

**1981 HARASSMENT OF POLICE OR FIRE ANIMALS — §§ 951.095 and 951.18(2m)**

**Statutory Definition of the Crime**

Sections 951.095 and 951.18(2m) of the Criminal Code of Wisconsin are violated by one who causes injury to an animal that is used by a law enforcement agency or fire department to perform agency or department functions by intentionally striking, shoving, kicking, or otherwise subjecting the animal to physical contact and knows that the animal is used by a law enforcement agency to perform agency functions.

**State's Burden of Proof**

Before you may find the defendant guilty of this offense, the State must prove by evidence which satisfies you beyond a reasonable doubt that the following four elements were present.

**Elements of the Crime That the State Must Prove**

1. (Name animal) was an animal used by a (law enforcement agency) (fire department) to perform (agency) (department) functions.
2. The defendant knew that the animal was used by a (law enforcement agency) (fire department) to perform (agency) (department) functions.
3. The defendant intentionally struck, shoved, kicked, or otherwise subjected the animal to physical contact.
4. Striking, shoving, kicking, or otherwise subjecting the animal to physical contact caused injury to the animal.

### Jury's Decision

If you are satisfied beyond a reasonable doubt that all four elements of this offense have been proved, you should find the defendant guilty.

If you are not so satisfied, you must find the defendant not guilty.

### COMMENT

Wis JI-Criminal 1981 was originally published in 1996 and revised in 1997. This revision was approved by the Committee in June 2004 and involved adoption of a new format.

1987 Wisconsin Act 332 renumbered the chapter containing crimes against animals from Chapter 948 to Chapter 951. The effective date of the change was July 1, 1989.

This instruction is drafted for a violation of § 951.095 that is punished as a Class I felony pursuant to § 951.18(2m): "Any person who intentionally violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties and causing injury to the animal, is guilty of a Class I felony."

Simple violations of § 951.095 are punished as Class B forfeitures. When a person "intentionally or negligently violates" the statute, the punishment is that of a Class A misdemeanor. See § 951.18(2m). Section 951.18(2m) further provides for another felony penalty in addition to the offense addressed by this instruction: "Any person who intentionally violates s. 951.095, knowing that the animal that is the victim is used by a law enforcement agency or fire department to perform agency or department functions or duties and causing death to the animal, is guilty of a Class H felony."