



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2804/1
MLJ:cjs

2019 BILL

1 **AN ACT** *to amend* 951.18 (1) and 951.18 (4) (c); and *to create* 951.01 (3c) of the
2 statutes; **relating to:** grievous bodily harm to or the death of an animal and
3 providing 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 this bill, a person who commits an act of animal abuse is guilty of a Class I felony if the animal abuse results in grievous bodily harm to or the death of the animal or 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 may enter such an order, including an order that the person may not reside with any animal or type or species of animal, if the person is convicted of a misdemeanor violation, and must enter such an order, including an order that the person may not reside with any animal or type or species of animal, for a period of up to fifteen years if the person is convicted of a felony violation.

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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.

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

1 **SECTION 1.** 951.01 (3c) of the statutes is created to read:

2 951.01 (3c) “Grievous bodily harm” means serious bodily injury, including
3 fractured or dislocated bones, deep cuts, burns, torn members of the body, tissue
4 damage as a result of exposure to cold temperatures, serious damage to internal
5 organs, starvation, or other severe bodily injuries.

6 **SECTION 2.** 951.18 (1) of the statutes is amended to read:

7 951.18 (1) Any person violating s. 951.02, 951.025, 951.03, 951.04, 951.05,
8 951.06, 951.07, 951.09, 951.10, 951.11, 951.13, 951.14 or 951.15 is subject to a
9 Class C forfeiture. Any person who violates any of these provisions within 3 years
10 after a humane officer issues an abatement order under s. 173.11 prohibiting the
11 violation of that provision is subject to a Class A forfeiture. Any person who
12 intentionally or negligently violates any of those sections is guilty of a Class A
13 misdemeanor. Any person who intentionally violates s. 951.02, resulting in ~~the~~
14 ~~mutilation, disfigurement~~ grievous bodily harm to or the death of an animal, is guilty
15 of a Class I felony. Any person who intentionally violates s. 951.02 and who knows
16 or reasonably should know that his or her actions may result in grievous bodily harm
17 to or the death of an animal, regardless of whether grievous bodily harm or death
18 occurs, is guilty of a Class I felony. Any person who intentionally violates s. 951.02
19 or 951.06, knowing that the animal that is the victim is used by a law enforcement

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1 agency to perform agency functions or duties and causing injury to the animal, is
2 guilty of a Class I felony.

3 **SECTION 3.** 951.18 (4) (c) of the statutes is amended to read:

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

12 (END)