

# Wyoming Animal Cruelty Laws

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### **Introduction**

Wyoming has a consolidated animal cruelty provision within Chapter 3 of Title 6. This provision includes a new offense of “household pet animal cruelty.” Wyoming has separate provisions concerning cruelty to livestock in Chapter 29 of Title 11, as well as additional animal cruelty-related provisions in Title 11.

This document lists each animal protection law and the procedural sections with which officers must comply when enforcing a provision of that law. When available, relevant case law from Wyoming follows each law.

### **Overview of Statutory Provisions and Case Law**

- 1. Animal Cruelty:** WYO. STAT. ANN. §§ 6-3-203; 11-31-104
- 2. Police Animals:** WYO. STAT. ANN. §6-5-211
- 3. Livestock Provisions:** WYO. STAT. ANN. §§ 11-29-102; 11-29-106; 11-29-108; 11-29-109; 11-29-114; 11-29-115; 11-30-112; 11-30-113

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## 1. ANIMAL CRUELTY

### **WYO. STAT. ANN. § 6-3-203. Cruelty to animals; penalties; limitation on manner of destruction**

(a) A person commits cruelty to animals if he knowingly and with intent to cause death, injury or undue suffering:

(i) Overrides an animal or drives an animal when overloaded; or

(ii) Unnecessarily or cruelly beats, tortures, torments, injures, mutilates or attempts to kill an animal; or

(iii) Carries an animal in a manner that poses undue risk of injury or death.

(b) A person commits cruelty to animals if he has the charge and custody of any animal and unnecessarily fails to provide it with the proper food, drink or protection from the weather, or cruelly abandons the animal, or in the case of immediate, obvious, serious illness or injury, fails to provide the animal with appropriate care.

(c) A person commits aggravated cruelty to animals if he:

(i) Repealed by Laws 1987, ch. 91, § 2.

(ii) 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;

(iii) Repealed by Laws 1987, ch. 91, § 2.

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

(v) Knowingly permits any act prohibited under paragraphs (ii) or (iv) of this subsection on any premises under his charge or control; or

(vi) Promotes any act prohibited under paragraphs (ii) or (iv) of this subsection.

(d) 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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(e) Unless punishable under subsection (n) of this section, a violation of this section 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 except that a subsequent offense is a high misdemeanor punishable by not more than one (1) year imprisonment, a fine of not more than five thousand dollars (\$5,000.00), or both.

(f) Nothing in subsection (c) of this section may be construed to prohibit:

(i) 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;

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

(iii) 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;

(iv) Repealed by Laws 2000, ch. 86, § 2.

(v) Repealed by Laws 2000, ch. 86, § 2.

(vi) Repealed by Laws 2000, ch. 86, § 2.

(g) A person commits cruelty to animals if he is knowingly present at any place where an exhibition of fighting of fowls or dogs is occurring for amusement or gain.

(h) If a person convicted of a violation of this section is also the owner of the animal, the court may require the person to forfeit ownership of the animal to the county in which the person is convicted. This subsection shall not affect the interest of any secured party or other person who has not participated in the offense.

(j) In addition to any sentence and penalties imposed under subsections (e), (h) and (n) of this section, the court may:

(i) Require the defendant to pay all reasonable costs incurred in providing necessary food and water, veterinary attention and treatment for any animal affected; and

(ii) Prohibit or limit the defendant's ownership, possession or custody of animals, as the court deems appropriate.

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

(m) Nothing in subsection (a), (b) or (n) of this section shall be construed to prohibit:

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- (i) A person from humanely destroying an animal;
- (ii) The use of industry accepted agricultural and livestock practices on livestock;
- (iii) Rodeo events, whether the event is performed in a rodeo, jackpot or otherwise; or
- (iv) The hunting, capture or destruction of any predatory animal or other wildlife in any manner not otherwise prohibited by law.

(n) A person commits a felony if he commits aggravated cruelty to animals as defined in subsection (c) of this section or knowingly and with intent to cause death, injury or undue suffering, cruelly beats, tortures, torments, injures or mutilates an animal resulting in the death or required euthanasia of the animal. A felony under this subsection or subsection (c) of this section is punishable by not more than two (2) years imprisonment, a fine of not more than five thousand dollars (\$5,000.00), or both.

(o) There is created the “cruelty to household pet animals protection account.” 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 household pet animal cruelty cases under subsection (p) of this section. 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 any household pet animal cruelty case, 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 subsection. The cruelty to household pet animals protection account shall be a permanent, nonreversion account within the state auditor's office. As used in this subsection and subsection (p) of this section, “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 as defined in W.S. 23-1-102(a)(xvi).

(p) A person commits household pet animal cruelty if he:

- (i) Keeps any household pet in a manner that results in chronic or repeated serious physical harm to the household pet; or
- (ii) Keeps the household pet confined in conditions which constitute a public health hazard.

**Applicable Case Law:**

***Amrein v. State, 836 P.2d 862 (1992)***

**Facts:** Defendant was convicted of eight counts of cruelty to animals for failure to feed nine animals on a particular date.

**Holding:** Failure to feed the nine animals on a particular date constituted a single offense; all but one conviction reversed.

**WYO. STAT. ANN. § 11-31-104. Penalties for poisoning or killing with ground glass**

Whoever within the limits of any incorporated city or town willfully poisons or kills any dog by means of ground glass is guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or imprisoned not less than one (1) month nor more than one (1) year, or both.

**2. POLICE ANIMALS**

**WYO. STAT. ANN. § 6-5-211. Injuring or killing a police dog, fire dog, search and rescue dog, or police horse prohibited; penalties**

(a) Any person who knowingly, willfully and without lawful cause or justification permanently disables or inflicts death upon any animal defined in subsection (b) of this section shall be liable for restitution by order of a court and shall be guilty of a felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both.

(b) As used in this section:

(i) "Police dog" means any dog that is owned, or the service of which is employed, by a law enforcement or corrections agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws or apprehension of offenders;

(ii) "Police horse" means any horse that is owned, or the service of which is employed, by a law enforcement or corrections agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws or apprehension of offenders;

(iii) "Fire dog" means any dog that is owned, or the service of which is employed, by a fire department, a special fire district or the state fire marshal for the principal purpose of aiding in the detection of flammable materials or the investigation of fires;

(iv) "Search and rescue dog" means any search and rescue dog that is owned, or the service of which is utilized, by a fire department, a law enforcement or corrections agency, a special fire district or the state fire marshal for the principal purpose of aiding in the detection of missing

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persons, including persons who are lost, who are trapped under debris as a result of a natural, manmade or technological disaster or who are drowning victims.

No Applicable Case Law.

### **3. LIVESTOCK<sup>2</sup> PROVISIONS**

#### **WYO. STAT. ANN. § 11-29-103. Livestock animals to be fed while confined; ownership; penalties**

(a) Every person<sup>3</sup> who confines or causes to be confined any livestock animal<sup>4</sup> under the laws of this state, shall supply to the livestock animal during confinement a sufficient quantity of wholesome food and water.

(b) A livestock animal is the private property of its owner.

(c) A violation of this section is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00), or both except that a subsequent offense is a high misdemeanor punishable by not more than one (1) year imprisonment, a fine of not more than five thousand dollars (\$5,000.00), or both.

No Applicable Case Law.

#### **WYO. STAT. ANN. § 11-29-106. Livestock board; authority to prevent cruelty; penalty for interference with officer**

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<sup>2</sup> “‘Livestock’ means as defined in W.S. 23-1-102(a)(xvi).” WYO. STAT. ANN. § 11-29-101.

<sup>3</sup> “‘Owner’ or ‘person’ means any individual including the agents and employees of corporations.” WYO. STAT. ANN. § 11-29-101.

<sup>4</sup> “‘Livestock animal’ means:

(A) Any bovine, including domestic bison, equine, swine, sheep, goat, domesticated camelid animal, ratite bird, rabbit or poultry; or

(B) Any animal used or harvested for any good and proper purpose including but not limited to food, fiber, fur, leather, medical research and byproducts; or

(C) Any animal used or trained for work, sport, exhibit or entertainment. WYO. STAT. ANN. § 11-29-101.

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Any peace officer, agent or officer of the board may lawfully interfere to prevent the perpetration of any act of cruelty<sup>5</sup> upon any livestock animal in his presence. Any person who interferes with, obstructs or resists any peace officer or officer or agent of the board in the discharge of his duty shall be fined not less than two hundred dollars (\$200.00) nor more than one thousand five hundred dollars (\$1,500.00), or imprisoned not more than one (1) year, or both.

No Applicable Case Law.

**WYO. STAT. ANN. § 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<sup>6</sup> is in charge of any vehicle drawn by or containing any livestock animal cruelly treated as defined in W.S. 6-3-203 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.

No Applicable Case Law.

**WYO. STAT. ANN. § 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 cruelly treated as defined in W.S. 6-3-203. 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.

No Applicable Case Law.

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

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<sup>5</sup> “‘Torture’ or ‘cruelty’ means every act, omission or neglect whereby the willful and malicious infliction of pain or suffering is caused, permitted or allowed to continue when there is a reasonable remedy or relief.” WYO. STAT. ANN. § 11-29-101.

<sup>6</sup> “‘This act’ means W.S. 11-29-101 through 11-29-115.” WYO. STAT. ANN. § 11-29-101.

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(a) Any peace officer, agent or officer of the board may take possession of any livestock animal treated cruelly as determined by a Wyoming licensed veterinarian or veterinarian employed by the board.

(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, shall be required to post a bond with the circuit court in the county where the livestock animal was impounded. The bond shall be:

(i) In an amount the circuit court determines is sufficient to provide for the livestock animal's board, nutritional care, veterinary care and diagnostic testing for at least ninety (90) days including the day on which the livestock animal was impounded; and

(ii) Filed with the circuit court within ten (10) days after the livestock animal is impounded.

(c) When the bond expires, if the owner of the livestock animal desires to prevent disposition of the livestock animal by the board, the owner shall post a new bond with the court as described in subsection (b) of this section.

(d) If a bond is not posted under subsection (b) or (c) of this section, the board shall dispose of the livestock animal as defined in W.S. 11-24-101(a)(iv). The owner of the livestock animal shall be liable for all costs associated with the final disposition of the livestock animal under this subsection.

(e) If a bond has been posted in accordance with subsection (b) or (c) of this section, the agency employing the officer, or the board, may draw from the bond the actual costs as described in subsection (b) of this section, from the date of initial impoundment to the date of final disposition of the livestock animal.

No Applicable Case Law.

**WYO. STAT. ANN. § 11-29-115. Use of agricultural and livestock management practices**

(a) Nothing in this chapter prohibits:

(i) The use of Wyoming industry accepted agricultural or livestock management practices or any other commonly practiced animal husbandry procedure used on livestock animals, as defined by W.S. 11-29-101(a)(vi);

(ii) A Wyoming licensed veterinarian from treating a livestock animal as authorized by the Wyoming Veterinary Medical Practice Act;



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(iii) Any rodeo event employing animal care practices generally accepted within the rodeo industry, whether the event is performed in a rodeo, jackpot or similar arena;

(iv) A person from humanely destroying a livestock animal.

No Applicable Case Law.

**WYO. STAT. ANN. § 11-30-112. Abuse or negligent treatment by bailee**

Any person who takes into his possession, or hires or loans any property of any livery stable keeper, or any other person, and while the property is in his custody shall willfully, or with gross neglect or culpable carelessness damage or destroy the property, or permit the property to be damaged or destroyed, or shall by willful or gross neglect cause the sickness, injury or death of any animal received into his possession, shall be fined not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00), or imprisoned not more than sixty (60) days, or both.

No Applicable Case Law.

**WYO. STAT. ANN. § 11-30-113. Unlawful cutting of ears of sheep**

(a) It is unlawful for any person willfully to cut, sever, detach or mutilate more than one-half (1/2) of either ear of any sheep or to unlawfully have in his possession or under his control any sheep which have more than one-half (1/2) of either ear removed or mutilated unless the same are so described in a bill of sale or other certificate of title covering the sheep. Sheep afflicted by bighead are exempt from the provisions of this section.

(b) Any person who violates the provisions of subsection (a) of this section is guilty of a felony punishable by imprisonment for not more than five (5) years.

No Applicable Case Law.

**WYO. STAT. ANN. § 11-30-115. Unlawful killing of wild horses**

(a) For purposes of this section “wild horse” means a horse, mare, filly or colt which is unbranded and unclaimed and lives on state or public land.

(b) Any person, without legal justification, who willfully and maliciously kills a wild horse is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6), months or both.

No Applicable Case Law.