

1989 Assembly Bill 656

Date of enactment: **April 10, 1990**
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1989 WISCONSIN ACT 190

AN ACT to amend 29.01 (8); and to create 29.223 and 29.99 (11r) of the statutes, relating to: the interference by persons with lawful hunting, fishing or trapping and providing penalties.

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

SECTION 1. 29.01 (8) of the statutes is amended to read:

29.01 (8) "Hunt" or "hunting" includes shooting, shooting at, pursuing, taking, catching or killing any wild animal or animals, except that for the purposes of ss. 29.1085, 29.109 and 29.114, "hunt" or "hunting" does not include shooting, shooting at, taking, catching or killing any bear.

SECTION 2. 29.223 of the statutes is created to read:

29.223 Interference with hunting, fishing or trapping. (1) DEFINITION. In this section, "activity associated with lawful hunting, fishing or trapping" means travel, camping or other acts that are preparatory to lawful hunting, fishing or trapping and that are done by a hunter, fisher or trapper or by a member of a hunting, fishing or trapping party.

(2) PROHIBITIONS. (a) No person may interfere or attempt to interfere with lawful hunting, fishing or trapping with the intent to prevent the taking of a wild animal by doing any of the following:

1. Harassing a wild animal or by engaging in an activity that tends to harass wild animals.
2. Impeding or obstructing a person who is engaged in lawful hunting, fishing or trapping.
3. Impeding or obstructing a person who is engaged in an activity associated with lawful hunting, fishing or trapping.
4. Disturbing the personal property of a person engaged in lawful hunting, fishing or trapping.

5. Disturbing a lawfully placed hunting blind.

(b) No person may knowingly fail to obey the order of a warden or other law enforcement officer to desist from conduct in violation of par. (a) if the order is based on any of the following:

1. The warden or other law enforcement officer personally observed such conduct by the person.
2. The warden or other law enforcement officer has reasonable grounds to believe that the person has engaged in such conduct that day or that the person intends to engage in such conduct that day.

(3) EXEMPTIONS. This section does not apply to actions under sub. (2) (a) 1. to 5 performed by wardens and other law enforcement officers if the actions are authorized by law and are necessary for the performance of their official duties.

(3m) AFFIRMATIVE DEFENSE. It is an affirmative defense to the prosecution for violation of this section if the defendant's conduct is protected by his or her right to freedom of speech under the constitution of this state or of the United States.

(4) CIVIL ACTIONS. (a) A person who is adversely affected by, or who reasonably may be expected to be adversely affected by, conduct that is in violation of sub. (2) (a) may bring an action in circuit court for an injunction or damages or both.

(b) The circuit court may enter an injunction under ch. 813 against conduct in violation of sub. (2) (a) if the court determines any of the following:

1. The defendant is threatening the conduct.
2. The defendant has engaged in the conduct in the past and that it is reasonable to expect that the defendant

– 2 –

will engage in the conduct that will adversely affect the plaintiff in the future.

(c) The circuit court may award damages to the plaintiff if the defendant's conduct in violation of sub. (2) (a) has adversely affected the plaintiff. The damages awarded may include punitive damages and any special damages. Special damages may include approval fees, travel costs, camping fees, costs for guides, and costs for equipment or supplies to the extent that the plaintiff did

1989 Assembly Bill 656

not receive the full value of any of these expenditures due to the unlawful conduct of the defendant.

SECTION 3. 29.99 (11r) of the statutes is created to read:

29.99 (**11r**) (a) For the violation of s. 29.223 (2) (a), by a forfeiture of not more than \$500.

(b) For the violation of s. 29.223 (2) (b), by a forfeiture of not more than \$1,000.
