



1997 ASSEMBLY BILL 282

April 11, 1997 - Introduced by Representatives R. YOUNG, BALDWIN, BOYLE, CARPENTER, HANSON, RILEY and RYBA, cosponsored by Senator MOORE. Referred to Committee on Natural Resources.

1 **AN ACT to amend** 23.50 (1), 23.50 (3), 23.53 (1), 23.56 (1), 23.57 (1) (intro.), 23.58,
2 23.62 (1) (intro.) and 29.03 (5); and **to create** 29.59 (1) (eg), 29.59 (1) (er), 29.59
3 (4g), 29.602 and 29.99 (2m) of the statutes; **relating to:** steel jaw traps and
4 snares, granting rule-making authority and providing a penalty.

Analysis by the Legislative Reference Bureau

Current rules promulgated by the department of natural resources (DNR) impose certain restrictions on the use of steel jaw traps and snares but do not ban their use. This bill prohibits the use of steel jaw traps and snares in the right-of-way of any public thoroughfare. The bill prohibits the use of these traps and snares in a city or village unless DNR uses them to destroy or remove a wild animal at the city's or village's request. Conversely, the bill authorizes the use of these traps and snares in a town unless their use would violate an ordinance enacted by the town to regulate or prohibit traps and snares.

The bill also limits the sale of steel jaw traps to persons who hold a trapping license or permit issued by DNR.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

ASSEMBLY BILL 282**SECTION 1**

1 **SECTION 1.** 23.50 (1) of the statutes is amended to read:

2 23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit
3 court to recover forfeitures, penalty assessments, jail assessments, applicable
4 weapons assessments, applicable environmental assessments, applicable wild
5 animal protection assessments, applicable natural resources assessments,
6 applicable fishing shelter removal assessments, applicable snowmobile registration
7 restitution payments and applicable natural resources restitution payments for
8 violations of ss. 77.09, 134.60, 144.783 [299.64] (2), 167.10 (3), 167.31 (2), 281.48 (2)
9 to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08 and 287.81, subch.
10 VI of ch. 77, this chapter and chs. 26 to 31 and of ch. 350, and any administrative rules
11 promulgated thereunder, violations of rules of the Kickapoo reserve management
12 board under s. 41.41 (7) (k) or violations of local ordinances enacted by any local
13 authority in accordance with s. 23.33 (11) (am), 29.602 (2) (b) or 30.77.

14 **SECTION 2.** 23.50 (3) of the statutes is amended to read:

15 23.50 (3) All actions in municipal court to recover forfeitures, penalty
16 assessments and jail assessments for violations of local ordinances enacted by any
17 local authority in accordance with s. 23.33 (11) (am), 29.602 (2) (b) or 30.77 shall
18 utilize the procedure in ch. 800. The actions shall be brought before the municipal
19 court having jurisdiction. Provisions relating to citations, arrests, questioning,
20 releases, searches, deposits and stipulations of no contest in ss. 23.51 (1), (3) and (8),
21 23.53, 23.54, 23.56 to 23.64, 23.66 and 23.67 shall apply to violations of such
22 ordinances.

23 **SECTION 3.** 23.53 (1) of the statutes is amended to read:

24 23.53 (1) The citation created under this section shall, in all actions to recover
25 forfeitures, penalty assessments, jail assessments, applicable weapons assessments,

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1 applicable environmental assessments, applicable wild animal protection
2 assessments, applicable natural resources assessments, applicable fishing shelter
3 removal assessments, applicable snowmobile registration restitution payments and
4 applicable natural resources restitution payments for violations of those statutes
5 enumerated in s. 23.50 (1), any administrative rules promulgated thereunder, and
6 any rule of the Kickapoo reserve management board under s. 41.41 (7) (k) be used
7 by any law enforcement officer with authority to enforce those laws, except that the
8 uniform traffic citation created under s. 345.11 may be used by a traffic officer
9 employed under s. 110.07 in enforcing s. 167.31 or by an officer of a law enforcement
10 agency of a municipality or county or a traffic officer employed under s. 110.07 in
11 enforcing s. 287.81. In accordance with s. 345.11 (1m), the citation shall not be used
12 for violations of ch. 350 relating to highway use. The citation may be used for
13 violations of local ordinances enacted by any local authority in accordance with s.
14 23.33 (11) (am), 29.602 (2) (b) or 30.77.

15 **SECTION 4.** 23.56 (1) of the statutes is amended to read:

16 23.56 (1) A person may be arrested for a violation of those statutes enumerated
17 in s. 23.50 (1), any administrative rules promulgated thereunder, any rule of the
18 Kickapoo reserve management board under s. 41.41 (7) (k), or any local ordinances
19 enacted by any local authority in accordance with s. 23.33 (11) (am), 29.602 (2) (b) or
20 30.77, after a warrant that substantially complies with s. 968.04 has been issued.
21 Except as provided in sub. (2), the person arrested shall be brought without
22 unreasonable delay before a court having jurisdiction to try the action.

23 **SECTION 5.** 23.57 (1) (intro.) of the statutes is amended to read:

24 23.57 (1) (intro.) A person may be arrested without a warrant when the
25 arresting officer has probable cause to believe that the person is committing or has

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1 committed a violation of those statutes enumerated in s. 23.50 (1), any
2 administrative rules promulgated thereunder, any rule of the Kickapoo reserve
3 management board under s. 41.41 (7) (k), or any local ordinances enacted by any local
4 authority in accordance with s. 23.33 (11) (am), 29.602 (2) (b) or 30.77; and:

5 **SECTION 6.** 23.58 of the statutes is amended to read:

6 **23.58 Temporary questioning without arrest.** After having identified
7 himself or herself as an enforcing officer, an enforcing officer may stop a person in
8 a public place for a reasonable period of time when the officer reasonably suspects
9 that such person is committing, is about to commit or has committed a violation of
10 those statutes enumerated in s. 23.50 (1), any administrative rules promulgated
11 thereunder, any rule of the Kickapoo reserve management board under s. 41.41 (7)
12 (k), or any local ordinances enacted by any local authority in accordance with s. 23.33
13 (11) (am), 29.602 (2) (b) or 30.77. Such a stop may be made only where the enforcing
14 officer has proper authority to make an arrest for such a violation. The officer may
15 demand the name and address of the person and an explanation of the person's
16 conduct. Such detention and temporary questioning shall be conducted in the
17 vicinity where the person was stopped.

18 **SECTION 7.** 23.62 (1) (intro.) of the statutes is amended to read:

19 **23.62 (1) (intro.)** Whenever an enforcing officer has probable cause to believe
20 that a person subject to his or her authority is committing or has committed a
21 violation of those statutes enumerated in s. 23.50 (1), any administrative rules
22 promulgated thereunder, any rule of the Kickapoo reserve management board under
23 s. 41.41 (7) (k), or any local ordinances enacted by any local authority in accordance
24 with s. 23.33 (11) (am), 29.602 (2) (b) or 30.77, the officer may proceed in the following
25 manner:

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1 **SECTION 8.** 29.03 (5) of the statutes is amended to read:

2 29.03 (5) Any unlicensed or illegal trap, snare, spring gun, set gun, net or other
3 device or contrivance which might entrap, ensnare, or kill game; or any trap without
4 a metal tag attached as required by law.

5 **SECTION 9.** 29.59 (1) (eg) of the statutes is created to read:

6 29.59 (1) (eg) “Snare” has the meaning given in s. 29.602 (1) (b).

7 **SECTION 10.** 29.59 (1) (er) of the statutes is created to read:

8 29.59 (1) (er) “Steel jaw trap” has the meaning given in s. 29.602 (1) (c).

9 **SECTION 11.** 29.59 (4g) of the statutes is created to read:

10 29.59 (4g) USE OF STEEL JAW TRAPS AND SNARES. (a) The department may use
11 or authorize the use of a steel jaw trap or a snare to remove a wild animal that is
12 causing damage or that is causing a nuisance in a city or village upon the request of
13 the chief executive officer of the city or village.

14 (b) The department shall establish the period of time that the steel jaw trap or
15 snare may be used. The period of time may not exceed 45 days, except that the
16 department may grant an extension to the original period of time of up to 15 days.

17 **SECTION 12.** 29.602 of the statutes is created to read:

18 **29.602 Steel jaw traps and snares. (1) DEFINITIONS.** In this section:

19 (a) “Highway” has the meaning given in s. 340.01 (22).

20 (b) “Snare” means a trap that consists of a noose that entangles an animal.

21 (c) “Steel jaw trap” means a spring-powered device or trap that captures or
22 holds an animal by exerting a lateral force within its fix-mounted jaws.

23 **(2) RESTRICTIONS ON USE.** (a) *Traps in cities and villages.* No person may set,
24 operate or otherwise use a steel jaw trap or a snare in a city or village unless its use
25 has been authorized under s. 29.59 (4g).

