



State of Wisconsin
1997 - 1998 LEGISLATURE

LRBs0386/1
RCT:mfd:lp

**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 1997 ASSEMBLY BILL 585**

January 7, 1998 – Offered by COMMITTEE ON AGRICULTURE.

1 **AN ACT to repeal** 58.07, 174.046, 951.15 (2) to (4) and 951.162 (title); **to**
2 **renumber** 173.01 to 173.07 and 951.15 (1); **to renumber and amend** 951.16,
3 951.162, 951.165 (title), (1), (2) and (3) and 951.17; **to amend** 20.115 (2) (j),
4 60.24 (3) (xm), 93.07 (11), chapter 172 (title), 174.01 (2), 174.13 (3), 895.57 (1)
5 (a), 943.75 (1) (a), 951.01 (4), 951.03, 951.18 (1) and (4) (a) 2. and (b) and 968.20
6 (1) (intro.) and (2); **to repeal and recreate** chapter 173 (title) and 951.15 (title);
7 and **to create** 95.21 (1) (a), 170.065, subchapter I (title) of chapter 172 [precedes
8 172.01], 172.012, subchapter II (title) of chapter 172 [precedes 172.51], 173.01
9 to 173.27, 757.69 (1) (n) and 951.01 (3e) of the statutes; **relating to:** humane
10 officers, the custody and disposition of animals, granting rule-making
11 authority, making an appropriation and providing a penalty.

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

1 **SECTION 1.** 20.115 (2) (j) of the statutes is amended to read:

2 20.115 (2) (j) *Dog licenses, rabies control and related services.* The amounts in
3 the schedule to provide dog license tags and forms under s. 174.07 (2), to perform
4 other program responsibilities under ch. 174, to administer the rabies control
5 program under s. 95.21, to help administer the rabies control media campaign and
6 to carry out the humane activities under s. 93.07 (11) and ch. 173. All moneys
7 received by the state treasurer under s. ss. 173.27 and 174.09 (1) shall be credited
8 to this appropriation.

9 **SECTION 2.** 58.07 of the statutes is repealed.

10 **SECTION 3.** 60.24 (3) (xm) of the statutes is amended to read:

11 60.24 (3) (xm) Perform the town chairperson's duties related to animals that
12 have caused damage in the town under ch. ~~173~~ 172.

13 **SECTION 4.** 93.07 (11) of the statutes is amended to read:

14 93.07 (11) HUMANE ACTIVITIES. To cooperate with humane societies and assist
15 duly appointed humane officers in the enforcement of the laws relating to humane
16 education and the prevention of cruelty to animals ~~and for this purpose the~~
17 ~~department and its authorized agents when engaged in this work shall have the~~
18 ~~powers of police officers and constables.~~

19 **SECTION 5.** 95.21 (1) (a) of the statutes is created to read:

20 95.21 (1) (a) "Humane officer" means an officer appointed under s. 173.03.

21 **SECTION 6.** 170.065 of the statutes is created to read:

22 **170.065 Exemption.** Sections 170.01 to 170.06 do not apply to a humane
23 officer appointed under ch. 173 or a law enforcement officer who takes custody of an
24 animal under ch. 173 or other applicable law.

25 **SECTION 7.** Chapter 172 (title) of the statutes is amended to read:

1 **CHAPTER 172**
2 **ANIMALS DISTRAINED**
3 **OR DOING DAMAGE**

4 **SECTION 8.** Subchapter I (title) of chapter 172 [precedes 172.01] of the statutes
5 is created to read:

6 **CHAPTER 172**
7 **SUBCHAPTER I**
8 **ANIMALS DISTRAINED**

9 **SECTION 9.** 172.012 of the statutes is created to read:

10 **172.012 Exemption.** This chapter does not apply to a humane officer
11 appointed under ch. 173 or a law enforcement officer who takes custody of an animal
12 under ch. 173 or other applicable law.

13 **SECTION 10.** Subchapter II (title) of chapter 172 [precedes 172.51] of the
14 statutes is created to read:

15 **CHAPTER 172**
16 **SUBCHAPTER II**
17 **ANIMALS DOING DAMAGE**

18 **SECTION 11.** Chapter 173 (title) of the statutes is repealed and recreated to
19 read:

20 **CHAPTER 173**
21 **ANIMALS; HUMANE OFFICERS**

22 **SECTION 12.** 173.01 to 173.07 of the statutes are renumbered 172.51 to 172.57.

23 **SECTION 13.** 173.01 to 173.27 of the statutes are created to read:

24 **173.01 Definitions.** In this chapter:

1 (1) “Department” means the department of agriculture, trade and consumer
2 protection.

3 (2) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

4 (3) “Political subdivision” means a city, village, town or county.

5 **173.03 Appointment of humane officer.** (1) APPOINTMENT. The governing
6 body of any political subdivision may appoint one or more humane officers. The
7 governing body of a political subdivision shall report all appointments and
8 terminations of appointments of humane officers to the department.

9 (2) ORDINANCE. Before, or at the time of, appointing a humane officer under sub.
10 (1), the governing body making the appointment shall enact an ordinance that
11 designates one or more officials of the political subdivision who may modify or
12 withdraw abatement orders issued under s. 173.11 by humane officers appointed by
13 the political subdivision.

14 (3) JURISDICTION. A humane officer appointed by a city, village or town shall
15 carry out his or her duties within the boundaries of the city, village or town. A
16 humane officer appointed by a county shall carry out his or her duties throughout the
17 county, other than within the boundaries of a city or village whose governing body
18 adopts a resolution withdrawing from county enforcement of humane laws and
19 transmits a copy of the resolution to the county.

20 **173.05 Certification required.** (1) (a) Any person appointed as a humane
21 officer under s. 173.03 on or after the effective date of this paragraph [revisor
22 inserts date], shall, before appointment or by the applicable deadline established
23 under s. 173.27 (1) (b), complete a course of training approved by the department,
24 except as provided in par. (b) or (c), and receive certification under s. 173.27 (3).

1 (b) A person to whom par. (a) applies who is a veterinarian licensed under ch.
2 453 is not required to complete a course of training approved by the department if
3 he or she takes an examination given by the department and passes the examination
4 on the first attempt.

5 (c) A person to whom par. (a) applies who is certified or otherwise approved as
6 a humane officer by another state is not required to complete a course of training
7 approved by the department if he or she takes an examination given by the
8 department and passes the examination on the first attempt.

9 **(2)** (a) A person appointed as a humane officer before the effective date of this
10 paragraph [revisor inserts date], shall complete a course of training approved by
11 the department, except as provided in par. (b), and shall receive certification under
12 s. 173.27 (3) by the applicable deadline established under s. 173.27 (1) (b).

13 (b) A person to whom par. (a) applies is not required to complete a course of
14 training approved by the department if he or she takes an examination given by the
15 department and passes the examination on the first attempt.

16 **(3)** The governing body of a political subdivision that appoints a humane officer
17 who fails to obtain certification within the required time shall terminate the
18 appointment.

19 **173.07 Powers and duties of humane officers. (1) ENFORCEMENT.** A
20 humane officer shall enforce s. 95.21, this chapter, chs. 174 and 951 and ordinances
21 relating to animals enacted by political subdivisions in which the humane officer has
22 jurisdiction under s. 173.03 (3).

23 **(2) INVESTIGATION.** A humane officer shall investigate alleged violations of
24 statutes and ordinances relating to animals and, in the course of the investigations,
25 may execute inspection warrants under s. 66.122.

1 **(3) SEEK SUBPOENAS.** A humane officer may request the district attorney for the
2 county to obtain subpoenas to compel testimony and obtain documents in aid of
3 investigations.

4 **(4) ISSUE CITATIONS.** If authorized by the appointing political subdivision, a
5 humane officer shall issue citations under s. 66.119 for violations of ordinances
6 relating to animals.

7 **(4m) REQUEST PROSECUTIONS.** A humane officer may request law enforcement
8 officers and district attorneys to enforce and prosecute violations of state law and
9 may cooperate in those prosecutions.

10 **(5) PROHIBITED ACTIONS.** Unless also a law enforcement officer, a humane officer
11 may not in the course of his or her duties do any of the following:

12 (a) Execute a search warrant.

13 (b) Carry firearms.

14 (c) Stop or arrest persons.

15 (d) Stop, search or detain vehicles, except under an inspection warrant under
16 s. 66.122.

17 (e) Enter any place or vehicle by force or without the consent of the owner,
18 except in an emergency occasioned by fire or other circumstance in which that entry
19 is reasonable and is necessary to save an animal from imminent death or a person
20 from imminent death or injury.

21 (f) Remove any animal from the custody of another person by force.

22 **(6) CONFLICT OF INTEREST PROHIBITED.** No humane officer may sell or otherwise
23 dispose of any animal that came into the humane officer's custody in the course of
24 his or her duties.

1 **173.09 Investigations.** In the course of investigation of suspected violations
2 of statutes or ordinances, a humane officer may enter any building, vehicle or place
3 where animals may be present for the purpose of inspection, examination of animals
4 or the gathering of evidence. If the building, vehicle or place to be entered is not
5 public, and consent of the owner or person in charge is not obtained, entry shall be
6 under authority of a special inspection warrant issued under s. 66.122 or a search
7 warrant.

8 **173.11 Abatement of violations. (1) ISSUANCE OF ORDER.** If a humane officer
9 or law enforcement officer after investigation has reasonable grounds to believe that
10 a violation of a statute or ordinance is occurring and the violation is causing or has
11 the potential to cause injury to an animal, the humane officer or law enforcement
12 officer may issue and serve an order of abatement directed to named persons. An
13 official designated in an ordinance under s. 173.03 (2) may not participate in the
14 decision to issue the order or in any activity leading to that decision.

15 **(1m) CONTENT OF ORDER.** An abatement order issued under sub. (1) shall
16 contain all of the following:

17 (a) The name and address of the person to whom directed.

18 (b) The statute or ordinance alleged to be violated.

19 (c) A prohibition on further violations.

20 (d) A description of measures necessary to correct the alleged violation.

21 (e) A description of the hearing and appeal provisions under subs. (2) and (4).

22 **(2) HEARING.** Any person named in an abatement order issued under sub. (1)
23 may, within the 10-day period following service of the order, request a hearing before
24 an official designated in an ordinance under s. 173.03 (2). The hearing shall be held

1 within 10 days after the request is made, unless the requester agrees to a later date.

2 The hearing shall be informal in nature.

3 (3) DECISION. Within 10 days after a hearing under sub. (2), the official who
4 conducts the hearing shall affirm the order, modify and affirm the order or withdraw
5 the order.

6 (4) APPEAL. Any person adversely affected by a decision under sub. (3) may seek
7 judicial review by commencing an action in circuit court within 30 days after the day
8 that the decision is issued.

9 **173.13 Taking custody of animals.** (1) INTAKE. (a) A humane officer, on
10 behalf of a political subdivision in which the humane officer has jurisdiction under
11 s. 173.01 (3), or a law enforcement officer, on behalf of a political subdivision, may
12 take custody of an animal if the humane officer or law enforcement officer has
13 reasonable grounds to believe that the animal is one of the following:

- 14 1. An abandoned or stray animal.
- 15 2. An unwanted animal delivered to the humane officer or law enforcement
16 officer.
- 17 3. A dog not tagged as required by ch. 174.
- 18 4. An animal not licensed in compliance with any ordinance.
- 19 5. An animal not confined as required by a quarantine order under any statute,
20 rule or ordinance relating to the control of any animal disease.
- 21 6. An animal that has caused damage to persons or property.
- 22 7. A participant in an animal fight intentionally instigated by any person.
- 23 8. An animal mistreated in violation of ch. 951.
- 24 9. An animal delivered by a veterinarian under sub. (2).

1 (b) A humane officer shall accept into custody any animal delivered by a law
2 enforcement officer or delivered under a court order.

3 (c) A person other than a humane officer or a law enforcement officer may not
4 take an animal into custody on behalf of a political subdivision unless the animal is
5 an abandoned or stray animal. If a person other than a humane officer or a law
6 enforcement officer takes custody of an abandoned or stray animal on behalf of a
7 political subdivision, he or she shall deliver the animal to a person contracting under
8 s. 173.15 (1), to a humane officer or law enforcement officer for disposition under s.
9 173.23 or to a pound.

10 **(2) DELIVERY OF ANIMAL BY VETERINARIAN.** (a) A humane officer or law
11 enforcement officer or a person contracting under s. 173.15 (1) may accept an animal
12 delivered by a veterinarian, or his or her employe, if the animal has not been picked
13 up by its owner and all of the following apply:

14 1. The veterinarian notified the owner of the animal by certified mail, return
15 receipt requested, that the animal was ready to be picked up and that the animal
16 would be delivered to a humane officer if not picked up within 7 days.

17 2. The veterinarian retained the animal for 7 days after the day on which the
18 return receipt was signed or until the letter was returned to the veterinarian as
19 undeliverable.

20 3. The veterinarian certifies in writing to the humane officer or law
21 enforcement officer that subs. 1. and 2 apply.

22 (b) If an animal is accepted under par. (a), the veterinarian shall provide the
23 person accepting the animal with any requested records concerning the animal's
24 ownership, health or licensure.

1 **(3) NOTIFICATION OF OWNER.** (a) If a humane officer or law enforcement officer
2 takes custody of an animal with the knowledge of the owner, the humane officer or
3 law enforcement officer shall explain the procedure by which the owner can recover
4 the animal, including the procedure under s. 173.22, and the procedure to be followed
5 if the animal is not returned to the owner.

6 (b) If a humane officer or law enforcement officer takes custody of an animal
7 without the knowledge of the owner, the humane officer or law enforcement officer
8 shall promptly notify the owner in writing if he or she can be identified and located
9 with reasonable effort. The notice shall explain the procedure by which the owner
10 can recover the animal, including the procedure under s. 173.22, and the procedure
11 to be followed if the animal is not returned to the owner. The notice shall also inform
12 the owner that the owner must notify any person with a lien on the animal that the
13 animal has been taken into custody.

14 (c) If the owner informs the humane officer or law enforcement officer in writing
15 that he or she will not claim the animal, it may be treated as an unclaimed animal
16 under s. 173.23 (1m).

17 **173.15 Provision of care, treatment or disposal services.** (1) PROVIDING
18 SERVICES. A political subdivision may provide for the care, treatment or disposal of
19 animals taken into custody by a humane officer or law enforcement officer. A political
20 subdivision may provide these services directly or by contracting with any other
21 person. A political subdivision may establish standard fees for the care, custody and
22 treatment of animals in its custody. The political subdivision may establish different
23 fees for animals released to their owners and animals released to persons other than
24 their owners. If the political subdivision does not establish standard fees, it may

1 charge no more than the actual costs of care, custody or treatment to any person
2 required to pay for the care, custody or treatment of an animal.

3 (2) CONTRACT FOR SERVICES. Every person entering into a contract with a
4 political subdivision under sub. (1) shall agree to do all of the following:

5 (a) Provide adequate care and treatment of all animals delivered under the
6 contract.

7 (b) Maintain adequate records consistent with s. 173.17.

8 (c) Release or dispose of animals under s. 173.23 or as provided in a court order.

9 **173.17 Records.** A humane officer or law enforcement officer taking custody
10 of an animal on behalf of a political subdivision shall maintain, or require any person
11 to whom the animal is delivered under a contract under s. 173.15 (1) to maintain, as
12 appropriate, records for each animal containing the following information:

13 (1) A physical description of the animal.

14 (2) The date that custody was taken of the animal, the date that the animal was
15 delivered into the possession of another person and the identity of the person to
16 whom delivered.

17 (3) The reason for taking custody of the animal.

18 (4) The ultimate disposition of the animal, including the name and address of
19 any person into whose custody the animal was ultimately released.

20 **173.19 Animals considered unclaimed.** A political subdivision or person
21 contracting under s. 173.15 (1) may treat any animal taken into custody under s.
22 173.13 (1) (a) 1., 3., 4. or 9. as an unclaimed animal subject to s. 173.23 (1m) if, within
23 7 days after custody is taken of the animal, it is not claimed by and returned to its
24 owner under s. 173.23 (1), except that an animal taken into custody under s. 173.13

1 (1) (a) 3. or 4. may not be treated as unclaimed if its owner files a petition under s.
2 173.22 (1) within 7 days after custody is taken.

3 **173.21 Holding animals for cause. (1) GROUNDS.** A political subdivision
4 may withhold, or direct a person contracting under s. 173.15 (1) to withhold, an
5 animal in custody from an owner who makes an otherwise adequate claim for the
6 animal under s. 173.23 (1) on any of the following grounds:

7 (a) There are reasonable grounds to believe that the owner has mistreated the
8 animal in violation of ch. 951.

9 (b) There are reasonable grounds to believe that the animal poses a significant
10 threat to public health, safety or welfare.

11 (c) The animal may be used as evidence in a pending prosecution.

12 (d) A court has ordered the animal withheld for any reason.

13 **(2) EXAMINATION PERMITTED.** If an animal is withheld under sub. (1), upon
14 request by the owner, a veterinarian retained by the owner may examine the animal.

15 **(3) COSTS.** The owner of an animal withheld under sub. (1) is not liable for any
16 costs of custody, care or treatment except as provided by court order.

17 **(4) RETURN.** A political subdivision or person contracting under s. 173.15 (1)
18 having custody of an animal withheld under sub. (1) shall release the animal to the
19 owner at the direction of the humane officer or law enforcement officer that took
20 custody of the animal if the requirements of s. 173.23 (1) (a) to (c) are satisfied.

21 **173.22 Review of seizure or withholding. (1) PETITION.** A person claiming
22 that an animal that he or she owns was improperly taken into custody under s.
23 173.13 (1) (a) 3., 4., 5., 6. or 8. or is wrongfully withheld under s. 173.21 (1) may seek
24 return of the animal by petitioning for an order from the circuit court for the county
25 in which the animal was taken into custody or in which it is held.

1 **(2) NOTICE AND HEARING.** The court shall provide notice of a petition under sub.
2 (1) to the humane officer or law enforcement officer who took the animal into custody
3 or to the political subdivision that withheld the animal and shall hold a hearing on
4 the issue of whether the animal was improperly taken into custody or is wrongfully
5 withheld.

6 **(3) ORDER.** (a) If the animal was taken into custody under s. 173.13 (1) (a) 8.
7 or is withheld under s. 173.21 (1), the court shall order the animal returned to the
8 owner unless it determines that one of the following conditions is satisfied:

9 1. There are reasonable grounds to believe that the owner has mistreated the
10 animal in violation of ch. 951.

11 2. There are reasonable grounds to believe that the animal poses a significant
12 threat to public health, safety or welfare.

13 3. The animal may be used as evidence in a pending prosecution.

14 4. A court has ordered the animal withheld for any reason.

15 (b) If the animal was taken into custody under s. 173.13 (1) (a) 3., the court shall
16 order the animal returned to its owner if the court determines that the animal was
17 tagged or was not required to be tagged under ch. 174.

18 (c) If the animal was taken into custody under s. 173.13 (1) (a) 4., the court shall
19 order the animal returned to its owner if the court determines that the animal was
20 licensed or was not required to be licensed.

21 (d) If the animal was taken into custody under s. 173.13 (1) (a) 5., the court shall
22 order the animal returned to its owner if the court determines that the animal was
23 not subject to a quarantine order or was confined as required by a quarantine order.

1 (e) If the animal was taken into custody under s. 173.13 (1) (a) 6., the court shall
2 order the animal returned to its owner if the court determines that the animal did
3 not cause damage to persons or property.

4 **173.23 Disposition of animals. (1) CLAIM AND RETURN.** Except as provided
5 in sub. (4) or s. 173.21 (1), a political subdivision or person contracting under s.
6 173.15 (1) shall return an animal described in s. 173.13 (1) (a) 1., 3., 4., 6., 8. or 9. to
7 its owner upon the happening of all of the following:

8 (a) The owner claims the animal and provides reasonable evidence of
9 ownership.

10 (b) If licensure is required by statute or ordinance, the animal is licensed or
11 assurance of licensure by prepayment is given.

12 (c) If vaccination is required by statute or ordinance, the animal is vaccinated
13 or assurance of vaccination by prepayment is given.

14 (d) All charges for custody, care, vaccination and treatment are paid.

15 **(1m) UNCLAIMED ANIMALS.** A political subdivision or a person contracting under
16 s. 173.15 (1) that has custody of an animal considered unclaimed under sub. (5) (c)
17 or (6) or s. 173.13 (3) (c) or 173.19 or an unwanted animal may do any of the following:

18 (a) Release the animal to any person other than the owner if all of the following
19 apply:

20 1. The person provides his or her name and address.

21 2. If licensure is required by statute or ordinance, the animal is licensed or
22 assurance of licensure is given by evidence of prepayment.

23 3. If vaccination is required by statute or ordinance, the animal is vaccinated
24 or assurance of vaccination is given by evidence of prepayment.

1 4. Any charges imposed by the political subdivision or person contracting under
2 s. 173.15 (1) for custody, care, vaccination and treatment are paid or waived.

3 (b) If the animal is not a dog or cat, sell the animal at public auction, including
4 sale at a licensed livestock market.

5 (c) Euthanize the animal.

6 (d) If the animal is a stray or abandoned dog, release the dog under s. 174.13.

7 **(1s)** PROCEEDS OF SALE. If the owner of an animal sold under sub. (1m) (b) files
8 a claim and provides proof of ownership within 30 days after the sale, the sale
9 proceeds, less the cost of custody, care, treatment and sale, shall be returned to the
10 owner.

11 **(2)** ANIMALS NOT RETURNED TO OWNER. If an animal in the custody of a political
12 subdivision, other than an animal to which sub. (1m) applies, is not returned to the
13 owner under sub. (1) or (5) (b) or s. 173.12 (2), 173.21 (4) or 173.22 or disposed of under
14 sub. (4) or (5) (a) or s. 173.12 (3), it shall be disposed of under a court order under sub.
15 (3) or s. 951.18 (4).

16 **(3)** COURT ORDER. (a) A political subdivision may petition the circuit court for
17 an order doing any of the following with respect to an animal taken into custody by
18 a law enforcement officer or a humane officer or withheld under s. 173.21 (1):

19 1. Providing for payment for the custody, care or treatment of the animal.

20 2. Requiring the owner of the animal to post bond for the costs of custody, care
21 or treatment of the animal pending the outcome of any other proceeding.

22 3. Authorizing the sale, destruction or other disposal of the animal.

23 (b) The petition shall set forth the basis for the petitioned-for relief.

24 (c) The political subdivision shall serve a copy of the petition, in the manner
25 provided in s. 801.11, upon the owner of the animal, if known.

1 (d) The court shall conduct a hearing on the petition. The petitioner and any
2 person upon whom a copy of the petition was served may appear as a party.

3 (e) The court shall issue its order after hearing and may grant, modify and
4 grant or deny the petitioned-for relief, after considering the interests of the animal,
5 the owner of the animal, the political subdivision and the public.

6 **(4) INJURED OR DANGEROUS ANIMALS.** A political subdivision or person
7 contracting under s. 173.15 (1) who has custody of an animal may have the animal
8 euthanized if there are reasonable grounds to believe that any of the following apply:

9 (a) The animal is hopelessly injured beyond any reasonable chance of recovery.

10 (b) The animal poses an imminent threat to public health or safety.

11 (c) The animal poses an imminent threat to the health or safety of itself or its
12 custodian.

13 **(5) ANIMAL NOT CONFINED AS REQUIRED BY QUARANTINE ORDER.** (a) A political
14 subdivision or person contracting under s. 173.15 (1) that has custody of an animal
15 that was not confined as required by a quarantine order issued under any statute,
16 rule or ordinance relating to the control of any animal disease shall confine the
17 animal for the duration of the quarantine or shall euthanize the animal with the
18 written permission of the owner or, if the animal is determined to be diseased, at the
19 direction of the person issuing the quarantine order.

20 (b) Unless the person issuing the quarantine order directs that the animal be
21 euthanized because it is diseased, at the end of the quarantine period the political
22 subdivision or person contracting under s. 173.15 (1) shall return the animal to its
23 owner if the owner complies with sub. (1) (a) to (d) no later than the 7th day after the
24 day on which the political subdivision or person contracting under s. 173.15 (1)

1 demands that the owner claim the animal and pay for its custody, care and
2 treatment.

3 (c) If an owner does not comply with sub. (1) (a) to (d) within the time provided
4 in par. (b), the animal is considered an unclaimed animal under sub. (1m).

5 (d) Before euthanizing an animal that is in custody because it was not confined
6 as required by a quarantine order, the person with custody of the animal shall notify
7 the person who issued the order. If the person who issued the order determines that
8 testing of specimens is necessary to determine the disease status of the animal, the
9 person with custody shall collect the specimens.

10 **(6) NONCOMPLIANCE BY OWNER.** If an owner is ordered under sub. (3) to pay, or
11 post bond for the payment of, costs of custody, care or treatment of an animal, and
12 refuses to do so upon demand, the animal shall be treated as an unclaimed animal
13 subject to sub. (1m).

14 **173.25 Immunity for euthanizing animals.** A political subdivision, a
15 person contracting under s. 173.15 (1), a humane officer or a law enforcement officer
16 who has reasonable grounds to believe that s. 173.23 (1m) (c), (4) or (5) or a court
17 order issued under s. 173.23 (3) authorize an animal to be euthanized is not liable
18 for damages for the loss of the animal resulting from euthanizing the animal.

19 **173.27 Duties of the department.** The department shall do all of the
20 following:

21 **(1) RULES.** (a) Adopt, by rule, standards for the training and certification of
22 humane officers to ensure that humane officers are at least minimally qualified to
23 perform the duties of a humane officer. The standards shall provide for training
24 offered by the department or by others.

1 (b) Adopt, by rule, deadlines by which humane officers must obtain
2 certification.

3 (2) TRAINING. Offer training courses for humane officers or approve training
4 courses offered by others, or both. The department may charge a fee sufficient to
5 recover the costs of training courses that it provides.

6 (3) CERTIFICATION. Examine, as necessary, and certify humane officers as
7 qualified. The department may charge a fee, established by rule, sufficient to recover
8 the costs of certification.

9 (4) REGISTRY OF HUMANE OFFICERS. Maintain and keep current a registry of all
10 persons serving as humane officers for political subdivisions.

11 **SECTION 14.** 174.01 (2) of the statutes is amended to read:

12 174.01 (2) INAPPLICABLE TO OFFICERS, VETERINARIANS AND PERSONS KILLING THEIR
13 OWN DOG. This section does not apply to an officer acting in the lawful performance
14 of his or her duties under s. 29.05 (8) (b), 95.21, 173.23 (1m) (c), (3) or (4) or 174.02
15 (3) or 174.046 (9), or to a veterinarian killing a dog in a proper and humane manner
16 or to a person killing his or her own dog in a proper and humane manner.

17 **SECTION 15.** 174.046 of the statutes is repealed.

18 **SECTION 16.** 174.13 (3) of the statutes is amended to read:

19 174.13 (3) An officer or pound ~~which~~ that has custody of unclaimed dogs shall
20 maintain records as provided under s. ~~174.046~~ 173.17.

21 **SECTION 17.** 757.69 (1) (n) of the statutes is created to read:

22 757.69 (1) (n) Hold hearings and issue orders on petitions under s. 173.23 (3).

23 **SECTION 18.** 895.57 (1) (a) of the statutes is amended to read:

24 895.57 (1) (a) "Humane officer" means an officer appointed under s. ~~58.07~~
25 173.03.

1 **SECTION 19.** 943.75 (1) (a) of the statutes is amended to read:

2 943.75 (1) (a) “Humane officer” means an officer appointed under s. ~~58.07~~
3 173.03.

4 **SECTION 20.** 951.01 (3e) of the statutes is created to read:

5 951.01 (3e) “Humane officer” means an officer appointed under s. 173.03.

6 **SECTION 21.** 951.01 (4) of the statutes is amended to read:

7 951.01 (4) “Law enforcement officer” has the meaning assigned under s. 967.02
8 (5) ~~and includes a humane officer under s. 58.07~~ but does not include a conservation
9 warden appointed under s. 23.10.

10 **SECTION 22.** 951.03 of the statutes is amended to read:

11 **951.03 Dognapping and catnapping.** No person may take the dog or cat of
12 another from one place to another without the owner’s consent or cause such a dog
13 or cat to be confined or carried out of this state or held for any purpose without the
14 owner’s consent. This section does not apply to law enforcement officers or humane
15 society agents officers engaged in the exercise of their official duties.

16 **SECTION 23.** 951.15 (title) of the statutes is repealed and recreated to read:

17 **951.15 (title) Abandoning animals.**

18 **SECTION 24.** 951.15 (1) of the statutes is renumbered 951.15.

19 **SECTION 25.** 951.15 (2) to (4) of the statutes are repealed.

20 **SECTION 26.** 951.16 of the statutes is renumbered 173.10 and amended to read:

21 **173.10 Investigation of cruelty complaints.** A person may apply for a
22 search warrant under s. 968.12 if there is reason to believe that a violation of ~~this~~
23 chapter ch. 951 has taken place or is taking place. If the court is satisfied that
24 probable cause exists, it shall issue a search warrant directing a law enforcement
25 officer in the county to proceed immediately to the location of the alleged violation

1 with a doctor of veterinary medicine, if the court determines that a veterinarian is
2 necessary for purposes of the search, and directing the law enforcement officer to
3 search the place designated in the warrant, retaining in his or her custody subject
4 to the order of the court such property or things as are specified in the warrant,
5 including any animal. If the person applying for the search warrant is a humane
6 officer, the warrant shall direct that the humane officer accompany the law
7 enforcement officer who is directed to perform the search. The warrant shall be
8 executed and returned to the court which issued the warrant in accordance with ss.
9 968.15 and 968.17. This section ~~shall~~ does not affect other powers and duties of law
10 enforcement officers.

11 **SECTION 27.** 951.162 (title) of the statutes is repealed.

12 **SECTION 28.** 951.162 of the statutes is renumbered 173.12 (1) and amended to
13 read:

14 173.12 (1) Any veterinarian who has reason to believe that an animal has been
15 in a fight in violation of s. 951.08 shall report the matter to the local humane officer
16 ~~or society or county or municipal pound~~ or to a local law enforcement agency. The
17 report shall be in writing and shall include a description and the location of the
18 animal, any injuries suffered by the animal and the name and address of the owner
19 or person in charge of the animal, if known. ~~The general penalty provisions under~~
20 ~~s. 939.61 do not apply to this section.~~

21 **SECTION 29.** 951.165 (title), (1), (2) and (3) of the statutes are renumbered
22 173.12 (title), (1m), (2) and (3), and 173.12 (1m) and (3), as renumbered, are amended
23 to read:

24 173.12 (1m) If an animal has been seized because it is alleged that the animal
25 has been used in or constitutes evidence of any crime specified in s. 951.08, the

1 animal shall may not be returned to the owner by an officer under s. 968.20 (2). In
2 any hearing under s. 968.20 (1), the court shall determine if the animal is needed as
3 evidence or there is reason to believe that the animal has participated in or been
4 trained for fighting. If the court makes such a finding, the animal shall be retained
5 in custody under s. 951.16.

6 (3) (a) If the owner is convicted under s. 951.08 or is subject to the restrictions
7 under s. 951.08 (2m), the animal shall be delivered to the local humane ~~society~~ officer
8 or county or municipal pound. If there is no local humane officer or pound, the animal
9 may be delivered to a local humane society or to another person designated by the
10 court. If the animal is one year old or older or shows indication of having participated
11 in fighting, the animal shall be disposed of in a proper and humane manner.

12 (b) If the animal is less than one year old and shows no indication of having
13 participated in fighting, the animal shall be released to a person other than the
14 owner or disposed of in a proper and humane manner. If the animal is a dog, the
15 release or disposal shall be in accordance with s. 174.046 ~~(8) or (9)~~, except s. 174.046
16 ~~(8) (a) does not apply and 173.23 (1m), except that the fees under s. 174.046 (8) (d)~~
17 173.23 (1m) (a) 4. are covered under s. ~~951.17~~ 173.24.

18 **SECTION 30.** 951.17 of the statutes is renumbered 173.24, and 173.24 (1), (2)
19 (a) and (3), as renumbered, are amended to read:

20 173.24 (1) A court shall assess the expenses under this section in any case in
21 which there has been a search authorized under s. ~~951.16~~ 173.10 or in which an
22 animal has been seized because it is alleged that the animal has been used in or
23 constitutes evidence of any crime under ~~this chapter~~ ch. 951.

24 (2) (a) Investigative expenses of any search under s. ~~951.16~~ 173.10 or any
25 seizure under this chapter.

1 **(3)** If the person alleged to have violated ~~this chapter~~ ch. 951 is found guilty
2 of the violation, the person shall be assessed the expenses under subs. (1) and (2).
3 If the person is not found guilty, the county treasurer shall pay the expenses from the
4 general fund of the county.

5 **SECTION 31.** 951.18 (1) and (4) (a) 2. and (b) of the statutes are amended to read:

6 951.18 **(1)** Any person violating s. 951.02, 951.025, 951.03, 951.04, 951.05,
7 951.06, 951.07, 951.09, 951.10, 951.11, 951.13, 951.14 or 951.15 ~~(1)~~ is subject to a
8 Class C forfeiture. Any person who violates any of these provisions within 3 years
9 after a humane officer issues an abatement order under s. 173.11 prohibiting the
10 violation of that provision is subject to a Class A forfeiture. Any person who
11 intentionally or negligently violates any of those sections is guilty of a Class A
12 misdemeanor. Any person who intentionally violates s. 951.02, resulting in the
13 mutilation, disfigurement or death of an animal, is guilty of a Class E felony. Any
14 person who intentionally violates s. 951.02 or 951.06, knowing that the animal that
15 is the victim is used by a law enforcement agency to perform agency functions or
16 duties and causing injury to the animal, is guilty of a Class E felony.

17 **(4)** (a) 2. A sentencing court shall require a criminal violator to pay restitution
18 to a person, including any local humane officer or society or county or municipal
19 pound or a law enforcement officer, for any pecuniary loss suffered by the person as
20 a result of the crime, including expenses in keeping any animal that is involved in
21 the crime. This requirement applies regardless of whether the criminal violator is
22 placed on probation under s. 973.09. If restitution is ordered, the court shall consider
23 the financial resources and future ability of the criminal violator to pay and shall
24 determine the method of payment. Upon the application of any interested party, the

1 court shall schedule and hold an evidentiary hearing to determine the value of any
2 pecuniary loss under this paragraph.

3 (b) 1. A sentencing court may order that an animal be delivered to the local
4 humane officer or society or the county or municipal pound or to a law enforcement
5 officer if a person commits a crime under this chapter, the person is the owner of the
6 animal that is involved in the crime and the court considers the order to be
7 reasonable and appropriate. The society, pound or officer shall release the animal
8 to a person other than the owner or dispose of the animal in a proper and humane
9 manner. If the animal is a dog, the release or disposal shall be in accordance with
10 s. ~~174.046 (8) or (9), except s. 174.046 (8) (a) does not apply and 173.23 (1m), except~~
11 that the fees under s. ~~174.046 (8) (d) 173.23 (1m) (a) 4.~~ do not apply if the expenses
12 are covered under s. ~~951.17 173.24.~~ If the animal is not a dog, the society, pound or
13 officer may charge a fee for the release of the animal.

14 2. If the court is sentencing a person covered under s. ~~951.165 173.12~~ (3) (a) and
15 an animal has been seized under s. ~~951.165 173.12~~, the court shall act in accordance
16 with s. ~~951.165 173.12~~ (3).

17 **SECTION 32.** 968.20 (1) (intro.) and (2) of the statutes are amended to read:

18 968.20 (1) (intro.) Any person claiming the right to possession of property
19 seized pursuant to a search warrant or seized without a search warrant may apply
20 for its return to the circuit court for the county in which the property was seized or
21 where the search warrant was returned. The court shall order such notice as it
22 deems adequate to be given the district attorney and all persons who have or may
23 have an interest in the property and shall hold a hearing to hear all claims to its true
24 ownership. If the right to possession is proved to the court's satisfaction, it shall

1 order the property, other than contraband or property covered under sub. (1m) or (1r)
2 or s. ~~951.165~~ 173.12 or 173.21 (4) (b), returned if:

3 (2) Property not required for evidence or use in further investigation, unless
4 contraband or property covered under sub. (1m) or (1r) or s. ~~951.165~~ 173.12, may be
5 returned by the officer to the person from whom it was seized without the
6 requirement of a hearing.

7 **SECTION 33. Nonstatutory provisions.**

8 (1) ADVISORY COMMITTEE. The department of agriculture, trade and consumer
9 protection shall appoint a committee under section 227.13 of the statutes to advise
10 the department concerning rules required to be promulgated under this act. The
11 department shall ensure that the members of the committee represent a variety of
12 interests related to animals.

13 **SECTION 34. Effective dates.** This act takes effect on the first day of the 19th
14 month beginning after publication, except as follows:

15 (1) SECTION 33 (1) of this act takes effect on the day after publication.

16 (END)