



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1767/1
MJW:cdc

2023 ASSEMBLY BILL 75

February 28, 2023 - Introduced by Representatives SPIROS, NEDWESKI, PLUMER, RETTINGER, RODRIGUEZ, STEFFEN, KITCHENS, BEHNKE and OHNSTAD, cosponsored by Senators WANGGAARD and CABRAL-GUEVARA. Referred to Committee on Judiciary.

AUTHORS SUBJECT TO CHANGE

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 the 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

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court is required to enter an order that a person who commits an act of animal abuse may not reside with, own, possess, or train any animal of the type involved in the violation, and may also enter such an order pertaining to other animals. 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 ch. 29 if the injury is cared for and treated
16 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

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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~~ 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~~ 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 shall
16 order that a person convicted of a criminal violation may not own, possess, reside
17 with, or train an animal of the type involved in the violation, and a court may order
18 that ~~the criminal violator~~ a person convicted of a criminal violation may not own,
19 possess, reside with, or train any other animal or type or species of animal, for a
20 period specified by the court, but not to exceed 5 years for a misdemeanor violation
21 or 15 years for a felony violation. In computing the time period, time which the
22 person spent in actual confinement serving a sentence shall be excluded.

23

(END)