

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Dogs chasing wildlife.

Sponsored by: Joint Travel, Recreation, Wildlife and
Cultural Resources Interim Committee

A BILL

for

1 AN ACT relating to game and fish; modifying penalties for
2 owners of dogs injuring or threatening big game animals;
3 modifying elements of the offense; and providing for an
4 effective date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 23-3-109(c) is amended to read:

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10 **23-3-109. Use of dogs; dogs injuring big or trophy**
11 **game animals may be killed; citation of owners of dogs**
12 **harassing game animals; penalties.**

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1 (c) ~~A peace officer may arrest or issue a summons to~~
2 The owner of any dog injuring or threatening a big game
3 animal with immediate injury where the vicious character of
4 the dog is manifest to the officer is guilty of a low
5 misdemeanor punishable as provided in W.S. 23-6-202(a)(v),
6 unless the dog was attempting to protect livestock. ~~A~~
7 ~~first conviction under this subsection is punishable by a~~
8 ~~fine imposed for a low misdemeanor punishable as provided~~
9 ~~in W.S. 23-6-202(a)(v). A second and each subsequent~~
10 ~~conviction under this subsection is punishable by a fine~~
11 ~~and imprisonment imposed for a low misdemeanor punishable~~
12 ~~as provided in W.S. 23-6-202(a)(v).~~

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14 **Staff note: There is some question whether creating a**
15 **personal crime (as opposed to allowing the killing of the**
16 **animal to protect wildlife) based solely on the subjective**
17 **opinion of the officer that the animal is vicious is**
18 **unconstitutionally vague. It might be better to follow the**
19 **Colorado statute which says: "it is unlawful for any person to knowingly**
20 **or negligently allow or direct a dog which he owns or which is under his control to**
21 **harass wildlife, whether or not the wildlife is actually injured by such dog. Any**
22 **person who violates this subsection (2) is guilty of a misdemeanor and, upon**
23 **conviction thereof, shall be punished by a fine of two hundred dollars."**

24

1 **Section 2.** This act is effective July 1, 2009.

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(END)