



1997 ASSEMBLY BILL 545

September 30, 1997 - Introduced by Representatives BAUMGART, BLACK, LA FAVE and ROBSON, cosponsored by Senator C. POTTER. Referred to Committee on Natural Resources.

1 **AN ACT to amend** 943.13 (1m) (a), 943.13 (1m) (f) and 943.13 (2) (intro.); and **to**
2 **create** 943.13 (1e) (ej) and 943.13 (1m) (g) of the statutes; **relating to:** trespass
3 to land.

Analysis by the Legislative Reference Bureau

Current law prohibits trespassing. Generally, a person is guilty of trespassing if he or she does any of the following: 1) enters or remains on any land of another after having been notified (by "no trespassing" signs or otherwise) not to enter or remain on the land; or 2) enters enclosed, cultivated or undeveloped land of another, or any land of another that is occupied by a structure used for agricultural purposes, without the express or implied consent of the owner or occupant, except that, with respect to undeveloped private land that abuts a parcel of land that is owned by the United States, this state or a local governmental unit, a person is guilty of trespassing only if he or she enters or remains on such land after having been notified (by "no trespassing" signs or otherwise) not to enter or remain on the land. A person who is found guilty of trespassing may be required to forfeit not more than \$1,000.

This bill provides that, with respect to undeveloped private land that abuts a parcel of land that is either leased by the United States, this state or a local governmental unit or subject to a public access requirement, a person is guilty of trespassing only if he or she enters or remains on such land after having been notified (by "no trespassing" signs or otherwise) not to enter or remain on the land. Under the bill, a public access requirement is any requirement under a federal, state or local law that private land to which the law applies must be open to public access,

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including a requirement that the public have access only for specified purposes (such as hunting).

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

1 **SECTION 1.** 943.13 (1e) (ej) of the statutes is created to read:

2 943.13 **(1e)** (ej) "Public access requirement" means any requirement under a
3 federal, state or local law that private land to which the law applies must be open
4 to public access, including access for specified purposes only.

5 **SECTION 2.** 943.13 (1m) (a) of the statutes is amended to read:

6 943.13 **(1m)** (a) Enters any enclosed, cultivated or undeveloped land of another,
7 other than undeveloped land specified in par. (e) ~~or~~, (f) or (g), without the express or
8 implied consent of the owner or occupant.

9 **SECTION 3.** 943.13 (1m) (f) of the statutes is amended to read:

10 943.13 **(1m)** (f) Enters undeveloped private land from an abutting parcel of
11 land that is owned or leased by the United States, this state or a local governmental
12 unit, or remains on such land, after having been notified by the owner or occupant
13 not to enter or remain on the land.

14 **SECTION 4.** 943.13 (1m) (g) of the statutes is created to read:

15 943.13 **(1m)** (g) Enters undeveloped private land from an abutting parcel of
16 private land that is open to the public under a public access requirement, or remains
17 on such land, after having been notified by the owner or occupant not to enter or
18 remain on the land.

19 **SECTION 5.** 943.13 (2) (intro.) of the statutes is amended to read:

20 943.13 **(2)** (intro.) A person has received notice from the owner or occupant
21 within the meaning of sub. (1m) (b), (e) ~~or~~, (f) or (g) if he or she has been notified

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1 personally, either orally or in writing, or if the land is posted. Land is considered to
2 be posted under this subsection under either of the following procedures:

3 **SECTION 6. Initial applicability.**

4 (1) This act applies to offenses occurring on or after the effective date of this
5 subsection.

6 (END)