

State of Misconsin 2011 - 2012 LEGISLATURE



## 2011 SENATE BILL 228

AN ACT to renumber and amend 23.33 (3) (e), 167.31 (2) (a) and 167.31 (2) (b);
to amend 23.33 (11p) (e) 2., 167.31 (2) (c) and 167.31 (3) (a) 2.; and to create
23.33 (3) (eg), 23.33 (3) (er), 23.33 (3c) (title), 23.33 (3c) (b), 167.31 (1) (cm),
167.31 (1) (fg), 167.31 (1) (g) 4., 167.31 (2) (a) 3., 167.31 (2) (b) 3., 167.31 (4) (ag)
and 167.31 (4) (i) of the statutes; relating to: loading, discharging, placing,
possessing, or transporting a firearm, bow, or crossbow in or on a vehicle or in
or on a motorboat.

#### Analysis by the Legislative Reference Bureau

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

- 8 **SECTION 1.** 23.33 (3) (e) of the statutes, as affected by 2011 Wisconsin Act 35,
- 9 is renumbered 23.33 (3c) (a) and amended to read:
- 10 23.33 (3c) (a) With <u>No person may operate an all-terrain vehicle with</u> any
- 11 firearm in his or her possession unless it <u>the firearm</u> is unloaded and enclosed in a

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1	<del>carrying case</del> or <del>unless the firearm</del> is a handgun, as defined in s. 175.60 (1) (bm) <del>, or</del>
2	any bow unless it is unstrung or enclosed in a carrying case.
3	<b>SECTION 2.</b> 23.33 (3) (eg) of the statutes is created to read:
4	23.33 (3) (eg) With any crossbow in his or her possession unless the crossbow
5	is not cocked or is unloaded and enclosed in a carrying case.
6	<b>SECTION 3.</b> 23.33 (3) (er) of the statutes is created to read:
7	23.33 (3) (er) With any bow in his or her possession unless the bow does not
8	have an arrow nocked.
9	SECTION 4. 23.33 (3c) (title) of the statutes is created to read:
10	23.33 (3c) (title) Operation with firearms.
11	<b>SECTION 5.</b> 23.33 (3c) (b) of the statutes is created to read:
12	23.33 (3c) (b) Paragraph (a) does not apply to a firearm that is placed or
13	possessed on an all-terrain vehicle that is stationary, as defined in s. 167.31 (1) (fg).
14	<b>SECTION 6.</b> 23.33 (11p) (e) 2. of the statutes is amended to read:
15	23.33 <b>(11p)</b> (e) 2. Subsections (3), <u>(3c)</u> , (3g), (4), (4c) to (4x), (6), (7), (10), (12),
16	and (13).
17	<b>SECTION 7.</b> 167.31 (1) (cm) of the statutes is created to read:
18	167.31 <b>(1)</b> (cm) "Handgun" has the meaning given in s. 175.60 (1) (bm).
19	SECTION 8. 167.31 (1) (fg) of the statutes is created to read:
20	167.31 (1) (fg) "Stationary" means not moving, regardless of whether the motor
21	is running.
22	SECTION 8m. 167.31 (1) (g) 4. of the statutes is created to read:
23	167.31 (1) (g) 4. In the case of an electronic ignition muzzle-loading firearm,
24	having the battery removed and disconnected from the firearm.

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1	<b>Summer 0</b> 107.21 (2) (a) of the statistics as officiated by 2011 Wissensin Ast 25
1	<b>SECTION 9.</b> 167.31 (2) (a) of the statutes, as affected by 2011 Wisconsin Act 35,
2	is renumbered 167.31 (2) (a) (intro.) and amended to read:
3	167.31 (2) (a) (intro.) Except as provided in sub. (4), no person may place,
4	possess, or transport a firearm, bow, or crossbow in or on a motorboat with the motor
5	running, unless <del>the</del> <u>one of the following applies:</u>
6	<u>1. The</u> firearm <u>is unloaded or</u> is a handgun <del>, as defined in s. 175.60 (1) (bm),</del>
7	unless the firearm is unloaded, or unless the.
8	2. The bow or crossbow is unstrung or is enclosed in a carrying case does not
9	have an arrow nocked.
10	<b>SECTION 10.</b> 167.31 (2) (a) 3. of the statutes is created to read:
11	167.31 (2) (a) 3. The crossbow is not cocked or is unloaded and enclosed in a
12	carrying case.
13	SECTION 11. 167.31 (2) (b) of the statutes, as affected by 2011 Wisconsin Act 35,
14	is renumbered 167.31 (2) (b) (intro.) and amended to read:
15	167.31 (2) (b) (intro.) Except as provided in sub. (4), no person may place,
16	possess, or transport a firearm, bow, or crossbow in or on a vehicle, unless the <u>one of</u>
17	the following applies:
18	<u>1. The</u> firearm <u>is unloaded or</u> is a handgun <del>, as defined in s. 175.60 (1) (bm),</del>
19	unless the firearm is unloaded and encased, or unless the.
20	2. The bow or crossbow is unstrung or is enclosed in a carrying case does not
21	have an arrow nocked.
22	SECTION 12. 167.31 (2) (b) 3. of the statutes is created to read:
23	167.31 (2) (b) 3. The crossbow is not cocked or is unloaded and enclosed in a
24	carrying case.

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1	<b>SECTION 13.</b> 167.31 (2) (c) of the statutes, as affected by 2011 Wisconsin Act 35,
2	is amended to read:
3	167.31 (2) (c) Except as provided in sub. (4), no person may load a firearm, other
4	than a handgun, <del>as defined in s. 175.60 (1) (bm),</del> in a vehicle or discharge a firearm
5	or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.
6	SECTION 14. 167.31 (3) (a) 2. of the statutes, as created by 2011 Wisconsin Act
7	35, is amended to read:
8	167.31 (3) (a) 2. Place, possess, or transport a firearm, bow, or crossbow in or
9	on a noncommercial aircraft, unless the firearm is unloaded and encased or the
10	firearm is a handgun <del>, as defined in s. 175.60 (1) (bm),</del> or unless the bow or crossbow
11	is unstrung or is enclosed in a carrying case.
12	SECTION 15. 167.31 (4) (ag) of the statutes is created to read:
13	167.31 (4) (ag) Subsection (2) (b) 1. does not apply to a firearm that is placed
14	or possessed on a vehicle that is stationary.
15	<b>SECTION 15m.</b> 167.31 (4) (i) of the statutes is created to read:
16	167.31 (4) (i) Subsection (2) (b) and (c) does not apply to a person legally
17	hunting from a stationary nonmotorized vehicle that is not attached to a motor
18	vehicle.
19	SECTION 16. Effective date.
20	(1) This act takes effect on November 1, 2011, or on the day after publication,
21	whichever is later.
22	(END)

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