

# State of Wisconsin



2011 Senate Bill 228

Date of enactment: **November 4, 2011**  
Date of publication\*: **November 18, 2011**

## 2011 WISCONSIN ACT 51

**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.

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

**SECTION 1.** 23.33 (3) (e) of the statutes, as affected by 2011 Wisconsin Act 35, is renumbered 23.33 (3c) (a) and amended to read:

23.33 (3c) (a) ~~With~~ No person may operate an all-terrain vehicle with any firearm in his or her possession unless ~~it the firearm~~ is unloaded ~~and enclosed in a carrying case or unless the firearm~~ is a handgun, as defined in s. 175.60 (1) (bm), ~~or any bow unless it is unstrung or enclosed in a carrying case.~~

**SECTION 2.** 23.33 (3) (eg) of the statutes is created to read:

23.33 (3) (eg) With any crossbow in his or her possession unless the crossbow is not cocked or is unloaded and enclosed in a carrying case.

**SECTION 3.** 23.33 (3) (er) of the statutes is created to read:

23.33 (3) (er) With any bow in his or her possession unless the bow does not have an arrow nocked.

**SECTION 4.** 23.33 (3c) (title) of the statutes is created to read:

23.33 (3c) (title) OPERATION WITH FIREARMS.

**SECTION 5.** 23.33 (3c) (b) of the statutes is created to read:

23.33 (3c) (b) Paragraph (a) does not apply to a firearm that is placed or possessed on an all-terrain vehicle that is stationary, as defined in s. 167.31 (1) (fg).

**SECTION 6.** 23.33 (11p) (e) 2. of the statutes is amended to read:

23.33 (11p) (e) 2. Subsections (3), ~~(3c)~~, (3g), (4), (4c) to (4x), (6), (7), (10), (12), and (13).

**SECTION 7.** 167.31 (1) (cm) of the statutes is created to read:

167.31 (1) (cm) "Handgun" has the meaning given in s. 175.60 (1) (bm).

**SECTION 8.** 167.31 (1) (fg) of the statutes is created to read:

167.31 (1) (fg) "Stationary" means not moving, regardless of whether the motor is running.

**SECTION 8m.** 167.31 (1) (g) 4. of the statutes is created to read:

167.31 (1) (g) 4. In the case of an electronic ignition muzzle-loading firearm, having the battery removed and disconnected from the firearm.

**SECTION 9.** 167.31 (2) (a) of the statutes, as affected by 2011 Wisconsin Act 35, is renumbered 167.31 (2) (a) (intro.) and amended to read:

\* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

167.31 (2) (a) (intro.) Except as provided in sub. (4), no person may place, possess, or transport a firearm, bow, or crossbow in or on a motorboat with the motor running, unless the one of the following applies:

1. The firearm is unloaded or is a handgun, as defined in s. 175.60 (1) (bm), unless the firearm is unloaded, or unless the,

2. The bow or crossbow is unstrung or is enclosed in a carrying case does not have an arrow nocked.

**SECTION 10.** 167.31 (2) (a) 3. of the statutes is created to read:

167.31 (2) (a) 3. The crossbow is not cocked or is unloaded and enclosed in a carrying case.

**SECTION 11.** 167.31 (2) (b) of the statutes, as affected by 2011 Wisconsin Act 35, is renumbered 167.31 (2) (b) (intro.) and amended to read:

167.31 (2) (b) (intro.) Except as provided in sub. (4), no person may place, possess, or transport a firearm, bow, or crossbow in or on a vehicle, unless the one of the following applies:

1. The firearm is unloaded or is a handgun, as defined in s. 175.60 (1) (bm), unless the firearm is unloaded and encased, or unless the,

2. The bow or crossbow is unstrung or is enclosed in a carrying case does not have an arrow nocked.

**SECTION 12.** 167.31 (2) (b) 3. of the statutes is created to read:

167.31 (2) (b) 3. The crossbow is not cocked or is unloaded and enclosed in a carrying case.

**SECTION 13.** 167.31 (2) (c) of the statutes, as affected by 2011 Wisconsin Act 35, is amended to read:

167.31 (2) (c) Except as provided in sub. (4), no person may load a firearm, other than a handgun, ~~as defined in s. 175.60 (1) (bm),~~ in a vehicle or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.

**SECTION 14.** 167.31 (3) (a) 2. of the statutes, as created by 2011 Wisconsin Act 35, is amended to read:

167.31 (3) (a) 2. Place, possess, or transport a firearm, bow, or crossbow in or on a noncommercial aircraft, unless the firearm is unloaded and encased or the firearm is a handgun, ~~as defined in s. 175.60 (1) (bm),~~ or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

**SECTION 15.** 167.31 (4) (ag) of the statutes is created to read:

167.31 (4) (ag) Subsection (2) (b) 1. does not apply to a firearm that is placed or possessed on a vehicle that is stationary.

**SECTION 15m.** 167.31 (4) (i) of the statutes is created to read:

167.31 (4) (i) Subsection (2) (b) and (c) does not apply to a person legally hunting from a stationary non-motorized vehicle that is not attached to a motor vehicle.

**SECTION 16. Effective date.**

(1) This act takes effect on November 1, 2011, or on the day after publication, whichever is later.