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1 **SECTION 6.** 23.50 (3) of the statutes is amended to read:

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

10 **SECTION 7.** 23.51 (1) of the statutes is renumbered 23.51 (lm).

11 **SECTION 8.** 23.51 (1d) of the statutes is created to read:

12 23.51 **(ld)** "Captive" has the meaning given in s. 22.01 (2).

13 **SECTION 9.** 23.51 (5) of the statutes is amended to read:

14 23.51(5) "Natural resources restitution payment" means the payment imposed
15 under s. 22.46 (2) or 29.989.

16 **SECTION 10.** 23.51 (9m) of the statutes is created to read:

17 23.51 **(9m)** "Wild animal" has the meaning given in s. 22.01 (37).

18 **SECTION 11.** 23.65 (1) of the statutes, as affected by 1999 Wisconsin Act 9, is
19 amended to read:

20 23.65 **(1)** When it appears to the district attorney that a violation of s. 134.60,
21 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81
22 or 299.64 (2), this chapter or ch. 26, 27, 28, 29, 30, 31 or 350, or any administrative
23 rule promulgated pursuant thereto, ~~or~~ a violation specified under s. 285.86, or a
24 violation of ch. 951. if the animal involved is a captive wild animal. has been
25 committed the district attorney may proceed by complaint and summons.

1 **SECTION 12.** 23.795 (3) of the statutes is created to read:

2 23.795 (3) In lieu of an order of imprisonment under sub. (1) (a) for a violation
3 of ch. 22, the court may revoke or suspend any privilege or license granted under ch.
4 22 as provided in s. 22.45 (6).

5 **SECTION 13.** 25.29 (1) (a) of the statutes, as affected by 1999 Wisconsin Act 9,
6 is amended to read:

7 25.29 (1) (a) Except as provided in ss. 25.293 and 25.295, all moneys accruing
8 to the state for or in behalf of the department under chs. 22, 26, 27, 28, 29 and 350,
9 subchs. I and VI of ch. 77 and ss. 23.09 to 23.31, 23.325 to 23.42, 23.50 to 23.99, 30.50
10 to 30.55, 70.58, 71.10 (5) and 71.30 (10), including grants received from the federal
11 government or any of its agencies except as otherwise provided by law.

12 **SECTION 14.** 25.29 (4m) of the statutes is amended to read:

13 25.29 (4m) Notwithstanding sub. (3), no moneys that accrue to the state for or
14 in behalf of the department under ch. 22 or 29 may be expended or paid for the
15 enforcement of the treaty-based, off-reservation rights to fish held by members of
16 federally recognized American Indian tribes or bands domiciled in Wisconsin.

17 **SECTION 15.** 29.011 (3) of the statutes is created to read:

18 29.011 (3) This section does not apply to wild animals that are subject to
19 regulation under ch. 22.

20 **SECTION 16.** 29.024 (1) of the statutes is amended to read:

21 29.024 (1) **APPROVALS REQUIRED.** Except as specifically provided in ch. 22 or this
22 chapter, no person may hunt or trap in this state, fish in the waters of this state or
23 engage in any of the activities regulated under this chapter unless the appropriate
24 approval is issued to the person. A person shall carry the required approval with him
25 or her at all times while hunting, trapping or fishing or engaged in regulated

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1 activities unless otherwise required by this chapter or unless otherwise authorized
2 or required by the department. A person shall exhibit the approval to the
3 department or its wardens on demand.

4 **SECTION 17.** 29.024 (2g) (a) 2. of the statutes is amended to read:

5 29.024 (2g) (a) 2. Any permit issued under s. ~~29.38, 29.521, 29.525, 29.53 or~~
6 29.578 29.537, 29.733, 29.735 or 29.736.

7 **SECTION 18.** 29.024 (2r) (a) 17. of the statutes is repealed.

8 **SECTION 19.** 29.024 (2r) (a) 18. of the statutes is repealed.

9 **SECTION 20.** 29.024 (2r) (a) 19. of the statutes is repealed.

10 **SECTION 21.** 29.024 (2r) (a) 20. of the statutes is repealed.

11 **SECTION 22.** 29.024 (2r) (a) 21. of the statutes is repealed.

12 **SECTION 23.** 29.042 (1) of the statutes is amended to read:

13 29.042 (1) Beginning on January 1, 1998, the department may not enter into
14 any agreement to make payments to persons holding approvals issued under s.
15 29.501, 29.503, 29.506, 29.509, 29.512, 29.514, 29.519, 29.523, 29.526, 29.529,
16 29.531, 29.533, 29.537, 29.607, 29.611, or 29.614, ~~29.865, 29.867, 29.869, 29.871 or~~
17 ~~29.877~~ in exchange for the retirement of the approval or for the temporary or
18 permanent cessation of any activity authorized under the approval.

19 **SECTION 24.** 29.047 (2) (b) of the statutes is amended to read:

20 29.047 (2) (b) The possession, transportation, delivery or receipt offarm-raised
21 deer ~~or,~~ farm-raised fish or wild animals that are subject to regulation under ch. 22.

22 **SECTION 25.** 29.191 (2) (a) 3. of the statutes is amended to read:

23 29.191 (2) (a) 3. Any person hunting pheasant under s. 29.195 ~~or on premises~~
24 ~~licensed under s. 29.865~~ is exempt from the requirements under subd. 1.

25 **SECTION 26.** 29.192 (6) of the statutes is created to read:

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1 killed. Except as provided under sub. (2m) or ~~s. 29.871 (7), (8) or (14)~~ or s. 29.89 (6),
2 no person may possess, control, store or transport a deer carcass unless it is tagged
3 as required under this subsection. The carcass tag may not be removed before
4 registration. The removal of a carcass tag from a deer before registration renders the
5 deer untagged.

6 **SECTION 31.** 29.347 (6) of the statutes is amended to read:

7 **29.347 (6) FARM-RAISED DEER.** ~~This~~ section does not apply to farm-raised
8 deer or deer that are subject to regulation under ch. 22.

9 **SECTION 32.** 29.351 of the statutes is renumbered 29.351 (1), and 29.351 (1) (c),
10 as renumbered, is amended to read:

11 29.351 (1) (c) Possess the raw skin of any muskrat, mink, otter, fisher or pine
12 marten at any time unless the person is the holder of a valid scientific collector
13 permit, fur dealer license, trapping license or resident conservation patron license.
14 No license is required for ~~a person breeding, raising and producing domestic~~
15 ~~fur-bearing animals in captivity, as defined in s. 29.873, or for a person authorized~~
16 to take muskrats on a cranberry marsh under a permit issued to the person by the
17 department.

18 **SECTION 33.** 29.351 (2) of the statutes is created to read:

19 29.351 (2) Subsection (1) does not apply to the skins of fur-bearing animals
20 that are subject to regulation under ch. 22.

21 **SECTION 34.** 29.354 (1) of the statutes is amended to read:

22 29.354 (1) APPROVAL NECESSARY. No person, ~~except a person who has a valid~~
23 ~~hunting license, sports license, conservation patron license, taxidermist permit or~~
24 ~~scientific collector permit and who is carrying this approval on his or her person,~~ may
25 possess or have under his or her control any game bird, or game animal or the carcass

1 of any game bird or game animal unless the nerson is rehabilitating the game bird
2 or game animal or unless the nerson has a valid hunting license, snorts license,
3 conservation patron license, taxidermist nermit or scientific collector nermit.

4 **SECTION 35.** 29.354 (2) of the statutes is renumbered 29.354 (2) (a) and
5 amended to read:

6 29.354 (2) (a) ~~No person, except a~~ Except as provided in par. (b), no person who
7 ~~has a valid scientific collector permit,~~ may take, needlessly destroy or possess or have
8 under his or her control the nest or eggs of any wild bird for which a closed season
9 is prescribed under this chapter.

10 **SECTION 36.** 29.354 (2) (b) of the statutes is created to read:

11 29.354 (2) (b) A person who has a valid scientific collector permit may take or
12 possess or have under his or her control the nest of a wild bird and may destroy the
13 nest if necessary for a scientific purpose.

14 **SECTION 37.** 29.354 (5) of the statutes is created to read:

15 29.354 (5) **CAPTIVE WILD ANIMALS.** This section does not apply to wild animals
16 that are subject to regulation under ch. 22.

17 **SECTION 38.** 29.357 (5) (b) of the statutes is amended to read:

18 29.357 (5) (b) Subsections (1) to (4) do not apply to the possession,
19 transportation, delivery or receipt of farm-raised deer or, farm-raised fish or wild
20 animals that are subiect to regulation under ch. 22.

21 **SECTION 39.** 29.361 (6) of the statutes is amended to read:

22 29.361 (6) This section does not apply to the transportation of farm-raised deer
23 or deer that are subiect to regulation under ch. 22.

24 **SECTION 40.** 29.364 (5) of the statutes is amended to read:

1 29.364 (5) **EXEMPTION; TAXIDERMISTS.** Subsections (1) to (3) do not apply to a
2 person who has a valid taxidermist permit and who is transporting, ~~in connection~~
3 ~~with his or her business,~~ the carcass of a game bird ~~in connection with his or her~~
4 ~~business~~ or the carcass of a wild bird that is subject to regulation under ch. 22.

5 **SECTION 41.** 29.501 (9m) of the statutes is created to read:

6 29.501 (9m) This section applies to raw furs and dressed furs from fur-bearing
7 animals that are subject to regulation under ch. 22.

8 **SECTION 42.** 29.506 (4) of the statutes is amended to read:

9 29.506 (4) **AUTHORIZATION.** Subject to this section, a taxidermist permit
10 authorizes the permit holder to possess and transport ~~wild animals or carcasses of~~
11 wild animals in connection with his or her business. This authority supersedes, to
12 the extent permitted under this section, restrictions on the possession and
13 transportation of ~~wild animals and carcasses of wild animals~~ established under ch.
14 22 and this chapter. A taxidermist permit entitles the permit holder to the same
15 privileges as a Class A fur dealer's license.

16 **SECTION 43.** 29.539 (7) of the statutes is created to read:

17 29.539 (7) This section does not apply to the carcass of a wild animal that is
18 subject to regulation under ch. 22.

19 **SECTION 44.** 29.541 (3) of the statutes is amended to read:

20 29.541 (3) **EXEMPTION.** This section does not apply to the meat from
21 farm-raised deer or ~~from~~ farm-raised fish or to meat that is subject to regulation
22 under s. 22.13 or 22.14.

23 **SECTION 45.** 29.563 (9) (intro.) and (a) (title) of the statutes are repealed.

24 **SECTION 46.** 29.563 (9) (a) 1. of the statutes is renumbered 29.563 (7) (c) 5m.

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1 **SECTION 47.** 29.563 (9) (a) 2. to 10. and (b) of the statutes, as affected by 1999
2 Wisconsin Act 9, are repealed.

3 **SECTION 48.** 29.563 (9) (c) of the statutes, as created by 1999 Wisconsin Act 9,
4 is repealed.

5 **SECTION 49.** 29.614 (3) of the statutes is amended to read:

6 29.614 (3) A scientific collector permit authorizes the permittee to collect or
7 salvage, for scientific purposes only, ~~the eggs, nest and~~ live fish and the nests and
8 carcasses of any wild animals specified in the permit subject to the conditions and
9 limitations specified in the permit and the rules of the department. The permittee
10 may use the specimens for the scientific purposes for which collected or salvaged and
11 may transport them or cause them to be transported by common carrier. Possession
12 of these specimens may not be transferred to any other person, except that these
13 specimens may be exchanged for other specimens for scientific purposes. A scientific
14 collector permit may authorize the use of net guns and tranquilizer guns for activities
15 related to the purposes for which the permit is issued. Any person who is convicted
16 of violating this chapter shall forfeit the person's permit and the permit is thereby
17 revoked, in addition to all other penalties. Any person so convicted is not eligible for
18 a permit under this section for one year following the conviction.

19 **SECTION 50.** 29.741 (title) of the statutes is repealed and recreated to read:

20 29.741 (title) **Food in the wild for game birds.**

21 **SECTION 51.** 29.741 (1) of the statutes is repealed.

22 **SECTION 52.** 29.741 (2) of the statutes is renumbered 29.741.

23 **SECTION 53.** 29.745 of the statutes is repealed.

24 **SECTION 54.** 29.853 (title) of the statutes is repealed.

25 **SECTION 55.** 29.853 (1) of the statutes is repealed.

1 **SECTION 56.** 29.853 (2) of the statutes is repealed.

2 **SECTION 57.** 29.853 (3) of the statutes is repealed.

3 **SECTION 58.** 29.853 (4m) of the statutes is repealed.

4 **SECTION 59.** 29.853 (5) (title) of the statutes is repealed.

5 **SECTION 60.** 29.853 (5) of the statutes is renumbered 29.334 (2) and amended
6 to read:

7 29.334 (2) A person who violates ~~this section~~ sub. (1) shall forfeit not less than
8 \$100 nor more than \$1,000.

9 **SECTION 61.** 29.855 (title) of the statutes is repealed.

10 **SECTION 62.** 29.855 (1) of the statutes is repealed.

11 **SECTION 63.** 29.855 (2) of the statutes is repealed.

12 **SECTION 64.** -29.855 (3) of the statutes is repealed.

13 **SECTION 65.** 29.855 (4) (title) of the statutes is repealed.

14 **SECTION 66.** 29.855 (4) of the statutes is renumbered 22.04 (2) (e) and amended
15 to read:

16 22.04 (2) (e) No person may operate on a live ~~wild~~ skunk to remove its scent
17 glands unless the person ~~who possesses~~ holds a Class A or Class B captive wild
18 animal farm license or unless the oerson is a veterinarian and the nerson bringing
19 the skunk is ~~authorized under s. 29.857 or 29.869~~ to the veterinarian holds such a
20 license. A veterinarian to whom a person brings a live ~~wild~~ skunk for removal of its
21 scent glands ~~or for other treatment~~ shall verifv whether the nerson holds a Class A
22 or Class B captive wild animal farm license. If the oerson does not hold such a license,
23 the veterinarian shall notify that person that possession of a live skunk is illegal and
24 shall notify the department.

25 **SECTION 67.** 29.855 (5) of the statutes is repealed.

1 **SECTION 68.** 29.855 (6) of the statutes is repealed.

2 **SECTION 69.** 29.855 (7) of the statutes is repealed.

3 **SECTION 70.** 29.857 of the statutes is repealed.

4 **SECTION 71.** 29.861 of the statutes is repealed.

5 **SECTION 72.** 29.863 of the statutes is repealed.

6 **SECTION 73.** 29.865 of the statutes is repealed.

7 **SECTION 74.** 29.867 of the statutes is repealed.

8 **SECTION 75.** 29.869 of the statutes is repealed.

9 **SECTION 76.** 29.871 of the statutes is repealed.

10 **SECTION 77.** 29.873 of the statutes is repealed.

11 **SECTION 78.** 29.875 (1) of the statutes is amended to read:

12 29.875 (1) The department may seize and dispose of or may authorize the
13 disposal of any deer that has escaped from land licensed under s. ~~29.867 or 29.87~~
14 22.15 or 22.16 or owned by a person registered under s. 95.55 if the escaped deer has
15 traveled more than 3 miles from the land or if the licensee or person has not had the
16 deer returned to the land within 72 hours of the discovery of the escape.

17 **SECTION 79.** 29.877 of the statutes is repealed.

18 **SECTION 80.** 29.879 of the statutes is repealed.

19 **SECTION 81.** 29.881 of the statutes is repealed.

20 **SECTION 82.** 29.885 (1) (f) of the statutes is amended to read:

21 29.885 (1) (f) Notwithstanding s. ~~29.01 (14)~~ 29.001 (90), "wild animal" means
22 any undomesticated mammal or bird, but does not include farm-raised deer or,
23 farm-raised fish or wild animals that are subject to regulation under ch. 22.

24 **SECTION 83.** 29.889 (1) (intro.) of the statutes is amended to read:

1 **29.889 (1) DEFINITION.** (intro.) In this section, “wildlife damage” means damage
2 caused by any of the following ~~nonreaptive~~ wild animals that are not subject to
3 regulation under ch. 22:

4 **SECTION 84.** 29.921 (7) of the statutes is amended to read:

5 29.921 (7) **DOGS** ~~INJURING WILDLIFE.~~ A warden may kill a dog found running,
6 injuring, causing injury to, or killing, any deer, other than farm-raised deer or deer
7 subject to regulation under ch. 22, or destroying game birds, their eggs or nests, if
8 immediate action is necessary to protect the deer or game birds, their nests or eggs,
9 from injury or death.

10 **SECTION 85.** 29.927 (8) of the statutes is amended to read:

11 29.927 (8) Any dog found running deer, except farm-raised deer or deer subject
12 to regulation under ch. 22, at any time, or used in violation of this chapter.

13 **SECTION 86.** 29.931 (2) (a) of the statutes is amended to read:

14 29.931 (2) (a) The department and its wardens shall seize and hold, subject to
15 the order of the court for the county in which the alleged offense was committed, any
16 vehicle, boat or object declared by this chapter to be a public nuisance, or which they
17 have probable cause to believe is being used in violation of this chapter or s. 167.31,
18 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61, is being used in the commission
19 of a crime involving an animal normally found in the wild in violation of s. 951.09 or
20 is being used in the commission of a crime relating to a submerged cultural resource
21 in violation of s. 44.47. If it is proven that the vehicle, boat or object is a public
22 nuisance or that within 6 months previous to the seizure the vehicle, boat or object
23 was used in violation of this chapter or s. 167.31, 287.81, 940.24, 941.20, 948.60,
24 948.605 or 948.61, was used in the commission of a crime involving an animal
25 normally found in the wild in violation of s. 951.09 or was used in the commission of

1 a crime relating to a submerged cultural resource in violation of s. 44.47, it shall be
2 confiscated if the court directs in its order for judgment.

3 **SECTION 87.** 29.969 of the statutes is amended to read:

4 **29.969 Larceny of game.** A person who, without permission of the owner,
5 disturbs or appropriates any wild animal or its carcass that has been lawfully
6 reduced to possession by another shall forfeit not less than \$1,000 nor more than
7 \$2,000. This section does not apply to farm-raised deer ~~or~~, farm-raised fish or wild
8 animals that are subject regulation under ch. 22.

9 **SECTION 88.** 49.857 (1) (d) 2. of the statutes is amended to read:

10 49.857 (1) (d) 2. An approval specified in s. ~~29.09(11m)~~ 22.34 or 29.024 (2g).

11 **SECTION 89.** 59.25 (3) (f) 2. of the statutes, as affected by 1999 Wisconsin Act
12 9, is amended to read:

13 59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be
14 deposited in the state treasury, the amounts required by s. 757.05 for the penalty
15 assessment surcharge, the amounts required by s. 165.755 for the crime laboratories
16 and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the
17 weapons assessment, the amounts required by s. 973.045 for the crime victim and
18 witness assistance surcharge, the amounts required by s. 938.34 (8d) for the
19 delinquency victim and witness assistance surcharge, the amounts required by s.
20 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by
21 s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts
22 required by s. 100.261 for the consumer information assessment, the amounts
23 authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the domestic abuse
24 assessment, the amounts required by s. 253.06 (4) (c) for the enforcement assessment
25 under the supplemental food program for women, infants and children, the amounts

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1 required by ss. 346.177, 346.495 and 346.65 (4r) for the railroad crossing
2 improvement assessment, the amounts required by s. 346.655 (2) (a) and (b) for the
3 driver improvement surcharge, the amounts required by s. 102.85 (4) for the
4 uninsured employer assessment, the amounts required by s. 299.93 for the
5 environmental assessment, the amounts required by s. 29.983 for the wild animal
6 protection assessment, the amounts required by ~~s.~~ ss. 22.46 (1) and 29.987 for the
7 natural resources assessment surcharge, the amounts required by s. 29.985 for the
8 fishing shelter removal assessment, the amounts required by s. 350.115 for the
9 snowmobile registration restitution payment and the amounts required by ~~s.~~ ss.
10 22.46 (2) and 29.989 for natural resources restitution payments, transmit to the state
11 treasurer a statement of all moneys required by law to be paid on the actions entered
12 during the preceding month on or before the first day of the next succeeding month,
13 certified by the county treasurer's personal signature affixed or attached thereto,
14 and at the same time pay to the state treasurer the amount thereof.

15 **SECTION 90.** 59.40 (2) (m) of the statutes, as affected by 1999 Wisconsin Act 9,
16 is amended to read:

17 59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state's
18 percentage of the fees required to be paid on each civil action, criminal action and
19 special proceeding filed during the preceding month and pay monthly to the
20 treasurer for the use of the state the percentage of court imposed fines and forfeitures
21 required by law to be deposited in the state treasury, the amounts required by s.
22 757.05 for the penalty assessment surcharge, the amounts required by s. 165.755 for
23 the crime laboratories and drug law enforcement assessment, the amounts required
24 by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for
25 the crime victim and witness assistance surcharge, the amounts required by s.

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1 938.34 (8d) for the delinquency victim and witness assistance surcharge, the
2 amounts required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the
3 amounts required by s. 961.41 (5) for the drug abuse program improvement
4 surcharge, the amounts required by s. 100.261 for the consumer information
5 assessment, the amounts authorized by s. 971.37 (lm) (c) 1. or required by s. 973.055
6 for the domestic abuse assessment surcharge, the amounts required by s. 253.06 (4)
7 (c) for the enforcement assessment under the supplemental food program for women,
8 infants and children, the amounts required by ss. 346.177, 346.495 and 346.65 (4r)
9 for the railroad crossing improvement assessment, the amounts required by s.
10 346.655 for the driver improvement surcharge, the amounts required by s. 102.85 (4)
11 for the uninsured employer assessment, the amounts required by s. 299.93 for the
12 environmental assessment, the amounts required under s. 29.983 for the wild
13 animal protection assessment, the amounts required under ~~s. ss. 22.46 (1) (d) and~~
14 29.987 (1) (d) for the natural resources assessment surcharge, the amounts required
15 by s. 29.985 for the fishing shelter removal assessment, the amounts required by s.
16 350.115 for the snowmobile registration restitution payment and the amounts
17 required under ~~s. ss. 22.46 (2) (d) and~~ 29.989 (1) **(d)** for the natural resources
18 restitution payments. The payments shall be made by the 15th day of the month
19 following receipt thereof.

20 **SECTION 91.** 73.0301 (1) (d) 1. of the statutes is amended to read:

21 73.0301 (1) (d) 1. An approval specified in s. ~~29.09 (11r)~~ 22.35 or 29.024 (2r).

22 **SECTION 92.** 167.31 (4) (b) of the statutes is amended to read:

23 167.31 (4) (b) Subsections (2) (a), (b) and (c) and (3) (a) and (b) do not apply to
24 the holder of a scientific research license under s. 22.25 or a scientific collector permit

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1 under s. 29.614 who is using a net gun or tranquilizer gun in an activity related to
2 the purpose for which the license or permit was issued.

3 **SECTION 93.** 173.01 (1) of the statutes, as created by 1997 Wisconsin Act 192,
4 is renumbered 173.01 (lm).

5 **SECTION 94.** 173.01 (lb) of the statutes is created to read:

6 173.01 **(lb)** "Conservation warden" means a warden appointed under s. 23.10.

7 **SECTION 95.** 173.01 (1d) of the statutes is created to read:

8 173.01 **(1d)** "Custodial entity" means a political subdivision, a person
9 contracting under s. 173.15 (1) or the department of natural resources.

10 **SECTION 96.** 173.01 (lr) of the statutes is created to read:

11 173.01 **(1r)** "Governmental unit" means a political subdivision or the
12 department of natural resources.

13 **SECTION 97.** 173.01 (2) of the statutes is amended to read:

14 173.01 **(2)** "Law enforcement officer" has the meaning given in s. 165.85 (2) (c)
15 and does not include a conservation warden.

16 **SECTION 98.** 173.07 (4m) of the statutes, as created by 1997 Wisconsin Act 192,
17 is amended to read:

18 173.07 **(4m)** REQUEST PROSECUTIONS. A humane officer may request law
19 enforcement officers, conservation wardens and district attorneys to enforce and
20 prosecute violations of state law and may cooperate in those prosecutions.

21 **SECTION 99.** 173.10 of the statutes, as created by 1997 Wisconsin Act 192, is
22 amended to read:

23 **173.10 Investigation of cruelty complaints.** A person may apply for a
24 search warrant under s. 968.12 if there is reason to believe that a violation of ch. 22
25 or 951 has taken place or is taking place. If the court is satisfied that probable cause

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1 exists, it shall issue a search warrant directing a law enforcement officer in the
2 county, or in the case of a wild animal subject to regulation under ch. 22 a
3 conservation warden, to proceed immediately to the location of the alleged violation
4 with a doctor of veterinary medicine, if the court determines that a veterinarian is
5 necessary for purposes of the search, and directing the law enforcement officer or
6 conservation warden to search the place designated in the warrant, retaining in his
7 or her custody subject to the order of the court such property or things as are specified
8 in the warrant, including any animal. If the person applying for the search warrant
9 is a humane officer, the warrant shall direct that the humane officer accompany the
10 law enforcement officer or conservation warden who is directed to perform the
11 search. The warrant shall be executed and returned to the court which issued the
12 warrant in accordance with ss. 968.15 and 968.17. This section does not affect other
13 powers and duties of law enforcement officers or conservation wardens.

14 **SECTION 100.** 173.11 (5) of the statutes is created to read:

15 173.11 (5) **NONAPPLICABILITY.** This section does not apply to wild animals that
16 are subject to regulation under ch. 22.

17 **SECTION 101.** 173.12 (1) of the statutes, as created by 1997 Wisconsin Act 192,
18 is renumbered 173.12 (1) (a) and amended to read:

19 173.12 (1) (a) Any veterinarian who has reason to believe that an animal has
20 been in a fight in violation of s. 951.08 shall report the matter to the local humane
21 officer or to a local law enforcement agency, except as provided in nar. (b).

22 (c) The report under this subsection shall be in writing and shall include a
23 description and the location of the animal, any injuries suffered by the animal and
24 the name and address of the owner or person in charge of the animal, if known.

25 **SECTION 102.** 173.12 (1) (b) of the statutes is created to read:

1 173.12 (1) (b) If the animal is a wild animal subject to regulation under ch. 22,
2 the veterinarian shall report the matter to the department of natural resources.

3 **SECTION 103.** 173.12 (lm) of the statutes, as created by 1997 Wisconsin Act 192,
4 is amended to read:

5 173.12 (lm) If an animal has been seized because it is alleged that the animal
6 has been used in or constitutes evidence of any crime specified in s. 951.08, the
7 animal may not be returned to the owner ~~by an officer~~ under s. 968.20 (2). In any
8 hearing under s. 968.20 (1), the court shall determine if the animal is needed as
9 evidence or there is reason to believe that the animal has participated in or been
10 trained for fighting. If the court makes such a finding, the animal shall be retained
11 in custody.

12 **SECTION 104.** 173.12 (3) (a) of the statutes, as created by 1997 Wisconsin Act
13 192, is amended to read:

14 173.12 (3) (a) If the owner is convicted under s. 951.08 or is subject to the
15 restrictions under s. 951.08 (2m), the animal shall be delivered to the local humane
16 officer or county or municipal pound if the animal is not subject to regulation under
17 ch. 22. If there is no local humane officer or pound, the animal may be delivered to
18 a local humane society or to another person designated by the court.

19 (ar) If the animal is one year old or older or shows indication of having
20 participated in fighting, the animal shall be disposed of in a proper and humane
21 manner.

22 **SECTION 105.** 173.12 (3) (ag) of the statutes is created to read:

23 173.12 (3) (ag) If the owner is convicted under s. 951.08 or is subject to the
24 restrictions under s. 951.08 (2m), the animal shall be delivered to the department of

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1 natural resources or to another person designated by the court if the animal is a wild
2 animal subject to regulation under ch. 22.

3 **SECTION 106.** 173.13 (1) (d) of the statutes is created to read:

4 173.13 (1) (d) This subsection does not apply to wild animals that are subject
5 to regulation under ch. 22.

6 **SECTION 107.** 173.13 (2) (a) (intro.) of the statutes, as created by 1997 Wisconsin
7 Act 192, is amended to read:

8 173.13 (2) (a) (intro.) A humane officer ~~or~~, law enforcement officer or
9 conservation warden or a person contracting under s. 173.15 (1) may accept an
10 animal delivered by a veterinarian, or his or her employe, if the animal has not been
11 picked up by its owner and all of the following apply:

12 **SECTION 108.** 173.13 (2) (a) 1. of the statutes, as created by 1997 Wisconsin Act
13 192, is amended to read:

14 173.13 (2) (a) 1. The veterinarian notified the owner of the animal by certified
15 mail, return receipt requested, that the animal was ready to be picked up and that
16 the animal would be delivered to a ~~humane officer~~ person authorized to accept the
17 animal if not picked up within 7 days.

18 **SECTION 109.** 173.13 (2) (a) 3. of the statutes, as created by 1997 Wisconsin Act
19 192, is amended to read:

20 173.13 (2) (a) 3. The veterinarian certifies in writing to the humane officer ~~or~~,
21 law enforcement officer or conservation warden that subds. 1. and 2 apply.

22 **SECTION 110.** 173.13 (2) (a) 4. of the statutes is created to read:

23 173.13 (2) (a) 4. The humane officer, law enforcement officer or conservation
24 warden or the person contracting under s. 173.15 (1) is authorized under s. 22.42 or
25 this section to accept the animal.

1 **SECTION 111.** 173.13 (2) (b) of the statutes, as created by 1997 Wisconsin Act
2 192, is amended to read:

3 173.13 (2) (b) If an animal is accepted under par. (a), the veterinarian shall
4 provide the person accepting the animal with any requested records concerning the
5 animal's ownership, or health or the licensure of the animal or of the owner under
6 ch. 22.

7 **SECTION 112.** 173.13 (3) (a) of the statutes, as created by 1997 Wisconsin Act
8 192, is amended to read:

9 173.13 (3) (a) If a humane officer ~~or~~, law enforcement officer or conservation
10 warden takes custody of an animal with the knowledge of the owner, the humane
11 officer ~~or~~, law enforcement officer or conservation warden shall explain the
12 procedure by which the owner can recover the animal, including the procedure under
13 s. 173.22, and the procedure to be followed if the animal is not returned to the owner.

14 **SECTION 113.** 173.13 (3) (b) of the statutes, as created by 1997 Wisconsin Act
15 192, is amended to read:

16 173.13 (3) (b) If a humane officer ~~or~~, law enforcement officer or conservation
17 warden takes custody of an animal without the knowledge of the owner, the humane
18 officer ~~or~~, law enforcement officer or conservation warden shall promptly notify the
19 owner in writing if he or she can be identified and located with reasonable effort. The
20 notice shall explain the procedure by which the owner can recover the animal,
21 including the procedure under s. 173.22, and the procedure to be followed if the
22 animal is not returned to the owner. The notice shall also inform the owner that the
23 owner must notify any person with a lien on the animal that the animal has been
24 taken into custody.

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1 **SECTION 114.** 173.13 (3) (c) of the statutes, as created by 1997 Wisconsin Act
2 192, is amended to read:

3 173.13 (3) (c) If the owner informs the humane officer or, law enforcement
4 officer or conservation warden in writing that he or she will not claim the animal, it
5 may be treated as an unclaimed animal under s. 173.23 (1m).

6 **SECTION 115.** 173.15 (1) of the statutes, as created by 1997 Wisconsin Act 192,
7 is amended to read:

8 173.15 (1) **PROVIDING SERVICES.** A political subdivision may provide for the care,
9 treatment or disposal of animals taken into custody ~~by a humane officer or law~~
10 ~~enforcement officer~~ under s. 173.13. The department of natural resources may
11 provide for the care, treatment or disposal of wild animals subject to regulation
12 under ch. 22 that are taken into custody under s. 22.42. A political subdivision or the
13 department of natural resources may provide these services directly or by
14 contracting with any other person. A political subdivision or the department of
15 natural resources may establish standard fees for the care, custody and treatment
16 of animals in its custody. The political subdivision or the department of natural
17 resources may establish different fees for animals released to their owners and
18 animals released to persons other than their owners. **If** the political subdivision or
19 the department of natural resources does not establish standard fees, it may charge
20 no more than the actual costs of care, custody or treatment to any person required
21 to pay for the care, custody or treatment of an animal.

22 **SECTION 116.** 173.15 (2) (intro.) of the statutes, as created by 1997 Wisconsin
23 Act 192, is amended to read:

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1 173.15 (2) **CONTRACT FOR SERVICES.** (intro.) Every person entering into a
2 contract with a political subdivision or the department of natural resources under
3 sub. (1) shall agree to do all of the following:

4 **SECTION 117.** 173.17 (intro.) of the statutes, as created by 1997 Wisconsin Act
5 192, is amended to read:

6 **173.17 Records.** (intro.) A humane officer or law enforcement officer taking
7 custody of an animal ~~on behalf of a political subdivision~~ under s. 173.13 or a
8 conservation warden taking custody of an animal under s. 22.42 shall maintain, or
9 require any person to whom the animal is delivered under a contract under s. 173.15
10 (1) to maintain, as appropriate, records for each animal containing the following
11 information:

12 **SECTION 118.** 173.19 of the statutes, as created by 1997 Wisconsin Act 192, is
13 amended to read:

14 **173.19 Animals considered unclaimed.** A ~~political subdivision or person~~
15 ~~contracting under s. 173.15 (1)~~ custodial entity may treat any animal taken into
16 custody under s. 22.42 (1) (a), (c), (h) or (j) or 173.13 (1) (a) 1., 3., 4. or 9. as an
17 unclaimed animal subject to s. 173.23 (lm) if, within 7 days after custody is taken
18 of the animal, it is not claimed by and returned to its owner under s. 173.23 (1), except
19 that an animal taken into custody under s. 22.42 (1)(c) or 173.13 (1) (a) 3. or 4. may
20 not be treated as unclaimed if its owner files a petition under s. 173.22 (1) within 7
21 days after custody is taken.

22 **SECTION 119.** 173.21 (1) (intro.) of the statutes, as created by 1997 Wisconsin
23 Act 192, is amended to read:

24 173.21 **(1) GROUNDS.** (intro.) A political subdivision or the department of
25 natural resources may withhold, or direct a person contracting with the political

1 subdivision or the denartment of natural resources under s. 173.15 (1) to withhold,
2 an animal in custody from an owner who makes an otherwise adequate claim for the
3 animal under s. 173.23 (1) on any of the following grounds:

4 **SECTION 120.** 173.21 (1) (a) of the statutes, as created by 1997 Wisconsin Act
5 192, is amended to read:

6 173.21 (1) (a) There are reasonable grounds to believe that the owner has
7 mistreated the animal in violation of ch. 951 or in violation of ch. 22 if the animal is
8 a wild animal subject to regulation under ch. 22.

9 **SECTION 121.** 173.21 (4) of the statutes, as created by 1997 Wisconsin Act 192,
10 is amended to read:

11 173.21 (4) **RETURN.** A ~~political subdivision or person~~ ~~under s.~~
12 ~~173.15 (1) custodial entity~~ having custody of an animal withheld under sub. (1) shall
13 release the animal to the owner at the direction of the humane officer ~~or~~ law
14 enforcement officer ~~that~~ or conservation warden who took custody of the animal if
15 the requirements of s. 173.23 (1) (a) to (c) are satisfied.

16 **SECTION 122.** 173.22 (1) of the statutes, as created by 1997 Wisconsin Act 192,
17 is amended to read:

18 173.22 (1) **PETITION.** A person claiming that an animal that he or she owns was
19 improperly taken into custody under s. 22.42 (1) (c), (d), (e), (g), (i), (j), (k) or (L) or
20 173.13 (1) (a) 3., 4., 5., 6. or 8. or is wrongfully withheld under s. 173.21 (1) may seek
21 return of the animal by petitioning for an order from the circuit court for the county
22 in which the animal was taken into custody or in which it is held.

23 **SECTION 123.** 173.22 (2) of the statutes, as created by 1997 Wisconsin Act 192,
24 is amended to read:

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1 173.22 (2) **NOTICE AND HEARING.** The court shall provide notice of a petition
2 under sub. (1) to the humane officer ~~or~~, law enforcement officer ~~or~~ conservation
3 warden who took the animal into custody or to the ~~political subdivision~~ governmental
4 unit that withheld the animal and shall hold a hearing on the issue of whether the
5 animal was improperly taken into custody or is wrongfully withheld.

6 **SECTION 124.** 173.22 (3) (a) (intro.) of the statutes, as created by 1997 Wisconsin
7 Act 192, is amended to read:

8 173.22 (3) (a) (intro.) If the animal was taken into custody under s. 22.42 (1)
9 (g) ~~or~~ 173.13 (1) (a) 8. or is withheld under s. 173.21 (1), the court shall order the
10 animal returned to the owner unless it determines that one of the following
11 conditions is satisfied:

12 **SECTION 125.** 173.22 (3) (a) 1. of the statutes, as created by 1997 Wisconsin Act
13 192, is amended to read:

14 173.22 (3) (a) 1. There are reasonable grounds to believe that the owner has
15 mistreated the animal in violation of ch. 22 ~~or~~ 951.

16 **SECTION 126.** 173.22 (3) (cm) of the statutes is created to read:

17 173.22 (3) (cm) If the animal was taken into custody under s. 22.42 (1) (c), the
18 court shall order the animal returned to its owner if the court determines that the
19 the owner of the animal has not violated ch. 22 or any ordinance enacted under s.
20 **22.43.**

21 **SECTION 127.** 173.22 (3) (d) of the statutes, as created by 1997 Wisconsin Act
22 192, is amended to read:

23 173.22 (3) (d) If the animal was taken into custody under s. 22.42 (1) (d) ~~or~~
24 173.13 (1) (a) 5., the court shall order the animal returned to its owner if the court

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1 determines that the animal was not subject to a quarantine order or was confined as
2 required by a quarantine order.

3 **SECTION 128.** 173.22 (3) (e) of the statutes, as created by 1997 Wisconsin Act
4 192, is amended to read:

5 173.22 (3) (e) If the animal was taken into custody under s. 22.42 (1) (e) or
6 173.13 (1) (a) 6., the court shall order the animal returned to its owner if the court
7 determines that the animal did not cause damage to persons or property.

8 **SECTION 129.** 173.22 (3) (f) of the statutes is created to read:

9 173.22 (3) (f) If the animal was taken into custody under s. 22.42 (1) (i), the
10 court shall order the animal returned to its owner if the court determines that the
11 animal has not been exposed to, or has not been infected with, any of the following:

12 1. A contagious or infectious disease, as defined in the rules promulgated by
13 the department under s. 95.001 (2).

14 2. A reportable disease as designated by the department of natural resources
15 under s. 22.44 (2).

16 3. A disease or parasite that has pathological significance to humans or any
17 type of animal.

18 **SECTION 130.** 173.22 (3) (g) of the statutes is created to read:

19 173.22 (3) (g) If the animal was taken into custody under s. 22.42 (1) (k), the
20 court shall order the animal returned to its owner if the court determines that the
21 animal has not been held or housed in violation of s. 22.39.

22 **SECTION 131.** 173.22 (3) (h) of the statutes is created to read:

23 173.22 (3) (h) If the animal was taken into custody under s. 22.42 (1) (L), the
24 court shall order the animal returned to its owner if the court determines that the
25 owner is not in violation of s. 22.38.

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1 **SECTION 132.** 173.23 (1) (intro.) of the statutes, as created by 1997 Wisconsin
2 Act 192, is amended to read:

3 173.23 (1) **CLAIM AND RETURN.** (intro.) Except as provided in sub. (4) or s. 173.21
4 (l), a ~~political subdivision or person contracting under s. 173.15 (1)~~ custodial entity
5 shall return an animal described in s. 22.42 (1) (a), (c), (e), (g), (h), (j) or (k) or 173.13
6 (1) (a) 1., 3., 4., 6., 8. or 9. to its owner upon the happening of all of the following:

7 **SECTION 133.** 173.23 (1) (b) of the statutes, as created by 1997 Wisconsin Act
8 192, is amended to read:

9 173.23 (1) (b) If licensure of the animal is required by statute or ordinance, the
10 animal is licensed or assurance of licensure by prepayment is given.

11 **SECTION 134.** 173.23 (1) (bn) of the statutes is created to read:

12 173.23 (1) (bn) If licensure of the owner of a wild animal that is subject to
13 regulation under ch. 22 is required under ch. 22, the owner is licensed or assurance
14 of licensure by prepayment is given.

15 **SECTION 135.** 173.23 (1m) (intro.) of the statutes, as created by 1997 Wisconsin
16 Act 192, is amended to read:

17 173.23 **(1m)** **UNCLAIMED ANIMALS.** (intro.) A ~~political subdivision or a person~~
18 ~~contracting under s. 173.15 (1)~~ custodial entity that has custody of an animal
19 considered unclaimed under sub. (5) (c) or (6) or s. 173.13 (3) (c) or 173.19 or an
20 unwanted animal may do any of the following:

21 **SECTION 136.** 173.23 (1m) (a) 2. of the statutes, as created by 1997 Wisconsin
22 Act 192, is amended to read:

23 173.23 **(1m)** (a) 2. If licensure of the animal is required by statute or ordinance,
24 the animal is licensed or assurance of licensure is given by evidence of prepayment.

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1 **SECTION 137.** 173.23 (1m) (a) 2m. of the statutes, as created by 1997 Wisconsin
2 Act 192, is created to read:

3 173.23 **(1m)** (a) 2m. If licensure of the owner of a wild animal that is subject
4 to regulation under ch. 22 is required under ch. 22, the owner is licensed or assurance
5 of licensure by prepayment is given.

6 **SECTION 138.** 173.23 (1m) (a) 4. of the statutes, as created by 1997 Wisconsin
7 Act 192, is amended to read:

8 173.23 **(1m)** (a) 4. Any charges imposed by the ~~political subdivision or person~~
9 ~~contracting under s. 173.15 (1)~~ custodial entity for custody, care, vaccination and
10 treatment are paid or waived.

11 **SECTION 139.** 173.23 (2) of the statutes, as created by 1997 Wisconsin Act 192,
12 is amended to read:

13 173.23 (2) **ANIMALS NOT RETURNED TO OWNER.** If an animal in the custody of a
14 political subdivision or the department of natural resources, other than an animal
15 to which sub. (1m) applies, is not returned to the owner under sub. (1) or (5) (b) or
16 s. 173.12 (2), 173.21 (4) or 173.22 or disposed of under sub. (4) or (5) (a) or s. 173.12
17 (3), it shall be disposed of under a court order under sub. (3) or s. 951.18 (4).

18 **SECTION 140.** 173.23 (3) (a) (intro.) of the statutes, as created by 1997 Wisconsin
19 Act 192, is amended to read:

20 173.23 (3) (a) (intro.) A political subdivision or the department of natural
21 resources may petition the circuit court for an order doing any of the following with
22 respect to an animal taken into custody ~~by a law enforcement officer or a humane~~
23 ~~officer or~~ on behalf of the political subdivision under s. 173.13 or the department of
24 natural resources under s. 22.42 or with respect to an animal withheld under s.
25 173.21 (1):

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1 **SECTION 141.** 173.23 (3) (c) of the statutes, as created by 1997 Wisconsin Act
2 192, is amended to read:

3 173.23 (3) (c) ~~The political subdivision or the department of natural resources~~
4 shall serve a copy of the petition, in the manner provided in s. 801.11, upon the owner
5 of the animal, if known.

6 **SECTION 142.** 173.23 (3) (e) of the statutes, as created by 1997 Wisconsin Act
7 192, is amended to read:

8 173.23 (3) (e) The court shall issue its order after hearing and may grant,
9 modify and grant or deny the petitioned-for relief, after considering the interests of
10 the animal, the owner of the animal, the political subdivision ~~or the department of~~
11 natural resources and the public.

12 **SECTION 143.** 173.23 (4) of the statutes, as created by 1997 Wisconsin Act 192,
13 is amended to read:

14 173.23 (4) ~~INJURED OR DANGEROUS ANIMALS. A political subdivision or person~~
15 ~~contracting under s. 173.15 (1)~~ custodial entity who has custody of an animal may
16 have the animal euthanized if there are reasonable grounds to believe that any of the
17 following ~~apply~~ applies:

18 **SECTION 144.** 173.23 (5) (a) of the statutes, as created by 1997 Wisconsin Act
19 192, is amended to read:

20 173.23 (5) (a) ~~A political subdivision or person contracting under s. 173.15 (1)~~
21 custodial entity that has custody of an animal that was not confined as required by
22 a quarantine order issued under any statute, rule or ordinance relating to the control
23 of any animal disease shall confine the animal for the duration of the quarantine or
24 shall euthanize the animal with the written permission of the owner or, if the animal

ASSEMBLY BILL 684**SECTION 144**

1 is determined to be diseased, at the direction of the person issuing the quarantine
2 order.

3 **SECTION 145.** 173.23 (5) (b) of the statutes, as created by 1997 Wisconsin Act
4 192, is amended to read:

5 173.23 (5) (b) Unless the person issuing the quarantine order directs that the
6 animal be euthanized because it is diseased, at the end of the quarantine period the
7 ~~political subdivision or person contracting under s. 173.15 (1)~~ custodial entity shall
8 return the animal to its owner if the owner complies with sub. (1) (a) to (d) no later
9 than the 7th day after the day on which the ~~political subdivision or person~~
10 ~~contracting under s. 173.15 (1)~~ custodial entity demands that the owner claim the
11 animal and pay for its custody, care and treatment.

12 **SECTION 146.** 173.25 of the statutes, as created by 1997 Wisconsin Act 192, is
13 amended to read:

14 **173.25 Immunity for euthanizing animals.** A ~~political subdivision, a~~
15 ~~person contracting under s. 173.15 (1)~~ custodial entity, a humane officer ~~or~~, a law
16 enforcement officer ~~or a conservation warden~~ who has reasonable grounds to believe
17 that s. 173.23 (1m)(c), (4) or (5) or a court order issued under s. 173.23 (3) ~~authorize~~
18 authorizes an animal to be euthanized is not liable for damages for the loss of the
19 animal resulting from euthanizing the animal.

20 **SECTION 147.** 814.60 (2) (e) of the statutes is amended to read:

21 814.60 (2) (e) Natural resources restitution payment imposed by s. ~~22.46 (2) (d)~~
22 or 29.989.

23 **SECTION 148.** 895.57 (3) of the statutes is amended to read:

24 895.57 (3) Subsection (2) does not apply to any humane officer, local health
25 officer, peace officer, employe of the department of natural resources while on any

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1 land licensed under s. ~~29.865, 29.867, 29.869 or 29.871~~ 22.15.22.16.22.17.22.18 or
2 22.19 or designated as a wildlife refuge under s. 29.621 (1) or employe of the
3 department of agriculture, trade and consumer protection if the officer's or employe's
4 acts are in good faith and in an apparently authorized and reasonable fulfillment of
5 his or her duties.

6 **SECTION 149.** 943.75 (3) of the statutes is amended to read:

7 943.75 (3) Subsection (2) does not apply to any humane officer, local health
8 officer, peace officer, employe of the department of natural resources while on any
9 land licensed under s. ~~29.865, 29.867, 29.869 or 29.871~~ 22.15.22.16. 22.17, 22.18 or
10 22.19 or designated as a wildlife refuge under s. 29.621 (1) or employe of the
11 department of agriculture, trade and consumer protection if the officer's or employe's
12 acts are in good faith and in an apparently authorized and reasonable fulfillment of
13 his or her duties. This subsection does not limit any other person from claiming the
14 defense of privilege under s. 939.45 (3).

15 **SECTION 150.** 951.01 (1m) of the statutes is created to read:

16 951.01 (1m) "Conservation warden" means a warden appointed under s. 23.10.

17 **SECTION 151.** 951.015 of the statutes is renumbered 951.015 (1) and amended
18 to read:

19 951.015 (1) This chapter may not be interpreted as controverting any law
20 regulating wild animals that are subject to regulation under ch. 22, the taking of a
21 ~~wild animal~~ wild animals, as defined in s. 29.001 (90), ~~the trapping of animals,~~ the
22 ~~use of live animals in dog trials or in the training of hunting dogs~~ or the slaughter
23 of animals by persons acting under state or federal law.

24 **SECTION 152.** 951.015 (2) of the statutes is created to read:

1 951.015 (2) For purposes of enforcing this chapter as to wild animals subject
2 to regulation under ch. 22, a conservation warden has the same powers and duties
3 that a law enforcement officer has under this chapter.

4 **SECTION 153.** 951.09 of the statutes is renumbered 951.09 (1) and amended to
5 read:

6 951.09 (1) No person may ~~instigate, promote, aid or abet as a principal, agent,~~
7 ~~employe, participant or spectator, or participate in the earnings from, or~~
8 ~~intentionally maintain or allow any place to be used for the shooting, killing or~~
9 ~~wounding~~ shoot, kill or wound with a firearm, or with any deadly weapon, any animal
10 that is tied, staked out, caged or otherwise intentionally confined in a ~~man-made~~ an
11 artificial enclosure, regardless of size. ~~Nothing in this section prohibits the shooting~~
12 ~~of any wild game in its wild state or the shooting of game birds and waterfowl at~~
13 ~~licensed game farms or licensed shooting preserves.~~

14 **SECTION 154.** 951.09 (2) of the statutes is created to read:

15 951.09 (2) (a) Whoever is concerned in the commission of a violation of this
16 section is a principal and may be charged with and convicted of the violation although
17 he or she did not directly commit it and although the person who directly committed
18 it has not been convicted of the violation.

19 (b) A person is concerned in the commission of a violation of this section under
20 par. (a) if the person does any of the following:

21 1. Instigates, promotes, aids or abets the violation as a principal, agent,
22 employe, participant or spectator.

23 2. Participates in any earnings from the commission of the violation.

24 3. Intentionally maintains or allows any place to be used for the commission
25 of the violation.

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1 **SECTION 155.** 951.09 (3) of the statutes is created to read:

2 951.09 (3) This section does not apply to any of the following animals:

3 (a) A white-tailed deer that is shot, killed or wounded as authorized under s.
4 **22.09 (2)** or 22.16 (5).

5 (b) A captive wild bird that is shot, killed or wounded as authorized under s.
6 **22.09 (2)**.

7 (c) Farm-raised deer, as defined in s. 95.001 (1) (a).

8 (d) Animals that are treated in accordance with normally acceptable
9 husbandry practices.

10 **SECTION 156.** 951.18 (4) (a) 2. of the statutes, as affected by 1997 Wisconsin Act
11 192, is amended to read:

12 951.18 (4) (a) 2. A sentencing court shall require a criminal violator to pay
13 restitution to a person, including any local humane officer or society or county or
14 municipal pound or a law enforcement officer or conservation warden, for any
15 pecuniary loss suffered by the person as a result of the crime, including expenses in
16 keeping any animal that is involved in the crime. This requirement applies
17 regardless of whether the criminal violator is placed on probation under s. 973.09.
18 If restitution is ordered, the court shall consider the financial resources and future
19 ability of the criminal violator to pay and shall determine the method of payment.
20 Upon the application of any interested party, the court shall schedule and hold an
21 evidentiary hearing to determine the value of any pecuniary loss under this
22 paragraph.

23 **SECTION 157.** 951.18 (4) (b) 1. of the statutes, as affected by 1997 Wisconsin Act
24 192, is amended to read:

1 951.18 (4) (b) 1. A sentencing court may order that an animal be delivered to
2 the local humane officer or society or the county or municipal pound or to a law
3 enforcement officer if a person commits a crime under this chapter, the person is the
4 owner of the animal that is involved in the crime and the court considers the order
5 to be reasonable and appropriate. A sentencing court may order that an animal be
6 delivered to the department of natural resources, if the animal is a wild animal that
7 is subject to regulation under ch. 22 and the court considers the order to be
8 reasonable and appropriate. The society, pound ~~or~~, officer or department of natural
9 resources shall release the animal to a person other than the owner or dispose of the
10 animal in a proper and humane manner. If the animal is a dog, the release or disposal
11 shall be in accordance with s. 173.23 (1m), except that the fees under s. 173.23 (1m)
12 (a) 4. do not apply if the expenses are covered under s. 173.24. If the animal is not
13 a dog, the society, pound or officer may charge a fee for the release of the animal.

14 **SECTION 158.** 973.05 (1) of the statutes, as affected by 1999 Wisconsin Act 9,
15 is amended to read:

16 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant
17 permission for the payment of the fine, of the penalty assessment imposed by s.
18 757.07, the jail assessment imposed by s. 302.46 (1), the crime victim and witness
19 assistance surcharge under s. 973.045, the crime laboratories and drug law
20 enforcement assessment imposed by s. 165.755, any applicable deoxyribonucleic acid
21 analysis surcharge under s. 973.046, any applicable drug abuse program
22 improvement surcharge imposed by s. 961.41 (5), any applicable consumer
23 information assessment imposed by s. 100.261, any applicable domestic abuse
24 assessment imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver
25 improvement surcharge imposed by s. 346.655, any applicable enforcement

1 assessment imposed by s. 253.06 (4) (c), any applicable weapons assessment imposed
2 by s. 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4),
3 any applicable environmental assessment imposed by s. 299.93, any applicable wild
4 animal protection assessment imposed by s. 29.983, any applicable natural resources
5 assessment imposed by s. 22.46 (1) or 29.987 and any applicable natural resources
6 restitution payment imposed by s. 22.46 (2) or 29.989 to be made within a period not
7 to exceed 60 days. If no such permission is embodied in the sentence, the fine, the
8 penalty assessment, the jail assessment, the crime victim and witness assistance
9 surcharge, the crime laboratories and drug law enforcement assessment, any
10 applicable deoxyribonucleic acid analysis surcharge, any applicable drug abuse
11 program improvement surcharge, any applicable consumer information assessment,
12 any applicable domestic abuse assessment, any applicable driver improvement
13 surcharge, any applicable enforcement assessment, any applicable weapons
14 assessment, any applicable uninsured employer assessment, any applicable
15 environmental assessment, any applicable wild animal protection assessment, any
16 applicable natural resources assessment and any applicable natural resources
17 restitution payment shall be payable immediately.

18 **SECTION 159. Effective dates.** This act takes effect on January 1, 2001, except
19 as follows:

20 (1) The treatment of sections 22.29, 22.34 and 22.35 of the statutes takes effect
21 on the day after publication.

22 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4710/1
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ENGROSSED

1999 BILL 684

March 8, 2000 - Printed by direction of SENATE CHIEF CLERK.

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p.1*

1 **AN ACT to repeal** 29.024 (2r) (a) 17., 29.024 (2r) (a) 18., 29.024 (2r) (a) 19., 29.024
2 (2r) (a) 20., 29.024 (2r) (a) 21., 29.321, 29.563 (9) (intro.) and (a) (title), 29.563
3 (9) (a) 2. to 10. and (b), 29.563 (9) (c), 29.741 (1), 29.745, 29.853 (title), 29.853
4 (1), 29.853 (2), 29.853 (3), 29.853 (4m), 29.853 (5) (title), 29.855 (title), 29.855
5 (1), 29.855 (2), 29.855 (3), 29.855 (4) (title), 29.855 (5), 29.855 (6), 29.855 (7),
6 29.857, 29.861, 29.863, 29.865, 29.867, 29.869, 29.871, 29.877, 29.879 and
7 ~~29.881~~; **to renumber** 23.51 (1), 29.563 (9) (a) 1., 29.741 (2) and 29.873; **to**
8 **renumber and amend** 29.334, 29.351, 29.354 (2), 29.853 (5), 29.855 (4),
9 951.015 and 951.09; **to amend** 20.370 (1) (mu), 20.370 (3) (mu), 23.09 (2) (f),
10 23.50 (1), 23.50 (3), 23.51 (5), 23.65 (1), 25.29 (1) (a), 25.29(4m), 29.024(1),
11 29.024 (2g) (a) 2., 29.042 (l), 29.047 (2) (b), 29.191 (2) (a) 3., 29.314 (5) (b) 3.,
12 29.319 (1) (intro.), 29.347 (2), 29.347 (6), 29.354 (1), 29.357 (5) (b), 29.361 (6),
13 29.364 (5), 29.506 (4), 29.541 (3), 29.614(3), 29.875 (l), 29.885 (1)(f), 29.889 (1)
14 (intro.), 29.921 (7), 29.927 (8), 29.931 (l), 29.931 (2) (a), 29.934 (2), 29.969,

1999-2000 LEGISLATURE

CORRECTIONS **IN:**

**ASSEMBLY AMENDMENT 1,
TO 1999 ASSEMBLY BILL 684**

Prepared by the Legislative Reference Bureau
(February 29, 2000)

✓ 1 . Page 2, line 8: before "MORE" insert "OF".

LRBa1237/2ccc-1
WLJ:jf

Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31, Assembly Rule 37 and Joint Rule 56.

**ASSEMBLY AMENDMENT 1,
TO 1999 ASSEMBLY BILL 684**

February 1, 2000 - Offered by COMMITTEE ON NATURAL RESOURCES.

1 At the locations indicated, amend the bill as follows:

2 ✓**1.** Page 10, line 21: delete that line and substitute:

3 “(19) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c) and
4 does not include a conservation warden.”.

5 ✓**2.** Page 16, line 5: delete “a falconry license,”.

6 ✓**3.** Page 16, line 6: after “license” insert “or under s. 29.319”.

7 ✓**4.** Page 17, line 1: delete “a falconry license,”.

8 ✓**5.** Page 17, line 2: after “ research license” insert “or under s. 29.319”.

9 ✓**6.** Page 18, line 23: delete “a falconry license,”.

10 ✓**7.** Page 18, line 25: after “license” insert “or under s. 29.319”.

11 ✓**8.** Page 19, line 2: delete “, a falconry license”.

12 ✓**9.** Page 19, line 19: substitute “or a scientific” for “, a scientific”.

- 1 ✓ **10.** Page 19, line 19: substitute “under s. 29.319” for “a falconry license”.
- 2 ✓ **11.** Page 20, line 20: delete the material beginning with “market” and ending
3 with “falconry” on line 21 and substitute “market”.
- 4 ✓ **12.** Page 20, line 21: after “exhibiting license” insert “or under s. 29.319”.
- 5 ✓ **13.** Page 21, line 6: delete “a falconry license,”.
- 6 ✓ **14.** Page 21, line 7: after “stocking license” insert “or under s. 29.319”.
- 7 ✓ **15.** Page 22, line 24: substitute “**Sale**” for “**Possession and sale**”.
- 8 ✓ **16.** Page 22, line 25: substitute “; **GENERAL,**” for “^{OF} **MORE THAN 5 PROHIBITED**”. ccc
- 9 ✓ **17.** Page 23, line 2: delete that line and substitute “is authorized to do so under
10 rules promulgated by the department or unless sub. (3) applies.”.
- 11 ✓ **18.** Page 23, line 3: delete lines 3 to 22.
- 12 ✓ **19.** Page 24, line 1: delete that line and substitute:
13 “(4) **RESTRICTIONS ON SALES AND PURCHASES.** Unless authorized to do so under
14 rules promulgated by the department, no person may sell or purchase live native
15 wild reptiles or live”.
- 16 ✓ **20.** Page 24, line 8: delete that line and substitute:
17 “(c) Native reptiles or amphibians that are legally taken or reared outside this
18 state and that are sold to educational institutions under”.
- 19 ✓ **21.** Page 24, line 15: substitute “sub.” for “subs.”.
- 20 ✓ **22.** Page 24, line 16: delete “and (2)”.
- 21 ✓ **23.** Page 24, line 20: delete “or selling” and substitute “, selling or purchasing”.

- 1 ✓ **24.** Page 25, line 17: delete the material beginning with “contains” and ending
2 with “label” on line 18.
- 3 ✓ **25.** Page 27, line 8: delete “qualified”,
- 4 ✓ **26.** Page 27, line 12: delete “qualified”.
- 5 ✓ **27.** Page 27, line 14: delete lines 14 to 21.
- 6 ✓ **28.** Page 29, line 9: delete “qualified”.
- 7 ✓ **29.** Page 30, line 9: delete the material beginning with “If” and ending with
8 “deer.” on line 11.
- 9 ✓ **30.** Page 30, line 17: delete “qualified”.
- 10 ✓ **31.** Page 31, line 2: delete “qualified”.
- 11 ✓ **32.** Page 31, line 6: after “beaver,” insert “coyote,”.
- 12 ✓ **33.** Page 32, line 10: delete “qualified”.
- 13 ✓ **34.** Page 34, line 22: delete “qualified”.
- 14 ✓ **35.** Page 35, line 15: delete “qualified”.
- 15 ✓ **36.** Page 36, line 17: delete “qualified”.
- 16 ✓ **37.** Page 37, line 10: delete the material beginning with that line and ending
17 with page line 10.
- 18 ✓ **38.** Page 38, line 13: delete “qualified”.
- 19 ✓ **39.** Page 38, line 22: delete “qualified”.
- 20 ✓ **40.** Page 39, line 4: after “licenses.” insert “The department may promulgate
21 rules to establish standards for exempting an individual from any of these rules or
22 from any provisions under this chapter.”.

- 1 ✓~~41~~. Page 39, line 6: delete “qualified”.
- 2 ✓~~42~~. Page 41, line 11: delete “qualified”.
- 3 ✓~~43~~. Page 42, line 6: delete “qualified”.
- 4 ✓~~44~~. Page 47, line 16: delete lines 16 to 20.
- 5 ✓~~45~~. Page 48, line 14: substitute “or s. 29.871” for $\frac{7}{4}$ s. 29.871”.
- 6 ✓~~46~~. Page 48, line 14: delete “or s. 29.873, 1997”.
- 7 ✓~~47~~. Page 48, line 15: delete “stats.,”.
- 8 ✓~~48~~. Page 49, line 2: substitute ~~may~~ for “shall”.
- 9 ✓~~49~~. Page 50, line 1: delete lines 1 to 5.
- 10 ✓~~50~~. Page 53, line 18: delete that line.
- 11 ✓~~51~~. Page 54, line 9: delete “FALCONRY”.
- 12 ✓~~52~~. Page 54, line 10: delete “LICENSES,”.
- 13 ✓~~53~~. Page 54, line 12: delete the material beginning with “preserve” and ending
- 14 with “falconry” on line 13 and substitute “preserve”.
- 15 ✓~~54~~. Page 55, line 7: delete lines 7 to 10.
- 16 ✓~~55~~. Page 57, line 15: delete lines 15 to 17.
- 17 ✓~~56~~. Page 60, line 6: delete the material beginning with “or” and ending with
- 18 “protection” on line 7.
- 19 ✓~~57~~. Page 60, line 12: delete “requiring the certificate”.
- 20 ✓~~58~~. Page 64, line 2: delete “or the department of agriculture, trade and
- 21 consumer protection”.

1 ✓ **59.** Page 64, line 9: delete the material beginning with “and” and ending with
2 “premises” on line 10.

3 ✓ **60.** Page 64, line 10: delete the material beginning with “issuing” and ending
4 with “quarantine order” on line 11.

5 ✓ **61.** Page 65, line 3: delete “issuing the order”.

6 ✓ **62.** Page 65, line 6: delete “issuing the order”.

7 ✓ **63.** Page 66, line 15: delete lines 15 and 16 and substitute:

8 “(b) A conservation warden and the department shall comply with the
9 applicable procedures under ss. 29.931, 29.934 and 968.20 as they relate to seized
10 and confiscated wild animals, carcasses, vehicles, boats or other objects or property.”.

11 ✓ **64.** Page 66, line 21: after “s. 22.01 (7) (b).” insert “The rules shall specify that
12 fur-bearing animals to which s. 29.627 apply are domesticated animals.”.

13 ✓ **65.** Page 76, line 12: after that line insert:

14 “**SECTION 27m.** 29.319 (1) (intro.) of the statutes, as created by 1999 Wisconsin
15 Act 9, is amended to read:

16 29.319 (1) (intro.) m - falconry and the
17 taking of raptors for use in falconry, ~~In so doing,~~ the department may do any of the
18 following:“.

19 ✓ **66.** Page 77, line 14: restore the stricken material.

20 ✓ **67.** Page 77, line 15: delete that line and substitute “fur-bearing animals in
21 captivity, as defined in s. ~~29.873~~ 29.627, or for a person authorized”.

22 ✓ **68.** Page 82, line 10: delete that line and substitute:

23 “**SECTION 77m.** 29.873 of the statutes is renumbered 29.627.”.

1 J 69 . Page 83, line 12: after that line insert:

2 “SECTION 85m. 29.931 (1) of the statutes is amended to read:

3 29.931 (1) SEIZURE AND CONFISCATION OF WILD ANIMALS OR PLANTS. The
4 department and its wardens shall seize and confiscate any wild animal, carcass or
5 plant caught, killed, taken, had in possession or under control, sold or transported
6 in violation of ch. 22 or this chapter ~~and the~~ The officer may, with or without
7 warrant, open, enter and examine all buildings, camps, boats on inland or outlying
8 waters, vehicles, valises, packages and other places where the officer has probable
9 cause to believe that wild animals, carcasses or plants, taken or held in violation of
10 this chapter, are to be found.”.

11 ✓70. Page 83, line 17: after “violation of” insert “ch. 22 or”.

12 ✓71. Page 83, line 23: after “violation of” insert “ch. 22 or”.

13 ✓72 . Page 84, line 2: after that line insert:

14 “SECTION 86m. 29.931 (4) of the statutes is created to read:

15 29.931 (4) ORDINANCE VIOLATIONS. For purposes of this section a violation of ch.
16 22 includes a violation of an ordinance enacted under s. 22.43.

17 SECTION 86r. 29.934 (2) of the statutes is amended to read:

18 29.934 (2) On any sales under this section of wild animals or carcasses, the
19 department or the agent selling them shall issue to each purchaser a certificate, on
20 forms prepared and furnished by the department, covering the sales. The wild
21 animals or carcasses subject to regulation under this chanter that are so purchased
22 shall be consumed or otherwise disposed of by the purchaser within a period to be set
23 by the department, but may not be resold or exchanged, in whole or in part, to any
24 other person, except as provided in sub. (3).”.

1 ✓**73.** Page 84, line 8: after “subject” insert “to”.

2 ✓**74.** Page 86, line 21: after that line insert:

3 “SECTION **91g.** 93.07 (10) (b) of the statutes is amended to read:

4 93.07 (10) (b) To protect the health of domestic animals ~~of~~ and wild animals
5 subject to regulation under ch. 22 that are located in the state; to determine and
6 employ the most efficient and practical means for the prevention, suppression,
7 control and eradication of communicable diseases among domestic animals and wild
8 animals subject to regulation under ch. 22, and for these purposes it may establish,
9 maintain, enforce and regulate such quarantine and such other measures relating
10 to the importation, movement and care of animals and their products, the
11 disinfection of suspected localities and articles, and the disposition of animals, as the
12 department may deem necessary. The definition of “communicable disease” in s.
13 990.01 (5g) does not apply to this paragraph.

14 SECTION **91r.** 95.23 (5) of the statutes is created to read:

15 95.23 (5) This section applies to wild animals that are subject to regulation
16 under ch. 22.“

17 ✓**75.** Page 87, line 3: delete the material beginning with that line and ending
18 with page 100, line 19.

19 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBf58/1
MGG:wlj:hmh

**ASSEMBLY AMENDMENT 3,
TO 1999 ASSEMBLY BILL 684**

March 7, 2000 - Offered by Representatives LADWIG and JOHNSRUD.

- 1 At the locations indicated, amend the bill as follows:
- 2 **J** 1. Page 57, line 11: delete "within 7 days after the transaction or activity" and
- 3 substitute "on a quarterly basis, as determined by the department,".
- 4 (END)

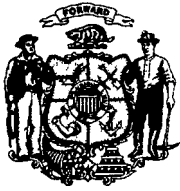
65
~~285~~

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-4710

Page 63, line 9: delete "apply" and substitute "applies".



State of Wisconsin
1999-2000 LEGISLATURE

CORRECTIONS IN:

ENGROSSED 1999 ASSEMBLY BILL 684

Prepared by the Legislative Reference Bureau
(March 21, 2000)

1. Page 63, line 9: delete "apply" and substitute "applies".