

SENATE FILE NO. SF0026

Animal abuse statutes reorganization and update.

Sponsored by: Joint Agriculture, State and Public Lands &
Water Resources Interim Committee

A BILL

for

1 AN ACT relating to animal abuse crimes; reorganizing and
2 amending offenses involving animal abuse; making conforming
3 amendments; continuing and modifying an account for
4 reimbursement of costs incurred by counties in animal abuse
5 cases; and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 6-3-1001 through 6-3-1010 are created
10 to read:

11

ARTICLE 10

12

ANIMAL ABUSE

13

14

15 **6-3-1001. Definitions.**

1

2 (a) As used in this article:

3

4 (i) "Cruelty" means as defined in W.S.
5 6-1-104(a)(xiii);

6

7 (ii) "Costs of the animal's impoundment" means
8 all costs incurred by the impounding entity in providing
9 necessary food and water, veterinary attention and
10 treatment for any animal which is the subject of a
11 violation of this article;

12

13 (iii) "Household pet" means any privately owned
14 dog, cat, rabbit, guinea pig, hamster, mouse, gerbil,
15 ferret, bird, fish, reptile, amphibian, invertebrate or any
16 other species of domesticated animal sold, transferred or
17 retained for the purpose of being kept as a pet in or near
18 a house. "Household pet" shall not include any livestock;

19

20 (iv) "Livestock" means horses, mules and asses,
21 rabbits, llamas, cattle, swine, sheep, goats, poultry, or
22 other animal generally used for food or in the production
23 of food or fiber, working animals and guard animals

1 actively engaged in the protection or management of
2 livestock. Bison are considered livestock unless otherwise
3 designated by the Wyoming livestock board and the Wyoming
4 game and fish commission.

5

6 **6-3-1002. Cruelty to animals.**

7

8 (a) A person commits cruelty to animals if the
9 person:

10

11 (i) Knowingly overrides an animal or drives an
12 animal when overloaded;

13

14 (ii) Intentionally or knowingly injures or
15 unnecessarily beats an animal;

16

17 (iii) Knowingly carries an animal in a manner
18 that poses undue risk of injury or death;

19

20 (iv) Has the charge and custody of any animal
21 and under circumstances which manifest extreme indifference
22 to the animal's safety, health or life:

23

1 (A) Fails to provide it with proper food,
2 drink or protection from the weather adequate for the
3 species;

4

5 (B) Abandons the animal. Relinquishment of
6 an animal to a public or private animal shelter or like
7 facility is not a violation of this subparagraph;

8

9 (C) In the case of immediate, obvious,
10 serious illness or injury to the animal, fails to provide
11 the animal with appropriate care; or

12

13 (D) Keeps any household pet in a manner
14 that results in chronic or repeated serious physical harm
15 to the household pet.

16

17 **6-3-1003. Aggravated cruelty to animals.**

18

19 (a) A person commits aggravated cruelty to animals if
20 the person:

21

1 (i) Owns, possesses, keeps or trains fowls or
2 dogs with the intent to allow the dog or fowl to engage in
3 an exhibition of fighting with another dog or fowl;

4
5 (ii) For gain causes or allows any dog to fight
6 with another dog or any fowl to fight with another fowl;

7
8 (iii) Knowingly permits any dog or fowl fighting
9 on any premises under his charge or control;

10
11 (iv) Promotes any dog or fowl fighting; or

12
13 (v) Shoots, poisons or otherwise intentionally
14 acts to seriously injure or destroy any livestock or
15 domesticated animal owned by another person while the
16 animal is on property where the animal is authorized to be
17 present.

18
19 **6-3-1004. Other misdemeanors involving animal abuse;**
20 **prohibition on manner of destruction of animals; attending**
21 **fowl or dog fights; keeping household pets in unsanitary**
22 **conditions.**

23

1 (a) A person shall not destroy an animal by the use
2 of a high-altitude decompression chamber or a carbon
3 monoxide gas chamber utilizing a gasoline engine. This
4 subsection is uniformly applicable to all cities and towns.

5

6 (b) A person is guilty of a misdemeanor if he
7 knowingly is present at any place where an exhibition of
8 fighting of fowls or dogs is occurring for amusement or
9 gain.

10

11 (c) A person is guilty of a misdemeanor if he keeps a
12 household pet confined in conditions which constitute a
13 public health hazard.

14

15 **6-3-1005. Penalties, misdemeanor offenses.**

16

17 (a) A first offense of cruelty to animals or of a
18 violation of W.S. 6-3-1004 is a misdemeanor punishable by
19 imprisonment for not more than six (6) months, a fine of
20 not more than seven hundred fifty dollars (\$750.00), or
21 both.

22

1 (b) A second or subsequent conviction, resulting from
2 charges separately brought and arising out of separate
3 occurrences within a five (5) year period:

4

5 (i) Of animal cruelty under W.S. 6-3-1002 is
6 punishable by imprisonment for not more than six (6)
7 months, a fine of not more than five thousand dollars
8 (\$5,000.00), or both;

9

10 (ii) Under W.S. 6-3-1004 is a misdemeanor
11 offense punishable by imprisonment for not more than six
12 (6) months, a fine of not more than five thousand dollars
13 (\$5,000.00), or both.

14

15 **6-3-1006. Felony cruelty to animals; penalty.**

16

17 (a) A person commits felony cruelty to animals if the
18 person:

19

20 (i) Commits aggravated cruelty to animals as
21 defined in W.S. 6-3-1003, that results in the death or
22 required euthanasia of the animal; or

23

1 (ii) Knowingly, and with intent to cause death
2 or undue suffering, beats with cruelty, tortures, torments
3 or mutilates an animal.

4

5 (b) Felony cruelty to animals is a felony punishable
6 by imprisonment for not more than two (2) years, a fine of
7 not more than five thousand dollars (\$5,000.00), or both.

8

9 **6-3-1007. Additional remedies, generally.**

10

11 (a) In addition to the penalties for misdemeanor and
12 felony offenses in W.S. 6-3-1005 and 6-3-1006, the court
13 may order any or all of the following:

14

15 (i) If the defendant is the owner of the animal,
16 require the defendant to forfeit ownership of the animal.
17 This paragraph shall not affect the interest of any secured
18 party or other person who has not participated in the
19 offense;

20

21 (ii) Require the defendant to pay all reasonable
22 costs of the animal's impoundment, if the animal has been
23 impounded;

1

2 (iii) Impose continuing prohibitions or
3 limitations on the defendant's ownership, possession or
4 custody of any animal.

5

6 **6-3-1008. Separate counts.**

7

8 Each animal affected by the defendant's conduct may
9 constitute a separate count for the purposes of
10 prosecution, conviction, sentencing and penalties under
11 this article.

12

13 **6-3-1009. Use of agricultural and livestock
14 management practices, wildlife management and humane
15 destruction not prohibited.**

16

17 (a) Nothing in this article may be construed to
18 prohibit:

19

20 (i) A person humanely destroying an animal,
21 including livestock;

22

1 (ii) The use of industry accepted agricultural
2 and livestock practices on livestock or another animal used
3 in the practice of agriculture;

4

5 (iii) Training or participating in rodeo events,
6 whether the event is performed in a rodeo, fair, jackpot,
7 agricultural exhibition or other similar event;

8

9 (iv) The use of dogs in the management of
10 livestock by the owner of the livestock, his employees or
11 agents or other persons in lawful custody of the livestock;

12

13 (v) The use of dogs or raptors in hunting;

14

15 (vi) The training of dogs or raptors or the use
16 of equipment in the training of dogs or raptors for any
17 purpose not prohibited by law;

18

19 (vii) The hunting, capture, killing or
20 destruction of any predatory animal or other wildlife in
21 any manner not otherwise prohibited by law.

22

1 **6-3-1010. Household pet protection account continued;**
2 **authorized uses of the account.**

3
4 The cruelty to household pet animals protection account as
5 originally created by W.S 6-3-203(o) is continued. Funds
6 shall be credited to the account as provided by law. Funds
7 in the account are continuously appropriated to the
8 attorney general to reimburse county law enforcement
9 agencies for eligible expenses regarding animal cruelty
10 cases involving household pets under W.S.
11 6-3-1002(a)(iv)(D) or 6-3-1004(c). The attorney general
12 shall develop rules and regulations to establish eligible
13 expenses and to determine how county law enforcement
14 agencies will be reimbursed for the costs of an animal
15 cruelty case under W.S. 6-3-1002(a)(iv)(D) or 6-3-1004(c),
16 in an amount not to exceed ninety percent (90%) in any
17 particular case. Any reimbursement under this subsection
18 shall be contingent upon available funding and upon a
19 showing that the agency has made reasonable efforts to seek
20 reimbursement from the offender of expenses incurred by the
21 agency, as permitted by law. All funds in the account may
22 be used for and are continuously appropriated for eligible
23 expenses authorized to be made under this section.

1 Notwithstanding W.S. 9-2-1008 and 9-4-207 funds in the
2 account shall not lapse at the end of the fiscal period.

3

4 **Section 2.** W.S. 6-1-104(a)(vi)(F)(I) and (xv)(P),
5 7-2-101(a)(iv)(E)(I), 11-29-108, 11-29-109,
6 11-29-114(b)(intro) and 35-21-105(a)(ix) and (x) are
7 amended to read:

8

9 **6-1-104. Definitions.**

10

11 (a) As used in this act, unless otherwise defined:

12

13 (vi) "Peace officer" includes the following
14 officers assigned to duty in the state of Wyoming:

15

16 (F) Investigators and brand inspectors of
17 the Wyoming livestock board who have qualified pursuant to
18 W.S. 9-1-701 through 9-1-707 when:

19

20 (I) Enforcing W.S. 6-3-201, ~~6-3-203,~~
21 6-3-401, 6-3-402, 6-3-410, 6-3-601 through 6-3-603,
22 6-3-607, 6-3-610 through 6-3-612, 6-3-1002 through
23 6-3-1004, 6-3-1006, 6-9-202, 35-10-101, 35-10-102 and

1 35-10-104, the provisions of title 11 and any laws
2 prohibiting theft or mutilation of livestock or any part
3 thereof and any rule or regulation promulgated by the
4 Wyoming livestock board or any other law for which they are
5 granted statutory enforcement authority;

6

7 (xv) "Pattern of criminal street gang activity"
8 means the commission of, conviction or adjudication for or
9 solicitation, conspiracy or attempt to commit two (2) or
10 more of the offenses listed in this paragraph on separate
11 occasions within a three (3) year period. Offenses that
12 form a pattern of criminal street gang activity include:

13

14 (P) Aggravated cruelty to animals in
15 violation of W.S. ~~6-3-203(e)~~ 6-3-1003;

16

17 **7-2-101. Definitions.**

18

19 (a) As used in W.S. 7-2-101 through 7-2-107:

20

21 (iv) "Peace officer" means:

22

1 (E) Investigators and brand inspectors of
2 the Wyoming livestock board who have qualified pursuant to
3 W.S. 9-1-701 through 9-1-707:

4
5 (I) When enforcing W.S. 6-3-201,
6 ~~6-3-203,~~ 6-3-401, 6-3-402, 6-3-410, 6-3-601 through
7 6-3-603, 6-3-607, 6-3-610 through 6-3-612, 6-3-1002 through
8 6-3-1004, 6-3-1006, 6-9-202, 35-10-101, 35-10-102 and
9 35-10-104, the provisions of title 11 and any laws
10 prohibiting theft, killing or mutilation of livestock or
11 any part thereof and any rule or regulation promulgated by
12 the Wyoming livestock board or any other law for which they
13 are granted statutory enforcement authority;

14

15 **11-29-108. Livestock board; seized livestock animals**
16 **and vehicles; lien on seized chattels; civil action for**
17 **unpaid expenses.**

18

19 When any person arrested under this act is in charge of any
20 vehicle drawn by or containing any livestock animal cruelly
21 treated as defined in W.S. ~~6-3-203~~ 6-1-104(a)(xiii) at the
22 time of arrest, any peace officer, agent or officer of the
23 board may take charge of the livestock animal and vehicle

1 and its contents, and give notice thereof to the owner, if
2 known, and shall provide for them until their owner takes
3 possession of them. The board or local government shall
4 have a lien on the livestock animals, the vehicle and its
5 contents for the expense of the care and provision. The
6 expense or any part remaining unpaid may be recovered by
7 the board or local government in a civil action.

8

9 **11-29-109. Livestock board; care of abandoned**
10 **livestock animals; civil action for expenses; lien.**

11

12 Any peace officer, agent or officer of the board may take
13 charge of any livestock animal found abandoned, neglected
14 or ~~eruelly~~-treated with cruelty as defined in W.S. ~~6-3-203~~
15 6-1-104(a)(xiii). He shall give notice to the owner, if
16 known, and may care and provide for the livestock animal
17 until the livestock animal is released or destroyed. The
18 expenses of care and provision is a charge against the
19 owner of the livestock animal and collectible from the
20 owner by the board or by the local government employing the
21 peace officer taking charge of the livestock animal in a
22 civil action. The board or local government may detain the
23 livestock animals until the expense for food, shelter and

1 care is paid and shall have a lien upon the livestock
2 animals therefor. This lien shall be filed as provided
3 pursuant to W.S. 29-7-101 through 29-7-106.

4

5 **11-29-114. Impoundment of livestock animals; cost of**
6 **care for livestock animals; providing for bond.**

7

8 (b) The owner of the livestock animal impounded under
9 subsection (a) of this section, and who has been cited
10 under W.S. ~~6-3-203~~6-3-1002 through 6-3-1004 or 6-3-1006,
11 shall be required to post a bond with the circuit court in
12 the county where the livestock animal was impounded. The
13 bond shall be:

14

15 **35-21-105. Order of protection; contents; remedies;**
16 **order not to affect title to property; conditions.**

17

18 (a) Upon finding that an act of domestic abuse has
19 occurred, the court shall enter an order of protection
20 ordering the respondent household member to refrain from
21 abusing the petitioner or any other household member. The
22 order shall specifically describe the behavior that the

1 court has ordered the respondent to do or refrain from
2 doing. As a part of any order of protection, the court may:

3

4 (ix) Grant sole possession of any household pet,
5 as defined in W.S. ~~6-3-203(e)~~6-3-1001(a)(iii), owned,
6 possessed or kept by the petitioner, the respondent or a
7 minor child residing in the residence or household of
8 either the petitioner or the respondent to the petitioner
9 during the period the order of protection is effective if
10 the order is for the purpose of protecting the household
11 pet;

12

13 (x) Order that the respondent shall not have
14 contact with any household pet, as defined in W.S.
15 ~~6-3-203(e)~~6-3-1001(a)(iii), in the custody of the
16 petitioner and prohibit the respondent from abducting,
17 removing, concealing or disposing of the household pet if
18 the order is for the purpose of protecting the household
19 pet.

20

21 **Section 3.** W.S. 6-3-203 is repealed.

22

1 **Section 4.** This act is effective July 1, 2021.

2

3

(END)

4