

1987 Senate Bill 291

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1987 Wisconsin Act 248

AN ACT to amend 948.162, 948.165 (3) (a) and 973.073; to repeal and recreate 948.01 (1); and to create 948.18 (4) of the statutes, relating to offenses against animals and providing a penalty.

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

SECTION 1g. 948.01 (1) of the statutes is repealed and recreated to read:

948.01 (1) "Animal" includes every living:

- (a) Warm-blooded creature, except a human being;
- (b) Reptile; or
- (c) Amphibian.

SECTION 1r. 948.162 of the statutes is amended to read:

948.162 Reports of animal fighting. Any veterinarian who has reason to believe that an animal has been in a fight in violation of s. 948.08 shall report the matter to the local humane officer, ~~or society or organization~~ county or municipal pound or to a local law enforcement agency. The report shall be in writing and shall include a description and the location of the animal, any injuries suffered by the animal and the name and address of the owner or person in charge of the animal, if known. The general penalty provisions under s. 939.61 do not apply to this section.

SECTION 2. 948.165 (3) (a) of the statutes is amended to read:

948.165 (3) (a) If the owner is convicted under s. 948.08 or is subject to the restrictions under s. 948.08 (2m), the animal shall be delivered to the local humane society or ~~organization~~ county or municipal pound. If the animal is one year old or older or shows indication of having participated in fighting, the animal shall be disposed of in a proper and humane manner.

SECTION 3. 948.18 (4) of the statutes is created to read:

948.18 (4) In addition to penalties applicable to this chapter under this section:

(a) 1. In this paragraph, "pecuniary loss" has the meaning described in s. 973.09 (8).

2. A sentencing court shall require a criminal violator to pay restitution to a person, including any local humane society or county or municipal pound or a law enforcement officer, for any pecuniary loss suffered by the person as a result of the crime, including expenses in keeping any animal that is involved in the crime. This requirement applies regardless of whether

the criminal violator is placed on probation under s. 973.09. If restitution is ordered, the court shall consider the financial resources and future ability of the criminal violator to pay and shall determine the method of payment. Upon the application of any interested party, the court shall schedule and hold an evidentiary hearing to determine the value of any pecuniary loss under this paragraph.

(b) 1. A sentencing court may order that an animal be delivered to the local humane society or the county or municipal pound or to a law enforcement officer if a person commits a crime under this chapter, the person is the owner of the animal that is involved in the crime and the court considers the order to be reasonable and appropriate. The society, pound or officer shall release the animal to a person other than the owner or dispose of the animal in a proper and humane manner. If the animal is a dog, the release or disposal shall be in accordance with s. 174.046 (8) or (9), except s. 174.046 (8) (a) does not apply and the fees under s. 174.046 (8) (d) do not apply if the expenses are covered under s. 948.17. If the animal is not a dog, the society, pound or officer may charge a fee for the release of the animal.

2. If the court is sentencing a person covered under s. 948.165 (3) (a) and an animal has been seized under s. 948.165, the court shall act in accordance with s. 948.165 (3).

(c) Except as provided in s. 948.08 (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 5 years. In computing the time period, time which the person spent in actual confinement serving a sentence shall be excluded.

SECTION 4. 973.073 of the statutes, as affected by 1987 Wisconsin Act 3, is amended to read:

973.073 (title) Restitution; various violations. A court may require the payment of restitution under s. 97.72 (1), 346.65 (2r), 943.24 (5) ~~or~~, 943.50 (5) or 948.18 (4) (a) regardless of whether the violator is placed on probation under s. 973.09.