

1 **SECTION 9.** 23.51 (5) of the statutes is amended to read:

2 **23.51 (5)** “Natural resources restitution payment” means the payment imposed
3 under s. 22.46 (2) or 29.989.

4 **SECTION 10.** 23.51 (9m) of the statutes is created to read:

5 **23.51 (9m)** “Wild animal” has the meaning given in s. 22.01 (37).

6 **SECTION 11.** 23.65 (1) of the statutes is amended to read:

7 23.65 (1) When it appears to the district attorney that a violation of s. 134.60,
8 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81
9 or 299.64 (2), this chapter or ch. 22, 26, 27, 28, 29, 30, 31 or 350, or any administrative
10 rule promulgated pursuant thereto, or a violation of ch. 951, if the animal involved
11 is a captive wild animal, has been committed the district attorney may proceed by
12 complaint and summons.

13 **SECTION 12.** 23.795 (3) of the statutes is created to read:

14 23.795 (3) In lieu of an order of imprisonment under sub. (1) (a) for a violation
15 of ch. 22, the court may revoke or suspend any privilege or license granted under ch.
16 22 as provided in s. 22.45 (6).

17 **SECTION 13.** 25.29 (1) (a) of the statutes is amended to read:

18 **25.29 (1) (a)** Except as provided in s. 25.295, all moneys accruing to the state
19 for or in behalf of the department under chs. 22, 26, 27, 28, 29 and 350, subchs. I and
20 VI of ch. 77 and ss. 23.09 to 23.31, 23.325 to 23.42, 23.50 to 23.99, 30.50 to 30.55, 70.58
21 and 71.10 (5), including grants received from the federal government or any of its
22 agencies except as otherwise provided by law.

23 **SECTION 14.** 25.29 (4m) of the statutes is amended to read:

24 **25.29 (4m)** Notwithstanding sub. (3), no moneys that accrue to the state for or
25 in behalf of the department under ch. 22 or 29 may be expended or paid for the

1 enforcement of the treaty-based, off-reservation rights to fish held by members of
2 federally recognized American Indian tribes or bands domiciled in Wisconsin.

3 **SECTION 15.** 29.011 (3) of the statutes is created to read:

4 29.011 (3) This section does not apply to wild animals that are subject to
5 regulation under ch. 22.

6 **SECTION 16.** 29.024 (1) of the statutes is amended to read:

7 29.024 (1) **APPROVALS REQUIRED.** Except as specifically provided in ch. 22 or this
8 chapter, no person may hunt or trap in this state, fish in the waters of this state or
9 engage in any of the activities regulated under this chapter unless the appropriate
10 approval is issued to the person. A person shall carry the required approval with him
11 or her at all times while hunting, trapping or fishing or engaged in regulated
12 activities unless otherwise required by this chapter or unless otherwise authorized
13 or required by the department. A person shall exhibit the approval to the
14 department or its wardens on demand.

15 **SECTION 17.** 29.024 (2g) (a) 2. of the statutes is amended to read:

16 . 29.024 (2g) (a) 2. Any permit issued under s. ~~29.38, 29.521, 29.525, 29.53~~ or
17 ~~29.578~~ 29.537, 29.733, 29.735 or 29.736.

18 **SECTION 18.** 29.024 (2r) (a) 17. of the statutes is repealed.

19 **SECTION 19.** 29.024 (2r) (a) 18. of the statutes is repealed.

20 **SECTION 20.** 29.024 (2r) (a) 19. of the statutes is repealed.

21 **SECTION 21.** 29.024 (2r) (a) 20. of the statutes is repealed.

22 **SECTION 22.** 29.024 (2r) (a) 21. of the statutes is repealed.

23 **SECTION 23.** 29.042 (1) of the statutes is amended to read:

24 29.042 (1) Beginning on January 1, 1998, the department may not enter into
25 any agreement to make payments to persons holding approvals issued under s.

1 29.501, 29.503, 29.506, 29.509, 29.512, 29.514, 29.519, 29.523, 29.526, 29.529,
2 29.531, 29.533, 29.537, 29.607, 29.611, or 29.614, 29.865, 29.867, 29.869, 29.871 or
3 ~~29.877~~ in exchange for the retirement of the approval or for the temporary or
4 permanent cessation of any activity authorized under the approval.

5 **SECTION 24.** 29.047 (2) (b) of the statutes is amended to read:

6 29.047 (2) (b) The possession, transportation, delivery or receipt of farm-raised
7 deer ~~or~~, farm-raised fish or wild animals that are subject to regulation under ch. 22.

8 **SECTION 25.** 29.191 (2) (a) 3. of the statutes is amended to read:

9 29.191 (2) (a) 3. Any person hunting pheasant under s. 29.195 ~~or on premises~~
10 ~~licensed under s. 29.865~~ is exempt from the requirements under subd. 1 .

11 **SECTION 26.** 29.192 (6) of the statutes is created to read:

12 29.192 (6) The department shall permit the hunting of farm-raised deer on the
13 premises on which farm-raised deer are kept by persons registered under s. 95.55.
14 The department shall determine the requirements and conditions for hunting
15 farm-raised deer under this subsection, and shall determine the provisions of this
16 chapter that are applicable to hunting farm-raised deer under this subsection. The
17 department shall cooperate with the department of agriculture, trade and consumer
18 protection with respect to the hunting of farm-raised deer.

19 **SECTION 27.** 29.314 (5) (b) 3. of the statutes is amended to read:

20 29.314 (5) (b) 3. To a person who possesses a flashlight or who uses a flashlight
21 ~~while~~ if the person is on foot and training a dog to track or hunt raccoons, foxes or
22 other unprotected wild animals and if the raccoons, foxes or other unprotected wild
23 animals are not subject to reeulation under ch. 22.

24 **SECTION 28.** 29.321 of the statutes is repealed.

1 **SECTION 29.** 29.334 of the statutes is renumbered 29.334 (1) and amended to
2 read:

3 **29.334 (1)** A person who hunts or traps any game animal, ~~game bird or~~
4 fur-bearing animal shall kill ~~the animal it~~ when it is taken and make it part of the
5 daily bag or shall release ~~the animal it~~ unless ~~authorized under E. 29.857, 29.863,~~
6 ~~28.867, 29.869, 29.871 or 29.877~~ the person has the authority to possess it under ch.
7 22.

8 **SECTION 30.** 29.347 (2) of the statutes is amended to read:

9 **29.347 (2) DEER TAGS.** Except as provided under sub. (5) and s. 29.324 (3), any
10 person who kills a deer shall immediately attach to the ear or antler of the deer a
11 current validated deer carcass tag which is authorized for use on the type of deer
12 killed. Except as provided under sub. (2m) ~~or s. 29.871 (7), (8) or (14)~~, no person may
13 possess, control, store or transport a deer carcass unless it is tagged as required
14 under this subsection. The carcass tag may not be removed before registration. The
15 removal of a carcass tag from a deer before registration renders the deer untagged.

16 **SECTION 31.** 29.347 (6) of the statutes is amended to read:

17 **29.347 (6) ~~FARM-RAISED DEER~~ DEER.** This section does not apply to farm-raised
18 deer or deer that are subject to regulation under ch. 22.

19 **SECTION 32.** 29.351 of the statutes is renumbered 29.351 (1), and **29.351 (1) (c)**,
20 as renumbered, is amended to read:

21 **29.351 (1) (c)** Possess the raw skin of any muskrat, mink, otter, fisher or pine
22 marten at any time unless the person is the holder of a valid scientific collector
23 permit, fur dealer license, trapping license or resident conservation patron license.
24 No license is required ~~for a person breeding, raising and producing domestic~~
25 ~~fur-bearing animals in captivity, as defined in s. 29.873, or for a person authorized~~

1 to take muskrats on a cranberry marsh under a permit issued to the person by the
2 department.

3 **SECTION 33.** 29.351 (2) of the statutes is created to read:

4 29.351 (2) Subsection (1) does not apply to the skins of fur-bearing animals
5 that are subject to regulation under ch. 22.

6 **SECTION 34.** 29.354 (1) of the statutes is amended to read:

7 29.354 (1) **APPROVAL NECESSARY.** No person, ~~except a person who has a valid~~
8 ~~hunting license, sports license, conservation patron license, taxidermist permit or~~
9 ~~scientific collector permit and who is carrying this approval on his or her person,~~ may
10 possess or have under his or her control any game bird, ~~or game animal~~ or the carcass
11 of any game bird or game animal unless the person is rehabilitating the game bird
12 or game animal or unless the person has a valid hunting license, snorts license,
13 conservation patron license, taxidermist nermit or scientific collector nermit.

14 **SECTION 35.** 29.354 (2) of the statutes is renumbered 29.354 (2) (a) and
15 amended to read:

16 29.354 (2) (a) ~~No person, except a~~ Except as provided in par.(b), no person who
17 ~~has a valid scientific collector permit,~~ may take, needlessly destroy or possess or have
18 under his or her control the nest or eggs of any wild bird for which a closed season
19 is prescribed under this chapter.

20 **SECTION 36.** 29.354 (2) (b) of the statutes is created to read:

21 29.354 (2) (b) A person who has a valid scientific collector permit may take or
22 possess or have under his or her control the nest of a wild bird and may destroy the
23 nest if necessary for a scientific purpose.

24 **SECTION 37.** 29.354 (5) of the statutes is created to read:

1 29.354 (5) ~~CAPTIVE WILD ANIMALS~~. This section does not apply to wild animals
2 that are subject to regulation under ch. 22.

3 **SECTION 38.** 29.357 (5) (b) of the statutes is amended to read:

4 29.357 (5) (b) Subsections (1) to (4) do not apply to the possession,
5 transportation, delivery or receipt of farm-raised deer ~~or~~, farm-raised fish or wild
6 animals that are subject to regulation under ch. 22.

7 **SECTION 39.** 29.361 (6) of the statutes is amended to read:

8 29.361 **(6)** This section does not apply to the transportation of farm-raised deer
9 or deer that are subject to regulation under ch. 22.

10 **SECTION 40.** 29.364 (5) of the statutes is amended to read:

11 29.364 (5) ~~EXEMPTION; TAXIDERMISTS~~. Subsections (1) to (3) do not apply to a
12 person who has a valid taxidermist permit and who is transporting, in connection
13 with his or her business, the carcass of a game bird in
14 business or the carcass of a wild bird that is subject to regulation under ch. 22.

15 **SECTION 41.** 29.501 (9m) of the statutes is created to read:

16 29.501 **(9m)** This section applies to raw furs and dressed furs from fur-bearing
17 animals that are subject to regulation under ch. 22.

18 **SECTION 42.** 29.506 (4) of the statutes is amended to read:

19 29.506 (4) ~~AUTHORIZATION~~. Subject to this section, a taxidermist permit
20 authorizes the permit holder to possess and transport ~~wild animals or carcasses of~~ of
21 wild animals in connection with his or her business. This authority supersedes, to
22 the extent permitted under this section, restrictions on the possession and
23 transportation of ~~wild animals and~~ carcasses of wild animals established under ch.
24 22 and this statute. This permit entitles the permit holder to the same
25 privileges as a Class A fur dealer's license.

1 **SECTION 43.** 29.539 (7) of the statutes is created to read:

2 29.539 (7) This section does not apply to the carcass of a wild animal that is
3 subject to regulation under ch. 22.

4 **SECTION 44.** 29.541 (3) of the statutes is amended to read:

5 29.541 (3) **EXEMPTION.** This section does not apply to the meat from
6 farm-raised deer or ~~from~~ farm-raised fish or to meat that is subject to regulation
7 under s. 22.13 or 22.14.

8 **SECTION 45.** 29.563 (9) (intro.) and (a) (title) of the statutes are repealed.

9 **SECTION 46.** 29.563 (9) (a) 1. of the statutes is renumbered 29.563 (7) (c) 5m.

10 **SECTION 47.** 29.563 (9) (a) 2. to 10. and (b) of the statutes are repealed.

11 **SECTION 48.** 29.614 (3) of the statutes is amended to read:

12 29.614 (3) A scientific collector permit authorizes the permittee to collect or
13 salvage, for scientific purposes only, ~~the eggs, nest and~~ live fish and the nests and
14 carcasses of any wild animals specified in the permit subject to the conditions and
15 limitations specified in the permit and the rules of the department. The permittee
16 may use the specimens for the scientific purposes for which collected or salvaged and
17 may transport them or cause them to be transported by common carrier. Possession
18 of these specimens may not be transferred to any other person, except that these
19 specimens may be exchanged for other specimens for scientific purposes. A scientific
20 collector permit may authorize the use of net guns and tranquilizer guns for activities
21 related to the purposes for which the permit is issued. Any person who is convicted
22 of violating this chapter shall forfeit the person's permit and the permit is thereby
23 revoked, in addition to all other penalties. Any person so convicted is not eligible for
24 a permit under this section for one year following the conviction.

25 **SECTION 49.** 29.741 (title) of the statutes is repealed and recreated to read:

1 29.741 (title) **Food in the wild for game birds.**

2 **SECTION 50.** 29.741 (1) of the statutes is repealed.

3 **SECTION 51.** 29.741 (2) of the statutes is renumbered 29.741.

4 **SECTION 52.** 29.745 of the statutes is repealed.

5 **SECTION 53.** 29.853 (title) of the statutes is repealed.

6 **SECTION 54.** 29.853 (1) of the statutes is repealed.

7 **SECTION 55.** 29.853 (2) of the statutes is repealed.

8 **SECTION 56.** 29.853 (3) of the statutes is repealed.

9 **SECTION 57.** 29.853 (4m) of the statutes is repealed.

10 **SECTION 58.** 29.853 (5) (title) of the statutes is repealed.

11 **SECTION 59.** 29.853 (5) of the statutes is renumbered 29.334 (2) and amended

12 to read:

13 29.334 (2) A person who violates ~~this section sub. (1)~~ shall forfeit not less than
14 \$100 nor more than \$1,000.

15 **SECTION 60.** 29.855 (title) of the statutes is repealed.

16 **SECTION 61.** 29.855 (1) of the statutes is repealed.

17 **SECTION 62.** 29.855 (2) of the statutes is repealed.

18 **SECTION 63.** 29.855 (3) of the statutes is repealed.

19 **SECTION 64.** 29.855 (4) (title) of the statutes is repealed.

20 **SECTION 65.** 29.855 (4) of the statutes is renumbered 22.04 (2) (e) and amended

21 to read:

22 22.04 (2) (e) No person may operate on a live ~~wild~~ skunk to remove its scent
23 glands unless the person ~~who possesses~~ holds a Class A or Class B captive wild
24 animal farm license or unless the person is a veterinarian and the person bringing
25 the skunk is authorized under ~~29.857 or 29.869~~ to the veterinarian holds such a

1 ~~Acute~~ veterinarian to whom a person brings a live ~~wild~~ skunk for removal of its
2 scent glands ~~or for other treatment~~ shall ~~verify whether the person holds a Class A~~
3 ~~or Class B captive wild animal farm license. If the person does not hold such a license,~~
4 ~~the veterinarian shall~~ notify that person that possession of a live skunk is illegal and
5 shall notify the department.

6 SECTION 66. 29.855 (5) of the statutes is repealed.

7 SECTION 67. 29.855 (6) of the statutes is repealed.

8 SECTION 68. 29.855 (7) of the statutes is repealed.

9 SECTION 69. 29.857 of the statutes is repealed.

10 SECTION 70. 29.861 of the statutes is repealed.

11 SECTION 71. 29.863 of the statutes is repealed.

12 SECTION 72. 29.865 of the statutes is repealed.

13 SECTION 73. 29.867 of the statutes is repealed.

14 SECTION 74. 29.869 of the statutes is repealed.

15 SECTION 75. 29.871 of the statutes is repealed.

16 SECTION 76. 29.873 of the statutes is repealed.

17 SECTION 77. 29.875 (1) of the statutes is amended to read:

18 29.875 (1) The department may seize and dispose of or may authorize the
19 disposal of any deer that has escaped from land licensed under s. ~~29.867 or 29.871~~
20 22.15 or 22.16 or owned by a person registered under s. 95.55 if the escaped deer has
21 traveled more than 3 miles from the land or if the licensee or person has not had the
22 deer returned to the land within 72 hours of the discovery of the escape.

23 SECTION 78. 29.877 of the statutes is repealed.

24 SECTION 79. 29.879 of the statutes is repealed.

25 SECTION 80. 29.881 of the statutes is repealed.

1 **SECTION 81.** 29.885 (1) (f) of the statutes is amended to read:

2 29.885 (1) (f) Notwithstanding s. ~~29.01 (14)~~ 29.001 (90), “wild animal” means
3 any undomesticated mammal or bird, but does not include farm-raised deer ~~or~~,
4 farm-raised fish or wild animals that are subject to regulation under ch. 22.

5 **SECTION 82.** 29.889 (1) (intro.) of the statutes is amended to read:

6 29.889 (1) **DEFINITION.** (intro.) In this section, “wildlife damage” means damage
7 caused by any of the following ~~non-captive~~ wild animals that are not subject to
8 regulation under ch. 22;

9 **SECTION 83.** 29.921 (7) of the statutes is amended to read:

10 29.921 (7) **DOGS INJURING WILDLIFE.** A warden may kill a dog found running,
11 injuring, causing injury to, or killing, any deer, other than farm-raised deer or deer
12 subject to regulation under ch. 22, or destroying game birds, their eggs or nests, if
13 immediate action is necessary to protect the deer or game birds, their nests or eggs,
14 from injury or death.

15 **SECTION 84.** 29.927 (8) of the statutes is amended to read:

16 29.927 (8) Any dog found running deer, except farm-raised deer or deer subject
17 to regulation under ch. 22, at any time, or used in violation of this chapter.

18 **SECTION 85.** 29.931 (2) (a) of the statutes is amended to read:

19 29.931 (2) (a) The department and its wardens shall seize and hold, subject to
20 the order of the court for the county in which the alleged offense was committed, any
21 vehicle, boat or object declared by this chapter to be a public nuisance, or which they
22 have probable cause to believe is being used in violation of this chapter or s. 167.31,
23 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61, is being used in the commission
24 of a crime involving an animal normally found in the wild in violation of s. 951.09 or
25 is being used in the commission of a crime relating to a submerged cultural resource

1 in violation of s. 44.47. If it is proven that the vehicle, boat or object is a public
2 nuisance or that within 6 months previous to the seizure the vehicle, boat or object
3 was used in violation of this chapter or s. 167.31, 287.81, 940.24, 941.20, 948.60,
4 948.605 or 948.61, was used in the commission of a crime involving an animal
5 normally found in the wild in violation of s. 951.09 or was used in the commission of
6 a crime relating to a submerged cultural resource in violation of s. 44.47, it shall be
7 ' confiscated if the court directs in its order for judgment.

8 **SECTION 86.** 29.969 of the statutes is amended to read:

9 **29.969 Larceny of game.** A person who, without permission of the owner,
10 disturbs or appropriates any wild animal or its carcass that has been lawfully
11 reduced to possession by another shall forfeit not less than \$1,000 nor more than
12 \$2,000. This section does not apply to farm-raised deer ~~or~~, farm-raised fish or wild
13 animals that are subject regulation under ch. 22.

14 **SECTION 87.** 49.857 (1) (d) 2. of the statutes is amended to read:

15 49.857 **(1)** (d) 2. An approval specified in s. ~~29.09 (11m)~~ 22.34 or 29.024 (2g).

16 **SECTION 88.** 59.25 (3) (f) 2. of the statutes is amended to read:

17 59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be
18 deposited in the state treasury, the amounts required by s. 165.87 for the penalty
19 assessment surcharge, the amounts required by s. 165.755 for the crime laboratories
20 and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the
21 weapons assessment, the amounts required by s. 973.045 for the crime victim and
22 witness assistance surcharge, the amounts required by s. 938.34 (8d) for the
23 delinquency victim and witness assistance surcharge, the amounts required by s.
24 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by
25 s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts

1 authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the domestic abuse
2 assessment, the amounts required by s. 253.06 (4) (c) for the enforcement assessment
3 under the supplemental food program for women, infants and children, the amounts
4 required by ss. 346.177, 346.495 and 346.65 (4r) for the railroad crossing
5 improvement assessment, the amounts required by s. 346.655 (2) (a) and (b) for the
6 driver improvement surcharge, the amounts required by s. 102.85 (4) for the
7 uninsured employer assessment, the amounts required by s. 299.93 for the
8 environmental assessment, the amounts required by s. 29.983 for the wild animal
9 protection assessment, the amounts required by ~~s.~~ ss. 22.46 (1) and 29.987 for the
10 natural resources assessment surcharge, the amounts required by s. 29.985 for the
11 fishing shelter removal assessment, the amounts required by s. 350.115 for the
12 snowmobile registration restitution payment and the amounts required by ~~s.~~ ss.
13 22.46 (2) and 29.989 for natural resources restitution payments, transmit to the state
14 treasurer a statement of all moneys required by law to be paid on the actions entered
15 during the preceding month on or before the first day of the next succeeding month,
16 certified by the county treasurer's personal signature affixed or attached thereto,
17 and at the same time pay to the state treasurer the amount thereof.

18 **SECTION 89.** 59.40 (2) (m) of the statutes is amended to read:

19 59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state's
20 percentage of the fees required to be paid on each civil action, criminal action and
21 special proceeding filed during the preceding month and pay monthly to the
22 treasurer for the use of the state the percentage of court imposed fines and forfeitures
23 required by law to be deposited in the state treasury, the amounts required by s.
24 165.87 (2) (b) for the penalty assessment surcharge, the amounts required by s.
25 165.755 for the crime laboratories and drug law enforcement assessment, the

1 amounts required by s. 167.31 (5) for the weapons assessment, the amounts required
2 by s. 973.045 for the crime victim and witness assistance surcharge, the amounts
3 required by s. 938.34 (8d) for the delinquency victim and witness assistance
4 surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis
5 surcharge, the amounts required by s. 961.41 (5) for the drug abuse program
6 improvement surcharge, the amounts authorized by s. 971.37 (lm) (c) 1. or required
7 by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by
8 s. 253.06 (4) (c) for the enforcement assessment under the supplemental food
9 program for women, infants and children, the amounts required by ss. 346.177,
10 346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the
11 amounts required by s. 346.655 for the driver improvement surcharge, the amounts
12 required by s. 102.85 (4) for the uninsured employer assessment, the amounts
13 required by s. 299.93 for the environmental assessment, the amounts required under
14 s. 29.983 for the wild animal protection assessment, the amounts required under ~~s.~~
15 ss. 22.46 (1) (d) and 29.987 (1) (d) for the natural resources assessment surcharge,
16 the amounts required by s. 29.985 for the fishing shelter removal assessment, the
17 amounts required by s. 350.115 for the snowmobile registration restitution payment
18 and the amounts required under ~~s.~~ ss. 22.46 (2) (d) and 29.989 (1) (d) for the natural
19 resources restitution payments. The payments shall be made by the **15th day** of the
20 month following receipt thereof.

21 **SECTION 90.** 73.0301 (1) (d) 1. of the statutes is amended to read:

22 73.0301 (1) (d) 1. An approval specified in s. ~~29.09 (11r)~~ 22.35 or 29.024 (2r).

23 **SECTION 91.** 167.31 (4) (b) of the statutes is amended to read:

24 167.31 (4) (b) Subsections (2) (a), (b) and (c) and (3) (a) and (b) do not apply to
25 the holder of a scientific research license under s. 22.25 or a scientific collector permit

1 under s. 29.614 who is using a net gun or tranquilizer gun in an activity related to
2 the purpose for which the license or permit was issued.

3 **SECTION 92.** 173.01 (1) of the statutes, as created by 1997 Wisconsin Act 192,
4 is renumbered 173.01 (1m).

5 **SECTION 93.** 173.01 (lb) of the statutes is created to read:

6 173.01 (1b) "Conservation warden" means a warden appointed under s. 23.10.

7 **SECTION 94.** 173.01 (1d) of the statutes is created to read:

8 173.01 (1d) "Custodial entity" means a political subdivision, a person
9 contracting under s. 173.15 (1) or the department of natural resources.

10 **SECTION 95.** 173.01 (1r) of the statutes is created to read:

11 173.01 (1r) "Governmental unit" means a political subdivision or the
12 department of natural resources.

13 **SECTION 96.** 173.01 (2) of the statutes is amended to read:

14 173.01 (2) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c)
15 and does not include a conservation warden.

16 **SECTION 97.** 173.07 (1) of the statutes, as created by 1997 Wisconsin Act 192,
17 is renumbered 173.&(l)-(intro.) and amended to read:

18 173.07 (1) **ENFORCEMENT.** (intro.) A humane officer shall enforce s. all of the
19 following:

20 (a) Section 95.21, ch. 22, this chapter, and chs. 174 and 951 and ordinances.

21 (b) Ordinances relating to animals enacted by political subdivisions in which
22 the humane officer has jurisdiction under s. 173.03 (3).

23 **SECTION 98.** 173.10 of the statutes, as created by 1997 Wisconsin Act 192, is
24 amended to read:

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1 **173.10 Investigation of cruelty complaints.** A person may apply for a
2 search warrant under s. 968.12 if there is reason to believe that a violation of ch. 22
3 or 951 has taken place or is taking place. If the court is satisfied that probable cause
4 exists, it shall issue a search warrant directing a law enforcement officer in the
5 county, or in the case of a wild animal subject to regulation under ch. 22 a
6 conservation warden, to proceed immediately to the location of the alleged violation
7 with a doctor of veterinary medicine, if the court determines that a veterinarian is
8 necessary for purposes of the search, and directing the law enforcement officer or
9 conservation warden to search the place designated in the warrant, retaining in his
10 or her custody subject to the order of the court such property or things as are specified
11 in the warrant, including any animal. If the person applying for the search warrant
12 is a humane officer, the warrant shall direct that the humane officer accompany the
13 law enforcement officer or conservation warden who is directed to perform the
14 search. The warrant shall be executed and returned to the court which issued the
15 warrant in accordance with ss. 968.15 and 968.17. This section does not affect other
16 powers and duties of law enforcement officers or conservation wardens.

17 **SECTION 99.** 173.11 (5) of the statutes is created to read:

18 **173.11 (5) NONAPPLICABILITY.** This section does not apply to wild animals that
19 are subject to regulation under ch. 22.

20 **SECTION 100.** 173.12 (1) of the statutes, as created by 1997 Wisconsin Act 192,
21 is renumbered 173.12 (1) (a) and amended to read:

22 173.12 (1) (a) Any veterinarian who has reason to believe that an animal has
23 been in a fight in violation of s. 951.08 shall report the matter to the local humane
24 officer or to a local law enforcement agency, except as provided in par. (b).

1 (c) The report under this subsection shall be in writing and shall include a
2 description and the location of the animal, any injuries suffered by the animal and
3 the name and address of the owner or person in charge of the animal, if known.

4 **SECTION 101.** 173.12 (1) (b) of the statutes is created to read:

5 173.12 (1) (b) If the animal is a wild animal subject to regulation under ch. 22,
6 the veterinarian shall report the matter to the department of natural resources.

7 **SECTION 102.** 173.12 (lm) of the statutes, as created by 1997 Wisconsin Act 192,
8 is amended to read:

9 173.12 **(1m)** If an animal has been seized because it is alleged that the animal
10 has been used in or constitutes evidence of any crime specified in s. 951.08, the
11 animal may not be returned to the owner ~~by an officer~~ under s. 968.20 (2). In any
12 hearing under s. 968.20 (1), the court shall determine if the animal is needed as
13 evidence or there is reason to believe that the animal has participated in or been
14 trained for fighting. If the court makes such a finding, the animal shall be retained
15 in custody.

16 **SECTION 103.** 173.12 (3) (a) of the statutes, as created by 1997 Wisconsin Act
17 192, is amended to read:

18 173.12 (3) (a) If the owner is convicted under s. 951.08 or is subject to the
19 restrictions under s. 951.08 (2m), the animal shall be delivered to the local humane
20 officer or county or municipal pound if the animal is not subject to reeulation under
21 fit. 22 ~~fit. 22~~ fit. 22 If there is no local humane officer or pound, the animal may be delivered to
22 a local humane society or to another person designated by the court.

23 ~~(ar)~~ (ar) If the animal is one year old or older or shows indication of having
24 participated in fighting, the animal shall be disposed of in a proper and humane
25 manner.

1 **SECTION 104.** 173.12 (3) (ag) of the statutes is created to read:

2 173.12 (3) (ag) If the owner is convicted under s. 951.08 or is subject to the
3 restrictions under s. 951.08 (2m), the animal shall be delivered to the department of
4 natural resources or to another person designated by the court if the animal is a wild
5 animal subject to regulation under ch. 22.

6 **SECTION 105.** 173.13 (1) (d) of the statutes is created to read:

7 173.13 (1) (d) This subsection does not apply to wild animals that are subject
8 to regulation under ch. 22.

9 **SECTION 106.** 173.13 (2) (a) (intro.) of the statutes, as created by 1997 Wisconsin
10 Act 192, is amended to read:

11 173.13 (2) (a) (intro.) A humane officer ~~or~~, law enforcement officer or
12 conservation warden or a person contracting under s. 173.15 (1) may accept an
13 animal delivered by a veterinarian, or his or her employe, if the animal has not been
14 picked up by its owner and all of the following apply:

15 **SECTION 107.** 173.13 (2) (a) 1. of the statutes, as created by 1997 Wisconsin Act
16 192, is amended to read:

17 173.13 (2) (a) 1. The veterinarian notified the owner of the animal by certified
18 mail, return receipt requested, that the animal was ready to be picked up and that
19 the animal would be delivered to a ~~humane officer~~ person authorized to accept the
20 animal if not picked up within 7 days.

21 **SECTION 108.** 173.13 (2) (a) 3. of the statutes, as created by 1997 Wisconsin Act
22 192, is amended to read:

23 173.13 (2) (a) 3. The veterinarian certifies in writing to the humane officer ~~or~~,
24 law enforcement officer or conservation warden that subs. 1. and 2 apply.

25 **SECTION 109.** 173.13 (2) (a) 4. of the statutes is created to read:

1 173.13 (2) (a) 4. The humane officer, law enforcement officer or conservation
2 warden or the person contracting under s. 173.15 (1) is authorized under s. 22.42 or
3 this section to accept the animal.

4 **SECTION 110.** 173.13 (2) (b) of the statutes, as created by 1997 Wisconsin Act
5 192, is amended to read:

6 173.13 (2) (b) If an animal is accepted under par. (a), the veterinarian shall
7 provide the person accepting the animal with any requested records concerning the
8 animal's ownership, or health or the licensure of the animal or of the owner under
9 ch. 22.

10 **SECTION 111.** 173.13 (3) (a) of the statutes, as created by 1997 Wisconsin Act
11 192, is amended to read:

12 173.13 (3) (a) If a humane officer ~~or~~, law enforcement officer or conservation
13 warden takes custody of an animal with the knowledge of the owner, the humane
14 officer ~~or~~, law enforcement officer or conservation warden shall explain the
15 procedure by which the owner can recover the animal, including the procedure under
16 s. 173.22, and the procedure to be followed if the animal is not returned to the owner.

17 **SECTION 112.** 173.13 (3) (b) of the statutes, as created by 1997 Wisconsin Act
18 192, is amended to read:

19 173.13 (3) (b) If a humane officer ~~or~~, law enforcement officer or conservation
20 warden takes custody of an animal without the knowledge of the owner, the humane
21 officer ~~or~~, law enforcement officer or conservation warden shall promptly notify the
22 owner in writing if he or she can be identified and located with reasonable effort. The
23 notice shall explain the procedure by which the owner can recover the animal,
24 including the procedure under s. 173.22, and the procedure to be followed if the
25 animal is not returned to the owner. The notice shall also inform the owner that the

1 owner must notify any person with a lien on the animal that the animal has been
2 taken into custody.

3 **SECTION 113.** 173.13 (3) (c) of the statutes, as created by 1997 Wisconsin Act
4 192, is amended to read:

5 173.13 (3) (c) If the owner informs the humane officer ~~or~~, law enforcement
6 officer or conservation warden in writing that he or she will not claim the animal, it
7 may be treated as an unclaimed animal under s. 173.23 (1m).

8 **SECTION 114.** 173.15 (1) of the statutes, as created by 1997 Wisconsin Act 192,
9 is amended to read:

10 **173.15 (1) PROVIDING SERVICES.** A political subdivision may provide for the care,
11 treatment or disposal of animals taken into custody ~~by a humane officer or law~~
12 ~~enforcement officer~~ under s. 173.13. The department of natural resources may
13 provide for the care, treatment or disposal of wild animals subject to regulation
14 under ch. 22 that are taken into custody under s. 22.42. A political subdivision or the
15 department of natural resources may provide these services directly or by
16 contracting with any other person. A political subdivision or the department of
17 natural resources may establish standard fees for the care, custody and treatment
18 of animals in its custody. The political subdivision or the department of natural
19 resources may establish different fees for animals released to their owners and
20 animals released to persons other than their owners. If the political subdivision or
21 the department of natural resources does not establish standard fees, it may charge
22 no more than the actual costs of care, custody or treatment to any person required
23 to pay for the care, custody or treatment of an animal.

24 **SECTION 115.** 173.15 (2) (intro.) of the statutes, as created by 1997 Wisconsin
25 Act 192, is amended to read:

under s.22.42 ✓

1 173.15 (2) CONTRACT FOR SERVICES. (intro.) Every person entering into a
2 contract with a political subdivision or the department of natural resources under
3 sub. (1) shall agree to do all of the following:

4 **SECTION 116.** 173.17 (intro.) of the statutes, as created by 1997 Wisconsin Act
5 192, is amended to read:

plain or

under s.173.13 ✓

6 **173.17 Records.** (intro.) A humane officer ~~or~~ law enforcement officer ~~or~~
7 conservation warden taking custody of an animal ~~on behalf of a political subdivision~~
8 ~~or on behalf of the department of natural resources~~ shall maintain, or require any
9 person to whom the animal is delivered under a contract under s. 173.15 (1) to
10 maintain, as appropriate, records for each animal containing the following
11 information:

12 **SECTION 117.** 173.19 of the statutes, as created by 1997 Wisconsin Act 192, is
13 amended to read:

14 **173.19 Animals considered unclaimed.** A ~~political subdivision or person~~
15 ~~contracting under s. 173.15 (1)~~ custodial entity may treat any animal taken into
16 custody under s. 22.42 (1) (a), (c), (h) or (j) or 173.13 (1) (a) 1., 3., 4. or 9. as an
17 unclaimed animal subject to s. 173.23 (1m) if, within 7 days after custody is taken
18 of the animal, it is not claimed by and returned to its owner under s. 173.23 (1), except
19 that an animal taken into custody under s. 22.42 (1) (c) or 173.13 (1) (a) 3. or 4. may
20 not be treated as unclaimed if its owner files a petition under s. 173.22 (1) within 7
21 days after custody is taken.

22 **SECTION 118.** 173.21 (1) (intro.) of the statutes, as created by 1997 Wisconsin
23 Act 192, is amended to read:

24 173.21 (1) **GROUNDS.** (intro.) A political subdivision or the department of
25 natural resources may withhold, or direct a person contracting with the political

1 subdivision or the denartment of natural resources under s. 173.15 (1) to withhold,
2 an animal in custody from an owner who makes an otherwise adequate claim for the
3 animal under s. 173.23 (1) on any of the following grounds:

4 SECTION 119. 173.21 (1) (a) of the statutes, as created by 1997 Wisconsin Act
5 192, is amended to read:

6 173.21 (1) (a) There are reasonable grounds to believe that the owner has
7 mistreated the animal in violation of ch. 951 or in violation of ch. 22 if the animal is
8 a wild animal subject to regulation under ch. 22.

9 SECTION 120. 173.21 (4) of the statutes, as created by 1997 Wisconsin Act 192,
10 is amended to read:

11 173.21 (4) RETURN. A ~~political subdivision or person contracting under s.~~
12 ~~173.15 (1) custodial entity~~ having custody of an animal withheld under sub. (1) shall
13 release the animal to the owner at the direction of the humane officer ~~or~~, law
14 enforcement officer ~~that~~ or conservation warden who took custody of the animal if
15 the requirements of s. 173.23 (1) (a) to (c) are satisfied.

16 SECTION 121. 173.22 (1) of the statutes, as created by 1997 Wisconsin Act 192,
17 is amended to read:

18 173.22 (1) PETITION. A person claiming that an animal that he or she owns was
19 improperly taken into custody under s. 22.42 (1) (c), (d), (e), (g), (i), (j), (k) or (L) or
20 173.13 (1) (a) 3., 4., 5., 6. or 8. or is wrongfully withheld under s. 173.21 (1) may seek
21 return of the animal by petitioning for an order from the circuit court for the county
22 in which the animal was taken into custody or in which it is held.

23 SECTION 122. 173.22 (2) of the statutes, as created by 1997 Wisconsin Act 192,
24 is amended to read:

1 173.22 (2) **NOTICE AND HEARING.** The court shall provide notice of a petition
2 under sub. (1) to the humane officer ~~or~~, law enforcement officer or conservation
3 warden who took the animal into custody or to the ~~political subdivision~~ governmental
4 unit that withheld the animal and shall hold a hearing on the issue of whether the
5 animal was improperly taken into custody or is wrongfully withheld.

6 **SECTION 123.** 173.22 (3) (a) (intro.) of the statutes, as created by 1997 Wisconsin
7 Act 192, is amended to read:

8 173.22 (3) (a) (intro.) If the animal was taken into custody under s. 22.42 (1)
9 (g) or 173.13 (1) (a) 8. or is withheld under s. 173.21 (1), the court shall order the
10 animal returned to the owner unless it determines that one of the following
11 conditions is satisfied:

12 **SECTION 124.** 173.22 (3) (a) 1. of the statutes, as created by 1997 Wisconsin Act
13 192, is amended to read:

14 173.22 (3) (a) 1. There are reasonable grounds to believe that the owner has
15 mistreated the animal in violation of ch. 22 or 951.

16 **SECTION 125.** 173.22 (3) (cm) of the statutes is created to read:

17 173.22 (3) (cm) If the animal was taken into custody under s. 22.42 (1) (c), the
18 court shall order the animal returned to its owner if the court determines that the
19 the owner of the animal has not violated ch. 22 or any ordinance enacted under s.
20 22.43.

21 **SECTION 126.** 173.22 (3) (d) of the statutes, as created by 1997 Wisconsin Act
22 192, is amended to read:

23 173.22 (3) (d) If the animal was taken into custody under s. 22.42 (1) (d) or
24 173.13 (1) (a) 5., the court shall order the animal returned to its owner if the court

1 determines that the animal was not subject to a quarantine order or was confined as
2 required by a quarantine order.

3 **SECTION 127.** 173.22 (3) (e) of the statutes, as created by 1997 Wisconsin Act
4 i92, is amended to read:

5 173.22 (3) (e) If the animal was taken into custody under s. ~~22.42 (1)(e)~~ or
6 173.13 (1) (a) 6., the court shall order the animal returned to its owner if the court
7 determines that the animal did not cause damage to persons or property.

8 **SECTION 128.** 173.22 (3) (f) of the statutes is created to read:

9 173.22 (3) (f) If the animal was taken into custody under s. 22.42 (1) (i), the
10 court shall order the animal returned to its owner if the court determines that the
11 animal has not been exposed to, or has not been infected with, any of the following:

12 1. A contagious or infectious disease, as defined in the rules promulgated by
13 the department under s. 95.001 (2).

14 2. A reportable disease as designated by the department of natural resources
15 under s. 22.44 (2).

16 3. A disease or parasite that has pathological significance to humans or any
17 type of animal.

18 **SECTION 129.** 173.22 (3) (g) of the statutes is created to read:

19 173.22 (3) (g) If the animal was taken into custody under s. 22.42 (1) (k), the
20 court shall order the animal returned to its owner if the court determines that the
21 animal has not been held or housed ^{in violation of s. 22.39 ✓} ~~in an inhumane manner~~

22 **SECTION 130.** 173.22 (3) (h) of the statutes is created to read:

23 173.22 (3) (h) If the animal was taken into custody under s. 22.42 (1) (L), the
24 court shall order the animal returned to its owner if the court determines that the
25 owner is not in violation of s. 22.38.

1 **SECTION 131.** 173.23 (1) (intro.) of the statutes, as created by 1997 Wisconsin
2 Act 192, is amended to read:

3 173.23 (1) **CLAIM AND RETURN.** (intro.) Except as provided in sub. (4) or s. 173.21
4 (l), a ~~political subdivision or person~~ contracting under s. 173.15(1) custodial entity
5 shall return an animal described in s. ~~22.42 (1) (a), (c), (e), (a), (h), (j) or (k)~~ or 173.13
6 (1) (a) 1., 3., 4., 6., 8. or 9. to its owner upon the happening of all of the following:

7 **SECTION 132.** 173.23 (1) (b) of the statutes, as created by 1997 Wisconsin Act
8 192, is amended to read:

9 173.23 (1) (b) If licensure of the animal is required by statute or ordinance, the
10 animal is licensed or assurance of licensure by prepayment is given.

11 **SECTION 133.** 173.23 (1) (bn) of the statutes is created to read:

12 173.23 (1) (bn) If licensure of the owner of a wild animal that is subject to
13 regulation under ch. 22 is required under ch. 22, the owner is licensed or assurance
14 of licensure by prepayment is given.

15 **SECTION 134.** 173.23 (lm) (intro.) of the statutes, as created by 1997 Wisconsin
16 Act 192, is amended to read:

17 173.23 (lm) **UNCLAIMED ANIMALS.** (intro.) A ~~political subdivision or person~~
18 ~~contracting under s. 173.15(1) custodial entity~~ that has custody of an animal
19 considered unclaimed under sub. (5) (c) or (6) or s. 173.13 (3) (c) or 173.19 or an
20 unwanted animal may do any of the following: ← INSERT 91-20 ✓

21 **SECTION 135.** 173.23 (1m) (a) 2m. of the statutes, as created by 1997 Wisconsin
22 Act 192, is created to read:

23 173.23 (1m) (a) 2m. If licensure of the owner of a wild animal that is subject
24 to regulation under ch. 22 is required under ch. 22, the owner is licensed or assurance
25 of licensure by prepayment is given.

1 **SECTION 136.** 173.23 (1m) (a) 4. of the statutes, as created by 1997 Wisconsin
2 Act 192, is amended to read:

3 173.23 (1m) (a) 4. Any charges imposed by the ~~political subdivision or person~~
4 ~~contracting under s. 173.15 (1)~~ custodial entity for custody, care, vaccination and
5 treatment are paid or waived.

6 **SECTION 137.** 173.23 (2) of the statutes, as created by 1997 Wisconsin Act 192,
7 is amended to read:

8 173.23 (2) ~~ANIMALS NOT RETURNED TO OWNER.~~ If an animal in the custody of a
9 political subdivision or the department of natural resources, other than an animal
10 to which sub. (1m) applies, is not returned to the owner under sub. (1) or (5) (b) or
11 s. 173.12 (2), 173.21 (4) or 173.22 or disposed of under sub. (4) or (5) (a) or s. 173.12
12 (3), it shall be disposed of under a court order under sub. (3) or s. 951.18 (4).

13 **SECTION 138.** 173.23 (3) (a) (intro.) of the statutes, as created by 1997 Wisconsin
14 Act 192, is amended to read:

15 173.23 (3) (a) (intro.) A political subdivision or the department of natural
16 resources may petition the circuit court for an order doing any of the following with
17 respect to an animal taken into custody ~~by a law enforcement officer or a humane~~
18 ~~officer or~~ on behalf of the political subdivision/or the denartment of natural resources
19 under s. 22.42 ~~or 173.13~~ or ^{with respect to} an animal withheld under s. 173.21 (1):

20 **SECTION 139.** 173.23 (3) (c) of the statutes, as created by 1997 Wisconsin Act
21 192, is amended to read:

22 173.23 (3) (c) The political subdivision or the department of natural resources
23 shall serve a copy of the petition, in the manner provided in s. 801.11, upon the owner
24 of the animal, if known.

1 **SECTION 140.** 173.23 (3) (e) of the statutes, as created by 1997 Wisconsin Act
2 192, is amended to read:

3 173.23 (3) (e) The court shall issue its order after hearing and may grant,
4 modify and grant or deny the petitioned-for relief, after considering the interests of
5 the animal, the owner of the animal, the political subdivision or the department of
6 natural resources and the public.

7 **SECTION 141.** 173.23 (4) of the statutes, as created by 1997 Wisconsin Act 192,
8 is amended to read:

9 173.23 (4) **INJURED OR DANGEROUS ANIMALS.** A ~~political subdivision or person~~
10 ~~contracting under s. 173.15 (1)~~ custodial entity who has custody of an animal may
11 have the animal euthanized if there are reasonable grounds to believe that any of the
12 following ~~apply~~ applies:

13 **SECTION 142.** 173.23 (5) (a) of the statutes, as created by 1997 Wisconsin Act
14 192, is amended to read:

15 173.23 (5) (a) A ~~political subdivision or person contracting under s. 173.15 (1)~~
16 custodial entity that has custody of an animal that was not confined as required by
17 a quarantine order issued under any statute, rule or ordinance relating to the control
18 of any animal disease shall confine the animal for the duration of the quarantine or
19 shall euthanize the animal with the written permission of the owner or, if the animal
20 is determined to be diseased, at the direction of the person issuing the quarantine
21 order.

22 **SECTION 143.** 173.23 (5) (b) of the statutes, as created by 1997 Wisconsin Act
23 192, is amended to read:

24 173.23 (5) (b) Unless the person issuing the quarantine order directs that the
25 animal be euthanized because it is diseased, at the end of the quarantine period the

1 ~~political subdivision or person contracting under s. 173.15 (1)~~ custodial entity shall
2 return the animal to its owner if the owner complies with sub. (1) (a) to (d) no later
3 than the 7th day after the day on which the ~~political subdivision or person~~
4 ~~contracting under s. 173.15 (1)~~ custodial entity demands that the owner claim the
5 animal and pay for its custody, care and treatment.

6 **SECTION 144.** 173.25 of the statutes, as created by 1997 Wisconsin Act 192, is
7 amended to read:

8 **173.25 Immunity for euthanizing animals.** A ~~political subdivision, a~~
9 ~~person contracting under s. 173.15 (1)~~ custodial entity, a humane officer ~~or~~, a law
10 enforcement officer or a conservation warden who has reasonable grounds to believe
11 that s. 173.23 (1m) (c), (4) or (5) or a court order issued under s. 173.23 (3) ~~authorize~~
12 authorizes an animal to be euthanized is not liable for damages for the loss of the
13 animal resulting from euthanizing the animal.

14 **SECTION 145.** 814.60 (2) (e) of the statutes is amended to read:

15 814.60 (2) (e) Natural resources restitution payment imposed by s. ~~22.46 (2) (d)~~
16 or 29.989.

17 **SECTION 146.** 895.57 (3) of the statutes is amended to read:

18 895.57 (3) Subsection (2) does not apply to any humane officer, local health
19 officer, peace officer, employe of the department of natural resources while on any
20 land licensed under s. ~~29.865, 29.867, 29.869 or 29.871~~ 22.15.22.16.22.17.22.18 or
21 22.19 or designated as a wildlife refuge under s. 29.621 (1) or employe of the
22 department of agriculture, trade and consumer protection if the officer's or employe's
23 acts are in good faith and in an apparently authorized and reasonable fulfillment of
24 his or her duties.

25 **SECTION 147.** 943.75 (3) of the statutes is amended to read:

1 943.75 (3) Subsection (2) does not apply to any humane officer, local health
2 officer, peace officer, employe of the department of natural resources while on any
3 land licensed under s. ~~29.865, 29.867, 29.869 or 29.871~~ 22.15, 22.16, 22.17, 22.18 or
4 22.19 or designated as a wildlife refuge under s. 29.621 (1) or employe of the
5 department of agriculture, trade and consumer protection if the officer's or employe's
6 acts are in good faith and in an apparently authorized and reasonable fulfillment of
7 his or her duties. This subsection does not limit any other person from claiming the
8 defense of privilege under s. 939.45 (3).

9 **SECTION 148.** 951.01 (lm) of the statutes is created to read:

10 951.01 (**1m**) "Conservation warden" means a warden appointed under s. 23.10.

11 **SECTION 149.** 951.015 of the statutes is renumbered 951.015 (1) and amended
12 to read:

13 951.015 (**1**) This chapter may not be interpreted as controverting any law
14 regulating wild animals that are subject to regulation under ch. 22, the taking of a
15 ~~wild animal~~ wild animals, as defined in s. 29.001 (90), ~~the trapping of animals, the~~
16 ~~use of live animals in dog trials or in the training of~~ ^{of} hunting dogs or the slaughter
17 of animals by persons acting under state or federal law.

18 **SECTION 150.** 951.015 (2) of the statutes is created to read:

19 951.015 (2) For purposes of enforcing this chapter as to wild animals subject
20 to regulation under ch. 22, a conservation warden has the same powers and duties
21 that a law enforcement officer has under this chapter.

22 **SECTION 151.** 951.09 of the statutes is renumbered 951.09 (1) and amended to
23 read:

24 951.09 (**1**) No person may ~~instigate, promote, aid or abet as a principal, agent,~~
25 ~~employe, participant or spectator, or participate in the earnings from, or~~

1 ~~intentionally maintain or allow any place to be used for the shooting, killing or~~
 2 ~~wounding shoot, kill or wound~~ with a firearm, ~~or with~~ any deadly weapon, any animal
 3 that is tied, staked out, caged or otherwise intentionally confined in ~~a man-made an~~
 4 ~~artificial~~ enclosure, regardless of size. ~~Nothing in this section prohibits the shooting~~
 5 ~~of any wild game in its wild state or the shooting of game birds and waterfowl at~~
 6 ~~licensed game farms or licensed shooting preserves.~~

7 **SECTION 152.** 951.09 (2) of the statutes is created to read:

8 951.09 (2) (a) Whoever is concerned in the commission of a violation of this
 9 section is a principal and may be charged with and convicted of the violation although
 10 he or she did not directly commit it and although the person who directly committed
 11 it has not been convicted of the violation.

12 (b) A person is concerned in the commission of a violation of this section under
 13 par. (a) if the person does any of the following:

- 14 1. Instigates, promotes, aids or abets the violation as a principal, agent,
 15 employe, participant or spectator.
- 16 2. Participates in any earnings from the commission of the violation.
- 17 3. Intentionally maintains or allows any place to be used for the commission
 18 of the violation.

19 **SECTION 153.** 951.09 (3) of the statutes is created to read:

20 951.09 (3) This section does not apply to any of the following animals:

- 21 *A white tailed deer that is shot, killed or wounded*
 (a) ~~Wild animals in their wild state,~~
as authorized under s. 22.09(2) or 22.39(5).
 22 (b) A captive wild bird ~~or captive white tailed deer that is shot, killed or~~
 23 ~~wounded~~ *as authorized under s. 22.09 (2).*

24 (c) Farm-raised deer, as defined in s. 95.001 (1) (a).

1 (d) Animals that are treated in accordance with normally acceptable
2 husbandry practices.

3 **SECTION 154.** 951.18 (4) (a) 2. of the statutes, as affected by 1997 Wisconsin Act
4 192, is amended to read:

5 951.18 (4) (a) 2. A sentencing court shall require a criminal violator to pay
6 restitution to a person, including any local humane officer or society or county or
7 municipal pound or a law enforcement officer or conservation warden, for any
8 pecuniary loss suffered by the person as a result of the crime, including expenses in
9 keeping any animal that is involved in the crime. This requirement applies
10 regardless of whether the criminal violator is placed on probation under s. 973.09.
11 If restitution is ordered, the court shall consider the financial resources and future
12 ability of the criminal violator to pay and shall determine the method of payment.
13 Upon the application of any interested party, the court shall schedule and hold an
14 evidentiary hearing to determine the value of any pecuniary loss under this
15 paragraph.

16 **SECTION 155.** 951.18 (4) (b) 1. of the statutes, as affected by 1997 Wisconsin Act
17 192, is amended to read:

18 951.18 (4) (b) 1. A sentencing court may order that an animal be delivered to
19 the local humane officer or society or the county or municipal pound or to a law
20 enforcement officer if a person commits a crime under this chapter, the person is the
21 owner of the animal that is involved in the crime and the court considers the order
22 to be reasonable and appropriate. A sentencing court may order that an animal be
23 delivered to the department of natural resources. if the animal is a wild animal that
24 is subject to regulation under ch. 22 and the court considers the order to be
25 reasonable and appropriate. The society, pound ~~or~~, officer or department of natural

1 resources shall release the animal to a person other than the owner or dispose of the
2 animal in a proper and humane manner. If the animal is a dog, the release or disposal
3 shall be in accordance with s. 173.23 (1m), except that the fees under s. 173.23 (lm)
4 (a) 4. do not apply if the expenses are covered under s. 173.24. If the animal is not
5 a dog, the society, pound or officer may charge a fee for the release of the animal.

6 **SECTION 156.** 973.05 (1) of the statutes is amended to read:

7 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant
8 permission for the payment of the fine, of the penalty assessment imposed by s.
9 165.87, the jail assessment imposed by s. 302.46 (1), the crime victim and witness
10 assistance surcharge under s. 973.045, the crime laboratories and drug law
11 enforcement assessment imposed by s. 165.755, any applicable deoxyribonucleic acid
12 analysis surcharge under s. 973.046, any applicable drug abuse program
13 improvement surcharge imposed by s. 961.41 (5), any applicable domestic abuse
14 assessment imposed by s. 971.37 (lm) (c) 1. or 973.055, any applicable driver
15 improvement surcharge imposed by s. 346.655, any applicable enforcement
16 assessment imposed by s. 253.06 (4) (c), any applicable weapons assessment imposed
17 by s. 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4),
18 any applicable environmental assessment imposed by s. 299.93, any applicable wild
19 animal protection assessment imposed by s. 29.983, any applicable natural resources
20 assessment imposed by s. 22.46 (1) or 29.987 and any applicable natural resources
21 restitution payment imposed by s. 22.46 (2) or 29.989 to be made within a period not
22 to exceed 60 days. If no such permission is embodied in the sentence, the fine, the
23 penalty assessment, the jail assessment, the crime victim and witness assistance
24 surcharge, the crime laboratories and drug law enforcement assessment, any
25 applicable deoxyribonucleic acid analysis surcharge, any applicable drug abuse

1 program improvement surcharge, any applicable domestic abuse assessment, any
2 applicable driver improvement surcharge, any applicable enforcement assessment,
3 any applicable weapons assessment, any applicable uninsured employer
4 assessment, any applicable environmental assessment, any applicable wild animal
5 protection assessment, any applicable natural resources assessment and any
6 applicable natural resources restitution payment shall be payable immediately.

7 **SECTION 157. Effective dates.** This act takes effect on January 1, 2001, except
8 as follows:

9 (1) The treatment of sections 22.29, 22.34 and 22.35 of the statutes takes effect
10 on the day after publication.

11 (END)

✓ INSERT
81-22

Section #. 173.07 (4m) of the statutes is amended to read:

*, as created by
1997 Wisconsin Act 192,* conservation wardens

173.07 (4m) **REQUEST PROSECUTIONS.** A humane officer may request law enforcement officers and district attorneys to enforce and prosecute violations of state law and may cooperate in those prosecutions.

History: 1997 a. 192.

✓ IWS
91-20

Section #. 173.23 (Im) (a) 2. of the statute is amended to read:

173.23 (Im) (a) 2. If licensure ^{of the animal} is required by statute or ordinance, the animal is licensed or assurance of licensure is given by evidence of prepayment. *Wisconsin Act 192,*

History: 1997 a. 192.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0538/1dn
MGG:kg:jf

1. In LRB-0538/P4, there is a conflict between language found in s. 22.06 (1) (c), which prohibits DNR from authorizing the introduction or importation of an environmentally injurious wild animal, and language found in s. 22.11 (2) (c), which bans the introduction or importation of such animals unless authorized by DNR. The language in s. 22.11 (2) (c) was not in the original bill but was added by the assembly, I during the last legislative session. In order to resolve this conflict, I have deleted the conflicting language in s. 22.06 (1) (c) and have added a cross-reference to s. 22.06 (1) (c) in s. 22.11 (2) (c). Please review carefully and let me know if you want any changes.

2. I have changed this draft so that only conservation wardens have law enforcement authority as to ch. 22. However, most of the changes in ch. 173 need to be left in because these are the provisions that grant captive wildlife owners due process as required under the state and federal constitutions. These animals are considered property of the captive wildlife owners, and these owners cannot be deprived of this property without "due process of law".

3. I changed that language ss. 22.42 (1) (k) and 173.22 (3) (g) to cross-reference s. 22.39 because I thought this was more precise and consistent language. Please let me know if you have any questions concerning this.

4. I made changes in the language dealing with regular fees, late fees and renewals of validation licenses to make the distinctions clearer and to use consistent language. I deleted s. 22.29 (7) and inserted 22.31 (1) (o) in its stead to make the format consistent with s. 22.31 (1) (j). I also changed the word "not" to "never" in s. 22.29 (6) (c) and (d). I moved the language found in s. 22.33 (3) (c) to s. 22.31 (2) (b). If you do not agree with these changes, please call me to discuss this.

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6. I rewrote the exceptions under s. 951.09 (3) so that they do not conflict with the provisions under ss. 22.09 (2) and 22.39 (5). I also deleted the exception under s. 951.09 (3) (a). This exception could be interpreted to mean that s. 951.09 does not prohibit a person from capturing a wild animal, tying it up or otherwise confining it and then shooting it. While I think this exception was included to try to rewrite the

first part of the last sentence in ~~current~~ s. 951.09 & Nothing in this section prohibits the shooting of any wild game in its ~~wild~~ state..."), it has a different effect. Section 951.09 on its face does not apply to regular hunting "in the wild", and therefore I do not think any exception or reconciliation of these 2 concepts is necessary. If you disagree, please call me to discuss this.

7. The analysis needed to be substantially rewritten due to the differences between the original and the engrossed ~~bill~~. Please review carefully.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0538/1dn
MGG:kg:km

October 7, 1999

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0538/1dn
MGG:kg:km

October 7, 1999

minor changes!

p 62 lines 1, 2, 3

p 102 lines 6 and 8

p 11 line 8

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okay

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okay

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okay

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Okay

7. The analysis needed to be substantially rewritten due to the differences between the original and the engrossed bill. Please review carefully.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 26743215



1999 BILL

1 **AN ACT to repeal (2r) (a) 17., 29.024 (2r) (a) 18., 29.024 (2r) (a) 19., 29.024**
2 **(2r) (a) 20., 29.024 (2r) (a) 21., 29.321, 29.563 (9) (intro.) and (a) (title), 29.563**
3 **(9) (a) 2. to 10. and (b), 29.741 (1), 29.745, 29.853 (title), 29.853 (1), 29.853 (2),**
4 **29.853 (3), 29.853 (4m), 29.853 (5) (title), 29.855 (title), 29.855 (l), 29.855 (2),**
5 **29.855 (3), 29.855 (4) (title), 29.855 (5), 29.855 (6), 29.855 (7), 29.857, 29.861,**
6 **29.863, 29.865, 29.867, 29.869, 29.871, 29.873, 29.877, 29.879 and 29.881; to**
7 **renumber 23.51 (1), 29.563 (9) (a) l., 29.741 (2) and 173.01 (1); to renumber**
8 **and amend 29.334, 29.351, 29.354 (2), 29.853 (5), 29.855 (4), 173.12 (1),**
9 **951.015 and 951.09; to amend 20.370 (1) (mu), 20.370 (3) (mu), 23.09 (2) (f),**
10 **23.50 (1), 23.50 (3), 23.51 (5), 23.65 (1), 25.29 (1) (a), 25.29 (4m), 29.024 (l),**
11 **29.024 (2g) (a) 2., 29.042 (1), 29.047 (2) (b), 29.191 (2) (a) 3., 29.314 (5) (b) 3.,**
12 **29.347 (2), 29.347 (6), 29.354 (1), 29.357 (5) (b), 29.361 (6), 29.364 (5), 29.506 (4),**
13 **29.541 (3), 29.614 (3), 29.875 (l), 29.885 (1) (f), 29.889 (1) (intro.), 29.921 (7),**
14 **29.927 (8), 29.931 (2) (a), 29.969, 49.857 (1) (d) 2., 59.25 (3) (f) 2., 59.40 (2) (m),**

BILL

1 73.0301 (1) (d) l., 167.31 (4) (b), 173.01 (2), 173.07 (4m), 173.10, 173.12 (lm),
 2 173.12 (3) (a), 173.13 (2) (a) (intro.), 173.13 (2) (a) l., 173.13 (2) (a) 3., 173.13 (2)
 3 (b), 173.13 (3) (a), 173.13 (3) (b), 173.13 (3) (c), 173.15 (l), 173.15 (2) (intro.),
 4 173.17 (intro.), 173.19, 173.21 (1) (intro.), 173.21 (1) (a), 173.21 (4), 173.22 (l),
 5 173.22 (2), 173.22 (3) (a) (intro.), 173.22 (3) (a) l., 173.22 (3) (d), 173.22 (3) (e),
 6 173.23 (1) (intro.), 173.23 (1) (b), 173.23 (lm) (intro.), 173.23 (lm) (a) 2., 173.23
 7 (lm) (a) 4., 173.23 (2), 173.23 (3) (a) (intro.), 173.23 (3) (c), 173.23 (3) (e), 173.23
 8 (4), 173.23 (5) (a), 173.23 (5) (b), 173.25, 814.60 (2) (e), 895.57 (3), 943.75 (3),
 9 951.18 (4) (a) 2., 951.18 (4) (b) 1. and 973.05 (1); **to repeal and recreate** 29.741
 10 (title); and **to create** chapter 22, 23.51 (Id), 23.51 (9m), 23.795 (3), 29.011 (3),
 11 29.192 (6), 29.351 (2), 29.354 (2) (b), 29.354 (5), 29.501 (9m), 29.539 (7), 173.01
 12 (lb), 173.01 (Id), 173.01 (lr), 173.11 (5), 173.12 (1) (b), 173.12 (3) (ag), 173.13
 13 (1) (d), 173.13 (2) (a) 4., 173.22 (3) (cm), 173.22 (3) (f), 173.22 (3) (g), 173.22 (3)
 14 (h), 173.23 (1) (bn), 173.23 (lm) (a) 2m., 951.01 (1m), 951.015 (2), 951.09 (2) and
 15 951.09 (3) of the statutes; **relating to:** the possession of wild animals,
 16 enforcement of certain laws relating to mistreatment of wild animals, hunting
 17 of farm-raised deer, granting rule-making authority, making appropriations
 18 and providing penalties.

Analysis by the Legislative Reference Bureau

LICENSING REQUIREMENTS

This bill creates a new regulatory structure under the department of natural resources (DNR) for captive wildlife. Current law authorizes DNR to issue licenses to persons possessing captive wildlife. These licenses include deer farm licenses for ~~white-tailed deer~~ game bird and animal farm licenses, pheasant and quail farm licenses and fur animal farm licenses (game farm licenses). Wild animals that are

X
license also
includes -- not game animals or birds or wild fur-bearing animals are exempt from any licensing requirements for simple possession. Current law requires a license issued by DNR for exhibiting any wild animal unless the wild animal is being exhibited by a zoo, a

native, non-comm
deer.

BILL

circus, the state or an educational institution. Current law requires a game farm license or other permit issued by DNR to propagate wild animals. Finally, current law requires a game farm license to sell wild animals.

This bill eliminates all of the current licenses and creates numerous types of licenses which include the following:

1. Class A and Class B captive wild animal farm licenses which authorize the possessing, propagating, killing, exhibiting, purchasing and selling of live captive wild animals, including nonnative deer other than deer of the genus **dama**, rangifer or **cervus** (farm-raised deer) which are regulated by the department of agriculture, trade and consumer protection (DATCP).

2. A deer farm license which authorizes the possession, propagation, purchase, sale and exhibition of live white-tailed deer and the selling of the opportunity to hunt these deer.

3. A wild fur farm license which authorizes the possession, propagation, trapping and sale of certain fur-bearing animals, including beaver, mink, otter, muskrat and raccoon.

4. Class A and Class B bird hunting preserve licenses which authorize the possessing, stocking, propagating, releasing, selling, purchasing, capturing and hunting of live pheasants, quail, partridge, mallard ducks and wild turkeys.

5. Dog training licenses which authorize the purchase, possession, release and hunting of captive wild animals for training hunting dogs.

6. Dog trial licenses which authorize the purchase, possession, release and hunting use of captive wild animals for competitive field events.

7. Falconry licenses which authorize the use of raptors for falconry.

8. A rehabilitation license which authorizes the possession and rehabilitation and of live wild animals.

9. A scientific research license which authorizes the taking from the wild, possessing, killing and propagating of wild animals for research purposes.

10. Exhibiting licenses which authorize nonresidents and certain nonprofit organizations to possess and exhibit live wild animals.

11. A captive wild animal auction and market license which authorizes the possessing, exhibiting and conducting of auctions and markets to sell live wild animals.

12. An initial validation license for which a person is eligible if the person holds a wildlife exhibit or game farm license at the time that this bill becomes law. This validation license authorizes the person to continue an activity that was authorized under the original wildlife exhibit or game farm license but that is no longer allowed under the provisions created in this bill.

13. A subsequent validation license for which a person is eligible if the person held a wildlife exhibit or game farm license at the time that this bill became law and if the person holds any necessary license under the provisions created in this bill. This validation license authorizes the person to continue an activity that was authorized under the original wildlife exhibit or game farm license and under the license needed under this bill's provisions but that is subsequently no longer allowed

BILL

due to the promulgation of rules by DNR under DNR's authority to impose additional requirements on holders of these licenses.

Public zoos and aquariums and circuses are exempt from most of these licensing requirements.

TYPES OF WILD ANIMALS SUBJECT TO LICENSING REQUIREMENTS

Under current law, all wild animals, including fish and insects, are subject to regulation as wildlife. This bill excludes fish entirely from the regulatory structure created in this bill, and the importing of fish for stocking and the stocking of fish are not affected by this bill. The bill also excludes domesticated animals. The bill defines "domesticated animals" to include certain types of pet birds, farm-raised deer, animals that are members of a species of wild animals but that are distinguishable from the wild members of the species due to long association with humans. The bill also requires DNR to promulgate a list of all other domesticated wild animals.

Most native wild animals are subject to the licensing requirements except for common species such as ground squirrels, mice, opossum, porcupines, pigeons and sparrows. Most types of wild animals that are not native to this state are exempt from the licensing requirements except for the following: certain nonnative deer, certain nonnative wild birds, endangered or threatened species that are native to other parts of the United States or Canada, nonnative inherently dangerous wild animals such as nonnative bear, and nonnative wild animals that pose a threat to the environment (environmentally injurious wild animals). Endangered or threatened species that are native to this state, the rest of the United States or Canada are subject to regulation both under this bill and under the other state laws covering endangered or threatened species.

The bill imposes specific regulatory schemes on native reptiles and amphibians and white-tailed deer raised for venison. The bill also imposes some tagging, record-keeping and labeling requirements for the sale and purchase of venison from white-tailed deer and of other wild animal parts except for dressed and raw furs.

The bill authorizes DNR to promulgate rules to designate species of wild animals as environmentally injurious or inherently dangerous wild animals and imposes additional restrictions on the possession of these animals. DNR must designate cougars and all species of bear as inherently dangerous under these rules.

HUNTING AND KILLING CAPTIVE WILD ANIMALS

Current law prohibits any person from killing or wounding with a deadly weapon any animal, wild or domesticated, that is intentionally confined. *and shooting preserves* ~~Confinement under current law includes being tied, staked out or held captive in an enclosure, regardless of size. Current law provides an exception to this prohibition for game farms licensed by DNR. The bill provides an exception for deer farms and bird hunting preserves licensed under provisions created in this bill. The bill also specifically exempts animals that are killed or wounded in accordance with normally acceptable animal husbandry practices.~~

Under current law, a conservation warden may not enforce the prohibition forbidding the killing or wounding of a confined animal with a deadly weapon and other provisions dealing with the treatment of captive animals. This bill specifically authorizes conservation wardens to enforce these provisions.

BILL

DNR may withhold a wild animal from its owner for various reasons. These reasons include the following:

1. There exists reasonable grounds to believe that the owner has mistreated the animal in violation of the laws regulating captive wild animals or that the animal poses a significant threat to public health, safety or welfare.
2. The animal may be used in a pending prosecution.
3. The court has ordered the animal to be withheld.

Under this bill, if the owner of an abandoned, escaped or stray wild animal does not claim the animal within seven days after custody is taken, the animal is considered unclaimed. DNR, or the party with whom DNR contracts, may then release the wild animal to a person other than the owner if the person complies with state and local laws regulating captive wildlife and pays any charges incurred as a result of taking custody of the animal. DNR or the contracting party may also dispose of an unclaimed or unwanted wild animal by selling it at public auction or by euthanizing it.

DNR or the contracting party may also euthanize any animal in its custody if the wild animal is hopelessly injured beyond any reasonable chance of recovery, the animal poses an imminent threat to public health or safety or the animal poses an imminent threat to the health or safety of itself or its custodian.

LOCAL REGULATION

Under the bill, a municipality or county may enact and enforce ordinances prohibiting the possession or sale of live wild animals ~~if the ordinances are at least as strict as state law.~~ *see p 66*

ENFORCEMENT AND PENALTIES

The bill gives DNR the specific authority to enter and inspect land, vehicles and buildings for the purpose of enforcement, to inspect wild animals that are to be stock or released into the wild and to have access to the records that must be kept by license holders. The bill limits this authority to normal business hours and other hours when the license holder is conducting business, unless the inspection is necessary for public health, safety or welfare. Current law authorizes DNR inspections of the area subject to the license at any time.

The bill imposes a general forfeiture for unlawfully possessing a wild animal and imposes increased penalties for specific activities such as illegally selling or purchasing wild animals, illegally taking live bear or deer from the wild and violating the provisions relating to diseased or environmentally injurious wild animals. The bill imposes increased penalties for repeat violations and contains provisions for licenses being revoked by DNR and by the courts.

The bill also requires DNR to cooperate with DATCP with respect to the laws governing captive wild animals and other animals regulated by DATCP.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

BILL

1 (25) "Person" means any individual, partnership, firm, joint stock company,
2 corporation, association, trust, estate or other legal entity.

3 (26) "Possess" means to own, control, restrain, transport or keep.

4 (27) "Propagate" means to breed, encourage or facilitate for the purpose of
5 generating offspring.

6 (28) "Public zoo or aquarium" means a zoo or aquarium that is operated by the
7 state or by a city, village or county or that is an accredited member of the American
8 and Aquarium
Z&Association.

9 (29) "Purchase" means to acquire through a sale or through an exchange for
10 consideration.

11 (30) "Raw fur" has the meaning given in s. 29.501 (1) (e).

12 (31) "Sell" means to transfer or exchange for consideration.

13 (32) "State resident" has the meaning given "resident" in s. 27.01 (10) (a).

14 (33) "Stock" means to release for the purpose of increasing or maintaining a
15 population of the animal.

16 (34) "Take" means to capture, but does not include killing.

17 (35) "Veterinarian" means an individual who is licensed as 'a veterinarian
18 under ch. 453 or by another state and who is accredited under 9 CFR subch. J.

19 (36) "Wild amphibian" means a wild animal that is an amphibian.

20 (37) "Wild animal" means any animal of a wild nature that is normally found
21 in the wild and that is not a domesticated animal.

22 (38) "Wild bird" means a wild animal that is a bird.

23 (39) "Wild reptile" means a wild animal that is a reptile.

24 **22.02 Title to wild animals. (1) TITLE VESTED IN OWNER.** Except as provided
25 in sub. (3), legal title to a live captive wild animal or the carcass of a captive wild

BILL**SECTION 3**

1 animal is vested in the person who owns the wild animal if the person is in
2 compliance with this chapter and the rules promulgated under this chapter. A
3 person holding legal title may transfer without consideration the live captive wild
4 animal or the carcass of the captive wild animal to a person who is in compliance with
5 this chapter and the rules promulgated under this chapter. A person holding legal
6 title to a live captive wild animal may kill it, or have it killed, in a humane manner.

7 **(2) TITLE WITH STATE.** The department may assume on behalf of the state, or may
8 sell or otherwise transfer to another person, legal title to any live captive wild
9 animal, or the carcass of any captive wild animal, that is possessed by any person in
10 violation of this chapter or the rules promulgated under this chapter.

11 **(3) EXCEPTIONS.** Legal title to a live captive wild animal or the carcass of a
12 captive wild animal that is possessed as authorized under a rehabilitation license or
13 a scientific research license remains with the state. A person holding a rehabilitation
14 license or a scientific research license may transfer or dispose of a live captive wild
15 animal or the carcass of a captive wild animal only as specifically authorized by the
16 department.

17 **22.03 Interagency cooperation.** The department of natural resources shall
18 cooperate with the department of agriculture, trade and consumer protection with
19 respect to any wild animal that is subject to regulation under this chapter and ch.
20 93, 94 or 95.

21 **22.04 Possession of live wild animals. (1) RESTRICTIONS ON POSSESSION;**
22 **GENERALLY.** (a) No person may possess any live wild animal unless the wild animal
23 is legally obtained.

24 (b) No person may possess any live wild animal unless the person possesses it
25 in compliance with this chapter.

BILL

1 2. The department authorizes that the required testing for disease be
2 conducted at the point of destination within this state.

3 (d) For an exception under par. (c) that involves testing for a disease that is
4 transmissible to domesticated animals, the department of agriculture, trade and
5 consumer protection shall also authorize the exception.'

6 **22.39 Humane care and housing. (1) COMPLIANCE WITH RULES.** No license
7 may be issued under this chapter unless the department determines that the
8 applicant will comply with all of the rules promulgated under subs. (2) and (3).

9 (2) **RULES; GENERAL** The department shall promulgate and enforce rules for the
10 housing, care, treatment, feeding and sanitation of wild animals subject to this
11 chapter to ensure all of the following:

12 (a) That the wild animals receive humane treatment.

13 (b) That the wild animals are held under sanitary conditions.

14 (c) That the wild animals receive adequate housing, care and food.

15 (d) The public is protected from injury by the wild animals.

16 **(3) RULES; HOUSING.** 'The rules for housing under sub. (2) shall include
17 requirements for the size and location of permanent enclosures and of temporary
18 enclosures at locations other than those where the wild animals are permanently
19 housed. The rules regulating the location of enclosures shall include the distance
20 required between 2 enclosures. The rules for housing shall include specifications for
21 enclosures for each type of inherently dangerous wild animal that the department
22 designates under s. 22.11 (1).

23 **(4) ORDERS.** The department may issue an order requiring any person holding
24 a license under this chapter to comply with the rules promulgated under sub. (2).

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(5) FREE-ROAMING WILD ANIMALS. A person ^{applying for} ~~holding a captive wild animal farm~~
~~license or~~ a deer farm license shall make a reasonable effort to drive-free-roaming
~~deer~~
~~wild animals~~ from land subject to the license that will be enclosed before the land is
enclosed. If any white-tailed deer remain in the boundaries of a deer farm fence, the
department may authorize the hunting of those deer. A person holding a deer farm
license shall pay the department \$250 for each ~~white-tailed~~ deer remaining within
the boundaries.

22.40 Prohibited activities; trespassing. (1) DISEASED WILD ANIMALS. (a)

No person may sell, lease, transfer, move from one location to another, release or
dispose of any wild animal if any of the following applies:

1. The wild animal is under a quarantine order and the department issuing the
order does not authorize the sale, lease, transfer, move or disposal.

2. Testing for disease has been conducted and the results are pending.

3. The person knows that the wild animal has been exposed to or has been
infected with a contagious or infectious disease as defined under rules promulgated
by the department of agriculture, trade and consumer protection under s. 95.001 (2),
or a reportable disease as designated by the department of natural resources under
s. 22.44 (2).

(b) No person may misrepresent the disease status of any wild animal.

(c) No person may fail to present any wild animal for any required testing for
disease as required by the department or by the department of agriculture, trade and
consumer protection.

(d) The prohibition under sub. (1) (a) 3. does not apply if results from testing
for the disease show that the wild animal is not likely to transmit the disease.

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1 ~~use of live animals in dog trials or in the training of hunting dogs~~ or the slaughter
2 of animals by persons acting under state or federal law.

3 **SECTION 151.** 951.015 (2) of the statutes is created to read:

4 951.015 (2) For purposes of enforcing this chapter as to wild animals subject
5 to regulation under ch. 22, a conservation warden has the same powers and duties
6 that a law enforcement officer has under this chapter.

7 **SECTION 152.** 951.09 of the statutes is renumbered 951.09 (1) and amended to
8 read:

9 951.09 (1) **No** person may ~~instigate, promote, aid or abet as a principal, agent,~~
10 ~~employe, participant or spectator, or participate in the earnings from, or~~
11 ~~intentionally maintain or allow any place to be used for the shooting, killing or~~
12 ~~wounding shoot, kill or wound~~ with a firearm, or with any deadly weapon, any animal
13 that is tied, staked out, caged or otherwise intentionally confined in ~~a man-made~~ an
14 ~~Nothing in this section prohibits the shooting~~
15 ~~of any wild game in its wild state or the shooting of game birds and waterfowl at~~
16 ~~licensed game farms or licensed shooting preserves.~~

17 **SECTION 153.** 951.09 (2) of the statutes is created to read:

18 951.09 (2) (a) Whoever is concerned in the commission of a violation of this
19 section is a principal and may be charged with and convicted of the violation although
20 he or she did not directly commit it and although the person who directly committed
21 it has not been convicted of the violation.

22 (b) A person is concerned in the commission of a violation of this section under
23 par. (a) if the person does any of the following:

24 1. Instigates, promotes, aids or abets the violation as a principal, agent,
25 employe, participant or spectator.

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1 2. Participates in any earnings from the commission of the violation.

2 3. Intentionally maintains or allows any place to be used for the commission
3 of the violation.

4 **SECTION 154.** 951.09 (3) of the statutes is created to read:

5 951.09 (3) This section does not apply to any of the following animals:

6 (a) A white tailed deer ~~that is shot, killed or wounded~~ as authorized under s.

7 22.09 (2) or 22.39 (5).

8 (b) A captive wild bird ~~shot, killed or~~ wounded as authorized under s. 22.09 (2).

9 (c) Farm-raised deer; as defined in s. 95.001 (1) (a).

10 (d) Animals that are treated in accordance with normally acceptable
11 husbandry practices.

12 **SECTION 155.** 951.18 (4) (a) 2. of the statutes, as affected by 1997 Wisconsin Act
13 192, is amended to read:

14 951.18 (4) (a) 2. A sentencing court shall require a criminal violator to pay
15 restitution to a person, including any local humane officer or society or county or
16 municipal pound or a law enforcement officer or conservation warden, for any
17 pecuniary loss suffered by the person as a result of the crime, including expenses in
18 keeping any animal that is involved in the crime. This requirement applies
19 regardless of whether the criminal violator is placed on probation under s. 973.09.
20 If restitution is ordered, the court shall consider the financial resources and future
21 ability of the criminal violator to pay and shall determine the method of payment.
22 Upon the application of any interested party, the court shall schedule and hold an
23 evidentiary hearing to determine the value of any pecuniary loss under this
24 paragraph.

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1 **SECTION 156.** 951.18 (4) (b) 1. of the statutes, as affected by 1997 Wisconsin Act
2 192, is amended to read:

3 951.18 (4) (b) 1. A sentencing court may order that an animal be delivered to
4 the local humane officer or society or the county or municipal pound or to a law
5 enforcement officer if a person commits a crime under this chapter, the person is the
6 owner of the animal that is involved in the crime and the court considers **the** order
7 to be reasonable and appropriate. A sentencing court may order that an animal be
8 delivered to the department of natural resources, if the animal is a wild animal that
9 is subject to regulation under ch. 22 and the court considers the order to be
10 reasonable and appropriate. The society, pound ~~or~~, officer ~~or~~ department of natural
11 resources shall release the animal to a person other than the owner or dispose of the
12 animal in a proper and humane manner. If the animal is a dog, the release or disposal
13 shall be in accordance with s. 173.23 (lm), except that the fees under s. 173.23 (lm)
14 (a) 4. do not apply if the expenses are covered under s. 173.24. If the animal is not
15 a dog, the society, pound or officer may charge a fee for the release of the animal.

16 **SECTION 157.** 973.05 (1) of the statutes is amended to read:

17 973.05 (1) When a defendant is sentenced to pay a fine, the ~~court~~ may grant
18 permission for the payment of the fine, of the penalty assessment imposed by s.
19 **165.87**, the jail assessment imposed by s. 302.46 (1), the crime victim and witness
20 assistance surcharge under s. 973.045, the crime laboratories and drug law
21 enforcement assessment imposed by s. 165.755, any applicable deoxyribonucleic acid
22 analysis surcharge under s. 973.046, any applicable drug abuse program
23 improvement surcharge imposed by s. 961.41 (5), any applicable domestic abuse
24 assessment imposed by s. 971.37 (lm) (c) 1. or 973.055, any applicable driver
25 improvement surcharge imposed by s. 346.655, any applicable enforcement

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1 assessment imposed by s. 253.06 (4) (c), any applicable weapons assessment imposed
2 by s. 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4),
3 any applicable environmental assessment imposed by s. 299.93, any applicable wild
4 animal protection assessment imposed by s. 29.983, any applicable natural resources
5 assessment imposed by s. 22.46 (1) or 29.987 and any applicable natural resources
6 restitution payment imposed by s. 22.46 (2) or 29.989 to be made within a period not
7 to exceed 60 days. If no such permission is embodied in the sentence, the fine, the
8 penalty assessment, the jail assessment, the crime victim and witness assistance
9 surcharge, the crime laboratories and drug law enforcement assessment, any
10 applicable deoxyribonucleic acid analysis surcharge, any applicable drug abuse
11 program improvement surcharge, any applicable domestic abuse assessment, any
12 applicable driver improvement surcharge, any applicable enforcement assessment,
13 any applicable weapons assessment, any applicable uninsured employer
14 assessment, any applicable environmental assessment, any applicable wild animal
15 protection assessment, any applicable natural resources assessment and any
16 applicable natural resources restitution payment shall be payable immediately.

17 **SECTION 158. Effective dates.** This act takes effect on January 1, 2001, except
18 as follows:

19 (1) The treatment of sections **22.29**, **22.34** and **22.35** of the statutes takes effect
20 on the day after publication.

21 (END)