



**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 1995 ASSEMBLY BILL 13**

January 31, 1996 - Offered by Representatives JOHNSRUD, PROSSER and FREESE.

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

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

6 **SECTION 1.** 30.45 (7) (c) of the statutes is amended to read:
7 30.45 (7) (c) A sign required for notice under s. 943.13 (2) prohibiting or
8 authorizing entry onto land.

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

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

12 943.13 (1m) (a) Enters any enclosed or, cultivated or undeveloped land of
13 another with intent to catch or kill any birds, animals, or fish on the land or gather
14 any products of the soil, other than undeveloped land specified in par. (e), without

1 the express or implied consent of the owner or occupant ~~to engage in any of those~~
2 activities.

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

4 **SECTION 5.** 943.13 (1) (c) and (d) of the statutes are repealed.

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

6 943.13 (1e) In this section:

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

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

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

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

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

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

23 (f) “Undeveloped land” means land that meets all of the following criteria:

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

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

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

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

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

7 943.13 **(1e)** (d) "Place of employment" has the meaning given in s. 101.01 ~~(2)~~
8 ~~(f)~~ **(11)**.

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

10 943.13 **(1m)** (am) Enters any land of another that is occupied by a structure
11 used for agricultural purposes without the express or implied consent of the owner
12 or occupant.

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

14 943.13 **(1m)** (e) Enters or remains on undeveloped land that is an inholding of
15 another after having been notified by the owner or occupant not to enter or remain
16 on the land.

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

18 943.13 **(1s)** In determining whether a person has implied consent to enter the
19 land of another a trier of fact shall consider all of the circumstances existing at the
20 time the person entered the land, including all of the following:

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

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

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

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

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

4 943.13 (2) (intro.) A person has received notice from the owner or occupant
5 within the meaning of ~~this section~~ sub. (1m) (b) or (e) if he or she has been notified
6 personally, either orally or in writing, or if the land is posted. Land is considered to
7 be posted under this subsection under either of the following procedures:

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

9 943.13 (3m) An owner or occupant may give express consent to enter or remain
10 on the land for a specified purpose or subject to specified conditions and it is a
11 violation of sub. (1m) (a) or (am) for a person who received that consent to enter or
12 remain on the land for another purpose or contrary to the specified conditions.

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

14 943.13 (4m) (a) A person entering the ~~premises~~ land, other than the residence
15 or other buildings or the curtilage of the residence or other buildings, of another for
16 the purpose of removing a wild animal as authorized under s. 29.59 (2), (3) or (4).

17 **SECTION 14. Initial applicability.**

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

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

22 (1) The amendment of section 943.13 (1e) (d) of the statutes takes effect on July
23 1, 1996, or on the day after publication, whichever is later.

24

(END)