

77 ISO 481

HOUSE BILL 317,

HOUSE BILL 317

Title:

AN ACT to create W.S. 11-546.1; to amend W.S. 11-546; and to repeal W.S. 11-549 and 11-579 relating to cruelty to animals; providing for increased penalties for conviction of cruelty to animals; providing for penalties for deliberate poisoning; and providing for an effective date.

Sponsored by:

Dennis C. Stickle
Nathan C. Holland

DATE	ACTION	DATE	ACTION
JAN 24 1977	READ FIRST TIME		
	REFERRED TO COM. NO. <u>5</u>		
	DELIVERED TO COM. NO. <u>5</u>		
JAN 31 1977	RETURNED		
	Recommended Amended and Re Pass <u>Pages 8</u> <u>over</u>		
	PLACED ON DEFECTION FILE		
FEB 1 1977	CONSIDERED IN COM. OF WHOLE		
	Stand of Com. Amendment <u>HB 317 HEN</u> <u>AV</u>		
	ADOPTED		
	RECOMMENDED BY----- <u>PASS</u>		
FEB 2 1977	READ SECOND TIME		
FEB 3 1977	Read Third Time		
	<u>5</u> PASSED <u>Amended</u> <u>EN</u> <u>Amended</u> <u>Amended</u>		
	ENGROSSED		
2-4-77	<u>Sent to Senate</u>		
Feb. 4	<div style="border: 1px solid black; padding: 5px;"> Received fr. House Read first time Referred to Com. c. <u>5</u> Delivered to Com. No. <u>5</u> </div>		
	<u>HOIG/317</u>		

CONTINUED ON BACK

HB 317Third ReadingDate 2-3-77

Roll Call of the House

of the FORTY-FOURTH LEGISLATURE

of Wyoming

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
63 BAUMAN	✓				28 McMILLAN		✓		
62 BRYANT	✓				27 MEENAN	✓			
61 BUCK	✓				26 MEIER	✓			
60 BURNETT	✓				25 MICHELI	✓			
59 BUSSART	✓				24 MORTON	✓			
58 CHAMBERLAIN	✓				23 O'NEIL	✓			
57 CLAPP	✓				22 ORRISON	✓			
56 COPENHAVER		✓			21 OSLUND	✓			
55 CRANFILL	✓				20 PARKS	✓			
54 CREWS	✓				19 PERRY	✓			
53 CROSS	✓				18 PHELAN	✓			
52 CROWLEY	✓				17 PROSSER	✓			
51 CURRY	✓				16 ROTH	✓			
50 DONLEY	✓				15 SALISBURY	✓			
49 DOWNING	✓				14 SANDERS	✓			
48 EDWARDS	✓				13 SCOTT	✓			
47 ENGEN	✓				12 SIDI	✓			
46 ESKENS	✓				11 SIMPSON	✓			
45 FLEISCHLI	✓				10 SMITH				
44 A. LEFTY GRAHAM	✓				9 STAUFFER	✓			
43 J. L. GRAHAM	✓				8 STEWART	✓			
42 GROPP	✓				7 STICKLEY	✓			
41 GUFFEY	✓				6 TARTER	✓			
40 HANSEN	✓				5 TRUJILLO	✓			
39 HEMMERT	✓				4 URBIGKIT		✓		
38 HOLLAND	✓				3 VINICH	✓			
37 HUNTER	✓				2 WILKINS	✓			
36 HURSH	✓				1 MR. SPEAKER		✓		
35 JENNINGS		✓							
34 JENSEN	✓								
33 JONES	✓								
32 KINNAMAN	✓								
31 LARSON	✓								
30 McCARTHY		✓							
29 McILVAIN	✓								

PRESENT

AYES

56

NOES

6

EXCUSED

ABSENT

TOTAL

62

LESS

1977

STATE OF WYOMING

77LS0-481/eng

HOUSE BILL NO. 317

Cruelty to animals.

Sponsored by: Representatives STICKLEY and HOLLAND

A BILL

for

1 AN ACT to create W.S. 11-546.1; to amend W.S. 11-546; and
2 to repeal W.S. 11-549 and 11-579 relating to cruelty to
3 animals; providing for increased penalties for conviction
4 of cruelty to animals; providing for penalties for delib-
5 erate poisoning; and providing for an effective date.

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

7 Section 1. W.S. 11-546.1 is created to read:

8 11-546.1. Poisoning domestic animals or killing with
9 ground glass. Any person who administers poison or ground
10 glass to any domestic animal, or exposes a poisonous sub-
11 stance or ground glass with the intent that it shall be
12 taken or swallowed by any domestic animal, is guilty of a
13 misdemeanor punishable by imprisonment in the county jail
14 not exceeding eighty (80) days, or by a fine of not more
15 than one thousand dollars (\$1,000.00), or both.

16 Section 2. W.S. 11-546 is amended to read:

2 11-546. Cruelty to animals generally. Every person
3 who overdrives, overloads, drives when overloaded,
4 overworks, or ~~wilfully~~ WILLFULLY and maliciously tortures,
5 torments, deprives of necessary sustenance, unnecessarily
6 or cruelly beats, or ~~wilfully~~ WILLFULLY and maliciously
7 and needlessly mutilates or kills, or carries in or upon
8 any vehicle, or otherwise in a cruel or inhuman manner any
9 animal, or causes or procures it to be done; or who, hav-
10 ing the charge and custody of any animal, unnecessarily
11 fails to provide it with the proper food, drink or pro-
12 tection from the weather, or cruelly abandons it shall
13 upon conviction, be punished by ~~imprisonment-in-the-county~~
14 ~~jail--not-exceeding-one-year-or-by~~ A fine OF ~~not less-than~~
15 ~~ten-dollars--nor~~ more than one--hundred FIVE THOUSAND
16 dollars ~~or--by--both-such-fine-and~~ (\$5,000.00) OR BY BOTH
17 SUCH FINE AND imprisonment FOR NOT MORE THAN ONE (1) YEAR.
18 IN ADDITION, UPON SECOND CONVICTION THE COURT SHALL DIS-
19 POSE OF THE AFFECTED ANIMALS BY SALE OR OTHER MEANS AND
20 ENTER AN ORDER TO CARRY OUT THE DISPOSITION. NO LICENSED
21 VETERINARIAN SHALL BE SUBJECT TO CIVIL LIABILITY FOR
22 OFFERING HIS PROFESSIONAL OPINION AS TO CRUEL TREATMENT OF
23 ANIMALS.

24 Section 3. W.S. 11-549 and 11-579 are repealed.

1977

STATE OF WYOMING

77LSO-481

1 Section 4. This act is effective May 27, 1977.

2 (END)

1977

STATE OF WYOMING

77LSO-481.01

HOUSE BILL NO. 317

Cruelty to animals.

Sponsored by: Representative STICKLEY

*Donnis C. Stickley**William C. Hanson*

A BILL

for

1 AN ACT to create W.S. 11-546.1; and to amend W.S. 11-546
2 and 11-549 relating to cruelty to animals; providing for
3 increased penalties for conviction of cruelty to animals;
4 providing for jurisdiction of cases; providing for pen-
5 alties for deliberate poisoning; and providing for an
6 effective date.

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

8 Section 1. W.S. 11-546.1 is created to read:

9 11-546.1. Poisoning domestic animals. Any person
10 who administers poison to any domestic animal, or exposes
11 a poisonous substance with the intent that it shall be
12 taken or swallowed by any domestic animal, is guilty of a
13 misdemeanor punishable by imprisonment in the county jail
14 not exceeding eighty (80) days, or by a fine not less than
15 fifty dollars (\$50.00) nor more than one thousand dollars
16 (\$1,000.00), or both.

HB 317

1 Section 2. W.S. 11-546 and 11-549 are amended to
2 read:

3 11-546. Cruelty to animals generally. Every person
4 who overdrives, overloads, drives when overloaded,
5 overworks, or ~~willfully~~ WILLFULLY and maliciously tortures,
6 torments, deprives of necessary sustenance, unnecessarily
7 or cruelly beats, or ~~willfully~~ WILLFULLY and maliciously
8 and needlessly mutilates or kills, or carries in or upon
9 any vehicle, or otherwise in a cruel or inhuman manner any
10 animal, or causes or procures it to be done; or who, hav-
11 ing the charge and custody of any animal, unnecessarily
12 fails to provide it with the proper food, drink or pro-
13 tection from the weather, or cruelly abandons it shall
14 upon conviction, be punished by ~~imprisonment in the county~~
15 ~~jail not exceeding one year or by~~ A fine OF not less than
16 ten ONE HUNDRED dollars (\$100.00) nor more than one
17 hundred FIVE THOUSAND dollars ~~or by both such fine~~
18 (\$5,000.00) and MANDATORY imprisonment FOR ONE (1) YEAR.
19 IN ADDITION, UPON SECOND CONVICTION THE SHERIFF OR HIS
20 DEPUTY SHALL SEIZE ANY AFFECTED ANIMALS OF THE CONVICTED
21 PERSON FOR PERMANENT CONFISCATION. THESE ANIMALS AND
22 THEIR LEGAL TITLE SHALL BE TRANSFERRED TO THE LOCAL RECOG-
23 NIZED HUMANE CENTER, OR IF NONE EXISTS, TO THE STATE
24 VETERINARIAN, FOR TEMPORARY CARE. THOSE PERSONS PROVIDING

H.B. 317

1 TEMPORARY CARE SHALL BE RESPONSIBLE FOR DETERMINING PERMA-
2 NENT CARE OF THE CONFISCATED ANIMALS.

3 ~~11-549. Arrest for offenses; trial; jury; judgment;~~
4 ~~finer; disposition of fines.~~ Any justice-of-the-peace-in
5 the-county COURT OF COMPETENT JURISDICTION IN THE COUNTY
6 in which any of the offenses defined in this act is
7 committed, may, upon his-own knowledge, or-upon-the-oath
8 of-any-competent-person, issue a warrant to any proper
9 officer of his A county for the arrest of any person
10 charged with such-offense THESE OFFENSES, and upon the
11 arrest of such A person, the-justice-of-the-peace ANY
12 COURT OF COMPETENT JURISDICTION IN THE COUNTY before whom
13 such THE person is brought for trial shall have jurisdic-
14 tion to hear and-determine-the-cause, THE CASE and, if he
15 find the accused IS FOUND guilty, THE COURT shall assess
16 the fine or fix the term of imprisonment, or both, as
17 prescribed-in-this-act, provided, The accused may have a
18 trial by a jury of six lawful-jurors, (6) or, if he shall
19 insist-on INSISTS, a full jury, by OF twelve, who (12)
20 shall be summoned to try the cause-and CASE. If the jury
21 shall-find FINDS the accused guilty, they shall assess and
22 state the amount of the fine, or the term of imprisonment,
23 or both, upon-which-the-justice-of-the-peace-before-whom
24 the-trial-shall-be-had, ANY COURT OF COMPETENT JURISDIC-

413317

1 TION IN THE COUNTY shall give judgment accordingly, and
2 proceed to collect such THE fine and the costs of trial, +
3 and when such ANY fine shall be collected, the same shall
4 be paid to the county treasurer, to be credited to the
5 public school fund, who shall give his A receipt therefor,
6 which said receipt shall be filed with the justice of the
7 peace COURT RENDERING THE JUDGMENT.

8 Section 3. This act is effective May 27, 1977.

9 (END)

FISCAL NOTE

Fiscal Note No. 415
 Requester Representative Stickley

L.S.O.	Draft
481	L1
Bill No.	Jt. Res. No.

Part I. Fiscal Data:

SHORT TITLE OF BILL: Cruelty to animals	STATUTORY REFERENCE Nos. W.S. 11-546.1 et al	NAME OF FUND Not applicable
AGENCY TITLE: SOURCE OF APPROPRIATION/REVENUE Not applicable		New Program <input type="checkbox"/> Change in Existing Program <input checked="" type="checkbox"/> Local Government Impact <input type="checkbox"/>

If more than one appropriation is involved, show overall effect below, but show breakdown by appropriation and fiscal year on a separate page. Round to nearest hundred dollars.

EFFECT OF PROPOSAL	FISCAL PERIODS		
	BIENNIAL INCREASE OR (-) DECREASE		
	First Biennial	Second Biennial	Third Biennial
Salaries & Number of Personnel	\$		
Supporting Expenses			
Permanent Property			
Aids to Localities			
Other			
ESTIMATED TOTAL COST	\$		
GENERAL FUND			
FEDERAL FUND			
OTHER			
ESTIMATED TOTAL REVENUE	\$		

Part II. Explain in a clear and concise manner what effect this measure will have on the costs and revenues of state government. Specify the source of funds for appropriations. Include effect on the current biennium and also the long-range fiscal effect, if any. Show how you arrived at the estimate. Use attached sheet and any additional sheets which you may need.

NO FISCAL IMPACT.

Date <u>11/2/77</u>	Agency <u>Legislative Auditor</u>	Authorized Representative
Date	Legislative Auditor Clearance	

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HB 317

✓ HB317HS1/A

- ✓✓ Page 1-line 1 ✓Delete "and".
- ✓✓ Page 1-line 2 ✓After "11-546" insert "semicolon".
- ✓✓ Page 1-line 2 ✓After "and" insert "to repeal W.S.".
- ✓✓ Page 1-line 4 ✓After "11-549" insert "and 11-579".
- ✓✓ Page 1-line 4 ✓Delete "providing for jurisdiction of cases;".
- ✓✓ Page 1-line 9 ✓After "animals" insert "or killing with ground glass".
- ✓✓ Page 1-line 10 ✓After "poison" insert "or ground glass".
- ✓✓ Page 1-line 11 ✓After "substance" insert "or ground glass"..
- ✓✓ Page 1-line 14 ✓After "fine" insert "of" delete "less than".
- ✓✓ Page 1-line 15 ✓Delete "fifty dollars (\$50.00) nor".

- ✓✓ Page 2-line 1 ✓Delete "and 11-549 are" insert "is".
- ✓✓ Page 2-line 15 ✓Strike "~~less-than~~".
- ✓✓ Page 2-line 16 ✓Delete and strike "ONE HUNDRED dollars (\$100.00) ~~nor~~".
- ✓✓ Page 2-line 18 ✓Strike "~~and~~". Delete "MANDATORY" insert "OR BY BOTH SUCH FINE AND".
- ✓✓ Page 2-line 19 ✓After "FOR" insert "NOT MORE THAN".
- ✓✓ Page 2-line 19 ✓After "CONVICTION" delete balance of line and insert "THE COURT SHALL DISPOSE OF THE AFFECTED ANIMALS BY SALE OR OTHER MEANS AND ENTER AN ORDER TO CARRY OUT THE DISPOSITION."
- ✓✓ Page 2-lines 20 through 24 - Delete.

- ✓✓ Page 3-lines 1 and 2 - Delete.
- ✓✓ Page 3-line 2 Insert "NO LICENSED VETERINARIAN SHALL BE SUBJECT TO CIVIL LIABILITY FOR OFFERING HIS PROFESSIONAL OPINION AS TO CRUEL TREATMENT OF ANIMALS."
- ✓✓ Page 3-lines 3 through 24 - Delete.

- ✓✓ Page 4-lines 1 through 7 - Delete.
- ✓✓ Page 4 - After line 7 - Insert "Section 3. W.S. 11-549 and 11-579 are repealed."
- ✓✓ Page 4-line 8 Delete "3" insert "4". -J. L. GRAHAM *JLG*