

CO-SPONSORSHIP MEMORANDUM

TO: All Legislators

FROM: Senator Van Wanggaard and Representative John Spiros

DATE: February 7, 2023

RE: Co-sponsorship of LRB – 0290/1, relating to: mistreating an animal and providing a penalty.

Deadline: Friday, February 10th at 5:00 PM

In February 2019, a Marshfield man placed nine newborn puppies into a trash bag, put them in a dumpster, and left them for dead. Luckily, a short time later, someone heard noises coming from the dumpster and contacted the Marshfield Police Department, who was able to save the puppies. Given the cold temperatures that time of year and the fact that the puppies were only one day old, they would surely have died quickly had someone not found them. You can watch [this video](#) for more context on the incident.

The Marshfield man was arrested and charged with intentional mistreatment of animals and intentional abandonment of animals. Both of these crimes are misdemeanors.

Under current Wisconsin law, these types of crimes can only be charged as felonies if the action of the defendant resulted in the mutilation, disfigurement, or death of an animal. And while in this case the perpetrator clearly knew his actions were likely to result in the death of the puppies, he could only be charged with a misdemeanor.

This bill would remedy that by making it a Class I felony to commit an act that any reasonable person should know may result in grievous bodily harm or death of an animal, regardless of whether that harm or death actually occurs. The bill also increases the penalty for an act of animal abuse that actually results in grievous bodily harm to or death of the animal to Class H felony.

Additionally, current law states that a court may order that a person who commits an act of animal abuse may not own, possess, or train any animal for a specified period of time. This bill would require a court to prohibit a person convicted of animal abuse from owning, possessing, training, or residing with the type animal they were convicted of abusing, for a specified period of time. In addition, it allows a court to prohibit a person convicted of animal abuse from owning, possessing, training, or residing, with *any* type of animal for a specified period of time.

As was the case with the Marshfield man who left the puppies to die, many animal abusers have other animals at home. And despite their crimes, they are able to keep their animals after a

conviction. This bill would ensure the most serious animal abusers are not able to continue to have animals in their home.

If you would like to cosponsor this legislation, or if you have any questions, please reply to this email or contact Sen. Wanggaard (6-1832) or Rep. Spiros (7-9186) by **5:00 P.M. on Friday, February 10, 2023.**

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 current law, animal abuse means treating an animal in a cruel manner, but the prohibition on animal abuse does not prohibit normal and accepted veterinary practices.

Under this bill, the prohibition on animal abuse does not apply to an injury sustained by a dog while training or hunting with dogs in the manner authorized by the Department of Natural Resources or to the care and treatment of the injury if the injury is treated as soon as is practicable under the circumstances. Under the bill, a person who commits an act of animal abuse is guilty of a Class H felony if the animal abuse results in grievous bodily harm to or the death of the animal and is guilty of a Class I felony 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 is required to enter an order that a person who commits an act of animal abuse may not reside with, own, possess, or train any animal of the type involved in the violation, and may also enter such an order pertaining to other animals. Under the bill, if the person is convicted of a misdemeanor violation, the ordered period specified by the court may be up to five years, and if the person is convicted of a felony violation, the ordered period specified by the court may be up to fifteen years.