



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 233
[2015 Senate Bill 450]

Animals

2015 Wisconsin Act 233 (the Act) made various changes to prior law relating to the treatment of an animal that is taken into custody as an unclaimed animal, or when it is believed to have been used in a crime against animals under ch. 951, Stats. Specifically, the Act did the following:

- Authorized a humane officer or law enforcement officer to take an animal into custody if the officer has reasonable grounds to believe that the animal has been used in **any crime against animals** under ch. 951, Stats. Under prior law, with respect to violations of ch. 951, Stats., a humane officer or law enforcement officer could take an animal into custody if the officer had reasonable grounds to believe that the animal that was either **mistreated** or a **participant in an animal fight** that was intentionally instigated by any person in violation of ch. 951, Stats.
- Authorized a local governmental unit to withhold, or direct a person contracting with a local unit of government to withhold, an animal in custody from an owner if there are reasonable grounds to believe that the owner has used the animal in **any crime against animals** under ch. 951, Stats. Under prior law, with respect to violations of ch. 951, Stats., an animal could be withheld if the animal **could be used as evidence** in a pending prosecution or if there are reasonable grounds to believe that the **owner has mistreated the animal** in violation of ch. 951, Stats.
- Required an animal of any age that is being held in custody to be **treated as an unclaimed animal** if the owner of the animal is convicted of a crime against animals under ch. 951, Stats. Under prior law, if an owner of an animal being held in custody was convicted of a crime related to animal fighting, and the animal was one-year old or older, or showed an indication of having participated in fighting, then the animal **was required to be euthanized**.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

- Reduced the period of time after which a stray or abandoned animal may be treated as an unclaimed animal from seven days to four days.
- Created a specific court process for a court to determine if an animal may be returned to its owner in situations where the animal was taken into custody because it is believed that either of the following have occurred: (1) the animal has been used in any crime against animals under ch. 951, Stats.; or (2) the animal constitutes evidence of a crime against animals under ch. 951, Stats. Under prior law, the only court process available was the general process applicable for the return of any property seized by law enforcement.
- With respect to the court process specified above, the Act allowed a local governmental unit or other person with custody of an animal that is believed to have been used in, or constitutes evidence of, a crime against animals under ch. 951, Stats., to demand payment from the animal's owner for the custody, care, and treatment of the animal that is held in custody. The Act also provided the following with respect to this payment:
 - The demand for payment may be made not more frequently than every 14 days.
 - If the payment demanded is not received within 30 days of mailing the demand, the bill requires the animal to be treated as an unclaimed animal.
 - The owner may challenge the reasonableness of the payment demanded.
 - If the court orders that an animal be returned to its owner, then no payment is due.
- Authorized a person who is providing services for an animal in custody under a contract with a political subdivision to petition a court for a court order for any of the following: (1) payment for the custody, care, or treatment of an animal; (2) a requirement that the owner of the animal post bond for the costs of custody, care, or treatment of the animal pending the outcome of any other proceeding; and (3) authorizing the sale, destruction, or other disposal of the animal. Under prior law, only the political subdivision could file such a petition.

Effective date: The Act took effect on March 3, 2016 and first applies to animals taken into custody on that day.

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