



## 2015 SENATE BILL 728

February 11, 2016 – Introduced by Senators RISSER and C. LARSON, cosponsored by Representatives MASON, OHNSTAD, BERCEAU, SUBECK, SINICKI, KESSLER, WACHS and C. TAYLOR. Referred to Committee on Judiciary and Public Safety.

1     **AN ACT** *to create* 100.70 of the statutes; **relating to:** the sale and purchase of  
2             products containing ivory or rhinoceros horn and providing a criminal penalty.

---

### *Analysis by the Legislative Reference Bureau*

This bill prohibits, with certain exceptions, a person from selling, offering for sale, possessing with the intent to sell, distributing, purchasing, obtaining, or trading an item containing ivory or rhinoceros horn. The prohibition does not apply to 1) a federal, state, or tribal government employee conducting law enforcement activities, 2) the transfer of an item to a beneficiary of a trust or estate upon the death of the grantor or testator, 3) an item imported as allowed by a federal license or permit, or 4) an action allowed under rules promulgated by the Department of Agriculture, Trade and Consumer Protection.

A person who violates this prohibition is subject to a minimum fine of 1) the greater of \$1,000 or twice the value of the item for the first offense, or 2) the greater of \$5,000 or three times the value of the item for the second or subsequent offense.

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:*

3             **SECTION 1.** 100.70 of the statutes is created to read:

**SENATE BILL 728**

**SECTION 1**

1           **100.70 Items containing ivory or rhinoceros horn. (1) DEFINITIONS.** In  
2 this section:

3           (a) “Ivory” means a tooth or tusk composed of ivory from any animal.

4           (b) “Total value” means the fair market value of an item or the actual value paid  
5 for an item, whichever is greater.

6           **(2) PROHIBITION.** (a) Except as provided under sub. (3), no person may sell, offer  
7 for sale, possess with the intent to sell, distribute, purchase, obtain, or trade any item  
8 containing or composed entirely of ivory or rhinoceros horn.

9           (b) Possession of an item containing or composed entirely of ivory or rhinoceros  
10 horn in a retail or wholesale outlet that is commonly used to buy or sell similar items  
11 is presumptive evidence of possession with the intent to sell under par. (a).

12           **(3) EXCEPTIONS.** (a) Subsection (2) (a) does not apply to any of the following:

13           1. An employee or agent of the federal government or a state or tribal  
14 government conducting any law enforcement activities or other duties under federal,  
15 state, or tribal law.

16           2. An item transferred to or obtained by a beneficiary of a trust or estate upon  
17 the death of the grantor or testator.

18           3. An item imported as allowed by a federal license or permit.

19           4. An item transferred or obtained as allowed under rules promulgated under  
20 par. (b).

21           (b) The department may allow an action otherwise prohibited under sub. (2)  
22 (a) under terms and conditions prescribed by the department by rule, unless the  
23 action is prohibited by federal law.

24           **(4) PENALTIES AND SEIZURE.** (a) A person who violates sub. (2) (a) shall be subject  
25 to the following penalties:

