



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-5330/1
MLJ:ah&kjf

2017 SENATE BILL 802

February 14, 2018 - Introduced by Senators RISSER and L. TAYLOR, cosponsored by Representatives JACQUE, KREMER, MURSAU, SARGENT, SUBECK, TITTL, TUSLER and WICHGERS. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT to repeal** 944.17 (2) (a), 944.17 (2) (c) and 944.17 (2) (d); **to renumber**
2 **and amend** 944.17 (2) (intro.); **to amend** 301.45 (1d) (b), 440.312 (2), 440.982
3 (2), 460.05 (1) (h) 1. and 460.14 (2m) (a); and **to create** 948.015 (10), 951.085
4 and 951.14 (2j) of the statutes; **relating to:** sexual contact with an animal and
5 providing a criminal penalty.

Analysis by the Legislative Reference Bureau

Under this bill, it is a Class H felony to have sexual contact with an animal, to promote sexual contact with animals, to coerce another to have sexual contact with an animal, or to advertise, harbor, transport, provide, or obtain an animal for the purpose of having sexual contact with the animal. In addition, it is a Class F felony to force, coerce, entice, or encourage a child under the age of 13 to engage in sexual contact with an animal or a Class G felony if the child is over the age of 13 but under the age of 18. It is also a Class F felony to have sexual contact with an animal in the presence of a child under the age of 13 or a Class G felony if the child is over the age of 13 but under the age of 18. In additional, all felony classifications are increased for second or subsequent violations and if the violation results in the mutilation, disfigurement, or death of an animal.

Under current law, it is a Class A misdemeanor for a person to commit an act of sexual gratification involving his or her sex organ and the sex organ, mouth, or

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anus of an animal, or involving his or her sex organ, mouth, anus, or other body part and the sex organ of an animal.

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

1 **SECTION 1.** 301.45 (1d) (b) of the statutes is amended to read:

2 301.45 (1d) (b) “Sex offense” means a violation, or the solicitation, conspiracy,
3 or attempt to commit a violation, of s. 940.22 (2), 940.225 (1), (2) or (3), 944.06, 948.02
4 (1) or (2), 948.025, 948.05, 948.051, 948.055, 948.06, 948.07 (1) to (4), 948.075, 948.08,
5 948.085, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, ~~or 948.30~~, or 951.085 (2), of
6 s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies, or of s. 940.30 or 940.31 if the victim
7 was a minor and the person who committed the violation was not the victim’s parent.

8 **SECTION 2.** 440.312 (2) of the statutes is amended to read:

9 440.312 (2) The department may not grant a license under this subchapter to
10 any person who has been convicted of an offense under s. 940.22, 940.225, 940.302
11 (2) (a) 1. b., 944.06, 944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34,
12 948.02, 948.025, 948.051, 948.06, 948.07, 948.075, 948.08, 948.09, 948.095, 948.10,
13 948.11, ~~or 948.12~~, or 951.085.

14 **SECTION 3.** 440.982 (2) of the statutes is amended to read:

15 440.982 (2) The department may not grant a license under this subchapter to
16 any person who has been convicted of an offense under s. 940.22, 940.225, 944.06,
17 944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025,
18 948.051, 948.06, 948.07, 948.075, 948.08, 948.09, 948.095, 948.10, 948.11, ~~or 948.12~~,
19 or 951.085 or under s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

20 **SECTION 4.** 460.05 (1) (h) 1. of the statutes is amended to read:

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1 460.05 (1) (h) 1. An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30
2 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.085, 948.09,
3 948.095, ~~or 948.10, or 951.085.~~

4 **SECTION 5.** 460.14 (2m) (a) of the statutes is amended to read:

5 460.14 (2m) (a) An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30
6 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.085, 948.09,
7 948.095, ~~or 948.10, or 951.085.~~

8 **SECTION 6.** 944.17 (2) (intro.) of the statutes is renumbered 944.17 (2) and
9 amended to read:

10 944.17 (2) ~~Whoever does any of the following commits an act of sexual~~
11 gratification in public involving the sex organ of one person and the mouth or anus
12 of another is guilty of a Class A misdemeanor.

13 **SECTION 7.** 944.17 (2) (a) of the statutes is repealed.

14 **SECTION 8.** 944.17 (2) (c) of the statutes is repealed.

15 **SECTION 9.** 944.17 (2) (d) of the statutes is repealed.

16 **SECTION 10.** 948.015 (10) of the statutes is created to read:

17 948.015 (10) Section 951.085 (2) (f), (g), (h), and (i), relating to sexual contact
18 with an animal.

19 **SECTION 11.** 951.085 of the statutes is created to read:

20 **951.085 Sexual contact with an animal. (1) DEFINITIONS.** In this section:

21 (a) "Animal" means any of the following, either alive or dead:

22 1. A warm-blooded creature, except a human being.

23 2. A reptile.

24 3. An amphibian.

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1 (b) "Sexual contact" means any of the following types of contact that is not an
2 accepted veterinary medical practice, an accepted animal husbandry practice that
3 provides care for animals, an accepted practice related to the insemination of
4 animals for the purpose of procreation, or an accepted practice related to
5 confirmation judging:

6 1. An act between a person and an animal involving physical contact between
7 the sex organ or anus of one and the mouth, sex organ, or anus of the other.

8 2. Any transfer or transmission of semen by a person onto any part of an
9 animal.

10 3. Any touching or fondling by a person, either directly or through clothing, of
11 the sex organs or anus of an animal or any insertion, however slight, of any part of
12 a person's body or any object into the vaginal or anal opening of an animal.

13 4. Any insertion, however slight, of any part of an animal's body into the vaginal
14 or anal opening of a person.

15 **(2) PROHIBITED CONDUCT.** No person may do any of the following:

16 (a) Engage in sexual contact with an animal.

17 (b) Advertise, offer, accept an offer, sell, transfer, purchase or otherwise obtain
18 an animal with the intent that it be used for sexual contact.

19 (c) Organize, promote, conduct, or knowingly participate as an observer in an
20 act involving sexual contact with an animal.

21 (d) Permit sexual contact with an animal to be conducted on any premises
22 under his or her ownership or control.

23 (e) Cause another person to engage in sexual contact with an animal.

24 (f) Force, coerce, entice, or encourage a child who has not attained the age of
25 13 years to engage in sexual contact with an animal.

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1 (g) Engage in sexual contact with an animal in the presence of a child who has
2 not attained the age of 13 years.

3 (h) Force, coerce, entice, or encourage a child who has attained the age of 13
4 years but who has not attained the age of 18 years to engage in sexual contact with
5 an animal.

6 (i) Engage in sexual contact with an animal in the presence of a child who has
7 attained the age of 13 years but who has not attained the age of 18 years.

8 **SECTION 12.** 951.14 (2j) of the statutes is created to read:

9 951.14 (2j) (a) Any person who violates s. 951.085 (2) (a) to (e) is guilty of a Class
10 H felony for the first violation and is guilty of a Class F felony for a 2nd or subsequent
11 violation or if the act results in mutilation, disfigurement, or death of an animal. Any
12 person who violates s. 951.085 (2) (f) or (g) is guilty of a Class F felony for the first
13 violation and is guilty of a Class D felony for a 2nd or subsequent violation or if the
14 act results in mutilation, disfigurement, or death of an animal. Any person who
15 violates s. 951.085 (2) (h) or (i) is guilty of a Class G felony for the first violation and
16 is guilty of a Class E felony for a 2nd or subsequent violation or if the act results in
17 mutilation, disfigurement, or death of an animal.

18 (b) If a person has been convicted under s. 951.085 (2), the sentencing court
19 shall order all of the following:

20 1. That the person may not own, possess, reside with or exercise control over
21 any animal or engage in any occupation, whether paid or unpaid, or participate in
22 a volunteer position at any establishment where animals are present for any length
23 of time the court deems reasonable for the protection of all animals, but not less than
24 5 years. In computing the 5-year period, time which the person spent in actual
25 confinement serving a criminal sentence shall be excluded.

