



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBs0216/1
MLJ:cjs

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 368**

September 21, 2021 - Offered by Representative SPIROS.

1 **AN ACT to amend** 951.01 (2), 951.02, 951.18 (1) and 951.18 (4) (c); and **to create**
2 951.01 (3c) of the statutes; **relating to:** mistreating an animal and providing
3 a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who commits an act of animal abuse is subject to a Class C forfeiture, unless the animal abuse results in the mutilation, disfigurement, or death of the animal, in which case the person is guilty of a Class I felony. Under current law, animal abuse means treating an animal in a cruel manner, but the prohibition on animal abuse does not prohibit normal and accepted veterinary practices.

Under this bill, the prohibition on animal abuse does not apply to an injury sustained by a dog while training or hunting with dogs in the manner authorized by the Department of Natural Resources or to the care and treatment of the injury if the injury is treated as soon as is practicable under the circumstances. Under this bill, a person who commits an act of animal abuse is guilty of a Class H felony if the animal abuse results in grievous bodily harm to or the death of the animal and is guilty of a Class I felony if the person knows or reasonably should know that the animal abuse may result in grievous bodily harm to or the death of an animal, regardless of whether grievous bodily harm or death occurs.

Under current law, a court may order that a person who commits an act of animal abuse 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 five years. Under the bill, the court is required to enter such an order, including an order that the person may not reside with any animal or type or species of animal. Under the bill, if the person is convicted of a misdemeanor violation, the ordered period specified by the court may be up to five years, and if the person is convicted of a felony violation, the ordered period specified by the court may be up to fifteen years.

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

1 **SECTION 1.** 951.01 (2) of the statutes is amended to read:

2 951.01 (2) “Cruel” means causing or engaging in actions that are likely to cause
3 unnecessary and excessive pain or suffering or unjustifiable injury or death.

4 **SECTION 2.** 951.01 (3c) of the statutes is created to read:

5 951.01 (3c) “Grievous bodily harm” means serious bodily injury, including
6 fractured or dislocated bones, deep cuts, burns, torn members of the body, tissue
7 damage as a result of exposure to cold temperatures, serious damage to internal
8 organs, starvation, or other severe bodily injuries. In the case of farm animals,
9 grievous bodily harm does not include normally acceptable husbandry practices.

10 **SECTION 3.** 951.02 of the statutes is amended to read:

11 **951.02 Mistreating animals.** No person may treat any animal, whether
12 belonging to the person or another, in a cruel manner. This section does not prohibit
13 normal and accepted veterinary practices. This section does not apply to an injury,
14 or the care and treatment of that injury, sustained by a dog while training or hunting
15 with dogs in the manner authorized under chapter 29 if the injury is cared for and
16 treated as soon as is practicable under the circumstances.

17 **SECTION 4.** 951.18 (1) of the statutes is amended to read:

18 951.18 (1) Any person violating s. 951.02, 951.025, 951.03, 951.04, 951.05,
19 951.06, 951.07, 951.09, 951.10, 951.11, 951.13, 951.14 or 951.15 is subject to a

1 Class C forfeiture. Any person who violates any of these provisions within 3 years
2 after a humane officer issues an abatement order under s. 173.11 prohibiting the
3 violation of that provision is subject to a Class A forfeiture. Any person who
4 intentionally or negligently violates any of those sections is guilty of a Class A
5 misdemeanor. Any person who intentionally violates s. 951.02, resulting in the
6 ~~mutilation, disfigurement~~ grievous bodily harm to or the death of an animal, is guilty
7 of a Class I H felony. Any person who intentionally violates s. 951.02 and who knows
8 or reasonably should know that his or her actions may result in grievous bodily harm
9 to or the death of an animal, regardless of whether grievous bodily harm or death
10 occurs, is guilty of a Class I felony. Any person who intentionally violates s. 951.02
11 or 951.06, knowing that the animal that is the victim is used by a law enforcement
12 agency to perform agency functions or duties and causing injury to the animal, is
13 guilty of a Class I H felony.

14 **SECTION 5.** 951.18 (4) (c) of the statutes is amended to read:

15 951.18 (4) (c) ~~Except as provided in s. 951.08 (2m), a~~ A sentencing court may
16 shall order that ~~the criminal violator~~ a person convicted of a misdemeanor violation
17 may not own, possess, reside with, or train any animal or type or species of animal
18 for a period specified by the court, but not to exceed 5 years, and a sentencing court
19 shall order that a person convicted of a felony violation may not own, possess, reside
20 with, or train any animal or type or species of animal for a period specified by the
21 court, but not to exceed 15 years. In computing the time period, time which the
22 person spent in actual confinement serving a sentence shall be excluded.

23 (END)