

SENATE FILE NO. SF0026

Animal abuse statutes reorganization and update.

Sponsored by: Joint Agriculture, State and Public Lands & Water Resources Interim Committee

A BILL

for

1 AN ACT relating to animal abuse crimes; reorganizing and
2 amending offenses involving animal abuse; making conforming
3 amendments; continuing and modifying an account for
4 reimbursement of costs incurred by counties in animal abuse
5 cases; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 6-3-1001 through 6-3-1010 are created
10 to read:

11

ARTICLE 10

12

ANIMAL ABUSE

13

14

15 **6-3-1001. Definitions.**

1

2 (a) As used in this article:

3

4 (i) "Cruelty" means as defined in W.S.
5 6-1-104(a)(xiii);

6

7 (ii) "Costs of the animal's impoundment" means
8 all costs incurred by the impounding entity in providing
9 necessary food and water, veterinary attention and
10 treatment for any animal which is the subject of a
11 violation of this article;

12

13 (iii) "Household pet" means any privately owned
14 dog, cat, rabbit, guinea pig, hamster, mouse, gerbil,
15 ferret, bird, fish, reptile, amphibian, invertebrate or any
16 other species of domesticated animal sold, transferred or
17 retained for the purpose of being kept as a pet in or near
18 a house. "Household pet" shall not include any livestock;

19

20 (iv) "Livestock" means horses, mules and asses,
21 rabbits, llamas, cattle, swine, sheep, goats, poultry, or
22 other animal generally used for food or in the production
23 of food or fiber, working animals and guard animals

1 actively engaged in the protection or management of
2 livestock. Bison are considered livestock unless otherwise
3 designated by the Wyoming livestock board and the Wyoming
4 game and fish commission.

5

6 **6-3-1002. Cruelty to animals.**

7

8 (a) A person commits cruelty to animals if the
9 person:

10

11 (i) Knowingly overrides an animal or drives an
12 animal when overloaded;

13

14 (ii) Intentionally or knowingly injures or
15 unnecessarily beats an animal;

16

17 (iii) Knowingly carries an animal in a manner
18 that poses undue risk of injury or death;

19

20 (iv) Has the charge and custody of any animal
21 and under circumstances which manifest extreme indifference
22 to the animal's safety, health or life:

23

1 (A) Fails to provide it with proper food,
2 drink or protection from the weather adequate for the
3 species;

4

5 (B) Abandons the animal. Relinquishment of
6 an animal to a public or private animal shelter or like
7 facility is not a violation of this subparagraph;

8

9 (C) In the case of immediate, obvious,
10 serious illness or injury to the animal, fails to provide
11 the animal with appropriate care; or

12

13 (D) Keeps any household pet in a manner
14 that results in chronic or repeated serious physical harm
15 to the household pet.

16

17 **6-3-1003. Aggravated cruelty to animals.**

18

19 (a) A person commits aggravated cruelty to animals if
20 the person:

21

1 (i) Owns, possesses, keeps or trains fowls or
2 dogs with the intent to allow the dog or fowl to engage in
3 an exhibition of fighting with another dog or fowl;

4
5 (ii) For gain causes or allows any dog to fight
6 with another dog or any fowl to fight with another fowl;

7
8 (iii) Knowingly permits any dog or fowl fighting
9 on any premises under his charge or control;

10
11 (iv) Promotes any dog or fowl fighting; or

12
13 (v) Shoots, poisons or otherwise intentionally
14 acts to seriously injure or destroy any livestock or
15 domesticated animal owned by another person while the
16 animal is on property where the animal is authorized to be
17 present.

18
19 **6-3-1004. Other misdemeanors involving animal abuse;**
20 **prohibition on manner of destruction of animals; attending**
21 **fowl or dog fights; keeping household pets in unsanitary**
22 **conditions.**

23

1 (a) A person shall not destroy an animal by the use
2 of a high-altitude decompression chamber or a carbon
3 monoxide gas chamber utilizing a gasoline engine. This
4 subsection is uniformly applicable to all cities and towns.

5

6 (b) A person is guilty of a misdemeanor if he
7 knowingly is present at any place where an exhibition of
8 fighting of fowls or dogs is occurring for amusement or
9 gain.

10

11 (c) A person is guilty of a misdemeanor if he keeps a
12 household pet confined in conditions which constitute a
13 public health hazard.

14

15 **6-3-1005. Penalties, misdemeanor offenses.**

16

17 (a) A first offense of cruelty to animals, aggravated
18 animal cruelty or of a violation of W.S. 6-3-1004 is a
19 misdemeanor punishable by imprisonment for not more than
20 six (6) months, a fine of not more than seven hundred fifty
21 dollars (\$750.00), or both.

22

1 (b) A second or subsequent conviction, resulting from
2 charges separately brought and arising out of separate
3 occurrences within a five (5) year period:

4

5 (i) Of animal cruelty under W.S. 6-3-1002 is
6 punishable by imprisonment for not more than six (6)
7 months, a fine of not more than five thousand dollars
8 (\$5,000.00), or both;

9

10 (ii) Of aggravated animal cruelty under W.S.
11 6-3-1003 is punishable by imprisonment for not more than
12 six (6) months, a fine of not more than five thousand
13 dollars (\$5,000.00), or both;

14

15 (iii) Under W.S. 6-3-1004 is a misdemeanor
16 offense punishable by imprisonment for not more than six
17 (6) months, a fine of not more than five thousand dollars
18 (\$5,000.00), or both.

19

20 **6-3-1006. Felony cruelty to animals; penalty.**

21

22 (a) A person commits felony cruelty to animals if the
23 person:

1

2 (i) Commits aggravated cruelty to animals as
3 defined in W.S. 6-3-1003, that results in the death or
4 required euthanasia of the animal; or

5

6 (ii) Knowingly, and with intent to cause death
7 or undue suffering, beats with cruelty, tortures, torments
8 or mutilates an animal.

9

10 (b) Felony cruelty to animals is a felony punishable
11 by imprisonment for not more than two (2) years, a fine of
12 not more than five thousand dollars (\$5,000.00), or both.

13

14 **6-3-1007. Additional remedies, generally.**

15

16 (a) In addition to the penalties for misdemeanor and
17 felony offenses in W.S. 6-3-1005 and 6-3-1006, the court
18 may order any or all of the following:

19

20 (i) If the defendant is the owner of the animal,
21 require the defendant to forfeit ownership of the animal.
22 This paragraph shall not affect the interest of any secured

1 party or other person who has not participated in the
2 offense;

3

4 (ii) Require the defendant to pay all reasonable
5 costs of the animal's impoundment, if the animal has been
6 impounded;

7

8 (iii) Impose continuing prohibitions or
9 limitations on the defendant's ownership, possession or
10 custody of any animal.

11

12 **6-3-1008. Separate counts.**

13

14 Each animal affected by the defendant's conduct may
15 constitute a separate count for the purposes of
16 prosecution, conviction, sentencing and penalties under
17 this article.

18

19 **6-3-1009. Use of agricultural and livestock**
20 **management practices, wildlife management and humane**
21 **destruction not prohibited.**

22

1 (a) Nothing in this article may be construed to
2 prohibit:

3

4 (i) A person humanely destroying an animal,
5 including livestock;

6

7 (ii) The use of industry accepted agricultural
8 and livestock practices on livestock or another animal used
9 in the practice of agriculture;

10

11 (iii) Training or participating in rodeo events,
12 whether the event is performed in a rodeo, fair, jackpot,
13 agricultural exhibition or other similar event;

14

15 (iv) The use of dogs in the management of
16 livestock by the owner of the livestock, his employees or
17 agents or other persons in lawful custody of the livestock;

18

19 (v) The use of dogs or raptors in hunting;

20

21 (vi) The training of dogs or raptors or the use
22 of equipment in the training of dogs or raptors for any
23 purpose not prohibited by law;

1

2 (vii) The hunting, capture, killing or
3 destruction of any predatory animal or other wildlife in
4 any manner not otherwise prohibited by law.

5

6 **6-3-1010. Household pet protection account continued;**
7 **authorized uses of the account.**

8

9 The cruelty to household pet animals protection account as
10 originally created by W.S 6-3-203(o) is continued. Funds
11 shall be credited to the account as provided by law. Funds
12 in the account are continuously appropriated to the
13 attorney general to reimburse county law enforcement
14 agencies for eligible expenses regarding animal cruelty
15 cases involving household pets under W.S.
16 6-3-1002(a)(iv)(D) or 6-3-1004(c). The attorney general
17 shall develop rules and regulations to establish eligible
18 expenses and to determine how county law enforcement
19 agencies will be reimbursed for the costs of an animal
20 cruelty case under W.S. 6-3-1002(a)(iv)(D) or 6-3-1004(c),
21 in an amount not to exceed ninety percent (90%) in any
22 particular case. Any reimbursement under this subsection
23 shall be contingent upon available funding and upon a

1 showing that the agency has made reasonable efforts to seek
2 reimbursement from the offender of expenses incurred by the
3 agency, as permitted by law. All funds in the account may
4 be used for and are continuously appropriated for eligible
5 expenses authorized to be made under this section.
6 Notwithstanding W.S. 9-2-1008 and 9-4-207 funds in the
7 account shall not lapse at the end of the fiscal period.

8

9 **Section 2.** W.S. 6-1-104(a)(vi)(F)(I) and (xv)(P),
10 7-2-101(a)(iv)(E)(I), 11-29-108, 11-29-109,
11 11-29-114(b)(intro) and 35-21-105(a)(ix) and (x) are
12 amended to read:

13

14 **6-1-104. Definitions.**

15

16 (a) As used in this act, unless otherwise defined:

17

18 (vi) "Peace officer" includes the following
19 officers assigned to duty in the state of Wyoming:

20

21 (F) Investigators and brand inspectors of
22 the Wyoming livestock board who have qualified pursuant to
23 W.S. 9-1-701 through 9-1-707 when:

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(I) Enforcing W.S. 6-3-201, ~~6-3-203,~~
6-3-401, 6-3-402, 6-3-410, 6-3-601 through 6-3-603,
6-3-607, 6-3-610 through 6-3-612, 6-3-1002 through
6-3-1004, 6-3-1006, 6-9-202, 35-10-101, 35-10-102 and
35-10-104, the provisions of title 11 and any laws
prohibiting theft or mutilation of livestock or any part
thereof and any rule or regulation promulgated by the
Wyoming livestock board or any other law for which they are
granted statutory enforcement authority;

(xv) "Pattern of criminal street gang activity"
means the commission of, conviction or adjudication for or
solicitation, conspiracy or attempt to commit two (2) or
more of the offenses listed in this paragraph on separate
occasions within a three (3) year period. Offenses that
form a pattern of criminal street gang activity include:

(P) Aggravated cruelty to animals in
violation of W.S. ~~6-3-203(e)~~ 6-3-1003;

7-2-101. Definitions.

1 (a) As used in W.S. 7-2-101 through 7-2-107:

2

3 (iv) "Peace officer" means:

4

5 (E) Investigators and brand inspectors of
6 the Wyoming livestock board who have qualified pursuant to
7 W.S. 9-1-701 through 9-1-707:

8

9 (I) When enforcing W.S. 6-3-201,
10 ~~6-3-203,~~ 6-3-401, 6-3-402, 6-3-410, 6-3-601 through
11 6-3-603, 6-3-607, 6-3-610 through 6-3-612, 6-3-1002 through
12 6-3-1004, 6-3-1006, 6-9-202, 35-10-101, 35-10-102 and
13 35-10-104, the provisions of title 11 and any laws
14 prohibiting theft, killing or mutilation of livestock or
15 any part thereof and any rule or regulation promulgated by
16 the Wyoming livestock board or any other law for which they
17 are granted statutory enforcement authority;

18

19 **11-29-108. Livestock board; seized livestock animals**
20 **and vehicles; lien on seized chattels; civil action for**
21 **unpaid expenses.**

22

1 When any person arrested under this act is in charge of any
2 vehicle drawn by or containing any livestock animal cruelly
3 treated as defined in W.S. ~~6-3-203~~6-1-104(a)(xiii) at the
4 time of arrest, any peace officer, agent or officer of the
5 board may take charge of the livestock animal and vehicle
6 and its contents, and give notice thereof to the owner, if
7 known, and shall provide for them until their owner takes
8 possession of them. The board or local government shall
9 have a lien on the livestock animals, the vehicle and its
10 contents for the expense of the care and provision. The
11 expense or any part remaining unpaid may be recovered by
12 the board or local government in a civil action.

13

14 **11-29-109. Livestock board; care of abandoned**
15 **livestock animals; civil action for expenses; lien.**

16

17 Any peace officer, agent or officer of the board may take
18 charge of any livestock animal found abandoned, neglected
19 or ~~eruelly~~-treated with cruelty as defined in W.S. ~~6-3-203~~
20 6-1-104(a)(xiii). He shall give notice to the owner, if
21 known, and may care and provide for the livestock animal
22 until the livestock animal is released or destroyed. The
23 expenses of care and provision is a charge against the

1 owner of the livestock animal and collectible from the
2 owner by the board or by the local government employing the
3 peace officer taking charge of the livestock animal in a
4 civil action. The board or local government may detain the
5 livestock animals until the expense for food, shelter and
6 care is paid and shall have a lien upon the livestock
7 animals therefor. This lien shall be filed as provided
8 pursuant to W.S. 29-7-101 through 29-7-106.

9

10 **11-29-114. Impoundment of livestock animals; cost of**
11 **care for livestock animals; providing for bond.**

12

13 (b) The owner of the livestock animal impounded under
14 subsection (a) of this section, and who has been cited
15 under W.S. ~~6-3-203~~6-3-1002 through 6-3-1004 or 6-3-1006,
16 shall be required to post a bond with the circuit court in
17 the county where the livestock animal was impounded. The
18 bond shall be:

19

20 **35-21-105. Order of protection; contents; remedies;**
21 **order not to affect title to property; conditions.**

22

1 (a) Upon finding that an act of domestic abuse has
2 occurred, the court shall enter an order of protection
3 ordering the respondent household member to refrain from
4 abusing the petitioner or any other household member. The
5 order shall specifically describe the behavior that the
6 court has ordered the respondent to do or refrain from
7 doing. As a part of any order of protection, the court may:

8
9 (ix) Grant sole possession of any household pet,
10 as defined in W.S. ~~6-3-203(e)~~6-3-1001(a)(iii), owned,
11 possessed or kept by the petitioner, the respondent or a
12 minor child residing in the residence or household of
13 either the petitioner or the respondent to the petitioner
14 during the period the order of protection is effective if
15 the order is for the purpose of protecting the household
16 pet;

17
18 (x) Order that the respondent shall not have
19 contact with any household pet, as defined in W.S.
20 ~~6-3-203(e)~~6-3-1001(a)(iii), in the custody of the
21 petitioner and prohibit the respondent from abducting,
22 removing, concealing or disposing of the household pet if

1 the order is for the purpose of protecting the household
2 pet.

3

4 **Section 3.** W.S. 6-3-203 is repealed.

5

6 **Section 4.** This act is effective July 1, 2021.

7

8

(END)

9