



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Senate Bill 38

Senate Amendments 1 and 2

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Senate Bill 38, in general, provides that a person who has served a term of confinement for, or been convicted of, a serious felony within the last 10 years or is under supervision for the conviction of a serious felony may not do any of the following:

1. Possess, control, or reside with a vicious dog.
2. Possess, control, or reside with a dog not spayed or neutered.
3. Possess a dog that does not have an identifying microchip.

The Department of Agriculture, Trade and Consumer Protection (DATCP) may determine that a dog is vicious if a local humane officer or law enforcement officer, after an investigation, finds that a dog has met at least one standard of viciousness as described in the bill. Violations of the prohibition described above can result in penalties ranging from a Class A misdemeanor to a Class H felony.

Senate Amendment 1 provides that:

1. A humane officer or law enforcement officer will determine whether a dog is vicious; DATCP will not be involved in this process.
2. A local determination of viciousness may be appealed under ch. 68, Stats., relating to municipal administrative procedure.
3. A dog may be determined to be vicious regardless of whether the dog's behavior occurred on or off the property of the dog's owner or custodian. [The bill looks to off-property behavior.]
4. The prohibition regarding the possession, control, or residence with a vicious dog will not apply: (a) for the first five days after a person has received a written order declaring a dog vicious; or (b) while an appeal hearing is pending under ch. 68, Stats.

Senate Amendment 2 removes the prohibition against possessing, controlling, or residing with a dog that has not been spayed or neutered.

Legislative History

On September 11, 2007, the Senate Committee on Judiciary and Corrections introduced and adopted Senate Amendments 1 and 2 and recommended Senate Bill 38 for passage, as amended, all on votes of Ayes, 5; Noes, 0.

RS:jal