



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-3756/1
EHS:kjf

2017 SENATE BILL 321

June 23, 2017 - Introduced by Senators CRAIG, KAPENGA, LEMAHIEU, MOULTON, NASS, STROEBEL and TIFFANY, cosponsored by Representatives JARCHOW, STAFSHOLT, AUGUST, BORN, BRANDTJEN, R. BROOKS, DUCHOW, EDMING, GANNON, HORLACHER, HUTTON, JACQUE, KREMER, KULP, MACCO, MURPHY, QUINN, SANFELIPPO, SKOWRONSKI, STEFFEN, TAUCHEN, THIESFELDT and TITTL. Referred to Committee on Natural Resources and Energy.

1 **AN ACT** *to create* 23.10 (7) of the statutes; **relating to:** the authority of a
2 conservation warden to enter private land and the admissibility of evidence.

Analysis by the Legislative Reference Bureau

Under current law, conservation wardens are appointed by the Department of Natural Resources to enforce the laws DNR is required to administer, including fish and game laws, conservation laws, and environmental laws. This bill generally prohibits a DNR conservation warden from entering private land for the purpose of enforcing the laws DNR is required to administer unless the warden has reasonable suspicion that a violation of such a law has occurred or is occurring. Under the bill, if a warden enters private land to enforce such a law without reasonable suspicion of a violation, any evidence the warden collects of such a violation is not admissible in evidence in a prosecution of that violation.

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

3 **SECTION 1.** 23.10 (7) of the statutes is created to read:
4 23.10 (7) (a) Except as provided in par. (b), a conservation warden may not
5 enter private land for the purpose of enforcing the laws that the department is

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1 required to administer unless the warden has reasonable suspicion that a violation
2 of one of those laws has occurred or is occurring.

3 (b) Paragraph (a) does not apply if a conservation warden is explicitly
4 authorized by statute to enter private land.

5 (c) Evidence of a violation of a law that the department is required to
6 administer that is collected as a result of a conservation warden's entrance onto
7 private land in contravention of par. (a) is not admissible in evidence in a prosecution
8 of that law violation.

9 (END)