

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

SENATE FILE NO.

Animal abuse statutes reorganization and update.

Sponsored by: Senator(s) Boner

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 6-3-1011 are created

10 to read:

11

12

ARTICLE 10

13

ANIMAL ABUSE

1 \*\*\*\*\*  
 2 STAFF COMMENT  
 3 This draft reorganizes the single statute which currently  
 4 addresses all of the animal abuse provisions in the  
 5 criminal code. (W.S. 6-3-203) The reorganization attempts  
 6 to eliminate redundancy and arranges the offenses in a  
 7 sequential order of increasing seriousness from animal  
 8 abuse, aggravated animal abuse to felony animal abuse.  
 9 Some substantive modifications are made in order to make  
 10 the elements of the various offenses more consistent. In  
 11 order not to make major substantive changes the offenses in  
 12 current law are retained, but some are renamed to simplify  
 13 the statutes. There are additional modifications which  
 14 involve policy choices which the Committee might wish to  
 15 consider. Those additional modifications are discussed in  
 16 staff comments.  
 17 \*\*\*\*\*  
 18

19 6-3-1001. Definitions.

20  
 21 (a) As used in this article:

22  
 23 (i) "Household pet" means any privately owned  
 24 dog, cat, rabbit, guinea pig, hamster, mouse, gerbil,  
 25 ferret, bird, fish, reptile, amphibian, invertebrate or any  
 26 other species of domesticated animal sold, transferred or  
 27 retained for the purpose of being kept as a pet in or near  
 28 a house. "Household pet" shall not include any livestock;

29  
 30 (ii) "Cruelty" means as defined in W.S. 6-1-  
 31 104(a)(xiii);

1

2 (iii) "Costs of the animal's impoundment" means  
3 all costs incurred by the impounding entity in providing  
4 necessary food and water, veterinary attention and  
5 treatment for any animal which is the subject of a  
6 violation of this article.

7

8 \*\*\*\*\*  
9 STAFF COMMENT  
10 Paragraph (iii) above is pulled from existing W.S. 6-3-203,  
11 which states that "the court may: (i) Require the defendant  
12 to pay all reasonable costs incurred in providing necessary  
13 food and water, veterinary attention and treatment for any  
14 animal affected;".  
15 \*\*\*\*\*  
16

17 (iv) "Livestock" means horses, mules and asses,  
18 rabbits, llamas, cattle, swine, sheep, goats, poultry, or  
19 other animal generally used for food or in the production  
20 of food or fiber, and guard animals actively engaged in the  
21 protection of livestock. Bison are considered livestock  
22 unless otherwise designated by the Wyoming livestock board  
23 and the commission.

24

25 \*\*\*\*\*  
26 STAFF COMMENT  
27 Paragraph (iv) above is from existing W.S. 6-3-203, which  
28 excludes "livestock" (as defined by cross reference to a  
29 game and fish statute) from the definition of household

1 pet. "Livestock" is also defined numerous times in title  
2 11 for different purposes. The definition of "livestock"  
3 for the protection of animals provisions of title 11 is by  
4 the same cross reference to the game and fish statute,  
5 which is repeated above.

6 \*\*\*\*\*  
7 \*\*\*\*\*  
8 \*\*\*\*\*

9 6-3-1002. Cruelty to animals.

10 \*\*\*\*\*  
11 \*\*\*\*\*

12 STAFF COMMENT

13 "Animal" currently is not defined for purposes of title 6  
14 or in case law. There is a very broad definition in title  
15 11 under the animal remedies act as: *"animal" means any*  
16 *animate being, which is not human, endowed with the power*  
17 *of voluntary action.* Without a definition, the courts would  
18 look to the common dictionary definition of animal.

19 \*\*\*\*\*  
20 \*\*\*\*\*

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

23  
24 (i) Knowingly overrides an animal or drives an  
25 animal when overloaded;

26  
27 (ii) Intentionally or knowingly injures or  
28 unnecessarily beats an animal;

29 \*\*\*\*\*  
30 \*\*\*\*\*

31 STAFF COMMENT

1 In current law paragraph (a)(ii) above provides, that the  
 2 offender "knowingly unnecessarily beats or injures an  
 3 animal". There is no definition of "unnecessarily" or  
 4 "unnecessary" within the criminal code or that has been  
 5 given by the courts in this context. It seemed the use of  
 6 "unnecessarily" to modify "injures an animal" was  
 7 nonsensical, in that it is difficult to imagine why it  
 8 would be necessary to injure an animal. The word was  
 9 retained to modify "beats" because it is in current law.  
 10 It is a policy question for the Committee what the culpable  
 11 mental state and elements of the crime should be.

12 \*\*\*\*\*  
 13

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

16

17 (iv) Has the charge and custody of any animal  
 18 and under circumstances which manifest extreme indifference  
 19 to the animal's safety, health or life;

20

21 (A) Unnecessarily Fails to provide it with  
 22 proper food, drink or protection from the weather;

23

24 (B) Cruelly Abandons the animal.  
 25 Relinquishment of an animal to a public or private animal  
 26 shelter or like facility is not a violation of this  
 27 subparagraph;

28

1 (C) In the case of immediate, obvious,  
2 serious illness or injury to the animal, fails to provide  
3 the animal with appropriate care; or

4  
5 (D) Keeps any household pet in a manner that  
6 results in chronic or repeated serious physical harm to the  
7 household pet.

8  
9 \*\*\*\*\*

10 STAFF COMMENT

11 A single sentence in current law was "candled" into  
12 subdivisions under paragraph (iv) above. For this draft  
13 only deletions to current provisions are shown as stricken  
14 and additions to current law is shown as underlined. The  
15 insertion of the additional language is intended to bring  
16 more uniformity to the various actions which can result in  
17 the offense of cruelty. "Manifest extreme indifference" is  
18 a standard drawn from aggravated assault under W.S. 6-2-  
19 502.

20 Subparagraph (D) above is taken from the household pet  
21 misdemeanor provision as that labeled offense is removed  
22 under this draft, with the actions becoming either  
23 "cruelty" or a miscellaneous offense under W.S. 6-3-1009,  
24 later in the bill. This placement means that the  
25 underlined language in (iv) will modify the offense  
26 involving household pets. If the Committee wishes not to  
27 make that change, (D) above can simply be made into a  
28 paragraph (v).

29  
30 \*\*\*\*\*

31  
32 6-3-1003. Aggravated cruelty to animals.

33

1 (a) A person commits aggravated cruelty to animals if  
2 the person:

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

7  
8 (ii) For gain causes or allows any dog to fight  
9 with another dog or any fowl to fight with another fowl;

10  
11 (iii) Knowingly permits any dog or fowl fighting  
12 on any premises under his charge or control;

13  
14 (iv) Promotes any dog or fowl fighting; or

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

21 \*\*\*\*\*

22 STAFF COMMENT

23 The Committee may wish to consider whether the activities  
24 related to dog fighting or fowl fighting are as the  
25 committee wishes. There are slight differences between

1 paragraphs (a)(i) through (iv) regarding the acts which are  
2 crimes.

3

4 For example, under existing law, and as carried forth in  
5 this draft in W.S. 6-3-1004(b) below, it is a misdemeanor  
6 to be present at a location where "an exhibition of  
7 fighting of fowls or dogs is occurring for amusement or  
8 gain."(emphasis added). But under aggravated cruelty, the  
9 prohibitions are not against dog/fowl fighting for  
10 "amusement" but rather, against an "exhibition" of  
11 fighting, or fighting "for gain".

12 \*\*\*\*\*

13

14 6-3-1004. Other misdemeanors involving animal abuse;  
15 prohibition on manner of destruction of animals; attending  
16 fowl or dog fights; keeping household pets in unsanitary  
17 conditions.

18

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

23

24 (b) A person is guilty of a misdemeanor if he  
25 knowingly is present at any place where an exhibition of  
26 fighting of fowls or dogs is occurring for amusement or  
27 gain.

28



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

4

5 \*\*\*\*\*  
6 STAFF COMMENT  
7 The above provisions have been drawn from the current  
8 statute and reorganized under this section. Subsections  
9 (a) and (b) were stand-alone provisions. (c) was under  
10 household pet cruelty. They were all placed here as each  
11 did not appear to be an act directed at a specific animal,  
12 but rather at an more general activity. The elements of  
13 the offense and the penalties attached to each offense are  
14 not changed in this draft.

15 \*\*\*\*\*  
16 6-3-1005. Penalties, misdemeanor offenses.

17

18 (a) Except as provided by 6-3-1006, a first offense  
19 of cruelty to animals, aggravated animal cruelty or of a  
20 violation of W.S. 6-3-1004 is a misdemeanor punishable by  
21 imprisonment for not more than six (6) months, a fine of  
22 not more than seven hundred fifty dollars (\$750.00), or  
23 both.

24

25 (b) A second or subsequent offense of cruelty to  
26 animals, household pet animal cruelty, aggravated animal  
27 cruelty or of a violation of W.S. 6-3-1004 is a misdemeanor  
28 punishable by imprisonment for not more than six (6)

1 months, a fine of not more than five thousand dollars  
2 (\$5,000.00), or both.

3 \*\*\*\*\*

4 STAFF COMMENT

5 The draft removes the use of the term "high' misdemeanor  
6 because the usage is unclear. The penalty is higher, but  
7 Wyoming statute (W.S. 6-10-101) defines felonies as "crimes  
8 which may be punished by death or by imprisonment for more  
9 than one (1) year. All other crimes are misdemeanors." The  
10 game and fish statutes (title 23) do distinguish between  
11 low and high misdemeanors, but title 6 does not.

12  
13 As drafted, there is no time limitation for a second  
14 offense. The Committee may wish to consider whether a time  
15 limitation is preferred. For example, as drafted if a  
16 person were convicted July 3, 2021 of a misdemeanor and  
17 then in another 50 years there were another conviction,  
18 that would be the second offense. Another issue for  
19 Committee consideration is whether the offenses must be the  
20 same or whether a violation of one should count as a prior  
21 offense if the second offense was for a different  
22 misdemeanor. Under the rule of lenity, an ambiguous  
23 criminal statute will be read in favor of a defendant.

24 \*\*\*\*\*

25  
26 6-3-1006. Felony cruelty to animals; penalty.

27  
28 (a) A person commits felony cruelty to animals if the  
29 person:

30  
31 (i) Commits aggravated cruelty to animals as  
32 defined in W.S. 6-3-1003, that results in the death or  
33 required euthanasia of the animal; or

34

1 (ii) Knowingly, and with intent to cause death  
2 or undue suffering, ~~eruelly~~ beats with cruelty, tortures,  
3 torments or mutilates an animal.

4 \*\*\*\*\*

5 STAFF COMMENT

6 The above is taken from existing law. However, the  
7 criminal code defines "torture", "torment" or "cruelty" to  
8 mean every act, omission or neglect whereby the willful and  
9 malicious infliction of pain or suffering is caused,  
10 permitted or allowed to continue when there is a reasonable  
11 remedy or relief. (W.S. 6-1-104(a)(xiii)) Thus there are  
12 elements which might be read as conflicting; i.e., "intent  
13 to cause death" and "neglect whereby the willful and  
14 malicious infliction ... is permitted. Again the elements of  
15 the offense is a policy decision for the committee (subject  
16 to constitutional considerations, such as a lesser offense  
17 cannot be punished more severely than a greater offense).  
18 The strike and underline above is in this draft only to  
19 show a suggested change from the existing language simply  
20 to match the terms "cruelty" and "cruelly".

21 \*\*\*\*\*

22  
23  
24 (b) Felony cruelty to animals is a felony punishable  
25 by imprisonment for not more than two (2) years, a fine of  
26 not more than five thousand dollars (\$5,000.00), or both.

27

28 **6-3-1007. Penalties, generally.**

29

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

33

1 (i) If the defendant is the owner of the animal,  
 2 require the defendant to forfeit ownership of the animal.  
 3 This paragraph shall not affect the interest of any secured  
 4 party or other person who has not participated in the  
 5 offense;

6

7 (ii) Require the defendant to pay all reasonable  
 8 costs of the animal's impoundment, if the animal has been  
 9 impounded;

10

11 (iii) Impose continuing prohibitions or  
 12 limitations on the defendant's ownership, possession or  
 13 custody of any animal.

14 \*\*\*\*\*

15

**STAFF COMMENT**

16 **As currently written, it appears that a court could**  
 17 **indefinitely limit a defendant's ability to own, possess or**  
 18 **have custody of an animal. The Committee may wish to**  
 19 **consider if the limitation is indefinite or limited to the**  
 20 **term of probation or other time frame.**

21 \*\*\*\*\*

22

23 **6-3-1008. Separate counts.**

24

25 Each animal affected by the defendant's conduct may  
 26 constitute a separate count for the purposes of

1 prosecution, conviction, sentencing and penalties under  
2 this section.

3

4 **6-3-1009. Use of agricultural and livestock management**  
5 **practices, wildlife management and humane destruction not**  
6 **prohibited.**

7

8 (a) Nothing in this article may be construed to  
9 prohibit:

10

11 (i) A person humanely destroying an animal,  
12 including livestock;

13

14 (ii) The use of industry accepted agricultural  
15 and livestock practices on livestock or another animal used  
16 in the practice of agriculture;

17

18 (iii) Rodeo events, whether the event is  
19 performed in a rodeo, fair, jackpot, agricultural  
20 exhibition or other similar event;

21

1 (iv) The use of dogs in the management of  
2 livestock by the owner of the livestock, his employees or  
3 agents or other persons in lawful custody of the livestock;

4

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

6

7 (vi) The training of dogs or raptors or the use  
8 of equipment in the training of dogs or raptors for any  
9 purpose not prohibited by law;

10

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

14

15 \*\*\*\*\*

16 STAFF COMMENT

17 The above provisions have been consolidated from two  
18 subsections in the existing law. Both of those subsections  
19 were limited, with paragraphs (iv) through (v) limited to  
20 nothing in the "aggravated cruelty" subsection prohibiting  
21 training/hunting activities, while the remaining paragraphs  
22 were limited to nothing in the offenses of animal cruelty,  
23 aggravated animal cruelty by shooting or poisoning an  
24 animal on property it is authorized to be, and felony  
25 animal cruelty, prohibiting the ag practices specified. If  
26 the committee believes each activity should be limited as  
27 provided in current law, the provisions can be separated  
28 and the limiting language can be inserted.

29 \*\*\*\*\*

30

1           **6-3-1010. Household pet protection account continued;**  
2 **authorized uses of the account.**

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

1 Notwithstanding W.S. 9-2-1008 and 9-4-207 funds in the  
 2 account shall not lapse at the end of the fiscal period.  
 3 ~~The cruelty to household pet animals protection account~~  
 4 ~~shall be a permanent, nonreversion account within the state~~  
 5 ~~auditor's office.~~

6 \*\*\*\*\*  
 7 **STAFF COMMENT**

8 The changes shown above in strike and underline are to make  
 9 the language consistent with the standard statutory non-  
 10 reversion language. No substantive changes were made to  
 11 the account provision, which is limited to the cases  
 12 specified - i.e., two offenses specifically involving  
 13 household pets.

14 \*\*\*\*\*  
 15 The bill draft does not include the newly discussed bond  
 16 for the care of the impounded animal provisions requested  
 17 by the Committee at the June meeting. Please advise if you  
 18 would like the approach from 21LSO-0005 or 0006 included in  
 19 the bill draft.  
 20 \*\*\*\*\*

21  
 22 **Section 2.** W.S. 6-1-104(a)(vi)(F)(I), (xv)(P), 7-2-  
 23 101(a)(iv)(E)(I) 7-2-101(a)(iv)(E)(I), 11-29-108, 11-29-  
 24 109, 11-29-114(b), 35-21-105(a)(ix), (x), are amended to  
 25 read:

26  
 27 **6-1-104. Definitions.**

28  
 29 (a) As used in this act, unless otherwise defined:

30



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

3

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

7

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

17

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

1

2

3

4

5

**7-2-101. Definitions.**

6

7

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

8

9

(iv) "Peace officer" means:

10

11

12

13

14

15

16

17

18

19

20

21

22

23

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

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

(I) When 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, killing 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;

1

2           **11-29-108. Livestock board; seized livestock animals**  
3 **and vehicles; lien on seized chattels; civil action for**  
4 **unpaid expenses.**

5

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

19

20           **11-29-109. Livestock board; care of abandoned**  
21 **livestock animals; civil action for expenses; lien.**

22

1 Any peace officer, agent or officer of the board may  
2 take charge of any livestock animal found abandoned,  
3 neglected or cruelly treated as defined in ~~W.S. 6-3-203-6-~~  
4 1-104(a)(xiii). He shall give notice to the owner, if  
5 known, and may care and provide for the livestock animal  
6 until the livestock animal is released or destroyed. The  
7 expenses of care and provision is a charge against the  
8 owner of the livestock animal and collectible from the  
9 owner by the board or by the local government employing the  
10 peace officer taking charge of the livestock animal in a  
11 civil action. The board or local government may detain the  
12 livestock animals until the expense for food, shelter and  
13 care is paid and shall have a lien upon the livestock  
14 animals therefor. This lien shall be filed as provided  
15 pursuant to W.S. 29-7-101 through 29-7-106.

16

17 **11-29-114. Impoundment of livestock animals; cost of**  
18 **care for livestock animals; providing for bond.**

19

20 (b) The owner of the livestock animal impounded under  
21 subsection (a) of this section, and who has been cited  
22 under W.S. ~~6-3-203-6-3-1002, through 6-3-1004 or 6-3-1006,~~  
23 shall be required to post a bond with the circuit court in

1 the county where the livestock animal was impounded. The  
2 bond shall be:

3

4 **35-21-105. Order of protection; contents; remedies;**  
5 **order not to affect title to property; conditions.**

6

7 (a) Upon finding that an act of domestic abuse has  
8 occurred, the court shall enter an order of protection  
9 ordering the respondent household member to refrain from  
10 abusing the petitioner or any other household member. The  
11 order shall specifically describe the behavior that the  
12 court has ordered the respondent to do or refrain from  
13 doing. As a part of any order of protection, the court may:

14

15 (ix) Grant sole possession of any household pet,  
16 as defined in ~~W.S. 6-3-203(e)~~ 6-3-1001(a)(i), owned,  
17 possessed or kept by the petitioner, the respondent or a  
18 minor child residing in the residence or household of  
19 either the petitioner or the respondent to the petitioner  
20 during the period the order of protection is effective if  
21 the order is for the purpose of protecting the household  
22 pet;

23

