



2011 SENATE BILL 228

October 12, 2011 – Introduced by Senators MOULTON, HOLPERIN, KEDZIE, GALLOWAY and LAZICH, cosponsored by Representatives KRUG, SPANBAUER, BERNIER, JACQUE, ENDSLEY, RIPP, KLEEFISCH, RIVARD, STROEBEL, TAUCHEN, MURSAU, CRAIG and RADCLIFFE. Referred to Committee on Natural Resources and Environment.

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

Analysis by the Legislative Reference Bureau

Under current law, with some exceptions, no person may place, possess, or transport a firearm in or on a vehicle unless the firearm is encased and unloaded. Under the bill, the firearm may be outside a case but must be unloaded. The bill allows a person to place or possess such a firearm that is loaded on a vehicle if the vehicle is stationary. The bill also defines “stationary,” when referring to a vehicle, to include a vehicle with the motor running, if the vehicle is not moving. Under the bill, this definition also applies to stationary vehicles used by persons hunting with disabled hunter permits.

Under current law, no person may operate an all-terrain vehicle (ATV) with a firearm, other than a handgun, in his or her possession unless the firearm is unloaded and encased. Under the bill, the firearm may be outside a case but must be unloaded.

Under current law, with some exceptions, no person may place, possess, or transport a bow or crossbow in or on a motorboat or a vehicle unless the bow or

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crossbow is unstrung or is encased. Under the bill, the bow or crossbow may be strung and outside a case, but a bow may not have an arrow nocked and a crossbow may not be cocked.

Under current law no person may operate an ATV with a bow in his or her possession unless the bow is unstrung or encased. The bill expands this provision to specifically include crossbows. Under the bill, a bow or crossbow may be strung and outside a case, but a bow may not have an arrow nocked and a crossbow may not be cocked.

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

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

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

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

8 23.33 **(3)** (eg) With any crossbow in his or her possession unless the crossbow
9 is uncocked.

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

11 23.33 **(3)** (er) With any bow in his or her possession unless the bow does not
12 have an arrow nocked.

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

14 23.33 **(3c)** (title) OPERATION WITH FIREARMS.

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

16 23.33 **(3c)** (b) Paragraph (a) does not apply to a firearm that is placed or
17 possessed on an all-terrain vehicle that is stationary, as defined in s. 167.31 (1) (fg).

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

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1 23.33 **(11p)** (e) 2. Subsections (3), ~~(3c)~~, (3g), (4), (4c) to (4x), (6), (7), (10), (12),
2 and (13).

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

4 167.31 **(1)** (cm) “Handgun” has the meaning given in s. 175.60 (1) (bm).

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

6 167.31 **(1)** (fg) “Stationary” means not moving, regardless of whether the motor
7 is running.

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

10 167.31 **(2)** (a) (intro.) Except as provided in sub. (4), no person may place,
11 possess, or transport a firearm, bow, or crossbow in or on a motorboat with the motor
12 running, unless the one of the following applies:

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

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

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

18 167.31 **(2)** (a) 3. The crossbow is not cocked.

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

21 167.31 **(2)** (b) (intro.) Except as provided in sub. (4), no person may place,
22 possess, or transport a firearm, bow, or crossbow in or on a vehicle, unless the one of
23 the following applies:

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

