

1983 Senate Bill 91

Date of enactment: November 29, 1983

Date of publication: December 3, 1983

1983 Wisconsin Act 95

AN ACT to repeal 948.18 (2); to renumber and amend 948.18 (2m); to amend 948.13 (intro.), 948.165 (2) and (3) and 948.18 (1); to repeal and recreate 948.17; and to create 948.08 (2m) of the statutes, relating to crimes against animals and providing penalties.

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

SECTION 1. 948.08 (2m) of the statutes is created to read:

948.08 (2m) If a person has been convicted under sub. (1) or (2), the person may not own, possess, keep or train any animal for a period of 5 years after the conviction. In computing the 5-year period, time which the person spent in actual confinement serving a criminal sentence shall be excluded. The person may move the sentencing court to have this requirement waived. The court may waive the requirement except that the waiver may not authorize the person to own, possess, keep or train animals of the species involved in the offense under sub. (1) or (2).

SECTION 2. 948.13 (intro.) of the statutes is amended to read:

948.13 Providing proper food and drink to confined animals. (intro.) No person owning or responsible for confining or impounding any animal may ~~refuse or neglect~~ fail to supply the animal with a sufficient supply of food and water as prescribed in this section.

SECTION 3. 948.165 (2) and (3) of the statutes are amended to read:

948.165 (2) If the charges under s. 948.08 are dismissed or if the owner is found not guilty of a crime specified in s. 948.08, the animal shall be returned to the owner unless he or she is subject to the restrictions under s. 948.08 (2m).

(3) (a) If the owner is convicted under s. 948.08 or is subject to the restrictions under s. 948.08 (2m), the animal shall be delivered to the local humane society or organization. If the animal is one year old or older or shows indication of having participated in fighting, the animal shall be disposed of in a proper and humane manner.

(b) If the animal is less than one year old and shows no indication of having participated in fighting, the animal ~~may~~ shall be released to a person other than the owner or ~~may be~~ disposed of in a proper and humane manner. If the animal is a dog, the release or disposal shall be in accordance with s. 174.046 (8) or (9), except s. 174.046 (8) (a) does not apply and the fees under s. 174.046 (8) (d) are covered under s. 948.17.

SECTION 4. 948.17 of the statutes is repealed and recreated to read:

948.17 Reimbursement for expenses. (1) A court shall assess the expenses under this section in any case in which there has been a search authorized under s. 948.16 or in which an animal has been seized because it is alleged that the animal has been used in or constitutes evidence of any crime under this chapter.

(2) Expenses covered under this section include:

(a) Investigative expenses of any search under s. 948.16 or any seizure under this chapter.

(b) Any fees of a doctor of veterinary medicine.

(c) Expenses of taking any animal into custody under this chapter, including expenses reasonably incident to taking the animal into custody.

(d) Expenses of keeping or disposing of any animal taken into custody.

(3) If the person alleged to have violated this chapter is found guilty of the violation, the person shall be assessed the expenses under subs. (1) and (2). If the person is not found guilty, the county treasurer shall pay the expenses from the general fund of the county.

SECTION 5. 948.18 (1) of the statutes is amended to read:

948.18 (1) Any person violating s. 948.02, 948.03, 948.04, 948.05, 948.06, 948.07, 948.09, 948.10, 948.11, 948.13, 948.14 or 948.15 (1) is subject to a Class ~~D~~ C forfeiture. Any person who intentionally or negligently violates ~~such~~ any of those sections is guilty of a Class A misdemeanor.

SECTION 6. 948.18 (2) of the statutes is repealed.

SECTION 7. 948.18 (2m) of the statutes is renumbered 948.18 (2) and amended to read:

948.18 (2) Any person who violates s. 948.08 (2m) or (3) is guilty of a Class A misdemeanor. Any person who violates s. 948.08 (1) or (2) is guilty of a Class E felony for the first violation and is guilty of a Class D felony for the 2nd or subsequent violation.
