Animal Protection Laws of Wisconsin

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This chapter contains Wisconsin's general animal protection and related statutes with an effective date on or before September 1, 2021. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.

Wisconsin may employ similar provisions within other non-animal-specific criminal and civil statutes; may have other more specific statutes in addition to those included; and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.

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WISCONSIN

1. DEFINITION OF "ANIMAL"	"Includes every living: warm-blooded creature, except a human being; reptile; or amphibian." WIS. STAT. § 951.01(1) For bestiality statute means "means any creature, either alive or dead, except a human being" WIS. STAT. § 944.18(1)(a)
2. GENERAL CRUELTY *	Standards of care for breeders and shelters WIS. STAT. § 173.41 *First offense: up to $1000 fine* *Second or subsequent offense: $200-$2000 fine* "Cruel" means causing unnecessary and excessive pain or suffering or unjustifiable injury or death. WIS. STAT. § 951.01(2) Mistreatment of animals WIS. STAT. § 951.02 *1st offense: Class C forfeiture* *Subsequent offense within 3 years: Class A forfeiture* *Intentional or negligent violation: Class A misdemeanor* *Intentional violation resulting in mutilation/disfigurement/death: Class I felony* *Intentional violation knowing animal is law enforcement animal: Class I felony* Kill animal by decompression WIS. STAT. § 951.025 *1st offense: Class C forfeiture* *Subsequent offense within 3 years: Class A forfeiture* *Intentional or negligent violation: Class A misdemeanor* Leading animal from vehicle/trailer onto a highway

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WIS. STAT. § 951.04
1st offense: Class C forfeiture
Subsequent offense within 3 years: Class A forfeiture
Intentional or negligent violation: Class A misdemeanor

Transporting animals in a cruel manner
WIS. STAT. § 951.05
1st offense: Class C forfeiture
Subsequent offense within 3 years: Class A forfeiture
Intentional or negligent violation: Class A misdemeanor

Exposing animals to poisonous and controlled substances
WIS. STAT. § 951.06
1st offense: Class C forfeiture
Subsequent offense within 3 years: Class A forfeiture
Intentional or negligent violation: Class A misdemeanor
Intentional violation knowing animal is law enforcement animal: Class I felony

Using certain cruel devices on an animal
WIS. STAT. § 951.07
1st offense: Class C forfeiture
Subsequent offense within 3 years: Class A forfeiture
Intentional or negligent violation: Class A misdemeanor

Shooting at caged/staked/confined animals
WIS. STAT. § 951.09
1st offense: Class C forfeiture
Subsequent offense within 3 years: Class A forfeiture
Intentional or negligent violation: Class A misdemeanor

Sale of baby rabbits, chicks, and other fowl
WIS. STAT. § 951.10
1st offense: Class C forfeiture
Subsequent offense within 3 years: Class A forfeiture
Intentional or negligent violation: Class A misdemeanor

Sale of dyed animals
WIS. STAT. § 951.11
1st offense: Class C forfeiture
Subsequent offense within 3 years: Class A forfeiture

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	Intentional or negligent violation: Class A misdemeanor Failure to provide proper food and drink to confined animals WIS. STAT. § 951.13 *1st offense: Class C forfeiture* *Subsequent offense within 3 years: Class A forfeiture* *Intentional or negligent violation: Class A misdemeanor* Failure to provide proper shelter to animals WIS. STAT. § 951.14 *1st offense: Class C forfeiture* *Subsequent offense within 3 years: Class A forfeiture* *Intentional or negligent violation: Class A misdemeanor* Abandoning animals WIS. STAT. § 951.15 *1st offense: Class C forfeiture* *Subsequent offense within 3 years: Class A forfeiture* *Intentional or negligent violation: Class A misdemeanor* Classification of offenses WIS. STAT. § 951.18
3. EXEMPTIONS	Research animals, wildlife, slaughter, other WIS. STAT. § 951.015 Veterinary practice WIS. STAT. § 951.02 Veterinary practice, pest control WIS. STAT. § 951.06 Rodeos WIS. STAT. § 951.08 Wildlife, accepted farm animal husbandry practices, other WIS. STAT. § 951.09 Training police and fire animals WIS. STAT. § 951.095

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	Research, wildlife, accepted farm animal husbandry practices WIS. STAT. § 951.10 Accepted farm animal husbandry practices WIS. STAT. § 951.14
4. FIGHTING & RACKETEERING	Various animal fighting activities WIS. STAT. § 951.08(1),(2) *1st offense: Class I felony* *Subsequent offenses: Class H felony* Possession bans upon conviction WIS. STAT. § 951.08(2m) *Class A misdemeanor* Spectatorship WIS. STAT. § 951.08(3) *Class A misdemeanor* Classification of offenses WIS. STAT. § 951.18
5. SEXUAL ASSAULT	Bestiality WIS. STAT. § 944.18 *Violation of subsections (2)(a) through (2)(g): 1st Offense Class H felony, subsequent offenses Class F felony;* *Violation of subsections (2)(h) and (2)(i): 1st Offense Class F felony, subsequent offenses Class D felony;* *Violation of subsections (2)(j) and (2)(k): 1st Offense Class G felony, subsequent offenses Class E felony*
6. CRUELTY TO WORKING ANIMALS	Provisions for harassment of police and fire animals. WIS. STAT. § 951.095 *Class B forfeiture* *Intentional or negligent violation knowing the animal is law enforcement animal: Class A misdemeanor* *Intentional violation knowing animal is law enforcement animal and causing injury: Class I felony*

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	Intentional violation knowing animal is law enforcement animal and causing death: Class H felony Provisions for harassment of a service dog. WIS. STAT. § 951.097 *Recklessly interfere: Class B misdemeanor* *Intentionally interfere or recklessly injure: Class A misdemeanor* *Intentionally injure or recklessly kill: Class I felony* *Intentionally kill or take possession/control of dog with intent to deprive person of use of service dog: Class H felony*
7. MAXIMUM PENALTIES & STATUTE OF LIMITATIONS**	Classification of offenses WIS. STAT. § 951.18 Class C forfeiture: *$500 fine* WIS. STAT. § 939.52(3)(c) Class A forfeiture: *$10,000 fine* WIS. STAT. § 939.52(3)(a) Class A misdemeanor: *9 months imprisonment and/or $10,000 fine* WIS. STAT. § 939.51(3)(a) Class I felony *3 years and 6 months imprisonment and/or $10,000 fine* WIS. STAT. § 939.50(3)(i) Class H felony *6 years imprisonment and/or $10,000 fine* WIS. STAT. § 939.50(3)(h) Statute of Limitations *Misdemeanor: 3 years* *Felony: 6 years* WIS. STAT. ANN. § 939.74

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8. CROSS ENFORCEMENT & REPORTING	Animal protection organizations are within the definition of "investigative agencies" who may be involved in reporting suspected elder abuse, but are not mandatory reporters. Anyone who reports has civil and criminal immunity for reports made in good faith. WIS. STAT. § 46.90
9. VETERINARIAN REPORTING & IMMUNITY	A veterinarian who has reason to believe an animal has been in animal fighting exhibition must report the matter to local humane officer or law enforcement. WIS. STAT. § 173.12
10. LAW ENFORCEMENT POLICIES	Appointment of humane officer WIS. STAT. § 173.03 Certification for humane officers WIS. STAT. § 173.05 Humane officers may investigate animal cruelty, seek subpoenas, issue citations, apply for search warrants, and request prosecutions. WIS. STAT. § 173.07 Law enforcement and humane officers may issue an order abatement for offenses. WIS. STAT. § 173.11 District attorneys may apply to a court for a temporary or permanent injunction restraining persons from violating the animal protection laws. WIS. STAT. § 951.18(3)
11. SEIZURE	If violation is suspected, humane officer may enter any building, vehicle or place where animals may be present for inspection or collection of evidence; if location is not public, entry shall be by warrant or consent. WIS. STAT. § 173.09 Court shall issue a search warrant on probable cause of animal cruelty, directing law enforcement to seize cruelly treated animals. WIS. STAT. § 173.10

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	Humane or law enforcement officer may take custody of animals being cruelly treated. WIS. STAT. § 173.13(1)(a)(8) Animals may be withheld for cause by a political subdivision or its contractor. WIS. STAT. § 173.21 Provisions to review seizure or withholding WIS. STAT. § 173.22(1)-(3)
12. COURTROOM ANIMAL ADVOCATE PROGRAM	-----
13. PROTECTION ORDERS†	The court may prohibit the respondent from removing/hiding/ damaging/harming/mistreating/disposing of a household pet, and may allow the petitioner to retrieve a household pet WIS. STAT. § 813.12 (1)(ce), (3) WIS. STAT. § 813.122 (1)(e), (4)(a), (5) WIS. STAT. § 813.123 (1)(ek), (4)(ar)(2m), (5)(ar)(2m), WIS. STAT. § 813.125(1)(bm), (3)(a) Mistreatment of animal one form of abuse to individuals at risk WIS. STAT. § 813.123 (5)(a)(3)(a), (c), (6)(c)
14. RESTITUTION †	The owner of an animal taken into custody for animal cruelty is personally liable for the cost of the custody, care, and treatment of the animal. He or she must pay for the outstanding costs of custody, care, or treatment of the animal upon demand. WIS. STAT. § 173.22(4)(f),(g) Unclaimed animals may be sold and proceeds from sale may be first applied to costs of care. WIS. STAT. § 173.23(1),(1m),(1s) Court, upon petition, may order owner of seized animal to pay costs of care or may require a bond be posted for costs of care. WIS. STAT. § 173.23(3)(a)

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	Upon conviction, defendant shall be assessed expenses. WIS. STAT. § 173.24(3) An offender must pay restitution for any pecuniary loss suffered as a result of the crime. "Pecuniary loss" includes cost-of-care expenses, veterinary expenses, etc. WIS. STAT. § 944.18(3)(c)3 An offender must pay restitution for any pecuniary loss suffered as a result of the crime. "Pecuniary loss" includes cost-of-care expenses, veterinary expenses, etc. WIS. STAT. § 951.18(4)(a)
15. FORFEITURE & POSSESSION BANS †	Ownership rights to animals unclaimed may be forfeited; owner's failure to comply with bond requirements may also result in forfeiture of seized animal. WIS. STAT. §§ 173.19; 173.23(1m),(2),(3),(4),(6) Offenders prohibited from owning, keeping, possessing, residing with or exercising control over animals for no less than 5 years, and up to 15 years, following conviction for bestiality. WIS. STAT. § 944.18(3)(c)1 Offenders prohibited from owning, keeping, possessing or training animals for 5 years following conviction for animal fighting. WIS. STAT. §§ 951.08(2m), 951.18(2) Upon conviction, the court may order defendant's animals to be delivered to a humane society, pound, or law enforcement officer. WIS. STAT. § 951.18(4)(b)(1) The court may order that the violator may not possess animal for up to 5 years. WIS. STAT. § 951.18(4)(c)
16. COURT-ORDERED TREATMENT†	Upon conviction for bestiality, offender shall submit to psychological evaluation and treatment. WIS. STAT. § 944.18(3)(c)2

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17. HOT CARS	Civil immunity for removing a domestic animal from a vehicle. WIS. STAT. § 895.484
18. CIVIL NUISANCE ABATEMENT	-----
19. AG-GAG LAWS	------
20. BREED SPECIFIC LEGISLATION	------

* States may have other more specific statutes in addition to the general animal protection statutes referenced in this table.

** Despite statutory maximums, states often employ sentencing guidelines that may significantly alter the allowable sentence.

† This table generally references only those provisions that are within each state's animal protection statutes. States may employ similar provisions within other non-animal-specific criminal and civil statutes, and may also have a variety of animal-related regulations in effect.

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1. DEFINITION OF "ANIMAL"

WIS. STAT. § 951.01. Definitions.

In this chapter:

(1) *"Animal" includes every living:*
  (a) *Warm-blooded creature, except a human being;*
  (b) *Reptile; or*
  (c) *Amphibian.*

(1m) "Conservation warden" means a warden appointed under s. 23.10.

(2) "Cruel" means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

(3) *"Farm animal" means any warm-blooded animal normally raised on farms in the United States and used or intended for use as food or fiber.*

(3e) "Humane officer" means an officer appointed under s. 173.03.

(3f) "Fire department" includes a volunteer fire department and a department under s. 60.553, 61.66, or 62.13(2e).

(3m) "Law enforcement agency" has the meaning given in s. 165.83(1)(b).

(4) "Law enforcement officer" has the meaning assigned under s. 967.02 (5) but does not include a conservation warden appointed under s. 23.10.

(5) *"Service dog" means a dog that is trained for the purpose of assisting a person with a sensory, mental, or physical disability or accommodating such a disability.*

WIS. STAT. § 944.18. Bestiality.

(3) Definitions. In this section:

(a) *"Animal" means any creature, either alive or dead, except a human being.*

(b) "Obscene material" has the meaning given in s. 944.21(2)(c).

(c) "Photograph or film" means the making of a photograph, motion picture film, video tape, digital image, or any other recording.

(d) "Sexual contact" means any of the following types of contact that is not an accepted veterinary medical practice, an accepted animal husbandry practice that provides care for animals, an accepted practice related to the insemination of animals for the purpose of procreation, or an accepted practice related to conformation judging:

1. An act between a person and an animal involving physical contact between the sex organ, genitals, or anus of one and the mouth, sex organ, genitals, or anus of the other.

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2. Any touching or fondling by a person, either directly or through clothing, of the sex organ, genitals, or anus of an animal or any insertion, however slight, of any part of a person's body or any object into the vaginal or anal opening of an animal.
3. Any insertion, however slight, of any part of an animal's body into the vaginal or anal opening of a person.

(2) Prohibited conduct. No person may knowingly do any of the following:
- (a) Engage in sexual contact with an animal.
- (b) Advertise, offer, accept an offer, sell, transfer, purchase, or otherwise obtain an animal with the intent that it be used for sexual contact in this state.
- (c) Organize, promote, conduct, or participate as an observer of an act involving sexual contact with an animal.
- (d) Permit sexual contact with an animal to be conducted on any premises under his or her ownership or control.
- (e) Photograph or film obscene material depicting a person engaged in sexual contact with an animal.
- (f) Distribute, sell, publish, or transmit obscene material depicting a person engaged in sexual contact with an animal.
- (g) Possess with the intent to distribute, sell, publish, or transmit obscene material depicting a person engaged in sexual contact with an animal.
- (h) Force, coerce, entice, or encourage a child who has not attained the age of 13 years to engage in sexual contact with an animal.
- (i) Engage in sexual contact with an animal in the presence of a child who has not attained the age of 13 years.
- (j) Force, coerce, entice, or encourage a child who has attained the age of 13 years but who has not attained the age of 18 years to engage in sexual contact with an animal.
- (k) Engage in sexual contact with an animal in the presence of a child who has attained the age of 13 years but who has not attained the age of 18 years.

(3) Penalties.
- (a) Any person who violates sub. (2) (a) to (g) is guilty of a Class H felony for the first violation and is guilty of a Class F felony for a 2nd or subsequent violation or if the act results bodily harm or death of an animal. Any person who violates sub. (2)(h) or (i) is guilty of a Class F felony for the first violation and is guilty of a Class D felony for a 2nd or subsequent violation. Any person who violates sub. (2)(j) or (k) is guilty of a Class G felony for the first violation and is guilty of a Class E felony for a 2nd or subsequent violation.
- (b) [*No text*]
- (c) *If a person has been convicted under sub. (2), the sentencing court shall order, in addition to any other applicable penalties, all of the following*:

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1. That the person may not own, possess, reside with, or exercise control over any animal or engage in any occupation, whether paid or unpaid, at any place where animals are kept or cared for, for not less than 5 years or more than 15 years. In computing the time period, time which the person spent in actual confinement serving a criminal sentence shall be excluded.
2. *That the person shall submit to a psychological assessment and participate in appropriate counseling at the person's expense*.
3. That the person shall pay restitution to a person, including any local humane officer or society or county or municipal pound or a law enforcement officer or conservation warden or his or her designee, for any pecuniary loss suffered by the person as a result of the crime. This requirement applies regardless of whether the person is placed on probation under s. 973.09. If restitution is ordered, the court shall consider the financial resources and future ability of the person to pay and shall determine the method of payment. Upon application of an interested party, the court shall schedule and hold an evidentiary hearing to determine the value of any pecuniary loss, as defined in s. 951.18(4)(a)1., under this subdivi*sion.*

(4) Severability. The provisions of this section are severable, as provided in s. 990.001(11).

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2. GENERAL CRUELTY

WIS. STAT. § 173.41. Regulation of persons who sell dogs or operate animal shelters

(1) Definitions. In this section:

(a) "Animal control facility" means a facility for the care of animals operated under a contract with a political subdivision under s. 173.15(1).

(b) "Animal shelter" means a facility that is operated for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals, that is used to shelter at least 25 dogs in a year, and that is operated by a humane society, animal welfare society, animal rescue group, or other nonprofit group.

(c) "Dog breeder" means a person who sells 25 or more dogs in a year that the person has bred and raised, except that "dog breeder" does not include a person who sells 25 or more dogs in a year that the person has bred and raised if all of those dogs are from no more than 3 litters.

(d) "Dog breeding facility" means a place at which dogs are bred and raised and from which 25 or more dogs are sold in a year, except that "dog breeding facility" does not include a place at which dogs are bred and raised and from which 25 or more dogs are sold in a year if all of the dogs that are sold in a year are from no more than 3 litters.

(e) "Dog dealer" means a person, other than an out-of-state dog dealer, who sells, distributes, or trades, or offers for sale, distribution, or trade, 25 or more dogs in a year that the person has not bred and raised or who operates an auction at which 50 or more dogs are sold or offered for sale in a year.

(em) "Dog trial" means an organized competitive field event involving sporting dog breeds that is sanctioned, licensed, or recognized by a local, state, regional, or national dog organization.

(f) "Out-of-state dog dealer" means a person who is not a resident of this state who brings 25 or more dogs into this state for sale in this state in a year.

(g) "Temporary dog market" means a place at which persons sell dogs, and may sell other items, from booths or other spaces that are rented from or provided at no cost by the person operating the place, except that "temporary dog market" does not include a dog trial.

(h) "Transfer" means to grant physical possession to another.

(2) License Required.

(a) Except as provided in par. (e), (f), or (g), beginning on June 1, 2011, no person may do any of the following without an annual license from the department:

1. Operate an animal shelter.
2. Operate an animal control facility.
3. Operate as a dog breeder.
4. Operate a dog breeding facility.

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5. Operate as a dog dealer.
6. Operate as an out-of-state dog dealer.

(b) A person operating as an out-of-state dog dealer shall obtain one license under this subsection. Any other person required to obtain a license under this subsection shall obtain one license for each premises at which the person operates an animal shelter, animal control facility, or dog breeding facility or operates as a dog breeder or dog dealer.

(c) A person shall apply for a license under par. (a) on a form provided by the department and shall provide information reasonably required by the department. An applicant shall submit the applicable fees required under sub. (3) with the application.

(d) The department shall grant or deny an application for an initial license within 30 days after the application is complete and the applicable fees have been submitted.

(e) A veterinarian licensed under ch. 89 practicing in the normal course of veterinary business within the scope of the license is not required to obtain a license under this subsection.

(f) An individual providing foster care to a dog in the individual's home at the request of a person operating an animal shelter that is licensed under this subsection is not required to obtain a license under this subsection.

(g) An individual is not required to obtain a license for the purpose of conducting a one-time kennel liquidation, if all of the following apply:

1. The individual sells no more than 30 dogs and makes all of the dogs initially available for sale at the same time.
2. The individual sells only dogs that he or she owns.
3. The individual does not intend to engage in activities for which a license is required under this subsection in the next year.
4. The individual was not licensed under this subsection during the previous year.
5. The individual notifies the department at least 30 days before offering the dogs for sale.

(h) A person licensed under par. (a)1. to 5. shall post a copy of the license in a location visible to any person coming onto the licensed premises.

(3) **License Fees.**

(a) Except as provided under par. (b) or (c), the annual fee for a license under sub. (2) is as follows:

1. For a person who sells or offers to sell at least 25 but fewer than 50 dogs per year, $250.
2. For a person who sells or offers to sell at least 50 but fewer than 100 dogs per year, $500.
3. For a person who sells or offers to sell at least 100 but fewer than 250 dogs per year, $750.
4. For a person who sells or offers to sell 250 or more dogs per year, $1,000.

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5. For a person who operates an animal shelter or animal control facility, $125.

(b) Except as provided under par. (c), the annual license fee for an out-of-state dog dealer is 150 percent of the fee determined under par. (a), based on the number of dogs sold in this state.

(c) The department may promulgate rules specifying fees for licenses under sub. (2) that are higher than the fees in pars. (a) and (b) if necessary to cover the costs of administering this section.

(4) **License denial or revocation.** (

(a) The department may deny, refuse to renew, or revoke any license under sub. (2) if the applicant or licensee is not fit, qualified, or equipped to conduct the activity for which the license is required, has violated or failed to obey any applicable law, order, or regulation, or has misrepresented or intentionally failed to disclose a material fact in applying for the license.

(b) The department may issue any license under sub. (2) conditioned upon relevant circumstances or acts. If a license is conditioned upon compliance within a specified period and the condition is not met within the specified period, the license is void.

(5) **Summary license suspension.**

(a) The department may, by written notice, without prior notice or hearing, suspend a license issued under sub. (2) if, upon inspection of the licensed premises, the department finds any condition that imminently threatens the health, safety, or welfare of any animal on the licensed premises or there is evidence that an act of animal cruelty in violation of ch. 951 or bestiality in violation of s. 944.18 has been committed by the licensee or has occurred on the licensed premises.

(b) In the notice under par. (a), the department shall state the reasons for the suspension and specify conditions that must be met for reinstatement.

(c) The department shall specify in the notice under par. (a) a date after which a reinspection of the licensed premises may take place. The department may conduct a reinspection without notice to the licensee. The department may reinstate a license following a summary suspension if the department finds, based upon reinspection or evidence presented by the licensee, that circumstances warrant reinstatement. The department may specify a reinstatement date that it considers appropriate.

(d) A licensee may request a hearing contesting a summary suspension under par. (a), by written appeal to the department, within 10 days of receiving the notice of summary suspension. The department shall describe the right of hearing in the notice to the licensee under par. (a). The department shall promptly initiate proceedings to hear the appeal.

(6) **Inspections.**

(a) The department shall inspect the premises at which a person who is required to obtain a license under sub. (2)(a)1. to 5. operates before issuing the initial

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license and at least once every 2 years after the year in which the person is first licensed. The department is not required to inspect the out-of-state premises at which an out-of-state dog dealer operates.

(b) The department may enter and inspect the premises for which a person is required to obtain a license under sub. (2) at any time during normal business hours to ensure compliance with this section.

(c) The department may charge a fee for an inspection that it undertakes to determine whether a previous violation of this section or rules promulgated under this section has been corrected.

(d) An inspection fee under par. (c) is due upon written demand from the department. Unless otherwise specified by the department by rule, the fee for an inspection under par. (c) is $150.

(7) **Out-of-state dealers.** The department may not issue a license under sub. (2) to a person who is an out-of-state dog dealer unless the person provides to the department a copy of any license required by the person's state of residence and any license required under federal law.

(8) **Health requirements for selling dogs.**

(a) No person who is required to be licensed under sub. (2) may sell a dog without providing all of the following to the purchaser:

1. A certificate of veterinary inspection from a licensed veterinarian stating that the veterinarian has examined the dog and found that it has no signs of infectious or contagious diseases as of the date of the examination.
2. A copy of all vaccination records for the dog showing the date the vaccine was administered and the name of the person who administered the vaccine.

(b) No person who is required to be licensed under sub. (2) may sell at auction a dog that is not spayed or neutered without providing written proof that the dog has tested negative for brucellosis using a test approved by the department that was conducted no more than 30 days before the day of sale.

(9) **Age for transfer of puppy.** A person required to be licensed under sub. (2) may not transfer a dog to a buyer until the dog is 7 weeks of age.

(10) ***Standards of care.*** *A person who is required to be licensed under sub. (2) shall do all of the following with respect to each dog kept by the person:*

(a) *Provide sufficient food to maintain the dog in good health.*

(b) *Provide sufficient water to maintain the dog in good health. If fresh water is not available to the dog at all times, the person shall provide fresh water daily and in sufficient quantity for the health of the dog.*

(c) *Ensure that necessary and standard veterinary care is provided in a timely manner.*

(d) *Ensure that the dog is not kept in an enclosure unless all of the following apply:*

1. The enclosure is of an appropriate size, as determined by the department, based on the size, age, and number of dogs kept in the enclosure and the

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length of time the dog is kept in the enclosure.

2. *The enclosure is structurally sound and maintained in good repair to protect the dog from injury.*
3. *If wire flooring is used, it is coated, is of a sufficient gauge to ensure that it will not cause injury to the dog, and is used only in the manner specified by the department.*
4. *The enclosure is maintained in a clean and sanitary condition.*

(e) *Ensure that the dog is not kept in an enclosure for a period that the department determines to be excessive, considering the size of the enclosure and any other factors that the department considers relevant.*

(f) *Ensure that the dog is kept outdoors only if all of the following apply:*

1. *The dog is of a breed or type that is typically kept outdoors.*
2. *The dog is acclimated to the outdoors.*
3. *The person provides adequate shelter from the sun and inclement weather.*

(g) *Ensure that all facilities in which the person keeps the dog have adequate lighting and ventilation and that a proper temperature is maintained for the dog, considering its type or breed.*

(h) *Ensure that the dog is provided adequate daily access to exercise, as determined by the department.*

(i) *Ensure that the dog is observed every day by the caretaker of the premises at which the person operates or an individual under the direct supervision of the caretaker to monitor the health and temperament of the dog and to provide care to the dog as needed.*

(10m) Vaccinations. A person who is required to be licensed under sub. (2) may have a dog kept by the person vaccinated by an individual who is not a veterinarian unless that is prohibited by law.

(11) **Record keeping.** A person who is required to be licensed under sub. (2) shall keep a record of each dog that comes into the person's possession that includes all of the following information:

(a) A description of the dog including the dog's breed or type, sex, date of birth or approximate age, color, and any distinctive markings.

(b) The dog's official federal department of agriculture tag number or tattoo or microchip information, if any.

(c) A statement that the dog was born in the person's possession or the name and address of the person from whom the dog was acquired and that person's federal department of agriculture license or registration number or, if the person is not licensed or registered by the federal department of agriculture, the person's state of residence.

(d) If the dog was not born in the person's possession, the date on which the person acquired the dog.

(e) The date and method of disposition of the dog.

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(f) Any other information required by the department.

(12) **Temporary dog markets.**

(a) *Operator responsibilities.* A person who operates a temporary dog market shall do all of the following:

1. Register with the department.
2. Take reasonable steps to ensure that all persons selling or offering to sell dogs at the temporary dog market comply with par. (b).
3. Obtain, review, and keep, for at least 5 years, copies of the information provided under par. (b) and make the information available to the department for inspection and copying upon request.
4. If persons sell or offer to sell dogs at the temporary dog market for 2 or more consecutive days, employ or contract with a veterinarian licensed under ch. 89 to conduct an examination of the dogs offered for sale at the temporary dog market on each day on which dogs are offered for sale and to review the information provided under par. (b).

(b) *Seller responsibilities.* A person who sells or offers to sell a dog at a temporary dog market shall provide all of the following information to the operator of the temporary dog market:

1. The person's name and address.
2. If the person is required to be licensed under sub. (2), the person's license number.
3. A description of each dog sold or being offered for sale, including the dog's breed or type, sex, date of birth or approximate age, color, and any distinctive markings, and either a statement that the dog was born in the person's possession or the name and address of the person from whom the dog was acquired.
4. Documentation showing that the person complied with s. 95.21(2) and with any applicable rules of the department relating to bringing dogs into this state.

(c) *Inspection.* The department may inspect a temporary dog market and the information provided under par. (b) at any time during normal business hours.

(13) **Reporting mistreatment of dogs.** If the department has reasonable grounds to believe that a dog in the possession of a person required to be licensed under sub. (2) is being mistreated in violation of s. 944.18 or ch. 951, the department shall report the information that supports its belief to a humane officer or law enforcement agency with jurisdiction over the area in which the dog is located.

(14) **Rules.**

(a) The department, in consultation with the advisory committee established under par. (b), shall promulgate rules to implement and administer this section.

(b) Before the department promulgates rules under par. (a), it shall establish an advisory committee to assist in writing the rules that consists of at least one representative from each of the following groups but that does not consist of

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more than 12 members:

1. Persons selling dogs at retail.
2. Dog breeders that sell large dogs and that sell fewer than 50 dogs per year.
3. Dog breeders that sell small dogs and that sell fewer than 50 dogs per year.
4. Dog breeders that sell large dogs and that sell 50 or more dogs per year.
5. Dog breeders that sell small dogs and that sell 50 or more dogs per year.
6. Sporting associations whose primary activities involve dogs.
7. Humane societies providing shelter to fewer than 500 dogs per year.
8. Humane societies providing shelter to 500 or more dogs per year.
9. Veterinarians.
10. Animal control facilities.
11. Breed rescue groups.

(c) The department shall select any member of an advisory committee under par. (b) who represents veterinarians from nominations made by the Wisconsin Veterinary Medical Association and shall select each other member from nominations made by one or more organizations representing the group that the member represents.

(d) An advisory committee under par. (b) does not expire until 12 months after the rules are promulgated and shall make recommendations to the department for amendments to the rules.

(15) **Penalties.**

(a) *A person who operates without a license required under sub. (2) may be fined not more than $10,000 or imprisoned for not more than 9 months or both.*

(b)

1. *Except as provided under par. (a), a person who violates this section or a rule promulgated under this section may be required to forfeit not more than $1,000 for the first offense and may be required to forfeit not less than $200 nor more than $2,000 for the 2nd or any subsequent offense within 5 years.*
2. *If a violation under subd. 1. involves the keeping of animals, each animal with respect to which the statute or rule is violated constitutes a separate violation.*

(d) *In addition to the penalties under pars. (a) and (b), a court may order a person who violates this section to pay the expenses of caring for dogs that are removed from the person's possession because of mistreatment.*

WIS. STAT. § 951.01. Definitions.

In this chapter:

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(1) "Animal" includes every living:
(a) Warm-blooded creature, except a human being;
(b) Reptile; or
(c) Amphibian.
(1m) "Conservation warden" means a warden appointed under s. 23.10.
(2) *"Cruel" means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.*
(3) "Farm animal" means any warm-blooded animal normally raised on farms in the United States and used or intended for use as food or fiber.
(3e) "Humane officer" means an officer appointed under s. 173.03.
(3f) "Fire department" includes a volunteer fire department and a department under s. 60.553, 61.66, or 62.13(2e).
(3m) "Law enforcement agency" has the meaning given in s. 165.83(1)(b).
(4) "Law enforcement officer" has the meaning assigned under s. 967.02 (5) but does not include a conservation warden appointed under s. 23.10.
(5) "Service dog" means a dog that is trained for the purpose of assisting a person with a sensory, mental, or physical disability or accommodating such a disability.

WIS. STAT. § 951.02. Mistreating animals.

No person may treat any animal, whether belonging to the person or another, in a cruel manner. This section does not prohibit normal and accepted veterinary practices.

WIS. STAT. § 951.025. Decompression prohibited.

No person may kill an animal by means of decompression.

WIS. STAT. § 951.04. Leading animal from motor vehicle.

No person shall lead any animal upon a highway from a motor vehicle or from a trailer or semitrailer drawn by a motor vehicle.

WIS. STAT. § 951.05. Transportation of animals.

No person may transport any animal in or upon any vehicle in a cruel manner.

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WIS. STAT. § 951.06. Use of poisonous and controlled substances.

No person may expose any domestic animal owned by another to any known poisonous substance, any controlled substance included in schedule I, II, III, IV or V of ch. 961, or any controlled substance analog of a controlled substance included in schedule I or II of ch. 961, whether mixed with meat or other food or not, so that the substance is liable to be eaten by the animal and for the purpose of harming the animal. This section shall not apply to poison used on one's own premises and designed for the purpose of rodent or pest extermination nor to the use of a controlled substance in accepted veterinary practices.

WIS. STAT. § 951.07. Use of certain devices prohibited.

No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof, either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance, any of the following devices: a bristle bur, tack bur or like device; or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed nails, tacks or other sharp points.

WIS. STAT. § 951.09. Shooting at caged or staked animals.

(1) No person may shoot, kill, or wound with a firearm, or with any deadly weapon, any animal that is tied, staked out, caged or otherwise intentionally confined in an artificial enclosure, regardless of size.

(2)

(a) *Whoever is concerned in the commission of a violation of this section is a principal and may be charged with and convicted of the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.*

(b) *A person is concerned in the commission of a violation of this section under par. (a) if the person does any of the following:*

1. *Instigates, promotes, aids, or abets the violation as a principal, agent, employee, participant, or spectator.*
2. *Participates in any earnings from the commission of the violation.*
3. *Intentionally maintains or allows any place to be used for the commission of the violation.*

(3) This section does not apply to any of the following animals:

(b) A captive wild bird that is shot, killed, or wounded on a bird hunting preserve licensed under s. 169.19.

(c) Farm-raised deer, as defined in s. 95.001(1)(ag).

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(d) Animals that are treated in accordance with normally acceptable husbandry practices.

WIS. STAT. § 951.10. Sale of baby rabbits, chicks and other fowl.

(1) *No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl unless the person provides proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in the person's possession.*
(2) *No retailer, as defined in s. 100.30(2)(e), may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under 2 months of age in any quantity less than 6* unless in the business of selling these animals for agricultural, wildlife or scientific purposes.

WIS. STAT. § 951.11. Artificially colored animals; sale.

No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.

WIS. STAT. § 951.13. Providing proper food and drink to confined animals.

No person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient supply of food and water as prescribed in this section.
(1) ***Food.*** *The food shall be sufficient to maintain all animals in good health.*
(2) ***Water.*** *If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.*

WIS. STAT. § 951.14. Providing proper shelter.

No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section. In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.
(1) ***Indoor standards.*** *Minimum indoor standards of shelter shall include:*
(a) *Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.*
(b) *Ventilation. Indoor housing facilities shall be adequately ventilated by natural or*

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mechanical means to provide for the health of the animals at all times.

(2) ***Outdoor standards****. Minimum outdoor standards of shelter shall include:*

(a) *Shelter from sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.*

(b) *Shelter from inclement weather.*

1. *Animals generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.*
2. *Dogs. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.*

(3) ***Space standards.*** *Minimum space requirements for both indoor and outdoor enclosures shall include:*

(a) *Structural strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.*

(b) *Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.*

(4) ***Sanitation standards.*** *Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.*

WIS. STAT. § 951.15. Abandoning animals.

No person may abandon any animal.

WIS. STAT. § 951.18. Penalties.

(1) *Any person violating s. 951.02, 951.025, 951.03, 951.04, 951.05, 951.06, 951.07, 951.09, 951.10, 951.11, 951.13, 951.14 or 951.15 is subject to a Class C forfeiture. Any person who violates any of these provisions within 3 years after a humane officer issues an abatement order under s. 173.11 prohibiting the violation of that provision is subject to a Class A forfeiture. Any person who intentionally or negligently violates any of those sections is guilty of a Class A misdemeanor. Any person who intentionally violates s. 951.02, resulting in the mutilation, disfigurement or death of an animal, is guilty of a Class I felony. Any person who intentionally violates s. 951.02 or 951.06, knowing that*

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the animal that is the victim is used by a law enforcement agency to perform agency functions or duties and causing injury to the animal, is guilty of a Class I felony.

(2) Any person who violates s. 951.08(2m) or (3) is guilty of a Class A misdemeanor. Any person who violates s. 951.08(1) or (2) is guilty of a Class I felony for the first violation and is guilty of a Class H felony for the 2nd or subsequent violation.

(2m) Any person who violates s. 951.095 is subject to a Class B forfeiture. Any person who intentionally or negligently violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties, is guilty of a Class A misdemeanor. Any person who intentionally violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties and causing injury to the animal, is guilty of a Class I felony. Any person who intentionally violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties and causing death to the animal, is guilty of a Class H felony.

(2s) Any person who violates s. 951.097(1)(b)1. or (2)(a), knowing that the dog that is the victim is a service dog, is guilty of a Class B misdemeanor. Any person who violates s. 951.097(1)(b)2., (2)(b), or (3)(a), knowing that the dog that is the victim is a service dog, is guilty of a Class A misdemeanor. Any person who violates s. 951.097(3)(b) or (4)(a), knowing that the dog that is the victim is a service dog, is guilty of a Class I felony. Any person who violates s. 951.097(4)(b) or (5), knowing that the dog that is the victim is a service dog, is guilty of a Class H felony.

(3) In addition to penalties applicable to this chapter under this section, a district attorney may apply to any court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating this chapter.

(4) In addition to penalties applicable to this chapter under this section:

(a)

1. In this paragraph, “pecuniary loss” means any of the following:
    a. All special damages, but not general damages, including the money equivalent of loss resulting from property taken, destroyed, broken, or otherwise harmed and out-of-pocket losses, such as medical expenses.
    b. Reasonable out-of-pocket expenses incurred by the victim resulting from the filing of charges or cooperating in the investigation and prosecution of an offense under this chapter.
    c. Expenses in keeping any animal that is involved in the crime.
    d. In a case under s. 951.095 or 951.097, the value of a replacement animal, if the affected animal is incapacitated or dead; the cost of training a replacement animal; or the cost of retraining the affected animal. The court shall base any determination of the value of a replacement service dog on the value of the service dog to the user and not on its cost or fair market value.
    e. In a case under s. 951.095 or 951.097, all related veterinary and care

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expenses.

f. In a case under s. 951.095 or 951.097, the medical expenses of the animal's user, the cost of training the animal's user, and compensation for income lost by the animal's user.

2. A sentencing court shall require a criminal violator to pay restitution to a person, including any local humane officer or society or county or municipal pound or a law enforcement officer or conservation warden, for any pecuniary loss suffered by the person as a result of the crime. This requirement applies regardless of whether the criminal violator is placed on probation under s. 973.09. If restitution is ordered, the court shall consider the financial resources and future ability of the criminal violator to pay and shall determine the method of payment. Upon the application of any interested party, the court shall schedule and hold an evidentiary hearing to determine the value of any pecuniary loss under this paragraph.

(b)

1. A sentencing court may order that an animal be delivered to the local humane officer or society or the county or municipal pound or to a law enforcement officer if a person commits a crime under this chapter, the person is the owner of the animal that is involved in the crime and the court considers the order to be reasonable and appropriate. A sentencing court may order that an animal be delivered to the department of natural resources, if the animal is a wild animal that is subject to regulation under ch. 169 and the court considers the order to be reasonable and appropriate. The society, pound or, officer or department of natural resources shall release the animal to a person other than the owner or dispose of the animal in a proper and humane manner. If the animal is a dog, the release or disposal shall be in accordance with s. 173.23(1m), except that the fees under s. 173.23(1m)(a)4. do not apply if the expenses are covered under s. 173.24. If the animal is not a dog, the society, pound or officer may charge a fee for the release of the animal.
2. If the court is sentencing a person covered under s. 173.12 (3) (a) 173.22 (4) (d) 2. and an animal has been seized under s. 173.12 173.13 (1) (a) 8., the court shall act in accordance with s. 173.12 (3) 173.22 (4) (d) 2.

(c) Except as provided in s. 951.08(2m), a sentencing court may order that the criminal violator 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 5 years. In computing the time period, time which the person spent in actual confinement serving a sentence shall be excluded.

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3. EXEMPTIONS

WIS. STAT. § 951.015. Construction and application.

(1) *This chapter may not be interpreted as controverting any law regulating wild animals that are subject to regulation under ch. 169, the taking of wild animals, as defined in s. 29.001(90), or the slaughter of animals by persons acting under state or federal law.*
(2) *For purposes of enforcing this chapter as to wild animals subject to regulation under ch. 169, a conservation warden has the same powers and duties that a law enforcement officer has under this chapter.*
(3) *This chapter does not apply to:*
    (a) *Teaching, research, or experimentation conducted pursuant to a protocol or procedure approved by an educational or research institution, and related incidental animal care activities, at facilities that are regulated under 7 USC 2131 to 2159 or 42 USC 289d.*
    (b) *Bona fide scientific research involving species unregulated by federal law.*

WIS. STAT. § 951.02. Mistreating animals.

No person may treat any animal, whether belonging to the person or another, in a cruel manner. *This section does not prohibit normal and accepted veterinary practices.*

WIS. STAT. § 951.06. Use of poisonous and controlled substances.

No person may expose any domestic animal owned by another to any known poisonous substance, any controlled substance included in schedule I, II, III, IV or V of ch. 961, or any controlled substance analog of a controlled substance included in schedule I or II of ch. 961, whether mixed with meat or other food or not, so that the substance is liable to be eaten by the animal and for the purpose of harming the animal. *This section shall not apply to poison used on one's own premises and designed for the purpose of rodent or pest extermination nor to the use of a controlled substance in accepted veterinary practices.*

WIS. STAT. § 951.08. Instigating fights between animals.

(1) No person may intentionally instigate, promote, aid or abet as a principal, agent or employee, or participate in the earnings from, or intentionally maintain or allow any place to be used for a cockfight, dog fight, bullfight or other fight between the same or different kinds of animals or between an animal and a person. *This section does not prohibit events or exhibitions commonly featured at rodeos or bloodless bullfights.*

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(2) No person may own, possess, keep or train any animal with the intent that the animal be engaged in an exhibition of fighting.

(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).

(3) No person may intentionally be a spectator at a cockfight, dog fight, bullfight or other fight between the same or different kinds of animals or between an animal and a person.

WIS. STAT. § 951.09. Shooting at caged or staked animals.

(1) No person may shoot, kill, or wound with a firearm, or with any deadly weapon, any animal that is tied, staked out, caged or otherwise intentionally confined in an artificial enclosure, regardless of size.

(2)

(a) Whoever is concerned in the commission of a violation of this section is a principal and may be charged with and convicted of the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.

(b) A person is concerned in the commission of a violation of this section under par. (a) if the person does any of the following:

1. Instigates, promotes, aids, or abets the violation as a principal, agent, employee, participant, or spectator.
2. Participates in any earnings from the commission of the violation.
3. Intentionally maintains or allows any place to be used for the commission of the violation.

(3) *This section does not apply to any of the following animals:*

(a) *A captive wild bird that is shot, killed, or wounded on a bird hunting preserve licensed under s. 169.19.*

(b) *Farm-raised deer, as defined in s. 95.001(1)(ag).*

(c) *Animals that are treated in accordance with normally acceptable husbandry practices.*

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WIS. STAT. § 951.095. Harassment of police and fire animals.

(1) No person may do any of the following to any animal that is used by a law enforcement agency or fire department to perform agency or department functions or duties:
   (a) Frighten, intimidate, threaten, abuse or harass the animal.
   (b) Strike, shove, kick or otherwise subject the animal to physical contact.
   (c) Strike the animal by using a dangerous weapon.

(2) *Subsection (1) does not apply to any of the following:*
   (a) *Any act that is performed by or with the authorization of the animal's handler or rider.*
   (b) *Any act that is necessary for the training of an animal to perform functions or duties for a law enforcement agency.*

WIS. STAT. § 951.10. Sale of baby rabbits, chicks and other fowl.

(1) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl unless the person provides proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in the person's possession.

(2) No retailer, as defined in s. 100.30(2)(e), may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under 2 months of age in any quantity less than 6 *unless in the business of selling these animals for agricultural, wildlife or scientific purposes.*

WIS. STAT. § 951.14. Providing proper shelter.

No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section*. In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.*

(1) Indoor standards. Minimum indoor standards of shelter shall include:
   (a) Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.
   (b) Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.

(2) Outdoor standards. Minimum outdoor standards of shelter shall include:
   (a) Shelter from sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.

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(b) Shelter from inclement weather.
    1. Animals generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
    2. Dogs. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.

(3) Space standards. Minimum space requirements for both indoor and outdoor enclosures shall include:
(a) Structural strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
(b) Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.

(4) Sanitation standards. Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

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4. FIGHTING AND RACKETEERING

WIS. STAT. § 951.08. Instigating fights between animals.

(1) *No person may intentionally instigate, promote, aid or abet as a principal, agent or employee, or participate in the earnings from, or intentionally maintain or allow any place to be used for a cockfight, dog fight, bullfight or other fight between the same or different kinds of animals or between an animal and a person.* This section does not prohibit events or exhibitions commonly featured at rodeos or bloodless bullfights.

(2) *No person may own, possess, keep or train any animal with the intent that the animal be engaged in an exhibition of fighting.*

(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).

(3) *No person may intentionally be a spectator at a cockfight, dog fight, bullfight or other fight between the same or different kinds of animals or between an animal and a person.*

WIS. STAT. § 951.18. Penalties.

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

(2) *Any person who violates s. 951.08(2m) or (3) is guilty of a Class A misdemeanor. Any person who violates s. 951.08(1) or (2) is guilty of a Class I felony for the first violation and is guilty of a Class H felony for the 2nd or subsequent violation.*

(2m) *Any person who violates s. 951.095 is subject to a Class B forfeiture.* Any person who intentionally or negligently violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties, is guilty of a Class A misdemeanor. Any person who

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intentionally violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties and causing injury to the animal, is guilty of a Class I felony. Any person who intentionally violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties and causing death to the animal, is guilty of a Class H felony.

(2s) Any person who violates s. 951.097(1)(b)1. or (2)(a), knowing that the dog that is the victim is a service dog, is guilty of a Class B misdemeanor. Any person who violates s. 951.097(1)(b)2., (2)(b), or (3)(a), knowing that the dog that is the victim is a service dog, is guilty of a Class A misdemeanor. Any person who violates s. 951.097(3)(b) or (4)(a), knowing that the dog that is the victim is a service dog, is guilty of a Class I felony. Any person who violates s. 951.097(4)(b) or (5), knowing that the dog that is the victim is a service dog, is guilty of a Class H felony.

(3) In addition to penalties applicable to this chapter under this section, a district attorney may apply to any court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating this chapter.

(4) In addition to penalties applicable to this chapter under this section:

(a)

1. In this paragraph, "pecuniary loss" means any of the following:
    a. All special damages, but not general damages, including the money equivalent of loss resulting from property taken, destroyed, broken, or otherwise harmed and out-of-pocket losses, such as medical expenses.
    b. Reasonable out-of-pocket expenses incurred by the victim resulting from the filing of charges or cooperating in the investigation and prosecution of an offense under this chapter.
    c. Expenses in keeping any animal that is involved in the crime.
    d. In a case under s. 951.095 or 951.097, the value of a replacement animal, if the affected animal is incapacitated or dead; the cost of training a replacement animal; or the cost of retraining the affected animal. The court shall base any determination of the value of a replacement service dog on the value of the service dog to the user and not on its cost or fair market value.
    e. In a case under s. 951.095 or 951.097, all related veterinary and care expenses.
    f. In a case under s. 951.095 or 951.097, the medical expenses of the animal's user, the cost of training the animal's user, and compensation for income lost by the animal's user.
2. A sentencing court shall require a criminal violator to pay restitution to a person, including any local humane officer or society or county or municipal pound or a law enforcement officer or conservation warden, for any pecuniary loss suffered by the person as a result of the crime. This requirement applies regardless of whether the criminal violator is placed on

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probation under s. 973.09. If restitution is ordered, the court shall consider the financial resources and future ability of the criminal violator to pay and shall determine the method of payment. Upon the application of any interested party, the court shall schedule and hold an evidentiary hearing to determine the value of any pecuniary loss under this paragraph.

(b)

1. A sentencing court may order that an animal be delivered to the local humane officer or society or the county or municipal pound or to a law enforcement officer if a person commits a crime under this chapter, the person is the owner of the animal that is involved in the crime and the court considers the order to be reasonable and appropriate. A sentencing court may order that an animal be delivered to the department of natural resources, if the animal is a wild animal that is subject to regulation under ch. 169 and the court considers the order to be reasonable and appropriate. The society, pound or, officer or department of natural resources shall release the animal to a person other than the owner or dispose of the animal in a proper and humane manner. If the animal is a dog, the release or disposal shall be in accordance with s. 173.23(1m), except that the fees under s. 173.23(1m)(a)4. do not apply if the expenses are covered under s. 173.24. If the animal is not a dog, the society, pound or officer may charge a fee for the release of the animal.
2. If the court is sentencing a person covered under s. 173.12 (3) (a) 173.22 (4) (d) 2. and an animal has been seized under s. 173.12 173.13 (1) (a) 8., the court shall act in accordance with s. 173.12 (3) 173.22 (4) (d) 2.

(c) Except as provided in s. 951.08(2m), a sentencing court may order that the criminal violator 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 5 years. In computing the time period, time which the person spent in actual confinement serving a sentence shall be excluded.

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5. SEXUAL ASSAULT

WIS. STAT. § 944.18. Bestiality.

(1) Definitions. In this section:
- (a) "Animal" means any creature, either alive or dead, except a human being.
- (b) "Obscene material" has the meaning given in s. 944.21(2)(c).
- (c) "Photograph or film" means the making of a photograph, motion picture film, video tape, digital image, or any other recording.
- (d) *"Sexual contact" means any of the following types of contact that is not an accepted veterinary medical practice, an accepted animal husbandry practice that provides care for animals, an accepted practice related to the insemination of animals for the purpose of procreation, or an accepted practice related to conformation judging:*
  1. *An act between a person and an animal involving physical contact between the sex organ, genitals, or anus of one and the mouth, sex organ, genitals, or anus of the other.*
  2. *Any touching or fondling by a person, either directly or through clothing, of the sex organ, genitals, or anus of an animal or any insertion, however slight, of any part of a person's body or any object into the vaginal or anal opening of an animal.*
  3. *Any insertion, however slight, of any part of an animal's body into the vaginal or anal opening of a person.*

(2) Prohibited conduct. No person may knowingly do any of the following:
- (a) *Engage in sexual contact with an animal.*
- (b) *Advertise, offer, accept an offer, sell, transfer, purchase, or otherwise obtain an animal with the intent that it be used for sexual contact in this state.*
- (c) *Organize, promote, conduct, or participate as an observer of an act involving sexual contact with an animal.*
- (d) *Permit sexual contact with an animal to be conducted on any premises under his or her ownership or control.*
- (e) *Photograph or film obscene material depicting a person engaged in sexual contact with an animal.*
- (f) *Distribute, sell, publish, or transmit obscene material depicting a person engaged in sexual contact with an animal.*
- (g) *Possess with the intent to distribute, sell, publish, or transmit obscene material depicting a person engaged in sexual contact with an animal.*
- (h) *Force, coerce, entice, or encourage a child who has not attained the age of 13 years to engage in sexual contact with an animal.*
- (i) *Engage in sexual contact with an animal in the presence of a child who has not attained the age of 13 years.*

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(j) *Force, coerce, entice, or encourage a child who has attained the age of 13 years but who has not attained the age of 18 years to engage in sexual contact with an animal.*

(k) *Engage in sexual contact with an animal in the presence of a child who has attained the age of 13 years but who has not attained the age of 18 years.*

(3) Penalties.

(a) Any person who violates sub. (2) (a) to (g) is guilty of a Class H felony for the first violation and is guilty of a Class F felony for a 2nd or subsequent violation or if the act results bodily harm or death of an animal. Any person who violates sub. (2)(h) or (i) is guilty of a Class F felony for the first violation and is guilty of a Class D felony for a 2nd or subsequent violation. Any person who violates sub. (2)(j) or (k) is guilty of a Class G felony for the first violation and is guilty of a Class E felony for a 2nd or subsequent violation.

(b) [*No text*]

(c) If a person has been convicted under sub. (2), the sentencing court shall order, in addition to any other applicable penalties, all of the following:

1. That the person may not own, possess, reside with, or exercise control over any animal or engage in any occupation, whether paid or unpaid, at any place where animals are kept or cared for, for not less than 5 years or more than 15 years. In computing the time period, time which the person spent in actual confinement serving a criminal sentence shall be excluded.
2. That the person shall submit to a psychological assessment and participate in appropriate counseling at the person's expense.
3. That the person shall pay restitution to a person, including any local humane officer or society or county or municipal pound or a law enforcement officer or conservation warden or his or her designee, for any pecuniary loss suffered by the person as a result of the crime. This requirement applies regardless of whether the person is placed on probation under s. 973.09. If restitution is ordered, the court shall consider the financial resources and future ability of the person to pay and shall determine the method of payment. Upon application of an interested party, the court shall schedule and hold an evidentiary hearing to determine the value of any pecuniary loss, as defined in s. 951.18(4)(a)1., under this subdivision.

(4) Severability. The provisions of this section are severable, as provided in s. 990.001(11).

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6. CRUELTY TO WORKING ANIMALS

WIS. STAT. § 951.095. Harassment of police and fire animals.

(1) *No person may do any of the following to any animal that is used by a law enforcement agency or fire department to perform agency or department functions or duties:*
   (a) *Frighten, intimidate, threaten, abuse or harass the animal.*
   (b) *Strike, shove, kick or otherwise subject the animal to physical contact.*
   (c) *Strike the animal by using a dangerous weapon.*

(2) Subsection (1) does not apply to any of the following:
   (a) Any act that is performed by or with the authorization of the animal's handler or rider.
   (b) Any act that is necessary for the training of an animal to perform functions or duties for a law enforcement agency.

WIS. STAT. § 951.097. Harassment of service dogs.

(1)
   (a) Any person may provide notice to another person in any manner that the latter person's behavior is interfering with the use of a service dog and may request that the latter person stop engaging in that behavior.
   (b) *No person, after receiving a notice and request under par. (a) regarding a service dog, may do any of the following:*
      1. *Recklessly interfere with the use of the service dog by obstructing or intimidating it or otherwise jeopardizing its safety or the safety of its user.*
      2. *Intentionally interfere with the use of the service dog by obstructing or intimidating it or otherwise jeopardizing its safety or the safety of its user.*

(2)
   (a) No person may recklessly allow his or her dog to interfere with the use of a service dog by obstructing or intimidating it or otherwise jeopardizing its safety or the safety of its user.
   (b) No person may intentionally allow his or her dog to interfere with the use of a service dog by obstructing or intimidating it or otherwise jeopardizing its safety or the safety of its user.

(3)
   (a) *No person may recklessly injure a service dog or recklessly allow his or her dog to injure a service dog.*
   (b) *No person may intentionally injure a service dog or intentionally allow his or her dog to injure a service dog.*

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(4)
(a) *No person may recklessly cause the death of a service dog.*
(b) *No person may intentionally cause the death of a service dog.*

(5) No person may take possession of or exert control over a service dog without the consent of its owner or user and with the intent to deprive another of the use of the service dog.

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7. MAXIMUM PENALTIES & STATUTES OF LIMITATIONS

WIS. STAT. § 951.18. Penalties.

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

(2) Any person who violates s. 951.08(2m) or (3) is guilty of a Class A misdemeanor. Any person who violates s. 951.08(1) or (2) is guilty of a Class I felony for the first violation and is guilty of a Class H felony for the 2nd or subsequent violation.

(2m) Any person who violates s. 951.095 is subject to a Class B forfeiture. Any person who intentionally or negligently violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties, is guilty of a Class A misdemeanor. Any person who intentionally violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties and causing injury to the animal, is guilty of a Class I felony. Any person who intentionally violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties and causing death to the animal, is guilty of a Class H felony.

(2s) Any person who violates s. 951.097(1)(b)1. or (2)(a), knowing that the dog that is the victim is a service dog, is guilty of a Class B misdemeanor. Any person who violates s. 951.097(1)(b)2., (2)(b), or (3)(a), knowing that the dog that is the victim is a service dog, is guilty of a Class A misdemeanor. Any person who violates s. 951.097(3)(b) or (4)(a), knowing that the dog that is the victim is a service dog, is guilty of a Class I felony. Any person who violates s. 951.097(4)(b) or (5), knowing that the dog that is the victim is a service dog, is guilty of a Class H felony.

(3) In addition to penalties applicable to this chapter under this section, a district attorney may apply to any court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating this chapter.

(4) In addition to penalties applicable to this chapter under this section:

(a)

1. In this paragraph, "pecuniary loss" means any of the following:
    a. All special damages, but not general damages, including the money equivalent of loss resulting from property taken, destroyed, broken, or

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otherwise harmed and out-of-pocket losses, such as medical expenses.

b. Reasonable out-of-pocket expenses incurred by the victim resulting from the filing of charges or cooperating in the investigation and prosecution of an offense under this chapter.
c. Expenses in keeping any animal that is involved in the crime.
d. In a case under s. 951.095 or 951.097, the value of a replacement animal, if the affected animal is incapacitated or dead; the cost of training a replacement animal; or the cost of retraining the affected animal. The court shall base any determination of the value of a replacement service dog on the value of the service dog to the user and not on its cost or fair market value.
e. In a case under s. 951.095 or 951.097, all related veterinary and care expenses.
f. In a case under s. 951.095 or 951.097, the medical expenses of the animal's user, the cost of training the animal's user, and compensation for income lost by the animal's user.

2. A sentencing court shall require a criminal violator to pay restitution to a person, including any local humane officer or society or county or municipal pound or a law enforcement officer or conservation warden, for any pecuniary loss suffered by the person as a result of the crime. This requirement applies regardless of whether the criminal violator is placed on probation under s. 973.09. If restitution is ordered, the court shall consider the financial resources and future ability of the criminal violator to pay and shall determine the method of payment. Upon the application of any interested party, the court shall schedule and hold an evidentiary hearing to determine the value of any pecuniary loss under this paragraph.

(b)

1. A sentencing court may order that an animal be delivered to the local humane officer or society or the county or municipal pound or to a law enforcement officer if a person commits a crime under this chapter, the person is the owner of the animal that is involved in the crime and the court considers the order to be reasonable and appropriate. A sentencing court may order that an animal be delivered to the department of natural resources, if the animal is a wild animal that is subject to regulation under ch. 169 and the court considers the order to be reasonable and appropriate. The society, pound or, officer or department of natural resources shall release the animal to a person other than the owner or dispose of the animal in a proper and humane manner. If the animal is a dog, the release or disposal shall be in accordance with s. 173.23(1m), except that the fees under s. 173.23(1m)(a)4. do not apply if the expenses are covered under s. 173.24. If the animal is not a dog, the society, pound or officer may charge a fee for the release of the animal.

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2. If the court is sentencing a person covered under s. 173.12 (3) (a) 173.22 (4) (d) 2. and an animal has been seized under s. 173.12 173.13 (1) (a) 8., the court shall act in accordance with s. 173.12 (3) 173.22 (4) (d) 2.

(c) Except as provided in s. 951.08(2m), a sentencing court may order that the criminal violator 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 5 years. In computing the time period, time which the person spent in actual confinement serving a sentence shall be excluded.

WIS. STAT. § 939.50. Classification of felonies.

(1) *Felonies in the statutes are classified as follows:*
- (a) Class A felony.
- (b) Class B felony.
- (c) Class C felony.
- (d) Class D felony.
- (e) Class E felony.
- (f) Class F felony.
- (g) Class G felony.
- (h) *Class H felony.*
- (i) *Class I felony*.

(2) *A felony is a Class A, B, C, D, E, F, G, H, or I felony when it is so specified in the statutes.*

(3) *Penalties for felonies are as follows:*
- (a) For a Class A felony, life imprisonment.
- (b) For a Class B felony, imprisonment not to exceed 60 years.
- (c) For a Class C felony, a fine not to exceed $100,000 or imprisonment not to exceed 40 years, or both.
- (d) For a Class D felony, a fine not to exceed $100,000 or imprisonment not to exceed 25 years, or both.
- (e) For a Class E felony, a fine not to exceed $50,000 or imprisonment not to exceed 15 years, or both.
- (f) For a Class F felony, a fine not to exceed $25,000 or imprisonment not to exceed 12 years and 6 months, or both.
- (g) For a Class G felony, a fine not to exceed $25,000 or imprisonment not to exceed 10 years, or both.
- (h) *For a Class H felony, a fine not to exceed $10,000 or imprisonment not to exceed 6 years, or both.*
- (i) *For a Class I felony, a fine not to exceed $10,000 or imprisonment not to exceed 3 years and 6 months, or both.*

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WIS. STAT. § 939.51. Classification of misdemeanors.

(1) *Misdemeanors in chs. 939 to 951 are classified as follows:*
   (a) *Class A misdemeanor.*
   (b) Class B misdemeanor.
   (c) Class C misdemeanor.
(2) *A misdemeanor is a Class A, B or C misdemeanor when it is so specified in chs. 939 to 951.*
(3) *Penalties for misdemeanors are as follows:*
   (a) *For a Class A misdemeanor, a fine not to exceed $10,000 or imprisonment not to exceed 9 months, or both.*
   (b) For a Class B misdemeanor, a fine not to exceed $1,000 or imprisonment not to exceed 90 days, or both.
   (c) For a Class C misdemeanor, a fine not to exceed $500 or imprisonment not to exceed 30 days, or both.

WIS. STAT. § 939.52. Classification of forfeitures.

(1) *Except as provided in ss. 946.86 and 946.87, forfeitures in chs. 939 to 951 are classified as follows:*
   (a) *Class A forfeiture.*
   (b) Class B forfeiture.
   (c) *Class C forfeiture.*
   (d) Class D forfeiture.
   (e) Class E forfeiture.
(2) *A forfeiture is a Class A, B, C, D or E forfeiture when it is so specified in chs. 939 to 951*
(3) *Penalties for forfeitures are as follows:*
   (a) *For a Class A forfeiture, a forfeiture not to exceed $10,000.*
   (b) For a Class B forfeiture, a forfeiture not to exceed $1,000.
   (c) *For a Class C forfeiture, a forfeiture not to exceed $500.*
   (d) For a Class D forfeiture, a forfeiture not to exceed $200.
   (e) For a Class E forfeiture, a forfeiture not to exceed $25.

WIS. STAT. § 939.74. Time limitations on prosecutions.

(1) Except as provided in subs. (2) and (2d) and s. 946.88(1), *prosecution for a felony must be commenced within 6 years and prosecution for a misdemeanor or for adultery within 3 years after the commission thereof*. Within the meaning of this section, a prosecution has commenced when a warrant or summons is issued, an indictment is found, or an information is filed.

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(2) Notwithstanding that the time limitation under sub. (1) has expired:

(a)

1. A prosecution under s. 940.01, 940.02, 940.03, 940.05, 940.225(1), 948.02(1), or 948.025(1)(a), (b), (c), or (d) may be commenced at any time.
2. A prosecution for an attempt to commit a violation of s. 940.01, 940.05, 940.225(1), or 948.02(1) may be commenced at any time.

(am) A prosecution under s. 940.06 may be commenced within 15 years after the commission of the violation.

(ar) A prosecution for a violation of s. 940.225(2) or (3) may be commenced within 10 years after the commission of the violation.

(b) A prosecution for theft against one who obtained possession of the property lawfully and subsequently misappropriated it may be commenced within one year after discovery of the loss by the aggrieved party, but in no case shall this provision extend the time limitation in sub. (1) by more than 5 years.

(c) A prosecution for violation of s. 948.02(2), 948.025(1)(e), 948.03(2)(a) or (5)(a)1., 2., or 3., 948.05, 948.051, 948.06, 948.07(1), (2), (3), or (4), 948.075, 948.08, 948.081, 948.085, or 948.095 shall be commenced before the victim reaches the age of 45 years or be barred, except as provided in sub. (2d).

(cm) A prosecution for violation of s. 948.03(2)(b) or (c), (3), (4), or (5)(a)4. or 5., 948.04 or 948.07(5) or (6) shall be commenced before the victim reaches the age of 26 years or be barred, except as provided in sub. (2d).

(2d)

(a) In this subsection, “deoxyribonucleic acid profile” means an individual's patterned chemical structure of genetic information identified by analyzing biological material that contains the individual's deoxyribonucleic acid.

(am) For purposes of this subsection, crimes are related if they are committed against the same victim, are proximate in time, and are committed with the same intent, purpose, or opportunity so as to be part of the same course of conduct.

(c) If, before the applicable time limitation under sub. (1) or (2)(am), (ar), (c), or (cm) for commencing prosecution of a felony under ch. 940 or 948, other than a felony specified in sub. (2)(a), expires, the state collects biological material that is evidence of the identity of the person who committed the felony, identifies a deoxyribonucleic acid profile from the biological material, and compares the deoxyribonucleic acid profile to deoxyribonucleic acid profiles of known persons, the state may commence prosecution of the person who is the source of the biological material for the felony or a crime that is related to the felony or both within 12 months after comparison of the deoxyribonucleic acid profile relating to the felony results in a probable identification of the person or within the applicable time under sub. (1) or (2), whichever is latest.

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(e) If, within 6 years after commission of a felony specified under sub. (2)(a), the state collects biological material that is evidence of the identity of the person who committed the felony, identifies a deoxyribonucleic acid profile from the biological material, and compares the deoxyribonucleic acid profile to deoxyribonucleic acid profiles of known persons, the state may commence prosecution of the person who is the source of the biological material for a crime that is related to the felony within 12 months after comparison of the deoxyribonucleic acid profile relating to the felony results in a probable identification of the person or within the applicable time under sub. (1) or (2), whichever is latest.

(3) In computing the time limited by this section, the time during which the actor was not publicly a resident within this state or during which a prosecution against the actor for the same act was pending shall not be included. A prosecution is pending when a warrant or a summons has been issued, an indictment has been found, or an information has been filed.

(4) In computing the time limited by this section, the time during which an alleged victim under s. 940.22(2) is unable to seek the issuance of a complaint under s. 968.02 due to the effects of the sexual contact or due to any threats, instructions or statements from the therapist shall not be included.

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8. CROSS ENFORCEMENT & REPORTING

WIS. STAT. § 46.90. Elder abuse reporting system.

NOTE: Portions of the following statute have been omitted

(1) Definitions. In this section:

(a) "Abuse" means any of the following:

1. Physical abuse.
2. Emotional abuse.
3. Sexual abuse.
4. Treatment without consent.
5. Unreasonable confinement or restraint.

(ag) "Aging unit" has the meaning given under s. 46.82(1)(a).

(aj) "Bodily harm" means physical pain or injury, illness, or any impairment of physical condition.

(an) "Caregiver" means a person who has assumed responsibility for all or a portion of an individual's care voluntarily, by contract, or by agreement, including a person acting or claiming to act as a legal guardian.

(ar) "Case management" means an assessment of need for direct services, development of a direct service plan and coordination and monitoring of the provision of direct services.

(bm) "Direct services" includes temporary shelter, relocation assistance, housing, respite care, emergency funds for food and clothing and legal assistance.

(br) "Elder adult at risk" means any person age 60 or older who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation.

(bt) "Elder-adult-at-risk agency" means the agency designated by the county board of supervisors under sub. (2) to receive, respond to, and investigate reports of abuse, neglect, self-neglect, and financial exploitation under sub. (4).

(cm) "Emotional abuse" means language or behavior that serves no legitimate purpose and is intended to be intimidating, humiliating, threatening, frightening, or otherwise harassing, and that does or reasonably could intimidate, humiliate, threaten, frighten, or otherwise harass the individual to whom the conduct or language is directed.

(ed) "Financial exploitation" means any of the following:

1. Obtaining an individual's money or property by deceiving or enticing the individual, or by forcing, compelling, or coercing the individual to give, sell at less than fair market value, or in other ways convey money or

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property against his or her will without his or her informed consent.
2. Theft, as prohibited in s. 943.20.
3. The substantial failure or neglect of a fiscal agent to fulfill his or her responsibilities.
4. Unauthorized use of an individual's personal identifying information or documents, as prohibited in s. 943.201.
5. Unauthorized use of an entity's identifying information or documents, as prohibited in s. 943.203.
6. Forgery, as prohibited in s. 943.38.
7. Financial transaction card crimes, as prohibited in s. 943.41.

(eg) "Fiscal agent" includes any of the following:
1. A guardian of the estate appointed under s. 54.10.
2. A conservator appointed under s. 54.76.
3. An agent under a power of attorney under ch. 244.
4. A representative payee under 20 CFR 416.635.
5. A conservatorship under the U.S. department of veterans affairs.

(er) *"Investigative agency" means a law enforcement or a city, town, village, county, or state governmental agency or unit with functions relating to protecting health, welfare, safety, or property, including an agency concerned with animal protection, public health, building code enforcement, consumer protection, or insurance or financial institution regulation.*

(f) "Neglect" means the failure of a caregiver, as evidenced by an act, omission, or course of conduct, to endeavor to secure or maintain adequate care, services, or supervision for an individual, including food, clothing, shelter, or physical or mental health care, and creating significant risk or danger to the individual's physical or mental health. "Neglect" does not include a decision that is made to not seek medical care for an individual, if that decision is consistent with the individual's previously executed declaration or do-not-resuscitate order under ch. 154, a power of attorney for health care under ch. 155, or as otherwise authorized by law.

(fg) "Physical abuse" means the intentional or reckless infliction of bodily harm.

(g) "Self-neglect" means a significant danger to an individual's physical or mental health because the individual is responsible for his or her own care but fails to obtain adequate care, including food, shelter, clothing, or medical or dental care.

(gd) "Sexual abuse" means a violation of s. 940.225(1), (2), (3), or (3m).

(gf) "State governmental agency" has the meaning given for "agency" in s. 16.417(1)(a).

(gr) "State official" means any law enforcement officer employed by the state or an employee of one of the following:
1. The department of health services.

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2. The department of justice.
3. The department of safety and professional services.
4. The board on aging and long-term care.
5. A state governmental agency other than those specified in subds. 1. to 4. with functions relating to protecting health and safety.

(h) "Treatment without consent" means the administration of medication to an individual who has not provided informed consent, or the performance of psychosurgery, electroconvulsive therapy, or experimental research on an individual who has not provided informed consent, with the knowledge that no lawful authority exists for the administration or performance.

(i) "Unreasonable confinement or restraint" includes the intentional and unreasonable confinement of an individual in a locked room, involuntary separation of an individual from his or her living area, use on an individual of physical restraining devices, or the provision of unnecessary or excessive medication to an individual, but does not include the use of these methods or devices in entities regulated by the department if the methods or devices are employed in conformance with state and federal standards governing confinement and restraint.

(2) Elder-adult-at-risk agency designation. Each county board shall designate an agency in the county as the elder-adult-at-risk agency for the purposes of this section.

(3) Elder-adult-at-risk agency duties.

(a) Each elder-adult-at-risk agency shall develop a policy for notifying other investigative agencies, including law enforcement officials in appropriate cases, and shall establish an elder abuse reporting system to carry out the purposes of this section. Each elder-adult-at-risk agency shall enter into a memorandum of understanding regarding the operation of the system with the county department under s. 46.215 or 46.22 and with any private or public agency, including a county department under s. 51.42 or 51.437, within the county that is participating in the elder abuse reporting system. The memorandum of understanding shall, at a minimum, identify the agencies that are responsible for the investigation of reports of abuse, financial exploitation, neglect, or self-neglect of elder adults at risk and for the provision of specific direct services.

(b) Each elder-adult-at-risk agency shall receive reports of abuse, financial exploitation, neglect, or self-neglect of elder adults at risk.

(c) Each elder-adult-at-risk agency shall publicize the existence of an elder abuse reporting system in the county and shall provide a publicized telephone number that can be used by persons wishing to report suspected cases of abuse, financial exploitation, neglect, or self-neglect of elder adults at risk. Each elder-adult-at-risk agency shall also provide a telephone number that can be used to make reports after the elder-adult-at-risk agency's regular business hours.

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(4) Reporting.

(ab) The following persons shall file reports as specified in par. (ad):

1. An employee of any entity that is licensed, certified, or approved by or registered with the department.
3. A health care provider, as defined in s. 155.01(7).
4. A social worker, professional counselor, or marriage and family therapist certified under ch. 457.

(ad) Except as provided in par. (ae), a person specified in par. (ab) who has seen an elder adult at risk in the course of the person's professional duties shall file a report with the county department, the elder-adult-at-risk agency, a state or local law enforcement agency, the department, or the board on aging and long-term care if the elder adult at risk has requested the person to make the report, or if the person has reasonable cause to believe that any of the following situations exist:

1. The elder adult at risk is at imminent risk of serious bodily harm, death, sexual assault, or significant property loss and is unable to make an informed judgment about whether to report the risk.
2. An elder adult at risk other than the subject of the report is at risk of serious bodily harm, death, sexual assault, or significant property loss inflicted by a suspected perpetrator.

(ae) A person specified in par. (ab) to whom any of the following applies is not required to file a report as provided in par. (ad):

1. If the person believes that filing a report would not be in the best interest of the elder adult at risk. If the person so believes, the person shall document the reasons for this belief in the case file that the person maintains on the elder adult at risk.
2. If a health care provider provides treatment by spiritual means through prayer for healing in lieu of medical care in accordance with his or her religious tradition and his or her communications with patients are required by his or her religious denomination to be held confidential.

(ar) Any person, including an attorney or a person working under the supervision of an attorney, may report to the county department, the elder-adult-at-risk agency, a state or local law enforcement agency, the department, or the board on aging and long-term care that he or she believes that abuse, financial exploitation, neglect, or self-neglect of an elder adult at risk has occurred if the person is aware of facts or circumstances that would lead a reasonable person to believe or suspect that abuse, financial exploitation, neglect, or self-neglect of an elder adult at risk has occurred. The person shall indicate the facts and circumstances of the situation as part of the report.

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(b)

1.

a. No person may discharge or otherwise retaliate or discriminate against any person for reporting in good faith under this subsection.

b. No person may discharge or otherwise retaliate or discriminate against any individual on whose behalf another person has reported in good faith under this subsection.

cm. Any discharge of a person or act of retaliation or discrimination that is taken against a person who makes a report under this subsection, within 120 days after the report is made, establishes a rebuttable presumption that the discharge or act is made in response to the report. This presumption may be rebutted by a preponderance of evidence that the discharge or act was not made in response to the report.

2.

b. Any employee who is discharged or otherwise discriminated against may file a complaint with the department of workforce development under s. 106.54(5).

c. Any person not described in subd. 2. b. who is retaliated or discriminated against in violation of subd. 1. a. or b. may commence an action in circuit court for damages incurred as a result of the violation.

(c) *No person may be held civilly or criminally liable or be found guilty of unprofessional conduct for reporting in good faith under this subsection and within the scope of his or her authority, or for filing a report with an agency not listed in par. (ad)(intro.) or (ar) if the person had a good faith belief that the report was filed correctly with one of the listed agencies.*

(d) If a report under par. (ad) or (ar) is made to a state official, the state official shall refer the report to the appropriate elder-adult-at-risk agency. The requirement under this paragraph does not apply to an employee of the board on aging and long-term care who determines that his or her referral would be in violation of 42 USC 3058g (d).

(e) Any person making a report under this subsection is presumed to have reported in good faith.

* * * * *

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9. VETERINARY REPORTING & IMMUNITY

WIS. STAT. § 173.12. Animal fighting.

Any veterinarian who has reason to believe that an animal has been in a fight in violation of s. 951.08 shall report the matter to the local humane officer or to a local law enforcement agency. The report shall be in writing and shall include a description and the location of the animal, any injuries suffered by the animal and the name and address of the owner or person in charge of the animal, if known.

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10. LAW ENFORCEMENT POLICIES

WIS. STAT. § 173.03. Appointment of humane officer

(1) Appointment. The governing body of any political subdivision may appoint one or more humane officers. The governing body of a political subdivision shall report all appointments and terminations of appointments of humane officers to the department.
(2) Ordinance. Before, or at the time of, appointing a humane officer under sub. (1), the governing body making the appointment shall enact an ordinance that designates one or more officials of the political subdivision who may modify or withdraw abatement orders issued under s. 173.11 by humane officers appointed by the political subdivision.
(3) Jurisdiction. A humane officer appointed by a city, village or town shall carry out his or her duties within the boundaries of the city, village or town. A humane officer appointed by a county shall carry out his or her duties throughout the county, other than within the boundaries of a city or village whose governing body adopts a resolution withdrawing from county enforcement of humane laws and transmits a copy of the resolution to the county.

WIS. STAT. § 173.05. Certification required

(1)
  (a) Any person appointed as a humane officer under s. 173.03 on or after December 1, 1999, shall, before appointment or by the applicable deadline established under s. 173.27(1)(b), complete a course of training approved by the department, except as provided in par. (b) or (c), and receive certification under s. 173.27(3).
  (b) A person to whom par. (a) applies who is a veterinarian licensed under ch. 89 is not required to complete a course of training approved by the department if he or she takes an examination given by the department and passes the examination on the first attempt.
  (c) A person to whom par. (a) applies who is certified or otherwise approved as a humane officer by another state is not required to complete a course of training approved by the department if he or she takes an examination given by the department and passes the examination on the first attempt.
(2)
  (a) A person appointed as a humane officer before December 1, 1999, shall complete a course of training approved by the department, except as provided in par. (b), and shall receive certification under s. 173.27(3) by the applicable deadline established under s. 173.27(1)(b).
  (b) A person to whom par. (a) applies is not required to complete a course of training approved by the department if he or she takes an examination given by

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the department and passes the examination on the first attempt.

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

WIS. STAT. § 173.07. Powers and duties of humane officers.

(1) ***Enforcement.*** *A humane officer shall enforce s. 95.21 and 944.18, this chapter, chs. 174 and 951 and ordinances relating to animals enacted by political subdivisions in which the humane officer has jurisdiction under s. 173.03(3).*

(2) ***Investigation.*** *A humane officer shall investigate alleged violations of statutes and ordinances relating to animals and, in the course of the investigations, may execute inspection warrants under s. 66.0119.*

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

(4) ***Issue citations.*** *If authorized by the appointing political subdivision, a humane officer shall issue citations under s. 66. 0113 for violations of ordinances relating to animals.*

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

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

(a) *Execute a search warrant.*
(b) *Carry firearms.*
(c) *Stop or arrest persons.*
(d) *Stop, search, or detain vehicles, except under an inspection warrant under s. 66.0119.*
(e) *Enter any place or vehicle by force or without the consent of the owner, except in an emergency occasioned by fire or other circumstance in which that entry is reasonable and is necessary to save an animal from imminent death or a person from imminent death or injury.*
(f) *Remove any animal from the custody of another person by force.*

(6) ***Conflict of interest prohibited.*** *No humane officer may sell or otherwise dispose of any animal that came into the humane officer's custody in the course of his or her duties.*

WIS. STAT. § 173.11. Abatement of violations.

(1) ***Issuance of order.*** *If a humane officer or law enforcement officer after investigation has reasonable grounds to believe that a violation of a statute or ordinance is occurring and the violation is causing or has the potential to cause injury to an animal, the humane officer or law enforcement officer may issue and serve an order of abatement directed to*

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named persons. An official designated in an ordinance under s. 173.03 (2) may not participate in the decision to issue the order or in any activity leading to that decision.

(1m) ***Content of order.*** *An abatement order issued under sub. (1) shall contain all of the following:*

(a) *The name and address of the person to whom directed.*
(b) *The statute or ordinance alleged to be violated.*
(c) *A prohibition on further violations.*
(d) *A description of measures necessary to correct the alleged violation.*
(e) *A description of the hearing and appeal provisions under subs. (2) and (4).*

(2) ***Hearing.*** *Any person named in an abatement order issued under sub. (1) may, within the 10-day period following service of the order, request a hearing before an official designated in an ordinance under s. 173.03 (2). The hearing shall be held within 10 days after the request is made, unless the requester agrees to a later date. The hearing shall be informal in nature.*

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

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

WIS. STAT. § 951.18. Penalties.

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

(2) Any person who violates s. 951.08(2m) or (3) is guilty of a Class A misdemeanor. Any person who violates s. 951.08(1) or (2) is guilty of a Class I felony for the first violation and is guilty of a Class H felony for the 2nd or subsequent violation.

(2m) Any person who violates s. 951.095 is subject to a Class B forfeiture. Any person who intentionally or negligently violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties, is guilty of a Class A misdemeanor. Any person who intentionally violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions

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or duties and causing injury to the animal, is guilty of a Class I felony. Any person who intentionally violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties and causing death to the animal, is guilty of a Class H felony.

(2s) Any person who violates s. 951.097(1)(b)1. or (2)(a), knowing that the dog that is the victim is a service dog, is guilty of a Class B misdemeanor. Any person who violates s. 951.097(1)(b)2., (2)(b), or (3)(a), knowing that the dog that is the victim is a service dog, is guilty of a Class A misdemeanor. Any person who violates s. 951.097(3)(b) or (4)(a), knowing that the dog that is the victim is a service dog, is guilty of a Class I felony. Any person who violates s. 951.097(4)(b) or (5), knowing that the dog that is the victim is a service dog, is guilty of a Class H felony.

(3) *In addition to penalties applicable to this chapter under this section, a district attorney may apply to any court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating this chapter.*

(4) In addition to penalties applicable to this chapter under this section:

(a)

1. In this paragraph, "pecuniary loss" means any of the following:
    a. All special damages, but not general damages, including the money equivalent of loss resulting from property taken, destroyed, broken, or otherwise harmed and out-of-pocket losses, such as medical expenses.
    b. Reasonable out-of-pocket expenses incurred by the victim resulting from the filing of charges or cooperating in the investigation and prosecution of an offense under this chapter.
    c. Expenses in keeping any animal that is involved in the crime.
    d. In a case under s. 951.095 or 951.097, the value of a replacement animal, if the affected animal is incapacitated or dead; the cost of training a replacement animal; or the cost of retraining the affected animal. The court shall base any determination of the value of a replacement service dog on the value of the service dog to the user and not on its cost or fair market value.
    e. In a case under s. 951.095 or 951.097, all related veterinary and care expenses.
    f. In a case under s. 951.095 or 951.097, the medical expenses of the animal's user, the cost of training the animal's user, and compensation for income lost by the animal's user.
2. A sentencing court shall require a criminal violator to pay restitution to a person, including any local humane officer or society or county or municipal pound or a law enforcement officer or conservation warden, for any pecuniary loss suffered by the person as a result of the crime. This requirement applies regardless of whether the criminal violator is placed on probation under s. 973.09. If restitution is ordered, the court shall consider the financial resources and future ability of the criminal violator to pay and

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shall determine the method of payment. Upon the application of any interested party, the court shall schedule and hold an evidentiary hearing to determine the value of any pecuniary loss under this paragraph.

(b)

1. A sentencing court may order that an animal be delivered to the local humane officer or society or the county or municipal pound or to a law enforcement officer if a person commits a crime under this chapter, the person is the owner of the animal that is involved in the crime and the court considers the order to be reasonable and appropriate. A sentencing court may order that an animal be delivered to the department of natural resources, if the animal is a wild animal that is subject to regulation under ch. 169 and the court considers the order to be reasonable and appropriate. The society, pound or, officer or department of natural resources shall release the animal to a person other than the owner or dispose of the animal in a proper and humane manner. If the animal is a dog, the release or disposal shall be in accordance with s. 173.23(1m), except that the fees under s. 173.23(1m)(a)4. do not apply if the expenses are covered under s. 173.24. If the animal is not a dog, the society, pound or officer may charge a fee for the release of the animal.
2. If the court is sentencing a person covered under s. 173.12 (3) (a) 173.22 (4) (d) 2. and an animal has been seized under s. 173.12 173.13 (1) (a) 8., the court shall act in accordance with s. 173.12 (3) 173.22 (4) (d) 2.

(c) Except as provided in s. 951.08(2m), a sentencing court may order that the criminal violator 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 5 years. In computing the time period, time which the person spent in actual confinement serving a sentence shall be excluded.

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11. SEIZURE

WIS. STAT. § 173.09. Investigations.

In the course of investigation of suspected violations of statutes or ordinances, a humane officer may enter any building, vehicle, or place where animals may be present for the purpose of inspection, examination of animals, or the gathering of evidence. If the building, vehicle, or place to be entered is not public, and consent of the owner or person in charge is not obtained, entry shall be under authority of a special inspection warrant issued under s. 66.0119 or a search warrant.

WIS. STAT. § 173.10. Investigation of cruelty complaints.

A person may apply for a search warrant under s. 968.12 if there is reason to believe that a violation of s. 944.18 or ch. 951 has taken place or is taking place. If the court is satisfied that probable cause exists, it shall issue a search warrant directing a law enforcement officer in the county to proceed immediately to the location of the alleged violation with a doctor of veterinary medicine, if the court determines that a veterinarian is necessary for purposes of the search, and directing the law enforcement officer to search the place designated in the warrant, retaining in his or her custody subject to the order of the court such property or things as are specified in the warrant, including any animal. If the person applying for the search warrant is a humane officer, the warrant shall direct that the humane officer accompany the law enforcement officer who is directed to perform the search. The warrant shall be executed and returned to the court which issued the warrant in accordance with ss. 968.15 and 968.17. This section does not affect other powers and duties of law enforcement officers.

WIS. STAT. § 173.13. Taking custody of animals.

(1) Intake.

(a) *A humane officer, on behalf of a political subdivision in which the humane officer has jurisdiction under s. 173.03(3), or a law enforcement officer, on behalf of a political subdivision, may take custody of an animal if the humane officer or law enforcement officer has reasonable grounds to believe that the animal is one of the following:*

1. An abandoned or stray animal.
2. An unwanted animal delivered to the humane officer or law enforcement officer.
3. A dog not tagged as required by ch. 174.
4. An animal not licensed in compliance with any ordinance.
5. An animal not confined as required by a quarantine order under any

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statute, rule or ordinance relating to the control of any animal disease.

6. An animal that has caused damage to persons or property.
8. *An animal used in any crime under s. 944.18 or ch. 951 or that constitutes evidence of a crime under s. 944.18 or ch. 951.*
9. An animal delivered by a veterinarian under sub. (2).

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

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

(2) Delivery of animal by veterinarian.

(a) A humane officer or law enforcement officer or a person contracting under s. 173.15 (1) may accept an animal delivered by a veterinarian, or his or her employee, if the animal has not been picked up by its owner and all of the following apply:

1. The veterinarian notified the owner of the animal by certified mail, return receipt requested, that the animal was ready to be picked up and that the animal would be delivered to a humane officer if not picked up within 7 days.
2. The veterinarian retained the animal for 7 days after the day on which the return receipt was signed or until the letter was returned to the veterinarian as undeliverable.
3. The veterinarian certifies in writing to the humane officer or law enforcement officer that subds. 1. and 2 apply.

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

(3) Notification.

(a) If a humane officer or law enforcement officer takes custody of an animal with the knowledge of the owner, the humane officer or law enforcement officer shall explain the procedure by which the owner can recover the animal, including the procedure under s. 173.22, and the procedure to be followed if the animal is not returned to the owner. If the humane officer or law enforcement officer takes custody of the animal under sub. (1)_(a)8., the humane officer or law enforcement officer shall explain the provisions of s. 173.22(4) to the owner.

(b) If a humane officer or law enforcement officer takes custody of an animal without the knowledge of the owner, the humane officer or law enforcement officer shall promptly notify the owner in writing if he or she can be identified

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and located with reasonable effort. The notice shall explain the procedure by which the owner can recover the animal, including the procedure under s. 173.22, and the procedure to be followed if the animal is not returned to the owner. The notice shall also inform the owner that the owner must notify any person with a lien on the animal that the animal has been taken into custody. If the humane officer or law enforcement officer takes custody of the animal under sub. (1)_(a) 8., the notice shall explain the provisions of s. 173.22 (4).

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

WIS. STAT. § 173.21. Holding animals for cause.

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

(a) *There are reasonable grounds to believe that the owner has used the animal in a crime under s. 944.18 or ch. 951 or that the animal constitutes evidence of a crime under s. 944-18 or ch. 951.*

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

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

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

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

(4) ***Return.*** *Except with respect to an animal taken into custody under s. 173.13 (1) (a) 8., a political subdivision or person contracting under s. 173.15 (1) having custody of an animal withheld under sub. (1) shall release the animal to the owner at the direction of the humane officer or law enforcement officer that took custody of the animal if the requirements of s. 173.23 (1)(a) to (c) are satisfied.*

WIS. STAT. § 173.22. Review of seizure or withholding.

(1) ***Petition.*** *A person claiming that an animal that he or she owns was improperly taken into custody under s. 173.13 (1)(a)3., 4., 5., or 6. or is wrongfully withheld under s. 173.21 (1)(b) or (d) may seek return of the animal by petitioning for an order from the circuit court for the county in which the animal was taken into custody or in which it is held.*

(2) ***Notice and hearing.*** *The court shall provide notice of a petition under sub. (1) to the*

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humane officer or law enforcement officer who took the animal into custody or to the political subdivision that withheld the animal and shall hold a hearing on the issue of whether the animal was improperly taken into custody or is wrongfully withheld.

(3) ***Order.***

(a) *If the animal is withheld under s. 173.21 (1)(b) or (d), the court shall order the animal returned to the owner unless it determines that one of the following conditions is satisfied:*

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

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

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

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

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

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

(4) Holding an animal involved in a crime.

(a) An owner of an animal taken into custody under s. 173.13 (1) (a) 8. or withheld under s. 173.21 (1) (a) may apply for the animal's return to the circuit court for the county in which the animal was taken into custody. No application under this paragraph may be made more than 30 days after the animal was seized. The court shall order such notice as it considers adequate to be given the district attorney, the political subdivision or person contracting under s. 173.15 (1) with custody of the animal, and all persons who have or may have an interest in the animal. The court shall hold a hearing to hear all claims to the animal's ownership within 20 days after a timely application is filed, and the hearing shall be given preference.

(b) In the hearing under par. (a), the court shall determine if the animal is needed as evidence or if there is reason to believe that the animal was involved in any crime under s. 944.18 or ch. 951. If the court determines that the animal is needed as evidence or that there is reason to believe that the animal was involved in any crime under s. 944-18 or ch. 951, the court shall order the animal to be retained in custody. If the court determines that the animal is not needed as evidence and that there is not reason to believe that the animal was involved in a crime under s. 944.18 or ch. 951, the court shall order the animal returned

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to the owner.

(c) If the owner files a timely application under par. (a) and the court orders the animal to be retained in custody under par. (b), no payment is due under par. (f) until 30 days after the court order. If the court orders an animal to be returned to its owner under par. (b), no payment is due under par. (f).

(d) If an animal that was taken into custody under s. 173.13 (1) (a) 8. or is withheld under s. 173.21 (1) (a) is in custody and its owner is charged with a crime under s. 944.18 or ch. 951, one of the following applies:

1. If all of the charges are dismissed or the owner is found not guilty of all charges, the political subdivision or person contracting under s. 173.15 (1) with custody of the animal shall return the animal to the owner unless the owner is subject to the restrictions under s. 951.08 (2m) or the animal has been treated as unclaimed or is otherwise subject to a disposition under s. 173.23.
2. If the owner is convicted of a crime under s. 944.18 or ch. 951, the animal shall be treated as unclaimed under s. 173.23 (1m), except that the charges under s. 173.23 (1m) (a) 4. do not apply if the court assesses the charges as expenses under s. 173.24.

(e) If an animal that was taken into custody under s. 173.13 (1) (a) 8. or is withheld under s. 173.21 (1) (a) is in custody and the district attorney or the department of justice notifies the political subdivision or person contracting under s. 173.15 (1) with custody of the animal that the animal's owner will not be charged with a crime under s. 944.18 or ch. 951, the political subdivision or person contracting under s. 173.15 (1) with custody of the animal shall return the animal to its owner unless the owner is subject to the restrictions under s. 951.08 (2m) or the animal has been treated as unclaimed or is otherwise subject to a disposition under s. 173.23.

(f) Subject to par. (g), the owner of an animal taken into custody under s. 173.13 (1) (a) 8. or withheld under s. 173.21 (1) (a) is personally liable to the political subdivision or person contracting under s. 173.15 (1) with custody of the animal for the cost of the custody, care, and treatment of the animal. The political subdivision or person contracting under s. 173.15 (1) shall notify the owner in writing that he or she must pay for the outstanding costs of custody, care, or treatment of the animal upon demand. The political subdivision or person contracting under s. 173.15 (1) may demand such payment no more frequently than every 14 days and shall do so by 1st class mail to the owner's last-known address. If the amount demanded is received within 30 days of the mailing of the demand, the political subdivision or person contracting under s. 173.15 (1) shall keep the animal in custody. Except as provided in par. (c), if the amount demanded is not received within 30 days of the mailing of the demand, the political subdivision or person contracting under s. 173.15 (1) shall treat the animal as unclaimed under s. 173.23 (1m), except that the charges under s.

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173.23 (1m) (a) 4. do not apply if the court assesses the charges as expenses under s. 173.24. The owner of the animal may challenge the reasonableness of the amount demanded under this paragraph by filing a petition with the court within 20 days after the date the demand is mailed. The owner may not file a petition challenging the reasonableness of the amount demanded more than 20 days after the date the demand is mailed.

(g) The costs for which a person may be liable under par. (f) may include no more than $30 per day in boarding costs for each animal in custody.

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12. COURTROOM ANIMAL ADVOCATE PROGRAM

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13. PROTECTION ORDERS

WIS. STAT. § 813.12. Domestic abuse restraining orders and injunctions.
NOTE: *Portions of the following statute have been omitted*

(1) Definitions. In this section:

*****

(ce) *"Household pet" means a domestic animal that is not a farm animal, as defined in s. 951.01 (3), that is kept, owned, or cared for by the petitioner or by a family member or a household member of the petitioner.*

*****

(3) Temporary restraining order.

(a) *A judge or circuit court commissioner shall issue a temporary restraining order ordering the respondent* to refrain from committing acts of domestic abuse against the petitioner, to avoid the petitioner's residence, except as provided in par. (am), or any other location temporarily occupied by the petitioner or both, or to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner unless the petitioner consents in writing, *to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet, to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet*, *or any combination of these remedies requested in the petition, or any other appropriate remedy not inconsistent with the remedies requested in the petition*, if all of the following occur:

1. The petitioner submits to the judge or circuit court commissioner a petition alleging the elements set forth under sub. (5) (a).
2. The judge or circuit court commissioner finds reasonable grounds to believe that the respondent has engaged in, or based on prior conduct of the petitioner and the respondent may engage in, domestic abuse of the petitioner.

(aj) In determining whether to issue a temporary restraining order, the judge or circuit court commissioner shall consider the potential danger posed to the petitioner and the pattern of abusive conduct of the respondent but may not base his or her decision solely on the length of time since the last domestic abuse or the length of time since the relationship ended. The judge or circuit court commissioner may grant only the remedies requested or approved by the petitioner. The judge or circuit court commissioner may not dismiss or deny granting a temporary restraining order because of the existence of a pending action or of any other court order that bars contact between the parties, nor due to the necessity of verifying the terms of an existing court order.

(am) If the petitioner and the respondent are not married, the respondent owns the premises where the petitioner resides and the petitioner has no legal interest in

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the premises, in lieu of ordering the respondent to avoid the petitioner's residence under par.

(a) the judge or circuit court commissioner may order the respondent to avoid the premises for a reasonable time until the petitioner relocates and shall order the respondent to avoid the new residence for the duration of the order.

(b) Notice need not be given to the respondent before issuing a temporary restraining order under this subsection. A temporary restraining order may be entered only against the respondent named in the petition.

(c) The temporary restraining order is in effect until a hearing is held on issuance of an injunction under sub. (4), except that the court may extend the temporary restraining order under s. 813.1285. The temporary restraining order is not voided if the respondent is admitted into a dwelling that the order directs him or her to avoid. A judge or circuit court commissioner shall hold a hearing on issuance of an injunction within 14 days after the temporary restraining order is issued, unless the time is extended upon the written consent of the parties, extended under s. 801.58 (2m), or extended once for 14 days upon a finding that the respondent has not been served with a copy of the temporary restraining order although the petitioner has exercised due diligence. A judge or court commissioner may not extend the temporary restraining order in lieu of ruling on the issuance of an injunction.

(d) The judge or circuit court commissioner shall advise the petitioner of the right to serve the respondent the petition by published notice if with due diligence the respondent cannot be served as provided under s. 801.11 (1) (a) or (b). The clerk of circuit court shall assist the petitioner with the preparation of the notice and filing of the affidavit of printing.

(4) Injunction.

(a) *A judge or circuit court commissioner may grant an injunction ordering the respondent* to refrain from committing acts of domestic abuse against the petitioner, to avoid the petitioner's residence, except as provided in par. (am), or any other location temporarily occupied by the petitioner or both, or to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner unless the petitioner consents to that contact in writing, *to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet, to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet, or any combination of these remedies requested in the petition, or any other appropriate remedy not inconsistent with the remedies requested in the petition, if all of the following occur:*

1. The petitioner files a petition alleging the elements set forth under sub. (5) (a).

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2. The petitioner serves upon the respondent a copy or summary of the petition and notice of the time for hearing on the issuance of the injunction, or the respondent serves upon the petitioner notice of the time for hearing on the issuance of the injunction.
3. After hearing, the judge or circuit court commissioner finds reasonable grounds to believe that the respondent has engaged in, or based upon prior conduct of the petitioner and the respondent may engage in, domestic abuse of the petitioner.

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WIS. STAT. § 813.122. Child abuse restraining orders and injunctions.
NOTE: *Portions of the following statute have been omitted*

(1) Definitions. In this section:

*****

(e) *"Household pet" means a domestic animal that is not a farm animal, as defined in s. 951.01 (3), that is kept, owned, or cared for by a child victim or by a family member or a household member of a child victim.*

*****

(4) Temporary restraining order.

(a) *A judge or circuit court commissioner shall issue a temporary restraining order ordering the respondent* to avoid the child victim's residence or any premises temporarily occupied by the child victim or both, to avoid contacting or causing any person other than a party's attorney to contact the child victim unless the petitioner consents in writing and the judge or circuit court commissioner agrees that the contact is in the best interests of the child victim, *to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet, and to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet,* if all of the following occur:
   1. The petitioner submits to the judge or circuit court commissioner a petition alleging the elements set forth under sub. (6) (a).
   2. The judge or circuit court commissioner finds reasonable grounds to believe that the respondent has engaged in, or based on prior conduct of the child victim and the respondent may engage in, abuse of the child victim.

(b) Notice need not be given to the respondent before issuing a temporary restraining order under this subsection. A temporary restraining order may be entered only against the respondent named in the petition.

(c) The temporary restraining order is in effect until a hearing is held on issuance of an injunction under sub. (5), except that the court may extend the temporary

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restraining order under s. 813.1285. A judge shall hold a hearing on issuance of an injunction within 14 days after the temporary restraining order is issued, unless the time is extended upon the written consent of the parties, extended under s. 801.58 (2m), or extended once for 14 days upon a finding that the respondent has not been served with a copy of the temporary restraining order although the petitioner has exercised due diligence. A judge or court commissioner may not extend the temporary restraining order in lieu of ruling on the issuance of an injunction.

(5) Injunction.

(a) *A judge may grant an injunction ordering the respondent* to avoid the child victim's residence or any premises temporarily occupied by the child victim or both, to avoid contacting or causing any person other than a party's attorney to contact the child victim unless the petitioner consents to that contact in writing and the judge agrees that the contact is in the best interests of the child victim, *to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet, and to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet*, if all of the following occur:

1. The petitioner files a petition alleging the elements set forth under sub. (6) (a).
2. The petitioner serves upon the respondent a copy of the petition and notice of the time for hearing on the issuance of the injunction, or the respondent serves upon the petitioner notice of the time for hearing on the issuance of the injunction.
3. After hearing, the judge finds reasonable grounds to believe that the respondent has engaged in, or based upon prior conduct of the child victim and the respondent may engage in, abuse of the child victim.

*****

WIS. STAT. § 813.123. Restraining orders and injunctions for individuals at risk.

NOTE: Portions of the following statute have been omitted

(1) Definitions. In this section:

*****

(ek) *"Household pet" means a domestic animal that is not a farm animal, as defined in s. 951.01 (3), that is kept, owned, or cared for by an individual at risk or an elder adult at risk or by a family member or a household member of an individual at risk or an elder adult at risk.*

*****

(4) Temporary restraining order.

*****

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(ar) *A temporary restraining order issued under par. (a) shall order the respondent to do one or more of the following:*

1. Avoid interference with an investigation of the elder adult at risk under s. 46.90 or the adult at risk under s. 55.043, the delivery of protective services to or a protective placement of the individual at risk under ch. 55, or the delivery of services to the elder adult at risk under s. 46.90 (5m).
2. *Cease engaging in or threatening to engage in the abuse, financial exploitation, neglect, harassment, or stalking of an individual at risk or mistreatment of an animal.*

2m. *Refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet and allow the individual at risk or a guardian, guardian ad litem, family member, or household member of the individual at risk acting on his or her behalf to retrieve a household pet.*

*****

(5) Injunction.

(a) Unless the individual at risk, guardian, or guardian ad litem consents in writing to a contact and the judge agrees that the contact is in the best interests of the individual at risk, a judge may grant an injunction ordering the respondent as specified in par. (ar), if all of the following occur:

1. The petitioner files a petition alleging the elements set forth under sub. (6).
2. The petitioner serves upon the respondent a copy of the petition and notice of the time for hearing on the issuance of the injunction, or the respondent serves upon the petitioner notice of the time for hearing on the issuance of the injunction. The notice served under this subdivision shall inform the respondent that, if the judge or circuit court commissioner issues an injunction, the judge or circuit court commissioner may also order the respondent not to possess a firearm while the injunction is in effect. The person who serves the respondent with the notice shall also provide the respondent with all of the following information:
    a. Notice of the requirements and penalties under s. 941.29 and notice of any similar applicable federal laws and penalties.
    b. An explanation of s. 813.1285, including the procedures for surrendering a firearm and the circumstances listed under s. 813.1285 under which a respondent must appear at a hearing to surrender firearms.
    c. A firearm possession form developed under s. 813.1285 (5) (a), with instructions for completing and returning the form.
3. After hearing, the judge finds reasonable cause to believe any of the following:

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a. *That the respondent has interfered with or, based upon prior conduct of the respondent, may interfere with an investigation of the elder adult at risk under s. 46.90 or the adult at risk under s. 55.043 and that the interference complained of, if continued, would make it difficult to determine if abuse, financial exploitation, neglect, harassment, or stalking of an individual at risk or mistreatment of an animal is occurring or may recur.*
b. That the respondent has interfered with the delivery of protective services to or a protective placement of the individual at risk under ch. 55 after the offer of protective services or protective placement has been made and the individual at risk or his or her guardian, if any, has consented to receipt of the protective services or protective placement; or that the respondent has interfered with the delivery of services to an elder adult at risk under s. 46.90 (5m).
c. *That the respondent has engaged in or threatened to engage in the abuse, financial exploitation, neglect, harassment, or stalking of an individual at risk or the mistreatment of an animal.*

(ar) An injunction granted under par. (a) shall order the respondent to do one or more of the following:
1. Avoid interference with an investigation of the elder adult at risk under s. 46.90 or the adult at risk under s. 55.043, the delivery of protective services to or a protective placement of the individual at risk under ch. 55, or the delivery of services to the elder adult at risk under s. 46.90 (5m).
2. Cease engaging in or threatening to engage in the abuse, financial exploitation, neglect, harassment, or stalking of an individual at risk or the mistreatment of an animal.
2m. *Refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet and allow the individual at risk or a guardian, guardian ad litem, family member, or household member of the individual at risk acting on his or her behalf to retrieve a household pet.*
3. Avoid the residence of the individual at risk or any other location temporarily occupied by the individual at risk, or both.
4. Avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the individual at risk.
5. Any other appropriate remedy not inconsistent with the remedies requested in the petition.

(b) The injunction may be entered only against the respondent named in the petition.

(c)

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1. An injunction under this subsection is effective according to its terms, but for not more than 4 years, except as provided in par. (d).
2. When an injunction expires, the court shall extend the injunction if the petitioner states that an extension is necessary to protect the individual at risk. This extension shall remain in effect until 6 months after the date on which the court first entered the injunction, except as provided in par. (d).
3. If the petitioner states that an extension is necessary to protect the individual at risk, the court may extend the injunction for not more than 2 years, except as provided in par. (d).
4. Notice need not be given to the respondent before extending an injunction under subd. 2. or 3. The clerk of courts shall notify the respondent after the court extends an injunction under subd. 2. or 3.

(d)

1. A judge may, upon issuing an injunction or granting an extension of an injunction issued under this subsection, order that the injunction is in effect for not more than 10 years, if the court finds, by a preponderance of the evidence stated on the record, that any of the following is true:
   a. There is a substantial risk that the respondent may commit first-degree intentional homicide under s. 940.01, or 2nd-degree intentional homicide under s. 940.05, against the person at risk.
   b. There is a substantial risk that the respondent may commit sexual assault under s. 940.225 (1), (2), or (3), or under s. 948.02 (1) or (2), against the person at risk.
2. This paragraph does not prohibit a petitioner from requesting a new temporary restraining order under sub. (4) or injunction under this subsection before or at the expiration of a previously entered order or injunction.

*****

(6) Petition. *The petition shall allege facts sufficient to show the following*:

(a) The name of the petitioner and the individual at risk.

(b) The name of the respondent and that the respondent is an adult.

(c) That the respondent interfered with or, based on prior conduct of the respondent, may interfere with an investigation of the elder adult at risk under s. 46.90 (5), an investigation of the adult at risk under s. 55.043, the delivery of protective services to or a protective placement of the individual at risk under ch. 55, or the delivery of services to the elder adult at risk under s. 46.90 (5m); or that the respondent engaged in, or threatened to engage in, the abuse, financial exploitation, neglect, stalking, or harassment of an individual at risk *or mistreatment of an animal*.

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WIS. STAT. § 813.125. Harassment restraining orders and injunctions.
NOTE: *Portions of the following statute have been omitted*

(1) Definitions.

*****

(bm) *In subs. (3) and (4), "household pet" means a domestic animal that is not a farm animal, as defined in s. 951.01 (3), that is kept, owned, or cared for by the petitioner or by a family member or a household member of the petitioner.*

*****

(3) Temporary restraining order.

(a) *A judge or circuit court commissioner may issue a temporary restraining order ordering the respondent to* avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner without the petitioner's written consent; to cease or avoid the harassment of another person; to avoid the petitioner's residence, except as provided in par. (am), or any premises temporarily occupied by the petitioner or both; to *refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet; to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet*; or any combination of these remedies requested in the petition, if all of the following occur:

1. The petitioner files a petition alleging the elements set forth under sub. (5)(a).
2. The judge or circuit court commissioner finds reasonable grounds to believe that the respondent has engaged in harassment with intent to harass or intimidate the petitioner.

(am) If the petitioner and the respondent are not married, and the respondent owns the premises where the petitioner resides, and the petitioner has no legal interest in the premises, in lieu of ordering the respondent to avoid the petitioner's residence under par. (a) the judge or circuit court commissioner may order the respondent to avoid the premises for a reasonable time until the petitioner relocates and shall order the respondent to avoid the new residence for the duration of the order.

(b) Notice need not be given to the respondent before issuing a temporary restraining order under this subsection. A temporary restraining order may be entered only against the respondent named in the petition.

(c) The temporary restraining order is in effect until a hearing is held on issuance of an injunction under sub. (4), except that the court may extend the temporary restraining order under s. 813.1285. A judge or circuit court commissioner shall hold a hearing on issuance of an injunction within 14 days after the temporary restraining order is issued, unless the time is extended upon the written consent of the parties, extended under s. 801.58 (2m), or extended once for 14 days

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upon a finding that the respondent has not been served with a copy of the temporary restraining order although the petitioner has exercised due diligence. A judge or court commissioner may not extend the temporary restraining order in lieu of ruling on the issuance of an injunction.

(d) The judge or circuit court commissioner shall advise the petitioner of the right to serve the respondent the petition by published notice if with due diligence the respondent cannot be served as provided under s. 801.11 (1) (a) or (b). The clerk of circuit court shall assist the petitioner with the preparation of the notice and filing of the affidavit of printing.

(e) The judge or circuit court commissioner may not dismiss or deny granting a temporary restraining order because of the existence of a pending action or of any other court order that bars contact between the parties, nor due to the necessity of verifying the terms of an existing court order.

(4) Injunction.

(a) A judge or circuit court commissioner may grant an injunction ordering the respondent to avoid contacting or causing any person other than a party's attorney or a law enforcement officer to contact the petitioner without the petitioner's written consent; to cease or avoid the harassment of another person; to avoid the petitioner's residence, except as provided in par. (am), or any premises temporarily occupied by the petitioner or both; *to refrain from removing, hiding, damaging, harming, or mistreating, or disposing of, a household pet; to allow the petitioner or a family member or household member of the petitioner acting on his or her behalf to retrieve a household pet;* or any combination of these remedies requested in the petition, if all of the following occur:

1. The petitioner has filed a petition alleging the elements set forth under sub. (5)(a).
2. The petitioner serves upon the respondent a copy of a restraining order obtained under sub. (3) and notice of the time for the hearing on the issuance of the injunction under sub. (3)(c). The restraining order or notice of hearing served under this subdivision shall inform the respondent that, if the judge or circuit court commissioner issues an injunction, the judge or circuit court commissioner may also order the respondent not to possess a firearm while the injunction is in effect. The person who serves the respondent with the order or notice shall also provide the respondent with all of the following information:
    a. Notice of the requirements and penalties under s. 941.29 and notice of any similar applicable federal laws and penalties.
    b. An explanation of s. 813.1285, including the procedures for surrendering a firearm and the circumstances listed

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under s. 813.1285 under which a respondent must appear at a hearing to surrender firearms.

c. A firearm possession form developed under s. 813.1285(5)(a), with instructions for completing and returning the form.

3. After hearing, the judge or circuit court commissioner finds reasonable grounds to believe that the respondent has engaged in harassment with intent to harass or intimidate the petitioner.

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14. RESTITUTION

WIS. STAT. § 173.22. Review of seizure or withholding.

(1) Petition. A person claiming that an animal that he or she owns was improperly taken into custody under s. 173.13 (1)(a)3., 4., 5., or 6. or is wrongfully withheld under s. 173.21 (1)(b) or (d) may seek return of the animal by petitioning for an order from the circuit court for the county in which the animal was taken into custody or in which it is held.

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

(3) Order.

(a) If the animal is withheld under s. 173.21 (1)(b) or (d), the court shall order the animal returned to the owner unless it determines that one of the following conditions is satisfied:

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

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

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

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

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

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

(4) Holding an animal involved in a crime.

(a) An owner of an animal taken into custody under s. 173.13 (1) (a) 8. or withheld under s. 173.21 (1) (a) may apply for the animal's return to the circuit court for the county in which the animal was taken into custody. No application under this paragraph may be made more than 30 days after the animal was seized. The court shall order such notice as it considers adequate to be given the district attorney, the political subdivision or person contracting under s. 173.15 (1) with custody of the animal, and all persons who have or may have an interest in the animal. The court shall hold a hearing to hear all claims to the animal's

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ownership within 20 days after a timely application is filed, and the hearing shall be given preference.

(b) In the hearing under par. (a), the court shall determine if the animal is needed as evidence or if there is reason to believe that the animal was involved in any crime under s. 944.18 or ch. 951. If the court determines that the animal is needed as evidence or that there is reason to believe that the animal was involved in any crime under s. 944.18 or ch. 951, the court shall order the animal to be retained in custody. If the court determines that the animal is not needed as evidence and that there is not reason to believe that the animal was involved in a crime under s. 944.18 or ch. 951, the court shall order the animal returned to the owner.

(c) If the owner files a timely application under par. (a) and the court orders the animal to be retained in custody under par. (b), no payment is due under par. (f) until 30 days after the court order. If the court orders an animal to be returned to its owner under par. (b), no payment is due under par. (f).

(d) If an animal that was taken into custody under s. 173.13 (1) (a) 8. or is withheld under s. 173.21 (1) (a) is in custody and its owner is charged with a crime under s. 944.18 or ch. 951, one of the following applies:

1. If all of the charges are dismissed or the owner is found not guilty of all charges, the political subdivision or person contracting under s. 173.15 (1) with custody of the animal shall return the animal to the owner unless the owner is subject to the restrictions under s. 951.08 (2m) or the animal has been treated as unclaimed or is otherwise subject to a disposition under s. 173.23.
2. If the owner is convicted of a crime under s. 944.18 or ch. 951, the animal shall be treated as unclaimed under s. 173.23 (1m), except that the charges under s. 173.23 (1m) (a) 4. do not apply if the court assesses the charges as expenses under s. 173.24.

(e) If an animal that was taken into custody under s. 173.13 (1) (a) 8. or is withheld under s. 173.21 (1) (a) is in custody and the district attorney or the department of justice notifies the political subdivision or person contracting under s. 173.15 (1) with custody of the animal that the animal's owner will not be charged with a crime under s. 944.18 or ch. 951, the political subdivision or person contracting under s. 173.15 (1) with custody of the animal shall return the animal to its owner unless the owner is subject to the restrictions under s. 951.08 (2m) or the animal has been treated as unclaimed or is otherwise subject to a disposition under s. 173.23.

(f) *Subject to par. (g), the owner of an animal taken into custody under s. 173.13 (1) (a) 8. or withheld under s. 173.21 (1) (a) is personally liable to the political subdivision or person contracting under s. 173.15 (1) with custody of the animal for the cost of the custody, care, and treatment of the animal. The political subdivision or person contracting under s. 173.15 (1) shall notify the owner in*

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writing that he or she must pay for the outstanding costs of custody, care, or treatment of the animal upon demand. The political subdivision or person contracting under s. 173.15 (1) may demand such payment no more frequently than every 14 days and shall do so by 1st class mail to the owner's last-known address. If the amount demanded is received within 30 days of the mailing of the demand, the political subdivision or person contracting under s. 173.15 (1) shall keep the animal in custody. Except as provided in par. (c), if the amount demanded is not received within 30 days of the mailing of the demand, the political subdivision or person contracting under s. 173.15 (1) shall treat the animal as unclaimed under s. 173.23 (1m), except that the charges under s. 173.23 (1m) (a) 4. do not apply if the court assesses the charges as expenses under s. 173.24. The owner of the animal may challenge the reasonableness of the amount demanded under this paragraph by filing a petition with the court within 20 days after the date the demand is mailed. The owner may not file a petition challenging the reasonableness of the amount demanded more than 20 days after the date the demand is mailed.

(g) *The costs for which a person may be liable under par. (f) may include no more than $30 per day in boarding costs for each animal in custody.*

WIS. STAT. § 173.23. Disposition of animals.

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

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

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

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

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

(1m) ***Unclaimed animals.*** *A political subdivision or a person contracting under s. 173.15 (1) that has custody of an animal considered unclaimed under sub.(3)(a)3., (5)(c) or (6) or s. 173.13 (3)(c), 173.19, or 173.22(4)(d)2. Or (f) or an unwanted animal may do any of the following:*

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

1. The person provides his or her name and address.
2. If licensure is required by statute or ordinance, the animal is licensed or assurance of licensure is given by evidence of prepayment.
3. If vaccination is required by statute or ordinance, the animal is vaccinated or assurance of vaccination is given by evidence of

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prepayment.

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

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

(c) Euthanize the animal.

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

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

(2) Animals not returned to owner. If an animal in the custody of a political subdivision, other than an animal to which sub. (1m) applies, is not returned to the owner under sub. (1) or (5)(b) or s. 173.21 (4) or 173.22 or disposed of under sub. (4) or (5)(a), it shall be disposed of under a court order under sub. (3) or s. 951.18 (4).

(3) ***Court order.***

(a) *A political subdivision or person contracting under s. 173.15(1)may petition the circuit court for an order doing any of the following with respect to an animal taken into custody by a law enforcement officer or a humane officer or withheld under s. 173.21(1):*

1. *Providing for payment for the custody, care or treatment of the animal.*
2. *Requiring the owner of the animal to post bond for the costs of custody, care or treatment of the animal pending the outcome of any other proceeding.*
3. *Authorizing the sale*, destruction, treatment as unclaimed under sub. (1m), or other disposal of the animal.

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

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

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

(e) The court shall issue its order after hearing and may grant, modify and grant or deny the petitioned-for relief, after considering the interests of the animal, the owner of the animal, the political subdivision and the public. The court may not consider the impact of any payments made under s. 173.22 (4) (f) on these interests.

(4) Injured or dangerous animals. A political subdivision or person contracting under s. 173.15(1) who has custody of an animal may have the animal euthanized if there are reasonable grounds to believe that any of the following applies:

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

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

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

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custodian.

(5) Animal not confined as required by quarantine order.

(a) A political subdivision or person contracting under s. 173.15 (1) that has custody of an animal that was not confined as required by a quarantine order issued under any statute, rule or ordinance relating to the control of any animal disease shall confine the animal for the duration of the quarantine or shall euthanize the animal with the written permission of the owner or, if the animal is determined to be diseased, at the direction of the person issuing the quarantine order.

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

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

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

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

WIS. STAT. § 173.24. Reimbursement for expenses.

(1) *A court shall assess the expenses under this section minus any amounts paid under s. 173.22 (4) (f), in any case in which there has been a search authorized under s. 173.10 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 s. 944.18 or ch. 951.*

(2) *Expenses covered under this section include:*

(a) *Investigative expenses of any search under s. 173.10 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 s. 944.18 or ch. 951 is found guilty of the violation, the person shall be assessed the expenses under subs. (1) and (2). If the person is not*

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found guilty, the county treasurer shall pay the expenses from the general fund of the county.

WIS. STAT. § 944.18. Bestiality.

(1) Definitions. In this section:
  (a) "Animal" means any creature, either alive or dead, except a human being.
  (b) "Obscene material" has the meaning given in s. 944.21(2)(c).
  (c) "Photograph or film" means the making of a photograph, motion picture film, video tape, digital image, or any other recording.
  (d) "Sexual contact" means any of the following types of contact that is not an accepted veterinary medical practice, an accepted animal husbandry practice that provides care for animals, an accepted practice related to the insemination of animals for the purpose of procreation, or an accepted practice related to conformation judging:
    1. An act between a person and an animal involving physical contact between the sex organ, genitals, or anus of one and the mouth, sex organ, genitals, or anus of the other.
    2. Any touching or fondling by a person, either directly or through clothing, of the sex organ, genitals, or anus of an animal or any insertion, however slight, of any part of a person's body or any object into the vaginal or anal opening of an animal.
    3. Any insertion, however slight, of any part of an animal's body into the vaginal or anal opening of a person.

(2) Prohibited conduct. No person may knowingly do any of the following:
  (a) Engage in sexual contact with an animal.
  (b) Advertise, offer, accept an offer, sell, transfer, purchase, or otherwise obtain an animal with the intent that it be used for sexual contact in this state.
  (c) Organize, promote, conduct, or participate as an observer of an act involving sexual contact with an animal.
  (d) Permit sexual contact with an animal to be conducted on any premises under his or her ownership or control.
  (e) Photograph or film obscene material depicting a person engaged in sexual contact with an animal.
  (f) Distribute, sell, publish, or transmit obscene material depicting a person engaged in sexual contact with an animal.
  (g) Possess with the intent to distribute, sell, publish, or transmit obscene material depicting a person engaged in sexual contact with an animal.
  (h) Force, coerce, entice, or encourage a child who has not attained the age of 13 years to engage in sexual contact with an animal.

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(i) Engage in sexual contact with an animal in the presence of a child who has not attained the age of 13 years.
(j) Force, coerce, entice, or encourage a child who has attained the age of 13 years but who has not attained the age of 18 years to engage in sexual contact with an animal.
(k) Engage in sexual contact with an animal in the presence of a child who has attained the age of 13 years but who has not attained the age of 18 years.

(3) Penalties.
(a) Any person who violates sub. (2) (a) to (g) is guilty of a Class H felony for the first violation and is guilty of a Class F felony for a 2nd or subsequent violation or if the act results bodily harm or death of an animal. Any person who violates sub. (2)(h) or (i) is guilty of a Class F felony for the first violation and is guilty of a Class D felony for a 2nd or subsequent violation. Any person who violates sub. (2)(j) or (k) is guilty of a Class G felony for the first violation and is guilty of a Class E felony for a 2nd or subsequent violation.
(b) [*No text*]
(c) *If a person has been convicted under sub. (2), the sentencing court shall order, in addition to any other applicable penalties, all of the following*:
1. That the person may not own, possess, reside with, or exercise control over any animal or engage in any occupation, whether paid or unpaid, at any place where animals are kept or cared for, for not less than 5 years or more than 15 years. In computing the time period, time which the person spent in actual confinement serving a criminal sentence shall be excluded.
2. That the person shall submit to a psychological assessment and participate in appropriate counseling at the person's expense.
3. That the person shall pay restitution to a person, including any local humane officer or society or county or municipal pound or a law enforcement officer or conservation warden or his or her designee, for any pecuniary loss suffered by the person as a result of the crime. This requirement applies regardless of whether the person is placed on probation under s. 973.09. If restitution is ordered, the court shall consider the financial resources and future ability of the person to pay and shall determine the method of payment. Upon application of an interested party, the court shall schedule and hold an evidentiary hearing to determine the value of any pecuniary loss, as defined in s. 951.18(4)(a)1., under this subdivision.

(4) Severability. The provisions of this section are severable, as provided in s. 990.001(11).

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WIS. STAT. § 951.18. Penalties.

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

(2) Any person who violates s. 951.08(2m) or (3) is guilty of a Class A misdemeanor. Any person who violates s. 951.08(1) or (2) is guilty of a Class I felony for the first violation and is guilty of a Class H felony for the 2nd or subsequent violation.

(2m) Any person who violates s. 951.095 is subject to a Class B forfeiture. Any person who intentionally or negligently violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties, is guilty of a Class A misdemeanor. Any person who intentionally violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties and causing injury to the animal, is guilty of a Class I felony. Any person who intentionally violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties and causing death to the animal, is guilty of a Class H felony.

(2s) Any person who violates s. 951.097(1)(b)1. or (2)(a), knowing that the dog that is the victim is a service dog, is guilty of a Class B misdemeanor. Any person who violates s. 951.097(1)(b)2., (2)(b), or (3)(a), knowing that the dog that is the victim is a service dog, is guilty of a Class A misdemeanor. Any person who violates s. 951.097(3)(b) or (4)(a), knowing that the dog that is the victim is a service dog, is guilty of a Class I felony. Any person who violates s. 951.097(4)(b) or (5), knowing that the dog that is the victim is a service dog, is guilty of a Class H felony.

(3) In addition to penalties applicable to this chapter under this section, a district attorney may apply to any court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating this chapter.

(4) *In addition to penalties applicable to this chapter under this section:*

(a)

1. *In this paragraph, "pecuniary loss" means any of the following:*
   a. *All special damages, but not general damages, including the money equivalent of loss resulting from property taken, destroyed, broken, or otherwise harmed and out-of-pocket losses, such as medical expenses.*
   b. *Reasonable out-of-pocket expenses incurred by the victim resulting*

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from the filing of charges or cooperating in the investigation and prosecution of an offense under this chapter.

c. *Expenses in keeping any animal that is involved in the crime.*

d. *In a case under s. 951.095 or 951.097, the value of a replacement animal, if the affected animal is incapacitated or dead; the cost of training a replacement animal; or the cost of retraining the affected animal. The court shall base any determination of the value of a replacement service dog on the value of the service dog to the user and not on its cost or fair market value.*

e. *In a case under s. 951.095 or 951.097, all related veterinary and care expenses.*

f. *In a case under s. 951.095 or 951.097, the medical expenses of the animal's user, the cost of training the animal's user, and compensation for income lost by the animal's user.*

2. *A sentencing court shall require a criminal violator to pay restitution to a person, including any local humane officer or society or county or municipal pound or a law enforcement officer or conservation warden, for any pecuniary loss suffered by the person as a result of the crime. This requirement applies regardless of whether the criminal violator is placed on probation under s. 973.09. If restitution is ordered, the court shall consider the financial resources and future ability of the criminal violator to pay and shall determine the method of payment. Upon the application of any interested party, the court shall schedule and hold an evidentiary hearing to determine the value of any pecuniary loss under this paragraph.*

(b)

1. A sentencing court may order that an animal be delivered to the local humane officer or society or the county or municipal pound or to a law enforcement officer if a person commits a crime under this chapter, the person is the owner of the animal that is involved in the crime and the court considers the order to be reasonable and appropriate. A sentencing court may order that an animal be delivered to the department of natural resources, if the animal is a wild animal that is subject to regulation under ch. 169 and the court considers the order to be reasonable and appropriate. The society, pound or, officer or department of natural resources shall release the animal to a person other than the owner or dispose of the animal in a proper and humane manner. If the animal is a dog, the release or disposal shall be in accordance with s. 173.23(1m), except that the fees under s. 173.23(1m)(a)4. do not apply if the expenses are covered under s. 173.24. If the animal is not a dog, the society, pound or officer may charge a fee for the release of the animal.
2. If the court is sentencing a person covered under s. 173.12 (3) (a) 173.22

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(4) (d) 2. and an animal has been seized under s. 173.12 173.13 (1) (a) 8., the court shall act in accordance with s. 173.12 (3) 173.22 (4) (d) 2.

(c) Except as provided in s. 951.08(2m), a sentencing court may order that the criminal violator 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 5 years. In computing the time period, time which the person spent in actual confinement serving a sentence shall be excluded.

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15. FORFEITURE & POSSESSION BANS

WIS. STAT. § 173.19. Animals considered unclaimed.

(1) *Except as provided in sub. (1m), a political subdivision or person contracting under s. 173.15 (1) may treat any animal taken into custody under s. 173.13 (1) (a) 1. as an unclaimed animal subject to s. 173.23 (1m) if, within 4 days after custody is taken of the animal, it is not claimed by and returned to its owner under s. 173.23 (1).*

(1m) *Notwithstanding sub. (1), a political subdivision or person contracting under s. 173.15 (1) may not euthanize the animal taken into custody under s. 173.13 (1) (a) 1. before 7 days have elapsed after custody is taken, except to alleviate physical suffering or to protect the safety of shelter staff, volunteers, or the public.*

(2) *Except as provided in sub. (3), a political subdivision or person contracting under s. 173.15 (1) may treat any animal taken into custody under s. 173.13 (1) (a) 3., 4., or 9. as an unclaimed animal subject to s. 173.23 (1m) if, within 7 days after custody is taken of the animal, it is not claimed by and returned to its owner under s. 173.23 (1), except that an animal taken into custody under s. 173.13 (1) (a) 3. or 4. may not be treated as unclaimed if its owner files a petition under s. 173.22 (1) within 7 days after custody is taken.*

(3) *If an animal is taken into custody under s. 173.13 (1) (a) 3., 4., or 9. and also taken into custody under s. 173.13 (1) (a) 1., only sub. (1) applies to that animal.*

WIS. STAT. § 173.23. Disposition of animals.

(1) Claim and return. Except as provided in sub. (4) or s. 173.21 (1), a political subdivision or person contracting under s. 173.15 (1) shall return an animal described in s. 173.13 (1) (a) 1., 3., 4., 6., 8. or 9. to its owner upon the happening of all of the following:

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

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

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

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

(1m) ***Unclaimed animals.*** *A political subdivision or a person contracting under s. 173.15 (1) that has custody of an animal considered unclaimed under sub.(3)(a)3., (5)(c) or (6) or s. 173.13 (3)(c), 173.19, or 173.22(4)(d)2. or (f) or an unwanted animal may do any of the following:*

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

1. *The person provides his or her name and address.*
2. *If licensure is required by statute or ordinance, the animal is licensed or*

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assurance of licensure is given by evidence of prepayment.

3. *If vaccination is required by statute or ordinance, the animal is vaccinated or assurance of vaccination is given by evidence of prepayment.*
4. *Any charges imposed by the political subdivision or person contracting under s. 173.15 (1) for custody, care, vaccination and treatment are paid or waived.*

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

(c) *Euthanize the animal.*

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

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

(2) ***Animals not returned to owner.*** *If an animal in the custody of a political subdivision, other than an animal to which sub. (1m) applies, is not returned to the owner under sub. (1) or (5)(b) or s. 173.21 (4) or 173.22 or disposed of under sub. (4) or (5)(a), it shall be disposed of under a court order under sub. (3) or s. 951.18 (4).*

(3) ***Court order.***

(a) *A political subdivision or person contracting under s. 173.15(1)may petition the circuit court for an order doing any of the following with respect to an animal taken into custody by a law enforcement officer or a humane officer or withheld under s. 173.21(1):*

1. Providing for payment for the custody, care or treatment of the animal.
2. Requiring the owner of the animal to post bond for the costs of custody, care or treatment of the animal pending the outcome of any other proceeding.
3. *Authorizing the sale, destruction, treatment as unclaimed under sub. (1m), or other disposal of the animal.*

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

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

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

(e) The court shall issue its order after hearing and may grant, modify and grant or deny the petitioned-for relief, after considering the interests of the animal, the owner of the animal, the political subdivision and the public. The court may not consider the impact of any payments made under s. 173.22 (4) (f) on these interests.

(4) ***Injured or dangerous animals.*** *A political subdivision or person contracting under s. 173.15(1) who has custody of an animal may have the animal euthanized if there are reasonable grounds to believe that any of the following applies:*

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(a) *The animal is hopelessly injured beyond any reasonable chance of recovery.*
(b) *The animal poses an imminent threat to public health or safety.*
(c) *The animal poses an imminent threat to the health or safety of itself or its custodian.*

(5) Animal not confined as required by quarantine order.

(a) A political subdivision or person contracting under s. 173.15 (1) that has custody of an animal that was not confined as required by a quarantine order issued under any statute, rule or ordinance relating to the control of any animal disease shall confine the animal for the duration of the quarantine or shall euthanize the animal with the written permission of the owner or, if the animal is determined to be diseased, at the direction of the person issuing the quarantine order.
(b) Unless the person issuing the quarantine order directs that the animal be euthanized because it is diseased, at the end of the quarantine period the political subdivision or person contracting under s. 173.15 (1) shall return the animal to its owner if the owner complies with sub. (1)(a) to (d) no later than the 7th day after the day on which the political subdivision or person contracting under s. 173.15 (1) demands that the owner claim the animal and pay for its custody, care and treatment.
(c) If an owner does not comply with sub. (1)(a) to (d) within the time provided in par. (b), the animal is considered an unclaimed animal under sub. (1m).
(d) Before euthanizing an animal that is in custody because it was not confined as required by a quarantine order, the person with custody of the animal shall notify the person who issued the order. If the person who issued the order determines that testing of specimens is necessary to determine the disease status of the animal, the person with custody shall collect the specimens.

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

WIS. STAT. § 944.18. Bestiality.

(1) Definitions. In this section:
(a) "Animal" means any creature, either alive or dead, except a human being.
(b) "Obscene material" has the meaning given in s. 944.21(2)(c).
(c) "Photograph or film" means the making of a photograph, motion picture film, video tape, digital image, or any other recording.
(d) "Sexual contact" means any of the following types of contact that is not an accepted veterinary medical practice, an accepted animal husbandry practice that provides care for animals, an accepted practice related to the insemination of animals for the purpose of procreation, or an accepted practice related to conformation judging:

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1. An act between a person and an animal involving physical contact between the sex organ, genitals, or anus of one and the mouth, sex organ, genitals, or anus of the other.
2. Any touching or fondling by a person, either directly or through clothing, of the sex organ, genitals, or anus of an animal or any insertion, however slight, of any part of a person's body or any object into the vaginal or anal opening of an animal.
3. Any insertion, however slight, of any part of an animal's body into the vaginal or anal opening of a person.

(2) Prohibited conduct. No person may knowingly do any of the following:
- (a) Engage in sexual contact with an animal.
- (b) Advertise, offer, accept an offer, sell, transfer, purchase, or otherwise obtain an animal with the intent that it be used for sexual contact in this state.
- (c) Organize, promote, conduct, or participate as an observer of an act involving sexual contact with an animal.
- (d) Permit sexual contact with an animal to be conducted on any premises under his or her ownership or control.
- (e) Photograph or film obscene material depicting a person engaged in sexual contact with an animal.
- (f) Distribute, sell, publish, or transmit obscene material depicting a person engaged in sexual contact with an animal.
- (g) Possess with the intent to distribute, sell, publish, or transmit obscene material depicting a person engaged in sexual contact with an animal.
- (h) Force, coerce, entice, or encourage a child who has not attained the age of 13 years to engage in sexual contact with an animal.
- (i) Engage in sexual contact with an animal in the presence of a child who has not attained the age of 13 years.
- (j) Force, coerce, entice, or encourage a child who has attained the age of 13 years but who has not attained the age of 18 years to engage in sexual contact with an animal.
- (k) Engage in sexual contact with an animal in the presence of a child who has attained the age of 13 years but who has not attained the age of 18 years.

(3) Penalties.
- (a) Any person who violates sub. (2) (a) to (g) is guilty of a Class H felony for the first violation and is guilty of a Class F felony for a 2nd or subsequent violation or if the act results bodily harm or death of an animal. Any person who violates sub. (2)(h) or (i) is guilty of a Class F felony for the first violation and is guilty of a Class D felony for a 2nd or subsequent violation. Any person who violates sub. (2)(j) or (k) is guilty of a Class G felony for the first violation and is guilty of a Class E felony for a 2nd or subsequent violation.
- **(b) Note: [in what appears to be a drafting error, the statute contains no subsection"(b") - the next substantive subsection is "(c)"]**

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(c) *If a person has been convicted under sub. (2), the sentencing court shall order, in addition to any other applicable penalties, all of the following*:

1. *That the person may not own, possess, reside with, or exercise control over any animal or engage in any occupation, whether paid or unpaid, at any place where animals are kept or cared for, for not less than 5 years or more than 15 years. In computing the time period, time which the person spent in actual confinement serving a criminal sentence shall be excluded*.
2. That the person shall submit to a psychological assessment and participate in appropriate counseling at the person's expense.
3. That the person shall pay restitution to a person, including any local humane officer or society or county or municipal pound or a law enforcement officer or conservation warden or his or her designee, for any pecuniary loss suffered by the person as a result of the crime. This requirement applies regardless of whether the person is placed on probation under s. 973.09. If restitution is ordered, the court shall consider the financial resources and future ability of the person to pay and shall determine the method of payment. Upon application of an interested party, the court shall schedule and hold an evidentiary hearing to determine the value of any pecuniary loss, as defined in s. 951.18(4)(a)1., under this subdivision.

(4) Severability. The provisions of this section are severable, as provided in s. 990.001(11).

WIS. STAT. § 951.08. Instigating fights between animals.

(1) No person may intentionally instigate, promote, aid or abet as a principal, agent or employee, or participate in the earnings from, or intentionally maintain or allow any place to be used for a cockfight, dog fight, bullfight or other fight between the same or different kinds of animals or between an animal and a person. This section does not prohibit events or exhibitions commonly featured at rodeos or bloodless bullfights.

(2) No person may own, possess, keep or train any animal with the intent that the animal be engaged in an exhibition of fighting.

(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).*

(3) No person may intentionally be a spectator at a cockfight, dog fight, bullfight or other fight between the same or different kinds of animals or between an animal and a person.

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WIS. STAT. § 951.18. Penalties.

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

(2) Any person who violates s. 951.08(2m) or (3) is guilty of a Class A misdemeanor. Any person who violates s. 951.08(1) or (2) is guilty of a Class I felony for the first violation and is guilty of a Class H felony for the 2nd or subsequent violation.

(2m) Any person who violates s. 951.095 is subject to a Class B forfeiture. Any person who intentionally or negligently violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties, is guilty of a Class A misdemeanor. Any person who intentionally violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties and causing injury to the animal, is guilty of a Class I felony. Any person who intentionally violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties and causing death to the animal, is guilty of a Class H felony.

(2s) Any person who violates s. 951.097(1)(b)1. or (2)(a), knowing that the dog that is the victim is a service dog, is guilty of a Class B misdemeanor. Any person who violates s. 951.097(1)(b)2., (2)(b), or (3)(a), knowing that the dog that is the victim is a service dog, is guilty of a Class A misdemeanor. Any person who violates s. 951.097(3)(b) or (4)(a), knowing that the dog that is the victim is a service dog, is guilty of a Class I felony. Any person who violates s. 951.097(4)(b) or (5), knowing that the dog that is the victim is a service dog, is guilty of a Class H felony.

(3) In addition to penalties applicable to this chapter under this section, a district attorney may apply to any court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating this chapter.

(4) *In addition to penalties applicable to this chapter under this section:*

(a)

1. In this paragraph, "pecuniary loss" means any of the following:
   a. All special damages, but not general damages, including the money equivalent of loss resulting from property taken, destroyed, broken, or otherwise harmed and out-of-pocket losses, such as medical expenses.

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b. Reasonable out-of-pocket expenses incurred by the victim resulting from the filing of charges or cooperating in the investigation and prosecution of an offense under this chapter.
c. Expenses in keeping any animal that is involved in the crime.
d. In a case under s. 951.095 or 951.097, the value of a replacement animal, if the affected animal is incapacitated or dead; the cost of training a replacement animal; or the cost of retraining the affected animal. The court shall base any determination of the value of a replacement service dog on the value of the service dog to the user and not on its cost or fair market value.
e. In a case under s. 951.095 or 951.097, all related veterinary and care expenses.
f. In a case under s. 951.095 or 951.097, the medical expenses of the animal's user, the cost of training the animal's user, and compensation for income lost by the animal's user.

2. A sentencing court shall require a criminal violator to pay restitution to a person, including any local humane officer or society or county or municipal pound or a law enforcement officer or conservation warden, for any pecuniary loss suffered by the person as a result of the crime. This requirement applies regardless of whether the criminal violator is placed on probation under s. 973.09. If restitution is ordered, the court shall consider the financial resources and future ability of the criminal violator to pay and shall determine the method of payment. Upon the application of any interested party, the court shall schedule and hold an evidentiary hearing to determine the value of any pecuniary loss under this paragraph.

(b)

1. *A sentencing court may order that an animal be delivered to the local humane officer or society or the county or municipal pound or to a law enforcement officer if a person commits a crime under this chapter, the person is the owner of the animal that is involved in the crime and the court considers the order to be reasonable and appropriate. A sentencing court may order that an animal be delivered to the department of natural resources, if the animal is a wild animal that is subject to regulation under ch. 169 and the court considers the order to be reasonable and appropriate. The society, pound or, officer or department of natural resources shall release the animal to a person other than the owner or dispose of the animal in a proper and humane manner. If the animal is a dog, the release or disposal shall be in accordance with s. 173.23(1m), except that the fees under s. 173.23(1m)(a)4. do not apply if the expenses are covered under s. 173.24. If the animal is not a dog, the society, pound or officer may charge a fee for the release of the animal.*
2. If the court is sentencing a person covered under s. 173.12 (3) (a) 173.22

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(4) (d) 2. and an animal has been seized under s. 173.12 173.13 (1) (a) 8., the court shall act in accordance with s. 173.12 (3) 173.22 (4) (d) 2..

(c) *Except as provided in s. 951.08(2m), a sentencing court may order that the criminal violator 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 5 years. In computing the time period, time which the person spent in actual confinement serving a sentence shall be excluded.*

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16. COURT-ORDERED TREATMENT

WIS. STAT. § 944.18. Bestiality.

(16) Definitions. In this section:
- (a) "Animal" means any creature, either alive or dead, except a human being.
- (b) "Obscene material" has the meaning given in s. 944.21(2)(c).
- (c) "Photograph or film" means the making of a photograph, motion picture film, video tape, digital image, or any other recording.
- (d) "Sexual contact" means any of the following types of contact that is not an accepted veterinary medical practice, an accepted animal husbandry practice that provides care for animals, an accepted practice related to the insemination of animals for the purpose of procreation, or an accepted practice related to conformation judging:
  1. An act between a person and an animal involving physical contact between the sex organ, genitals, or anus of one and the mouth, sex organ, genitals, or anus of the other.
  2. Any touching or fondling by a person, either directly or through clothing, of the sex organ, genitals, or anus of an animal or any insertion, however slight, of any part of a person's body or any object into the vaginal or anal opening of an animal.
  3. Any insertion, however slight, of any part of an animal's body into the vaginal or anal opening of a person.

(2) Prohibited conduct. No person may knowingly do any of the following:
- (l) Engage in sexual contact with an animal.
- (m) Advertise, offer, accept an offer, sell, transfer, purchase, or otherwise obtain an animal with the intent that it be used for sexual contact in this state.
- (n) Organize, promote, conduct, or participate as an observer of an act involving sexual contact with an animal.
- (o) Permit sexual contact with an animal to be conducted on any premises under his or her ownership or control.
- (p) Photograph or film obscene material depicting a person engaged in sexual contact with an animal.
- (q) Distribute, sell, publish, or transmit obscene material depicting a person engaged in sexual contact with an animal.
- (r) Possess with the intent to distribute, sell, publish, or transmit obscene material depicting a person engaged in sexual contact with an animal.
- (s) Force, coerce, entice, or encourage a child who has not attained the age of 13 years to engage in sexual contact with an animal.
- (t) Engage in sexual contact with an animal in the presence of a child who has not attained the age of 13 years.

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(u) Force, coerce, entice, or encourage a child who has attained the age of 13 years but who has not attained the age of 18 years to engage in sexual contact with an animal.

(v) Engage in sexual contact with an animal in the presence of a child who has attained the age of 13 years but who has not attained the age of 18 years.

(3) Penalties.

(e) Any person who violates sub. (2) (a) to (g) is guilty of a Class H felony for the first violation and is guilty of a Class F felony for a 2nd or subsequent violation or if the act results bodily harm or death of an animal. Any person who violates sub. (2)(h) or (i) is guilty of a Class F felony for the first violation and is guilty of a Class D felony for a 2nd or subsequent violation. Any person who violates sub. (2)(j) or (k) is guilty of a Class G felony for the first violation and is guilty of a Class E felony for a 2nd or subsequent violation.

(f) [*No text*]

(g) *If a person has been convicted under sub. (2), the sentencing court shall order, in addition to any other applicable penalties, all of the following*:

1. That the person may not own, possess, reside with, or exercise control over any animal or engage in any occupation, whether paid or unpaid, at any place where animals are kept or cared for, for not less than 5 years or more than 15 years. In computing the time period, time which the person spent in actual confinement serving a criminal sentence shall be excluded.
2. *That the person shall submit to a psychological assessment and participate in appropriate counseling at the person's expense*.
3. That the person shall pay restitution to a person, including any local humane officer or society or county or municipal pound or a law enforcement officer or conservation warden or his or her designee, for any pecuniary loss suffered by the person as a result of the crime. This requirement applies regardless of whether the person is placed on probation under s. 973.09. If restitution is ordered, the court shall consider the financial resources and future ability of the person to pay and shall determine the method of payment. Upon application of an interested party, the court shall schedule and hold an evidentiary hearing to determine the value of any pecuniary loss, as defined in s. 951.18(4)(a)1., under this subdivi*sion.*

(4) Severability. The provisions of this section are severable, as provided in s. 990.001(11).

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17. HOT CARS

WIS. STAT. § 895.484. Civil liability exemption; entering a vehicle to render assistance.

(1) *In this section:*
  (a) *"Domestic animal" means a dog, cat, or other animal that is domesticated and kept as a household pet, but does not include a farm animal, as defined in s. 951.01 (3).*
  (b) *"Vehicle" means a motor vehicle, or any other vehicle, that is used to transport persons or cargo and that is enclosed.*

(2) *A person is immune from civil liability for property damage or injury that results from his or her forcible entry into a vehicle if all of the following are true:*
  (a) *A person or a domestic animal was present in the vehicle and the actor had a good faith belief that the person or domestic animal was in imminent danger of suffering bodily harm unless he or she exited or was removed from the vehicle.*
  (b) *The actor determined that the vehicle was locked and that forcible entry was necessary to enable the actor to enter the vehicle or to enable the person or domestic animal to be removed from or to exit the vehicle.*
  (c) *The actor dialed the telephone number "911" or otherwise contacted law enforcement, emergency medical services, or animal control before he or she forcibly entered the vehicle.*
  (d) *The actor remained with the person or domestic animal until a law enforcement officer, emergency medical service provider, animal control officer, or other emergency medical responder, as defined in s. 256.01 (4p), arrived at the scene.*
  (e) *The actor used no more force than he or she reasonably believed necessary to enter the vehicle in order to remove the person or domestic animal or to allow the person or domestic animal to exit the vehicle.*
  (f) *If the actor left the scene before the owner or operator of the vehicle returned to the scene, the actor placed a notice on the windshield of the vehicle that included his or her name, telephone number, and mailing address, the reason he or she entered the vehicle, and the location, if known, of the person or domestic animal when the actor left the scene.*

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18. CIVIL NUISANCE ABATEMENT

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19. AG-GAG LAWS

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20. BREED SPECIFIC LEGISLATION

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