



FACT SHEET

WYOMING LEGISLATIVE SERVICE OFFICE

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PENALTIES FOR DOMESTIC ABUSE AND ANIMAL ABUSE IN WYOMING

LSO Research staff was asked to provide a comparison of the penalties for domestic abuse and animal cruelty in Wyoming statutes, and a snapshot of other states' animal cruelty laws. Table 1, below, identifies the penalties for domestic abuse, child abuse, and animal cruelty in Wyoming. Table 2, on the next page, provides a list of penalties for animal cruelty for the states surrounding Wyoming.

Table 1. Penalties for Domestic Violence, Child Abuse, and Animal Abuse in Wyoming

Offense	Statute	Description	Penalty
Domestic Abuse - first offense	W.S. 6-2-501(e)	-Household member found guilty against any other household member.	- <i>Misdemeanor</i> , punishable by not more than 6 months imprisonment, \$750 fine, or both.
-second offense	W.S. 6-2-501 (f)(i)	-Within 5 years of previous conviction.	- <i>Misdemeanor</i> , punishable by not more than 1 year imprisonment, \$1,000 fine, or both. Probation not to exceed two years.
-third or subsequent offense	W.S. 6-2-501 (f)(ii)	-Within 10 years of previous conviction.	- <i>Felony</i> , punishable by not more than 5 years imprisonment, \$2,000 fine, or both.
Aggravated Assault and Battery	W.S. 6-2-502	-Assault with indifference to human life, including use of a deadly weapon and assault and battery of a woman known to be pregnant.	- <i>Felony</i> , punishable by not more than 10 years imprisonment.
Child Abuse ¹ -non-responsible person	W.S. 6-2-503(a)	-Guilty of child abuse if actor is adult or at least 6 years older than victim; physically ² or mentally ³ abuses a child under 16 years of age.	- <i>Felony</i> , punishable by not more than 5 years imprisonment.
-responsible person	W.S. 6-2-503 (b)	- Guilty of child abuse if physically or mentally abuses a child under 18 years of age.	- <i>Felony</i> , punishable by not more than 5 years imprisonment.
Animal Cruelty -first offense	W.S. 6-3-203(a) and (b)	-intentionally seeks to cause death, injury or suffering or attempts to kill an animal. ⁴	- <i>Misdemeanor</i> , punishable by not more than 6 months imprisonment, \$750 fine, or both.
-second offense		-subsequent offense	- <i>High misdemeanor</i> , punishable by not more than 1 year imprisonment, \$5,000fine, or both.
-aggravated animal cruelty	W.S. 6-3-203 (c) and (e)	-addresses dog fighting and cock fighting.	- <i>High misdemeanor</i> , punishable by not more than 1 year imprisonment, \$5,000fine, or both.
-intentional death or required euthanization of an animal	W.S. 6-3-203 (n)	-Harms an animal with the intended result being death of the animal or required euthanization.	- <i>Felony</i> , punishable by not more than 2 years imprisonment, \$5,000 fine, or both.

Source: LSO staff summary of applicable Wyoming statutes.

Notes: (1) W.S. 14-3-202(a)(i) defines "A person responsible for a child's welfare" as "...the child's parent, noncustodial parent, guardian, custodian, stepparent, foster parent or other person, institution or agency having the physical custody or control of the child;" Although the penalty appears to be the same, W.S. 6-2-503 distinguishes between a person who is responsible for a child and a person who is not responsible for a child.

(2) The definition for physical injury is identified in W.S. 14-3-202(a)(ii)(B), "...any harm to a child including but not limited to disfigurement, impairment of any bodily organ, skin bruising if greater in magnitude than minor bruising associated with reasonable corporal punishment, bleeding, burns, fracture of any bone, subdural hematoma or substantial malnutrition;"

(3) Mental injury is defined in W.S. 14-3-202(a)(ii)(A) as "...an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in his ability to function within a normal range of performance and behavior with due regard to his culture;"

(4) According to W.S. 6-3-203 (a) (i), (ii), and (iii), behaviors include overriding or driving an animal when overloaded; unnecessarily or cruelly beats, tortures, torments, injures, mutilates or attempts to kill an animal. W.S. 6-3-203 (b) further states a person is guilty of animal cruelty if they fail to provide proper food, water and shelter, cruelly abandons the animal, or fails to provide appropriate care.

Table 2. Surrounding and Select Western States' Animal Cruelty Law Penalties

State	Statute	Additional Provisions	Penalty
Arizona	Ariz. Rev. Stat. 13-2910; 13-701; 13-707; 13-801; and 13-802		Ranges from Class 1 Misdemeanor to Class 6 Felony; imprisonment ranges from 6 months to 1 year; fines range from not more than \$2,500 up to \$150,000.
Colorado	Colo. Rev. Stat. 18-9-202; 18-1.3-401; and 18-1.3-501.	Psychological evaluation or anger management treatment may be ordered by court.	Ranges from Class 1 Misdemeanor to Class 5 Felony; imprisonment ranges from 6 months to 3 years. Fines range from \$500 to \$100,000.
Idaho	Idaho Code 25-3504 and 25-3520A	Penalty is dependent upon first and subsequent offenses within certain timeframes.	Misdemeanor; imprisonment ranges from not more than 6 months to 1 year. Fines range from \$100 to \$9,000. Both imprisonment and fines may be ordered.
Montana	Mont. Code. Ann. 45-8-217	Court may prohibit ownership of animals during term of sentence.	Based on review of Montana Code, unclear if classified as misdemeanor or felony. Maximum imprisonment of 2 years; maximum fine of \$2,500. Both imprisonment and fines may be ordered.
Nebraska	Neb. Rev. Stat. 28-1008, et seq.		Ranges from Class I Misdemeanor to Class IV Felony; imprisonment ranges from a maximum of 1 year to 5 years. Fines range from a maximum fine of \$1,000 to \$10,000.
New Mexico	N.M. Stat. Ann. 30-18-1	Court may order psychological counseling, participating in animal cruelty prevention program, or other similar programs. The court shall order psychological evaluation and treatment for juveniles.	Ranges from a Misdemeanor to 4 th degree Felony; maximum imprisonment of 18 months; maximum fine is \$5,000.
North Dakota	N.D. Cent. Code 36.21.1-01, et seq., and 21.1-32-01		Class A Misdemeanor; maximum imprisonment is 1 year; maximum fine is \$2,000. Both imprisonment and fines may be ordered.
South Dakota	S.D. Codified Laws 40-1-1, and 22-6-2		Class 1 Misdemeanor; maximum imprisonment is 1 year; maximum fine is \$1,000.
Utah	Utah Code Ann. 76-9-301, and 76-3-301	Psychological counseling mandatory for juveniles. Court may prohibit offender from having animals.	Misdemeanor (class depends upon violation); maximum imprisonment is 1 year; maximum fine is \$2,500.

Source: LSO staff summary of state animal cruelty laws.

Note: The information provided above does not specifically include dog fighting or cock fighting; however, penalties for those crimes may be similar to those assessed for animal cruelty violations.

If you need anything further, please contact me at 777-7881.