

ENROLLED ACT NO. 12, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

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

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

**Section 1.** W.S. 6-3-1001 through 6-3-1009 are created to read:

ARTICLE 10  
ANIMAL ABUSE

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

(a) As used in this article:

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

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

(iii) "Livestock" means horses, mules and asses, rabbits, llamas, cattle, swine, sheep, goats, poultry, or other animal generally used for food or in the production

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of food or fiber, working animals and guard animals actively engaged in the protection or management of livestock. Bison are considered livestock unless otherwise designated by the Wyoming livestock board and the Wyoming game and fish commission.

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

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

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

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

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

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

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

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

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

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

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

(vi) For gain causes or allows any dog to fight with another dog or any fowl to fight with another fowl;

(vii) Promotes any dog or fowl fighting;

(viii) Knowingly permits any act prohibited under paragraphs (v) through (vii) of this subsection on any premises under the person's charge or control; or

(ix) Shoots, poisons or otherwise intentionally acts to seriously injure or destroy any livestock or domesticated animal owned by another person while the animal is on property where the animal is authorized to be present.

**6-3-1003. Other misdemeanors involving animal abuse; prohibition on manner of destruction of animals; attending fowl or dog fights; keeping household pets in unsanitary conditions.**

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

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

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

**6-3-1004. Penalties, misdemeanor offenses.**

(a) A first offense of cruelty to animals or of a violation of W.S. 6-3-1003 is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

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

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

(ii) Under W.S. 6-3-1003 is a misdemeanor offense punishable by imprisonment for not more than six (6) months, a fine of not more than five thousand dollars (\$5,000.00), or both.

**6-3-1005. Felony cruelty to animals; penalty.**

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

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(i) Commits aggravated cruelty to animals as defined in W.S. 6-3-1002(a)(v) through (ix), that results in the death or required euthanasia of the animal; or

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

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

**6-3-1006. Additional remedies, generally.**

(a) In addition to the penalties for misdemeanor and felony offenses in W.S. 6-3-1004 and 6-3-1005, the court may order any or all of the following:

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

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

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

**6-3-1007. Separate counts.**

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

**6-3-1008. Use of agricultural and livestock management practices, wildlife management and humane destruction not prohibited.**

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

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

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

(iii) Rodeo events, training for rodeo events or participating in rodeo events, whether the event is performed in a rodeo, fair, jackpot, agricultural exhibition or other similar event;

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

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

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

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

**6-3-1009. Household pet protection account continued; authorized uses of the account.**

The cruelty to household pet animals protection account as originally created by W.S. 6-3-203(o) is continued. Funds shall be credited to the account as provided by law. Funds in the account are continuously appropriated to the attorney general to reimburse county law enforcement agencies for eligible expenses regarding animal cruelty cases involving household pets under W.S. 6-3-1002(a)(iv)(D) or 6-3-1003(c). The attorney general shall develop rules and regulations to establish eligible expenses and to determine how county law enforcement agencies will be reimbursed for the costs of an animal cruelty case under W.S. 6-3-1002(a)(iv)(D) or 6-3-1003(c), in an amount not to exceed ninety percent (90%) in any particular case. Any reimbursement under this subsection shall be contingent upon available funding and upon a showing that the agency has made reasonable efforts to seek reimbursement from the offender of expenses incurred by the agency, as permitted by law. All funds in the account may be used for and are continuously appropriated for eligible expenses authorized to be made under this section. Notwithstanding W.S. 9-2-1008 and 9-4-207 funds in the account shall not lapse at the end of the fiscal period.

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

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

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

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

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

(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, 6-3-1003, 6-3-1005, 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)~~ 6-3-1002(a)(v) through (ix);

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

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



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(iv) "Peace officer" means:

(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, 6-3-1003, 6-3-1005, 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;

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

When any person arrested under this act is in charge of any vehicle drawn by or containing any livestock animal cruelly treated as defined in W.S. 6-3-203 in violation of W.S. 6-3-1002 or this chapter at the time of arrest, any peace officer, agent or officer of the board may take charge of the livestock animal and vehicle and its contents, and give notice thereof to the owner, if known, and shall provide for them until their owner takes possession of them. The board or local government shall have a lien on the livestock animals, the vehicle and its contents for the expense of the care and provision. The expense or any part remaining unpaid may be recovered by the board or local government in a civil action.

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

Any peace officer, agent or officer of the board may take charge of any livestock animal found abandoned, neglected or ~~eruelly~~-treated with cruelty as defined in W.S. 6-3-203 in violation of W.S. 6-3-1002 or this chapter. He shall give notice to the owner, if known, and may care and provide for the livestock animal until the livestock animal is released or destroyed. The expenses of care and provision is a charge against the owner of the livestock animal and collectible from the owner by the board or by the local government employing the peace officer taking charge of the livestock animal in a civil action. The board or local government may detain the livestock animals until the expense for food, shelter and care is paid and shall have a lien upon the livestock animals therefor. This lien shall be filed as provided pursuant to W.S. 29-7-101 through 29-7-106.

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

(b) The owner of the livestock animal impounded under subsection (a) of this section, and who has been cited under W.S. ~~6-3-203~~6-3-1002, 6-3-1003 or 6-3-1005, shall be required to post a bond with the circuit court in the county where the livestock animal was impounded. The bond shall be:

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

(a) Upon finding that an act of domestic abuse has occurred, the court shall enter an order of protection

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ordering the respondent household member to refrain from abusing the petitioner or any other household member. The order shall specifically describe the behavior that the court has ordered the respondent to do or refrain from doing. As a part of any order of protection, the court may:

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

(x) Order that the respondent shall not have contact with any household pet, as defined in W.S. ~~6-3-203(e)~~6-3-1001(a)(iii), in the custody of the petitioner and prohibit the respondent from abducting, removing, concealing or disposing of the household pet if the order is for the purpose of protecting the household pet.

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

ORIGINAL SENATE  
FILE NO. SF0026

ENGROSSED

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk