

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3061/P2dn
MGG:wlj:mrc

1. 1997 Wisconsin Act 192, which goes into effect this coming December 1, made numerous changes to ch. 951. Under the law as it stands today, “law enforcement officer” is used in the following provisions: ss. 951.15 (2), 951.16 and 951.18 (4) (a) 2. and (b) 1. On December 1, 1999, s. 951.15 (2) is repealed, and s. 951.16 is renumbered to s. 173.10. Section 951.18 (4) (a) 2. and (b) 1. are not changed substantively. Since ch. 173 now covers the substantive provisions found in ss. 951.15 (2) and 951.16, the question arises whether a conservation warden is included in the definition of “law enforcement officer” under ch. 173. See s. 173.01 (2). These two definitions do not mesh well. Since I assume the intent is to allow conservation wardens to have the powers granted to other law enforcement officers when it comes to enforcing s. 951.09 when wild animals are involved, this draft contains the same language regarding conservation wardens in the two definitions.

2. I created a definition for wild animal for ch. 951 because the cross-reference to the definition in ch. 29 does not really work. “Wild animal” in ch. 29 includes any creature, not just the animals listed in the definition of “animal” under s. 951.01 (1). Note I created this definition by cross-reference for ch. 173 also.

3. The apparent intent of this draft is to give conservation wardens enforcement authority only for s. 951.09 and not all of ch. 951. I therefore limited the definition of “law enforcement officer” in ss. 173.01 (2) and 951.01 (4) to enforcement only of s. 951.09.

4. Do you want to add conservation enforcement of the trespass laws to s. 26.97 (1) and (2) for consistency purposes? I think the changes in s. 29.921 are not limited to fish and game laws, but please review to make sure you agree with me.

5. After speaking with Jefren Olsen on our staff, I changed the language in s. 29.921 (5) to use the term “crime” instead of “felony” since the apparent intent of the draft is to limit this expansion of power to include only misdemeanor warrants. If you want to include warrants for other purposes, such as failures to honor citations, then the entire phrase “concerning the commission of a felony” should be stricken as you have done. However, the notes in the draft and the relating clause will then need to be changed to conform with the statutory change.

6. Jefren also deleted the phrase “are not the primary enforcer of s. 943.13” from s. 29.921 (1m). We both feel that the language is unnecessary given the rest of the sentence and that it creates the inference that conservation wardens are the primary

enforcers of all the other statutes listed in s. 29.921 (1) that are not subject to s. 29.921 (1m). If you have any questions or concerns regarding this change, you should speak directly with Jefren.

7. I made no changes in your notes except changing “draft” to “bill”, changing a phrase in the note following s. 29.921 (2) and conforming language in the last sentence of the prefatory note to the text of the bill.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215