

2007 DRAFTING REQUEST

Bill

Received: **11/06/2007**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Terry Musser (608) 266-7461**

By/Representing: **himself**

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

Drafter: **rkite**

May Contact:

Adl. Drafters: **rryan**

Subject: **Nat. Res. - fish and game**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Musser@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibit felons from possessing certain hunting licenses

Instructions:

Make it a felony for a felon to possess a hunting license that authorizes hunting with a firearm

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>
/?	rkite 11/21/2007	bkraft 11/27/2007		_____			Crime
/P1			rschluet 11/27/2007	_____	lparisi 11/27/2007		State
/1	rkite 12/19/2007	bkraft 12/28/2007	pgreensl 01/03/2008	_____	cduerst 01/03/2008	sbasford 01/18/2008	

FE Sent For: "1" @ intro.

<END>

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/?	rkite 11/21/2007	bkraft 11/27/2007					Crime

/P1		1 bjk 12/26	rschluet 11/27/2007	1/3	lparisi 11/27/2007		
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FE Sent For:

Handwritten notes: 1/3, ps, 1/26, ps/nn

<END>

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/?	rkite	/PI bjk 11/27					
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FE Sent For:

<END>

Date (time) needed _____

LRB - 3413 ^{Rm not run} 1 P1

BILL

RNK : bjk : _____

→ D-Note

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; **relating to:**

SA ✓
X-ref ✓

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: **create** → **anal:** → **title:** → **head**

For the subheading, execute: **create** → **anal:** → **title:** → **sub**

For the sub-subheading, execute: **create** → **anal:** → **title:** → **sub-sub**

For the analysis text, in the component bar:

For the text paragraph, execute: **create** → **anal:** → **text**

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

SECTION #.

2001 ASSEMBLY BILL 550

October 10, 2001 - Introduced by Representatives MUSSER, URBAN, MEYERHOFER, BIES, LA FAVE, ALBERS, DUFF, NASS, SHILLING, STONE, OWENS and LASSA, cosponsored by Senators MOEN, RISSER and ROESSLER. Referred to Committee on Natural Resources.

1 AN ACT *regen. cart ←* to create 29.305 and 29.971 (3r) of the statutes; relating to: prohibiting
2 certain persons from obtaining and using licenses that authorize hunting with a firearm
3 and providing a penalty. ✓

Analysis by the Legislative Reference Bureau

Current law prohibits certain persons from possessing a firearm. ✓ A felon is prohibited from possessing a firearm subsequent to conviction and certain persons adjudicated delinquent may not possess a firearm subsequent to adjudication. ✓ A person found not guilty of a felony by reason of mental defect is prohibited from possessing a firearm subsequent to the not guilty finding. ✓ Current law also prohibits certain persons ordered not to possess a firearm, such as those committed for treatment for a mental illness, from possessing a firearm while subject to that order. ✓ A person who is enjoined from committing acts of domestic abuse or who is enjoined from coming into contact with a child is prohibited from possessing a firearm while the injunction is in effect. ✓ Finally, a person who is subject to an order that prohibits the person from engaging in harassing behavior and from possessing a firearm, is prohibited from possessing a firearm while the order is in effect. ✓

* With certain exceptions, this bill prohibits a person who, under current law, is prohibited from possessing a firearm from obtaining certain hunting licenses that authorize the person to hunt with a firearm, such as a small game hunting license or a deer hunting license (hunting license). Under an exception to this general prohibition, the bill allows such a person to obtain a turkey hunting license or a bear hunting license, both of which also authorize hunting with a bow and arrow, if the

250 The bill provides that a person who violates this prohibition is guilty of a Class I felony. In addition, the court must revoke all hunting, fishing, and trapping approvals issued to that person by the Department of Natural Resources.

ASSEMBLY BILL 550

person uses the license to hunt turkey or bear only with a bow and arrow and not with a firearm.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

* CRIME

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

SECTION 1. 29.305 of the statutes is created to read:

29.305 Persons prohibited from obtaining hunting and using licenses.

(1) In this section, "hunting license" means a small game hunting license issued under s. 29.161, 29.204, or 29.207, a deer hunting license issued under s. 29.173 or 29.211, an elk hunting license issued under s. 29.182, a sports license issued under s. 29.231, a conservation patron license issued under s. 29.235, a wild turkey hunting license issued under s. 29.164, or a bear hunting license issued under s. 29.184.

(2) (a) No person may obtain or use a hunting license if the person is prohibited from possessing a firearm under s. 941.29 (1).

(b) Notwithstanding par. (a), a person who is prohibited from possessing a firearm under s. 941.29 (1) may obtain and use a wild turkey hunting license under s. 29.164 or a bear hunting license under s. 29.184 if the person uses the respective license to hunt wild turkey or bear with a bow and arrow only.

(3) The department shall inform each person who applies for a hunting license of the prohibition under sub. (2) and the penalties under ss. 29.971 (3r) and 941.29.

SECTION 2. 29.971 (3r) of the statutes is created to read:

29.971 (3r) For possessing a hunting license in violation of s. 29.305, by a forfeiture of not less than \$1,000 nor more than \$2,000. In addition, the court shall order the revocation of all hunting, fishing, and trapping approvals issued to the person under this chapter and shall prohibit the person from holding any hunting

(4) Whoever violates sub. (2) is guilty of a Class I felony

ASSEMBLY BILL 550

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fishing, or trapping approval under this chapter for a period of 5 years from the date of the court's order. ←

SECTION 3. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.

(END) ✓

D-note

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

LRB-3413/P1dn

RNK:.....

Lbjk

Date

This draft prohibits those persons who are prohibited under current law from possessing a firearm from obtaining or using a hunting license that authorizes the use of a firearm. Please note that under current law, certain hunting licenses authorize the use of a firearm or a bow and arrow, such as a wild turkey hunting license. This draft prohibits a person from having such a license even if the person intends to hunt only with a bow and arrow. Is this consistent with your intent or do you want to allow such a person to obtain a "combined" license if the license is used only to hunt with a bow and arrow? If you prefer the latter approach, please let me know and I will redraft accordingly.

The draft provides that if a person obtains or uses a hunting license in violation of the prohibition created in the draft, the person is guilty of a Class I felony. The penalty for a Class I felony is a fine not to exceed \$10,000 or imprisonment not to exceed 3 years and 6 months, or both. Is this penalty O.K.?

The draft also requires the Department of Natural Resources to inform each person who applies for a hunting license of the prohibition created in the draft. It also specifies that a court must order revocation of all hunting, fishing, and trapping approvals issued to a person who violates the prohibition. Are these provisions consistent with your intent?

* I have prepared this draft in preliminary form to give you an opportunity to make changes to the draft before putting it in final form. Please feel free to contact me if you have any questions with regard to the draft.

regards

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

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

LRB-3413/P1dn
RNK:bjk.rs

November 27, 2007

This draft prohibits those persons who are prohibited under current law from possessing a firearm from obtaining or using a hunting license that authorizes the use of a firearm. Please note that under current law, certain hunting licenses authorize the use of a firearm or a bow and arrow, such as a wild turkey hunting license. This draft prohibits a person from having such a license even if the person intends to hunt only with a bow and arrow. Is this consistent with your intent or do you want to allow such a person to obtain a "combined" license if the license is used only to hunt with a bow and arrow? If you prefer the latter approach, please let me know and I will redraft accordingly.

The draft provides that if a person obtains or uses a hunting license in violation of the prohibition created in the draft, the person is guilty of a Class I felony. The penalty for a Class I felony is a fine not to exceed \$10,000 or imprisonment not to exceed 3 years and 6 months, or both. Is this penalty O.K.?

The draft also requires the Department of Natural Resources to inform each person who applies for a hunting license of the prohibition created in the draft. It also specifies that a court must order revocation of all hunting, fishing, and trapping approvals issued to a person who violates the prohibition. Are these provisions consistent with your intent?

I have prepared this draft in preliminary form to give you an opportunity to make changes to the draft before putting it in final form. Please feel free to contact me if you have any questions with regards to the draft.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

Kite, Robin

To: Musser, Terry
Subject: LRB-3413

Rep. Musser:

I wanted to give you some more information about enforcement procedure for the hunting license prohibition created in LRB-3413. I have redrafted the draft in accordance with our meeting yesterday so that the draft will prohibit any person who is prohibited from possessing from obtaining a hunting license that authorizes the use of firearms. The citation procedure that exists in current law under s. 23.50 to 23.85 will apply to a violation of the prohibition created in the draft. Under that procedure, any law enforcement officer can issue a citation to a person violating the prohibition. You had asked whether a citation must be personally served or whether it can be mailed. Section 23.62 of the statutes currently provides that the citation may be mailed.

If you have any other questions about the draft once you have had an opportunity to review it, please fee free to contact me.

Robin

Robin Kite, Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
1 East Main Street, Suite 200
Madison, WI 53703
(608) 266-7291



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3413/21

RNK:bjk:rs

RM run

le
ol
stary

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2007 Bill

Insert

SA ✓
x-ref ✓

regen. cat ←

1 AN ACT to create 29.305 of the statutes; relating to: prohibiting certain persons
2 from obtaining and using licenses that authorize hunting with a firearm and
3 providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits certain persons from possessing a firearm. A felon is prohibited from possessing a firearm subsequent to conviction and certain persons adjudicated delinquent may not possess a firearm subsequent to adjudication. A person found not guilty of a felony by reason of mental defect is prohibited from possessing a firearm subsequent to the not guilty finding. Current law also prohibits certain persons ordered not to possess a firearm, such as those committed for treatment for a mental illness, from possessing a firearm while subject to that order. A person who is enjoined from committing acts of domestic abuse or who is enjoined from coming into contact with a child is prohibited from possessing a firearm while the injunction is in effect. Finally, a person who is subject to an order that prohibits the person from engaging in harassing behavior and from possessing a firearm, is prohibited from possessing a firearm while the order is in effect.

* ~~With certain exceptions,~~ this bill prohibits a person who, under current law, is prohibited from possessing a firearm from obtaining a hunting license that authorizes the person to hunt with a firearm, such as a small game hunting license or a deer hunting license. The bill provides that a person who violates this prohibition is ~~guilty of a Class I felony.~~ In addition, the court must revoke all hunting, fishing, and trapping approvals issued to that person by the Department of Natural Resources.

and prohibit that person from holding such an approval for a period of 5 years

subject to a forfeiture of not less than \$1,000 nor more than \$2,000

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

fix/remove component →

FE-S

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

1 SECTION 1. 29.305 of the statutes is created to read:

2 **29.305 Persons prohibited from obtaining or using certain hunting**

3 **licenses.** (1) In this section, "hunting license" means a small game hunting license

4 issued under s. 29.161, 29.204, or 29.207, a deer hunting license issued under s.

5 29.173 or 29.211, an elk hunting license issued under s. 29.182, a sports license

6 issued under s. 29.231, a conservation patron license issued under s. 29.235, a wild

7 turkey hunting license issued under s. 29.164, or a bear hunting license issued under

8 s. 29.184

a license issued under this chapter that authorizes hunting with a firearm

9 (2) No person may obtain or use a hunting license if the person is prohibited

10 from possessing a firearm under s. 941.29 (1).

ss. 29.971(3r) and

11 (3) The department *and its agents,* shall inform each person who applies for a hunting license

12 of the prohibition under sub. (2) and the penalties under *sub. (4) and s.* 941.29.

13 (4) Whoever violates sub. (2) is guilty of a Class I felony. In addition, the court

14 shall order the revocation of all hunting, fishing, and trapping approvals issued to

15 the person under this chapter.

Insert 2-15

16 (END) ✓

BILL

during the 12 months immediately preceding the month in which the search is requested.

For further information see the *state* 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:

SECTION 1. 29.024 (1m) of the statutes is created to read:

29.024 (1m) FIREARM RESTRICTIONS. (a) In this subsection, "hunting license" means a license issued under this chapter that authorizes hunting with a firearm.

(b) No person may obtain or use a hunting license if the person is prohibited from possessing a firearm under s. 941.29.

(c) The department, and its agents, shall inform each person who applies for a hunting license of the prohibition under par. (b).

(d) The department shall follow the procedures for the issuance of a citation under ss. 23.50 to 23.99 to collect a forfeiture from a person who commits a violation specified under par. (b).

(e) For the purpose of determining whether a person prohibited from possessing a firearm under s. 941.29 obtained a hunting license from the department of natural resources, the department of natural resources shall annually request that the department of justice conduct a firearms restrictions record search, as defined in s. 175.35 (1) (at), with respect to every person to whom the department of natural resources issued a hunting license during the 12 months immediately preceding the month in which the search is requested.

(f) The department of justice may not impose a fee for a firearms restrictions record search conducted under par. (d).

Insert 2-15

SECTION 2. 29.971 (3r) of the statutes is created to read:

BILL

Insert 2-15 continued

obtaining or using

29.305(2)

1 ✓ 29.971 (3r) For ~~possessing~~ a hunting license in violation of s. ~~29.024(1m)(b)~~

2 by a forfeiture of not less than \$1,000 nor more than \$2,000. In addition, the court

3 shall order the revocation of all hunting, fishing, and trapping approvals issued to

4 the person under this chapter and shall prohibit the person from holding any

5 hunting, fishing, or trapping approval under this chapter for a period of 5 years from

6 the date of the court's order.

SECTION 3. Initial applicability.

8 (1) This act first applies to hunting licenses that are issued on the effective date

9 of this subsection.

(END)

end of insert 2-15

10

Basford, Sarah

From: Stewart, Kate
Sent: Friday, January 18, 2008 11:37 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-3413/1 Topic: Prohibit felons from possessing certain hunting licenses

Please Jacket LRB 07-3413/1 for the ASSEMBLY.