

**2005 DRAFTING REQUEST**

**Bill**

Received: 03/17/2005

Received By: **mglass**

Wanted: **Soon**

Identical to LRB:

For: **Mark Pettis (608) 267-2365**

By/Representing: **Kimber Leidl**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - miscellaneous**  
**Nat. Res. - fish and game**  
**Nat. Res. - boats snomos ATVs**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Pettis@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

DNR enforcement of trespass violations and other enforcement authority

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass 03/23/2005	wjackson 03/28/2005		_____			S&L
/1			jfrantze 03/28/2005	_____			S&L
/2	mglass 03/30/2005	wjackson 03/30/2005	jfrantze 03/31/2005	_____	mbarman 04/01/2005		S&L
	mglass	wjackson	chaugen	_____			

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	03/31/2005	03/31/2005	04/01/2005	_____			
/3	mglass 04/14/2005	wjackson 04/14/2005	rschluet 04/14/2005	_____	sbasford 04/14/2005		S&L
/4	mglass 04/22/2005	wjackson 04/22/2005	rschluet 04/22/2005	_____	sbasford 04/22/2005	mbarman 04/22/2005	

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<END>

→ At Intro.

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Handwritten note: 1/4 Wlj 4/22

Handwritten signature and date: [Signature] 4/22

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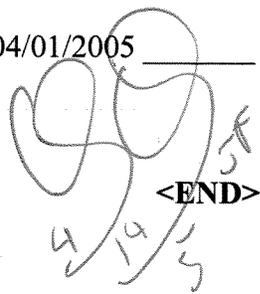
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	mglass	wjackson	chaugen	_____			

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

03/31/2005    03/31/2005    04/01/2005 \_\_\_\_\_

13 WJ 4/14



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/?	mglass	12 WJ 3/31	2/28 ch 4-1	3/28 ch 4-1 JF	11 not submitted		

FE Sent For:

<END>

## Gibson-Glass, Mary

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**From:** Liedl, Kimberly  
**Sent:** Thursday, March 17, 2005 9:08 AM  
**To:** Nelson, Robert P.; Gibson-Glass, Mary  
**Subject:** FW: DNR warden bill, LRB 1563/2

Good morning, checking over the amendment this morning, Mark feels that the changes made in it having to do with the surcharge are sufficient.  
Thanks for your help on this bill,  
Kimber

-----Original Message-----

**From:** Liedl, Kimberly  
**Sent:** Wednesday, March 16, 2005 12:41 PM  
**To:** Nelson, Robert P.; Gibson-Glass, Mary  
**Subject:** DNR warden bill, LRB 1563/2

Hi, Mary and Bob, just wanted to touch base with you on the DNR warden bill of Mark's. I sent the latest round of changes to Mary today via page - I think that it might be best to just have it as a sub. If those changes do not include a forfeiture and a surcharge, I know that Mark would prefer to also add that option into the sub so that some money can go into the conservation fund rather than having all of the money going into the school fund. As to the amounts of the forfeiture and the surcharge, I will have to check with him on that.

If you receive a phone call from Tom Van Haren (266-3244) from the DNR, it is okay to discuss this bill with him. He has been working with us on it.

If you have any questions, let me know.

Thanks,  
Kimber  
Office of Rep. Mark Pettis

*do a bill under a  
new LRB #*

At the locations indicated, the department recommends amending **LRB 1563/2**

as follows:

1. Page 2, line 1: before that line insert

**Section 1.** 23.33 (3)(c) of the statutes is amended to read:

23.33(3) (c) On the ~~private property lands~~ of another without the consent of the owner or lessee. Failure to post ~~private property land~~ does not imply consent for all-terrain vehicle use.

*to include public lands*

**Section 2.** 23.50 (1) of the statutes is amended to read:

23.50(1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit court to recover forfeitures, plus costs, fees, and surcharges imposed under ch. 814, for violations of ss. 77.09, 90.21, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81, and 299.64 (2) and 943.13, subch. VI of ch. 77, this chapter, and chs. 26 to 31, ch. 169, and ch. 350, and any administrative rules promulgated thereunder, violations specified under s. 285.86, violations of ch. 951 if the animal involved is a captive wild animal, violations of rules of the Kickapoo reserve management board under s. 41.41 (7) (k), violations to which s. 299.85 (7) (a) 2. or 4. applies, or violations of local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77.

*Intentional  
eg. farm land*

**Section 3.** 23.62(2) of the statutes is amended to read:

23.62 (2) A citation may be issued or served anywhere in the state by delivering a copy to the defendant personally or it shall be served by leaving a copy at the defendant's usual place of abode with a person of discretion residing therein or by mailing a copy to the defendant's last-known address. A citation may be issued to nonresidents by mailing a copy to the defendant's last-known address. It shall be issued or served by a law enforcement officer.

*or served outside this state*

**Section 4.** 29.011(2) of the statutes is amended to read:

29.011(2) The legal title to a wild animal or carcass, taken or reduced to possession in violation of ~~this chapter~~ the laws of this state, remains in the state. The title to a wild animal or carcass, lawfully acquired, is subject to the condition that upon the violation of this chapter relating to the possession, use, giving, sale, barter or transportation of a wild animal or carcass by the owner, the ownership shall revert, as a result of the violation, to the state.

2. Page 2, line 4: delete the words "relating to hunting or fishing" and insert the words "regulated by ch. 23, ch. 26 to 29, ch. 169 and ch. 350"
3. Page 2, line 12: delete the words "**Section 2**" and insert the words "**Section 5**"
4. Page 3, line 10: after that line insert:

**Section 6.** 29.924 (1) of the statutes is amended to read:

29.924 (1) Investigations. The department and its wardens shall, upon receiving notice or information of the violation of any laws cited in ~~s. ss.~~ ss. 29.921 (1) to (4), as soon as possible make a thorough investigation and institute proceedings if the evidence warrants it.

**Section 7.** 29.931 (1) of the statutes is amended to read:

29.931 (1) SEIZURE AND CONFISCATION OF WILD ANIMALS OR PLANTS. The department and its wardens shall seize and confiscate any wild animal, carcass or plant caught, killed, taken, had in possession or under control, sold or transported in violation of this chapter or ch. 169 or ss. 167.31 or 943.13, or ch. 951 if the violation involves an animal normally found in the wild. The officer may, with or without warrant, open, enter and examine all buildings, camps, boats on inland or outlying waters, vehicles, valises, packages and other places where the officer has probable cause to believe that wild animals, carcasses or plants, taken or held in violation of this chapter or ch. 169, are to be found.

**Section 8.** 29.931 (2)(a) of the statutes is amended to read:

29.931(2)(a) The department and its wardens shall seize and hold, subject to the order of the court for the county in which the alleged offense was committed, any vehicle, boat or object declared by this chapter to be a public nuisance, or which they have probable cause to believe is being used in violation of this chapter or ch. 169 or s. 167.31, 287.81, 940.24, 941.20, 943.13, 948.60, 948.605 or 948.61, is being used in the ~~commission of a crime involving~~ violation of ch. 951 if the violation involves an animal normally found in the wild in violation of s. 951.09, or is being used in the commission of a crime relating to a submerged cultural resource in violation of s. 44.47. If it is proven that the vehicle, boat or object is a public nuisance or that within 6 months previous to the seizure the vehicle, boat or object was used in violation of this chapter or ch. 169 or s. 167.31, 287.81, 940.24, 941.20, 943.13, 948.60, 948.605 or 948.61, was used in the ~~commission of a crime involving~~ violation of ch. 951 if the violation involved an animal normally found in the wild in violation of s. 951.09, or was used in the commission of a crime relating to a submerged cultural resource in violation of s. 44.47, it shall be confiscated if the court directs in its order for judgment.

**Section 9.** 29.934 (1)(a) of the statutes is amended to read:

29.934(1) (a) All wild animals, carcasses, or plants, vehicles, boats or objects that are confiscated by the department for a violation of this chapter or ch. 169 and ~~all vehicles, boats or objects confiscated by the department for a violation of this chapter or ch. 169 shall~~ or 951 or ss. 167.31 or 943.13, if not destroyed as authorized by law, shall be sold, except as provided in ss. 29.936, at the highest price obtainable, by the department, or by an agent on commission under supervision of the department. The net proceeds of sales under this subsection, after deducting the expense of seizure and sale and any commissions and any amounts owing to holders of security interests under par. (c) or (d), shall be remitted to the department. The

AB  
109 - not passed  
passed

remittance shall be accompanied by a report of the sales, supported by vouchers for expenses and commissions, and shall be filed with the department.

**Section 10.** 29.934 (2) of the statutes is amended to read:

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

5. Page 3, line 11: delete the words “**Section 3**” and insert the words “**Section 11**”

6. Page 3, line 11: after line 11, delete lines 12 through 25 and insert the following:

**29.984 Trespass surcharge. (1) LEVY OF TRESPASS SURCHARGE. (a)**

If a court imposes forfeiture for a violation of a provision of s. 943.13 which involved an activity regulated by ch. 23, ch. 26 to 29, ch. 169 and ch. 350 or an order issued under these chapters, the court shall impose a trespass surcharge under ch. 814 equal to 35% of the amount of the forfeiture.

(b) If a forfeiture is suspended in whole or in part, the trespass surcharge shall be reduced in proportion to the suspension.

(c) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the trespass surcharge under this section. If the deposit is forfeited, the amount of the trespass surcharge shall be transmitted to the secretary of administration under par.

(d). If the deposit is returned, the trespass surcharge shall also be returned.

(d) The clerk of the court shall collect and transmit to the county treasurer the trespass surcharge and other amounts required under s. 59.40 (2) (m). The county treasurer shall then make payment to the secretary of administration as

provided in s. 59.25 (3) (f) 2. The secretary of administration shall deposit the amount of the trespass surcharge in the conservation fund for use in the prevention and enforcement of trespass violations.

(2) Use of trespass surcharge funds. All moneys collected from trespass surcharges shall be credited to the appropriation under s. 20.370 (3) (mu).

7. Page 4, line 1: delete lines 1 through 3 and insert the following:

**Section 12.** 350.10 (f) of the statutes is amended to read:

350.10 (f) On the ~~private property~~ lands of another without the consent of the owner or lessee. Failure to post ~~private property~~ land does not imply consent for snowmobile use. Any other motor-driven craft or vehicle principally manufactured for off-highway use shall at all times have the consent of the owner before operation of such craft or vehicle on ~~private lands~~ of another.

8. Page 4, line 5: delete the words "hunting and fishing".

9. Page 4, line 7: delete the words "hunting and fishing".

10. Page 4, line 10: after that line insert:

**Section 13.** 943.13(6) of the statutes is created to read:

943.13(6) Revocation of Privileges. (1) If a person is convicted of a violation of this section, and it is alleged in the indictment, information or complaint, and proved or admitted on trial or ascertained by the court after conviction that the person was engaged in an activity regulated by ch. 29, ch. 169 or rule promulgated under these chapters, all hunting, fishing and trapping approvals issued under ch. 29 or ch. 169 to the person may be revoked and no hunting, fishing or trapping approval may be issued to the person for a period of one year after the conviction.



State of Wisconsin  
2005 - 2006 LEGISLATURE

2506/1  
LRB-1568/2  
MGG:wlj:pg

2005 BILL

*(Handwritten notes in circles: "D-N" with a checkmark, "MON a.m.", and a signature)*

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*Regen*

AN ACT *to amend* 29.921 (5) and 943.13 (1m) (intro.); and *to create* 29.921 (1m),  
29.984, 814.75 (13m) and 814.80 (6m) of the statutes; **relating to:** the authority  
of the Department of Natural Resources to enforce violations of the trespass  
law, imposing a hunting and fishing trespass surcharge, and providing a  
penalty.

*INS REL* ✓

***Analysis by the Legislative Reference Bureau***

Current law grants the Department of Natural Resources (DNR) and its wardens enforcement authority to enforce fish and game laws, laws relating to boating and snowmobiling, other conservation laws, and certain other laws relating to the use of dangerous weapons regardless of where the violations of any of these laws are committed. This bill expands this authority to cover violations of the land trespass law when the trespass is committed by a person engaged in an activity that ~~relates to hunting or fishing.~~

~~This~~ bill requires a court to calculate an amount to be imposed for a trespass violation that is committed by a person engaged in an activity related to hunting or fishing. Of the calculated amount, 35 percent is the forfeiture for the violation and 65 percent is a hunting and fishing trespass surcharge imposed for the violation. Each surcharge amount that is collected is deposited into the conservation fund. The forfeiture amount is deposited into the common school fund.

*Finally, the*

*INS AN* ✓

**BILL**

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:*

1           **SECTION 1.** 29.921 <sup>(4m)</sup> ~~(1m)~~ of the statutes is created to read:

2           29.921 <sup>(4m)</sup> ~~(1m)~~ TRESPASS. The department and its wardens may execute and serve  
3 warrants and processes issued for a violation of s. 943.13, if the violation was done  
4 while the person was engaged in an activity <sup>regulated or under</sup> ~~relating to~~ hunting or fishing, in the <sup>cho 23, 26, 27, 28,</sup>  
5 same manner as any constable may serve and execute the process; and may arrest, <sup>169, 02</sup>  
6 with or without a warrant, any person detected in the actual violation, or whom the <sup>350</sup>  
7 warden has probable cause to believe is guilty of such a violation, and may take the  
8 person before any court in the county where the violation was committed and make  
9 a proper complaint. For the purpose of enforcing any of the laws of this state, any  
10 warden may stop and board any boat and stop any vehicle, if the warden reasonably  
11 suspects there is a violation of the law.

12           **SECTION 2.** 29.921 (5) of the statutes is amended to read:

13           29.921 (5) **ADDITIONAL ARREST POWERS.** In addition to the arrest powers under  
14 ~~sub. subs.~~ <sup>(4m)</sup> (1) ~~and (1m)~~, a warden who has completed a program of law enforcement  
15 training approved by the law enforcement standards board, has been certified as  
16 qualified to be a law enforcement officer under s. 165.85 (4) (b) 1. and has complied  
17 with any applicable requirements under s. 165.85 (4) (bn) 1. while on duty and in  
18 uniform or on duty and upon display of proper credentials may assist another law  
19 enforcement agency as defined under s. 165.83 (1) (b) including making an arrest at  
20 the request of the agency, may arrest a person pursuant to an arrest warrant  
21 concerning the commission of a felony or may arrest a person who has committed a

INS  
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This chapter  
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cho 23, 26,  
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**BILL**

1 crime in the presence of the warden. If the warden makes an arrest without the  
2 presence of another law enforcement agency, the warden shall cause the person  
3 arrested to be delivered to the chief of police or sheriff in the jurisdiction where the  
4 arrest is made, along with the documents and reports pertaining to the arrest. The  
5 warden shall be available as a witness for the state. A warden may not conduct  
6 investigations for violations of state law except as authorized in ss. 23.11 (4), 29.924  
7 (1) and 41.41 (12). A warden acting under the authority of this subsection is  
8 considered an employee of the department and is subject to its direction, benefits and  
9 legal protection. The authority granted in this section does not apply to county  
10 conservation wardens or special conservation wardens.

11 **SECTION 3.** 29.984 of the statutes is created to read:

12 **29.984** ~~Hunting and fishing~~ <sup>Natural Resources</sup> ~~trespass surcharge and forfeiture.~~ (1)

13 IMPOSITION OF SURCHARGE AND FORFEITURE. (a) If a court ~~finds that~~ <sup>imposes a forfeiture for</sup> a violation under  
14 s. 943.13 that was committed by a person who was engaged in an activity relating  
15 to ~~hunting or fishing~~, the court shall calculate a penalty amount that consists of a  
16 forfeiture and a hunting and fishing trespass surcharge, the total of which may not  
17 exceed \$1,000. Of the calculated amount 35 percent shall be the forfeiture imposed  
18 and 65 percent shall be a hunting and fishing trespass surcharge imposed under ch.  
19 814.

20 (b) If a deposit is made for a violation to which this section applies, the person  
21 making the deposit shall deposit a sufficient amount to include the forfeiture and the  
22 hunting and fishing trespass surcharge imposed under this section. If the deposit  
23 is forfeited, the amount of the hunting and fishing trespass surcharge shall be  
24 submitted to the secretary of administration under s. 59.25 (3) (f) 2. If the forfeiture  
25 is returned, the hunting and fishing trespass surcharge shall also be returned.



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**Insert REL**

Not

*the Department of Natural Resources*

relating to the authority of ~~DNR~~ to enforce certain violations of the trespass law,  
or licenses  
revocation of fish and game approvals and captive wildlife licenses for certain  
violations of the trespass law, service outside the state of forfeiture citations issued  
for violations of certain natural resources laws, operation of snowmobiles and  
all-terrain vehicles on land without permission, and providing a penalty.

**Insert ANL**

Not

*involves*  
in hunting, fishing, trapping, cutting timber, snowmobiling, and other outdoor  
recreational or natural resources activities regulated by laws administered by DNR  
(natural resources activities). The bill authorizes the court to revoke any or all fish  
and game licenses or approvals or licenses authorizing the possession of captive  
wildlife for a period of one year.

This bill also requires a court to impose a surcharge for a trespass violation that  
is committed by a person engaged in a natural resource activity. The surcharge  
imposed equals 35% of the amount of the forfeiture for the trespass violation. Under  
the bill, the surcharge is used for certain DNR enforcement activities.

The bill also expands the prohibition under the laws regulating the operation  
of all-terrain vehicles and snowmobiles on land without the consent of the owner or  
lessee to include all land, not just private land.

The bill also allows the service by mail of citations to persons outside the state  
for violations of certain natural resources laws.

**Insert 2-1**

~~SECTION 1-~~ 23.33 (3) (c) of the statutes is amended to read:

23.33 (3) (c) On the private property of another without the consent of the  
owner or lessee. Failure to post private such property does not imply consent for  
all-terrain vehicle use.

History: 1975 c. 365; 1977 c. 29, 305; 1977 c. 449 ss. 44, 497; 1979 c. 32 s. 92 (17); 1979 c. 34 ss. 703b, 2102 (39) (f); 1981 c. 390; 1985 a. 36; 1987 a. 27; 1987 a. 200 s. 4; 1989 a. 79, 284, 335, 359; 1991 a. 39, 97; 1993 a. 16, 243, 344, 349, 491; 1995 a. 27, 216, 227, 290; 1997 a. 35; 1999 a. 9; 2001 a. 56; 2003 a. 139, 276.

~~SECTION 2-~~ 23.62 (2) of the statutes is amended to read:

23.62 (2) A citation may be issued or served anywhere in the state by delivering  
a copy to the defendant personally or it shall be served by leaving a copy at the

1 defendant's usual place of abode with a person of discretion residing therein or by  
2 mailing a copy to the defendant's last-known address. A citation may be issued or  
3 served outside the state by mailing a copy to the defendant's last-known address. It  
4 shall be issued or served by a law enforcement officer.

History: 1975 c. 365; 1979 c. 175; 1987 a. 200 s. 4; 1993 a. 156, 349; 1995 a. 27, 216.

5 **SECTION 23.86** of the statutes is created to read:

6 **23.86 Natural resources trespass surcharge.** (1) LEVY OF NATURAL

7 RESOURCES TRESPASS SURCHARGE. (a) If a court imposes a forfeiture for a violation of

8 s. 943.13 <sup>that a person commits</sup> committed while engaged in an activity regulated under this chapter or ch.

9 26, 27, 28, 29, 169, or 350, the court shall impose a natural resources trespass  
10 surcharge under ch. 814 equal to 35% <sup>SP</sup> of the amount of the forfeiture.

11 (b) If a forfeiture is suspended in whole or in part, the natural resources  
12 trespass surcharge shall be reduced in proportion to the suspension.

13 (c) If any deposit is made for an offense to which this section applies, the person  
14 making the deposit shall also deposit a sufficient amount to include the natural  
15 resources trespass surcharge under this section. If the deposit is forfeited, the  
16 amount of the natural resources <sup>trespass</sup> surcharge shall be transmitted to the secretary of  
17 administration under par. (d). If the deposit is returned, the natural resources  
18 trespass surcharge shall also be returned.

19 (d) The clerk of the court shall collect and transmit to the county treasurer the  
20 natural resources trespass surcharge and other amounts required under s. 59.40 (2)  
21 (m). The county treasurer shall then make payment to the secretary of  
22 administration as provided in s. 59.25 (3) (f) 2. The secretary of administration shall  
23 deposit the amount of the natural resources <sup>trespass</sup> surcharge <sup>to</sup> in the conservation fund.

<sup>(CS)</sup> trespass

1 (2) USE OF NATURAL RESOURCES SURCHARGE FUNDS. All moneys collected from  
2 natural resources trespass surcharges shall be credited to the appropriation under  
3 s. 20.370 (3) (mu).

4 **Insert 4-3**

5 SECTION ~~4~~ 29.924 (1) of the statutes is amended to read:

6 29.924 (1) INVESTIGATIONS. ~~The department and its wardens shall, upon~~ Upon  
7 receiving notice or information of the violation of any of <sup>er</sup> ~~the laws cited in~~ <sup>er</sup> ~~for which~~  
8 the department and its wardens have enforcement authority under s. 29.921 (1) to  
9 (4m), the department and its wardens shall as soon as possible make a thorough  
10 investigation and institute proceedings if the evidence warrants it.

History: 1997 a. 248 ss. 103 to 107, 711; 1999 a. 83; 1999 a. 150 s. 2; 2001 a. 30, 56.

11 SECTION ~~5~~ 29.924 (2) of the statutes is amended to read:

12 29.924 (2) DRIVING WITHOUT HEADLIGHTS. In the performance of their law  
13 enforcement duties, wardens may operate motor vehicles owned or leased by the  
14 department upon a highway, other than an interstate, a state trunk highway or any  
15 highway within the limits of any incorporated area, during hours of darkness  
16 without lighted headlamps, tail lamps or clearance lamps, contrary to s. 347.06, if  
17 the driving will aid in the accomplishment of a lawful arrest for violation of ~~this~~  
18 chapter any of the laws for which <sup>er</sup> the department and its wardens have enforcement  
19 authority under s. 29.921 (1) to <sup>er</sup> (4) or in ascertaining whether a violation of this  
20 chapter these laws has been or is about to be committed. Any civil action or  
21 proceeding brought against any warden operating a motor vehicle under this  
22 subsection is subject to ss. 893.82 and 895.46.

History: 1997 a. 248 ss. 103 to 107, 711; 1999 a. 83; 1999 a. 150 s. 2; 2001 a. 30, 56.

23 SECTION ~~6~~ 29.924 (3) of the statutes is amended to read:

1           29.924 (3) OPENING PACKAGES. The department and its wardens may examine  
 2 and open any package in the possession of a common carrier which they have  
 3 probable cause to believe contains wild animals, or carcasses, in violation of this  
 4 chapter, or carcasses, of any of the laws for which the department and its wardens  
 5 have enforcement authority under s. 29.921 (1) to (4), or is falsely labeled in violation  
 6 of ~~this chapter~~ these laws. Each common carrier and its agent or employee shall  
 7 permit the officer to examine and open the package. Any opened package shall be  
 8 restored to its original condition.

History: 1997 a. 248 ss. 103 to 107, 711; 1999 a. 83; 1999 a. 150 s. 2; 2001 a. 30, 56.

9           ~~SECTION 3.~~ 29.924 (4) of the statutes is amended to read:

10           29.924 (4) ACCESS TO STORAGE PLACES. The owner or occupant of any  
 11 cold-storage warehouse or building used for the storage or retention of wild animals,  
 12 or their carcasses, that are subject to regulation under ~~this chapter~~ any of the laws  
 13 for which the department and its wardens have enforcement authority under s.  
 14 29.921 (1) to (4) shall permit the department and its wardens to enter and examine  
 15 the premises subject to s. 66.0119. The owner or occupant, or the agent or employee  
 16 of the owner or occupant, shall deliver to the officer any such wild animal or carcass,  
 17 in his or her possession during the closed season, whether taken within or without  
 18 the state

History: 1997 a. 248 ss. 103 to 107, 711; 1999 a. 83; 1999 a. 150 s. 2; 2001 a. 30, 56.

19           ~~SECTION 8.~~ 29.931 (1) of the statutes is amended to read:

20           29.931 (1) SEIZURE AND CONFISCATION OF WILD ANIMALS OR PLANTS. The  
 21 department and its wardens shall seize and confiscate any wild animal, carcass or  
 22 plant caught, killed, taken, had in possession or under control, sold or transported  
 23 in violation of ~~this chapter or ch. 169~~ any of the laws for which the department and  
 24 its wardens have enforcement authority under s. 29.921 (1) to (4). The officer may,

1 with or without warrant, open, enter and examine all buildings, camps, boats on  
2 inland or outlying waters, vehicles, valises, packages and other places where the  
3 officer has probable cause to believe that wild animals, carcasses or plants, taken or  
4 held in violation of ~~this chapter or ch. 169~~ these laws, are to be found.

History: 1997 a. 248 ss. 108 to 110, 712; 2001 a. 56.

5 ~~SECTION 9.~~ 29.931 (2) (a) of the statutes is amended to read:

6 29.931 (2) (a) The department and its wardens shall seize and hold, subject to  
7 the order of the court for the county in which the alleged offense was committed, any  
8 vehicle, boat or object declared by this chapter to be a public nuisance, or which they  
9 have probable cause to believe is being used in violation of ~~this chapter or ch. 169 or~~  
10 ~~s. 167.31, 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61, is being used in the~~  
11 ~~commission of a crime involving an animal normally found in the wild in violation~~  
12 ~~of s. 951.09, or is being used in the commission of a crime relating to a submerged~~  
13 ~~cultural resource in violation of s. 44.47~~ any of the laws for which the department and  
14 its wardens have enforcement authority under s. 29.921 (1) to (4m). If it is proven  
15 that the vehicle, boat or object is a public nuisance or that within 6 months previous  
16 to the seizure the vehicle, boat or object was used in violation of ~~this chapter or ch.~~  
17 ~~169 or s. 167.31, 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61, was used in the~~  
18 ~~commission of a crime involving an animal normally found in the wild in violation~~  
19 ~~of s. 951.09, or was used in the commission of a crime relating to a submerged cultural~~  
20 ~~resource in violation of s. 44.47~~ an of the laws for which the department and its  
21 wardens have enforcement authority under s. 29.921 (1) to (4m), it shall be  
22 confiscated if the court directs in its order for judgment.

History: 1997 a. 248 ss. 108 to 110, 712; 2001 a. 56.

23 ~~SECTION 10.~~ 29.931 (2) (b) of the statutes is amended to read:

1           29.931 (2) (b) Any perishable property seized by the department or its wardens  
2           under this section may be sold at the highest available price, and the proceeds of the  
3           sale turned into court for disposition as the court directs.

History: 1997 a. 248 ss. 108 to 110, 712; 2001 a. 56.

4           ~~SECTION 11.~~ 29.934 (1) (a) of the statutes is amended to read:

5           29.934 (1) (a) All wild animals, carcasses ~~or~~, plants, vehicles, boats, or objects  
6           that are not destroyed as authorized by law and that are confiscated by the  
7           department for a violation of ~~this chapter or ch. 169~~ and all vehicles, boats or objects  
8           confiscated by the department for a violation of ~~this chapter or ch. 169~~ shall, if not  
9           destroyed as authorized by law, any of the laws for which the department and its  
10          wardens have enforcement authority under s. 29.921 (1) to (4m), shall be sold at  
11          the highest price obtainable, except as provided in s. 29.936, by the department, or  
12          by an agent on commission under supervision of the department. The net proceeds  
13          of sales under this subsection, after deducting the expense of seizure and sale and  
14          any commissions and any amounts owing to holders of security interests under par.  
15          (c) or (d), shall be remitted to the department. The remittance shall be accompanied  
16          by a report of the sales, supported by vouchers for expenses and commissions, and  
17          shall be filed with the department.

History: 1975 c. 97, 199; 1981 c. 98 s. 3; 1993 a. 169; 1995 a. 79, 126, 225; 1997 a. 35; 1997 a. 248 ss. 113 to 115; Stats. 1997 s. 29.934; 1997 a. 285 s. 1; 1999 a. 32; 2001 a. 56, 109.

18          ~~SECTION 12.~~ 29.934 (2) of the statutes is amended to read:

19          29.934 (2) On any sales under this section of wild animals or carcasses, the  
20          department or the agent selling them shall issue to each purchaser a certificate, on  
21          forms prepared and furnished by the department, covering the sales. The wild  
22          animals or carcasses so purchased shall be consumed, resold, or otherwise disposed  
23          of by the purchaser within a period to be set by the department, but may not be resold

1 or exchanged, in whole or in part, to any other person, except as provided in sub. (3)  
2 or as authorized by the department.

History: 1975 c. 97, 199; 1981 c. 98 s. 3; 1993 a. 169; 1995 a. 79, 126, 225; 1997 a. 35; 1997 a. 248 ss. 113 to 115; Stats. 1997 s. 29.934; 1997 a. 285 s. 1; 1999 a. 32; 2001 a. 56, 109.

3 **Insert 4-11**

4 **SECTION ~~13~~ 350.10 (1) (f)** of the statutes is amended to read:

5 350.10 (1) (f) On the ~~private~~ property of another without the consent of the  
6 owner or lessee. Failure to post ~~private~~ such property does not imply consent for  
7 snowmobile use. Any other motor-driven craft or vehicle principally manufactured  
8 for off-highway use shall at all times have the consent of the owner before operation  
9 of such craft or vehicle on ~~private~~ lands of another.

History: 1971 c. 219, 277; 1981 c. 99 s. 17; 1983 a. 459; 1987 a. 399; 1997 a. 34.

10 **SECTION ~~14~~ 943.13 (3m)** of the statutes is created to read:

11 943.13 (3m) If a person is convicted of a violation of this section while engaged  
12 in an activity regulated under ch. 23, 26, 27, 28, 29, 169, or 350, the court may revoke  
13 any or all approvals or licenses issued to the person under ch. 29 or 169. The person  
14 convicted also may not be issued any approvals or licenses issued under ch. 29 or  
15 169 for a period of one year after the conviction.

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2506/1dn

MGG:/.....

WLG

1. I am not sure the provisions under s. 29.924, 29.931, and 29.934 achieve your intent. I tried to amend them to provide consistency for police powers, investigations, and searches, seizures, and sale of confiscated items. Please review carefully. \*
2. Note the "linkage" between the trespass surcharge and the use of moneys under s. 20.370 (3) (mu). Under s. 20.370 (3) (mu) no money is appropriated for enforcement operations for violation of laws under s. 23.33 or ch. 26, 27, or 29, but the trespass surcharge is imposed for violations of these provisions. \*
3. Also, note the "linkage" in s. 943.13 (3m). A violation of any "natural resource activity" results in the possible revocation of ch. 29 approvals or ch. 169 licenses. OK?
4. I did not amend s. 29.011 (2) because there is a parallel provision in s. 169.02. If you want the scope of these provisions broadened, a reference that is more specific than the "laws of this state" is preferable. Please call me to discuss any changes.
5. I also did not amend s. 23.50 (1) since there is a separate citation procedure solely for trespass violations under s. 778.26. OK? P

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215

At the locations indicated, the department recommends amending **LRB 1563/2**

as follows:

2506/2

1. Page 2, line 1: before that line insert

**Section 1.** 23.33 (3)(c) of the statutes is amended to read:

23.33(3) (c) On the private property lands of another without the consent of the owner or lessee. Failure to post private property land does not imply consent for all-terrain vehicle use.

**Section 2.** 23.50 (1) of the statutes is amended to read:

23.50(1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit court to recover forfeitures, plus costs, fees, and surcharges imposed under ch. 814, for violations of ss. 77.09, 90.21, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81, and 299.64 (2) and 943.13, subch. VI of ch. 77, this chapter, and chs. 26 to 31, ch. 169, and ch. 350, and any administrative rules promulgated thereunder, violations specified under s. 285.86, violations of ch. 951 if the animal involved is a captive wild animal, violations of rules of the Kickapoo reserve management board under s. 41.41 (7) (k), violations to which s. 299.85 (7) (a) 2. or 4. applies, or violations of local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77.

**Section 3.** 23.62(2) of the statutes is amended to read:

23.62 (2) A citation may be issued or served anywhere in the state by delivering a copy to the defendant personally or it shall be served by leaving a copy at the defendant's usual place of abode with a person of discretion residing therein or by mailing a copy to the defendant's last-known address. A citation may be issued to nonresidents by mailing a copy to the defendant's last-known address. It shall be issued or served by a law enforcement officer.

**Section 4.** 29.011(2) of the statutes is amended to read:

29.011(2) The legal title to a wild animal or carcass, taken or reduced to possession in violation of ~~this chapter~~ the laws of this state, remains in the state. The title to a wild animal or carcass, lawfully acquired, is subject to the condition that upon the violation of this chapter relating to the possession, use, giving, sale, barter or transportation of a wild animal or carcass by the owner, the ownership shall revert, as a result of the violation, to the state.

2. Page 2, line 4: delete the words “relating to hunting or fishing” and insert the words “regulated by ch. 23, ch. 26 to 29, ch. 169 and ch. 350”
3. Page 2, line 12: delete the words “**Section 2**” and insert the words “**Section 5**”
4. Page 3, line 10: after that line insert:

**Section 6.** 29.924 (1) of the statutes is amended to read:

29.924 (1) Investigations. The department and its wardens shall, upon receiving notice or information of the violation of any laws cited in ~~s. ss.~~ ss. 29.921 (1) to (4), as soon as possible make a thorough investigation and institute proceedings if the evidence warrants it.

**Section 7.** 29.931 (1) of the statutes is amended to read:

29.931 (1) SEIZURE AND CONFISCATION OF WILD ANIMALS OR PLANTS. The department and its wardens shall seize and confiscate any wild animal, carcass or plant caught, killed, taken, had in possession or under control, sold or transported in violation of this chapter or ch. 169 or ss. 167.31 or 943.13, or ch. 951 if the violation involves a wild animal ~~an animal normally found in the wild~~. The officer may, with or without warrant, open, enter and examine all buildings, camps, boats on inland or outlying waters, vehicles, valises, packages and other places where the officer has probable cause to believe that wild animals, carcasses or plants, taken or held in violation of this chapter or ch. 169, are to be found.

**Section 8.** 29.931 (2)(a) of the statutes is amended to read:

29.931(2)(a) The department and its wardens shall seize and hold, subject to the order of the court for the county in which the alleged offense was committed, any vehicle, boat or object declared by this chapter to be a public nuisance, or which they have probable cause to believe is being used in violation of this chapter or ch. 169 or s. 167.31, 287.81, 940.24, 941.20, 943.13, 948.60, 948.605 or 948.61, is being used in the commission of a crime involving violation of ch. 951 if the violation involves a wild animal ~~an animal normally found in the wild~~ in violation of s. 951.09, or is being used in the commission of a crime relating to a submerged cultural resource in violation of s. 44.47. If it is proven that the vehicle, boat or object is a public nuisance or that within 6 months previous to the seizure the vehicle, boat or object was used in violation of this chapter or ch. 169 or s. 167.31, 287.81, 940.24, 941.20, 943.13, 948.60, 948.605 or 948.61, was used in the ~~commission of a crime involving~~ violation of ch. 951 if the violation involved an animal normally found in the wild in violation of s. 951.09, or was used in the commission of a crime relating to a submerged cultural resource in violation of s. 44.47, it shall be confiscated if the court directs in its order for judgment.

**Section 9.** 29.934 (1)(a) of the statutes is amended to read:

29.934(1) (a) All wild animals, carcasses, or plants, vehicles, boats or objects that are confiscated by the department for a violation of this chapter or ch. 169 ~~and all vehicles, boats or objects confiscated by the department for a violation of this chapter or ch. 169 shall~~ or 951 or ss. 167.31 or 943.13, if not destroyed as authorized by law, shall be sold, except as provided in ss. 29.936, at the highest price obtainable, by the department, or by an agent on commission under supervision of the department. The net proceeds of sales under this subsection, after deducting the expense of seizure and sale and any commissions and any amounts owing to holders of security interests under par. (c) or (d), shall be remitted to the department. The

remittance shall be accompanied by a report of the sales, supported by vouchers for expenses and commissions, and shall be filed with the department.

**Section 10.** 29.934 (2) of the statutes is amended to read:

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

5. Page 3, line 11: delete the words “**Section 3**” and insert the words “**Section 11**”

6. Page 3, line 11: after line 11, delete lines 12 through 25 and insert the following:

**29.984 Trespass surcharge. (1) LEVY OF TRESPASS SURCHARGE.** (a) If a court imposes forfeiture for a violation of a provision of s. 943.13 which involved an activity regulated by ch. 23, ch. 26 to 29, ch. 169 and ch. 350 or an order issued under these chapters, the court shall impose a trespass surcharge under ch. 814 equal to 35% of the amount of the forfeiture.

(b) If a forfeiture is suspended in whole or in part, the trespass surcharge shall be reduced in proportion to the suspension.

(c) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the trespass surcharge under this section. If the deposit is forfeited, the amount of the trespass surcharge shall be transmitted to the secretary of administration under par.

(d). If the deposit is returned, the trespass surcharge shall also be returned.

(d) The clerk of the court shall collect and transmit to the county treasurer the trespass surcharge and other amounts required under s. 59.40 (2) (m). The county treasurer shall then make payment to the secretary of administration as

provided in s. 59.25 (3) (f) 2. The secretary of administration shall deposit the amount of the trespass surcharge in the conservation fund for use in the prevention and enforcement of trespass violations.

(2) Use of trespass surcharge funds. All moneys collected from trespass surcharges shall be credited to the appropriation under s. 20.370 (3) (mu).

7. Page 4, line 1: delete lines 1 through 3 and insert the following:

**Section 12.** 350.10 (f) of the statutes is amended to read:

350.10 (f) On the ~~private property~~ lands of another without the consent of the owner or lessee. Failure to post ~~private property~~ land does not imply consent for snowmobile use. Any other motor-driven craft or vehicle principally manufactured for off-highway use shall at all times have the consent of the owner before operation of such craft or vehicle on ~~private lands~~ of another.

8. Page 4, line 5: delete the words "hunting and fishing".

9. Page 4, line 7: delete the words "hunting and fishing".

10. Page 4, line 10: after that line insert:

**Section 13.** 943.13(6) of the statutes is created to read:

943.13(6) Revocation of Privileges. (1) If a person is convicted of a violation of this section, and it is alleged in the indictment, information or complaint, and proved or admitted on trial or ascertained by the court after conviction that the person was engaged in an activity regulated by ch. 29, ch. 169 or rule promulgated under these chapters, all hunting, fishing and trapping approvals issued under ch. 29 or ch. 169 to the person may be revoked and no hunting, fishing or trapping approval may be issued to the person for a period of ~~one~~ three year after the conviction. If a person is convicted of a violation of this section, and it is

alleged in the indictment, information or complaint, and proved or admitted on trial or ascertained by the court after conviction that the person was engaged in an activity regulated by ch. 29, ch. 169 or rule promulgated under these chapters **and the person was convicted of a crime while trespassing**, all hunting, fishing and trapping approvals issued under ch. 29 or ch. 169 to the person **shall** be revoked and no hunting, fishing or trapping approval may be issued to the person for a period of **five years after the conviction.**



State of Wisconsin  
2005 - 2006 LEGISLATURE

RMR  
LRB-2506/2  
MGG:wlj:je

Thurs  
noon

2005 BILL

the imposition of <sup>a</sup> ~~the~~ surcharge on  
a forfeiture ~~for~~ violations of the  
certain trespass law ↑

Regen

1 AN ACT *to amend* 23.33 (3) (c), 23.62 (2), 29.921 (5), 29.924 (1), 29.924 (2), 29.924  
2 (3), 29.924 (4), 29.931 (1), 29.931 (2) (a), 29.931 (2) (b), 29.934 (1) (a), 29.934 (2)  
3 and 350.10 (1) (f); and *to create* 23.86, 29.921 (4m), 814.75 (17m), 814.80 (13m)  
4 and 943.13 (3m) of the statutes; **relating to:** the authority of the Department  
5 of Natural Resources to enforce certain violations of the trespass law,  
6 revocation of fish and game approvals or licenses and captive wildlife licenses  
7 for certain violations of the trespass law, service outside the state of forfeiture  
8 citations issued for violations of certain natural resources laws, operation of  
9 snowmobiles and all-terrain vehicles on land without permission, and  
10 providing a penalty.

**Analysis by the Legislative Reference Bureau**

Current law grants the Department of Natural Resources (DNR) and its wardens enforcement authority to enforce fish and game laws, laws relating to boating and snowmobiling, other conservation laws, and certain other laws relating to the use of dangerous weapons regardless of where the violations of any of these laws are committed. This bill expands this authority to cover violations of the land

**BILL**

trespass law when the trespass is committed by a person engaged in an activity that involves hunting, fishing, trapping, cutting timber, snowmobiling, and other outdoor recreational or natural resources activities regulated by laws administered by DNR (natural resources activities). The bill authorizes the court to revoke any or all fish and game licenses or approvals or licenses authorizing the possession of captive wildlife for a period of one year.

The bill requires a court to impose a surcharge for a trespass violation that is committed by a person engaged in a natural resource activity. The surcharge imposed equals 35 percent of the amount of the forfeiture for the trespass violation. Under the bill, the surcharge is used for certain DNR enforcement activities.

The bill expands the prohibition under the laws regulating the operation of all-terrain vehicles and snowmobiles on land without the consent of the owner or lessee to include all land, not just private land.

Finally, The bill allows the service by mail of citations to persons outside the state for violations of certain natural resources laws.

Finally, the bill requires a court to calculate an amount to be imposed for a trespass violation that is committed by a person engaged in an activity related to hunting or fishing. Of the calculated amount, 35 percent is the forfeiture for the violation and 65 percent is a hunting and fishing trespass surcharge imposed for the violation. Each surcharge amount that is collected is deposited into the conservation fund. The forfeiture amount is deposited into the common school fund.

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:*

1           **SECTION 1.** 23.33 (3) (c) of the statutes is amended to read:

2           23.33 (3) (c) On the private property of another without the consent of the  
3 owner or lessee. Failure to post private such property does not imply consent for  
4 all-terrain vehicle use.

5           **SECTION 2.** 23.62 (2) of the statutes is amended to read:

6           23.62 (2) A citation may be issued or served anywhere in the state by delivering  
7 a copy to the defendant personally or it shall be served by leaving a copy at the  
8 defendant's usual place of abode with a person of discretion residing therein or by  
9 mailing a copy to the defendant's last-known address. A citation may be issued or

**BILL**

1 served outside the state by mailing a copy to the defendant's last-known address.

2 It shall be issued or served by a law enforcement officer.

3 **SECTION 3.** 23.86 of the statutes is created to read:

4 **23.86 Natural resources trespass surcharge.** (1) LEVY OF NATURAL  
5 RESOURCES TRESPASS SURCHARGE. (a) If a court imposes a forfeiture for a violation of  
6 s. 943.13 that a person commits while engaged in an activity regulated under this  
7 chapter or ch. 26, 27, 28, 29, 169, or 350, the court shall impose a natural resources  
8 trespass surcharge under ch. 814 equal to 35 percent of the amount of the forfeiture.

9 (b) If a forfeiture is suspended in whole or in part, the natural resources  
10 trespass surcharge shall be reduced in proportion to the suspension.

11 (c) If any deposit is made for an offense to which this section applies, the person  
12 making the deposit shall also deposit a sufficient amount to include the natural  
13 resources trespass surcharge under this section. If the deposit is forfeited, the  
14 amount of the natural resources trespass surcharge shall be transmitted to the  
15 secretary of administration under par. (d). If the deposit is returned, the natural  
16 resources trespass surcharge shall also be returned.

17 (d) The clerk of the court shall collect and transmit to the county treasurer the  
18 natural resources trespass surcharge and other amounts required under s. 59.40 (2)  
19 (m). The county treasurer shall then make payment to the secretary of  
20 administration as provided in s. 59.25 (3) (f) 2. The secretary of administration shall  
21 deposit the amount of the natural resources trespass surcharge into the conservation  
22 fund.

23 **(2) USE OF NATURAL RESOURCES TRESPASS SURCHARGE FUNDS.** All moneys collected  
24 from natural resources trespass surcharges shall be credited to the appropriation  
25 under s. 20.370 (3) (mu).

**BILL**

1           **SECTION 4.** 29.921 (4m) of the statutes is created to read:

2           29.921 (4m) TRESPASS. The department and its wardens may execute and serve  
3 warrants and processes issued for a violation of s. 943.13, if the violation was done  
4 while the person was engaged in an activity regulated under this chapter or ch. 23,  
5 26, 27, 28, 169, or 350, in the same manner as any constable may serve and execute  
6 the process; and may arrest, with or without a warrant, any person detected in the  
7 actual violation, or whom the warden has probable cause to believe is guilty of such  
8 a violation, and may take the person before any court in the county where the  
9 violation was committed and make a proper complaint. For the purpose of enforcing  
10 any of the laws of this state, any warden may stop and board any boat and stop any  
11 vehicle, if the warden reasonably suspects there is a violation of the law.

12           **SECTION 5.** 29.921 (5) of the statutes is amended to read:

13           29.921 (5) ADDITIONAL ARREST POWERS. In addition to the arrest powers under  
14 ~~sub.~~ subs. (1) and (4m), a warden who has completed a program of law enforcement  
15 training approved by the law enforcement standards board, has been certified as  
16 qualified to be a law enforcement officer under s. 165.85 (4) (b) 1. and has complied  
17 with any applicable requirements under s. 165.85 (4) (bn) 1. while on duty and in  
18 uniform or on duty and upon display of proper credentials may assist another law  
19 enforcement agency as defined under s. 165.83 (1) (b) including making an arrest at  
20 the request of the agency, may arrest a person pursuant to an arrest warrant  
21 concerning the commission of a felony or may arrest a person who has committed a  
22 crime in the presence of the warden. If the warden makes an arrest without the  
23 presence of another law enforcement agency, the warden shall cause the person  
24 arrested to be delivered to the chief of police or sheriff in the jurisdiction where the  
25 arrest is made, along with the documents and reports pertaining to the arrest. The

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1 warden shall be available as a witness for the state. A warden may not conduct  
2 investigations for violations of state law except as authorized in ss. 23.11 (4), 29.924  
3 (1) and 41.41 (12). A warden acting under the authority of this subsection is  
4 considered an employee of the department and is subject to its direction, benefits and  
5 legal protection. The authority granted in this section does not apply to county  
6 conservation wardens or special conservation wardens.

7 **SECTION 6.** 29.924 (1) of the statutes is amended to read:

8 29.924 (1) INVESTIGATIONS. ~~The department and its wardens shall, upon~~ Upon  
9 receiving notice or information of the violation of any of the laws cited ins. for which  
10 the department and its wardens have enforcement authority under s. 29.921 (1), to  
11 (4m), the department and its wardens shall as soon as possible make a thorough  
12 investigation and institute proceedings if the evidence warrants it.

13 **SECTION 7.** 29.924 (2) of the statutes is amended to read:

14 29.924 (2) DRIVING WITHOUT HEADLIGHTS. In the performance of their law  
15 enforcement duties, wardens may operate motor vehicles owned or leased by the  
16 department upon a highway, other than an interstate, a state trunk highway or any  
17 highway within the limits of any incorporated area, during hours of darkness  
18 without lighted headlamps, tail lamps or clearance lamps, contrary to s. 347.06, if  
19 the driving will aid in the accomplishment of a lawful arrest for violation of ~~this~~  
20 ~~chapter~~ any of the laws for which the department and its wardens have enforcement  
21 authority under s. 29.921 (1) to (4) or in <sup>4m</sup> ~~ascertaining whether a violation of this~~  
22 ~~chapter~~ these laws has been or is about to be committed. Any civil action or  
23 proceeding brought against any warden operating a motor vehicle under this  
24 subsection is subject to ss. 893.82 and 895.46.

25 **SECTION 8.** 29.924 (3) of the statutes is amended to read:

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1           29.924 (3) OPENING PACKAGES. The department and its wardens may examine  
2 and open any package in the possession of a common carrier which they have  
3 probable cause to believe contains wild animals, or carcasses, in violation of this  
4 chapter, ~~or carcasses~~, of any of the laws for which the department and its wardens  
5 have enforcement authority under s. 29.921 (1) to (4), <sup>(4m)</sup> or is falsely labeled in violation  
6 of ~~this chapter~~ these laws. Each common carrier and its agent or employee shall  
7 permit the officer to examine and open the package. Any opened package shall be  
8 restored to its original condition.

9           **SECTION 9.** 29.924 (4) of the statutes is amended to read:

10           29.924 (4) ACCESS TO STORAGE PLACES. The owner or occupant of any  
11 cold-storage warehouse or building used for the storage or retention of wild animals,  
12 or their carcasses, that are subject to regulation under ~~this chapter~~ any of the laws  
13 for which the department and its wardens have enforcement authority under s.  
14 29.921 (1) to (4), <sup>(4m)</sup> shall permit the department and its wardens to enter and examine  
15 the premises subject to s. 66.0119. The owner or occupant, or the agent or employee  
16 of the owner or occupant, shall deliver to the officer any such wild animal or carcass,  
17 in his or her possession during the closed season, whether taken within or without  
18 the state

19           **SECTION 10.** 29.931 (1) of the statutes is amended to read:

20           29.931 (1) SEIZURE AND CONFISCATION OF WILD ANIMALS OR PLANTS. The  
21 department and its wardens shall seize and confiscate any wild animal, carcass or  
22 plant caught, killed, taken, had in possession or under control, sold or transported  
23 in violation of ~~this chapter or ch. 169~~ any of the laws for which the department and  
24 its wardens have enforcement authority under s. 29.921 (1) to (4). The officer may,  
25 with or without warrant, open, enter and examine all buildings, camps, boats on

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1 inland or outlying waters, vehicles, valises, packages and other places where the  
2 officer has probable cause to believe that wild animals, carcasses or plants, taken or  
3 held in violation of ~~this chapter or ch. 169~~ these laws, are to be found.

4 **SECTION 11.** 29.931 (2) (a) of the statutes is amended to read:

5 29.931 (2) (a) The department and its wardens shall seize and hold, subject to  
6 the order of the court for the county in which the alleged offense was committed, any  
7 vehicle, boat or object declared by this chapter to be a public nuisance, or which they  
8 have probable cause to believe is being used in violation of ~~this chapter or ch. 169 or~~  
9 ~~s. 167.31, 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61, is being used in the~~  
10 ~~commission of a crime involving an animal normally found in the wild in violation~~  
11 ~~of s. 951.09, or is being used in the commission of a crime relating to a submerged~~  
12 ~~cultural resource in violation of s. 44.47~~ any of the laws for which the department and  
13 its wardens have enforcement authority under s. 29.921 (1) to (4m). If it is proven  
14 that the vehicle, boat or object is a public nuisance or that within 6 months previous  
15 to the seizure the vehicle, boat or object was used in violation of ~~this chapter or ch.~~  
16 ~~169 or s. 167.31, 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61, was used in the~~  
17 ~~commission of a crime involving an animal normally found in the wild in violation~~  
18 ~~of s. 951.09, or was used in the commission of a crime relating to a submerged cultural~~  
19 ~~resource in violation of s. 44.47~~ any of the laws for which the department and its  
20 wardens have enforcement authority under s. 29.921 (1) to (4m), it shall be  
21 confiscated if the court directs in its order for judgment.

22 **SECTION 12.** 29.931 (2) (b) of the statutes is amended to read:

23 29.931 (2) (b) Any perishable property seized by the department or its wardens  
24 under this section may be sold at the highest available price, and the proceeds of the  
25 sale turned into court for disposition as the court directs.

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1           **SECTION 13.** 29.934 (1) (a) of the statutes is amended to read:

2           29.934 (1) (a) All wild animals, carcasses ~~or~~, plants, vehicles, boats, or objects  
3 that are not destroyed as authorized by law and that are confiscated by the  
4 department for a violation of ~~this chapter or ch. 169~~ and all ~~vehieles, boats or objects~~  
5 ~~confiscated by the department for a violation of this chapter or ch. 169~~ shall, if not  
6 ~~destroyed as authorized by law~~, any of the laws for which the department and its  
7 wardens have enforcement authority under s. 29.921 (1) to (4m), shall be sold at the  
8 highest price obtainable, except as provided in s. 29.936, by the department, or by  
9 an agent on commission under supervision of the department. The net proceeds of  
10 sales under this subsection, after deducting the expense of seizure and sale and any  
11 commissions and any amounts owing to holders of security interests under par. (c)  
12 or (d), shall be remitted to the department. The remittance shall be accompanied by  
13 a report of the sales, supported by vouchers for expenses and commissions, and shall  
14 be filed with the department.

15           **SECTION 14.** 29.934 (2) of the statutes is amended to read:

16           29.934 (2) On any sales under this section of wild animals or carcasses, the  
17 department or the agent selling them shall issue to each purchaser a certificate, on  
18 forms prepared and furnished by the department, covering the sales. The wild  
19 animals or carcasses so purchased shall be consumed, resold, or otherwise disposed  
20 of by the purchaser within a period to be set by the department, but may not be resold  
21 or exchanged, in whole or in part, to any other person, except as provided in sub. (3)  
22 or as authorized by the department.

23           **SECTION 15.** 350.10 (1) (f) of the statutes is amended to read:

24           350.10 (1) (f) On the ~~private~~ property of another without the consent of the  
25 owner or lessee. Failure to post ~~private~~ such property does not imply consent for

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1 snowmobile use. Any other motor-driven craft or vehicle principally manufactured  
2 for off-highway use shall at all times have the consent of the owner before operation  
3 of such craft or vehicle on ~~private~~ lands of another.

4 **SECTION 16.** 814.75 (17m) of the statutes is created to read:

5 814.75 (17m) The natural resources trespass surcharge.

6 **SECTION 17.** 814.80 (13m) of the statutes is created to read:

7 814.80 (13m) The natural resources trespass surcharge.

8 **SECTION 18.** 943.13 (3m) of the statutes is created to read:

9 943.13 (3m) If a person is convicted of a violation of this section while engaged  
10 in an activity regulated under ch. 23, 26, 27, 28, 29, 169, or 350, the court may revoke  
11 any or all approvals or licenses issued to the person under ch. 29 or 169. The person  
12 convicted also may not be issued any approvals or licenses issued under ch. 29 or 169  
13 for a period of one year after the conviction.

14 (END)