

State of Misconsin 2001 - 2002 LEGISLATURE

2001 SENATE BILL 378

January 11, 2002 – Introduced by Senators Schultz, Baumgart, Jauch and ROESSLER, cosponsored by Representatives FREESE, GRONEMUS, LADWIG, LASSA, RYBA, LOEFFELHOLZ, KRAWCZYK, TURNER, SKINDRUD, STARZYK, PLOUFF, MUSSER, PETTIS, HAHN, MCCORMICK, ALBERS, PETROWSKI, JOHNSRUD, HINES, OTT, STONE, VRAKAS, TOWNSEND, SYKORA and GUNDERSON. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

1 AN ACT to amend 895.80 (1) and 939.32 (1) (intro.); and to create 943.74 and 2 973.075 (1) (bj) of the statutes; relating to: theft of farm-raised fish and 3 providing penalties.

Analysis by the Legislative Reference Bureau

Generally, under current law, the theft of property with a value that does not exceed \$2,500 is a Class A misdemeanor, punishable by a fine of not more than \$10,000 or imprisonment for not more than nine months or both. However, theft of certain kinds of property, including domestic animals, with a value that does not exceed \$2,500 is a Class D felony, punishable by a fine of not more than \$10,000 or imprisonment for not more than ten years or both.

This bill prohibits the theft of farm-raised fish. First-offense theft of farm-raised fish, of any value, is a Class A misdemeanor, punishable by a fine of not more than \$10,000 or imprisonment for not more than nine months or both, and second-or-subsequent-offense theft of farm-raised fish is a Class D felony, punishable by a fine of not more than \$10,000 or imprisonment for not more than ten years or both. The bill also authorizes the seizure and forfeiture of property used in the theft of farm-raised fish.

For further information see the *state and local* 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:

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SECTION 1. 895.80 (1) of the statutes, as affected by 2001 Wisconsin Act 16, is 1 2 amended to read: 3 895.80 (1) Any person who suffers damage or loss by reason of intentional 4 conduct that occurs on or after November 1, 1995, and that is prohibited under s. 5 943.01, 943.20, 943.21, 943.24, 943.26, 943.34, 943.395, 943.41, 943.50, 943.61, 6 943.74, or 943.76, or by reason of intentional conduct that occurs on or after April 28. 7 1998, and that is prohibited under s. 943.201, has a cause of action against the person 8 who caused the damage or loss. 9 **SECTION 2.** 939.32 (1) (intro.) of the statutes is amended to read: 10 939.32 (1) (intro.) Whoever attempts to commit a felony or a crime specified in 11 s. 940.19, 940.195 or, 943.20, or 943.74 may be fined or imprisoned or both not to 12exceed one-half the maximum penalty for the completed crime; except: 13 **SECTION 3.** 943.74 of the statutes is created to read: 14943.74 Theft of farm-raised fish. (1) In this section, "farm-raised fish" 15means a fish that is kept on a fish farm for propagation purposes or reared on a fish farm and that has not been introduced, stocked, or planted into waters outside a fish 16 17farm and that has not escaped from a fish farm. 18 (b) "Fish farm" means a facility at which a person, including this state or a local governmental unit, hatches fish eggs or rears fish for the purpose of introduction into 19 20 the waters of the state, human or animal consumption, permitting fishing, or use as 21bait or fertilizer or for sale to another person to rear for one of those purposes.

(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.

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1	(2) No person may intentionally take and carry away, transfer, conceal, or
2	retain possession of farm-raised fish of another without the other's consent and with
3	intent to deprive the owner permanently of possession of the farm-raised fish.
4	(3) (a) Except as provided in par. (b), whoever violates sub. (2) is guilty of a Class
5	A misdemeanor.
6	(b) Whoever violates sub. (2) after having been convicted of a violation of sub.
7	(2) is guilty of a Class D felony.
8	SECTION 4. 973.075 (1) (bj) of the statutes is created to read:
9	973.075 (1) (bj) Any property used or to be used in the commission of a crime
10	under s. 943.74, but if the property is encumbered by a bona fide perfected security
11	interest that was perfected before the date of the commission of the current violation
12	and the holder of the security interest neither had knowledge of nor consented to the
13	commission of that violation, the holder of the security interest shall be paid from the
14	proceeds of the forfeiture.
15	(END)