



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Assembly Bill 223

Assembly Amendment 1

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Contact: Melissa Schmidt, Senior Staff Attorney (266-2298)

2013 ASSEMBLY BILL 223

2013 Assembly Bill 223 (the bill) prohibits a person convicted of a serious felony, as defined in the bill, from possessing, controlling, or residing with a vicious dog, as determined by a humane officer or law enforcement officer for a period of time specified in the bill. Under the bill, a dog is considered vicious if one of the following applies:

- The dog, without justification, attacked a person and caused serious physical injury or death.
- The dog has, on at least **three** occasions, done any of the following without justification:
 - Bitten a person without causing serious physical injury or death.
 - Behaved in a manner that a reasonable person would believe posed a significant, imminent threat of serious physical injury or death to a person.

Also, the bill provides that a humane officer or law enforcement officer may not determine a dog's actions to be without justification if any of the following applies:

- A person threatened, bitten, or attacked by the dog was committing a crime against the owner or custodian of the dog, or was committing a willful trespass or other tort upon the property owned or occupied by the owner or custodian of the dog.
- A person threatened, bitten, or attacked by the dog was abusing, assaulting, or physically threatening the dog or its offspring or had previously abused, assaulted, or physically threatened the dog or its offspring.

- The dog was responding to pain or injury or was protecting itself, its offspring, another dog living on the same property, its owner or custodian, or a person living in the household of its owner or custodian.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 amends when a dog may be considered vicious for purposes of determining whether a serious felony offender may possess, control, or reside with the dog. Specifically, Assembly Amendment 1 amends when a dog may be considered vicious by reducing the number of occasions from **three** to **two** that a dog, without justification, may have either bitten a person without causing serious physical injury or death or behaved in a manner that a reasonable person would believe posed a significant, imminent threat of serious physical injury or death to a person.

BILL HISTORY

On January 16, 2014, Representative Jacques introduced Assembly Amendment 1. On January 30, 2014, the Assembly Committee on Criminal Justice voted to adopt Assembly Amendment 1 by a vote of Ayes, 9; Noes, 0; and Absent 2; and then voted to recommend passage of the bill, as amended, by a vote of Ayes, 9; Noes, 0; and Absent, 2.

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