry.

**Effective date:** March 5, 2020

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