

State of Wisconsin



1995 Assembly Bill 13

Date of enactment: **June 26, 1996**
Date of publication*: **July 10, 1996**

1995 WISCONSIN ACT 451

AN ACT *to repeal* 943.13 (1) (c) and (d); *to renumber* 943.13 (1) (intro.) and 943.13 (1) (b); *to renumber and amend* 943.13 (1) (a); *to amend* 30.45 (7) (c), 943.13 (1e) (d), 943.13 (2) (intro.) and 943.13 (4m) (a); and *to create* 943.13 (1e), 943.13 (1m) (am), 943.13 (1m) (e), 943.13 (1m) (f), 943.13 (1s) and 943.13 (3m) of the statutes; **relating to:** trespass to land.

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

SECTION 1. 30.45 (7) (c) of the statutes is amended to read:

30.45 (7) (c) A sign ~~required for notice under s. 943.13 (2) that does not exceed 12 inches high by 12 inches long prohibiting or authorizing entry onto land.~~

SECTION 2. 943.13 (1) (intro.) of the statutes is renumbered 943.13 (1m) (intro.).

SECTION 3. 943.13 (1) (a) of the statutes is renumbered 943.13 (1m) (a) and amended to read:

943.13 (1m) (a) Enters any enclosed ~~or cultivated or undeveloped~~ land of another ~~with intent to catch or kill any birds, animals, or fish on the land or gather any products of the soil, other than undeveloped land specified in par. (e) or (f),~~ without the express or implied consent of the owner or occupant ~~to engage in any of those activities.~~

SECTION 4. 943.13 (1) (b) of the statutes is renumbered 943.13 (1m) (b).

SECTION 5. 943.13 (1) (c) and (d) of the statutes are repealed.

SECTION 6. 943.13 (1e) of the statutes is created to read:

943.13 (1e) In this section:

(a) "Dwelling unit" means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

(az) "Implied consent" means conduct or words or both that imply that an owner or occupant of land has given consent to another person to enter the land.

(b) "Inholding" means a parcel of land that is private property and that is surrounded completely by land owned by the United States, by this state or by a local governmental unit or any combination of the United States, this state and a local governmental unit.

(c) "Local governmental unit" means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of the political subdivision or special purpose district or a combination or subunit of any of the foregoing.

(d) "Place of employment" has the meaning given in s. 101.01 (2) (f).

(e) "Private property" means real property that is not owned by the United States, this state or a local governmental unit.

(f) "Undeveloped land" means land that meets all of the following criteria:

* Section 991.11, WISCONSIN STATUTES 1993-94: 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].

1. The land is not occupied by a structure or improvement being used or occupied as a dwelling unit.

2. The land is not part of the curtilage, or is not lying in the immediate vicinity, of a structure or improvement being used or occupied as a dwelling unit.

3. The land is not occupied by a public building.

4. The land is not occupied by a place of employment.

SECTION 7. 943.13 (1e) (d) of the statutes, as created by 1995 Wisconsin Act ... (this act), is amended to read:

943.13 (1e) (d) "Place of employment" has the meaning given in s. 101.01 (2)-(f) (11).

SECTION 8. 943.13 (1m) (am) of the statutes is created to read:

943.13 (1m) (am) Enters any land of another that is occupied by a structure used for agricultural purposes without the express or implied consent of the owner or occupant.

SECTION 9. 943.13 (1m) (e) of the statutes is created to read:

943.13 (1m) (e) Enters or remains on undeveloped land that is an inholding of another after having been notified by the owner or occupant not to enter or remain on the land.

SECTION 9m. 943.13 (1m) (f) of the statutes is created to read:

943.13 (1m) (f) Enters undeveloped private land from an abutting parcel of land that is owned by the United States, this state or a local governmental unit, or remains on such land, after having been notified by the owner or occupant not to enter or remain on the land.

SECTION 10. 943.13 (1s) of the statutes is created to read:

943.13 (1s) In determining whether a person has implied consent to enter the land of another a trier of fact shall consider all of the circumstances existing at the time the person entered the land, including all of the following:

(a) Whether the owner or occupant acquiesced to previous entries by the person or by other persons under similar circumstances.

(b) The customary use, if any, of the land by other persons.

(c) Whether the owner or occupant represented to the public that the land may be entered for particular purposes.

(d) The general arrangement or design of any improvements or structures on the land.

SECTION 11. 943.13 (2) (intro.) of the statutes is amended to read:

943.13 (2) (intro.) A person has received notice from the owner or occupant within the meaning of ~~this section sub. (1m) (b), (e) or (f)~~ if he or she has been notified personally, either orally or in writing, or if the land is posted. Land is considered to be posted under this subsection under either of the following procedures:

SECTION 12. 943.13 (3m) of the statutes is created to read:

943.13 (3m) An owner or occupant may give express consent to enter or remain on the land for a specified purpose or subject to specified conditions and it is a violation of sub. (1m) (a) or (am) for a person who received that consent to enter or remain on the land for another purpose or contrary to the specified conditions.

SECTION 13. 943.13 (4m) (a) of the statutes is amended to read:

943.13 (4m) (a) A person entering the ~~premises~~ land, other than the residence or other buildings or the curtilage of the residence or other buildings, of another for the purpose of removing a wild animal as authorized under s. 29.59 (2), (3) or (4).

SECTION 14. Initial applicability.

(1) This act first applies to offenses occurring on the effective date of this subsection.

SECTION 15. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The amendment of section 943.13 (1e) (d) of the statutes takes effect on July 1, 1996, or on the day after publication, whichever is later.