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State of Misconsin 2011 - 2012 LEGISLATURE



2011 ASSEMBLY BILL 401

December 1, 2011 – Introduced by Representatives WYNN, SINICKI, SPANBAUER, BERCEAU, KNILANS and PASCH, cosponsored by Senators CARPENTER and T. CULLEN. Referred to Committee on Criminal Justice and Corrections.

AN ACT to amend 951.18 (1) of the statutes; relating to: felony mistreatment

of an animal and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may treat an animal in a cruel manner. The penalties for a treating an animal in a cruel matter depend upon the extent of injury to the animal and whether the person acted negligently or intentionally. Under current law, a person who intentionally treats an animal in a cruel manner resulting in mutilation, disfigurement, or death to the animal, is guilty of a Class I felony and may be fined up to \$10,000, imprisoned for up to three years and six months, or both.

Under this bill, a person who intentionally treats an animal in a cruel manner resulting in great bodily harm, mutilation, disfigurement, or death to the animal is guilty of a Class I felony. Great bodily harm means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

ASSEMBLY BILL 401

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 951.18 (1) of the statutes is amended to read: $\mathbf{2}$ 951.18 (1) Any person violating s. 951.02, 951.025, 951.03, 951.04, 951.05, 3 951.06, 951.07, 951.09, 951.10, 951.11, 951.13, 951.14 or 951.15 is subject to a Class C forfeiture. Any person who violates any of these provisions within 3 years 4 $\mathbf{5}$ after a humane officer issues an abatement order under s. 173.11 prohibiting the 6 violation of that provision is subject to a Class A forfeiture. Any person who 7 intentionally or negligently violates any of those sections is guilty of a Class A 8 misdemeanor. Any person who intentionally violates s. 951.02, resulting in the 9 mutilation, disfigurement, great bodily harm to, or death of an animal, is guilty of 10 a Class I felony. Any person who intentionally violates s. 951.02 or 951.06, knowing 11 that the animal that is the victim is used by a law enforcement agency to perform 12agency functions or duties and causing injury to the animal, is guilty of a Class I 13felony.

14

(END)