

1975 Senate Bill 652

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CHAPTER 365, Laws of 1975

AN ACT to repeal 29.63 (1) and (3), 29.65 (3), 29.66 and 30.76; to renumber 26.14 (7a), (7b) and (8) and 29.63 (2), (4) and (5); to renumber and amend 29.635; to amend 23.06, 23.09 (2) (intro.) and (7), 23.095 (1) and (3), 26.03 (2), 26.04, 26.06 (2), 26.14 (5), (6), (7), as renumbered, and (8), as renumbered, 26.15, 26.18, 26.19, 26.20 (7) and (9), 27.012 (7) (a), 28.06 (4) and (5), 29.05, 29.09 (7), 29.134 (11), 29.135 (6), 29.136 (3), 29.137 (9), 29.165 (2), 29.166 (3), 29.22 (2), 29.221 (2), 29.222 (2), 29.256, 29.288, 29.29 (1) and (3), 29.415 (5) (a), 29.515, 29.52 (11), 29.546 (1) and (2), 29.573 (6) (b), 29.574 (9), 29.578 (15), 29.582 (2) and (3), 29.60 (2), 29.61 (5), 29.64 to 29.644, 30.80, 134.60, 299.01 (2) and 350.11; and to create 23.50 to 23.99, 26.16, 26.99, 27.99, 28.99, 29.99, 29.996, 30.99, 31.99, 134.99, 288.104 and 350.99 of the statutes, relating to revising penalties and procedures regarding natural resources laws.

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

SECTION 1. 23.06 of the statutes is amended to read:

23.06 Not to buy lands. The board, and all clerks and other persons employed by it or about any of its respective offices, are prohibited from purchasing any of the public lands, directly or indirectly, either in their own name or in the name of any other person in trust for them or either of them; and for every tract or parcel of land purchased in violation hereof each such person offending shall forfeit the sum of not more than \$250.

SECTION 2. 23.09 (2) (intro.) and (7) of the statutes are amended to read:

23.09 (2) (title) DEPARTMENTAL RULES; STUDIES; SURVEYS; SERVICES; POWERS; LONG-RANGE PLANNING. (intro.) The department may make such rules, inaugurate such studies, investigations and surveys, and establish such services as it deems necessary to carry out the provisions and purposes of this section, ~~and any violation of this section, or of any rules promulgated by the department, shall constitute a misdemeanor.~~ The department shall establish long-range plans, projects and priorities for conservation. The department may:

(7) PENALTIES. Any person violating any rule of the department under this chapter ~~may be fined not less than \$10 nor more than \$100, or imprisoned not exceeding 6 months or both shall forfeit not more than \$100.~~

SECTION 3. 23.095 (1) and (3) of the statutes are amended to read:

23.095 (1) It is ~~hereby made~~ unlawful for any person ~~to~~ unreasonably to waste or maliciously to injure, destroy or impair any natural resource within the state.

(3) Any person ~~violating this section shall be fined not more than \$50, and for a 2nd offense may be fined not more than \$200 who violates this section shall forfeit not~~

more than \$50.

SECTION 4. 23.50 to 23.99 of the statutes are created to read:

23.50 Procedure in forfeiture actions. (1) The procedure in ss. 23.50 to 23.85 shall apply to all actions to recover forfeitures for violations of s. 134.60 and chs. 23, 26, 27, 28, 29, 30, 31 and 350, and any administrative rules promulgated thereunder.

(2) All actions to recover such forfeitures are civil actions in the name of the state of Wisconsin, shall be heard in the county court of the county where the offense occurred, and shall be recovered pursuant to the procedure set forth in ss. 23.50 to 23.85. Circuit courts shall not have original jurisdiction over such actions.

(3) All actions to recover forfeitures for violations of local ordinances enacted by any local authority in accordance with s. 30.77 may utilize the procedure in ss. 23.50 to 23.85. Such actions shall be brought before the municipal court having jurisdiction.

(4) Where a fine or imprisonment, or both, is imposed by a statute enumerated in sub. (1), the procedure in ch. 968 shall apply.

23.51 Words and phrases defined. In ss. 23.50 to 23.85 the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context clearly indicates a different meaning:

(1) "Citation" means a pleading of essential facts and applicable law coupled with a demand for judgment, which notifies the person cited of a violation of a statute or regulation enumerated in s. 23.50 (1) or of a violation of a local ordinance, and requests the person to appear in court. Part of the citation is a complaint.

(2) "Complaint" means the pleading of essential facts and applicable law coupled with a demand for judgment.

(3) "Enforcing officer" means peace officer as defined by s. 939.22 (22), or a person who has authority to act pursuant to a specific statute.

(4) "Summons" means an order to appear in court at a particular time and place. It accompanies the delivery of a complaint but not a citation.

(5) "Violation" means conduct which is prohibited by state law or municipal ordinance and punishable by a forfeiture.

23.52 Two forms of action. Actions under this chapter may be commenced by a citation, or by a complaint and summons.

23.53 Use of citation. (1) The citation created under this section shall, in all actions to recover forfeitures for violations of those statutes enumerated in s. 23.50 (1) and any administrative rules promulgated thereunder, be used by any law enforcement officer with authority to enforce such laws. In accordance with s. 345.11 (1m), the citation shall not be used for violations of ch. 350 relating to highway use. The citation may be used for violations of local ordinances enacted by any local authority in accordance with s. 30.77.

(2) Notwithstanding any other provision of the statutes, the use of the citation by any enforcing officer in connection with a violation is adequate process to give the appropriate court jurisdiction over the person upon the filing with such court of the citation.

23.54 Citation form. (1) The citation shall contain a complaint, a case history and a report of court action on the case.

(2) It must appear on the face of the citation that there is probable cause to believe that a violation has been committed and that the defendant has committed that violation.

(3) The citation form shall provide for the following:

- (a) The name, address, social security number and date of birth of the defendant.
- (b) The department permit or license number of the defendant, if applicable.
- (c) The name and department of the issuing officer.
- (d) The violation alleged, the time and place of occurrence, a statement that the defendant committed the violation, the statute, administrative rule or ordinance violated and a designation of the violation in language which can be readily understood by a person making a reasonable effort to do so.
- (e) The maximum forfeiture for which the defendant might be found liable.
- (f) A date, time and place for the court appearance, and a notice to appear.
- (g) Provisions for deposit and stipulation in lieu of a court appearance.
- (h) Notice that the defendant may make a deposit and thereby obtain release if an arrest has been made.
- (i) Notice that if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the defendant will be deemed to have tendered a plea of no contest and submitted to a forfeiture plus costs not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and plea.
- (j) Notice that if the defendant makes a deposit and signs the stipulation, the defendant will be deemed to have tendered a plea of no contest and submitted to a forfeiture plus costs not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and stipulation, and that the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effects of the stipulation.
- (k) Notice that if the defendant does not make a deposit and fails to appear in court at the time fixed in the citation, the court may issue a summons or an arrest warrant.
- (L) Any other pertinent information.

23.55 Complaint and summons forms. (1) COMPLAINT. It must appear on the face of the complaint that there is probable cause to believe that a violation has been committed and that the defendant has committed it. The complaint shall accompany the summons and shall contain the information set forth in s. 23.54 (3) (a) to (d) and:

- (a) The title of the cause, specifying the name of the court and county in which the action is brought and the names and addresses of the parties to the action.
 - (b) A plain and concise statement of the violation identifying the event or occurrence from which the violation arose and showing that the plaintiff is entitled to relief, the statute upon which the cause of action is based and a demand for a forfeiture, the amount of which shall not exceed the maximum set by the statute involved, and such other relief that is sought by the plaintiff.
 - (c) In an action by or against a corporation the complaint must aver its corporate existence and whether it is a domestic or foreign corporation.
- (2) SUMMONS. The summons shall contain:
- (a) The title of the cause, specifying the name of the court and county in which the action is brought and the names of all parties to the action.
 - (b) A direction summoning and requiring the defendant to appear in a specified court on a particular date not less than 10 days following service of the summons to answer the accompanying complaint.

(c) A notice that in case of failure to appear, judgment may be rendered against the defendant according to the demand of the complaint, or the court may issue a warrant for the defendant's arrest.

23.56 Arrest with a warrant. (1) A person may be arrested for a violation of those statutes enumerated in s. 23.50 (1), any administrative rules promulgated thereunder, or any local ordinances enacted by any local authority in accordance with s. 30.77, after a warrant that substantially complies with s. 968.04 has been issued. Except as provided in sub. (2), the person arrested shall be brought without unreasonable delay before a court having jurisdiction to try the action.

(2) In actions to collect forfeitures, the judge who issues a warrant under sub. (1) may indorse upon the warrant the amount of the deposit. If no indorsement is made, the deposit schedule under s. 23.66 shall apply, unless the court directs that the person be brought before the court.

23.57 Arrest without a warrant. (1) A person may be arrested without a warrant when the arresting officer has probable cause to believe that the person is committing or has committed a violation of those statutes enumerated in s. 23.50 (1), any administrative rules promulgated thereunder, or any local ordinances enacted by any local authority in accordance with s. 30.77; and:

(a) The person refuses to accept a citation or to make a deposit under s. 23.66; or

(b) The person refuses to identify himself or herself satisfactorily or the officer has reasonable grounds to believe that the person is supplying false identification; or

(c) Arrest is necessary to prevent imminent bodily harm to the enforcing officer or to another.

(2) In all cases the officer shall bring the person arrested before a judge without unnecessary delay.

23.58 Temporary questioning without arrest. After having identified himself or herself as an enforcing officer, an enforcing officer may stop a person in a public place for a reasonable period of time when the officer reasonably suspects that such person is committing, is about to commit or has committed a violation of those statutes enumerated in s. 23.50 (1), any administrative rules promulgated thereunder, or any local ordinances enacted by any local authority in accordance with s. 30.77. Such a stop may be made only where the enforcing officer has proper authority to make an arrest for such a violation. The officer may demand the name and address of the person and an explanation of the person's conduct. Such detention and temporary questioning shall be conducted in the vicinity where the person was stopped.

23.59 Search during temporary questioning. When an enforcing officer has stopped a person for temporary questioning pursuant to s. 23.58 and reasonably suspects that he or she or another is in danger of physical injury, the officer may search such person for weapons or any instrument or article or substance readily capable of causing physical injury and of a sort not ordinarily carried in public places by law abiding persons. If the officer finds such a weapon or instrument, or any other property possession of which he or she reasonably believes may constitute the commission of a violation of those statutes enumerated in s. 23.50 (1) or which may constitute a threat to his or her safety, the officer may take it and keep it until the completion of the questioning, at which time he or she shall either return it, if lawfully possessed, or arrest the person so questioned for possession of the weapon, instrument, article or substance, if he or she has the authority to do so, or detain the person until a proper arrest can be made by appropriate authorities. Searches during temporary questioning as provided under this section shall only be conducted by those enforcing officers who have the authority to make arrests for crimes.

23.60 Search incident to the issuance of a lawfully issued citation. If the enforcing officer has stopped a person to issue a citation pursuant to s. 23.62 and reasonably suspects that he or she or another is in danger of physical injury, the officer may search such person for weapons or any instrument or article or substance readily capable of causing physical injury and of a sort not ordinarily carried in public places by law abiding persons. If the officer finds such a weapon or instrument, or any other property possession of which he or she reasonably believes may constitute the commission of a violation of those statutes enumerated in s. 23.50 (1), or which may constitute a threat to his or her safety, the officer may take it and keep it until he or she has completed issuing the citation, at which time the officer shall either return it, if lawfully possessed, or arrest the person for possession of the weapon, instrument, article or substance, if he or she has the authority to do so, or detain the person until a proper arrest can be made by appropriate authorities.

23.61 Search and seizure; when authorized. A search of a person, object or place may be made and things may be seized when the search is made:

- (1) Incident to a lawful arrest;
- (2) With consent;
- (3) Pursuant to a valid search warrant;
- (4) With the authority and within the scope of a right of lawful inspection;
- (5) Incident to the issuance of a lawfully issued citation under s. 23.60;
- (6) During an authorized temporary questioning under s. 23.59; or
- (7) As otherwise authorized by law.

23.62 Issuance of a citation. Whenever an enforcing officer has probable cause to believe that a person subject to his or her authority is committing or has committed a violation of those statutes enumerated in s. 23.50 (1), any administrative rules promulgated thereunder, or any local ordinances enacted by any local authority in accordance with s. 30.77, the officer may proceed in the following manner:

- (1) Issue a citation to the defendant in the form specified in s. 23.54, a copy of which shall be filed with the clerk of courts in the county where the violation was committed or with the office of the municipal justice in the case of an ordinance violation;
- (2) Proceed, in proper cases, under s. 23.56 or 23.57; or
- (3) Bring the information to the district attorney so that he or she may proceed pursuant to s. 23.65.

23.63 Officer's action after issuance of citation. After the enforcing officer has issued a citation, the officer:

- (1) May release the defendant;
- (2) Shall release the defendant when he or she:
 - (a) Makes a deposit under s. 23.66; or
 - (b) Makes a deposit and stipulation of no contest under s. 23.67.
- (3) Shall proceed under s. 23.57, if the defendant is not released.

23.64 Deposit after release. A person who is released under s. 23.63 shall be permitted to make a deposit any time prior to the court appearance date. The deposit shall be made with the clerk of the court of the county in which the violation occurred or the office of the municipal court having jurisdiction.

23.65 Issuance of complaint and summons. (1) When it appears to the district attorney that a violation of s. 134.60 or ch. 23, 26, 27, 28, 29, 30, 31 or 350, or any

administrative rule promulgated pursuant thereto, has been committed the district attorney may proceed by complaint and summons.

(2) The complaint shall be prepared in the form specified in s. 23.55. After a complaint is prepared, it shall be filed with the judge and a summons shall be issued or the complaint shall be dismissed pursuant to s. 968.03. Such filing commences the action.

(3) If a district attorney refuses or is unavailable to issue a complaint, a county judge, after conducting a hearing, may permit the filing of a complaint if he or she finds there is probable cause to believe that the person charged has committed a violation of a chapter enumerated in sub. (1). The district attorney shall be informed of the hearing and may attend.

23.66 Deposit. (1) If pursuant to the procedure of s. 23.62 a person is cited or arrested, such person may deposit the amount of money the enforcing officer directs by mailing such deposit and a copy of the citation to the office of the clerk of courts in the county where the offense occurred or to the office of the municipal court having jurisdiction, or by going to the office of the clerk of courts or municipal court, the office of the sheriff, or any city, village or town police headquarters.

(2) The person receiving the deposit shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of court or municipal court regarding the disposition of the deposit, and notifying the defendant that if he or she fails to appear in court at the time fixed in the citation he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture plus costs not to exceed the amount of the deposit which the court may accept. The original of the receipt shall be delivered to the defendant in person or by mail. If the defendant pays by check, such check shall be considered a receipt.

(3) If the court does not accept the deposit as a forfeiture for the offense, a summons shall be issued. If the defendant fails to respond to the summons, an arrest warrant shall be issued.

(4) The basic amount of the deposit shall be determined in accordance with a deposit schedule which the board of county judges shall establish. Annually, the board shall review and may revise the schedule. In addition to the basic amount determined according to the schedule, the deposit shall include court costs and suit tax if applicable.

23.67 Deposit and stipulation of no contest. (1) If pursuant to the procedure of s. 23.62 a person is cited or arrested, such person may make a deposit and stipulation of no contest, and submit them in the same manner as the deposit in s. 23.66.

(2) The deposit and stipulation of no contest may be made at any time prior to the court appearance date. By signing the stipulation, the defendant is deemed to have tendered a plea of no contest and submitted to a forfeiture plus costs not to exceed the amount of the deposit.

(3) The person receiving the deposit and stipulation of no contest shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of court or municipal court regarding the disposition of the deposit, and notifying the defendant that if the stipulation of no contest is accepted by the court the defendant will be deemed to have submitted to a forfeiture plus costs not to exceed the amount of the deposit. Delivery of the receipt shall be made in the same manner as in s. 23.66.

(4) If the court does not accept the deposit and stipulation of no contest, a summons shall be issued. If the defendant fails to respond to the summons, an arrest warrant shall be issued.

(5) The defendant may, within 10 days after signing the stipulation or at the time of the court appearance date, move the court for relief from the effects of the stipulation, pursuant to s. 23.75 (3) (c).

23.68 Pleading. The citation or complaint issued pursuant to s. 23.62 or 23.65 may serve as the initial pleading and, notwithstanding any other provisions of the statutes, shall be deemed adequate process to give the appropriate court jurisdiction over the person upon the filing of the citation or complaint with such court.

23.69 Motions. Any motion which is capable of determination without the trial of the general issue shall be made before trial.

23.70 Arraignment; plea. (1) If the defendant appears in response to a citation or a summons, or is arrested and brought before a court with jurisdiction to try the case, the defendant shall be informed that he or she is entitled to a jury trial and then asked whether he or she wishes to plead. If the defendant wishes to plead, he or she may plead guilty, not guilty or no contest.

(2) If the defendant pleads guilty or no contest, the court may accept the plea, find the defendant guilty and proceed under s. 23.78.

23.71 Not guilty plea; immediate trial. If the defendant pleads not guilty and states that he or she waives the right to jury trial and wishes an immediate trial, the case may be tried forthwith if the state consents.

23.72 Not guilty plea. If the defendant pleads not guilty the court shall set a date for trial or advise the defendant that he or she will be notified of the date set for trial. The defendant shall be released upon payment of a deposit as set forth in s. 23.66, or the court may release the defendant on his or her own recognizance. If a defendant fails to appear at the date set under this section, the court may issue a warrant under ch. 968 and, if the defendant has posted a deposit for appearance at that date, the court may order the deposit forfeited.

23.73 Discovery. Neither party is entitled to pretrial discovery except that if the defendant moves within 10 days after the alleged violation and shows cause therefor, the court may order that the defendant be allowed to inspect and test under such conditions as the court prescribes, any devices used by the plaintiff to determine whether a violation has been committed and may inspect the reports of experts relating to those devices.

23.74 Mode of trial. (1) The defendant shall be informed of the right to a jury trial in county court on payment of fees required by s. 23.77 (1). If the defendant requests a jury trial in municipal court and pays the fees required by s. 23.77, the justice shall promptly transmit all papers and fees in the cause to the clerk of the county court of the county where the violation occurred.

(2) If both parties, in a court of record, request a trial by the court or if neither demands a trial by jury, the right to a trial by jury is waived.

23.75 Proceedings in court. (1) If the defendant appears in court at the time directed in the citation or summons, the case shall be tried as provided by law.

(2) If the defendant fails to appear in court at the time fixed in the complaint and summons, judgment may be rendered against the defendant according to the demand of the complaint, or the court may issue a warrant for the defendant's arrest.

(3) If the defendant fails to appear in court at the time fixed in the citation or by subsequent postponement, the following procedure shall apply:

(a) If the defendant has not made a deposit, the court may issue a summons or an arrest warrant.

(b) If the defendant has made a deposit, the citation may serve as the initial pleading and the defendant shall be deemed to have tendered a plea of no contest and

submitted to a forfeiture plus the fees and suit tax set forth in s. 23.82, not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons. If the defendant fails to appear in response to the summons, the court shall issue an arrest warrant. If the court accepts the plea of no contest, the defendant may move within 90 days after the date set for appearance to withdraw the plea of no contest, open the judgment and enter a plea of not guilty if the defendant shows to the satisfaction of the court that failure to appear was due to mistake, inadvertence, surprise or excusable neglect. If a party is relieved from the plea of no contest, the court or judge may order a written complaint to be filed and set the matter for trial. After trial the costs and fees shall be taxed as provided by law. If on reopening the defendant is found not guilty, the court shall delete the record of conviction and shall order the defendant's deposit returned.

(c) If the defendant has made a deposit and stipulation of no contest, the citation may serve as the initial pleading and the defendant shall be deemed to have tendered a plea of no contest and submitted to a forfeiture plus the fees and suit tax set forth in s. 23.82, not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons. If the defendant fails to appear in response to the summons, the court shall issue an arrest warrant. After signing a stipulation of no contest, the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effect of the stipulation. The court may act on such motion, with or without notice, for cause shown by affidavit and upon just terms, and relieve the defendant from the stipulation and the effects thereof. If the defendant is relieved from the stipulation of no contest, the court may order a citation or complaint to be filed and set the matter for trial. After trial the costs and fees shall be taxed as provided by law.

(4) If a citation or summons is issued to a defendant and he or she is unable to appear in court on the day specified, the defendant may enter a plea of not guilty by mailing to the judge at the address indicated on the citation or summons a letter stating such plea. The letter must show the defendant's return address. Such letter may include a request for trial during normal daytime business hours. Upon receipt of the letter, the judge shall reply by letter to the defendant's address setting forth a time and place for trial, such time to be during normal business hours if so requested. The date of the trial shall be at least 10 days from the mailing by the judge. Nothing in this subsection forbids the setting of the trial at any time convenient to all parties concerned.

(5) Costs shall not be taxed against the plaintiff.

23.76 Burden of proof. In all actions under this chapter, the state must convince the trier of fact to a reasonable certainty of every element of the offense by evidence that is clear, satisfactory and convincing.

23.77 Jury trial. (1) (a) If a case has been transferred under s. 23.74, or if in county court either party files a written demand for a jury trial within 20 days after the court appearance date and immediately pays the suit tax and jury and clerk's fees specified in s. 23.82, the court shall place the case on the jury calendar of the county court. The demand shall specify whether trial is to be by a jury of 6 or 12. If no party demands a jury of 12, the right to trial by jury of 12 is waived forever.

(b) Any jury fee paid under this section shall be refunded if:

1. The case is dismissed by the court prior to the commencement of the trial;
2. The defendant pleads guilty to the charge or a lesser charge more than 24 hours before the jury is required to report to the court;
3. The defendant paid suit tax and jury and clerk's fees prior to the judgment, and the judgment is for the defendant.

(2) If there is a demand for a trial by a jury of 12, the procedure applicable to jury trials in civil actions shall apply.

(3) (a) If there is a demand for a trial by jury of 6, the provisions of s. 345.43 (3) (a) and (b) are applicable.

(b) Jurors may all be residents of a municipality in which the court is held unless the defendant demands a county-wide jury. For this purpose the municipal jury list of s. 345.43 (3) (c) shall be used.

23.78 Verdict. A verdict is valid if agreed to by five-sixths of the jury. If a verdict relates to more than one count, it shall be valid as to any count if any five-sixths of the jury agree thereto. The form of the verdict shall be guilty or not guilty. The amount of the forfeiture shall be stated by the court after a finding of guilty.

23.79 Judgment. (1) If the defendant is found guilty, the court may enter judgment against the defendant for a monetary amount not to exceed the maximum forfeiture provided by the statute for the violation and for costs.

(2) The payment of any judgment may be suspended or deferred for not more than 90 days in the discretion of the court. In cases where a deposit has been made, any forfeitures and costs shall be taken out of the deposit and the balance, if any, returned to the defendant.

(3) In addition to any monetary penalties, the court may order the defendant to perform or refrain from performing such acts as may be necessary to fully protect and effectuate the public interest. The court may order abatement of a nuisance, restoration of a natural resource, or other appropriate action designed to eliminate or minimize any environmental damage caused by the defendant.

(4) The court may, where provided by law, revoke or suspend any or all privileges and licenses.

(5) All civil remedies are available in order to enforce the judgment of the court, including the power of contempt under ch. 295.

23.80 Judgment against a corporation or municipality. (1) If a corporation or municipality fails to appear within the time required by the citation or summons, the default of such corporation or municipality may be recorded and the charge against it taken as true and judgment shall be rendered accordingly.

(2) Upon default of the defendant corporation or municipality, or upon conviction, judgment for the amount of the forfeiture shall be entered.

23.81 Effect of plea of no contest. Forfeiture of deposit under s. 23.75 (3) (b), an accepted plea of no contest under s. 23.70, or a stipulation of no contest under s. 23.75 (3) (c) to a charge of violation of a natural resources law shall not be admissible in evidence as an admission against interest in any action or proceeding arising out of the same occurrence.

23.82 Suit tax and fees. (1) The following fees shall be paid by the defendant when judgment is entered against the defendant:

(a) Suit tax, \$3; and

(b) Clerk's fee, \$2.

(2) The following fees shall be paid when a written demand is made for a jury pursuant to s. 23.77:

(a) Twelve-person jury, \$24;

(b) Six-person jury, \$12;

(c) Suit tax, \$8; and

(d) Clerk's fee, \$6.

(3) The following fees shall be paid to the clerk of court upon appeal to the circuit court:

- (a) Suit tax, \$5; and
- (b) Filing fee, \$5.

23.83 Appeal. (1) **JURISDICTION ON APPEAL.** Appeal may be taken by either party to the circuit court for the county. On appeal from municipal court, the defendant is entitled to a trial de novo and to a jury trial, on request. On appeal from the county court, the circuit court has power similar to that of the supreme court under ch. 817 to review and to affirm, reverse, remand or modify the judgment appealed from.

(2) **STAY OF EXECUTION.** The amount of undertaking required to stay execution on appeal shall not exceed the amount of the maximum forfeiture plus court costs.

(3) **PROCEDURE ON APPEAL.** Within 15 days after judgment, appeal may be taken to the circuit court by filing a notice of appeal with the municipal court or with the clerk of the trial court, and by serving a copy of such notice on the opposing party or his attorney. If the action was tried in the county court the appellant shall, within 40 days after the notice of appeal was filed, file with the clerk of the trial court either a transcript of the reporter's notes of the trial or a statement that the appeal can be supported by the case file without a transcript. The appellant shall pay the cost of preparing the transcript, and shall deliver a copy of the transcript to all parties. Within 10 days after the transcript or statement is filed with the clerk, the clerk shall return the case file and the transcript or statement to the circuit court, and shall notify the parties of such filing in the circuit court.

23.84 Forfeitures collected; to whom paid. All moneys collected in favor of the state or a municipality for forfeiture shall be paid by the officer who collects the same to the appropriate municipal or county treasurer, within 20 days after its receipt by such officer. In case of any failure in such payment the municipal or county treasurer may collect the same from the officer by an action in the treasurer's name of office and upon the official bond of the officer, with interest at the rate of 12% per annum from the time when it should have been paid.

23.85 Statement to county board; payment to state. Every county treasurer shall, on the first day of the annual meeting of the county board, submit to it a verified statement of all forfeitures money received during the year next preceding. The county clerk shall deduct all expenses incurred by the county in recovering such forfeitures from the aggregate amount so received, and shall immediately certify to the county treasurer the amount of clear proceeds of such forfeitures, so ascertained, who shall pay the same to the state treasurer.

23.90 Place of trial. (1) Civil actions shall be tried in the county where the offense was committed, except as otherwise provided.

(2) Where 2 or more acts are requisite to the commission of any offense, the trial may be in any county in which any of such acts occurred.

(3) Where an offense is committed on or within one-fourth of a mile of the boundary of 2 or more counties, the defendant may be tried in any of such counties.

(4) If an offense is commenced outside the state and is consummated within the state, the defendant may be tried in the county where the offense was consummated.

(5) If an offense is committed on boundary waters at a place where 2 or more counties have common jurisdiction under s. 2.03 or 2.04 or under any other law, the prosecution may be in either county. The county whose process against the offender is first served shall be conclusively presumed to be the county in which the offense was committed.

23.99 Parties to a violation. (1) Whoever is concerned in the commission of a violation of this chapter for which a forfeiture is imposed is a principal and may be charged with and convicted of the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.

(2) A person is concerned in the commission of the violation if the person:

- (a) Directly commits the violation;
- (b) Aids and abets the commission of it; or
- (c) Is a party to a conspiracy with another to commit it or advises, hires or counsels or otherwise procures another to commit it.

SECTION 5. 26.03 (2) of the statutes is amended to read:

26.03 (2) PENALTIES. Whoever violates sub. (1) (a) may be fined not less than \$10 nor more than \$50, or imprisoned for not less than 10 nor more than 30 days, or both. Whoever violates sub. (1) (b) may be fined not less than \$10 nor more than \$200, or imprisoned not more than 60 days, or both this section shall forfeit not more than \$50.

SECTION 6. 26.04 of the statutes is amended to read:

26.04 Timber trespass. Any person who unlawfully cuts or directs or contracts for the cutting of forest products on the lands of another, which is defined to include privately owned lands and those of any unit of government, and lands to which the state holds a land contract certificate under ch. 24, or lands to which any county holds a tax certificate, shall be punished as provided in s. 26.15 without the consent of a person legally able to give consent, shall forfeit not more than \$50.

SECTION 7. 26.06 (2) of the statutes is amended to read:

26.06 (2) Any person unlawfully removing who, without the consent of a person legally able to give consent, removes any seized products or removing or defacing the removes or defaces a seizure notice of the department or of any sheriff posted thereon, shall be punished as provided in s. 26.15 forfeit not more than \$50.

SECTION 8. 26.14 (5) and (6) of the statutes are amended to read:

26.14 (5) Any person who shall set sets a fire or assist assists in the setting of a fire, including a back fire, on any lands in this state not his own or under his control, shall and fails to totally extinguish such fire before leaving it, and upon failure so to do shall be fined not less than \$10 and not to exceed \$100, more than \$100 or imprisoned not exceeding 2 months, more than 30 days or both.

(6) Any It shall be unlawful for any person who sets to set a fire or assists assist in the setting of a fire, including a back fire, upon his or her own land or land under his or her control and who allows to allow such fire to escape and become a forest fire shall be fined not less than \$10 and not to exceed \$100, or imprisoned not exceeding 2 months, or both. Any person violating this subsection shall be fined not more than \$100 or imprisoned not more than 90 days or both.

SECTION 9. 26.14 (7a), (7b) and (8) of the statutes are renumbered 26.14 (7), (8) and (9), and 26.14 (7) and (8), as renumbered, are amended to read:

26.14 (7) It shall be unlawful for any person to set or assist in setting a fire upon marsh or other land in the state for the purpose of driving out game birds or animals. The possession of firearms upon any marsh while it is on fire shall be prima facie evidence of such violation. Any person who violates this section shall be fined not less than \$25 nor more than \$200 or imprisoned not exceeding 3 months more than 90 days or both.

(8) Any person who shall wilfully and maliciously set intentionally sets fire on

any to the land of another or to a marsh shall be fined not more than \$1,000 or imprisoned in the state prison not less than one year nor more than 2 years or both.

SECTION 10. 26.15 of the statutes is amended to read:

26.15 Responsibility of wardens and citizens. Any fire warden who shall refuse refuses to carry out this chapter, or any able-bodied citizen who shall refuse refuses to render assistance as provided by this chapter, or any citizen who shall violate any of the other provisions of this chapter for which a penalty is not otherwise provided shall be fined not less than \$10 or more than \$50, or imprisoned not less than 10 days or more than 30 days, or both shall forfeit not more than \$50.

SECTION 11. 26.16 of the statutes is created to read:

26.16 General penalty. Any person who violates a provision of this chapter for which no penalty is provided shall forfeit not more than \$50.

SECTION 12. 26.18 of the statutes is amended to read:

26.18 District attorneys to prosecute. Whenever an arrest has been made for any violation of this chapter, or whenever any information of such violation has been lodged with him or her, the district attorney of the county in which the criminal act was committed shall may prosecute the offender. If any district attorney fails to comply with this section, he shall be fined not less than \$100 nor more than \$1,000, or imprisoned in county jail not less than 30 days nor more than one year, or both.

SECTION 13. 26.19 of the statutes is amended to read:

26.19 Destruction of forest protection equipment or notices. (1) Any person who shall destroy, deface, remove or molest or destroy destroys, defaces, removes or molests any forest protection equipment or property or disfigure any forest fire sign, poster or warning notice, shall be fined not less than \$25 nor more than \$100, or imprisoned not less than 10 days nor more than 3 months 90 days, or both.

(2) Any person who disfigures any forest fire sign, poster or warning notice shall forfeit not more than \$100.

SECTION 14. 26.20 (7) and (9) of the statutes are amended to read:

26.20 (7) FIRE PATROL. All such corporations, during a dangerously dry season, and when so directed by the department, shall provide fire patrols for duty along their tracks. Whenever the department shall deem it necessary it may order such corporations to provide for patrolmen fire patrol personnel to follow each train throughout such districts as may be necessary to prevent fires. When the department has given a corporation such notice that in its opinion the conditions require such patrol after trains, the corporation shall immediately comply with such instructions throughout the districts designated; or on its failure to do so, the department may employ patrolmen fire patrol personnel, and furnish them with the necessary equipment to patrol the rights of way rights-of-way of such corporations, and the expense of the same shall be charged to the corporation and the same may be recoverable in a civil action in the name of this state, and in addition thereto, the said corporation shall be deemed guilty of a misdemeanor is subject to the penalties under sub. (9). Such corporation, acting independently of the department, shall patrol its rights of way rights-of-way after the passage of each train when necessary to prevent the spread of fires and use the highest degrees of diligence to prevent the setting and spread of fires, and its officers and employes operating trains in this state, shall use diligence in the extinguishment of fires set by locomotives or found existing upon their respective rights of way rights-of-way, and any negligence in this regard shall render

such corporation or any officer or employe thereof guilty of a misdemeanor subject to the penalties under sub. (9). Every corporation affected by this section shall designate and register with the department an officer or some other person to be responsible for carrying out the corporation's responsibilities with the highest degree of diligence. If such officer or person fails in such duty, he or she shall forfeit not more than \$500.

(9) PENALTY. Any corporation, by its officers, agents, or employes, wilfully violating this section, shall be liable to a penalty of not less than \$50 nor more than \$500 for each and every such violation, to be collected in a civil action in the name of the state forfeit not more than \$500.

SECTION 15. 26.99 of the statutes is created to read:

26.99 Parties to a violation. (1) Whoever is concerned in the commission of a violation of this chapter for which a forfeiture is imposed is a principal and may be charged with and convicted of the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.

- (2) A person is concerned in the commission of the violation if the person:
 - (a) Directly commits the violation;
 - (b) Aids and abets the commission of it; or
 - (c) Is a party to a conspiracy with another to commit it or advises, hires or counsels or otherwise procures another to commit it.

SECTION 16. 27.012 (7) (a) of the statutes is amended to read:

27.012 (7) (a) *Intentional violations.* Whoever intentionally violates sub. (2), or shall forfeit not more than \$100. Whoever intentionally defaces, injures, destroys, displaces or removes any archaeological object or data belonging to the state, or intentionally interferes with evidence or work on any state site for which a permit has been issued under this section or intentionally violates any other provision of this section may shall be fined not more than \$100 or imprisoned not more than 90 days or both.

SECTION 17. 27.99 of the statutes is created to read:

27.99 Parties to a violation. (1) Whoever is concerned in the commission of a violation of this chapter for which a forfeiture is imposed is a principal and may be charged with and convicted of the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.

- (2) A person is concerned in the commission of the violation if the person:
 - (a) Directly commits the violation;
 - (b) Aids and abets the commission of it; or
 - (c) Is a party to a conspiracy with another to commit it or advises, hires or counsels or otherwise procures another to commit it.

SECTION 18. 28.06 (4) and (5) of the statutes are amended to read:

28.06 (4) RESALE OF NURSERY STOCK. Any person who sells forestry stock secured from the department shall be fined not less than \$50 nor more than \$100 forfeit not more than \$100.

(5) FORFEITURES. Any person who uses planting stock which he or she knows was produced in state forest nurseries for any purpose other than those specified in sub. (2) or for ornamental or landscape planting shall forfeit for each violation not more than \$1,000. The attorney general, upon report of any violation by the secretary, shall

~~enforce said forfeiture \$500.~~

SECTION 19. 28.99 of the statutes is created to read:

28.99 Parties to a violation. (1) Whoever is concerned in the commission of a violation of this chapter for which a forfeiture is imposed is a principal and may be charged with and convicted of the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.

(2) A person is concerned in the commission of the violation if the person:

- (a) Directly commits the violation;
- (b) Aids and abets the commission of it; or

(c) Is a party to a conspiracy with another to commit it or advises, hires or counsels or otherwise procures another to commit it.

SECTION 20. 29.05 [(1) to (7)] of the statutes is [are] amended to read:

29.05 Police powers; searches; seizures. (1) WARRANTS, ARRESTS. The department and its wardens may execute and serve warrants and processes issued under any law relating to wild animals and ss. 29.221, 30.12, 30.125, 30.18, 30.195, 30.50 to 30.80, enumerated in s. 23.50 (1), 346.19, 346.94 (6) and (6m), 940.24, 941.20, 941.22 and 947.047 and ch. 350, except where applicable to highways, in the same manner as any constable may serve and execute such process; and may arrest, with or without a warrant, any person detected in the actual violation, or whom such officer has reasonable probable cause to believe guilty of a violation under this chapter or ss. 30.12, 30.18, 30.195, 30.50 to 30.80, 346.19, 346.94 (6) and (6m), 940.24, 941.20, 941.22 and 947.047, or ch. 350, except where applicable to highways of any of the laws cited in this subsection, whether such violation is punishable by criminal penalties or civil forfeiture and may take such person before any court in the county where the offense was committed and make proper complaint. For the purpose of enforcing ss. 30.50 to 30.80 and ch. 350, except where applicable to highways any of the laws cited in this subsection, any such officer may stop and board any boat and stop any automobile, snowmobile or other vehicle, if he has reasonable cause to believe the officer reasonably suspects there is a violation of such sections.

(2) INVESTIGATIONS. Such officers shall, upon receiving notice or information that this chapter or ss. 30.12, 30.18, 30.195, 346.19, 346.94 (6) and (6m), 940.24, 941.20 and 941.22 or ch. 350, except s. 350.10 (6) to (13) and except where applicable to highways, has been violated of the violation of any laws cited in sub. (1), as soon as possible make a thorough investigation thereof, and cause proceedings to be instituted if the proofs at hand warrant it.

(4) OPENING PACKAGES. The department and its wardens may examine and open any package in the possession of a common carrier which they suspect or have reason probable cause to believe contains contraband wild animals, or carcasses or parts thereof, or is falsely labeled in violation of this chapter; and every such common carrier, and every agent, servant, or employe thereof, shall permit any such officer to examine and open any such package. Any package so opened shall be restored to its original condition.

(5) ACCESS TO STORAGE PLACES. They shall be permitted by the owner or occupant of any cold storage warehouse or building used for the storage or retention of wild animals, or carcasses or parts thereof, to enter and examine said premises subject to ss. 66.122 and 66.123; and the said owner or occupant, or his the agent, servant, or employe of the owner, shall deliver to any such officer any wild animal, or carcass or part thereof, in his or her possession during the close closed season therefor, whether taken within or without the state.

(6) SEIZURE AND CONFISCATION OF GAME, OR GAME FISH. They shall seize and confiscate in the name of the state any wild animal, or carcass or part thereof, caught, killed, taken, had in possession or under control, sold or transported in violation of this chapter; and any such officer may, with or without warrant, open, enter and examine all buildings, camps, vessels or boats in inland or outlying waters, wagons, automobiles or other vehicles, cars, stages, tents, suit cases, valises, packages, and other receptacles and places where ~~he the officer has reason probable cause to believe that wild animals, taken or held in violation of this chapter, are to be found; but no dwelling house or sealed railroad cars shall be searched for the above purposes without a warrant.~~

(7) SALE OF CONFISCATED PROPERTY. They shall seize and hold subject to the order of the court or judge located in the county in which the alleged offense was committed, any apparatus, appliance, or any vehicle or device, declared by this chapter to be a public nuisance, ~~or~~ which they have reason probable cause to believe is being used in violation of this chapter or ss. 346.94 (6) and (6m), 940.24, 941.20, 941.22 and 947.047, and if it is proven that the same is, or has been within 6 months previous to such seizure, used in violation of this chapter or ss. 346.94 (6) and (6m), 940.24, 941.20, 941.22 and 947.047, the same shall be confiscated if the court so directs in its order for judgment. Any seizure of perishable property made by the department or its wardens may be sold at the highest available price, and the proceeds of such sale turned into court to await disposition of such proceeds as the court directs. It is lawful for any conservation warden or other ministerial officers charged with the enforcement of the laws dealing with the conservation of the natural resources of the state, to destroy any dog found running, worrying, or killing any deer, or destroying game birds, their eggs or nests, wherein they deem it advisable and necessary.

SECTION 21. 29.09 (7) of the statutes is amended to read:

29.09 (7) RETURN OF FEES BY COUNTY CLERK. The statutory license fees collected by the county clerk shall be remitted ~~by him~~ to the department by the 20th of each month, with a report of the number of licenses issued by ~~him~~ the clerk and his ~~or her~~ deputies during the preceding month and the amount of money remitted. ~~For failure to so If the clerk does not remit, he the clerk shall be fined under s. 29.63 (1) (d) forfeit not more than \$100.~~ All unused license blanks shall be returned by the county clerk to the department at the close of the year for which supplied. The department shall determine the disposition of license stubs by county clerks at the close of the year for which they are issued.

SECTION 22. 29.134 (11) of the statutes is amended to read:

29.134 (11) Any person who violates this section shall be fined not more than \$1,000, or imprisoned not more than ~~one year 9 months~~, or both, ~~except that any~~ Any person violating sub. (6m) shall ~~be fined not less than \$10 nor more than \$100 or imprisoned not less than 30 days nor more than 6 months or both~~ forfeit not more than \$100.

SECTION 23. 29.135 (6) of the statutes is amended to read:

29.135 (6) Any person who violates this section or who has illegal fish in his ~~or her~~ possession shall ~~be fined not less than \$75 nor more than \$200 or imprisoned not less than 30 days nor more than 6 months or both~~ forfeit not more than \$200.

SECTION 24. 29.136 (3) of the statutes is amended to read:

29.136 (3) Any person who violates this section shall ~~be fined not less than \$50 or more than \$100, or be imprisoned not less than 10 nor more than 60 days~~ forfeit not more than \$100.

SECTION 25. 29.137 (9) of the statutes is amended to read:

29.137 (9) Any person who molests, damages, destroys or takes the bait traps of

another may be fined not more than \$100, regardless of intent, shall forfeit not more than \$100.

SECTION 26. 29.165 (2) of the statutes is amended to read:

29.165 (2) Any person, licensed as a guide, violating this section shall be fined not less than \$10 nor more than \$100 or imprisoned not less than 30 days or more than 6 months or both; forfeit not more than \$100 and upon such conviction his the person's guide license shall be revoked for one year.

SECTION 27. 29.166 (3) of the statutes is amended to read:

29.166 (3) Any person, licensed as a sport troller, violating this section shall be fined not less than \$10 nor more than \$100 or imprisoned not less than 30 days or more than 6 months or both; forfeit not more than \$100 and upon such conviction his the person's guide license shall be revoked for one year.

SECTION 28. 29.22 (2) of the statutes is amended to read:

29.22 (2) COLOR OF CLOTHING. In the areas in which there is a season for the hunting of deer with firearms, no person shall may hunt any game except waterfowl during such season unless at least 50% of the visible portion of his the hunting cap and at least 50% of his the jacket of such person, excluding the sleeves, shall be red, orange or bright yellow or covered with a handkerchief or cloth of red, orange or bright yellow color. Any person violating this subsection shall upon conviction be fined \$10 forfeit not more than \$10.

SECTION 29. 29.221 (2) of the statutes is amended to read:

29.221 (2) Any person intentionally failing to comply with sub. (1) shall be fined not less than \$5 nor more than \$5,000, or imprisoned in the county jail not less than 10 days nor to exceed one year not more than one year, or both. Any person who neglects to comply with sub. (1) shall be fined not more than \$5,000 or imprisoned not more than 9 months or both.

SECTION 30. 29.222 (2) of the statutes is amended to read:

29.222 (2) Any person who shall have has been involved in an accident with firearm or bow and arrow while hunting or trapping, and who shall fail fails to submit the report required by this section shall be fined not more than \$50 or imprisoned not to exceed 3 months, or both, and in forfeit not more than \$50. In addition, the court may revoke any license issued to him such person under ch. 29 this chapter and may further provide that no license shall be issued to him such person under ch. 29 this chapter for such fixed period of time that the court may deem just.

SECTION 31. 29.256 of the statutes is amended to read:

29.256 Taking homing pigeons. Any person who shall take, catch, kill, impede in its takes, catches, kills or impedes the progress or otherwise interfere interferes with any homing pigeon shall be fined not less than \$10 nor more than \$50, or imprisoned not more than 3 months forfeit not more than \$50.

SECTION 32. 29.288 of the statutes is amended to read:

29.288 (title) Throwing refuse in waters; abandoning automobiles, boats or other vehicles. Whoever deposits, places or throws into any waters within the jurisdiction of the state, or leaves upon the ice or in the water thereof, any cans, bottles, debris, refuse or other solid waste material, and whoever abandons any automobile, boat or other vehicle in such waters, may be fined not less than \$10 nor more than \$200 or imprisoned not more than 30 days or both shall forfeit not more than \$200. Any automobile, boat or other vehicle not removed from such waters within 30 days shall be deemed to be abandoned.

SECTION 33. 29.29 (1) and (3) of the statutes are amended to read:

29.29 (1) EXPLOSIVES; STUPEFACTIVES. No person ~~shall~~ may take, capture or kill fish or game of any variety in any waters of this state by means of dynamite or other explosives or poisonous or stupefying substances or devices; or place in any waters of this state explosives which might cause the destruction of fish or game, except for the purpose of raising dead bodies whenever ordered by the public authorities, or for the purpose of clearing a channel or breaking a log or ice jam; or have in his the possession or under his the control of such person, upon any inland waters, any dynamite or other explosives or poisonous or stupefying substances or devices for the purpose of taking, catching or killing fish or game. Whoever violates this subsection ~~may be fined not less than \$200 nor more than \$500, or imprisoned in the county jail not less than 9 months nor more than one year~~ shall be fined not more than \$500 or imprisoned not more than 90 days or both.

(3) DELETERIOUS SUBSTANCES. (a) No person may cast, deposit or throw overboard from any boat, vessel or other craft into any waters within the jurisdiction of the state, or deposit or leave upon the ice thereof until it melts, any fish offal; or, Any person violating this paragraph shall forfeit not more than \$200.

(b) No person may throw or deposit, or permit to be thrown or deposited, into any waters within the jurisdiction of the state any lime, oil, tar, garbage, refuse, debris, tanbark, ship ballast, stone, sand, except where permitted by s. 30.12 (2) (b), slabs, decayed wood, sawdust, sawmill refuse, planing mill shavings or waste material of any kind, or any acids or chemicals or waste or refuse arising from the manufacture of any article of commerce, or any other substance deleterious to game or fish life other than authorized drainage and sewage from municipalities and industrial or other wastes discharged from mines or commercial or industrial or ore processing plants or operations, through treatment and disposal facilities installed and operated in accordance with plans submitted to and approved by the department of natural resources under ch. 144, or in compliance with orders of that department. Any such order shall be subject to modification by subsequent orders. Any person violating this subsection ~~may be fined not less than \$10 nor more than \$200 or imprisoned not more than 30 days or both~~ paragraph shall forfeit not more than \$200. Each day of a continuing violation is a separate offense.

(c) Any person who intentionally violates this subsection shall be fined not more than \$200 or imprisoned not more than 90 days or both.

SECTION 34. 29.415 (5) (a) of the statutes is amended to read:

29.415 (5) (a) Whoever violates this section or any rules promulgated thereunder ~~may be fined not less than \$100 nor more than \$1,000 or imprisoned one year or both shall forfeit not more than \$1,000. Whoever intentionally violates this section or any rules promulgated thereunder shall be fined not more than \$1,000 or imprisoned not more than 9 months or both.~~

SECTION 35. 29.515 of the statutes is amended to read:

29.515 Trespass to state fish hatchery. Whoever does any of the following ~~may be fined not more than \$200 or imprisoned not more than 60 days~~ shall be fined not more than \$200 or imprisoned not more than 30 days or both:

(1) Enters Without proper authority, enters upon the grounds of any state fish hatchery for the purpose of unlawfully killing or taking fish therefrom; or

(2) Unlawfully and without Without proper authority, kills, takes or catches any fish from any waters or grounds belonging which the person knew or should have known belonged to or were connected with any state fish hatchery; or

(3) Without lawful proper authority to do so, intentionally or negligently injures any fish, or in any manner interferes harmfully with the ponds, streams, troughs or other property of a state fish hatchery.

SECTION 36. 29.52 (11) of the statutes is amended to read:

29.52 (11) Any person who, without permission of the licensee, trespasses on any licensed fish hatchery shall ~~be fined not more than \$200 or imprisoned not more than 30 days~~ forfeit not more than \$200; provided that the licensee gives notice by maintaining signboards at least one foot square, in at least 2 conspicuous places on each 40 acres of the lands included in such license. Prosecutions under this subsection shall be by the licensee.

SECTION 37. 29.546 (1) and (2) of the statutes are amended to read:

29.546 (1) Any person who shall wilfully cut, root up, sever, injure, destroy, remove or carry away on or from public ~~highway highways~~, public property or public waters or on or from the property of another, without the written permission of the owner or person entitled to possession, any American lotus, or who shall without such written permission wilfully sell, expose for sale or purchase any flowers, roots, seed pods, bulbs or whole plants of any American lotus so gathered or taken, shall ~~be imprisoned not more than 6 months or fined not exceeding \$100~~ forfeit not more than \$100.

(2) Any person who shall wilfully root up, injure, destroy, remove or carry away on or from public highways, public property or property of another, without the written permission of the owner or person entitled to possession, any trailing arbutus (*Epigaea repens*) or any species of lady's-slipper (*Cypripedium*) or any members of the orchid family (*Orchidaceae*) trillium (*Liliaceae*) of any species or any American bittersweet or any pitcher-plants (*Turk's caps*) or any wood lilies, or who shall without such written permission wilfully sell, expose for sale or purchase any flowers, roots, seed pods, bulbs or whole plants of any trailing arbutus, lady's-slipper, trillium, American bittersweet, Turk's caps or wood lilies so gathered or taken shall ~~be fined not to exceed \$100 or imprisoned not to exceed 30 days~~ forfeit not more than \$100. Subsections (1) and (2) shall not prevent licensed nurseries from selling, shipping, or otherwise disposing of any of said plants or parts thereof when such plants have been officially inspected and certified according to s. 94.60. There shall be attached to or accompany the plants or parts thereof a copy of the nursery certificate issued such nursery and the same shall be prima facie evidence that the plants or parts thereof legally were taken or transported.

SECTION 38. 29.573 (6) (b) of the statutes is amended to read:

29.573 (6) (b) Any person violating the above provisions shall ~~be fined not less than \$100 nor more than \$300 for each offense or imprisoned not exceeding 30 days, or both~~ forfeit not more than \$300.

SECTION 39. 29.574 (9) of the statutes is amended to read:

29.574 (9) Any person who violates this section shall ~~be fined not less than \$25 or more than \$50~~ forfeit not more than \$50.

SECTION 40. 29.578 (15) of the statutes is amended to read:

29.578 (15) Any person who shall unlawfully and without the permission of the owner, hunt ~~hunts~~ within the enclosure of ~~said a~~ deer farm ~~without the permission of the owner~~ or who shall violate ~~otherwise intentionally or negligently violates~~ this section shall be fined not less than \$100 nor more than \$200 or imprisoned not less than 60 days nor more than 6 months 90 days, or both.

SECTION 41. 29.582 (2) and (3) of the statutes are amended to read:

29.582 (2) Whenever the owner of any premises upon which silver, silver black, black foxes, or mutations thereof, or mink which have been raised in captivity are being bred or raised shall maintain large sign boards with the following inscription painted in large letters on the side facing from the enclosure: "Fur Farm—Keep Out"

in such manner and size as to be legible for a distance of 100 feet, at points not more than 200 feet apart, along the boundary lines of such premises, no person, without the consent of such owner, shall enter upon such premises and approach within a distance of 150 yards from any point of an outer fence or enclosure within which the dens or pens of such animals are located. Maintenance of signs herein provided shall not be construed as posting, nor prevent recovery of damages, under s. 29.595 (2). Any person violating this subsection shall be fined not more than \$200, or imprisoned not more than 6 months 90 days or both.

(3) No person, without the permission of the owner of an enclosure within which silver, silver black, black foxes, or mutations thereof, or mink which have been raised in captivity are kept for breeding purposes, shall may enter such enclosures. Any person intentionally violating this subsection shall be fined not more than \$200 or imprisoned not more than 6 months 30 days or both.

SECTION 42. 29.60 (2) of the statutes is amended to read:

29.60 (2) It shall be unlawful to No person may take, capture or kill or attempt to take, capture or kill any wild animal with the aid of dynamite or any other explosive or poison gas, or set any dynamite or other explosives near or on any beaver or muskrat houses. Possession or control of explosives or poison gases in places described in sub. (1) is prima facie evidence of intent to violate this subsection. Any person who violates this subsection shall be fined not less than \$100 nor more than \$300, or imprisoned not less than 3 months nor more than 6 months 30 days or both.

SECTION 43. 29.61 (5) of the statutes is amended to read:

29.61 (5) Any county, city, village, or town clerk or conservation warden who shall knowingly make makes any untrue or false certificate in respect to any animals on which a bounty is paid, and any person who shall obtain or endeavor obtains or endeavors to obtain any such certificate from such clerk or conservation warden by false or fraudulent misrepresentation or practices, and any person who shall obtain or endeavor knowingly obtains or endeavors to obtain a reward as provided in s. 29.61 this section for the killing of any animal that has been raised, reared, harbored or held in captivity by anyone shall be fined not exceeding more than \$500 or imprisoned not more than one year 9 months or both.

SECTION 44. 29.63 (1) and (3) of the statutes are repealed.

SECTION 45. 29.63 (2), (4) and (5) of the statutes are renumbered 29.99 (11) to (13).

SECTION 46. 29.635 of the statutes is renumbered 29.995 and amended to read:

29.995 Penalties; repeaters. (1) When any person is convicted of any violation of this chapter or of any department order, and it is alleged in the indictment, information or complaint, and proved or admitted on trial or ascertained by the court after conviction that he such person had been before convicted within a period of 5 years for a violation of this chapter or of a department order, by any court of this state, such person shall be fined not less than \$50 nor more than \$100, or imprisoned not less than 10 days nor more than 6 months or both. In addition thereto, all licenses issued to such person pursuant to this chapter shall be revoked and no license shall be issued to him such person for a period of one year thereafter.

(2) When any person is convicted and it is alleged in the indictment, information or complaint and proved or admitted on trial or ascertained by the court after conviction that he such person had been before convicted 3 times within a period of 3 years for violations of this chapter or department order punishable under ss. s. 29.134 (11), 29.29 (1) or 29.63 (1) (a), (e), (g) or (m) 29.99 (1), (5) or (9), or for violation of s. 29.48, or for violation of any statute or department order regulating the taking or possession of any wild animal or carcass thereof during the close closed

season therefor or any combination of such violations by any court of this state, and that such convictions remain of record and unreversed, whether pardoned therefor or not, such person shall be fined not more than \$500 or imprisoned for not less than 10 days nor more than one year 9 months or both.

(3) No penalty for any such violation shall may be reduced or diminished by reason of this section.

SECTION 47. 29.64 to 29.644 of the statutes are amended to read:

29.64 Resisting conservation warden. Any person who shall assault assaults or otherwise wilfully resist or obstruct resists or obstructs any conservation warden in the performance of his duty shall be fined not more than \$500, or imprisoned not more than 6 9 months, or both.

29.641 False impersonation of warden. Any person who falsely represents himself or herself to be a conservation warden or who assumes to act as such without having been first duly appointed as such, shall be imprisoned not more than 6 months or fined not to exceed \$100 fined not more than \$100 or imprisoned not more than 90 days or both.

29.642 Fraud in obtaining license. (1) Any person who shall make makes a false statement concerning his or her citizenship or residence, and thereby obtain obtains in any manner any license issued pursuant to ch. 29 this chapter as only citizens or residents of this state are entitled to, shall be fined not less than \$100 nor more than \$200 or imprisoned not less than 30 days nor more than 6 months forfeit not more than \$200.

(2) Any person who shall obtain obtains any license pursuant to ch. 29 this chapter during the period of time that such license has been revoked by any court shall be fined not less than \$100 nor more than \$200 or imprisoned not less than 30 days nor more than 6 months 90 days or both.

29.643 Changing license. Any person who changes or alters, in any manner, or enters other than the correct date of issuance on any license issued under ch. 29 this chapter shall be fined not less than \$100 nor more than \$200 or imprisoned for not less than 30 days nor more than 6 months 90 days or both.

29.644 Breaking seals of department. Any person who shall break, remove or interfere breaks, removes or interferes with any seal or tag attached to any animal, carcass, article or other thing by the department, or who shall meddle or interfere meddles or interferes with any animal, carcass, article or other thing with such seal or tag attached, or who shall counterfeit counterfeits any such seal or tag, attached or unattached, shall be fined not less than \$200 nor more than \$500, or imprisoned in the county jail not less than 9 months nor more than one year 90 days, or both.

SECTION 48. 29.65 (3) of the statutes is repealed.

SECTION 49. 29.66 of the statutes is repealed.

SECTION 50. 29.99 of the statutes is created to read:

29.99 General penalty provisions. Any person who, for himself or herself, or by his or her agent, servant, or employe, or who, as agent, servant, or employe for another, violates this chapter shall be punished, respectively, as follows:

(1) For the unlawful use of any gill net or trammel in taking, catching or killing fish of any variety in any waters, or for the use of any net in taking, catching or killing trout of any variety in inland waters, by a fine of not more than \$500 or imprisonment for not more than 9 months, or both.

(2) For hunting, trapping or fishing without a license duly issued, whenever a license therefor is required by this chapter, by a forfeiture of not more than \$100.

(3) For the violation of any statutes or any department order relating to the hunting, taking, transportation or possession of game or game birds of all kinds, by a forfeiture of not more than \$100.

(4) For any violation of any provision of this chapter or any department order for which no other penalty is prescribed, by a forfeiture of not more than \$100.

(5) For the violation of any statutes or any department rules relating to the hunting or shooting of deer with the aid of artificial light or with the aid of an airplane and the illegal snaring of deer, or for violation of ss. 29.13 (5), 29.48 and 29.49, by a fine of not more than \$200 or imprisonment for not more than 90 days, or both, and a mandatory 3-year revocation of all licenses issued under this chapter.

(6) For the violation of any statutes or any department order relating to fishing, or the possession of game fish, except where some other penalty is specifically provided, by a forfeiture of \$100.

(7) Any violation of s. 29.33 or any department order regulating commercial fishing in outlying waters, by a forfeiture of not more than \$500.

(8) For the violation of any statute or any department order relating to the registration of any wild animal, by a forfeiture of not more than \$100.

(9) For any violation of this chapter or of any department order relating to snag lines, snag hooks or snag poles, by a forfeiture of not more than \$200.

(10) In addition to any other penalty for violation of this chapter or any department order made pursuant to this chapter, the court may revoke or suspend any or all privileges and licenses granted under this chapter for a period of up to 3 years. If a person is convicted of reckless or highly negligent conduct in the operation or handling of a firearm or bow and arrow in violation of s. 940.08 or 941.20 and either death or bodily harm to another results from such violation, the court shall revoke every license issued to that person under this chapter and shall provide a fixed period during which no new license may be issued to such person. If no death or bodily harm to another results from the violation, the court may revoke any license issued to that person under this chapter and may provide a fixed period during which no new license may be issued to such person.

SECTION 51. 29.996 of the statutes is created to read:

29.996 Parties to a violation. (1) Whoever is concerned in the commission of a violation of this chapter for which a forfeiture is imposed is a principal and may be charged with and convicted of the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.

(2) A person is concerned in the commission of the violation if the person:

- (a) Directly commits the violation;
- (b) Aids and abets the commission of it; or

(c) Is a party to a conspiracy with another to commit it or advises, hires or counsels or otherwise procures another to commit it.

SECTION 52. 30.76 of the statutes is repealed.

SECTION 53. 30.80 of the statutes is amended to read:

30.80 Penalties. (1) Any person violating any provision of ss. 30.50 to 30.80 for which a penalty is not provided by sub. (2) shall be fined not more than \$50 or imprisoned not more than 30 days, or both, forfeit not more than \$50 for the 1st offense and fined not more than \$100 or imprisoned not more than 90 days, or both, shall forfeit not more than \$100 upon conviction of the same offense a 2nd or subsequent time within one year.

(2) Any person violating s. 30.67 (1) or 30.68 (1) or (2) shall be fined not more than \$200 or imprisoned not more than 6 months or both. Any person violating s. 30.68 shall be required to obtain a certificate of satisfactory completion of a safety course under s. 30.74 (1). Any person violating s. 30.67 (2) shall forfeit not more than \$200.

SECTION 54. 30.99 of the statutes is created to read:

30.99 Parties to a violation. (1) Whoever is concerned in the commission of a violation of this chapter for which a forfeiture is imposed is a principal and may be charged with and convicted of the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.

(2) A person is concerned in the commission of the violation if the person:

- (a) Directly commits the violation;
- (b) Aids and abets the commission of it; or
- (c) Is a party to a conspiracy with another to commit it or advises, hires or counsels or otherwise procures another to commit it.

SECTION 55. 31.99 of the statutes is created to read:

31.99 Parties to a violation. (1) Whoever is concerned in the commission of a violation of this chapter for which a forfeiture is imposed is a principal and may be charged with and convicted of the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.

(2) A person is concerned in the commission of the violation if the person:

- (a) Directly commits the violation;
- (b) Aids and abets the commission of it; or
- (c) Is a party to a conspiracy with another to commit it or advises, hires or counsels or otherwise procures another to commit it.

SECTION 56. 134.60 of the statutes is amended to read:

134.60 Christmas trees, cutting, transportation, etc. No person shall may cut for sale in its natural condition and untrimmed, with or without roots, any evergreen or coniferous tree, branch, bough, bush, sapling or shrub, from the lands of another without the written consent of the owner, whether such land be publicly or privately owned. Such written consent shall contain the legal description of the land where such tree, branch, bough, bush, sapling or shrub was cut, as well as the name of the legal owner thereof; and such written consent or a copy thereof certified as a true copy by the person to whom such consent was given or by the register of deeds of the county in which the land is situated shall be carried by every person in charge of the cutting or removing any such trees, branches, boughs, bushes, saplings or shrubs, and shall be exhibited to any officer of the law, forest ranger, forest patrolman patrol personnel, conservation warden, or other officer of the department of natural resources at his or her request at any time. Any such officer shall have power to inspect any such trees, branches, boughs, bushes, saplings or shrubs when being transported in any vehicle or other means of conveyance or by common carrier, and to make such investigation with reference thereto as may be necessary to determine whether or not the provisions of this subsection have been complied with; and to stop any vehicle or means of conveyance found carrying any trees, branches, boughs, bushes, saplings or shrubs upon any public highway of this state, for the purpose of making such inspection and investigation, and to seize and hold, subject to the order of the court, any such trees, bushes, saplings or shrubs found being cut, removed or transported in violation of this subsection. No person shall may ship or transport any such trees, branches, boughs,

bushes, saplings or shrubs outside the county where the same were cut unless he the person shall first have obtained from the department of natural resources a license as a Christmas tree dealer. The annual fee for such license shall be \$5. Such dealer shall not purchase or receive any Christmas trees from any one until such vendor shall have given the dealer either a statement in writing that the trees were cut from his the vendor's own lands or has filed with such dealer written consents from the owners of the lands from which such trees were cut. Such statements and consents shall be kept by the dealer for not less than 6 months and shall be open to inspection by the department of natural resources and its deputies at all reasonable hours. In making a shipment of Christmas trees, by railroad or truck, such dealer shall attach to the outside of each package, box, bale or truckload or carload so shipped, a tag or label on which shall appear his the dealer's name and address and the license number of his license. No common carrier, truck hauler, or agent thereof, shall may receive for shipment or transportation any such trees, branches, boughs, bushes, saplings or shrubs unless such tag or label shall be attached thereto. Any person who violates any of the provisions of this subsection shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment in the county jail for a period of not less than 10 days nor more than 3 months, or by both such fine and imprisonment forfeit not more than \$100. Every written consent for any purpose specified in this subsection and every certified copy of such consent shall be deemed to be a written instrument, and any person who shall sign any such written consent or certified copy thereof who is not authorized to do so, and any person who shall lend or transfer or offer to lend or transfer any such written consent or certified copy thereof to another person who is not entitled to use the same, and any person not entitled to use any such written consent or certified copy thereof, or who shall borrow, receive or solicit from another any such written consent or certified copy thereof shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail for a period of not less than 3 months nor more than 6 months, or by both such fine and imprisonment fined not more than \$50 or imprisoned not more than 90 days or both. The provisions of this subsection, other than the requirement that no person shall cut or remove trees, branches, boughs, bushes or shrubs from the lands of another without his or her written consent, shall in no way modify or nullify s. 94.60 relating to the inspection and sale of nursery stock.

SECTION 57. 134.99 of the statutes is created to read:

134.99 Parties to a violation. (1) Whoever is concerned in the commission of a violation of this chapter for which a forfeiture is imposed is a principal and may be charged with and convicted of the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.

(2) A person is concerned in the commission of the violation if the person:

- (a) Directly commits the violation;
- (b) Aids and abets the commission of it; or
- (c) Is a party to a conspiracy with another to commit it or advises, hires or counsels or otherwise procures another to commit it.

SECTION 58. 288.104 of the statutes is created to read:

288.104 Department of natural resources forfeitures; how recovered. If there is a conflict with this chapter, the procedure in ss. 23.50 to 23.85 of the statutes shall be followed in actions to recover forfeitures for the violation of those natural resources laws enumerated in s. 23.50.

SECTION 59. 299.01 (2) of the statutes is amended to read:

299.01 (2) FORFEITURES. Actions to recover forfeitures except as a different procedure is prescribed in chs. 23, 66, 288 and 345, or elsewhere, and such different procedures shall apply equally to the state, a county or a municipality regardless of any limitation contained therein;

SECTION 60. 350.11 of the statutes is amended to read:

350.11 Penalties. Any person who violates any provision of this chapter except ss. 350.07, 350.08 and 350.10 (3) ~~may be required to forfeit not less than \$10 nor more than \$250 shall forfeit not more than \$250.~~ Any person who violates s. 350.07 ~~may be fined not less than \$200 nor more than \$500.~~ Any person violating s. 350.08 or 350.10 (3) ~~may be required to forfeit not more than \$200 shall forfeit not more than \$200.~~

SECTION 61. 350.99 of the statutes is created to read:

350.99 Parties to a violation. (1) Whoever is concerned in the commission of a violation of this chapter for which a forfeiture is imposed is a principal and may be charged with and convicted of the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.

(2) A person is concerned in the commission of the violation if the person:

- (a) Directly commits the violation;
- (b) Aids and abets the commission of it; or
- (c) Is a party to a conspiracy with another to commit it or advises, hires or counsels or otherwise procures another to commit it.

SECTION 62. **Cross reference changes.** In the sections listed below in column A, the cross references in column B are changed to the cross references shown in column C:

A <u>Statute Sections</u>	B <u>Old Cross References</u>	C <u>New Cross References</u>
27.01 (5)	26.19	26.19 (1)
29.13 (1)	29.63 (1) (d) and (3)	29.99 (4) and (10)
29.544 (7)	29.63 (1) (b) and (3)	29.99 (2) and (10)
29.586 (3)	29.63 (1) (d)	29.99 (4)

SECTION 63. **Program responsibilities.** In the list of program responsibility citations enumerated for the department of justice under section 15.251 (intro.) of the statutes, reference to section "28.06 (5)" is deleted.
