



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-4165/1

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2007 SENATE BILL 529

February 25, 2008 - Introduced by Senators WIRCH, BRESKE, S. FITZGERALD and DECKER, cosponsored by Representatives GUNDERSON, HRAYCHUCK, SUDER and GARTHWAITE. Referred to Committee on Transportation and Tourism.

1 **AN ACT** *to renumber and amend* 29.304 (5); *to amend* 29.063 (5), 29.184 (6)
2 (b) 1., 29.235 (1), 29.304 (1) (b), 29.304 (2) (title), 29.304 (2) (a), 29.304 (2) (b)
3 (intro.), 29.304 (2) (b) 1., 29.304 (2) (b) 2., 29.304 (3) (title), 29.304 (3) (a) (intro.),
4 29.304 (3) (a) 1., 29.304 (3) (a) 2., 29.304 (3) (b) (intro.), 29.304 (3) (b) 1., 29.304
5 (3) (b) 2., 29.304 (3) (b) 3., 29.563 (2) (a) 4., 29.563 (2) (a) 5g., 29.563 (2) (a) 8m.,
6 29.563 (2m), 29.563 (4) (a) 1m., 29.563 (4) (a) 2m., 29.563 (4) (b) 1m., 29.563 (4)
7 (b) 2m., 29.593 (1) (a), 29.593 (4) (b), 29.593 (4) (c), 169.20 (1) (a), 169.20 (2) (a)
8 and 169.33 (2) (d); and **to create** 29.304 (4m), 29.304 (5) (b) and 29.592 of the
9 statutes; **relating to:** the minimum age for hunting and possessing a firearm,
10 age specific restrictions for hunting and on possessing a firearm while hunting,
11 requirements for obtaining a hunting certificate of accomplishment,

SENATE BILL 529

1 establishing a hunting mentorship program, and granting rule-making
2 authority.

Analysis by the Legislative Reference Bureau

This bill makes various changes to the laws relating to restrictions on hunting and firearm possession and establishes a hunting mentorship program.

Accompaniment by parent or guardian

Under current law, a person who is the minimum hunting age but under the age of 16 may hunt or have a firearm in his or her possession or control if the person is accompanied by a parent or guardian and if he or she meets certain other requirements. This bill specifies that such a person may also hunt or have a firearm in his or her possession or control if the person is accompanied by a person who is at least 18 years old and who has been designated by the person's parent or guardian.

Mentorship program

Current law requires, with certain exceptions, that every person who obtains a hunting approval must have a certificate of accomplishment issued by the Department of Natural Resources (DNR) indicating that he or she has successfully completed the hunter education program or bow hunter education program established by DNR. Current law also generally prohibits hunting and firearm possession by any person under the age of 12. For persons who are older than 12 but under the age of 16, current law allows hunting and firearm possession but imposes certain restrictions that vary depending on the person's age.

This bill creates a new exception to the general requirement that a person obtain a certificate of accomplishment in order to obtain a hunting approval. The bill also lowers the minimum hunting age from 12 years of age to ten years of age for persons who hunt under the hunting mentorship program established in this bill. The bill authorizes a person who is at least ten years of age to hunt without obtaining a certificate of accomplishment and to possess or control a firearm while hunting if the person has a valid hunting approval, if the hunting activity generally requires an approval, and is hunting with a qualified mentor.

Under the hunting mentorship program, to qualify as a mentor, a person must be 18 years of age or older and be the parent or guardian of the person for whom he or she is serving as a mentor or be authorized by the parent or guardian to serve as the mentor. The bill provides that at all times when serving as a mentor, the mentor must be within arm's reach of the person for whom he or she is serving as a mentor, must have a current valid hunting approval, and must have obtained a certificate of accomplishment or be exempt from the requirement to obtain a certificate of accomplishment. The bill provides that a mentor may take only one person hunting at a time and specifies that a mentor and a person who is hunting with the mentor may jointly have only one firearm, bow, or crossbow while hunting. The bill authorizes DNR to promulgate rules lowering the minimum age for hunting with a mentor if DNR determines that hunting by persons younger than ten years of age does not present a safety risk. The bill provides that DNR may make this

SENATE BILL 529

determination only after considering existing studies and data on the safety risk of hunting and firearm possession by persons who are under ten years of age.

Target practice

The bill also creates a new exception to the restrictions that apply to firearm possession by persons who are under a specified age. The bill provides that those age restrictions do not apply to a person who uses a firearm in target practice if the person is accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian.

Proof of compliance

Under current law, an applicant for a hunting approval may show compliance with the hunter education requirement by presenting his or her certificate of accomplishment when submitting an application for a hunting approval. Alternatively, the person may prove compliance by presenting an approval authorizing hunting that was issued to him or her within 365 days before submitting the application or that was issued to him or her for a hunting season that ended within 365 days before submitting the application. This bill requires that when presenting a previously issued hunting approval as proof of compliance, the approval must contain the applicant's hunter education certificate number.

For further information see the *state* 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:

1 **SECTION 1.** 29.063 (5) of the statutes is amended to read:
2 29.063 (5) The department may exempt deer hunters from obtaining a license
3 under this chapter for the hunting of deer in an area that the department has
4 designated by rule as a chronic wasting disease control zone. Deer hunters that are
5 exempted under this subsection shall be at least ~~12~~ 10 years of age, or the age
6 specified by the department by rule under s. 29.592 (5), whichever age is lower,
7 except that a person born on or after January 1, 1973, may not hunt deer under this
8 subsection unless he or she complies with ss. 29.304 and 29.593. The department
9 shall by rule establish eligibility criteria and application procedures for receipt of an

SENATE BILL 529**SECTION 1**

1 exemption under this subsection, including a method for obtaining a permit to hunt
2 deer without a license under this subsection.

3 **SECTION 2.** 29.184 (6) (b) 1. of the statutes is amended to read:

4 29.184 (6) (b) 1. The applicant is at least ~~12~~ 10 years old, ~~or the age specified~~
5 ~~by the department by rule under s. 29.592 (5), whichever age is lower.~~

6 **SECTION 3.** 29.235 (1) of the statutes is amended to read:

7 29.235 (1) ISSUANCE. A resident conservation patron license shall be issued
8 subject to ss. 29.024 and 54.25 (2) (c) 1. d. by the department to any resident ~~12~~ 10
9 years old or older, ~~or the age specified by the department by rule under s. 29.592 (5),~~
10 ~~whichever age is lower, and~~ who applies for the license. A nonresident conservation
11 patron license shall be issued subject to s. 29.024 by the department to any person
12 ~~12~~ 10 years old or older, ~~or the age specified by the department by rule under s. 29.592~~
13 ~~(5), whichever age is lower,~~ who is not a resident, and who applies for the license.

14 **SECTION 4.** 29.304 (1) (b) of the statutes is amended to read:

15 29.304 (1) (b) *Restrictions on possession or control of a firearm.* No person
16 under 12 years of age may have in his or her possession or control any firearm unless
17 he or she is enrolled in the course of instruction under the hunter education program
18 and he or she is carrying the firearm in a case and unloaded to or from that class
19 under the supervision of ~~a~~ his or her parent or guardian, ~~or by a person at least 18~~
20 ~~years of age who is designated by the parent or guardian,~~ or is handling or operating
21 the firearm during that class under the supervision of an instructor.

22 **SECTION 5.** 29.304 (2) (title) of the statutes is amended to read:

23 29.304 (2) (title) PERSONS ~~12 TO 14~~ AND 13 YEARS OF AGE.

24 **SECTION 6.** 29.304 (2) (a) of the statutes is amended to read:

SENATE BILL 529

1 29.304 (2) (a) *Restrictions on hunting.* No person 12 years of age or older but
2 under 14 years of age may hunt unless he or she is accompanied by ~~a~~ his or her
3 parent or guardian, or by a person at least 18 years of age who is designated by the
4 parent or guardian.

5 **SECTION 7.** 29.304 (2) (b) (intro.) of the statutes is amended to read:

6 29.304 (2) (b) *Restrictions on possession or control of a firearm.* (intro.) No
7 person 12 years of age or older but under 14 years of age may have in his or her
8 possession or control any firearm unless ~~he or she~~ any of the following apply:

9 **SECTION 8.** 29.304 (2) (b) 1. of the statutes is amended to read:

10 29.304 (2) (b) 1. Is He or she is accompanied by ~~a~~ his or her parent or guardian
11 or by a person at least 18 years of age who is designated by the parent or guardian;
12 ~~or,~~

13 **SECTION 9.** 29.304 (2) (b) 2. of the statutes is amended to read:

14 29.304 (2) (b) 2. Is He or she is enrolled in the course of instruction under the
15 hunter education program and is carrying the firearm in a case and unloaded to or
16 from that class or is handling or operating the firearm during that class under the
17 supervision of an instructor.

18 **SECTION 10.** 29.304 (3) (title) of the statutes is amended to read:

19 29.304 (3) (title) PERSONS 14 ~~TO~~ 16 AND 15 YEARS OF AGE.

20 **SECTION 11.** 29.304 (3) (a) (intro.) of the statutes is amended to read:

21 29.304 (3) (a) *Restrictions on hunting.* (intro.) No person 14 years of age or
22 older but under 16 years of age may hunt unless ~~he or she~~ any of the following apply:

23 **SECTION 12.** 29.304 (3) (a) 1. of the statutes is amended to read:

SENATE BILL 529**SECTION 12**

1 29.304 (3) (a) 1. Is He or she is accompanied by ~~a~~ his or her parent or guardian
2 or by a person at least 18 years of age who is designated by the parent or guardian;
3 ~~or.~~

4 **SECTION 13.** 29.304 (3) (a) 2. of the statutes is amended to read:

5 29.304 (3) (a) 2. Is He or she is issued a certificate of accomplishment that states
6 that he or she successfully completed the course of instruction under the hunter
7 education program or has a similar certificate, license, or other evidence satisfactory
8 to the department indicating that he or she has successfully completed in another
9 state, country, or province a hunter education course recognized by the department.

10 **SECTION 14.** 29.304 (3) (b) (intro.) of the statutes is amended to read:

11 29.304 (3) (b) *Restrictions on possession or control of a firearm.* (intro.) No
12 person 14 years of age or older but under 16 years of age may have in his or her
13 possession or control any firearm unless ~~he or she~~ any of the following apply:

14 **SECTION 15.** 29.304 (3) (b) 1. of the statutes is amended to read:

15 29.304 (3) (b) 1. Is He or she is accompanied by ~~a~~ his or her parent or guardian
16 or by a person at least 18 years of age who is designated by the parent or guardian;
17 ~~or.~~

18 **SECTION 16.** 29.304 (3) (b) 2. of the statutes is amended to read:

19 29.304 (3) (b) 2. Is He or she is enrolled in the course of instruction under the
20 hunter education program and is carrying the firearm in a case and unloaded to or
21 from that class or is handling or operating the firearm during that class under the
22 supervision of an instructor; ~~or.~~

23 **SECTION 17.** 29.304 (3) (b) 3. of the statutes is amended to read:

24 29.304 (3) (b) 3. Is He or she is issued a certificate of accomplishment that states
25 that he or she successfully completed the course of instruction under the hunter

SENATE BILL 529

1 education program or has a similar certificate, license, or other evidence satisfactory
2 to the department indicating that he or she has successfully completed in another
3 state, country, or province a hunter education course recognized by the department.

4 **SECTION 18.** 29.304 (4m) of the statutes is created to read:

5 29.304 (4m) HUNTING MENTORSHIP PROGRAM. The prohibition specified in sub.
6 (1) (a) and the restrictions specified in subs. (1) (b) to (d), (2), and (3) do not apply to
7 a person who is hunting with a mentor and who complies with the requirements
8 specified under s. 29.592.

9 **SECTION 19.** 29.304 (5) of the statutes is renumbered 29.304 (5) (a) and
10 amended to read:

11 29.304 (5) EXCEPTION. (a) Notwithstanding subs. (1) to (3), a person 12 years
12 of age or older may possess or control a firearm and may hunt with a firearm or, bow
13 and arrow, or crossbow on land under the ownership of the person or the person's
14 family if no license is required and if the firing of firearms is permitted on that land.

15 **SECTION 20.** 29.304 (5) (b) of the statutes is created to read:

16 29.304 (5) (b) The restrictions on the possession and control of a firearm under
17 sub. (1) do not apply to a person using a firearm in target practice if he or she is
18 accompanied by his or her parent or guardian or by a person at least 18 years of age
19 who is designated by the parent or guardian.

20 **SECTION 21.** 29.563 (2) (a) 4. of the statutes is amended to read:

21 29.563 (2) (a) 4. Small game issued to ~~12-year-olds to 17-year-olds~~ persons
22 who are younger than 18 years of age: \$6.25.

23 **SECTION 22.** 29.563 (2) (a) 5g. of the statutes is amended to read:

24 29.563 (2) (a) 5g. Deer issued to ~~12-year-olds to 17-year-olds~~ persons who are
25 younger than 18 years of age: \$17.25.

SENATE BILL 529**SECTION 23**

1 **SECTION 23.** 29.563 (2) (a) 8m. of the statutes is amended to read:

2 29.563 (2) (a) 8m. Archer issued to ~~12-year-olds to 17-year-olds~~ persons who
3 are younger than 18 years of age: \$17.25.

4 **SECTION 24.** 29.563 (2m) of the statutes is amended to read:

5 29.563 (2m) HUNTING APPROVALS FOR CERTAIN NONRESIDENTS. The fees for
6 hunting approvals for a ~~12 to 17 year-old~~ person who is younger than 18 years of age,
7 who is not a resident, and who exhibits proof that his or her parent is a resident shall
8 be the same as the fees for hunting approvals for residents under sub. (2) (a) and (c).

9 **SECTION 25.** 29.563 (4) (a) 1m. of the statutes is amended to read:

10 29.563 (4) (a) 1m. Sports issued to ~~12-year-olds to 17-year-olds~~ persons who
11 are younger than 18 years of age: \$32.25 or a greater amount at the applicant's
12 option.

13 **SECTION 26.** 29.563 (4) (a) 2m. of the statutes is amended to read:

14 29.563 (4) (a) 2m. Conservation patron issued to ~~12-year-olds to 17-year-olds~~
15 persons who are younger than 18 years of age: \$70.25 or a greater amount at the
16 applicant's option.

17 **SECTION 27.** 29.563 (4) (b) 1m. of the statutes is amended to read:

18 29.563 (4) (b) 1m. Sports issued to ~~12-year-olds to 17-year-olds~~ persons who
19 are younger than 18 years of age: \$33.25 or a greater amount at the applicant's
20 option.

21 **SECTION 28.** 29.563 (4) (b) 2m. of the statutes is amended to read:

22 29.563 (4) (b) 2m. Conservation patron issued to ~~12-year-olds to 17-year-olds~~
23 persons who are younger than 18 years of age: \$72.25 or a greater amount at the
24 applicant's option.

25 **SECTION 29.** 29.592 of the statutes is created to read:

SENATE BILL 529

1 **29.592 Hunting mentorship program. (1)** A person who is at least 10 years
2 of age, or the age specified by the department by rule under sub. (5), whichever age
3 is lower, may hunt in this state without obtaining a certificate of accomplishment
4 under s. 29.591 and may, while hunting, possess or control a firearm if all of the
5 following apply:

6 (a) At all times when hunting, the person is within arm's reach of a mentor who
7 meets the qualifications under sub. (2).

8 (b) The person holds a hunting approval.

9 **(2)** No person may serve as a qualified mentor for a hunter unless the person
10 meets all of the following requirements:

11 (a) The person is 18 years of age or older.

12 (b) The person is the parent or guardian of the person for whom he or she is
13 serving as a mentor or is authorized by the parent or guardian to serve as a mentor.
14 This requirement does not apply to a person serving as a mentor for a person who
15 is 18 years of age or older.

16 (c) At all times when serving as a mentor, the person is within arm's reach of
17 the person for whom he or she is serving as a mentor.

18 (d) The person has been issued a certificate of accomplishment under s. 29.591,
19 or under s. 29.595 if the person is serving as a mentor for hunting elk, unless the
20 person was born before January 1, 1973, and is not required to obtain a certificate
21 of accomplishment.

22 (e) The person holds a current valid hunting approval.

23 **(3)** A person who is authorized to hunt with a mentor under this section and
24 a mentor under this section with whom that person hunts may jointly have only one

SENATE BILL 529**SECTION 29**

1 firearm, only one bow, or, if hunting with a crossbow is authorized under s. 29.171
2 (4) or 29.193 (2), only one crossbow in their possession or control while hunting.

3 (4) A mentor under this section may take only one person hunting at a time for
4 whom he or she is serving as a mentor.

5 (5) The department may promulgate rules lowering the minimum age specified
6 in sub. (1) for purposes of this section if the department determines that hunting by
7 persons younger than 10 years of age does not present a safety risk. The department
8 may make this determination only after considering existing studies and data on the
9 safety risk of hunting and firearm possession by persons who are under 10 years of
10 age.

11 (6) The requirements under subs. (1) (b) and (2) (e) do not apply to a person who
12 is authorized to hunt without a hunting approval under s. 29.337 (1), 95.55 (5), or
13 169.19 (5).

14 **SECTION 30.** 29.593 (1) (a) of the statutes is amended to read:

15 29.593 (1) (a) Except as provided under subs. (2), (2m) and (3), and s. 29.592
16 (1), no person born on or after January 1, 1973, may obtain any approval authorizing
17 hunting unless the person is issued a certificate of accomplishment under s. 29.591.

18 **SECTION 31.** 29.593 (4) (b) of the statutes is amended to read:

19 29.593 (4) (b) An approval authorizing hunting that was issued to him or her
20 under this chapter within 365 days before submitting the application, if the approval
21 contains his or her hunter education certificate number.

22 **SECTION 32.** 29.593 (4) (c) of the statutes is amended to read:

23 29.593 (4) (c) An approval authorizing hunting that was issued to him or her
24 under this chapter for a hunting season that ended within 365 days before

SENATE BILL 529

1 submitting the application, if the approval contains his or her hunter education
2 certificate number.

3 **SECTION 33.** 169.20 (1) (a) of the statutes is amended to read:

4 169.20 (1) (a) The department shall issue a bird dog training license to any
5 individual who is at least 12 years of age, or the age specified by the department by
6 rule under s. 29.592 (5), whichever age is lower, and who files a proper application
7 and ~~who~~ pays the applicable fee.

8 **SECTION 34.** 169.20 (2) (a) of the statutes is amended to read:

9 169.20 (2) (a) The department shall issue a hound dog training license to any
10 individual who is at least 12 years of age, or the age specified by the department by
11 rule under s. 29.592 (5), whichever age is lower, and who pays the applicable fee.

12 **SECTION 35.** 169.33 (2) (d) of the statutes is amended to read:

13 169.33 (2) (d) An individual who applies for a bird dog training license or a
14 hound dog training license shall be at least 12 years of age, or the age specified by
15 the department by rule under s. 29.592 (5), whichever age is lower.

16 **SECTION 36. Nonstatutory provisions.**

17 (1) The department of natural resources shall prepare a report on the effect of
18 this act on the recruitment of new hunters. By July 1, 2010, the department of
19 natural resources shall submit the report to the legislature in the manner provided
20 under section 13.172 (2) of the statutes.

21 (2) This act takes effect on the first day of the 3rd month beginning after
22 publication.

23 (END)